



UNCONFIRMED MINUTES

ORDINARY MEETING OF COUNCIL

29 JULY 2026

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SHIRE OF MANJIMUP

Minutes of the Ordinary Meeting of Council held in the Jarrah Room Pemberton Community Sports Club, Wednesday, 29 July 2026.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 5.30pm, made an Acknowledgement of Country, and acknowledged former Councillors Mr Murray Ventris and Mr Ken Lawrence, who were in attendance in the Gallery.

2. ANNOUNCEMENTS BY THE PRESIDENT

The Shire President noted the upcoming extraordinary election to fill the vacant Rural Ward Councillor position and advised that she would be in Pemberton the following week as part of her town visits, inviting community members to meet with her during that time.

3. ATTENDANCE

Councillors

D Buegge (Shire President)
Cr S Miolin (Deputy Shire President)
Cr J Bettink
Cr A Burns (arrived 5.31pm)
Cr J Darin
Cr W De Campo
Cr J Willcox

Staff

Mr Benjamin (Ben) Rose (Chief Executive Officer)
Mr Greg Lockwood (Director Business)
Ms Gail Ipsen Cutts (Director Community Services)
Mr Jason Giadresco (Director Development Services)
Mrs Catherine Mills (Director Infrastructure Services)
Mrs Shammara Markotis (Manager Governance and Executive Services)
Ms Jocelyn Baister (Manager Planning and Sustainability)

Gallery

There were 24 people in attendance in the Gallery.

3.1 Apologies

Councillor Heidi Tempra was an apology for this meeting.

3.2 Leave of Absence

Nil.

4. DECLARATIONS OF INTEREST

The Chief Executive Officer advised that he has received declarations of Financial Interest from Shire President Buegge for Item 9.5.1 and Cr Darin for Item 9.1.2, and declarations of Impartiality Interest from Shire President Buegge, Cr Burns, and Cr Miolin for Item 9.1.2.

5. PUBLIC QUESTION TIME

5.1 Response to public questions taken on notice

Nil.

5.2 Public Question Time

Rosalind Piper – Pemberton

Ms Piper addressed Council on behalf of the Pemberton Heritage and History Group regarding the old Pemberton Mill Site, noting the site remains under a long-term lease to Parkside. Ms Piper advised the Group's interest in the site's future use, including a heritage section honouring former mill workers and a light industrial precinct incorporating existing businesses on site.

Ms Piper asked:

1. Is there a definitive survey of the specific areas of the Mill Site that remain contaminated, and by what?
2. Are there possible treatment or management plans for these areas so the site can be developed in an efficient and environmentally responsible way?

The Chief Executive Officer responded:

The Chief Executive Officer advised that the Mill Site is owned by the State Government and there is a 999-year lease held by Parkside. A preliminary site investigation into contamination has been undertaken over the past 18 months, largely as a desktop-level assessment. A subsequent detailed site investigation, involving on-site surveys and sampling, is required to determine the specific

extent of contamination, and is likely to take several years and cost several million dollars.

The Chief Executive Officer noted the Shire has adopted an advocacy plan for the Mill Site and committed up to \$40,000 towards a master planning process, contingent on involvement from the State Government and Parkside, but the Shire holds no statutory powers over the site beyond its role as planning authority.

Mark Hudson – Pemberton

Mr Hudson addressed Council to provide an update on the Pemberton Trails Master Plan. Mr Hudson advised of the soft opening of the first stage, the Arboretum, with positive feedback from recent events held in partnership with the Pemberton Cycling Association and Perth Mountain Bike Club. He noted new gravel, road and mountain bike maps have been produced, including routes prepared for the Nannup UCI event in October, and outlined further planned works with the Department of Biodiversity, Conservation and Attractions, including a 200km long-distance mountain bike trail, a 64km bushwalk, an expression of interest process for high-end camping accommodation, and upgrades to the Big Brook campsite and Gloucester Tree precinct.

Christine Bolt – Manjimup

Ms Bolt addressed Council in relation to community notification of major developments, referencing recent public discussion regarding a proposed McDonald's development in Manjimup.

Ms Bolt asked:

1. Will the Shire commit to informing the community if a data centre were proposed for the region, even where such a development would not require Council approval?

The Shire President responded:

The Shire President noted that a data centre is not on the Shire's radar.

The Chief Executive Officer responded:

The Chief Executive Officer advised that Western Australian planning legislation determines which development applications are assessed by Council versus the State Government, and that a development of the scale referenced would likely be assessed by the State Government through a Development Assessment Panel

rather than by Council. The Shire's consultation obligations for any development are determined by legislation and policy which is largely guided through the State Government, and Ms Bolt was encouraged to contact Shire planning staff for further information on planning and development processes.

Murray Ventris – Pemberton

Mr Ventris addressed Council in relation to Item 9.1.2 – Proposed Adoption of 2026/27 Annual Budget. Mr Ventris also made a general comment regarding a recent visit to the Marianne North Gallery at Kew Gardens, UK, noting an 1880 painting of a tree located in Pemberton on display there.

Mr Ventris asked:

1. Is there a statutory requirement to make a copy of the Annual Budget available to the public prior to its adoption by Council?

The Chief Executive Officer responded

The Chief Executive Officer advised there is no statutory requirement to advertise the Annual Budget prior to adoption, distinguishing this from separate statutory consultation requirements that apply where a local government adopts differential or specified area rates, which the Shire of Manjimup does not apply. The Chief Executive Officer confirmed Councillors are required to have access to the budget prior to adoption, and that the adopted budget, including any changes made through motions or amendments at the meeting, would be made publicly available following adoption.

Dean French – Pemberton

Mr French addressed Council regarding works on Old Vasse Road, noting a lack of recent progress.

Mr French asked:

1. Can an update and timeline be provided on when works on Old Vasse Road will proceed, and the reason for the delay?

The Director Infrastructure Services responded:

Director Infrastructure Services advised that works have stalled due to the clearing permit process. The clearing permit had been provisionally approved but is subject to a third-party appeal currently before the Appeals Convenor, with a response from the Minister

anticipated in July, but not yet received. Construction remains on hold pending the outcome.

6. PRESENTATIONS

6.1 Petitions

Nil.

6.2 Presentations

Nil.

6.3 Deputations

Nil.

6.4 Delegate reports

Nil.

6.5 Conference reports

Cr Jennifer Willcox presented a report on the ALGA National General Assembly Conference in Canberra, which she attended as a delegate of the Western Australian Branch of the Australian Local Government Women's Association.

7. CONFIRMATION OF MINUTES

MOVED: Cr Darin

SECONDED: Cr De Campo

29956

That the Minutes of the Ordinary Meeting of the Council held on 24 June 2026, and the Minutes of the Special Meeting of the Council held on 6 July 2026 be confirmed as a true and accurate record.

CARRIED 7/0

For: Shire President Buegge, Cr Bettink, Cr Burns, Cr Darin, Cr De Campo, Cr Miolin, Cr Willcox.

Against: Nil.

8. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

8.1 Notice of Motion (Cr De Campo) - Preparation of a Concept Plan for the Enhancement of a Portion of Manjin Park, Manjimup

PROPONENT	Cr De Campo
OWNER	Shire of Manjimup
LOCATION / ADDRESS	Manjin Park, Manjimup
WARD	Urban
ZONE	N/A
DIRECTORATE	Office of CEO
FILE REFERENCE	F160295
LEGISLATION	Local Government Act 1995
AUTHOR	Kevin Walker (Corporate Executive Assistant)
DATE OF REPORT	10 July 2026
DECLARATION OF INTEREST	Nil

BACKGROUND

In accordance with clause 5.3 of the Shire of Manjimup Standing Orders Local Law, Councillor De Campo presented (via email communication) a Notice of Motion to the Chief Executive Officer with more than seven clear working days prior to the next Ordinary Meeting of Council, as follows:

That Council direct the Chief Executive Officer:

- 1. To prepare a Concept Plan for the enhancement of the north-western portion of Manjin Park, Manjimup, generally bound by the basketball court, rail reserve and internal road.**
- 2. That the Concept Plan is to make provision for, at a minimum:**
 - 2.1 All ability pedestrian access through to Giblett Street, Manjimup.**
 - 2.2 Drainage works.**
 - 2.3 Landscaping works.**
 - 2.4 Public amenity (e.g. lighting, bins, seating).**
- 3. To approve the Concept Plan when it is finalised to the Chief Executive Officer's satisfaction.**
- 4. To seek a voluntary contribution of \$50,000 from the owner of Lot 824 Mottram Street, Manjimup, toward the proposed works identified in the Concept Plan.**
- 5. To present an agenda item to Council if the voluntary contribution is not secured, or if additional Shire funds are required to support implementation of the Concept Plan works.**

PUBLIC CONSULTATION UNDERTAKEN

Nil.

CR DE CAMPO COMMENT

Supporting this motion is a vital step toward enhancing the urban fabric of Manjimup, specifically by transforming the north-western portion of Manjin Park into a functional and inviting space. By authorising the development of a formal Concept Plan, Council is prioritising the creation of all-ability pedestrian access directly through to Giblett Street. This strategic pedestrian link will significantly improve connectivity, breaking down existing barriers and inviting residents and visitors to seamlessly transition from the park into the heart of Manjimup CBD.

Furthermore, this project represents the final, essential piece in the long-term formalisation and revitalisation of Manjin Park. Addressing requirements such as landscaping and installing modern public amenities like seating and rubbish bins will turn an underutilised area into a safe, accessible, and attractive part of Manjin Park. Completing this section ensures that the park reaches its full potential as a cohesive community asset, providing a polished and welcoming gateway that reflects the pride we take in our town.

The collaborative approach outlined in this motion, particularly the commitment to seeking a voluntary contribution, demonstrates a prudent and proactive strategy. By setting a clear pathway to secure support for these improvements, we maximise the impact of Shire resources while ensuring that the development at Lot 824 proceeds with transparency and accountability. Approving this motion is an investment in both our public spaces and our community's well-being, cementing the north-western edge of Manjin Park as a key component of a more accessible, connected, and integrated Manjimup.

STATUTORY ENVIRONMENT

Local Government Act 1995.

Clause 5.3 of the Shire of Manjimup Standing Orders Local Law 2013.

POLICY / STRATEGIC IMPLICATIONS

Nil.

ORGANISATIONAL RISK MANAGEMENT

Nil.

FINANCIAL IMPLICATIONS

Should the Motion be supported, development of a concept plan for the identified area will be undertaken 'in-house' by the Shire's Technical Services team and operational budget.

SUSTAINABILITY

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

Cr De Campo Recommendation

That Council direct the Chief Executive Officer:

- 1. To prepare a Concept Plan for the enhancement of the north-western portion of Manjin Park, Manjimup, generally bound by the basketball court, rail reserve and internal road.**
- 2. That the Concept Plan is to make provision for, at a minimum:**
 - 2.1 All ability pedestrian access through to Giblett Street, Manjimup.**
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 - 2.4 Public amenity (e.g. lighting, bins, seating).**
- 3. To approve the Concept Plan when it is finalised to the Chief Executive Officer's satisfaction.**
- 4. To seek a voluntary contribution of \$50,000 from the owner of Lot 824 Mottram Street, Manjimup, toward the proposed works identified in the Concept Plan.**
- 5. To present an agenda item to Council if the voluntary contribution is not secured, or if additional Shire funds are required to support implementation of the Concept Plan works.**

COUNCIL RESOLUTION

MOVED: Cr De Campo SECONDED: Cr Miolin

29957

That Council direct the Chief Executive Officer:

- 1. To prepare a Concept Plan for the enhancement of the north-western portion of Manjin Park, Manjimup, generally bound by the basketball court, rail reserve and internal road.**
- 2. That the Concept Plan is to make provision for, at a minimum:**
 - 2.1 All ability pedestrian access through to Giblett Street, Manjimup.**
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- 3. To approve the Concept Plan when it is finalised to the Chief Executive Officer's satisfaction.**
- 4. To seek a voluntary contribution of \$50,000 from the owner of Lot 824 Mottram Street, Manjimup, toward the proposed works identified in the Concept Plan.**
- 5. To present an agenda item to Council if the voluntary contribution is not secured, or if additional Shire funds are required to support implementation of the Concept Plan works.**

CARRIED: 7/0

For: Shire President Buegge, Cr Bettink, Cr Burns, Cr Darin, Cr De Campo, Cr Miolin, Cr Willcox.

Against: Nil.

9. COUNCIL OFFICER REPORTS:

MOVED: Cr Burns

SECONDED: Cr Bettink

29958

“That Council adopt the recommendations contained in the Council Officers and Committee Reports within Section 9 of the Agenda with the exception of those on the board:

9.1.2	Proposed Adoption of 2026/27 Annual Budget
9.5.1	Invitation to Reconsider Decision for Proposed Plantation (Pine) at Lots 9424, 9148, 9133, 9134, 9135, 9021, 9020, 9019, 9013, 9012, 9008, 9007 and 9003 Richardson and Meerup Roads, Meerup
9.5.4	Retrospective Application for Rural Workers Accommodation at Lot 500 (38) Kemp Road, Eastbrook
9.16.1	Unconfirmed Meeting Notes of the Manjimup District Community Advisory Group held on 3 June 2026

Items passed by En Bloc Resolution

- 9.1.1 Review of Council Policy 2.6.1 Work Health and Safety
- 9.2.1 Proposed New Policy - 2.3.16 Development Compliance Policy
- 9.3.1 Monthly Statement of Financial Activity - May 2026
- 9.3.2 Shire Financial Payments for May 2026
- 9.5.2 Retrospective Approval for Two (2) Shipping Containers Located at Lot 156 (80) Rose Street, Manjimup
- 9.5.3 Proposed Change of Use of a Dwelling to Unhosted Short Term Rental Accommodation (STRA) at Lots 194 & 195 (59) Guppy Street, Pemberton
- 9.5.5 Proposed Rural Pursuit and Use Not Listed (Pick your Own Flowers) at Lot 263 (25) Burton Street, Manjimup
- 9.5.6 Proposed Change of Use of a Dwelling to Unhosted Short Term Rental Accommodation (STRA) at Lot 341 (18) Sheoak Street, Walpole
- 9.5.7 Responsible Authority Report - Proposed Amendment to Motel and Restaurant at Lot 71 and 72 Pritchard Street and Lot 73 and 74 Narocki Way, Manjimup
- 9.5.8 Delegated Planning Decisions June 2026
- 9.9.1 Disability Inclusive Emergency Planning Forum Report
- 9.11.1 Proposed New Policy 11.1.1 Shire Libraries - Terms and Conditions of Use
- 9.12.1 Proposed Road Closure of an Unconstructed Road Reserve in the Vicinity of Club Road and Pump Hill Road, Pemberton.
- 9.13.1 Review of Road Construction and Maintenance Activities for the 2025/2026 Financial Year
- 9.13.2 Regional Road Group Program 2027/2028 – Potential Project Opportunities

- 9.14.1 Pemberton Artscape – Ownership, Maintenance Responsibilities and Future Management
- 9.15.1 Unconfirmed Meeting Notes of the Walpole District Community Advisory Group held on 1 July 2026
- 9.16.2 Unconfirmed Minutes of the Local Emergency Management Committee (LEMC) Meeting held 25 June 2026

CARRIED: 7/0

For: Shire President Buegge, Cr Bettink, Cr Burns, Cr Darin, Cr De Campo, Cr Miolin, Cr Willcox.

Against: Nil.

ATTACHMENT APPENDIX

9.1.1 Review of Council Policy 2.6.1 Work Health and Safety

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS	N/A
WARD	N/A
ZONE	N/A
DIRECTORATE	Office of CEO
FILE REFERENCE	F160048
LEGISLATION	Local Government Act 1995, Work Health and Safety Act 2020, Work Health and Safety (General) Regulations 2022
AUTHOR	Kevin Walker (Corporate Executive Assistant)
DATE OF REPORT	7 July 2026
DECLARATION OF INTEREST	Nil

BACKGROUND

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

APPENDIX: 9.1.1 (A)

PUBLIC CONSULTATION UNDERTAKEN

Nil.

COMMENT

This policy has been reviewed and updated to improve clarity, align with current Shire formatting, Work Health and Safety standards, and ensure compliance with the Work Health and Safety Act 2020 and Work Health and Safety (General) Regulations 2022 (WA).

A copy of the proposed WHS policy, including tracked changes, is attached for Council's consideration.

ATTACHMENT: 9.1.1 (1)

The refined policy:

- Uses modern WHS terminology and concepts.
- Expands the area of application beyond Shire premises to include all locations where workers are engaged to perform duties.
- More clearly defines organisational responsibilities.
- Emphasises consultation, risk management, leadership and continual improvement.
- Is easier to understand and better reflects the expectations of ISO 45001:2018 - Occupational Health and Safety Management Systems.

STATUTORY ENVIRONMENT

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

POLICY / STRATEGIC IMPLICATIONS

Policies should be periodically reviewed to ensure currency and effectiveness.

ORGANISATIONAL RISK MANAGEMENT

Failure to maintain a contemporary and compliant WHS Policy may expose the Shire to a range of risks, including:

- Non-compliance with the Work Health and Safety Act 2020 and associated regulations.
- Increased likelihood of workplace incidents, injuries and workers compensation claims.
- Financial impacts arising from regulatory action, legal proceedings and increased insurance costs.
- Reputational damage resulting from ineffective management of work health and safety obligations.
- Reduced organisational performance and employee wellbeing due to an unsafe work environment.

The adoption of the updated policy supports the Shire's commitment to effective risk management, legislative compliance and the continuous improvement of workplace health and safety practices.

FINANCIAL IMPLICATIONS

While there are no direct financial implications arising from the adoption of this policy, failure to effectively implement and maintain sound work health and safety practices may result in significant costs to the organisation.

SUSTAINABILITY

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

Officer Recommendation

That Council re-adopt Policy 2.6.1 Work Health and Safety as per Attachment: 9.1.1 (1).

COUNCIL RESOLUTION

MOVED: Cr Burns

SECONDED: Cr Bettink

29960

That Council re-adopt Policy 2.6.1 Work Health and Safety as per Attachment: 9.1.1 (1).

ADOPTED BY EN BLOC RESOLUTION: 7/0

For: Shire President Buegge, Cr Bettink, Cr Burns, Cr Darin, Cr De Campo, Cr Miolin, Cr Willcox.

Against: Nil.

ATTACHMENT**9.2.1 Proposed New Policy - 2.3.16 Development Compliance Policy**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS	All Shire
WARD	All Wards
ZONE	All Zones
DIRECTORATE	Development Services
FILE REFERENCE	F160048
LEGISLATION	Various
AUTHOR	Jason Giadresco (Director Development Services)
DATE OF REPORT	14 July 2026
DECLARATION OF INTEREST	Nil

BACKGROUND

Development compliance is a core statutory function of local government, however as there are no mandatory provisions in the relevant legislation that compel compliance action, compliance decisions are made at the Council's discretion having regard to:

- Resources, capacity and priorities.
- seriousness / consequences of breach and proportionality
- policy considerations
- the broad public interest.

There is currently no formal policy for development compliance, or identification of priorities, and the current approach is driven by complaints, as opposed to strategic priorities or levels of seriousness / consequence of the compliance issue.

Consequently, a need has been identified for the preparation and adoption of a Policy to provide guidance on the strategic objectives and priorities relating to development compliance, and at the September 2025 meeting Council adopted the preparation of a Development Compliance Policy for consideration as a CEO Performance Measure for 2025/6.

At the meeting held on 29 April 2026 the deadline for compliance with this Performance Measure was set for July 2026.

A copy of the draft Policy 2.3.16 Development Compliance is attached.

ATTACHMENT: 9.2.1 (1)

PUBLIC CONSULTATION UNDERTAKEN

Nil.

COMMENT

Categorisation of the compliance issues based on priority

A key principle of the draft policy is the establishment of criteria to enable the categorisation of compliance issues into low, medium or high priority. These criteria are based on this degree of severity, the impact on health, safety, amenity or the environment, and the level of risk associated with the matter.

Compliance actions related to categorisation

In terms of issues deemed low priority, actions would generally be limited to the noting and recording of the matter, without (in most cases) prescribing actions to rectify the issue or initiate punitive legal action against the offender. There are, however, exceptions to this, which are discussed below.

For medium, priority compliance issues, actions would be taken to achieve compliance within a reasonable time frame. This will include;

- Formal and informal requests to bring the site into compliance, either by retrospective approvals or modification / cessation of the activity.
- Infringement notices issued under the Planning and Development Act and Building Act.
- Written directions issued under s214 of the Planning and Development Act
- Building Orders and Notices under the Building Act
- Health Orders and Notices under the Health Act / or Local Law.

In most cases, medium priority issues will be considered resolved when the property in question is brought into compliance, and punitive legal action against the offender will not generally be pursued. The draft Policy does, however, allow for the issue of Infringement Notices against offenders for medium priority issues, based on the principle that fines (in combination with generally higher prescribed fees for retrospective applications) would constitute a modest deterrent against non-compliance. It is an important principle that any policy should avoid the inadvertent disincentivising of compliance in the first place.

Genuinely high priority compliance issues are defined in the draft Policy those that create an immediate significant risk to public safety or a significant negative impact on the environment. In reality these are likely to be quite rare, and the draft policy authorises staff to immediately take all steps necessary to ensure the cessation or removal of the risk, with other actions being determined on a case-by-case basis.

In cases involving high-priority compliance matters, the draft policy authorises staff to immediately take all steps necessary to ensure the cessation or removal of any activity that creates an immediate significant risk to public safety or a significant negative impact on the environment. Prosecution of compliance matters is reserved for Council.

Legal action irrespective of priority categorisation

Under the draft Policy a non-compliant activity does not become lawful irrespective of the level of priority it has been for compliance.

- Retrospective approval or bringing into compliance does not remove the fact that an offence has been committed.
- There may be rare circumstances where legal action is necessary irrespective of how a compliance matter has been categorised.
- Have to consider the broader public interest having regard to;
 - the severity and impacts,
 - extent to which the non-compliance may be repeated or replicated on the same or related sites site to the point where the aggregated impacts of the non-compliance are such that any of the criteria above would not be met, or
 - whether there is a consistent pattern of non-compliant development within the Shire by the party allegedly responsible, or
 - any consideration considered to be in the broader public interest.
- In these circumstances the process and means of legal action will be determined on a case-by-case basis by Council, having regard to the specific circumstances of the situation and legal advice.

Policy Review and Evaluation

It is recommended that Council undertake a formal review of the Development Compliance Policy 12 months following its adoption. This review will serve to measure the policy's effectiveness in achieving its strategic objectives, assess the impact of its risk-based prioritisation, and identify any opportunities for further refinement to ensure it continues to meet the needs of the Shire and its community.

STATUTORY ENVIRONMENT

The use and / or development of land in a manner contrary to the various planning, building or environmental health laws, or an approval issued under those laws, is an offence. However, there are no mandatory provisions in the relevant legislation compelling enforcement or compliance. The decision relating to whether compliance action should be initiated, and the approach and means taken, is a discretionary decision that should be made having regard to;

- The seriousness and / or consequences of the offence
- Proportionality of the response
- Priorities or other policy considerations

- Consideration of the broader public interest

The Shire's obligations relating to enforcement are not prescribed in law, but should be based on the principle that discretionary decisions relating to compliance must be made having regard to;

- proper and relevant considerations under the legislation
- objective facts, without bias or arbitrary decision making
- consistency and fairness.

In an 'ideal world', each compliance matter would be subject to a unique report to the CEO / Council, considering each of the relevant criteria in detail and recommending an appropriate course of action. This would be impractical in a local government context, so the recommended approach is the development of a clear policy outlining the Council's compliance priorities, to enable officers to make compliance related decisions that reflect the Council position.

POLICY / STRATEGIC IMPLICATIONS

The proposed Development Compliance Policy introduces several strategic and workflow shifts for the Shire of Manjimup, including:

- The policy transitions the Shire from a reactive, complaint-driven approach to a strategic, risk-based management model.
- By categorising compliance issues into priority levels (low, medium, high), the Shire can focus its limited resources on matters with the most significant impact on safety, health, and the environment.
- The policy provides a structured framework that ensures decisions are objective, consistent, and free from bias, replacing the need for impractical, ad-hoc reporting for every individual matter
- The framework allows the Council to act decisively in the broader public interest, even for lower-priority issues, if there is a pattern of non-compliance or significant community impact.
- By clearly outlining enforcement tools and the possibility of infringement notices, the policy establishes a clearer expectation for compliance, aiming to deter future breaches rather than solely acting after the fact.

ORGANISATIONAL RISK MANAGEMENT

The policy mitigates risk by replacing an ad-hoc, complaint-driven approach with a structured framework:

- It establishes objective criteria for decision-making, which protects the Shire against claims of bias or arbitrary decision-making.
- It formalises priorities, ensuring that finite staff resources are allocated to the most significant risks to public safety, health, and the environment.

- The policy provides a clear, defensible framework for staff, reducing the need for ad-hoc decision-making that might be difficult to justify in court.
- It ensures that enforcement actions are scaled proportionally to the severity of the breach, balancing public interest with administrative efficiency.

FINANCIAL IMPLICATIONS

The adoption of this policy offers significant financial benefits to the Shire by moving toward a more sustainable and efficient operational model. By formalising a risk-based approach, the Shire can optimise the allocation of its finite financial resources, ensuring they are directed toward high-priority compliance matters that pose the greatest risk to public safety and the environment.

Additionally, the use of higher prescribed fees for retrospective applications, combined with the strategic application of infringement notices, creates a financial deterrent that encourages initial compliance, thereby reducing the long-term costs associated with enforcement and legal proceedings.

SUSTAINABILITY

Environmental: By categorising non-compliance into low, medium, and high priority, the policy ensures that staff can immediately address activities that create a significant negative impact on the environment.

Economic: By establishing clear standards for compliance, the policy creates a more predictable environment for development, which helps avoid the downstream economic costs associated with rectifying non-compliant, unsafe, or unsustainable development.

Social: By enabling the Shire to prioritise and address issues that impact the community or environment, the policy helps safeguard the health, safety, and amenity of all residents

VOTING REQUIREMENTS: SIMPLE MAJORITY

Officer Recommendation

That Council:

1. **Adopt Corporate Policy 2.3.16 Development Compliance as attached at Attachment: 9.2.1 (1).**
2. **Review the effectiveness of Corporate Policy 2.3.16 Development Compliance in 12 months from the date of adoption.**

COUNCIL RESOLUTION

MOVED: Cr Burns

SECONDED: Cr Bettink

29961

That Council:

- 1. Adopt Corporate Policy 2.3.16 Development Compliance as attached at Attachment: 9.2.1 (1).**
- 2. Review the effectiveness of Corporate Policy 2.3.16 Development Compliance in 12 months from the date of adoption.**

ADOPTED BY EN BLOC RESOLUTION: 7/0

For: Shire President Buegge, Cr Bettink, Cr Burns, Cr Darin, Cr De Campo, Cr Miolin, Cr Willcox.

Against: Nil.

ATTACHMENT**9.3.1 Monthly Statement of Financial Activity - May 2026**

PROPONENT	Shire of Manjimup
OWNER	Whole Shire
LOCATION / ADDRESS:	Whole Shire
WARD:	Whole Shire
ZONE:	N/A
DIRECTORATE:	Business
FILE REFERENCE:	F160188
LEGISLATION:	Local Government Act 1995; Local Government (Financial Management Regulations) 1996
AUTHOR:	Greg Lockwood (Director Business)
DATE OF REPORT:	9 July 2026
DECLARATION OF INTEREST:	Nil

BACKGROUND

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

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

The Statement of Financial Activity report for the period to 31 May 2026 is attached. The report is summarised by "Type" with operating comments identifying departments with a reportable variance.

ATTACHMENT: 9.3.1 (1)

PUBLIC CONSULTATION UNDERTAKEN

Nil.

COMMENT

The May 2026 financial results indicate that the Shire remains in a sound financial position as the financial year approaches its conclusion. Overall operating performance continues to track closely with the adopted budget,

with revenue generally meeting expectations and expenditure across most service areas remaining within approved budget allocations.

Employee costs continue to report favourable variances in several business areas due to a combination of vacant positions, recruitment timeframes, extended leave and the staged commencement of approved positions. While these savings have contributed positively to the year-to-date operating result, it is expected that a proportion of these variances will reduce as recruitment processes are completed and outstanding staffing commitments are finalised before year end.

Several capital works and grant-funded projects remain below their forecast expenditure profiles. This is primarily due to project timing, procurement processes, contractor availability and the sequencing of works. With only one month remaining in the financial year, it is anticipated that a number of these projects will either accelerate during June or require budget carry forwards into the 2026/27 financial year where delivery extends beyond 30 June. Management continues to monitor project progress to ensure funding conditions and project objectives are achieved.

Waste Management operations continue to perform strongly, with Waste Fees and Charges exceeding budget expectations. The increased revenue reflects higher activity levels than originally forecast and further strengthens the financial sustainability of the service. Consistent with prudent long-term financial planning, any operating surplus generated from waste activities at year end is proposed to be transferred to the Waste Management Reserve to assist in funding future site development, rehabilitation, closure and post-closure obligations.

Legal expenditure remains above the original annual budget allocation by approximately \$29,445. As legal costs are largely reactive in nature and dependent upon matters requiring specialist advice or representation, expenditure in this area can be difficult to predict during the budget preparation process and may vary considerably from year to year.

Major budget line items monitored due to their potential financial impact include:

	Revised Budget	Actuals 31/5/2026	Yr Complete 91.67%	
Road Maintenance - Expense	\$3,284,267	\$2,632,123	80.14%	
Parks Maintenance - Expense	\$914,938	\$877,615	95.92%	
Building Maintenance - Expense	\$219,748	\$272,652	124.07%	
Overhead Recoups - Income	\$2,621,877	\$2,407,067	91.81%	
Plant Recoups - Income	\$1,352,244	\$1,451,296	107.33%	
AquaCentre Income	\$353,020	\$352,559	99.87%	
Tipping Fees (all sites) - Income	\$505,000	\$639,819	126.70%	
** Fuels & Oils - Expense	\$350,000	\$349,375	99.82%	

Building Maintenance expenditure has become a significant budget concern, with actual costs substantially exceeding the revised budget allocation. A request has been made for a detailed review of this budget line to identify the factors contributing to the variance and provide an explanation for the level of expenditure incurred.

As expected, Fuels and Oils are projected to exceed budget however this has been offset by increased recoup of plant recoups.

Management will continue to review financial performance for the remainder of the year and provide further updates to Council where material variations or emerging financial risks are identified moving forward to 30 June 2026.

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 May 2026, as per Attachment: 9.3.1(1).

COUNCIL RESOLUTION

MOVED: Cr Burns SECONDED: Cr Bettink

29962

That Council receive the Monthly Statement of Financial Activity Report for May 2026, as per Attachment: 9.3.1(1).

ADOPTED BY EN BLOC RESOLUTION: 7/0

For: Shire President Buegge, Cr Bettink, Cr Burns, Cr Darin, Cr De Campo, Cr Miolin, Cr Willcox.

Against: Nil.

ATTACHMENT**9.3.2 Shire Financial Payments for May 2026**

PROPONENT	Shire of Manjimup
OWNER	N/A
LOCATION / ADDRESS:	Whole of Shire
WARD:	All
ZONE:	Whole of Shire
DIRECTORATE:	Business
FILE REFERENCE:	F160967
LEGISLATION:	Local Government (Financial Management) Regulations 1996
AUTHOR:	Sharon O'Connell (Finance Officer – Accounts Payable)
DATE OF REPORT:	9 July 2026 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.

CONSULTATION UNDERTAKEN

Nil.

COMMENT

Accounts for payment totalling \$2,930,491.32 for the month of May 2026 including Corporate Card transactions, Ampol and BP fuel cards and Coles Supermarkets store cards transactions for April 2026, are attached.

ATTACHMENT: 9.3.2(1)

Payment by Fund	Amount
Municipal – May 2026	\$2,930,491.32
Trust Fund	\$0.00
Total	\$2,930,491.32

Electronic Funds Transfer (EFT), direct debits, and cheque payment reports are available for inspection at the Ordinary Meeting of Council of 29 July 2026.

Method	Batch or cheque no.	Amount
Municipal Payments for Month May 2026		
Cheque payments	95901 – 95909	\$51,648.94
EFT	457 - 461	\$1,914,643.03
Direct Debits		\$48,194.22
Payroll – May 2026		\$916,005.13
Total Payments – May 2026		\$2,930,491.32

Direct Debit for Card Payments	Amount
Corporate Credit Cards – April 2026	\$12,523.90
Coles Supermarkets Australia – April 2026	\$731.47
Total	\$13,255.37
Direct Debit payments included on Warrant Listing Report – May 2026	

Fuel Card Payments	Amount
BP Cards – April 2026	\$16,492.12
Ampol Cards – April 2026	\$4,227.16
Total	\$20,719.28
Fuel Card Payments included on Electronic Funds Transfer (EFT) payments on Warrant Listing Report – May 2026	

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 May 2026 accounts for payment totalling \$2,930,491.32 as detailed within Attachment: 9.3.2(1).

COUNCIL RESOLUTION

MOVED: Cr Burns

SECONDED: Cr Bettink

29963

That Council note the May 2026 accounts for payment totalling \$2,930,491.32 as detailed within Attachment: 9.3.2(1).

ADOPTED BY EN BLOC RESOLUTION: 7/0

For: Shire President Buegge, Cr Bettink, Cr Burns, Cr Darin, Cr De Campo, Cr Miolin, Cr Willcox.

Against: Nil.

ATTACHMENT**9.5.2 Retrospective Approval for Two (2) Shipping Containers Located at Lot 156 (80) Rose Street, Manjimup**

PROPONENT	Manjimup Investments (WA) Pty Ltd
OWNER	Shire of Manjimup
LOCATION / ADDRESS	Lot 150 (80) Rose Street, Manjimup
WARD	Urban
ZONE	Town Centre – Commercial
DIRECTORATE	Development Services
FILE REFERENCE	TP2026/82, P53170, DA26/79
LEGISLATION	Planning and Development Act 2005
AUTHOR	Sumah Brown; Jocelyn Baister (Manager Planning Services)
DATE OF REPORT	17 June 2026
DECLARATION OF INTEREST	Nil

BACKGROUND

Council is requested to consider a retrospective application for two (2) Shipping Containers for the Gallery Hotel located on site at Lot 156 (80) Rose Street, Manjimup.

The property is zoned Town Centre-commercial by the Local Planning Scheme No. 4 (the Scheme) and is 8,423sqm. The existing development on the property is the Gallery Hotel, Clubhouse and Accommodation units, and designated parking areas. The accommodation is being staged and is therefore still under construction. A location plan is shown below.



The Shipping Containers are both 40ft in size, being 12.19m long, 2.44m wide and 2.59m high, are proposed to be relocated within the property, and will be setback 11m from the northern boundary and 9m from the eastern boundary.

ATTACHMENT: 9.5.2 (1)

The application is being presented to Council for consideration as Shire Staff do not have the delegation to determine development that is retrospective in nature.

PUBLIC CONSULTATION UNDERTAKEN

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

COMMENT

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

Zoning Purpose

The purpose of the Town Centre 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 surrounding areas.

An objective relative to this application would be to encourage the establishment of a diverse range of activities and the associated infrastructure/services required to fulfil the community, commercial and administrative functions of a town centre.

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 67 of the Planning and Development Regulations 2015 (P&D Regs). These matters include, but are not limited to:

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (g) any local planning policy for the Scheme area
- (n) the amenity of the locality including the following -environmental impacts; the character of the locality; social impacts of the development;
- (zb) any other planning consideration the local government considers appropriate.

Land Use Classification

For the purpose of assessment, a Shipping container is classed as an incidental structure associated with the Motel, however has been assessed as an Outbuilding as it is used for storage purposes.

Land Use Permissibility

The proposed land use is a discretionary land use, meaning a use that is not permitted unless the local government grants approval.

Submitted Site Plan

The Shipping Containers are proposed to be relocated to the site's north-west corner, which will allow construction of the carpark to continue as planned.

Local Planning Policy 6.1.3 Outbuilding Policy Assessment

The Policy outlines the Deemed-to-Comply provisions for Shipping Containers in Town Centre Zone. From an assessment of the application, it is considered that the Shipping Containers are compliant other than the size, number of containers and the proposed location. The Policy requires that the Shipping Containers;

- are not to be attached to the dwelling,
- are not habitable,
- do not exceed the size of a standard 20ft Shipping Container,
- do not contain refrigeration or air conditioning,
- are located behind an existing dwelling,
- repainted in a manner that complements other buildings on the lot, to reduce the visual impact, covering rust and signage,
- comply with the setback requirements for the zone.

The Policy only allows for one 20ft Shipping Container per property within the Town Centre Zone. The applicant has two (2) 40ft Shipping Containers on the one property. As mentioned above, the variation was referred to affected neighbours for comment with no comments being received, however the variation could be considered excessive of the acceptable provisions of the Policy.

The applicant has stated that the Shipping Containers are being used to securely store materials and equipment associated with the proposed Stage 2 of the Motel Development. The applicant requests temporary approval for five (5) years be granted for the Shipping Containers.

It is acknowledged that the Policy focuses assessment with regards to Shipping Containers being incidental to a dwelling and a cost-effective means of storage similar to an Outbuilding. Being effectively screened from view behind a dwelling or other building is an important element in the assessment.

Where a Shipping Container or Outbuilding does not meet all of the deemed to comply provisions, the Policy states that the proposal shall be assessed against the objectives and design principles of the Policy. In this regard, the objectives are to:

- a) Maintain the amenity of the streetscapes and views along the street by ensuring that...Shipping Containers are appropriately designed and located so as to not detract from the streetscape and area not visually intrusive to neighbouring properties or adjoining open spaces.
- b) Ensure planning controls reflect the community's expectations regarding the size and height of domestic outbuildings.
- c) Recognise and cater for the trend towards the use of Shipping Containers as an affordable and convenient form of providing additional storage space on residential and rural residential land.

The design principle that Outbuildings should not detract from the streetscape or the visual amenity of residents or neighbouring properties is set out in the policy.

Impact on Amenity

The Shipping Containers are proposed to be relocated, however will be located between the Motel and the street. The applicant has stated that they intend to repaint the Shipping Containers in Dulux 'Lush Hasta' & 'Refined Stone' consistent with the Manjimup Art Deco colour palette. The Shipping Containers will be a prominent feature within the site as viewed from the street and from the Heritage Park.

Retrospective Application

The Shipping Containers have been placed on the subject property since around March 2023. The applicant has stated that the Shipping Containers will be removed once the construction of the Motel accommodation has reached completion, however the time that this may occur is unknown.

A directions notice was issued to the leaseholder/developer to remove the Shipping Containers, as a result of an appeal to the Tribunal, there is a 'stay' on any further action. The subject application to legitimise them has since been received.

It is noted that 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.

Conclusion

Despite there being no objections received it is recommended the proposal be time limited to a twelve-month period only for not being able to achieve compliance with the Local Planning Policy 6.1.3 Outbuildings as well as not meeting the objectives and design principle of the Policy. The request to have the Shipping Containers in place for five (5) years is considered by staff to represent a greater length of time than that of a temporary nature and may create an undesirable precedence for acceptance of industrial scale Shipping Containers within the Town Centre zone.

STATUTORY ENVIRONMENT

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

POLICY / STRATEGIC IMPLICATIONS

Nil.

ORGANISATIONAL RISK MANAGEMENT

Nil.

FINANCIAL IMPLICATIONS

The development application fee in accordance with the Shire of Manjimup's 2025-2026 Fees and Charges Schedule has been paid.

SUSTAINABILITY

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council in accordance with Clause 8.6 and Part 10 of Local Planning Scheme No.4 grant temporary planning approval for two (2) Shipping Containers at Lot 156 (80) Rose Street, Manjimup, application (TP2026/82), in accordance with the plans and specifications at attachment 9.5.2 (1), subject to the following conditions:

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

Reference	Document Title	Date Received
1.	Site Plan	27 May 2026

2. This development approval is granted for a twelve (12) month period only after the expiration of which period the use shall cease, unless prior to that date an application has been made to and approved by the Shire of Manjimup after payment of the appropriate fee for the continuation of the use for an extended period.
3. The approved Shipping Containers are not to be used for Human Habitation or any other purpose other than a domestic outbuilding unless further approval from the Shire of Manjimup is obtained; and
4. The proposed development shall be clad or coloured to complement either the surroundings in which it is located or adjoining developments to the satisfaction of the Shire of Manjimup.

Advises the Applicant that:

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

COUNCIL RESOLUTION

MOVED: Cr Burns

SECONDED: Cr Bettink

29964

That Council in accordance with Clause 8.6 and Part 10 of Local Planning Scheme No.4 grant temporary planning approval for two (2) Shipping Containers at Lot 156 (80) Rose Street, Manjimup, application (TP2026/82), in accordance with the plans and specifications at attachment 9.5.2 (1), subject to the following conditions:

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

Reference	Document Title	Date Received
1.	Site Plan	27 May 2026

2.

This development approval is granted for a twelve (12) month period only after the expiration of which period the use shall cease, unless prior to that date an application has been made to and approved by the Shire of Manjimup after payment of the appropriate fee for the continuation of the use for an extended period.

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

Advises the Applicant that:

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

ADOPTED BY EN BLOC RESOLUTION: 7/0

For: Shire President Buegge, Cr Bettink, Cr Burns, Cr Darin, Cr De Campo, Cr Miolin, Cr Willcox.

Against: Nil.

ATTACHMENT

9.5.3 Proposed Change of Use of a Dwelling to Unhosted Short Term Rental Accommodation (STRA) at Lots 194 & 195 (59) Guppy Street, Pemberton

PROPONENT	Mr Zawng & Mrs Thew Hla
OWNER	Mr Zawng & Mrs Thew Hla
LOCATION / ADDRESS	Lots 194 & 195 (59) Guppy Street Pemberton
WARD	Rural
ZONE	Residential R20
DIRECTORATE	Development Services
FILE REFERENCE	TP2026/60 DA26/60 P51816 P51817
LEGISLATION	Planning and Development Act 2005
AUTHOR	Karleha Brown (Planning Officer)
DATE OF REPORT	16 June 2026
DECLARATION OF INTEREST	Nil

BACKGROUND

Council is requested to consider an application for a proposed Unhosted Short Term Rental Accommodation (STRA), utilising the existing dwelling at Lots 194 and 195 (59) Guppy Street Pemberton.

The dwelling consists of one main multileveled dwelling that is extended onto the neighbouring lot with a walkway to a separate (2) bedroom two (2) bathroom building. The two buildings comprise of five (5) bedrooms and four (4) bathrooms in total. The entire property is proposed to be made available for guest use. A location plan is shown below.



The applicant is seeking approval to use the existing dwelling as Unhosted Short Term Rental Accommodation. The details of the application are as follows:

- The application proposes the number of guests to be a maximum of fourteen (14) persons.
- Key collection will be from the lock box on site.
- Parking will be available within the property. There are five (5) car parking spaces in the driveway.
- A Management Plan has been prepared. The property will be managed, cleaned and serviced as needed by a local Pemberton Residence.
- The Emergency Plan will be implemented as submitted.
- There is one small sign already on the property.
- Bookings for the Holiday Accommodation will be made through several booking sites including Air BnB and Stayz.

Details of the proposal as submitted are attached.

ATTACHMENT: 9.5.3 (1)

PUBLIC CONSULTATION UNDERTAKEN

In accordance with the requirements of the Shire of Manjimup Local Planning Scheme No.4 (the Scheme) the proposal was referred to all land landowners within a 250m radius for a 21-day period and to the Ward Councillors. A notice was advertised on the Shire's website, in the local newspaper and a sign was placed on the site.

At the close of submissions correspondence was received from one (1) member of the Pemberton Community. The submission raises concern to the proposed change of use of the dwelling. The content of the submissions is detailed in the comment section below and copies of the submissions are attached.

ATTACHMENT: 9.5.3 (2)

COMMENT

The following comments are offered to assist Council in determining the application. The subject land is zoned Residential with a R-20 density within the Scheme.

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 67 of the Planning and Development Regulations 2015 (P&D Regs). These matters include, but are not limited to:

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the P&D Regs 2015.
- (g) any local planning policy for the Scheme area
- (n) the amenity of the locality including the following -environmental impacts; the character of the locality; social impacts of the development;
- (y) any submissions received on the application;
- (zb) any other planning consideration the local government considers appropriate.

Zoning Purpose

The provisions of the Scheme include the subject land within the Residential Zone. The purpose of the zone is to provide for the adequate provision of suitably located land to provide for varied and urban residential environment to meet the needs of the community and to promote the amenity of residential areas and which reflects a non-metropolitan lifestyle.

The objectives of the Scheme relating to this zone are to promote and safeguard the health, safety and convenience, general welfare and the amenity of residents and the residential area.

Land Use Classification

The P&D Regs 2015 have been amended to define Unhosted Short Term Rental Accommodation, as:

“Unhosted short term rental accommodation – means short-term rental accommodation (a dwelling provided on a commercial basis for occupation under a short-term rental arrangement that) –
a) is not hosted short-term rental accommodation; and
b) accommodates a maximum of 12 people per night”

As described in the proponent's management plan, the application is for the subject dwelling to be accommodated by a maximum of fourteen (14) persons, at any one time, all of which will be known to each other.

However as addressed below assessment of the proposal against Building legislation has required the number of lodgers to be reduced to twelve (12) persons.

Land Use Permissibility

Unhosted STRA is an 'A' land use within a Residential Zone. That is a use that is not permitted unless the local government has exercised its discretion by granting planning approval after given special notice in accordance with Clause 9.6 of the Scheme. With advertising of the proposal completed in accordance with Clause 9.6, the application can now be determined.

Zoning Requirements

The proposed Unhosted STRA does not prohibit the use reverting back to a permanent occupancy in the future and is therefore considered to meet the objectives of the zone as it will provide the owner with a source of income and support tourism in the area. It should be noted that the land use is considered by the State Administrative Tribunal as a commercial land use and may impact on the amenity of residential zones if not managed appropriately.

Local Planning Policy 6.1.5 – Unhosted Short Term Rental Accommodation

Several provisions of Local Planning Policy 6.1.5 – Unhosted STRA have been introduced to deal with management and potential issues that may arise. The purpose of the Policy is to, amongst other things:

- Establish protocols for effective local management of Unhosted STRA Operations
- Require effective monitoring of accommodation operations to ensure compliance with planning and local management requirements.
- Standardise the conditions of approval of Unhosted STRA approved under previous planning framework to ensure all accommodation operations are managed and controlled under the same planning parameters.
- Provide guidance in the assessment of holiday accommodation in Bushfire Prone Areas and Agricultural zones; and
- Provide for an Unhosted STRA to automatically revert to its original dwelling purpose as either the result of non-renewal of an approval or the sale of the property without arrangements having been made for the transfer of the Unhosted STRA approval.

In line with the above, a primary objective of the policy is to ensure that Unhosted STRA is operated in a manner that does not impact on surrounding residents of Pemberton. To achieve effective management of the application if approved the following requirements would be imposed as conditions.

- The permit holder/ local manager must be located within 30 minutes from the Holiday Accommodation and be available to manage the day-to-day accommodation.
- The local manager is to be able to immediately respond to any matters raised by either guests, neighbours, local government or emergency services at all times the Unhosted STRA is occupied.
- The submitted management details that form part of this application shall be implemented on an ongoing basis.
- The Emergency Plan, including provision of the Manager's contact details, is to be always displayed in the Unhosted STRA.

In addition, as recommended by the policy a copy of the Insurance Certificate prior to commencement of the use in recommended prior to commencement of the approved land use.

Parking

The application as submitted indicated that the accommodation will be leased with parking available for five (5) cars. The proposal meets the requirements of two (2) car spaces and there is ample parking available on site should any more parking be required. Should the application be approved it is recommended that a condition be imposed to require all parking associated with the activity to be wholly contained within the property and is not to encroach on the road reserve.

Emergency Plan

An Emergency Plan has been prepared in accordance with the Policy requirements and is to be displayed in a prominent location. This management plan outlines how guests are to respond to an emergency and is to assume all guests have no local knowledge. Shire staff consider that there is appropriate information in the Emergency Plan.

Health (Miscellaneous Provisions) Act, 1911

The proposed use will be required to operate in compliance with all relevant requirements of the *Health (Miscellaneous Provisions) Act, 1911*. Shire staff have assessed the property, as part of this assessment and consider that the property can comply with health legislation. The property can suitably accommodate twelve (12) lodgers under relevant health legislation. It is recommended that an advice note be included on any approval granted by Council to reflect this. Following planning approval, a thorough assessment will be undertaken in conjunction with a lodging house permit prior to occupancy.

Building Act, 2011

The proposed Unhosted STRA will also be required to comply with all relevant requirements of the Building Act, 2011, Building Regulations, 2012 and the National Construction Code. Shire staff as part of the overall site inspection, assessed the building to ensure it complies with relevant building legislation. The original proposal identified bedrooms in the lower floor level, these rooms do not have adequate roof height to be occupied as a bedroom. Therefore, reducing the number of occupants to be accommodated is required to be reduced from fourteen (14) to twelve (12) persons. Shire staff also noted other building safety requirements that the applicant is to address prior to occupation.

Submissions Received

As addressed above, there was one letter received during the advertising period. The submission which is not directly an objection to the subject application but to all proposed Unhosted STRA within the Pemberton townsites. Requesting Council consider the impact of such proposals on the availability of long-term rental accommodation to support the retention of the population and deliver community sustainability.

This matter is highly contentious not only in Pemberton, but in other smaller townsites within the Shire and throughout the Southwest of Western Australia.

But it is considered that the basis of the matter is housing supply rather than Unhosted Short Term Rental availability.

As required by the Shire's Local Planning Policy an initial limited approval of 12 months is granted for Unhosted STRA to ensure that negative impacts to neighbouring residents are managed and that any disturbance caused can be mitigated by means of a local manager prior to an extension of the approval being granted.

Development Over Two Lots

As noted above the property is located over two titles being Lots 194 and 195 Guppy Street. To legally allow the development to occur over the two lots it is recommended that the sites be legally linked to ensure that they are not to be sold separately. This is to be achieved with either an amalgamation of the two lots or a legal agreement, lodged over both titles restricting the transfer of land independently. All costs involved in the preparation of the legal agreement are to be borne by the applicant/landowner.

Conclusion

As outlined above, Unhosted STRA within a Residential Zone is a use that is not permitted unless the local government has exercised its discretion by granting planning approval, after giving special notice in accordance with Clause 9.6, by consulting with the surrounding community to ensure that their amenity is not impacted by the proposal.

There are designated zones within the Shire of Manjimup specifically for the purposes of holiday accommodation such as Tourist Enterprise zones and Caravan Parks. These identified areas are encouraged as holiday accommodation locations.

Given there was an objection from a surrounding landowner, it is recommended that conditional planning approval be granted for a period of 12 months. This time frame will allow for assessment of the suitability of the proposal, management procedures and to evaluate the impact on the community.

The number of occupants for the Unhosted STRA is also to be reduced from fourteen (14) to twelve (12) persons which is recommended to be reflected in the conditions.

STATUTORY ENVIRONMENT

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

POLICY / STRATEGIC IMPLICATIONS

As outlined in the comment section above, the application has been assessed in accordance with the Shire of Manjimup's Local Planning Scheme No.4 and the provisions of Local Planning Policy 6.1.5 – Unhosted Short Term Rental Accommodation.

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 2025/26 annual budget.

SUSTAINABILITY

Environmental: Nil.

Economic: The application, if approved, will allow the proponent to increase business activity on the property and potentially increase the economic return of the property. However, the change of use may have an impact on the longer-term sustainability of the community.

Social: Appropriate management of the accommodation is required to ensure that the activity does not detrimentally impact on the amenity of the area. The ability for 12-month approval provides the opportunity for complaints to alter on going approvals.

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 an Unhosted Short Term Rental Accommodation at Lots 194 and 195 (59) Guppy Street, Pemberton (TP 2026/60) in accordance with the submitted plan as shown at Attachment: 9.5.3 (1) and subject to compliance with the following conditions:

- The use as permitted shall operate in accordance with the submitted plans and supporting documents as listed below:**

Reference	Document Title	Date Received
1.	Management Plan	23 April 2026

2.	Emergency Plan	23 April 2026
3.	Site Plan	23 April 2026
4.	Floor Plan	23 April 2026
5.	Evacuation Plan	23 April 2026

2. The development approval is granted for a period expiring on 30 June 2027 only, after which period the use shall cease, unless otherwise granted an annual renewal to continue to use for a further period of 12 months by the Shire of Manjimup.
3. The person nominated as the local manager is to be able to promptly (within 30 minutes) respond to any matters raised by either guests, neighbours, the local government or emergency services at all times the holiday house is occupied. Local Manager details are to be able to be viewed external to the dwelling.
4. Prior to the commencement of the approved use, the applicant is to submit, to the satisfaction of the Shire of Manjimup, a copy of their Public Liability Insurance.
5. The Unhosted Short Term Rental Accommodation hereby approved is limited to twelve (12) persons who are known to each other in the premises at any one time to the satisfaction of the Shire of Manjimup. Advertising of the property should reflect the numbers approved.
6. The Unhosted Short Term Rental Accommodation is not to be occupied by a person for more than three (3) months within any twelve (12) month period.
7. The submitted management details that form part of this application shall be implemented on an ongoing basis to the satisfaction of the Shire of Manjimup.
8. The Emergency Plan, including provision of the Manager's contact details, is to be displayed in the Unhosted Short Term Rental Accommodation at all times.
9. A minimum of two (2) car parking spaces are to be provided onsite for the use of users of the Unhosted Short Term Rental Accommodation. Parking must not encroach on the verge or road reserve.
10. Within 2 years of the notice of approval, the applicant/landowner shall apply for, have approved and implement a subdivision approval for a boundary realignment between Lots 194 and 195 Guppy Street, Pemberton to ensure that the dwelling hereby approved is contained solely within a single certificate of title and achieves compliant boundary setbacks. Alternatively, the Shire of Manjimup is prepared to accept a legal agreement, to be lodged on both titles restricting the transfer of land independently. All costs involved in the preparation of the legal agreement are to be borne by the applicant/landowner.

Advice to Applicant

1. The approved development must comply with all relevant provisions of the Health (Miscellaneous Provisions) Act, 1911, and the Building Act 2016.
2. The use of the accommodation proposed may require the installation of additional smoke alarms and emergency lighting for a Class 1b building as detailed in the Building Code of Australia, Part 3.7.2, Smoke Alarms.
3. In all buildings approved for use as a Unhosted Short Term Rental Accommodation, a system of emergency lighting will need to be installed to assist in evacuation of occupants in the event of fire and this lighting will need to:
 - 3.1 be activated by a smoke alarm(s); and
 - 3.2 consist of:
 - 3.2.1 lights incorporated into the smoke alarm itself; and
 - 3.2.2 lighting located in the corridor, hallway or area served by the required smoke alarm(s).
4. Any occupancy above six (6) persons of the Unhosted Short Term Rental Accommodation will require secondary approval as a "Lodging House" pursuant to the Shire of Manjimup Health Local Laws.
5. Any advertising signage that does not form part of this approval for Unhosted Short Term Rental Accommodation, beyond the requirements of the Shire of Manjimup Local Planning Scheme No. 4, will require the further approval of the Shire of Manjimup.

COUNCIL RESOLUTION

MOVED: Cr Burns

SECONDED: Cr Bettink

29965

That Council in accordance with Part 10 of Shire of Manjimup Local Planning Scheme No. 4, grants planning approval for an Unhosted Short Term Rental Accommodation at Lots 194 and 195 (59) Guppy Street, Pemberton (TP 2026/60) in accordance with the submitted plan as shown at Attachment: 9.5.3 (1) and subject to compliance with the following conditions:

1. The use as permitted shall operate in accordance with the submitted plans and supporting documents as listed below:

Reference	Document Title	Date Received
1.	Management Plan	23 April 2026
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2. The development approval is granted for a period expiring on 30 June 2027 only, after which period the use shall cease, unless otherwise granted an annual renewal to continue to use for a further period of 12 months by the Shire of Manjimup.
3. The person nominated as the local manager is to be able to promptly (within 30 minutes) respond to any matters raised by either guests, neighbours, the local government or emergency services at all times the holiday house is occupied. Local Manager details are to be able to be viewed external to the dwelling.
4. Prior to the commencement of the approved use, the applicant is to submit, to the satisfaction of the Shire of Manjimup, a copy of their Public Liability Insurance.
5. The Unhosted Short Term Rental Accommodation hereby approved is limited to twelve (12) persons who are known to each other in the premises at any one time to the satisfaction of the Shire of Manjimup. Advertising of the property should reflect the numbers approved.
6. The Unhosted Short Term Rental Accommodation is not to be occupied by a person for more than three (3) months within any twelve (12) month period.
7. The submitted management details that form part of this application shall be implemented on an ongoing basis to the satisfaction of the Shire of Manjimup.
8. The Emergency Plan, including provision of the Manager's contact details, is to be displayed in the Unhosted Short Term Rental Accommodation at all times.
9. A minimum of two (2) car parking spaces are to be provided onsite for the use of users of the Unhosted Short Term Rental Accommodation. Parking must not encroach on the verge or road reserve.
10. Within 2 years of the notice of approval, the applicant/landowner shall apply for, have approved and implement a subdivision approval for a boundary realignment between Lots 194 and 195 Guppy Street, Pemberton to ensure that the dwelling hereby approved is contained solely within a single certificate of title and achieves compliant boundary setbacks. Alternatively, the Shire of Manjimup is prepared to accept a legal agreement, to be lodged on both titles restricting the transfer of land independently. All costs involved in the preparation of the legal agreement are to be borne by the applicant/landowner.

Advice to Applicant

1. The approved development must comply with all relevant

provisions of the Health (Miscellaneous Provisions) Act, 1911, and the Building Act 2016.

2. The use of the accommodation proposed may require the installation of additional smoke alarms and emergency lighting for a Class 1b building as detailed in the Building Code of Australia, Part 3.7.2, Smoke Alarms.
3. In all buildings approved for use as a Unhosted Short Term Rental Accommodation, a system of emergency lighting will need to be installed to assist in evacuation of occupants in the event of fire and this lighting will need to:
 - 3.1 be activated by a smoke alarm(s); and
 - 3.2 consist of:
 - 3.2.1 lights incorporated into the smoke alarm itself; and
 - 3.2.2 lighting located in the corridor, hallway or area served by the required smoke alarm(s).
4. Any occupancy above six (6) persons of the Unhosted Short Term Rental Accommodation will require secondary approval as a “Lodging House” pursuant to the Shire of Manjimup Health Local Laws.
5. Any advertising signage that does not form part of this approval for Unhosted Short Term Rental Accommodation, beyond the requirements of the Shire of Manjimup Local Planning Scheme No. 4, will require the further approval of the Shire of Manjimup.

ADOPTED BY EN BLOC RESOLUTION: 7/0

For: Shire President Buegge, Cr Bettink, Cr Burns, Cr Darin, Cr De Campo, Cr Miolin, Cr Willcox.

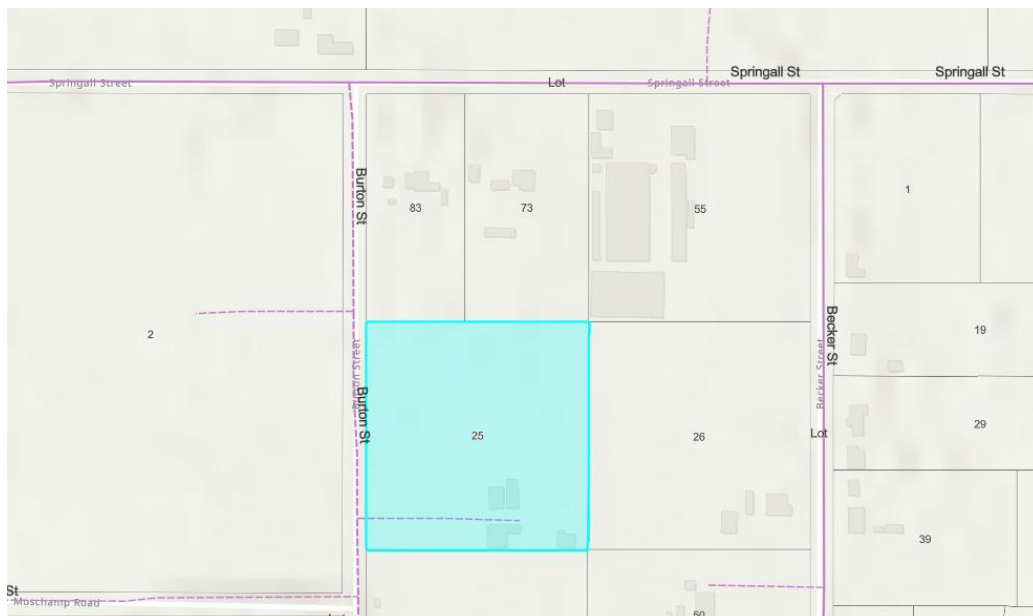
Against: Nil.

ATTACHMENT**9.5.5 Proposed Rural Pursuit and Use Not Listed (Pick your Own Flowers) at Lot 263 (25) Burton Street, Manjimup**

PROPONENT	Miss M Reeve
OWNER	Miss M Reeve & Mr J Reeve
LOCATION / ADDRESS	Lot 263 (25) Burton Street, Manjimup
WARD	Urban
ZONE	Rural Small Holdings
DIRECTORATE	Development Services
FILE REFERENCE	TP2026/69, 52435, DA26/66
LEGISLATION	Planning and Development Act 2005
AUTHOR	Sumah Brown (Planning Assistant)
DATE OF REPORT	17 June 2026
DECLARATION OF INTEREST	A Shire employee has provided a submission on this proposal. This employee was not involved in the assessment of this application.

BACKGROUND

Council is requested to consider an application for a proposed flower farm at Lot 263 (25) Burton Street, Manjimup. The subject site has an area of 3.72ha and is currently developed with a dwelling, several large outbuildings and water tanks. A location plan is shown below.



The application proposes a flower farm and includes “Pick your own flowers”, or purchasing pre-picked flowers. A parking area is designated for patrons and a grassed seating area has also been shown on the plans.

The applicant is seeking approval to establish and operate a small-scale seasonal flower farm. The details of the application are as follows:

- The application proposes a customer experience to come to the property to pick their own seasonal flowers from a variety of garden beds and cultivated areas. Another option is to purchase pre-picked flowers from the farm.
- The operation would initial run on a seasonal basis from late December through to early April each year.
- Proposed operating hours:
 - Fridays 3:00pm- 8:00pm
 - Saturdays: 8:30-4:30pm
 - Sundays: 8:30-4:30pm
- There may be limited weekday openings during school holiday periods to accommodate tourists, visiting families and seasonal demand.
- Future occasional special events or seasonal workshops may be considered if there is sufficient interest.
- The customers will enter the site through a dual access driveway to a designated car parking area. This may be formalised once the business is further established.
- The visitors will be managed by the owners of the property, and it will include pre-booked one hour picking sessions or walk-in attendance where capacity allows.

Details of the proposal as submitted are attached.

ATTACHMENT: 9.5.5 (1)

Council is requested to determine the application as the proposed 'Pick your Own Flowers' component of the application is a "Use not Listed". Furthermore, as a result of advertising the proposal has received objections from surrounding landowners. Shire staff do not have delegated authority to determine applications where submissions objecting to a proposal has been received as a result of advertising.

PUBLIC CONSULTATION UNDERTAKEN

In accordance with the requirements of the Shire of Manjimup Local Planning Scheme No.4 (the Scheme) the proposal was referred to all land landowners within a 500m radius for a 21-day period and to the Ward Councillors. A notice was advertised on the Shire's website and in the local newspaper.

At the close of advertising there were five (5) submissions received. There were two (2) letters not objecting to the proposal however, raising concerns in regard to the condition of the road. There were three (3) objection letters received from surrounding landowners with concerns regarding other matters relating to the proposal. The content of the submissions is detailed in the comment section below and copies of the submissions are attached.

ATTACHMENT: 9.5.5 (2)**COMMENT**

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

Zoning Purpose

The provisions of the Scheme include the subject land within the Rural Small Holdings Zone. As identified by the Scheme, the purpose of the 'Rural Small Holdings Zone is to:

Provide for rural lifestyle opportunities in strategic locations consistent and compatible with adjacent land use activity, landscape and environmental attributes of the land.

An objective relevant to this application would be *“to encourage the opportunity for a range of rural and semi-rural pursuits on cleared land where part-time or full-time income may be generated”*.

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 67 of the Planning and Development Regulations 2015 (P&D Regs). These matters include, but are not limited to:

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (n) the amenity of the locality including the following -environmental impacts; the character of the locality; social impacts of the development;
- (y) any submissions received on the application;
- (zb) any other planning consideration the local government considers appropriate.

Land Use Classification

There are two elements of the proposal, that fall under two different land use classifications.

Growing of Flowers: from examination of the Scheme, this element of the proposed development could be deemed to be consistent with the following definition:

Rural pursuit means any premises used for – (c) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or (d) the sale of produce grown solely on the lot; but does not include agriculture – extensive or agriculture – intensive;

Pick your own Flowers: this element of the proposed development is considered a “Use not Listed”, similar to other ‘pick your own’ experience

within the Shire. According to the Scheme the following provisions apply to this land use.

Where an application is made for planning approval to commence a use or commence or carry out development which involves a use which is – (i) an ‘A’ use as referred to in Clause 4.19.2; or (ii) a use not listed in the Zoning Table, the local government is not to grant approval to that application unless notice is given in accordance with Clause 9.6.3.

Land Use Permissibility

The growing of flowers on the property is considered a ‘Rural Pursuit’ land use under the Scheme which is a permitted land use for the zone and therefore this aspect of the proposal does not form part of further discussions below.

The proposal element to Pick your Own flowers, which involves customers coming onto the property to pick and purchase flowers is considered as “Use not Listed”, and is therefore required to be advertised to neighbours in accordance with Clause 9.6.3

Attendance and Booking Management

The expected visitor numbers are unknown at this stage. Patrons would attend through pre-booked one-hour picking sessions or walk in attendance where capacity allows. To ensure the business remains manageable and minimises impacts on neighbouring properties and local traffic, the applicant is willing to implement visitor limits per session if required by the Shire.

Scale of Business and Implementation

The intent of the business model is to remain low-scale and community focused during the initial establishment phase.

Whilst they have outlined their detailed proposal plan, they have stated that they are flexible in their plans and are willing to amend the application if required to comply with any operational requirements of the Shire.

The applicant has stated in the proposal that they are committed to operating responsibly and working collaboratively with the Shire to manage traffic safely, minimise disruption to neighbours, maintain a clean and safe environment for visitors.

Parking and Vehicle Access

There is a designated car parking area for the patrons. A crossover will be installed and implemented as per the Shire requirements. This carparking area will ensure that there is a safe and dedicated space for parking arrangements, ensuring there is no parking on Burton Street.

In response to a neighbour’s submission, the applicant has stated that they are agreeable to downsize the carparking area, if required and/or move the designated car parking space further away from the boundary of the neighbouring fence line. This will provide a greater distance between neighbours and assist with reducing the impact to the amenity of neighbouring

properties. A recommended condition should Council approve the proposal, has been imposed that the parking area be setback 10m from the side boundary to create more distance between the adjoining property.

At the early stages of development, the carparking will be informal and restricted to the designated area. A carparking plan will be recommended, should Council approve the application to show the reduced area and how the carparking will be managed safely.

Traffic Impact

The total attendance is difficult to predict. It is expected that the patronage would vary greatly depending on the bookings, weather and other aspects such as during peak visitor periods and school holidays. Further discussion on this aspect is provided below in response to submissions regarding the road.

Amenities and Infrastructure

The visitors will be attending the property for approximately one-hour sessions. Patrons will be advised prior to attendances that there will be no toilet facilities available on site. The applicants are willing to provide toilet facilities if this is required. The proposal states that future signage may be installed. This will require a separate approval from the Shire. No other infrastructure is currently proposed at this stage.

Proposed Sitting Area

There is a designated sitting area next to the proposed flower beds. In response to a neighbours submission, the applicant is willing to reduce the size of the sitting area and will set the area further back off the boundary if this is deemed necessary by the Shire.

Submissions Received

There was a total of five (5) submissions received as a result of the advertising process. There were 2 submissions received that had no objection to the proposal however stated concerns regarding the state of Burton Street being unsealed and if it would be able to withstand the extra traffic that may be generated by the proposal.

The other three (3) submissions had similar expressions, stating an objection to the proposal in its current form. But the main objections to the proposal were in relation to Burton Street. The following is a summary of the concerns raised.

- Concerns that Burton Street being unsealed cannot withstand the extra traffic and extra wear on the road.
- Increased traffic causing road degradation and maintenance costs.
- Request for Burton Street to be sealed – at the cost of the applicant.
- Dust and pollution arising from the traffic affecting the health, quality and productivity of existing orchards on Burton Street.
- Dust affecting the air quality, creating a health hazard.

- Traffic concerns – safety hazards, reckless driving, extra traffic and vibration, accidents could arise from the commercial activity and increased visitors.
- Car park – discussed as a land use not permitted in a residential zone.
- Increase of traffic that has been generated already from Springall Street Veggie Stall. This has raised some concerns regarding the potential for accidents due to the traffic to the area and a current traffic concern for surrounding neighbours.
- Amenity concerns – overlooking concerns, affecting neighbour privacy and amenity.
- Lack of public amenities and disability considerations.
- Management concerns- potential for anti-social behaviour, littering, loitering.

The following comments are offered in response to the concerns raised by the submitters.

Road Upgrades:

The Shire's Technical Services team provided a preliminary response stating that they will continue to monitor the situation as the business progresses and assess and impacts that may arise.

The seasonal nature of the Pick your Own activity will mean that the annual traffic volumes are not expected to increase significantly. It is therefore considered that there would be no justification to require the applicants to contribute to road upgrades or maintenance unless additional maintenance is requested above the Shire's standard maintenance program.

ATTACHMENT: 9.5.5 (3)

Dust and Health Impacts

These will continue to be monitored. Neighbours have commented that they have previously raised concerns with Shire. This will be reviewed and monitored with the relevant Shire Department/s to determine the most effective way to mitigate further impacts to the neighbours. The imposition of road setbacks and consistent adherence is designed to mitigate dust from Shire roads on private development.

Traffic Increase and Concerns

Neighbours have raised concerns regarding increased traffic volume and potential safety hazards resulting from a large vegetable shop/stall at the intersection of Springall Street and Burton Street. The Shire intends to investigate these complaints and work with the property owners to bring that property into compliance.

Carpark

A carpark is referred to in one submission as a land use not permitted for a rural zone. The definition of a carpark as set out in the Scheme means:

Premises used primary for parking vehicles whether open to public or not but does not include any part of a public road used for parking or for a taxi rank, or any premises in which cars are displayed for sale. In other words, not incidental to an approved business.

The proposal is for a Flower Farm as a land use, with a small area designated for patrons visiting the premises. It is not a standalone primary commercial carpark. This is defined as an ancillary use to the main land use of flower farm. Therefore, is permitted alongside the business in this zone.

Toilet Facilities

Providing a toilet facility is not a requirement under the Planning legislation.

As the proposed “pick your own flower farm” is an outdoor agritourism use undertaken on land without any associated buildings related to the business, there is no statutory requirement under the NCC or the Building Act 2011 (WA) to provide fixed toilet facilities as part of the development application.

Notwithstanding this, the applicant has advised that portable toilet facilities could be provided seasonally if required by the local government or if visitor demand indicates a need.

Amenity Concerns

The applicant is prepared to setback the carpark and sitting area further away from the boundary line, which will create more distance between the adjoining property. Giving the character of the area includes rural style post and wire fencing some visual intrusion into neighbouring land is to be expected during everyday activities and property maintenance.

Management

The applicant has stated their intention to minimise the disruption to neighbouring properties. The proposal is a family-friendly outdoor activity, whereby anti-social behaviour will be required to be appropriately managed by the owners of the property. The owners will be present during patron visitation and will be responsible for overseeing the experience. A management plan will be required as part of any approval granted. This plan will encompass visitor experience and management.

The management plan should be submitted to and approved by the Shire prior to the commencement of public operations, and must address the following:

- Visitor Experience & Capacity: Defining maximum patron numbers on-site at any one time, ticketing/booking structures (if applicable), and clear protocols for managing peak seasonal periods.
- Amenity and Noise Mitigation: Establishing strict operational hours, specifying acoustic controls for any farm machinery used during visiting hours, and outlining a formal neighbour-complaint resolution process.
- Waste Management: Outlining the containment, health compliance, and regular disposal of both commercial green waste and general litter generated by visitors and the flower farm operations.

INTERNAL DEPARTMENT ASSESSMENT

Building Services: The proposal does not include any buildings or building work and therefore does not trigger the requirements of the National Construction Code (NCC) Volume One.

Technical Services: Have commented that the crossover is to be of commercial width to accommodate a two-way access. Parking is to be formalised and ensure the road is left in “as-is” condition once crossover is built. Crossover is to be compliant with the standard specification requirements of the Shire of Manjimup Crossover Policy. Any water run-off from new crossover must be retained on site as much as possible.

Conclusion

It is recommended that the proposal be approved, subject to conditions imposed by the Shire of Manjimup. Should the proposal increase in intensity, it is expected that a new application be submitted to assess the impacts and scale of the business at that time.

STATUTORY ENVIRONMENT

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

POLICY / STRATEGIC IMPLICATIONS

By granting approval to the proposed flower farm and its visitor experience, Council will assist in the delivery of the following Strategies under the Shire of Manjimup's Strategic Community Plan 2021-31:

Community Goals:

- **2.1** New people and new businesses are attracted to the Region
- **2.3** The local economy is diversified and supports a range of industries and job opportunities
- **2.6** The region grows in reputation as a world-class culinary, agricultural, environmental and trails tourism destination.

Strategies:

- **B4** Support sustainable agricultural expansion, value adding and downstream processing, research and development, culinary and agri-tourism, land protections and contained support for the Southern Forests Food Council;
- **B10** Establish purchasing preferences for the use of local resources, services and products; and
- **B12** Provide development opportunities and support local small businesses to thrive

- **B13** Promote and support the growth of the agricultural and horticultural sectors

ORGANISATIONAL RISK MANAGEMENT

Traffic management and monitoring of the road degradation to ensure that the increase in commercial activity does not create safety issues may be required. Individually, each of the approved uses does not result in significant additional traffic volumes, but due to the cumulative effect it is expected that increased maintenance and/or upgrading may be required in the future.

FINANCIAL IMPLICATIONS

The required application fee has been paid in accordance with the Schedule of Fees and Charges adopted as part of the 2025/26 annual budget.

SUSTAINABILITY

Environmental: The proposed development will deliver positive environmental outcomes by enhancing local biodiversity, supporting essential pollinators, and improving soil health.

Economic: The proposed development will allow the proponent to increase business activity on the property and potentially increase the economic return of the property.

Social: The proposed development provides a unique outdoor rural experience that contributes positively to the local community and visitors. However, it is noted that appropriate management of the patrons visiting the property is required to ensure that the activity does not detrimentally impact on the amenity of the area and surrounding neighbours.

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 Rural Pursuit-Flower Farm including Pick your Own at Lot 263 (25) Burton Street, Manjimup (TP2026/69) in accordance with the submitted plan as shown at Attachment 9.5.5 (1) and subject to compliance with the following conditions:

- 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
1.	Proposal Details	12 May 2026

2. Notwithstanding condition #1 prior to commencement of the development the plans submitted and hereby approved shall be modified as follows: The proposed Carparking Area and seating area be amended to comply with a 10m side setback distance from the Northern Boundary of the property. A final site layout plan must be submitted and approved, clearly delineating the boundaries of the carparking area and the designated seating area prior to commencement.
3. Prior to commencement of the use hereby approved, a comprehensive Operational Management Plan must be submitted to, and approved by, the Shire. Once approved, the operation must be conducted in accordance with the plan at all times to the satisfaction of the Shire. The plan must address and include measures for:
 - On-Site Management: Provisions ensuring the landowners or designated operators are present during all public visiting hours to oversee patron conduct and prevent anti-social behaviour.
 - Amenity and Noise Mitigation: Strategies to minimise disruption to neighbouring properties, including strict adherence to permitted operational hours and noise control measures.
 - Waste Management: Protocols for the containment, screening, and regular disposal of general litter and commercial green waste.
4. 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 the designated number of parking bay/s, aisle widths, circulation areas, driveway/s and points of ingress and egress.
5. All parking associated with the activity hereby approved shall be wholly contained on the property boundary to the satisfaction of the Shire of Manjimup.
6. Prior to the occupation of the development, a vehicle crossover between the subject land and Burton Street is to be located, designed, constructed and drained to the specification and satisfaction of the Shire of Manjimup.
7. The activity hereby approved shall be managed so as to limit the potential impact on the amenity of the adjacent properties.

8. Any use, additions to and further intensification of any part of the development or land which is not in accordance with the original application or conditions of approval shall be subject to a further development application and consent for that use.

Advice Notes:

1. The approved development must comply with all relevant provisions of the Health (Miscellaneous Provisions) Act 1911 (as Amended) and the National Construction Code.
2. Any proposed signage for the business activity subject of this approval may require further approvals from the Shire of Manjimup.
3. The current level of construction of Burton Road is provided in an 'as-is' condition and is considered appropriate to support the proposal and no upgrade of the road will take place to cater for the proposed development.

COUNCIL RESOLUTION

MOVED: Cr Burns

SECONDED: Cr Bettink

29966

That Council in accordance with Part 10 of Shire of Manjimup Local Planning Scheme No. 4 grants planning approval for a Rural Pursuit-Flower Farm including Pick your Own at Lot 263 (25) Burton Street, Manjimup (TP2026/69) in accordance with the submitted plan as shown at Attachment 9.5.5 (1) and subject to compliance with the following conditions:

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Reference	Document Title	Date Received
1.	Proposal Details	12 May 2026

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3. Prior to commencement of the use hereby approved, a comprehensive Operational Management Plan must be submitted to, and approved by, the Shire. Once approved, the operation must

be conducted in accordance with the plan at all times to the satisfaction of the Shire. The plan must address and include measures for:

- **On-Site Management:** Provisions ensuring the landowners or designated operators are present during all public visiting hours to oversee patron conduct and prevent anti-social behaviour.
 - **Amenity and Noise Mitigation:** Strategies to minimise disruption to neighbouring properties, including strict adherence to permitted operational hours and noise control measures.
 - **Waste Management:** Protocols for the containment, screening, and regular disposal of general litter and commercial green waste.
4. 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 the designated number of parking bay/s, aisle widths, circulation areas, driveway/s and points of ingress and egress.
 5. All parking associated with the activity hereby approved shall be wholly contained on the property boundary to the satisfaction of the Shire of Manjimup.
 6. Prior to the occupation of the development, a vehicle crossover between the subject land and Burton Street is to be located, designed, constructed and drained to the specification and satisfaction of the Shire of Manjimup.
 7. The activity hereby approved shall be managed so as to limit the potential impact on the amenity of the adjacent properties.
 8. Any use, additions to and further intensification of any part of the development or land which is not in accordance with the original application or conditions of approval shall be subject to a further development application and consent for that use.

Advice Notes:

1. The approved development must comply with all relevant provisions of the Health (Miscellaneous Provisions) Act 1911 (as Amended) and the National Construction Code.
2. Any proposed signage for the business activity subject of this approval may require further approvals from the Shire of Manjimup.
3. The current level of construction of Burton Road is provided in an 'as-is' condition and is considered appropriate to support the proposal and no upgrade of the road will take place to cater for the proposed development.

ADOPTED BY EN BLOC RESOLUTION: 7/0

For: Shire President Buegge, Cr Bettink, Cr Burns, Cr Darin, Cr De Campo, Cr Miolin, Cr Willcox.

Against: Nil.

ATTACHMENT**9.5.6 Proposed Change of Use of a Dwelling to Unhosted Short Term Rental Accommodation (STRA) at Lot 341 (18) Sheoak Street, Walpole**

PROPONENT	Mr Mark Osbaldiston
OWNER	Mr Mark Osbaldiston & Ms Meghan Lane
LOCATION / ADDRESS	Lot 341 (18) Sheoak Street, Walpole
WARD	Rural
ZONE	Residential
DIRECTORATE	Development Services
FILE REFERENCE	TP2026/74, P53288, DA26/57
LEGISLATION	Planning and Development Act 2005
AUTHOR	Sumah Brown (Planning Assistant)
DATE OF REPORT	24 June 2026
DECLARATION OF INTEREST	Nil

BACKGROUND

Council is requested to consider an application for a proposed Unhosted Short Term Rental Accommodation (STRA), utilising the existing dwelling at Lot 341 (18) Sheoak Street, Walpole.

As shown in the location plan below the property is located on Sheoak Street with the closest intersection being Banksia Street.



The applicant is seeking approval to use the existing dwelling as a Holiday House. The details of the application are as follows:

- The application proposes the number of guests to be a maximum of six (6) persons.
- Key collection will be from the lock box on site, or from the Burton Realty Office.
- Parking will be available within the property. There are four (4) car parking spaces in the driveway.
- A Management Plan has been prepared. The property will be managed, by Burton Realty. A cleaner/caretaker will be hired cleaning and maintenance as needed.
- The Emergency Plan will be implemented as submitted.
- No signage will be displayed at the property.
- Bookings for the Holiday Accommodation will be made through several booking sites including Air BnB, Stayz and Burton Realty Website.

Details of the proposal as submitted are attached.

ATTACHMENT: 9.5.6 (1)

Council is requested to determine the application given that the proposal has received objections from surrounding landowners. Shire officers do not have delegated authority to determine applications where submissions objecting to a proposal has been received as a result of advertising.

PUBLIC CONSULTATION UNDERTAKEN

In accordance with the requirements of the Shire of Manjimup Local Planning Scheme No.4 (the Scheme) the proposal was referred to all land landowners within a 250m radius for a 21-day period and to the Ward Councillors. A notice was advertised on the Shire's website and in the local newspaper.

At the close of submissions there were objection letters received from three (3) neighbouring landowners. The content of the submissions is detailed in the comment section below and copies of the submissions are attached.

ATTACHMENT: 9.5.6 (2)

COMMENT

The following comments are offered to assist Council in determining the application. The subject land is zoned Residential with a R-10 density within the Scheme.

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 67 of the Planning and Development Regulations 2015 (P&D Regs). These matters include, but are not limited to:

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (g) any local planning policy for the Scheme area
- (n) the amenity of the locality including the following -environmental impacts; the character of the locality; social impacts of the development;
- (y) any submissions received on the application;
- (zb) any other planning consideration the local government considers appropriate.

Zoning Purpose

The provisions of the Scheme include the subject of land within the Residential Zone. The purpose of the zone is to provide for the adequate provision of suitably located land to provide for varied and urban residential environment to meet the needs of the community and to promote the amenity of residential areas and which reflects a non-metropolitan lifestyle.

The objectives of the Scheme relating to this zone are to promote and safeguard the health, safety and convenience, general welfare and the amenity of residents and the residential area.

Land Use Classification

The Planning & Development (Local Planning Schemes) Regulations 2015 have been amended to define Unhosted Short Term Rental Accommodation, as:

***“Unhosted short term rental accommodation – means short-term rental accommodation (a dwelling provided on a commercial basis for occupation under a short-term rental arrangement that) –
a) is not hosted short-term rental accommodation; and
b) accommodates a maximum of 12 people per night”***

As described in the proponent’s management plan, the application is for the subject dwelling to be accommodated by a maximum of six (6) persons, at any one time, all of which will be known to each other.

Land Use Permissibility

Unhosted STRA is an ‘A’ land use within a Residential Zone. That is a use that is not permitted unless the local government has exercised its discretion by granting planning approval after given special notice in accordance with Clause 9.6 of the Scheme. With advertising of the proposal completed in accordance with Clause 9.6.

Zoning Requirements

The proposed Unhosted STRA does not prohibit the use reverting back to a permanent occupancy in the future and is therefore considered to meet the objectives of the zone as it will provide the owner with a source of income and support tourism in the area. It should be noted that the land use is considered by the State Administrative Tribunal as a commercial land use and may impact on the amenity of residential zones if not managed appropriately.

Local Planning Policy 6.1.5 – Unhosted Short Term Rental Accommodation

Several provisions of Local Planning Policy 6.1.5 – Unhosted STRA have been introduced to deal with management and potential issues that may arise. The purpose of the Policy is to, amongst other things:

- Establish protocols for effective local management of Unhosted STRA Operations
- Require effective monitoring of accommodation operations to ensure compliance with planning and local management requirements.
- Standardise the conditions of approval of Unhosted STRA approved under previous planning framework to ensure all accommodation operations are managed and controlled under the same planning parameters.
- Provide guidance in the assessment of holiday accommodation in Bushfire Prone Areas and Agricultural zones; and
- Provide for an Unhosted STRA to automatically revert to its original dwelling purpose as either the result of non-renewal of an approval or the sale of the property without arrangements having been made for the transfer of the Unhosted STRA approval.

In line with the above, a primary objective of the policy is to ensure that Unhosted STRA is operated in a manner that does not impact on surrounding residents of Walpole. To achieve effective management of the application if approved the following requirements would be imposed as conditions.

- The permit holder/ local manager must be located within 30 minutes from the Holiday Accommodation and be available to manage the day-to-day accommodation.
- The local manager is to be able to immediately respond to any matters raised by either guests, neighbours, local government or emergency services at all times the Unhosted STRA is occupied.
- The submitted management details that form part of this application shall be implemented on an ongoing basis.
- The Emergency Plan, including provision of the Manager's contact details, is to be always displayed in the Unhosted STRA.

In addition, as recommended by the policy a copy of the Insurance Certificate prior to commencement of the use is recommended prior to commencement of the approved land use.

Traffic Management and Parking

The application as submitted indicates that the accommodation will be leased with the maximum number guests being six (6) and that parking is available for four (4) cars. The proposal meets the requirements of two (2) car spaces and there is ample parking available on site should any more parking be required. Should the application be approved it is recommended that a condition be imposed to require all parking associated with the activity to be

wholly contained within the property and is not to encroach on the road reserve.

Emergency Plan

An Emergency Plan has been prepared in accordance with the Policy requirements and is to be displayed in a prominent location. This management plan outlines how guests are to respond to an emergency and is to assume all guests have no local knowledge. Shire staff consider that there is appropriate information in the Emergency Plan.

Health (Miscellaneous Provisions) Act, 1911

The proposed use will be required to operate in compliance with all relevant requirements of the Health (Miscellaneous Provisions) Act, 1911. Shire staff consider that the property will or can be made to comply with the health legislation. It is recommended that an advice note be included on any approval granted by Council to reflect this.

Submissions Received

As addressed above, there was three (3) letters of objection received during the advertising period. The following is a summary of the concerns raised.

- Noise Issues arising from anti-social behaviour.
- Not enough permanent rental accommodation available in the town for critical services and permanent residents.
- Expanding local business with more employees is not a viable option due to lack of housing available.
- Large number of holiday homes in the town do not assist with servicing the town and building up the local community.
- Balance should be used to ensure there is enough infrastructure available to the community.
- Concerns of cars and Boat trailers potentially being parked in the street.

As required by the Shire's Local Planning Policy an initial limited approval of 12 months is granted for Unhosted STRA to ensure that negative impacts to neighbouring residents are managed and that any disturbance caused can be mitigated by means of a local manager prior to an extension of the approval being granted.

However, Council should acknowledge the negative concerns raised by the Walpole community in regard to the holiday houses being proposed within Walpole. Should Council consider the number of approved Holiday Accommodations detrimental to long term service provisions, then a cap on future approvals may need to be discussed. A review of the census data is programmed for later this year.

STATUTORY ENVIRONMENT

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

POLICY / STRATEGIC IMPLICATIONS

As outlined in the comment section above, the application has been assessed in accordance with the Shire of Manjimup's Local Planning Scheme No.4 and the provisions of Local Planning Policy 6.1.5 – Unhosted Short Term Rental Accommodation.

ORGANISATIONAL RISK MANAGEMENT

Nil.

FINANCIAL IMPLICATIONS

As outlined in the comment section above, the application has been assessed in accordance with the Shire of Manjimup's Local Planning Scheme No.4 and the provisions of Local Planning Policy 6.1.5 – Unhosted Short Term Rental Accommodation.

SUSTAINABILITY

Environmental: Nil.

Economic: The application, if approved, will allow the proponent to increase business activity on the property and potentially increase the economic return of the property. However, may have an impact on the longer-term sustainability of the community. Increased tourist accommodation will contribute to visitor economy.

Social: Appropriate management of the accommodation is required to ensure that the activity does not detrimentally impact on the amenity of the area. The ability for 12-month approval provides the opportunity for complaints to alter on going approvals.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council in accordance with Part 10 of the Shire of Manjimup Local Planning Scheme No. 4, grants planning approval for an Unhosted Short Term Rental Accommodation at Lot 18 (341) Sheoak Street, Walpole (TP2026/74) in accordance with the submitted plan as shown at Attachment: 9.5.6 (1) and subject to compliance with the following conditions:

1. The use as permitted shall operate in accordance with the submitted plans and supporting documents as listed below:

Reference	Document Title	Date Received
1.	Management Plan	21 May 2026
2.	Emergency Plan	21 May 2026
3.	Site Plan	21 May 2026
4.	Floor Plan	21 May 2026
5.	Evacuation Plan	21 May 2026

2. The development approval is granted for a period expiring on 30 June 2027 only, after which period the use shall cease, unless otherwise granted an annual renewal to continue to use for a further period of 12 months by the Shire of Manjimup.
3. The person nominated as the local manager is to be able to promptly (within 30 minutes) respond to any matters raised by either guests, neighbours, the local government or emergency services at all times the holiday house is occupied. Local Manager details are to be able to be viewed external to the dwelling.
4. Prior to the commencement of the approved use, the applicant is to submit, to the satisfaction of the Shire of Manjimup, a copy of their Public Liability Insurance.
5. The Unhosted Short Term Rental Accommodation hereby approved is limited to six (6) persons who are known to each other in the premises at any one time to the satisfaction of the Shire of Manjimup. Advertising of the property should reflect the numbers approved.
6. The Unhosted Short Term Rental Accommodation is not to be occupied by a person for more than three (3) months within any twelve (12) month period.
7. The submitted management details that form part of this application shall be implemented on an ongoing basis to the satisfaction of the Shire of Manjimup.
8. The Emergency Plan, including provision of the Manager's contact details, is to be displayed in the Unhosted Short Term Rental Accommodation at all times.
9. A minimum of two (2) car parking spaces are to be provided onsite for the use of users of the Unhosted Short Term Rental Accommodation. Parking must not encroach on the verge or road reserve.

Advice to Applicant

1. The approved development must comply with all relevant provisions of the Health (Miscellaneous Provisions) Act, 1911, and the Building Act 2016.

2. The use of the accommodation proposed may require the installation of additional smoke alarms and emergency lighting for a Class 1b building as detailed in the Building Code of Australia, Part 3.7.2, Smoke Alarms.
3. In all buildings approved for use as a Unhosted Short Term Rental Accommodation, a system of emergency lighting will need to be installed to assist in evacuation of occupants in the event of fire and this lighting will need to:
 - 3.1 be activated by a smoke alarm(s); and
 - 3.2 consist of:
 - 3.2.1 lights incorporated into the smoke alarm itself; and
 - 3.2.2 lighting located in the corridor, hallway or area served by the required smoke alarm(s).
4. Any occupancy above six (6) persons of the Unhosted Short Term Rental Accommodation will require secondary approval as a “Lodging House” pursuant to the Shire of Manjimup Health Local Laws.
5. Any advertising signage that does not form part of this approval for Unhosted Short Term Rental Accommodation, beyond the requirements of the Shire of Manjimup Local Planning Scheme No. 4, will require the further approval of the Shire of Manjimup.
6. Directional Signage must not be installed unless otherwise approved by the Shire of Manjimup.

COUNCIL RESOLUTION

MOVED: Cr Burns

SECONDED: Cr Bettink

29967

That Council in accordance with Part 10 of the Shire of Manjimup Local Planning Scheme No. 4, grants planning approval for an Unhosted Short Term Rental Accommodation at Lot 18 (341) Sheoak Street, Walpole (TP2026/74) in accordance with the submitted plan as shown at Attachment: 9.5.6 (1) and subject to compliance with the following conditions:

1. The use as permitted shall operate in accordance with the submitted plans and supporting documents as listed below:

Reference	Document Title	Date Received
1.	Management Plan	21 May 2026
2.	Emergency Plan	21 May 2026
3.	Site Plan	21 May 2026
4.	Floor Plan	21 May 2026
5.	Evacuation Plan	21 May 2026

2. The development approval is granted for a period expiring on 30 June 2027 only, after which period the use shall cease, unless otherwise granted an annual renewal to continue to use for a further period of 12 months by the Shire of Manjimup.
3. The person nominated as the local manager is to be able to promptly (within 30 minutes) respond to any matters raised by either guests, neighbours, the local government or emergency services at all times the holiday house is occupied. Local Manager details are to be able to be viewed external to the dwelling.
4. Prior to the commencement of the approved use, the applicant is to submit, to the satisfaction of the Shire of Manjimup, a copy of their Public Liability Insurance.
5. The Unhosted Short Term Rental Accommodation hereby approved is limited to six (6) persons who are known to each other in the premises at any one time to the satisfaction of the Shire of Manjimup. Advertising of the property should reflect the numbers approved.
6. The Unhosted Short Term Rental Accommodation is not to be occupied by a person for more than three (3) months within any twelve (12) month period.
7. The submitted management details that form part of this application shall be implemented on an ongoing basis to the satisfaction of the Shire of Manjimup.
8. The Emergency Plan, including provision of the Manager's contact details, is to be displayed in the Unhosted Short Term Rental Accommodation at all times.
9. A minimum of two (2) car parking spaces are to be provided onsite for the use of users of the Unhosted Short Term Rental Accommodation. Parking must not encroach on the verge or road reserve.

Advice to Applicant

1. The approved development must comply with all relevant provisions of the Health (Miscellaneous Provisions) Act, 1911, and the Building Act 2016.
2. The use of the accommodation proposed may require the installation of additional smoke alarms and emergency lighting for a Class 1b building as detailed in the Building Code of Australia, Part 3.7.2, Smoke Alarms.
3. In all buildings approved for use as a Unhosted Short Term Rental Accommodation, a system of emergency lighting will need to be installed to assist in evacuation of occupants in the event of fire and this lighting will need to:
 - 3.1 be activated by a smoke alarm(s); and
 - 3.2 consist of:

3.2.1 lights incorporated into the smoke alarm itself; and

3.2.2 lighting located in the corridor, hallway or area served by the required smoke alarm(s).

- 4. Any occupancy above six (6) persons of the Unhosted Short Term Rental Accommodation will require secondary approval as a “Lodging House” pursuant to the Shire of Manjimup Health Local Laws.**
- 5. Any advertising signage that does not form part of this approval for Unhosted Short Term Rental Accommodation, beyond the requirements of the Shire of Manjimup Local Planning Scheme No. 4, will require the further approval of the Shire of Manjimup.**
- 6. Directional Signage must not be installed unless otherwise approved by the Shire of Manjimup.**

ADOPTED BY EN BLOC RESOLUTION: 7/0

For: Shire President Buegge, Cr Bettink, Cr Burns, Cr Darin, Cr De Campo, Cr Miolin, Cr Willcox.

Against: Nil.

PROPOSITOR	SecondGLT Pty Ltd
OWNER	SecondGLT Pty Ltd
LOCATION / ADDRESS	Lot 71 and 72 Pritchard Street and Lot 73 and 74 Narocki Way, Manjimup
WARD	Urban
ZONE	Town Centre
DIRECTORATE	Development Services
FILE REFERENCE	DA24/127 P52048, 52122, 52197, 52278
LEGISLATION	Planning and Development Act 2005
AUTHOR	Jocelyn Baister
DATE OF REPORT	25 June 2026
DECLARATION OF INTEREST	Nil

Council at its 12 December 2024 Ordinary Council Meeting considered a Responsible Authority Report for a proposed 76 unit motel and restaurant at Lot 71(23) and 72 (21) Pritchard Street and Lot 73 and 74 Narocki Way, Manjimup. A location plan is provided below and an extract of the minutes are appended.

[illegible]

PUBLIC CONSULTATION UNDERTAKEN

Nil.

COMMENT

The subject land has a combined total area of 9,239m² 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.

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

- A reduction in the number of Motel units from the approved 76 units (38 dual key units) to a total of 40 units.
- Each unit is provided with an external deck / seating area with an individual car bay, compared to the approved design where two abutting car bays were provided for each set of dual key units.
- Accordingly, a total of 60 car bays have been provided, including:
 - 40 car bays for the Motel units (1 per unit); and
 - 20 car bays for the Restaurant and Motel service areas.
- Landscaping and street setback areas have been increased.

The applicant has provided a notice that the amended 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. Due to changes in legislation since the 2025 approval, Council is only requested to note the report that has been submitted to the DAP 16 July 2026.

Of note, the applicants request to delete condition 2 and 12 of the conditional approval is not supported in its entirety by Shire Staff, however amendments are recommended. In addition, Shire staff have recommended an additional condition with regards to elements proposed that encroach in the road reserve, this was not captured in the 2025 approval.

A copy of the submitted report is provided attached.

ATTACHMENT: 9.5.7 (1)

STATUTORY ENVIRONMENT

Planning and Development Act 2005, Planning and Development (Development Assessment Panels) Regulations 2011, Local Government (Development Assessment Panels) Regulations 2025, 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 2025/26 annual budget and the Planning and Development (Development Assessment Panels) Regulations 2011 fees and charges.

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 note the Responsible Authority Report prepared and submitted to the Regional Development Assessment Panel for an amendment application for a Motel and Restaurant at Lot 71 and 72 Pritchard Street and Lot 73 and 74 Narocki Way, Manjimup.

COUNCIL RESOLUTION

MOVED: Cr Burns

SECONDED: Cr Bettink

29968

That Council note the Responsible Authority Report prepared and submitted to the Regional Development Assessment Panel for an amendment application for a Motel and Restaurant at Lot 71 and 72 Pritchard Street and Lot 73 and 74 Narocki Way, Manjimup.

ADOPTED BY EN BLOC RESOLUTION: 7/0

For: Shire President Buegge, Cr Bettink, Cr Burns, Cr Darin, Cr De Campo, Cr Miolin, Cr Willcox.

Against: Nil.

ATTACHMENT**9.5.8 Delegated Planning Decisions June 2026**

PROPONENT	Shire of Manjimup
OWNER	Various
LOCATION / ADDRESS	Various
WARD	All
ZONE	Various
DIRECTORATE	Development Services
FILE REFERENCE	F170085
LEGISLATION	Planning and Development Act 2005 and Local Government Act 1995
AUTHOR	Kelli Summerfield (Planning Administration Officer)
DATE OF REPORT	8 July 2026
DECLARATION OF INTEREST	Nil

BACKGROUND

In order to ensure the efficient and timely processing of planning related applications, Council delegates authority to the Chief Executive Officer to conditionally approve applications for Development Approval that meet the requirements of both Local Planning Scheme No. 4 (the Scheme) and adopted Planning Policy.

Delegated planning decisions are reported to Council on a monthly basis to ensure that Council has an appropriate level of oversight on the use of this delegation. A register of Delegated Development Approvals, detailing those decisions made under delegated authority in June 2026 are attached.

ATTACHMENT: 9.5.8 (1)

PUBLIC CONSULTATION UNDERTAKEN

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

COMMENT

During June 2026, eleven (11) 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 June 2026 compared to June 2025.

Table 1: Planning Decisions Made June 2025 and June 2026

	June 2025	June 2026
Delegated Decisions	11 (\$357,880)	11 (\$1,420,269)
Council Decisions	1 (\$0)	3 (\$103,400)
Total	12 (\$357,880)	14 (\$1,523,669)

Table 2 compares the Year-To-Date statistics for delegated authority and Council decisions for 2025-26 compared to the previous Financial Year:

Table 2: Planning Decisions Made Year-To-Date 2024-25 and 2025-26

	YTD 2024-25	YTD 2025-26
Delegated Decisions	147 (\$16,194,110)	130 (\$22,137,450)
Council Decisions	25 (\$3,277,550)	30 (\$1,196,829)
Total	172 (\$19,471,610)	160 (\$23,334,279)

During the month of June comments were provided to the Western Australian Planning Commission on one (1) subdivisions, and conditions were cleared on one (1) subdivision.

STATUTORY ENVIRONMENT

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

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

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

POLICY / STRATEGIC IMPLICATIONS

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

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

ORGANISATIONAL RISK MANAGEMENT

Nil.

FINANCIAL IMPLICATIONS

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

SUSTAINABILITY

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

Officer Recommendation

That Council receive the report on Delegated Development Approvals for June 2026 as per Attachment: 9.5.8 (1)

COUNCIL RESOLUTION

MOVED: Cr Burns

SECONDED: Cr Bettink

29969

That Council receive the report on Delegated Development Approvals for June 2026 as per Attachment: 9.5.8 (1).

ADOPTED BY EN BLOC RESOLUTION: 7/0

For: Shire President Buegge, Cr Bettink, Cr Burns, Cr Darin, Cr De Campo, Cr Miolin, Cr Willcox.

Against: Nil.

ATTACHMENT**9.9.1 Disability Inclusive Emergency Planning Forum Report**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS	NA
WARD	NA
ZONE	NA
DIRECTORATE	Community Services
FILE REFERENCE	F160152
LEGISLATION	Local Government Act 1995 Disability Services Act 1993 (WA) Emergency Management Act 2005
AUTHOR	Rachael Tannahill (Community Development Officer)
DATE OF REPORT	29 June 2026
DECLARATION OF INTEREST	Nil

BACKGROUND

In February 2024, the Department of Fire and Emergency Services (DFES) sought expressions of interest from local governments across Western Australia, including the Shire of Manjimup, to participate in a Disaster Ready Fund (DRF) Round 2 (2024–2025) application to the Australian Government. The grant proposal sought funding to deliver 11 Disability Inclusive Emergency Planning (DIEP) Forums across the State.

The application was successful, with DFES awarded \$314,196 (excluding GST) as the Australian Government's 50% funding contribution. The remaining co-contribution was provided by project partners, including participating local governments the University of Sydney, and DFES.

Council formally endorsed participation during its Original Council Meeting held on 12 September 2024, as per the resolution below:

COUNCIL RESOLUTION**29556****That Council:**

- 1. Support the proposal for the Shire of Manjimup to participate in the Disability Inclusive Emergency Planning Forums to be held across Western Australia by the Department of Fire and Emergency Services and the University of Sydney.**
- 2. Approve \$2,000 to be expended from the Unspecified Community Grants budget allocation in the 2024-25 financial year to host a Disability Inclusive Emergency Planning Forum in the Shire of**

Manjimup.

- 3. Authorise the Chief Executive Officer to approve funding of this nature (incidental activities) up to \$5,000, in accordance with Shire Policy.**

On 4 September 2025, representatives from the Shire of Manjimup participated in a Disability Inclusive Emergency Management (DIEM) Forum facilitated by DFES in partnership with the University of Sydney. Information gathered during the forum has been compiled into a DIEM Report, which identifies strengths, challenges and opportunities to improve disability inclusion across all phases of emergency management while recognising the important role of local government in building more inclusive and resilient communities.

The purpose of this agenda item is for Council to acknowledge the attached DIEM Report and note the recommendations arising from the forum.

ATTACHMENT: 9.9.1 (1)

PUBLIC CONSULTATION UNDERTAKEN

Nil.

COMMENT

The forum brought together local government representatives, emergency services, community organisations, disability service providers and community members with lived experience of disability to identify opportunities to improve emergency management planning, preparedness, response and recovery for people living with disability.

The report outlines practical actions for local governments to consider. Based on the insights and practices identified in the report, the following actions have been recommended:

- Use the Disability Inclusive Emergency Management Toolkit and eLearning resources to conduct a self-assessment of current practices and identify priority actions for improvement.
- Strengthen collaboration and community between local services providers, community organisations, and emergency services to address gaps in resource sharing and evacuation planning.
- Develop or refine community-driven resilience plans, incorporating clear roles, responsibilities, and communication pathways.
- Advocate for accessible evacuation centres and emergency communication tools, ensuring that all materials and facilities meet the needs of individuals with disabilities.

- Promote early education and person-centred planning, empowering individuals and families to prepare proactively and reduce last-minute uncertainties during emergency.
- Seek to address systematic issues, such as the lack of a centralised service provider registry, through collective advocacy and partnerships with higher-level organisations.

These findings provide valuable guidance for the Shire's ongoing emergency management planning and supports continuous improvement in ensuring emergency preparedness, response and recovery activities are inclusive of all community members.

STATUTORY ENVIRONMENT

Local Government Act 1995
Disability Services Act 1993
Emergency Management Act 2005

POLICY / STRATEGIC IMPLICATIONS

The development of a Disability Inclusive Emergency Management Report and associated Disability Inclusive Emergency Preparedness Forum aligns with the Shire of Manjimup's Shire of Manjimup's Strategic Community Plan 2021 – 2031 and Corporate Business Plan 2023 – 2027 by supporting the delivery of inclusive, safe and resilient communities.

The project strongly supports the objectives highlighted in the Shire's Access and Inclusion Plan 2024-2029, reinforcing Council's commitment to ensuring people with disability can participate safely and equitably in community life, including emergency planning, response and recovery.

ORGANISATIONAL RISK MANAGEMENT

There are no direct organisational risks associated with this report. The findings assist the Shire in identifying opportunities to strengthen disability-inclusive emergency management planning and improve community resilience.

FINANCIAL IMPLICATIONS

There are no financial implications associated with receiving this report. Any future initiatives arising from the report's recommendations will be subject to separate consideration through the Shire's budget and planning processes.

SUSTAINABILITY

Environmental: Nil.

Economic: Nil.

Social: Supports inclusive emergency management planning and contributes to a more resilient community.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council:

- 1. Receive the Shire of Manjimup Disability Inclusive Emergency Management Report.**
- 2. Note the below recommendations listed in the report:**
 - 2.1 Use the Disability Inclusive Emergency Management Toolkit and eLearning resources to conduct a self-assessment of current practices and identify priority actions for improvement.**
 - 2.2 Strengthen collaboration and community between local services providers, community organisations, and emergency services to address gaps in resource sharing and evacuation planning.**
 - 2.3 Develop or refine community-driven resilience plans, incorporating clear roles, responsibilities, and communication pathways.**
 - 2.4 Advocate for accessible evacuation centres and emergency communication tools, ensuring that all materials and facilities meet the needs of individuals with disabilities.**
 - 2.5 Promote early education and person-centred planning, empowering individuals and families to prepare proactively and reduce last-minute uncertainties during emergency.**
 - 2.6 Seek to address systematic issues, such as the lack of a centralised service provider registry, through collective advocacy and partnerships with higher-level organisations.**

COUNCIL RESOLUTION

MOVED: Cr Burns

SECONDED: Cr Bettink

29970

That Council:

- 1. Receive the Shire of Manjimup Disability Inclusive Emergency Management Report.**
- 2. Note the below recommendations listed in the report:**
 - 2.1 Use the Disability Inclusive Emergency Management Toolkit and eLearning resources to conduct a self-assessment of current practices and identify priority actions for improvement.**
 - 2.2 Strengthen collaboration and community between local services providers, community organisations, and emergency services to address gaps in resource sharing and evacuation planning.**
 - 2.3 Develop or refine community-driven resilience plans, incorporating clear roles, responsibilities, and communication pathways.**
 - 2.4 Advocate for accessible evacuation centres and emergency communication tools, ensuring that all materials and facilities meet the needs of individuals with disabilities.**
 - 2.5 Promote early education and person-centred planning, empowering individuals and families to prepare proactively and reduce last-minute uncertainties during emergency.**
 - 2.6 Seek to address systematic issues, such as the lack of a centralised service provider registry, through collective advocacy and partnerships with higher-level organisations.**

ADOPTED BY EN BLOC RESOLUTION: 7/0

For: Shire President Buegge, Cr Bettink, Cr Burns, Cr Darin, Cr De Campo, Cr Miolin, Cr Willcox.

Against: Nil.

ATTACHMENT APPENDIX

9.11.1 Proposed New Policy 11.1.1 Shire Libraries - Terms and Conditions of Use

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS	Whole of Shire
WARD	All
ZONE	All
DIRECTORATE	Community Services
FILE REFERENCE	F161014
LEGISLATION	Local Government Act 1995
AUTHOR	Vanda Dei-Tos (Manager Libraries and Cultural Services)
DATE OF REPORT	14 July 2026
DECLARATION OF INTEREST	Nil

BACKGROUND

The Shire partners with the WA State Government under the *State and Local Government Agreement for the Provision of Public Library Services in Western Australia* to deliver accessible and sustainable library services. Through this agreement, the Shire provides library services across its four major towns, supporting community access to information, learning, culture and connection.

This policy outlines the requirements, responsibilities and expectations for accessing and using library facilities, services and resources. It also defines staff responsibilities in maintaining a welcoming, safe and professional library environment for all users.

In addition, the Policy provides clear guidance on the standards of behaviour expected of library patrons, supporting the effective management of library spaces at a time when incidents of inappropriate and disruptive behaviour in public libraries are increasing.

The purpose of this report is to present for adoption the new Council Policy as attached.

ATTACHMENT: 9.11.1 (1)

PUBLIC CONSULTATION UNDERTAKEN

Nil.

COMMENT

This policy was previously Management Policy 8.9 Terms and Conditions of Library Use. As it provides advice and guidance to library patrons, it has been reviewed and is now considered more appropriately classified as a Council Policy. The Management Policy is appended.

APPENDIX: 9.11.1 (A)

STATUTORY ENVIRONMENT

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS

Adoption of this policy supports Council's commitment to maintaining policies that are current, relevant and aligned with established standards and best practice, while providing clear guidance for both the public and staff. The policy is consistent with strategies (C4) supporting community goals in the Shire's Strategic Community Plan 2021-2031.

ORGANISATIONAL RISK MANAGEMENT

This policy provides clear guidelines on the expectations and conduct of library patrons and staff, ensuring the safe, respectful and appropriate use of public library spaces. It seeks to mitigate disruptive incidents and support the Shire's effective delivery of library services.

FINANCIAL IMPLICATIONS

Nil.

SUSTAINABILITY

Environmental: Nil.

Economic: Nil.

Social: The community expects to access library services in an environment that is safe, respectful and professionally managed.

VOTING REQUIREMENTS: SIMPLE MAJORITY

Officer Recommendation

That Council adopt the Policy 11.1.1 – Shire Libraries - Terms and Conditions of Use as per Attachment: 9.11.1 (1).

COUNCIL RESOLUTION

MOVED: Cr Burns SECONDED: Cr Bettink

29971

That Council adopt the Policy 11.1.1 – Shire Libraries - Terms and Conditions of Use as per Attachment: 9.11.1 (1).

ADOPTED BY EN BLOC RESOLUTION: 7/0

For: Shire President Buegge, Cr Bettink, Cr Burns, Cr Darin, Cr De Campo, Cr Miolin, Cr Willcox.

Against: Nil.

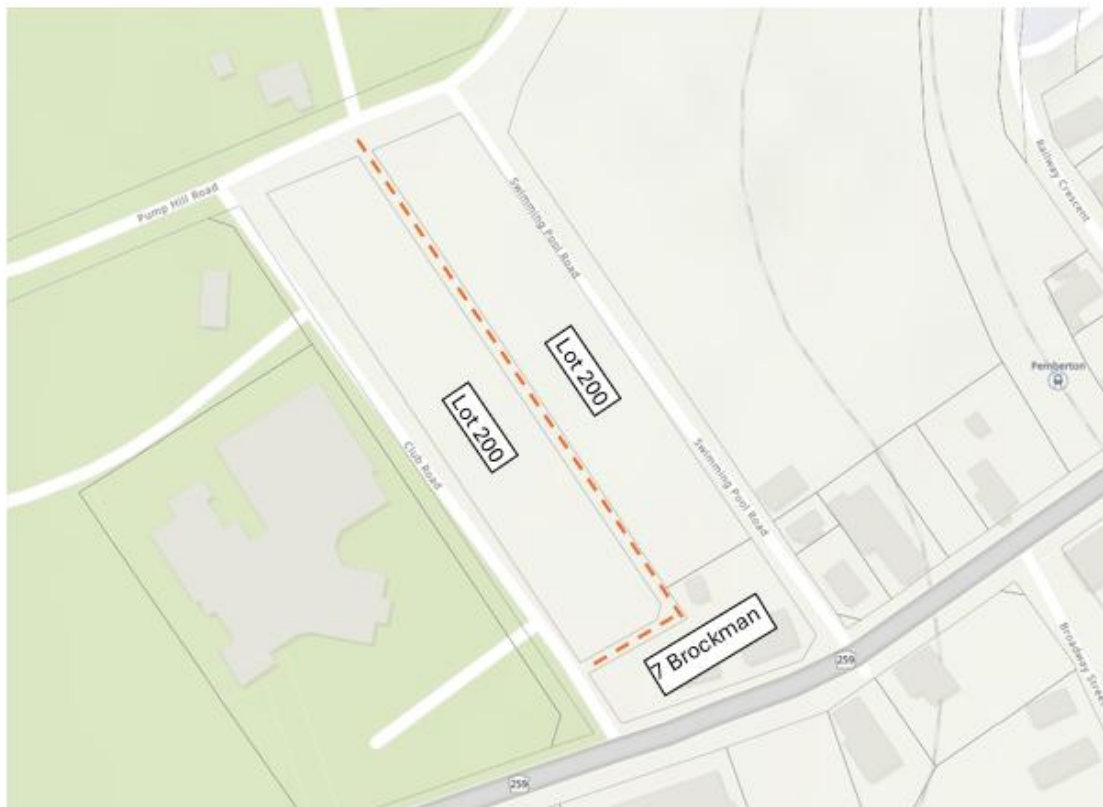
9.12.1 Proposed Road Closure of an Unconstructed Road Reserve in the Vicinity of Club Road and Pump Hill Road, Pemberton.

PROPONENT	James Gillies
OWNER	Shire of Manjimup
LOCATION / ADDRESS	Club Road, Pemberton
WARD	Rural
ZONE	Road Reserve
DIRECTORATE	Infrastructure Services
FILE REFERENCE	F230129
LEGISLATION	Local Government Act 1995 Land Administration Act 1997
AUTHOR	Kristie Inker (Administration Officer Infrastructure Services)
DATE OF REPORT	2 July 2026
DECLARATION OF INTEREST	Nil

BACKGROUND

The Shire has received a request to close an unconstructed road reserve in the vicinity of Club Road and Pump Hill Road, Pemberton.

Location Plan



The subject road reserve is currently unconstructed and does not provide a transport, access or public utility function. The reserve adjoins residential and community land and is not used as part of the existing road network.

The proposed closure would facilitate the amalgamation of the closed road reserve with adjoining land, resolve an existing encroachment associated with an adjoining property, and rationalise land tenure arrangements in the area.

The purpose of this agenda item is to determine Council support for the closure and amalgamation of the unconstructed road reserve and to seek authorisation to initiate the statutory public consultation process in accordance with the Land Administration Act 1997.

PUBLIC CONSULTATION UNDERTAKEN

Nil.

COMMENT

The subject road reserve is unconstructed, unused and provides no apparent transportation, access or public utility function.

A preliminary assessment indicates that closure of the road reserve would not adversely impact the existing road network, public access arrangements or adjoining landowners. The reserve is not required to provide access to any landlocked lots and does not form part of any strategic road network connection. The road reserve is also considered surplus to the current and foreseeable operational requirements of the Shire's road network.

The proposal would also resolve an existing encroachment associated with an adjoining property and rationalise land tenure arrangements in the area. Closure and subsequent amalgamation would remove the need for ongoing management of a redundant road reserve while providing greater certainty regarding land ownership and maintenance responsibilities.

Should Council support the proposal, public advertising and consultation with adjoining landowners, utility providers and relevant government agencies will be undertaken in accordance with statutory requirements. Any submissions received during the consultation period will be presented to Council for consideration prior to any final determination.

Given the reserve is unconstructed, serves no current or foreseeable public purpose, and appears surplus to the operational requirements of the road network, it is considered appropriate to commence the statutory road closure process. Accordingly, it is recommended that Council support the closure of the unconstructed road reserve located in the vicinity of Club Road and Pump Hill Road, Pemberton, and authorise commencement of the required statutory public consultation process.

Should the proposal proceed, the closed road reserve would be amalgamated with adjoining land, thereby resolving the existing encroachment and improving overall land tenure arrangements.

STATUTORY ENVIRONMENT

To enable the closure of a public road, the Land Administration Act 1997 prescribes a public consultation period of 35 days followed by consideration by Council and referral to the Minister for Lands.

The Local Government Act 1995 requires public notice for a whole or partial road closure.

POLICY / STRATEGIC IMPLICATIONS

The closure and amalgamation of redundant road reserves supports efficient land administration and reduces the ongoing management burden associated with land that provides no strategic, operational or community benefit.

The proposal also facilitates the rationalisation of land tenure arrangements and the resolution of an existing encroachment issue.

ORGANISATIONAL RISK MANAGEMENT

Prior to Council initiating the road closure process, there is an obligation to ensure that the proposal will not create landlocked lots, adversely impact utility infrastructure or remove a strategically important future road connection.

A preliminary assessment indicates these risks are low. The statutory consultation process will provide an opportunity for service authorities, adjoining landowners and relevant government agencies to identify any concerns before the proposal is progressed further.

FINANCIAL IMPLICATIONS

Nil.

Progression of the road closure is on the basis that the proponent is responsible for all costs associated with the proposal, including advertising, survey and application costs.

SUSTAINABILITY

Environmental: Nil.

Economic: Closure of a redundant and unconstructed road reserve reduces unnecessary land administration and management requirements.

Social: The proposal is not expected to adversely impact public access or community facilities.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council:

- 1. Support the closure of the unconstructed road reserve in the vicinity of Club Road and Pump Hill Road, Pemberton, subject to no objections being received during the public consultation period detailed in point 2 below.**
- 2. Direct the Chief Executive Officer to undertake the statutory public consultation process regarding the proposed closure of the unconstructed road reserve and subsequent amalgamation with adjoining land in accordance with the requirements of the Land Administration Act 1997.**
- 3. Subject to no objections being received in response to the advertising referred to in point 2 above, grant delegated authority to the Chief Executive Officer to forward a request to the Minister for Lands for approval to close the unconstructed road reserve in accordance with section 58 of the Land Administration Act 1997.**
- 4. Indemnify the Minister for Lands against any claim for compensation resulting from the proposed road closure.**
- 5. Request the Chief Executive Officer bring a report back for Council consideration should any objection be received as a result of the statutory public consultation process.**

COUNCIL RESOLUTION

MOVED: Cr Burns

SECONDED: Cr Bettink

29972

That Council:

- 1. Support the closure of the unconstructed road reserve in the vicinity of Club Road and Pump Hill Road, Pemberton, subject to no objections being received during the public consultation period detailed in point 2 below.**
- 2. Direct the Chief Executive Officer to undertake the statutory public**

consultation process regarding the proposed closure of the unconstructed road reserve and subsequent amalgamation with adjoining land in accordance with the requirements of the Land Administration Act 1997.

3. Subject to no objections being received in response to the advertising referred to in point 2 above, grant delegated authority to the Chief Executive Officer to forward a request to the Minister for Lands for approval to close the unconstructed road reserve in accordance with section 58 of the Land Administration Act 1997.
4. Indemnify the Minister for Lands against any claim for compensation resulting from the proposed road closure.
5. Request the Chief Executive Officer bring a report back for Council consideration should any objection be received as a result of the statutory public consultation process.

ADOPTED BY EN BLOC RESOLUTION: 7/0

For: Shire President Buegge, Cr Bettink, Cr Burns, Cr Darin, Cr De Campo, Cr Miolin, Cr Willcox.

Against: Nil.

ATTACHMENT**9.13.1 Review of Road Construction and Maintenance Activities for the 2025/2026 Financial Year**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS	Shire of Manjimup
WARD	Whole of Shire
ZONE	Road Reserve
DIRECTORATE	Infrastructure Services
FILE REFERENCE	F161383
LEGISLATION	<i>Local Government Act 1995</i>
AUTHOR	Catherine Mills (Director Infrastructure Services)
DATE OF REPORT	1 July 2026
DECLARATION OF INTEREST	Nil

BACKGROUND

One of the Performance Requirements of the Strategic Corporate Business Outcomes is to improve efficiency of road development and maintenance. The Key Performance Indicator 4.1 is to establish a practical process for the identification of road priority activities, including baseline information and benchmarking information to improve efficiency and service delivery.

Baseline and benchmarking information should be provided in a structured and data-driven manner, to ensure transparency and highlight areas for improvement.

The purpose of this report is to provide a clear understanding of current performance, to outline key activities carried out over the last twelve (12) months in the areas of road construction and road maintenance.

PUBLIC CONSULTATION UNDERTAKEN

Nil.

COMMENT

In the 2025/26 financial year, the Shire of Manjimup Council adopted a works infrastructure budget of \$14,203,966 million. This budget summary can be found in the attachments.

ATTACHMENT: 9.13.1 (1)

This budget can be broken down into specific areas as shown in the below table.

Infrastructure Capital Budget Summary (adopted)		
	2025/26	2024/25
Works	\$8,367,358	\$7,859,513
Parks Operations	\$470,076	\$176,495
Bridges	\$5,085,588	\$4,876,588
TOTAL	\$13,923,022	\$12,912,596

During the 2025/2026 financial year, the Shire of Manjimup Works department carried out a number of infrastructure tasks over a wide range of disciplines. The detail of these project can be found in the attachments.

ATTACHMENT: 9.13.1 (2)

For the purpose of this report, the author has broken each component into respective categories for the infrastructure directorate and focused on each separately. The summary and percentage completion is below.

	Adopted Budget 2025/26	Total Exp 2025/26	% Complete 2025/26	% Complete 2024/25
Works	\$8,367,358	\$5,461,848	65%	60%
Parks Operations	\$470,076	\$436,869	93%	50%
Bridges	\$5,085,588	\$4,591,676	90%	14%
TOTAL	\$13,923,022	\$10,490,393	75%	45%

The total works achieved over the 2025/26 financial year equated to approximately 75% efficiency for the directorate. Total increases from 2024/25 and 2025/26 financial years is reflected in the above table.

Maintenance

A total of \$3,872,385 (approximately) was spent on maintenance activities during the same period. This has been tabulated below with a 2024/25 comparison.

Infrastructure Maintenance Budget Summary		
	2025/26	2024/25
Bridges	\$503,830	\$252,824
Carparks	\$17,946	\$17,452
Roads	\$3,019,568	\$2,876,888
Storm Damage	\$118,449	\$126,710
Street Cleaning	\$150,362	\$136,771
Other	\$62,230	\$60,983
TOTAL	\$3,872,385	\$3,471,628

It was noted that the 2025/26 construction season (weather favourable) was limited to November 2025 to April 2026. This was a considerably shorter season to previous year and had an impact on both construction and maintenance.

The increasing cost of bridge maintenance reflects the growing demands of managing an ageing timber bridge network. As these structures continue to age, they require more frequent inspections, repairs, and component replacements to ensure they remain safe and serviceable. Timber bridges are particularly susceptible to deterioration from weather exposure, moisture, heavy vehicle loading, and natural wear over time, resulting in higher maintenance costs each year. The doubling of the maintenance budget acknowledges these escalating requirements and demonstrates Council's commitment to preserving critical transport infrastructure, maintaining public safety, and extending the operational life of these assets while longer-term renewal and replacement strategies are developed.

STATUTORY ENVIRONMENT

Local Government Act 1995
Environmental Protection Act 1986
Aboriginal Heritage Act 1972

POLICY / STRATEGIC IMPLICATIONS

Corporate Business Plan 2023 – 2027

- D5.2 Implement the *15-year Forward Capital Works Program 2021 - 2036* in relation to local road and bridge upgrades and renewals.
- D5.3 Maintain local roads in accordance with Council's adopted *Road Hierarchy Policy (9.1.14)*
- D15. 1 Work with relevant state departments to upgrade and provide safe, sustainable road infrastructure that assists the movement of industry, agricultural products and tourism.
- Goal 5.8 The Shire continuously improves organisational performance and service delivery.

Council Policies – 9.1.14 Road Hierarchy Policy; 9.1.21 Road Traffic Safety

ORGANISATIONAL RISK MANAGEMENT

Roads maintenance and construction is a significant component of the Shire's asset management and service delivery obligations, which is magnified in importance (and risk) in rural and regional Western Australia, particularly where local governments:

- Have extremely limited roads funding options (other than reliance on State and Federal funding for roads).
- Have minimal rate revenue opportunities (compared to more urbanised / populated centres).
- Have proportionately (and in gross terms) more road network to maintain.
- Regionally are struggling with resourcing qualified staff to carry out many functions of road construction and maintenance, particularly competing in areas within the mining resource centres, lack of housing in the regions and lack of adequate services.
- Have limited access to contractors across a variety of technical fields.
- Have a local (and regional) economy which is heavily reliant on safe and effective road networks.

All of the above challenges / risks, are particularly relevant to the Shire of Manjimup, which is the largest south west local government (in area), with the longest road network, with some 85% of its district under State Forest / national Park or Conservation Reserve and a highly dispersed settlement pattern.

All of the above risk implications mean it is more important for the Shire of Manjimup (than perhaps other local governments in the south west) to have a well-functioning roads maintenance and construction framework.

FINANCIAL IMPLICATIONS

There are significant operational and capital financial implications associated with roads maintenance and construction for the Shire of Manjimup, which again, makes it especially important that the Shire has a well-functioning roads maintenance and construction framework.

SUSTAINABILITY

Environmental: Nil.

Economic: Though road works usually come at a significant cost and at times over a long period of time, maintaining and improving the road network will lead to better travel times for industry using this road as well as an increase in tourism traffic.

Social: Maintaining or improving the road network is generally seen as providing a better service to the community. Upgrading any road should conform with best practice safety measures.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council:

1. Note the review presented on Road Construction and Maintenance Activities for the 2025/26 financial year as part of the Shire's benchmarking data with the aim to continuously improve efficiency within the Infrastructure Services department.
2. Request the Chief Executive Officer to present a corresponding report for the 2026/2027 financial year (July 2027).

COUNCIL RESOLUTION

MOVED: Cr Burns

SECONDED: Cr Bettink

29973

That Council:

1. Note the review presented on Road Construction and Maintenance Activities for the 2025/26 financial year as part of the Shire's benchmarking data with the aim to continuously improve efficiency within the Infrastructure Services department.
2. Request the Chief Executive Officer to present a corresponding report for the 2026/2027 financial year (July 2027).

ADOPTED BY EN BLOC RESOLUTION: 7/0

For: Shire President Buegge, Cr Bettink, Cr Burns, Cr Darin, Cr De Campo, Cr Miolin, Cr Willcox.

Against: Nil.

ATTACHMENT**9.13.2 Regional Road Group Program 2027/2028 – Potential Project Opportunities**

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS	Various locations within Shire of Manjimup
WARD	Urban/Rural
ZONE	Road Reserve
DIRECTORATE	Infrastructure
FILE REFERENCE	F161358
LEGISLATION	Local Government Act 1995 State Road Funds to Local Government Agreement
AUTHOR	Kristie Inker (Administration Officer Infrastructure Services)
DATE OF REPORT	24 July 2026
DECLARATION OF INTEREST	Nil

BACKGROUND

The Regional Road Group (RRG) Road Project Grant Program provides funding for improvements to significant local government roads identified within the Roads 2040 network.

Projects approved through the RRG program are generally funded on the basis of a two-thirds contribution from Main Roads Western Australia and a one-third contribution from the relevant local government.

The Shire of Manjimup currently has a number of projects within the RRG program including:

- Graphite Road,
- Channybearup Road,
- Wheatley Coast Road,
- North Walpole Road and
- Old Vasse Road.

Works associated with the previously endorsed scope of works on North Walpole Road have now been completed.

To ensure a continued pipeline of suitable projects for future Regional Road Group funding opportunities, officers have undertaken a review of Roads 2040 routes within the Shire of Manjimup.

The purpose of this report is to present the outcomes of that review and identify/prioritise roads recommended for future Regional Road Group funding consideration.

PUBLIC CONSULTATION UNDERTAKEN

Nil.

COMMENT

Roads 2040 identifies a number of significant local government roads within the Shire of Manjimup that contribute to regional freight movements, forestry operations, tourism, agriculture and community connectivity.

A review of Roads 2040 routes relevant to the Shire has been undertaken and is attached for Council's information and a summary of roads considered during the assessment process is also attached.

ATTACHMENT: 9.13.2 (1)

ATTACHMENT: 9.13.2 (2)

In assessing the potential projects, consideration was given to:

- current road condition;
- road safety;
- freight movements;
- tourism significance;
- strategic importance;
- project scope;
- estimated project costs;
- funding eligibility; and
- deliverability.

Following assessment, officers have identified the following roads/routes as the preferred priority projects for future Regional Road Group funding consideration:

- Wheatley Coast Road,
- Graphite Road,
- Old Vasse Road,
- Ralston, Yanmah, Donnelly, Sears Roads - route,
- Pemberton North, Eastbourne, Diamond Tree Roads – route.

These projects are considered to provide the strongest opportunity for future Regional Road Group funding applications due to their alignment with Roads 2040 objectives, regional significance and potential funding suitability.

Following endorsement by Council, officers will proceed to apply for funding for the above roads for the financial year 2027/28.

Officers will also continue advocacy to the State Government for the transfer of Graphite Road into the State road network, recognising its strategic regional importance and long-term funding requirements.

Any previously funded roads that are not listed will drop off the Regional Road Group program, however, could get back on in future years if Council wishes.

STATUTORY ENVIRONMENT

Projects seeking Road Project Grant funding must be located on roads identified within the Roads 2040 network and are assessed through the Regional Road Group process in accordance with the State Road Funds to Local Government Agreement.

POLICY / STRATEGIC IMPLICATIONS

The Roads 2040 – Regional Strategies for Significant Local Government Roads (South West Region) document provides the strategic framework for Regional Road Group funding applications and identifies roads of regional significance within the Shire of Manjimup.

This report supports the Shire's Strategic Community Plan 2021–2031 objective:

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

It also supports the Corporate Business Plan 2023–2027 objective:

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

Development of a pipeline of potential Regional Road Group projects assists the Shire to maximise future external funding opportunities and supports long-term infrastructure planning.

Failure to identify and develop future projects may reduce the Shire's ability to respond to funding opportunities within required timeframes.

FINANCIAL IMPLICATIONS

Nil at this stage.

The roads identified are currently being assessed only. Most Regional Road Group projects require a local government contribution in accordance with the applicable funding arrangements.

SUSTAINABILITY

Environmental: Future projects will be individually assessed and subject to any required environmental approvals.

Economic: Investment in strategic regional roads supports freight efficiency, tourism, forestry and agricultural industries

Social: Road improvements contribute to road safety, community access and regional connectivity.

VOTING REQUIREMENTS: SIMPLE MAJORITY

Officer Recommendation

That Council:

1. Notes the Review of Roads 2040 undertaken by officers as detailed in Attachment: 9.13.2 (1) and Attachment: 9.13.2 (2).
2. Endorses the following roads as priority projects for Regional Road Group funding consideration for the 2027/28 Financial Year:
 - 2.1. Wheatley Coast Road;
 - 2.2. Graphite Road;
 - 2.3. Old Vasse Road (Hawk Road to Vasse Highway only);
 - 2.4. Ralston, Yanmah, Donnelly, Sears Roads - route;
 - 2.5. Pemberton North, Eastbourne, Diamond Tree Roads – route.

COUNCIL RESOLUTION

MOVED: Cr Burns

SECONDED: Cr Bettink

29974

That Council:

1. Notes the Review of Roads 2040 undertaken by officers as detailed in Attachment: 9.13.2 (1) and Attachment: 9.13.2 (2).

2. Endorses the following roads as priority projects for Regional Road Group funding consideration for the 2027/28 Financial Year:

- 2.1. Wheatley Coast Road;**
- 2.2. Graphite Road;**
- 2.3. Old Vasse Road (Hawk Road to Vasse Highway only);**
- 2.4. Ralston, Yanmah, Donnelly, Sears Roads - route;**
- 2.5. Pemberton North, Eastbourne, Diamond Tree Roads – route.**

ADOPTED BY EN BLOC RESOLUTION: 7/0

For: Shire President Buegge, Cr Bettink, Cr Burns, Cr Darin, Cr De Campo, Cr Miolin, Cr Willcox.

Against: Nil.

9.14.1 Pemberton Artscape – Ownership, Maintenance Responsibilities and Future Management

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS	Brockman Street Pemberton
WARD	Rural
ZONE	Town Centre
DIRECTORATE	Infrastructure Services
FILE REFERENCE	F230180
LEGISLATION	Local Government Act 1995 (WA)
AUTHOR	Kristie Inker (Administration Officer Infrastructure Services)
DATE OF REPORT	6 July 2026
DECLARATION OF INTEREST	Nil

BACKGROUND

The Pemberton Artscape was developed between approximately 2011 and 2013 as part of the broader Pemberton Townscape Project. The project was delivered through a collaboration between the Shire of Manjimup, the Pemberton Townscape Advisory Committee and the Pemberton Arts Group (PAG), with grant funding and co-contributions secured towards the artwork panels and associated electrical works and installation.

As part of ongoing asset management considerations, officers reviewed the ownership and maintenance responsibilities associated with the Artscape installation. The review confirmed that the Artscape is recorded on the Shire's asset register and included within the Shire's insurance schedule, supporting the conclusion that the asset forms part of the Shire's asset portfolio.

Discussions with PAG representatives indicate that the group considers it retains intellectual ownership of the artistic content and design of the installation, whilst acknowledging that the Shire retains ownership, maintenance, insurance and upkeep responsibilities for the physical asset.

Whilst ownership and maintenance responsibility have been established, no formal agreement currently exists documenting the respective interests of the Shire and PAG in relation to the installation, maintenance expectations or end of life of asset disposal.

The purpose of this report is to request Council to formalise ownership of the asset, ownership of the intellectual artwork, management, renewal and maintenance responsibilities and disposal of the asset when it reaches end of life.

PUBLIC CONSULTATION UNDERTAKEN

Consultation has occurred with representatives of the Pemberton Arts Group regarding ownership, maintenance responsibilities and the future management of the Artscape. PAG has expressed a willingness to remain involved in future discussions relating to repairs, lighting upgrades and the preservation of the artwork's artistic integrity. Consultation feedback also highlighted the need to investigate the existing electrical infrastructure before considering replacement lighting options.

COMMENT

The Pemberton Artscape, which are the illuminated art panels along the main street of Pemberton, adjacent Brockman Park, have been a feature piece to the town for over ten years, providing an illuminated artistic flare along the Main Street. Shire officers have noted that the light channels within the panels are no longer working and that the electrical component of the illuminated panels is in disrepair hence the review into responsibilities of the Artscape.

The review undertaken by officers has established that the Pemberton Artscape is a Shire-owned asset and that responsibility for its maintenance, renewal and associated costs rests with the Shire.

The principal issue for Council's consideration is therefore not ownership, but the future management of the asset and the extent to which Council wishes to invest in restoring and maintaining the illuminated component of the installation.

The existing lighting system is no longer operating as originally intended. Officer assessment indicates that electrical rectification works and replacement of the lighting infrastructure will be required to restore the illuminated feature.

Should Council elect to proceed, officers will obtain quotations and investigate suitable grant opportunities and other external funding sources to offset the cost of the required works.

The Artscape can continue to function as a public artwork without the illuminated component operating.

Should Council elect not to proceed with the required works, the installation would remain in place as a prominent public art feature, with future expenditure limited to structural repairs, safety requirements and general asset maintenance. Whilst this option would reduce future expenditure, the artwork would no longer operate in accordance with its original design intent and would have limited visual impact outside daylight hours.

Alternatively, Council may elect to restore and maintain the illuminated feature, recognising that this would require an initial capital investment together with ongoing maintenance obligations associated with the lighting infrastructure.

Council is therefore requested to determine whether the Artscape should be restored and maintained as an illuminated public artwork through the allocation of funding for the required renewal works or retained as a non-illuminated public art installation.

STATUTORY ENVIRONMENT

There are no specific statutory requirements directly affecting Council's consideration of this matter. As owner of the Artscape, the Shire has responsibilities under the Local Government Act 1995 and Work Health and Safety Act 2020 to appropriately manage, maintain and renew public assets under its control.

POLICY / STRATEGIC IMPLICATIONS

The Artscape contributes to the character and identity of the Pemberton town centre and is consistent with Council's broader objectives relating to community art, place activation, tourism and enhancement of public spaces. The installation remains a prominent public artwork and contributes to the visual appeal, cultural identity and visitor experience of Pemberton.

The Shire's Strategic Community Plan 2021-2031 seeks to "facilitate, develop and promote a broad range of cultural and art capabilities, facilities, events and achievements". (Strategy C20)

ORGANISATIONAL RISK MANAGEMENT

As a Shire-owned asset, the Artscape presents ongoing maintenance and asset management obligations.

Failure to address deterioration of electrical infrastructure may result in increasing maintenance costs over time and may present safety risks if not appropriately managed. There is also potential reputational risk associated with allowing a prominent community asset to deteriorate without a clearly defined position regarding its future management.

Determining a long-term management approach and formalising arrangements with PAG through a Memorandum of Understanding will provide certainty regarding future maintenance obligations, ownership responsibilities and future consultation requirements.

FINANCIAL IMPLICATIONS

Investigations have confirmed that the Artscape forms part of the Shire's asset portfolio and that maintenance responsibilities rest with the Shire.

Officer assessment indicates that electrical repairs and replacement of the lighting infrastructure will be required to restore the illuminated feature and are estimated to cost in the order of \$25,000 - \$30,000.

Should Council elect to restore the illuminated feature, officers will investigate funding sources to offset the cost of the required works however, opportunities for funding towards maintenance works are limited. Any funding requirements would be considered by Council through the annual budget process or by way of budget amendment.

Alternatively, should Council elect not to undertake lighting renewal works, expenditure would be limited to future structural repairs and safety-related maintenance requirements associated with the physical asset, and the Artscape would remain as a non-illuminated public artwork.

SUSTAINABILITY

Environmental: Should Council elect to restore the illuminated feature, the installation of modern LED lighting may improve energy efficiency and reduce future maintenance requirements when compared with the original lighting system.

Economic: Restoration of the lighting system will require an initial capital investment and ongoing maintenance expenditure. Retaining the Artscape as a non-illuminated artwork would reduce future operational and maintenance costs.

Social: The Artscape is a significant community artwork that contributes to local identity, community pride and the visitor experience within the Pemberton town centre. The installation represents a collaborative project involving Council, PAG and the wider community and remains an important cultural feature of the town.

VOTING REQUIREMENTS: SIMPLE MAJORITY

Officer Recommendation

That Council:

1. **Notes the findings of the review undertaken into the Ownership of the Pemberton Artscape;**
2. **Approves Maintaining the Artscape Structure to an Illuminated Standard moving forward; and**

3. Directs the Chief Executive Officer to:

- 3.1 Draft a Memorandum of Understanding between the Shire of Manjimup and the Pemberton Arts Group detailing Ownership, Maintenance, Management and Decommissioning of the Artscape at its end of life.**
- 3.2 Investigate options for funding the renewal and upgrade of the illuminated and electrical components of the Pemberton Artscape within the 2026/27 financial year and report back to Council on the outcomes of the investigation, including any recommended funding approach and proposed budget allocation, for Council's consideration.**

COUNCIL RESOLUTION

MOVED: Cr Burns

SECONDED: Cr Bettink

29975

That Council:

- 1. Notes the findings of the review undertaken into the Ownership of the Pemberton Artscape;**
- 2. Approves Maintaining the Artscape Structure to an Illuminated Standard moving forward; and**
- 3. Directs the Chief Executive Officer to:**
 - 3.1 Draft a Memorandum of Understanding between the Shire of Manjimup and the Pemberton Arts Group detailing Ownership, Maintenance, Management and Decommissioning of the Artscape at its end of life.**
 - 3.2 Investigate options for funding the renewal and upgrade of the illuminated and electrical components of the Pemberton Artscape within the 2026/27 financial year and report back to Council on the outcomes of the investigation, including any recommended funding approach and proposed budget allocation, for Council's consideration.**

ADOPTED BY EN BLOC RESOLUTION: 7/0

For: Shire President Buegge, Cr Bettink, Cr Burns, Cr Darin, Cr De Campo, Cr Miolin, Cr Willcox.

Against: Nil.

ATTACHMENT**9.15.1 Unconfirmed Meeting Notes of the Walpole District Community Advisory Group held on 1 July 2026**

PROPONENT	Walpole District Community Advisory Group
OWNER	N/A
LOCATION / ADDRESS	Walpole and District
WARD	N/A
ZONE	N/A
DIRECTORATE	N/A
FILE REFERENCE	F250187
LEGISLATION	Local Government Act 1995
AUTHOR	Greg Lockwood (Director Business)
DATE OF REPORT	2 July 2026
DECLARATION OF INTEREST	Nil

BACKGROUND

The Walpole District Community Advisory Group (WDCAG) is an advisory group of Council established to provide community input and advice on strategic matters relating to the Walpole district.

In accordance with Council Policy 1.1.10 – Committees, Advisory Groups and Reference Groups, Advisory Groups are to have a Chairperson and Deputy Chairperson appointed by Council.

The purpose of this agenda item is to receive the unconfirmed meeting notes of the WDCAG meeting held on 1 July 2026 and to formally endorse the appointment of the Chairperson and Deputy Chairperson, as selected by the Group.

PUBLIC CONSULTATION UNDERTAKEN

Nil.

COMMENT

The WDCAG held its inaugural meeting on 1 July 2026.

At this meeting, members selected the following positions:

- Chairperson: Charles Biddle
- Deputy Chairperson: Norman Hawkins

In accordance with Council Policy 1.1.10, these appointments require formal endorsement by Council.

The meeting provided an introduction to the role and function of the DCAG, with initial discussion focused on key strategic matters relevant to the Walpole district.

The notes of the meeting are attached for Council's information.

ATTACHMENT: 9.15.1 (1)

STATUTORY ENVIRONMENT

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS

The WDCAG operates in accordance with Council Policy 1.1.10 – Committees, Advisory Groups and Reference Groups, which outlines the purpose, function and operation of Advisory Groups, including the requirement for Council to appoint a Chairperson and Deputy Chairperson. The work of the WDCAG also supports the objectives of the Shire's Strategic Community Plan, including community engagement, economic development, and sustainable community outcomes.

ORGANISATIONAL RISK MANAGEMENT

Nil.

FINANCIAL IMPLICATIONS

Nil at this stage. Any future initiatives arising from the WDCAG will be subject to further consideration and Council approval through the normal budget process.

SUSTAINABILITY

Environmental: No direct impacts identified at this stage.

Economic: Matters discussed by the WDCAG may support local economic development outcomes over time.

Social: The WDCAG supports community engagement and contributes to positive social outcomes through increased participation and representation.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council:

- 1. Receive and note the meeting notes of the Walpole District Community Advisory Group meeting held on 1 July 2026, as per Attachment: 9.15.1 (1)**
- 2. Endorse the appointment of Charles Biddle as Chairperson and Norman Hawkins as Deputy Chairperson of the Walpole District Community Advisory Group.**

COUNCIL RESOLUTION

MOVED: Cr Burns SECONDED: Cr Bettink

29976

That Council:

- 1. Receive and note the meeting notes of the Walpole District Community Advisory Group meeting held on 1 July 2026, as per Attachment: 9.15.1 (1)**
- 2. Endorse the appointment of Charles Biddle as Chairperson and Norman Hawkins as Deputy Chairperson of the Walpole District Community Advisory Group.**

ADOPTED BY EN BLOC RESOLUTION: 7/0

For: Shire President Buegge, Cr Bettink, Cr Burns, Cr Darin, Cr De Campo, Cr Miolin, Cr Willcox.

Against: Nil.

ATTACHMENT

9.16.2 Unconfirmed Minutes of the Local Emergency Management Committee (LEMC) Meeting held 25 June 2026

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS	Whole of Shire
WARD	All
ZONE	All
DIRECTORATE	Development Services
FILE REFERENCE	F170449
LEGISLATION	Emergency Management Act 2005, Local Government Act 1995
AUTHOR	Nicole Favero (Emergency Services Officer)
DATE OF REPORT	1 July 2026
DECLARATION OF INTEREST	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.*

At its recent meeting held on 25 June 2026, the Committee considered the following matters:

- Risk Management - Emerging Risks including H5 Bird Flu & Polyphagous Shot Hole Borer;
- Reviewed Funding Opportunities;
- Attending agencies provided their reports; and
- The Committee accepted the final proposed drafts of three of the Shire's Local Emergency Management Arrangements (LEMAs) documents, one requiring endorsement from Council.
- LEMC resolved that Council endorse the *Shire of Manjimup Local Emergency Management Plan 2026-2031*.

In Western Australia, LEMAs are established under the *Emergency Management Act 2005* and are supported by State Emergency Management

Policy and State Emergency Management Guidelines. Every local government is required to establish, maintain, and regularly review and test their LEMAs to ensure they remain current, reflect local risks, and comply with legislative requirements. They are a legislatively required suite of documents that guide how local governments and partner agencies prepare for, respond to, and recover from emergencies, while supporting community resilience across all phases of emergency management.

During 2025–2026, the Shire participated in the Western Australian Local Government Association (WALGA) LEMA Pilot Project. The pilot project was undertaken to develop a contemporary, streamlined, and best practice suite of emergency management documents aligned with current State policy and guidance. Working collaboratively with WALGA and partner agencies, the project involved a comprehensive review of the Shire's emergency management documentation, local risks, operational procedures, and governance arrangements.

The purpose of this report is to present the unconfirmed minutes of the LEMC meeting held on 25 June 2026 and at that meeting, the LEMC resolved to recommend that Council endorse the *Shire of Manjimup Local Emergency Management Plan 2026–2031*. A copy of the proposed Plan is included in the attached unconfirmed minutes for Council's consideration.

ATTACHMENT: 9.16.2 (1)

The current Local Emergency Management Arrangement documents can be found on the Shire of Manjimup [website](#).

PUBLIC CONSULTATION UNDERTAKEN

As part of the WALGA LEMA Pilot Project, the Shire held a Community Emergency Risk Assessment (CERA) Workshop involving representatives from the LEMC, emergency services, government agencies, Councillors, members of the community and other key stakeholders.

The CERA workshop was a structured and collaborative risk assessment process led by the Pilot team, used to identify, analyse and evaluate the emergency risks that may impact the local government district. Participants considered the likelihood and potential consequences of a range of natural, technological and human caused hazards, as well as the vulnerabilities, existing controls and capability gaps within the community.

The outcomes of the workshop informed the development of the Shire's LEMAs by ensuring that emergency planning is risk based and reflects the hazards most likely to affect the community. The findings also assist the LEMC in prioritising mitigation, preparedness, response and recovery activities, identifying capability development opportunities and guiding the implementation of actions throughout all documents.

COMMENT

As reflected within the unconfirmed minutes, the Committee was briefed on several matters relating to recent incidents in the South West together with the final review of three documents forming part of the Local Emergency Management Arrangements suite of documents.

The committee resolved to support four recommendations, two requiring a formal decision of Council. The resolutions passed at the meeting are detailed below.

Local Emergency Management Committee Resolutions	Officers Comments
That the unconfirmed Minutes of the Local Emergency Management Committee Meeting held 26 March be confirmed as a true and correct record.	The LEMC resolution is supported.
That Council endorse the <i>Shire of Manjimup Local Emergency Management Plan 2026-2031</i> .	The LEMC resolution is supported. Refer to below details.
That the Local Emergency Management Committee approve the <i>Shire of Manjimup Local Emergency Management Work Plan</i> .	The LEMC resolution is supported. No formal decision of Council is required. Refer to below details.
That the Local Emergency Management Committee approve the <i>Shire of Manjimup At Risk Isolated Communities Maps 2026-2031</i> .	The LEMC resolution is supported. No formal decision of Council is required. Refer to below details.

As reflected in the above table and as a result of the WALGA LEMA Pilot Project, the Shire has developed the first three of their revised LEMA documents, details as follows:

Shire of Manjimup Local Emergency Management Plan 2026-2031

This is the principal document within the Shire's LEMAs. It is a strategic, public document adopted by Council that sets the overarching direction for emergency management across prevention, preparedness, response and recovery activities by identifying local hazards and risks as identified through community engagement;

Shire of Manjimup Local Emergency Management Work Plan

This is an operational document, only requiring acceptance by LEMC, that supports the administration, coordination and continuous improvement of the LEMAs through the activities of the LEMC. It provides a structured framework for planning, implementing, and monitoring initiatives across the prevention, preparedness, response, and recovery spectrum, including the review and maintenance of emergency management documentation, training and exercising programs, community engagement activities, and capability development initiatives.

Shire of Manjimup At Risk Isolated Communities Maps 2026-2031

This is an operational document, only requiring acceptance by LEMC, identifying communities that may become isolated or require additional assistance during emergency events. These maps enhance situational awareness and support operational decision making contributing to community resilience and emergency preparedness.

In addition to the above, the Shire's LEMAs include several other supporting public and operational documents that collectively contribute to the overall emergency management framework as detailed in the following table:

Document	Officer Comments
SoM – Local Evacuation Plan 2020-2025	LEMA - Public – Due for Review
SoM – Local Recovery Plan 2020-2025	LEMA - Public – Due for Review
SoM – Local Animal Welfare Plan 2023-2028	LEMA – Public – Current
SoM – Local Emergency Resource Directory	LEMA - Operational – Current, updated yearly.
SoM – Local Emergency Incident Support Handbook	LEMA – Operational – New draft, updated yearly.
SoM – Aerodrome Manual	LEMA – Operational – Current
DC - Local Emergency Relief and Support Plan	LEMA – Support - Prepared by Department of Communities, tabled at LEMC.

These documents provide a robust framework for emergency preparedness, response, and recovery, while ensuring the Shire continues to meet its legislative obligations and support effective multi-agency coordination during emergency events. The LEMC has been actively involved throughout the review process and has considered the updated documentation prior to its endorsement and implementation.

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

3.5 Our whole community participates in strategies to ensure we are minimising risks in regard to bushfire and other natural emergencies.

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

Strategies

C13 Plan for emergency and natural disaster response, management, evacuation and recovery.

The adoption of the revised LEMAs also aligns with the Shire's strategic goals and supports the *Shire of Manjimup Corporate Business Plan 2023–2027*, specifically:

Action

C13.1 Implement the Local Emergency Management Committee (LEMC) emergency arrangements as required.

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.

Local Governments have a legislative responsibility to develop Local Emergency Management Arrangements. The draft LEMAs underpins the Shire of Manjimup responsibilities in Prevention, Preparedness, Response and Recovery.

FINANCIAL IMPLICATIONS

Nil.

SUSTAINABILITY

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council:

- 1. Receive the unconfirmed minutes of the Local Emergency Management Committee Meeting held 25 June 2026 as shown at Attachment: 9.16.2 (1).**

2. Endorse the *Shire of Manjimup Local Emergency Management Plan 2026-2031* as shown within Attachment: 9.16.2 (1).

COUNCIL RESOLUTION

MOVED: Cr Burns **SECONDED:** Cr Bettink

29977

That Council:

1. Receive the unconfirmed minutes of the Local Emergency Management Committee Meeting held 25 June 2026 as shown at Attachment: 9.16.2 (1).
2. Endorse the *Shire of Manjimup Local Emergency Management Plan 2026-2031* as shown within Attachment: 9.16.2 (1).

ADOPTED BY EN BLOC RESOLUTION: 7/0

For: Shire President Buegge, Cr Bettink, Cr Burns, Cr Darin, Cr De Campo, Cr Miolin, Cr Willcox.

Against: Nil.

9.1.2 Proposed Adoption of 2026/27 Annual Budget

Cr Jayde Darin declared a Financial Interest Item 9.1.2 as she is a Windy Harbour lease holder. Cr Darin provided the following extent of interest under section 5.68 of the Local Government Act 1995:

“I paid an annual lease fee of \$962 in 2025/26 financial year and the proposed 2026/27 Annual budget includes an increase to Windy Harbour leases, which would change my annual lease fee to approximately \$1,039.”

Cr Darin requested that Council, under section 5.68(1)(b) of the Local Government Act 1995, allow her to speak and vote on the proposed adoption of the 2026/27 Annual Budget, on the basis that her interest is held in common with a significant number of electors or ratepayers, namely 223 other ratepayers in the district who hold Windy Harbour leases.

Cr Darin left the Chamber at 6.16pm.

COUNCIL RESOLUTION

MOVED: Cr Miolin SECONDED: Cr Willcox

29978

That Council, under Section 5.68(1)(b) of the Local Government Act 1995, resolves that the financial interest disclosed by Councillor Darin regarding Item 9.1.2 Proposed Adoption of 2026/27 Annual Budget relating to Windy Harbour lease fees is common to a significant number of electors and ratepayers in the district, and approves Cr Darin to fully participate in the debate and vote on the adoption of the Annual Budget.

CARRIED: 6/0

For: Shire President Buegge, Cr Bettink, Cr Burns, Cr De Campo, Cr Miolin, Cr Willcox.

Against: Nil.

Cr Darin returned to the Chamber at 6.17pm.

Shire President Buegge, Cr Burns and Cr Miolin declared Impartiality Interests in this Item. Shire President Buegge declared an Impartiality Interest as a patron of the Warren Agricultural Show, which has applied for a community grant. Cr Burns declared an Impartiality Interest as a financial member of the Pemberton Chamber of Commerce, which has applied for a community grant, and as the owner of a property adjoining two roads included in the 2026/27 Capital Works Program. Cr Miolin declared an Impartiality Interest as a member of the Manjimup Country Club, which receives a rates concession, and the Manjimup Repertory Club, which has applied for a community grant. All declared they would consider this matter on its merits and vote accordingly.

PROPONENT	Chief Executive Officer
OWNER	N/A
LOCATION / ADDRESS	Whole Shire
WARD	Whole Shire
ZONE	Whole Shire
DIRECTORATE	Office of CEO
FILE REFERENCE	F160187
LEGISLATION	Local Government Act 1995
AUTHOR	Greg Lockwood (Director Business Services)
DATE OF REPORT	9 July 2026
DECLARATION OF INTEREST	Authors are employees of the Shire of Manjimup and own property in the Shire of Manjimup; however, this is an Interest in Common.

BACKGROUND

The 2026/27 Annual Budget Document is tabled for Council's consideration and adoption.

DOCUMENT TABLED

PUBLIC CONSULTATION UNDERTAKEN

Nil.

COMMENT

Council (Elected Members) and staff have provided significant input and review of the 2026/27 Annual Budget through the following processes:

- Shire of Manjimup Strategic Community Plan 2021-2031.
- Shire of Manjimup Corporate Business Plan 2023-2027.
- The identified need to invest in the renewal of Shire assets.
- A program of Council information briefing sessions between April and July 2026.

Contained in the front section of the 2026/27 Annual Budget is a 'Budget Overview' providing a summary of the main components of the budget including graphical presentation of trends over recent years.

Rate Rise

Although the Western Australian Consumer Price Index increased by 4.6% in the 12 months to March 2026, the proposed 2026/27 Budget includes an average rates increase of 4.95%. The Shire recognises that any increase in rates impacts households and businesses and has given this matter extensive consideration throughout the budget process. As part of the 4.95% increase,

Council resolved to include an additional 1% to establish dedicated funding for the renewal and upgrade of the Shire's footpath network. This investment will improve the safety, accessibility, and connectivity of pathways throughout the district, particularly for residents with mobility and accessibility needs.

The proposed average general rate rise across the district is **4.95%**, properties that are calculated on the general rate in the dollar will receive an average rate rise of 4.95%, whilst those that are on a minimum will also receive a 4.95% increase, from \$1,295 to \$1,359.

The Valuer General assessed Shire of Manjimup Unimproved Value (UV) properties as at 1 July 2026. This revaluation has seen an overall increase to the UV data base of approximately 9.31%. The Shire of Manjimup's 2025/26 UV rate in the dollar has been adjusted down to reflect these value changes to give an average 4.95% rates change across the UV data base in 2026/27.

The Valuer General did not undertake a revaluation of Shire of Manjimup Gross Rental Value (GRV) properties as this occurs every 6 years and GRV properties were assessed 1 July 2024. The only variations to GRV valuations will be due to individual development on properties or some form of significant change that would affect the overall valuation.

Council Rating Policy

A special rate concession continues to be applied to Clubs and Sporting Groups so that only the licensed portion of their property is rated, in 2026/27 these properties will be rated on a minimum rate of \$1,359. The total amount of concessions proposed to be granted is \$72,337. A rates exemption is proposed to be applied to disclaimed titles within the Warren River Resort, this exemption is only temporary until land tenure is finalised with the State Government. Including the Warren River Resort, rate waivers total \$48,364 in 2026/27. Details of which are contained within the attachment.

ATTACHMENT: 9.1.2(1)

Fees and Charges

For the 2026/27 Annual Budget Fees & Charges, a comprehensive review has been undertaken, resulting in an averaged proposed increase of 3.0%. This adjustment represents only a portion of the Perth CPI figure of 4.8% for the March 2026 quarter.

The 3.0% increase excludes statutory based fees set by external State departments. To date, only minor adjustments have been made to the externally determined charges.

Two key adjustments are particularly noteworthy:

- **Windy Harbour Lease Fees**

As per Council resolution 14 August 2014 the Windy Harbour Leases are independently valued every 4 years with CPI applied on the non-valuation years. Leases were revalued as at 1 July 2026 with an increase to Holiday Cottages of 8% and Fisherman Leases 10%.

- **Waste Collection Charges**

These charges are proposed to increase by 3.5% to meet increasing contractor costs but also to prepare for the development of new cells within the Refuse & Recycling Centre. This strategic investment is aimed at maintaining long-term service sustainability and environmental compliance.

Reserves

The 2026/27 Annual Budget does not propose any new reserves, however, proposes to combine several and redefine the purpose of one reserve for clarity of purpose.

AquaCentre Building Reserve and AquaCentre Plant Reserve combined and renamed the AquaCentre Asset Renewal reserve. The purpose of the reserve is:

– Funds set aside to fund the renewal, replacement, refurbishment and upgrade of the Manjimup Regional AquaCentre's infrastructure, plant, equipment and facilities to maintain service levels, extend asset life and support the ongoing delivery of aquatic and recreation services.

Arts and Culture Reserve and Heritage Reserve combined and renamed Arts, Culture and Heritage Reserve. The purpose of the reserve is:

- Funds set aside to foster, promote and support the Shire's arts, culture and heritage through the delivery of diverse artistic and cultural opportunities, the preservation and promotion of the district's unique heritage, community education and skill development, and the development of infrastructure that enhances cultural and heritage experiences for residents and visitors.

Playground Major Repair Reserve was renamed Playground Renewal Reserve. The purpose of the reserve was amended to read:

– To set aside funds for future repairs required for existing playgrounds within the Shire of Manjimup.

Loan Funds

The 2026/27 Annual Budget proposes two loans. One loan formed part of the 2025/26 adopted budget and due to an unsuccessful grant application was not drawn down. The proposed loans for the 2026/27 budget are:

- \$2,423,757 for Stage 2c – Collier Street/Rea Park Redevelopment (Playing surfaces).
- \$315,000 for Pemberton Playground Upgrade.

STATUTORY ENVIRONMENT

Adoption of the budget

Section 6.2 of the Local Government Act 1995 requires a Local Government to prepare and adopt an annual budget for the financial year 1 July to 30 June

each year but with the adoption being no later than the 31 August in that financial year.

Granting of a discount for early payment

Section 6.46 of the Local Government Act 1995 "Discounts" is applicable. As with previous years, it is proposed that for the 2026/27 budget, no early payment discounts apply.

Granting of rate concessions

Section 6.47 of the Local Government Act 1995 "Concessions" prescribes circumstances where concessions and waivers can be applied. Concessions are proposed for "Clubs and Sporting Groups licensed premises concession" to a total of \$72,337. Waivers are proposed to be applied to the previously endorsed "not for profit" groups as well as the inclusion of waivers for disclaimed titles at the Warren River Resort totalling \$48,364.

POLICY / STRATEGIC IMPLICATIONS

Various strategic initiatives identified in the Shire of Manjimup Strategic Community Plan 2021-2031 and underlying documents are included in the 2026/27 Annual Budget. These initiatives are outlined in the "Budget Overview".

ORGANISATIONAL RISK MANAGEMENT

Adoption of the 2026/27 Annual Budget reduces financial risk to the organisation by clearly articulating what the Shire of Manjimup's priorities are for the coming 12 months and how rates money is to be expended in achieving those priorities.

FINANCIAL IMPLICATIONS

The financial implications of the 2026/27 budget are summarised in the budget overview, with further details provided in the budget document.

Rate in the dollar

The proposed rates in the dollar to be applied are:

	2026/27 Proposed cents / \$	2025/26 Actual cents / \$	Difference cents / \$
GRV	9.91709	9.44918	0.46791 increase
UV	0.53606	0.56002	0.02396 decrease

Total rates to be raised

The 2026/27 Annual Budget seeks to raise the following rates:

Gross rates to be raised	\$13,390,087
<u>Less</u> Concessions granted for clubs & sporting groups	(\$120,701)
Net Rates to be raised	\$13,269,386
<u>Add</u> Interims anticipated to be raised resulting from subdivisions	\$60,000
Total Rates to be raised 2026/27 Annual Budget	\$13,329,386

After allowing for real growth in the rate base of \$32,216 it represents an increase of 4.95% over last year.

Minimum rates will increase as part of the 2026/27 from \$1,295 to \$1,359 for both the UV and GRV rates category.

SUSTAINABILITY

Environmental: The proposed 2026/27 Annual Budget endeavours to financially support key environmental initiatives and components of the operations of the Shire of Manjimup.

Economic: Sound financial management and accountability is the fundamental component of economic sustainability. The proposed 2026/27 Annual Budget delivers a sustainable and responsible economic outcome on behalf of Council.

Social: Local Government is a foundation of local community governance in Australia and sound financial management is required to execute responsibilities to the social betterment of the district.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION:

That Council

1. Adopt the 2026/27 Annual Budget as tabled and set the following rates, discounts, instalments and interest for the 2026/27 financial year:
 - a. General Rates
 - (i) Gross Rental Value 9.91709 cents in the dollar
 - (ii) Unimproved Value 0.53606 cents in the dollar
 - b. Minimum Rates
 - (i) Gross Rental Value \$1,359
 - (ii) Unimproved Value \$1,359
 - (iii) Department of Biodiversity, Conservation & Attractions Dam Leases \$50
 - (iv) Department of Biodiversity, Conservation & Attractions Grazing Leases \$100

c. **Discounts**

That no rate discount be provided on 2026/27 rates.

d. **Due Date and Instalments**

The due date for payment of rates shall be 17 September 2026.

Ratepayers will be offered the option of paying their general rates only by four instalments, and that the following additional charges will apply on the second (2nd), third (3rd), and fourth (4th) instalments:

Interest 0.0%

Administration Charge - \$10.05 for each instalment totalling \$30.15

Further that the instalment due dates are as follows:

- | | |
|----------------|-------------------------|
| 1st instalment | - Due 17 September 2026 |
| 2nd instalment | - Due 24 November 2026 |
| 3rd instalment | - Due 3 February 2027 |
| 4th Instalment | - Due 13 April 2027 |

e. **Late Payment Interest**

That a late payment interest charge of 7.0%* be applied to outstanding moneys to Council as follows:

- Commence accruing daily (simple interest calculation) thirty-five (35) days after the date stated on the account as being the due date the account was issued.
- Late payment interest is to apply to all general rates, rubbish and waste management rates, Windy Harbour Lease fees, and sundry debtors.
- Late Payment interest will not apply if a signed payment plan is in place.

*Pensioners and Seniors are exempt from penalty interest.

2. Provide in accordance with Section 6.47 of the *Local Government Act 1995*, rating concessions to rates levied on sporting and social clubs so as to effectively only rate the licensed area, in addition to rate waivers for premises previously approved by Council, as specified in Attachment : 9.1.2(1)
3. Adopt the following waste collection fees and charges for the 2026/27 financial year:

Rubbish Bin Collection Service

240Litre Bin Collection; per bin	\$467.50
240Litre Pensioner Bin Collection; per bin	\$345.00
140Litre Bin Collection; per bin	\$270.00

140Litre Pensioner Bin Collection; per bin	\$203.50
240Litre Recycling Bin Collection; per bin	\$123.50
240Litre Pensioner Recycling Bin Collection; per bin	\$91.00
360Litre Recycling Bin Collection; per bin	\$150.00

COUNCIL RESOLUTION

MOVED: Cr De Campo SECONDED: Cr Bettink

29979

That Council:

- 1. Adopt the 2026/27 Annual Budget as tabled and set the following rates, discounts, instalments and interest for the 2026/27 financial year:**

- a. General Rates**

- (i) Gross Rental Value 9.91709 cents in the dollar**
 - (ii) Unimproved Value 0.53606 cents in the dollar**

- b. Minimum Rates**

- (i) Gross Rental Value \$1,359**
 - (ii) Unimproved Value \$1,359**
 - (iii) Department of Biodiversity, Conservation & Attractions Dam Leases \$50**
 - (iv) Department of Biodiversity, Conservation & Attractions Grazing Leases \$100**

- c. Discounts**

That no rate discount be provided on 2026/27 rates.

- d. Due Date and Instalments**

The due date for payment of rates shall be 17 September 2026.

Ratepayers will be offered the option of paying their general rates only by four instalments, and that the following additional charges will apply on the second (2nd), third (3rd), and fourth (4th) instalments:

Interest 0.0%

Administration Charge - \$10.05 for each instalment totalling \$30.15

Further that the instalment due dates are as follows:

- | | |
|-----------------------|--------------------------------|
| 1st instalment | - Due 17 September 2026 |
| 2nd instalment | - Due 24 November 2026 |
| 3rd instalment | - Due 3 February 2027 |
| 4th Instalment | - Due 13 April 2027 |

e. **Late Payment Interest**

That a late payment interest charge of 7.0%* be applied to outstanding moneys to Council as follows:

- Commence accruing daily (simple interest calculation) thirty-five (35) days after the date stated on the account as being the due date the account was issued.
- Late payment interest is to apply to all general rates, rubbish and waste management rates, Windy Harbour Lease fees, and sundry debtors.
- Late Payment interest will not apply if a signed payment plan is in place.

*Pensioners and Seniors are exempt from penalty interest.

2. Provide in accordance with Section 6.47 of the *Local Government Act 1995*, rating concessions to rates levied on sporting and social clubs so as to effectively only rate the licensed area, in addition to rate waivers for premises previously approved by Council, as specified in Attachment : 9.1.2(1)

3. Adopt the following waste collection fees and charges for the 2026/27 financial year:

Rubbish Bin Collection Service

240Litre Bin Collection; per bin	\$467.50
240Litre Pensioner Bin Collection; per bin	\$345.00
140Litre Bin Collection; per bin	\$270.00
140Litre Pensioner Bin Collection; per bin	\$203.50
240Litre Recycling Bin Collection; per bin	\$123.50
240Litre Pensioner Recycling Bin Collection; per bin	\$91.00
360Litre Recycling Bin Collection; per bin	\$150.00

CARRIED: 7/0

For: Shire President Buegge, Cr Bettink, Cr Burns, Cr Darin, Cr De Campo, Cr Miolin, Cr Willcox.

Against: Nil.

Shire President Buegge declared a financial interest in this Item as a related party is a contractor to the proponent. Shire President Buegge did not speak on this matter and left the Chamber at 6.22pm. Deputy Shire President Miolin assumed the role of Presiding Member for the consideration of this Item.

ATTACHMENT APPENDIX

9.5.1 Invitation to Reconsider Decision for Proposed Plantation (Pine) at Lots 9424, 9148, 9133, 9134, 9135, 9021, 9020, 9019, 9013, 9012, 9008, 9007 and 9003 Richardson and Meerup Roads, Meerup

PROPONENT	Delta Forestry
OWNER	Mr John Love, Dhu Holdings Pty Ltd
LOCATION / ADDRESS	Lots 9424, 9148, 9133, 9134, 9135, 9021, 9020, 9019, 9013, 9012, 9008, 9007, 9003 Richardson and Meerup Roads, Meerup
WARD	Rural
ZONE	General Agriculture
DIRECTORATE	Development Services
FILE REFERENCE	DA25/177 P55141, 55142, 55143, 55144, 55146, 55138, 55137, 55135, 55140, 55139, 55136, 55145 and 513
LEGISLATION	Planning and Development Act 2005
AUTHOR	Jocelyn Baister
DATE OF REPORT	11 June 2026
DECLARATION OF INTEREST	Nil

BACKGROUND

Under Section 31 of the State Administrative Tribunal Act 2004, Council is invited to reconsider its decision made, at the Ordinary Council Meeting 25 February 2026, to refuse a proposed pine Plantation at Lots 9424, 9148, 9133, 9134, 9135, 9021, 9020, 9019, 9013, 9012, 9008, 9007, 9003 Richardson and Meerup Roads, Meerup.

A copy of the Council minutes are appended.

APPENDIX: 9.5.1 (A)

The applicant has supplied an amended proposal for consideration.

- Key amendments made to the application include:
 - Increased fire risk reduction measures comprising:
 - Increased external firebreaks of 25m from 15m along one side of the subject lot boundaries fronting public roads. Where public road separates plantation compartments this results in up to 60m of low fuel zone.

- Donation of a trailer fitted with a fast fill and standpipe to the local fire brigade.
- A nutrient management plan will be implemented including:
 - Planting setback of 15m from the top of the bank of the central waterway.
 - Annual nutrient sampling within the central waterway.
 - Fertiliser not being applied within 15m of waterways and 6m of drains.

The amended documents are provided attached.

ATTACHMENT: 9.5.1 (1)

ATTACHMENT: 9.5.1 (2)

PUBLIC CONSULTATION UNDERTAKEN

A targeted consultation was undertaken to a 500m radius of the subject property, plus additional properties along Richardson Road and those that specifically commented on the original proposal.

Details were uploaded to the Shire website, with majority of the target audience receiving email notification on the 12 June 2026.

At the close of consultation four (4) submissions were received objecting or raising concerns relating the proposal. Similar themes of concerns with regards to the original proposal were received for the amendment. One of the objections made reference to assessment against State Planning Policy 3.7 Bushfire, this has been discussed in the comment section below.

ATTACHMENT: 9.5.1 (3)

COMMENT

To assist Council in determining the request for reconsideration the following advice is offered:

The original application provided the minimum in terms of compliance with the Department of Fire and Emergency Services (DFES) Guidelines for Plantation Fire Protection. However there was concerns raised by the community that given the surrounding landscape context, not enough was being proposed to mitigate the risk to the community. As a result, Council resolved to:

FORESHADOWED ALTERNATIVE (NOW SUBSTANTIVE) MOTION:
Moved: Cr Darin Seconded: Cr Burns

29833

That Council, in accordance with Part 10 of Shire of Manjimup Local Planning Scheme No. 4, refuses planning approval for a Plantation (*Pinus radiata*) at Lots 9424, 9148, 9133, 9134, 9135, 9021, 9020, 9019, 9013, 9012, 9008, 9007, 9003 Richardson and Meerup Roads, Meerup (TP2025/181).

Reasons:

The fire management plan and mitigation strategies are insufficient. Consideration of the environmental concerns of the surrounding areas of importance have been insufficient.

CARRIED: 6/0

For: Cr Bettink, Cr Burns, Cr Darin, Cr Miolin, Cr Tempura, Cr Willcox.

Against: Nil.

The applicant has appealed the decision and following two (2) mediation sessions, the Tribunal has made an order inviting Council to reconsider its decision.

Upon being invited by the Tribunal to reconsider a reviewable decision, the Council may –

- a) Affirm the decision
- b) Vary the decision
- c) Set aside the decision and substitute its new decision.

As mentioned in the background section, the applicant has proposed amendments to the plantation management and fire management plans to increase the width of firebreaks and setbacks to watercourses in certain locations and to implement a nutrient management plan and annual water testing.

The Plantation Management Plan, shown at attachment: 9.5.1 (1), commits to annual nutrient sampling being undertaken within the central waterway, where the waterway enters and exits the property, with test results to be provided on request. It is recommended that, should Council resolve to approve the application, that, similar to an Industry – Extractive that breaches the water table, should the operator receive test results that indicate changes to the water quality (in a negative way) that the Shire be informed and revised management actions be put in place.

Likewise, the Fire Management Plan (FMP) commits to preparing annual fire management plans stating that the annual plans will not be inconsistent with the FMP however will provide additional site responsive information. The annual plan can be made available to the Shire if requested, however it is recommended that should Council approve the application, that a copy of the annual fire management plan be provided to the Shire every five (5) years.

At section 15 of the FMP the applicant has stated its commitment to provide a trailer fitted with a fast fill and standpipe for use by the local fire brigade. It is recommended that should Council approve the proposal that a condition relating to the timing of the delivery of the trailer be imposed.

Submissions Received

State Planning Policy 3.7 Bushfire applies to development applications for the construction of habitable buildings for residential development, commercial and industrial development; and for the construction and/or use of habitable buildings associated with vulnerable land uses, including caravan, nature-based parks. The proposed works and use associated with the plantation are not assessed under SPP 3.7, and as it is proposed that the plantation will maintain a 100m setback from existing habitable buildings, there is not a calculated increase to the bushfire prone status of the existing buildings.

As mentioned in the opening paragraphs of the Comment section above, the original application complied with the minimum requirements of the DFES guidelines for Plantations, however the community, Shire staff and Council considered that a higher level of response to the local context was required to further mitigate risks to the community from bushfire.

Conclusion

The amended application has responded to community concerns regarding fire management and environmental protection. The effectiveness of the proposed measures in reducing environmental impacts and bushfire risks will only be confirmed over the life of the development. Approval is recommended subject to appropriate conditions.

STATUTORY ENVIRONMENT

Planning and Development Act 2005 and the State Administrative Tribunal Act 2004.

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.

Within the Shire of Manjimup Local Planning Strategy 2003 tree plantations were discussed as being 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 has since

maintained policies around tree plantations. It is proposed to develop a stand-alone policy again that provides an assessment tool for Plantations.

ORGANISATIONAL RISK MANAGEMENT

Nil.

FINANCIAL IMPLICATIONS

The development application fee was 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 pursuant to section 31 of the State Administrative Tribunal Act 2004 resolves to:

- 1. Set aside its decision of 4 March 2026 to refuse development approval for a Proposed Plantation (pine) at Lots 9019, 9013, 9012, 9008, 9007, 5424, 9148, 9135, 9134, 9133, 9021, 9020 Richardson Road and Lot 9003 Meerup Road, Meerup.**
- 2. Substitute a new decision to grant development approval for a Proposed Plantation (pine) at Lots 9019, 9013, 9012, 9008, 9007, 5424, 9148, 9135, 9134, 9133, 9021, 9020 Richardson Road and Lot 9003 Meerup Road, Meerup, subject to the following conditions:**
 - 2.1. The development hereby approved is to be carried out in accordance with the following stamped approved plans and specifications 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	11 June 2026
2.	Fire Management Plan	11 June 2026

- 2.2. Within 12 months of the commencement of planting of the proposed Plantation, the applicant shall arrange for transfer of a trailer fitted with a fast fill and standpipe, to the satisfaction of the Shire of Manjimup.
- 2.3. All wildings shall be contained within the boundaries of the subject land. Notwithstanding condition 2.1, prior to commencement of the development, the Plantation Management Plan submitted and hereby approved shall be modified to demonstrate how implementation of this condition shall be achieved.
- 2.4. This Development Approval is granted for a 30 year period only and shall expire (2056), unless prior to that date an application has been made to and approved by the Shire of Manjimup after payment of the appropriate fee for the continuation of the use for an extended period.
- 2.5. Should annual nutrient sampling of the central waterway identify negative changes in the water quality exiting the property, then the proponent is to notify the Shire of Manjimup and the Department of Water and Environmental Regulation within 48 hours. Activities related to the plantation management may be required to be adjusted to rectify the water quality, following the notice.
- 2.6. A copy of the annual fire management plan is to be provided to the Shire of Manjimup every five (5) years.
- 2.7. A separate Harvesting Plan is to be submitted to Shire of Manjimup a minimum 24 months prior to the anticipated commencement of harvesting of the subject Plantation and not less than twelve (12) months prior to 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. All harvesting shall be implemented in accordance with the Harvesting Plan to the satisfaction of the Shire of Manjimup.
- 2.8. Any new points of ingress or egress to the property shall be located and constructed to the requirements and satisfaction of the Shire of Manjimup.
- 2.9. At the completion of any harvesting, all rehabilitation shall be undertaken in accordance with the following:
- 2.9.1. All waste shall be disposed of to the satisfaction of the responsible authority and should not be placed in or near any water course;

2.9.2. Any surplus tree branches shall be adequately disposed and shall not be left on site if they continue a fire hazard; and

2.9.3. All temporary roads shall be reinstated and left providing for adequate drainage and soil stability without the need for continuous maintenance.

Advice to Applicant

- 1. No works or planting shall occur within 30 metres of power lines without the prior consent of Western Power.**
- 2. Should the proposed plantation works be unable to avoid the Aboriginal site intersection approvals under the Aboriginal Heritage Act (AHA) would be required. It is recommended that the applicant contact Department of Planning Lands and Heritage, Aboriginal Heritage Conservation for their own advice prior to the commencement of any works within this boundary.**
- 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. In the event that creek crossings are proposed, a bed and banks permit would need to be obtained under the Rights in Water and Irrigation Act 1914.**
- 5. A Surface water licence will be required to take surface water from the proclaimed area for any purpose other than domestic, firefighting or watering stock such as any establishment of works, such as dust suppression.**
- 6. 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.**
- 7. That the operation of the Plantation including its harvest is required to comply with the Environmental Protection (Noise) Regulations, 1997.**

COUNCIL RESOLUTION

MOVED: Cr De Campo SECONDED: Cr Darin

29980

That Council pursuant to section 31 of the State Administrative Tribunal

Act 2004 resolves to:

- 1. Set aside its decision of 4 March 2026 to refuse development approval for a Proposed Plantation (pine) at Lots 9019, 9013, 9012, 9008, 9007, 5424, 9148, 9135, 9134, 9133, 9021, 9020 Richardson Road and Lot 9003 Meerup Road, Meerup.**
- 2. Substitute a new decision to grant development approval for a Proposed Plantation (pine) at Lots 9019, 9013, 9012, 9008, 9007, 5424, 9148, 9135, 9134, 9133, 9021, 9020 Richardson Road and Lot 9003 Meerup Road, Meerup, subject to the following conditions:**

- 2.1. The development hereby approved is to be carried out in accordance with the following stamped approved plans and specifications 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	11 June 2026
2.	Fire Management Plan	11 June 2026

- 2.2. Within 12 months of the commencement of planting of the proposed Plantation, the applicant shall arrange for transfer of a trailer fitted with a fast fill and standpipe, to the satisfaction of the Shire of Manjimup.**
- 2.3. All wildings shall be contained within the boundaries of the subject land. Notwithstanding condition 2.1, prior to commencement of the development, the Plantation Management Plan submitted and hereby approved shall be modified to demonstrate how implementation of this condition shall be achieved.**
- 2.4. This Development Approval is granted for a 30 year period only and shall expire (2056), unless prior to that date an application has been made to and approved by the Shire of Manjimup after payment of the appropriate fee for the continuation of the use for an extended period.**
- 2.5. Should annual nutrient sampling of the central waterway identify negative changes in the water quality exiting the property, then the proponent is to notify the Shire of Manjimup and the Department of Water and Environmental Regulation within 48 hours. Activities related to the plantation management may be required to be adjusted to rectify the water quality, following the notice.**
- 2.6. A copy of the annual fire management plan is to be provided to the Shire of Manjimup every five (5) years.**
- 2.7. A separate Harvesting Plan is to be submitted to Shire of Manjimup a minimum 24 months prior to the anticipated commencement of harvesting of the subject Plantation and not less than twelve (12) months prior to 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. All harvesting shall be implemented in accordance with the Harvesting Plan to the satisfaction of the Shire of Manjimup.

2.8. Any new points of ingress or egress to the property shall be located and constructed to the requirements and satisfaction of the Shire of Manjimup.

2.9. At the completion of any harvesting, all rehabilitation shall be undertaken in accordance with the following:

2.9.1. All waste shall be disposed of to the satisfaction of the responsible authority and should not be placed in or near any water course;

2.9.2. Any surplus tree branches shall be adequately disposed and shall not be left on site if they continue a fire hazard; and

2.9.3. All temporary roads shall be reinstated and left providing for adequate drainage and soil stability without the need for continuous maintenance.

Advice to Applicant

- 1. No works or planting shall occur within 30 metres of power lines without the prior consent of Western Power.**
- 2. Should the proposed plantation works be unable to avoid the Aboriginal site intersection approvals under the Aboriginal Heritage Act (AHA) would be required. It is recommended that the applicant contact Department of Planning Lands and Heritage, Aboriginal Heritage Conservation for their own advice prior to the commencement of any works within this boundary.**
- 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. In the event that creek crossings are proposed, a bed and banks permit would need to be obtained under the Rights in Water and Irrigation Act 1914.**
- 5. A Surface water licence will be required to take surface water from the proclaimed area for any purpose other than domestic, firefighting or watering stock such as any establishment of works, such as dust suppression.**
- 6. 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.

7. That the operation of the Plantation including its harvest is required to comply with the Environmental Protection (Noise) Regulations, 1997.

CARRIED: 6/0

For: Cr Bettink, Cr Burns, Cr Darin, Cr De Campo, Cr Miolin, Cr Willcox.

Against: Nil.

Shire President Buegge returned to the Chamber at 6.28pm.

Cr De Campo declared an Impartiality Interest in this Item as he is related to the children of the applicant. Cr De Campo declared that he would consider this matter on its merits and vote accordingly

ATTACHMENT

9.5.4 Retrospective Application for Rural Workers Accommodation at Lot 500 (38) Kemp Road, Eastbrook

PROPONENT	Scalvino Pty Ltd
OWNER	Mr J Bendotti
LOCATION / ADDRESS	Lot 500 (38) Kemp Road, Eastbrook
WARD	Rural
ZONE	Priority Agriculture
DIRECTORATE	Development Services
FILE REFERENCE	TP2026/68 DA26/65 P50515
LEGISLATION	Planning and Development Act 2005
AUTHOR	Jocelyn Baister
DATE OF REPORT	23 June 2026
DECLARATION OF INTEREST	Nil

BACKGROUND

Council is requested to consider an application for retrospective approval for 'Rural Workers Accommodation' at Lot 500 (38) Kemp Road, Eastbrook, near the Pemberton Golf Course. The subject site is zoned Priority Agriculture and is 63.1ha in area. The property is located within a Priority 3 Public Drinking Water Source Area (PDWSA). The property is developed predominantly for avocado farm, with a number of ancillary outbuildings, a four room transportable and dwelling – single. The surrounding land use is agricultural. A location plan is shown below.



Retrospective approval is being sought for the occupation of the dwelling and transportable for rural workers. The original proposal was for the five (5) bedroom dwelling to accommodate 10 workers and for the four (4) bedroom transportable, each with individual ensuites to accommodate 8 workers.

Shire staff undertook a site inspection, measured each bedroom and as a result the application has been revised such that the dwelling will be accommodating 11 people within six (6) bedrooms and the transportable will be accommodating a maximum of four (4) people.

The key elements of the proposal is as follows:

- A manager is located at the neighbouring property;
- Parking for 20 cars will be provided;
- Potable water is provided via a 280,000l tank
- All workers will be self-cleaning and catering;
- Rubbish removal is via skip bins.

A copy of the details related to the proposal is provided attached.

ATTACHMENT: 9.5.4 (1)

PUBLIC CONSULTATION UNDERTAKEN

The application was advertised in accordance with Clause 9.6 of the Shire of Manjimup's Local Planning Scheme No. 4 (the Scheme) for a 21 day period to the adjoining landowner, and a notice in the local newspaper. The proposal was also referred to the Department of Water and Environmental Regulation (DWER) for comments. No objections were received during the comment period.

DWER comments

DWER has assessed the proposal and advice that the objective in Priority 3 areas is to manage water quality contamination risks so that the drinking water source is maintained for as long as possible.

The 'workforce accommodation' land use would be considered 'Compatible, with conditions' for a nominal P3 PDWSA – noting the primary consideration would have been the use of secondary treatment systems (with nutrient removal) for ablution wastewater treatment. Since this development appears to be complete based on the information provided, DWER assumed that the wastewater treatment systems are already in place. As such, the only advice would be for the Shire to check the wastewater treatment systems servicing the house/dongas have sufficient capacity to treat the additional volumes of wastewater from the workers. It is recommended that should Council approve the application, that the installed system be assessed by the Shire's Environmental Health team.

COMMENT

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

Zone Purposes and Objectives

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

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

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

In determining an application for planning approval, the local government is required to have regard to various matters as outlined within clause 67 of the Planning and Development Regulations 2015 (P&D Regs). These matters include, but are not limited to:

- (a) *the aims and provisions of this and any other local planning scheme operating within the Scheme area;*
- (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (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;*
- (y) *any submissions received on the application;*
- (za) *the comments or submissions received from any authority consulted under clause 66;*

Land Use Classification

The Scheme defines “Rural Workers’ Accommodation” as *a building or building(s) located on a rural landholding, which are used for accommodating seasonal, temporary or migratory workers employed for agricultural/horticulture activities in the district and is to be incidental to that agricultural use of that land.*

The application as submitted aligns with the definition above.

Land Use Permissibility

‘Rural Workers’ Accommodation is an ‘A’ land use within the zone. An ‘A’ land use being a use, which is not permitted unless the local government has exercised its discretion by granting approval after giving special notice in

accordance with Clause 9.6. As detailed in the public consultation section above, advertising of the application has been completed.

Internal Department Assessment

The proposed development will need to meet the requirements of the Health (Miscellaneous Provisions) Act 2016 and the Building Act 2011 to be considered compliant. A lodging house application and building approval certificate will be required. These aspects will be dealt with through the building permit and the Environmental Health approvals stages.

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

Consistency with Zoning

The Rural Workers Accommodation is considered to meet the objectives of the zone as it will provide the owner with a source of income and provided that the behaviour of occupants is appropriately managed, the Rural Workers are not expected to have any impact on the amenity of the surrounding area. The change of land use will not prejudice the ability of the development to operate as a dwelling in the future.

Bushfire Prone Area

The property is located within a 'bushfire prone' area designated by the Commissioner for Fire and Emergency Services. The landowner has undertaken a Bushfire Attack Level (BAL) assessment for the subject property by an accredited Assessor where the BAL rating for the property was BAL-12.5 due to the roadside vegetation. No additional management of the property above that required in the Annual Fire Hazard Reduction Notice is required in this regard.

Management and Emergency Evacuation

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

Retrospective Approval

In accordance with Clause 8.6, planning approval may be granted to a development already commenced or completed, regardless of the date, if the development conforms to the provisions of the Scheme.

Development which is unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except the granting of planning approval. The ongoing use of the land for the proposed purposes will be considered lawful upon the grant of planning approval.

Conclusion

The application for retrospective approval for 'Rural Workers Accommodation' is considered to meet the purpose and objectives of the Scheme provisions.

No objections were received during the consultation period. The application is recommended for approval subject to standard conditions and advice.

STATUTORY ENVIRONMENT

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

POLICY / STRATEGIC IMPLICATIONS

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

Community Goals

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

Strategies

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

ORGANISATIONAL RISK MANAGEMENT

Nil.

FINANCIAL IMPLICATIONS

The appropriate application fee has been paid by the proponent.

SUSTAINABILITY

Environmental: Nil.

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

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council in accordance with clause 8.6 and Part 10 of Shire of Manjimup Local Planning Scheme No. 4 grants retrospective planning approval for a Rural Workers Accommodation at Lot 500 (38) Kemp Road, Eastbrook (TP2026/68) in accordance with the submitted plan as shown at ATTACHMENT: 9.5.4 (1) and subject to compliance with the following conditions and advice:

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

Reference	Document Title	Date Received
1.	Management Details	11 June 2026
2.	Emergency Plan	12 January 2026
3.	Evacuation Plan	12 January 2026
4.	Floor Plan(s)	12 January 2026
	BAL report	12 January 2026
	Bushfire Management Plan	30 April 2026

2. The person nominated as the local manager is to be able to promptly respond to any matters raised by either workers, neighbours, the local government or emergency services at all times. Local Manager details are to be able to be viewed external to the dwelling.
3. Prior to commencement of the use hereby approved, the applicant is to supply a copy of their Public Liability Insurance to the Shire of Manjimup.
4. The Rural Workers Accommodation hereby approved is limited to a maximum of 15 persons to the satisfaction of the Shire of Manjimup.
5. The submitted management details that form part of this application shall be implemented on an ongoing basis to the satisfaction of the Shire of Manjimup.
6. The Emergency Evacuation Response Plan, including the provision of the Manager's contact details, is to be displayed in the accommodation at all times.

Advice to Applicant:

1. The approved development must comply with all relevant provisions of the Health (Miscellaneous Provisions) Act, 1911, and the Building Act 2011.
2. An application for building approval certificate submitted by a certified building surveyor is to be submitted to the Shire of Manjimup for the retrospective approval of the building works.
3. Regardless of whether a building permit is required, an application shall be made to Shire of Manjimup's Principal Environmental

Health Officer for assessment and approval for a Lodging House prior to commencing development.

4. The use of the accommodation proposed may require the installation of additional smoke alarms and emergency lighting for a Class 1b building as detailed in the Building Code of Australia, Part 3.7.2, Smoke Alarms.
5. An on-site secondary treatment and disposal system for sewage will be required with ongoing landowner obligations to ensure that the treatment and disposal system is regularly maintained in accordance with relevant health regulations.

COUNCIL RESOLUTION

MOVED: Cr De Campo SECONDED: Cr Miolin

29981

That Council in accordance with clause 8.6 and Part 10 of Shire of Manjimup Local Planning Scheme No. 4 grants retrospective planning approval for a Rural Workers Accommodation at Lot 500 (38) Kemp Road, Eastbrook (TP2026/68) in accordance with the submitted plan as shown at ATTACHMENT: 9.5.4 (1) and subject to compliance with the following conditions and advice:

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

Reference	Document Title	Date Received
1.	Management Details	11 June 2026
2.	Emergency Plan	12 January 2026
3.	Evacuation Plan	12 January 2026
4.	Floor Plan(s)	12 January 2026
	BAL report	12 January 2026
	Bushfire Management Plan	30 April 2026

2. The person nominated as the local manager is to be able to promptly respond to any matters raised by either workers, neighbours, the local government or emergency services at all times. Local Manager details are to be able to be viewed external to the dwelling.
3. Prior to commencement of the use hereby approved, the applicant is to supply a copy of their Public Liability Insurance to the Shire of Manjimup.
4. The Rural Workers Accommodation hereby approved is limited to a maximum of 15 persons to the satisfaction of the Shire of Manjimup.
5. The submitted management details that form part of this application shall be implemented on an ongoing basis to the

satisfaction of the Shire of Manjimup.

6. The Emergency Evacuation Response Plan, including the provision of the Manager's contact details, is to be displayed in the accommodation at all times.

Advice to Applicant:

1. The approved development must comply with all relevant provisions of the Health (Miscellaneous Provisions) Act, 1911, and the Building Act 2011.
2. An application for building approval certificate submitted by a certified building surveyor is to be submitted to the Shire of Manjimup for the retrospective approval of the building works.
3. Regardless of whether a building permit is required, an application shall be made to Shire of Manjimup's Principal Environmental Health Officer for assessment and approval for a Lodging House prior to commencing development.
4. The use of the accommodation proposed may require the installation of additional smoke alarms and emergency lighting for a Class 1b building as detailed in the Building Code of Australia, Part 3.7.2, Smoke Alarms.
5. An on-site secondary treatment and disposal system for sewage will be required with ongoing landowner obligations to ensure that the treatment and disposal system is regularly maintained in accordance with relevant health regulations.

CARRIED: 7/0

For: Shire President Buegge, Cr Bettink, Cr Burns, Cr Darin, Cr De Campo, Cr Miolin, Cr Willcox.

Against: Nil.

**ATTACHMENT
APPENDIX**

**9.16.1 Unconfirmed Meeting Notes of the Manjimup District
Community Advisory Group held on 3 June 2026**

PROPONENT	Manjimup District Community Advisory Group
OWNER	N/A
LOCATION / ADDRESS	Manjimup District
WARD	Rural and Urban
ZONE	N/A
DIRECTORATE	N/A
FILE REFERENCE	F170492
LEGISLATION	Local Government Act 1995
AUTHOR	Gail Ipsen Cutts (Director Community Services)
DATE OF REPORT	18 June 2026
DECLARATION OF INTEREST	Nil

BACKGROUND

The Manjimup District Community Advisory Group (MDCAG) is an advisory group of Council established to provide community input and advice on strategic matters relating to the Manjimup district.

In accordance with Council Policy 1.1.10 – Committees, Advisory Groups and Reference Groups, Advisory Groups are to have a Chairperson and Deputy Chairperson appointed by Council.

The purpose of this agenda item is to receive the unconfirmed meeting notes of the MDCAG meeting held on 3 June 2026 and to formally endorse the appointment of the Chairperson and Deputy Chairperson, as selected by the Group.

PUBLIC CONSULTATION UNDERTAKEN

At the 25 February 2026 Ordinary Council Meeting (OCM), Council resolved, in reference to item 9.1.2 Request Approval to Expend Reserve Funds - Brockman Street Lights Maintenance, as follows:

Recommendation 3. “Requests the Chief Executive Officer to refer this matter to the Manjimup District Community Advisory Group for consideration and a recommendation/s to Council at a later date”.

The full 9.1.2 Agenda item and resolution is appended for Council reference.

APPENDIX: 9.16.1 (A)

The MDCAG discussed the matter, and the following recommendation is now presented to Council for further consideration:

That Council endorse the use of up to \$15,000 from the Building Asset Management Reserve to undertake the initial inspection only, with a subsequent report to be presented to Council outlining the inspection findings with a nominate staged plan for implementation to enable lighting to remain functional for the interim.

COMMENT

The meeting introduced the role and function of the MDCAG, with initial discussion focused on key strategic matters relevant to the Manjimup district.

The inaugural meeting of the MDCAG was held on 3 June 2026 and there are three recommendations requiring consideration by Council.

At this meeting, members selected the following positions:

- Chairperson: Samantha Cleveland
- Deputy Chairperson: Meisha Kristoffersson

In accordance with Council Policy 1.1.10, these appointments require formal endorsement by Council.

Furthermore, the matter of the Brockman Street Lights referred to MDCAG by Council at the February OCM and the recommendation is included in the preceding Public Consultation section, in accordance with Policy 1.1.10.

The notes of the meeting are attached for Council's information.

ATTACHMENT: 9.16.1 (1)

STATUTORY ENVIRONMENT

Local Government Act 1995.

POLICY / STRATEGIC IMPLICATIONS

The MDCAG operates in accordance with Council Policy 1.1.10 – Committees, Advisory Groups and Reference Groups, which outlines the purpose, function and operation of Advisory Groups, including the requirement for Council to appoint a Chairperson and Deputy Chairperson. The work of the MDCAG also supports the objectives of the Shire's Strategic Community Plan, including community engagement, economic development, and sustainable community outcomes.

ORGANISATIONAL RISK MANAGEMENT

Nil.

FINANCIAL IMPLICATIONS

The recommendation from the MDCAG endorses the use of up to \$15,000 from the Building Asset Management Reserve to undertake the initial inspection only of the Brockman Street lights only, with a subsequent report to be presented to Council outlining the inspection findings with a nominate staged plan for implementation to enable lighting to remain functional for the interim

SUSTAINABILITY

The MDCAG supports economic and community engagement and contributes to positive social and economic outcomes through increased participation and representation.

VOTING REQUIREMENTS: ABSOLUTE MAJORITY

OFFICER RECOMMENDATION

That Council:

- 1. Receive and note the meeting notes of the Manjimup District Community Advisory Group meeting held on 3 June 2026, as per Attachment: 9.16.1 (1).**
- 2. Endorse the appointment of Samantha Cleveland as Chairperson of the Manjimup District Community Advisory Group.**
- 3. Endorse the appointment Meisha Kristoffersson as Deputy Chairperson of the Manjimup District Community Advisory Group.**
- 4. Endorse the use of up to \$15,000 from the Building Asset Management Reserve to undertake the initial inspection of the Brockman Street lights only, with a subsequent report to be presented to Council outlining the inspection findings with a nominate staged plan for implementation to enable lighting to remain functional for the interim.**

COUNCIL RESOLUTION

MOVED: Cr Miolin

SECONDED: Cr Bettink

29982**That Council:**

1. Receive and note the meeting notes of the Manjimup District Community Advisory Group meeting held on 3 June 2026, as per Attachment: 9.16.1 (1).
2. Endorse the appointment of Samantha Cleveland as Chairperson of the Manjimup District Community Advisory Group.
3. Endorse the appointment Meisha Kristoffersson as Deputy Chairperson of the Manjimup District Community Advisory Group.
4. Endorse the use of up to \$15,000 from the Building Asset Management Reserve to undertake the initial inspection of the Brockman Street lights only, with a subsequent report to be presented to Council outlining the inspection findings with a nominate staged plan for implementation to enable lighting to remain functional for the interim.

CARRIED: 7/0

For: Shire President Buegge, Cr Bettink, Cr Burns, Cr Darin, Cr De Campo, Cr Miolin, Cr Willcox.

Against: Nil.

10. LATE REPORTS

Nil.

11. QUESTIONS FROM MEMBERS

11.1 Response to questions from members taken on notice.

Nil.

11.2 Questions from members.

Nil.

12. MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING

12.1 Amendment to Council Policy 1.1.1 Council Meetings, Agenda Briefing Sessions and Concept Forums (Cr De Campo)

That Council:

1. Directs the Chief Executive Officer to prepare and present to Council, no later than the next practicable Ordinary Council Meeting, an amended Council Policy 1.1.1 Council Meetings, Agenda Briefing Sessions and Concept Forums.
2. Requires the amended policy to provide that members of the public may attend Agenda Briefing Sessions as observers, except for any part of a session that the Chief Executive Officer, in consultation with the Shire President, determines should not be open to the public because the matters to be discussed are confidential, legally privileged, commercially sensitive, relate to employees or individuals, or would otherwise be inappropriate for public consideration.
3. Requires the amended policy to provide that members of the public may attend Concept Forums as observers where the Chief Executive Officer, in consultation with the Shire President, determines that public attendance is appropriate, having regard to the nature, sensitivity and stage of development of the matters to be discussed.
4. Requires the amended policy to provide that:
 - 4.1 The draft Council agenda to be considered at an Agenda Briefing Session is to be published on the Shire of Manjimup's official website by the Friday immediately preceding the Agenda Briefing Session.

- 4.2 The published document is to be clearly identified as a draft agenda that is subject to amendment, withdrawal or the inclusion of additional information or items before the agenda for the relevant Ordinary Council Meeting is finalised.
- 4.3 The publication of the draft agenda does not prevent the Chief Executive Officer from making changes necessary to ensure that the final Ordinary Council Meeting agenda is complete, accurate and compliant with all applicable legislative requirements.
- 4.4 Confidential reports, legally privileged information, personal information and any other information that is not appropriate for public disclosure may be withheld or redacted from the published draft agenda.
- 4.5 Public attendance is for observation only, unless a person is specifically invited by the Chair or Chief Executive Officer to address the session or forum.
- 4.6 No formal or informal voting is to occur and no decision of Council is to be made or implied at an Agenda Briefing Session or Concept Forum.
- 4.7 The Chief Executive Officer may require members of the public to leave for any item that is determined to be unsuitable for public attendance.
- 4.8 Where all or part of an Agenda Briefing Session or Concept Forum is not open to the public, the general reason for that determination is to be recorded in the meeting notes, subject to the protection of confidential information.
- 4.9 Reasonable public notice is to be given of the date, time and location of Agenda Briefing Sessions and Concept Forums that are to be open to the public.
- 4.10 The orderly conduct of each session or forum is to remain under the control of the Chair.
- 5. Requests that the amended policy be based upon a general principle of openness and public accessibility wherever this can reasonably occur without compromising confidentiality, legal obligations, personal privacy, commercial interests or the effective operation of the Shire.

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

Nil.

14. MEETING CLOSED TO THE PUBLIC

14.1 Matters for which the meeting may be closed.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council goes behind closed doors to consider:

Item 14.1.1 as under Section 5.23(2)(c) it deals with a prescribed matter.

ALTERNATIVE COUNCIL RESOLUTION

MOVED: Cr De Campo SECONDED: Cr Miolin

29983

That Council, notwithstanding that Item 14.1.1 may be considered behind closed doors under Section 5.23(4)(g) as it deals with a prescribed matter, determines to remain in public for consideration of this item.

Reason: There has been considerable hyperbole regarding the lease and the building, and that consideration of the matter in the public domain would provide the public with greater clarity regarding 5D Brockman Street.

CARRIED 7/0

For: Shire President Buegge, Cr Bettink, Cr Burns, Cr Darin, Cr De Campo, Cr Miolin, Cr Willcox.

Against: Nil.

14.1.1 5D Brockman Street, Manjimup - Consideration of Leasing Issues

PROPONENT	Shire of Manjimup
OWNER	Shire of Manjimup
LOCATION / ADDRESS	5 (Lot 45) Brockman Street, Manjimup
WARD	Urban
ZONE	Town Centre
DIRECTORATE	Office of the CEO
FILE REFERENCE	F210296
LEGISLATION	Local Government Act 1995
AUTHOR	Phillip St John (Project Officer)
DATE OF REPORT	9 July 2026
DECLARATION OF INTEREST	Nil

BACKGROUND

The property at 5D Brockman Street Manjimup, is leased to Gatsby's Skyline Pty Ltd. The lease is approaching the point at which the tenants must exercise an option to extend the lease for a further five-year term, failing which the lease will terminate. The tenants have advised that they intend to retire and seek to sell the business and transfer the lease to another party and have presented three options for the Shire's consideration.

The background to this matter is summarised below.

In February 2020, Council resolved to call for an Expression of Interest (EOI) for the use of the upper-level commercial tenancy (5D) for a business involving the provision of food and beverage services. The report at that time identified a need to test the market with a view to activating the site as part of the revitalisation project. One submission was received in response to the EOI.

Following a Council decision on 17 December 2020, a lease was entered into between the Shire and Gatsby's Skyline Pty Ltd. The formal commencement date of the lease was 9 September 2022. The key terms of the lease included:

- An initial term of two years with two further options of five years each.
- Rent of \$32,040 per annum (excluding GST), subject to Perth CPI adjustments from the third anniversary of commencement and a market rent review at the seventh anniversary if the first five-year option is exercised.
- Payment of all outgoings, including Shire rates, by the lessee.
- Commencement of the lease upon issue of the Occupancy Permit, which occurred in September 2022.
- A waiver of rent and rates for the first year, and a 50% rent waiver (with full rates payable) during the second year.

On 11 April 2024, Council resolved its intention to undertake the two-storey extension at the rear of the property, including a lift, universal access toilet and kitchen space, subject to satisfactory budget allocation, tender submissions and a supporting business case.

On 11 July 2024, Council considered the timing of rent concessions applicable to the tenancy at 5D Brockman Street. The relevant components of that decision were:

- To discount rent in Year 3 and subsequent years by 50% until the building works were completed, for a maximum period of two years.
- To defer the requirement for the lessee to exercise the first five-year option until the next anniversary following completion of the works, for a maximum period of two additional years.

This decision was intended to provide the tenants with greater certainty regarding completion of the works before making a commitment to a longer-term lease.

In April 2025, Council amended the budget and awarded a tender to undertake the works approved in April 2024. Those works have subsequently been completed.

PUBLIC CONSULTATION UNDERTAKEN

Nil.

COMMENT

The tenant's letter of request is shown attached. They advise that they intend to sell the Gatsby's Skyline business and retire, and that they currently have an interested purchaser progressing through the finance approval process.

They propose 3 options for the current lease (summarised below)

Option 1 – Preferred by tenants

- Lease repayments remain at the current half-rent arrangement.
- Current tenants guarantee to continue operating GATSBYS Skyline until **30 June 2027**, unless the business is sold prior.
- The rear extension is completed to a commercial kitchen standard, including:
 - Floor tiling
 - Wall splashbacks
 - Electrical fit-out
 - Installation of a range hood.

Option 2

- Lease repayments return to the full rental amount, with the lease extended until **30 December 2026**.
- At the conclusion of the lease, they have 30 days to remove all fixtures and fittings.
- The Shire is given first option to purchase any lessee owned fixtures and fittings.

Option 3

- The current lease concludes in September as scheduled.
- They are provided 30 days from the end of the lease to remove all fixtures and fittings.
- The Shire is given first option to purchase any lessee owned fixtures and fittings before they are removed.

Assessment of the Tenants' Options

None of the tenants' proposed options fully satisfy the Shire's objectives (summarised under 'strategic implications' below).

Option 1

Option 1 provides no certainty that the lease will be assigned to a suitable party or that the business will continue operating beyond 30 June 2027. In addition, the proposed continuation of trading is based on commitments that are not legally enforceable or under the Shire's control.

The option would also require additional expenditure by the Shire to complete the kitchen fit-out. There is no certainty that such expenditure would provide long-term value, particularly if the premises are ultimately used for a purpose that does not require commercial kitchen facilities. Furthermore, the Council's decision of 11 April 2024 referred only to the construction of a 'kitchen space'. This did not include any kitchen fit out.

For these reasons, Option 1 is not recommended.

The only circumstances in which Option 1 may warrant further consideration are where a suitable assignee is identified who is prepared to:

- operate an acceptable business from the premises;
- pay the required rental; and
- accept assignment of the existing lease and become legally bound by its terms.

The information currently available to the Shire falls well short of establishing a reasonable degree of certainty that such an outcome will occur.

Option 2

Option 2 is considered the 'least disadvantageous' of the options proposed.

Assuming that assignment of the lease to viable tenant is unlikely, and if the future use of the premises needs to be reconsidered, the Shire should commence planning for that possibility as soon as practicable. Option 2 provides a limited extension period during which full rent is paid while allowing time to consider future use and tenure arrangements.

Importantly, this option does not preclude assignment of the lease should a suitable assignee emerge before December 2026.

The issue of purchasing lessee owned fixtures and fittings should be assessed separately based on their suitability and value for any future tenant or use of the premises. Acceptance of Option 2 would not commit the Shire to purchasing any such items.

If Option 2 is adopted, consideration must be given to the tenants' request for 30 days following lease expiry to remove all lessee owned fixtures and fittings. It is reasonable to allow a period for removal, however, it is recommended that the Shire require rent to continue to be paid during that period for the following reasons:

- Following termination, it is in the Shire's interests that the premises be vacated as soon as practicable, and the continued payment of rent provides an incentive to achieve this outcome.
- The tenant will continue to have exclusive possession of the premises during this period and payment of rent is therefore reasonable and equitable.

Option 3

Option 3 would result in termination of the lease in September 2026 with no extension period. Given the likelihood that the Shire will not have completed a process for determining the future use or occupation of the premises by that date, this option offers limited benefit to the Shire. It would also result in the loss of rental income between September and December 2026

ATTACHMENT: 14.1.1 (1)

STATUTORY ENVIRONMENT

Statutory Requirements for a New Lease

It is not known whether any prospective purchaser is aware of the current lease conditions or the statutory requirements associated with leasing local government land.

As noted above, the existing lease permits assignment, subject to Shire approval. An approved assignment would not constitute a new lease for the purposes of the relevant legislation.

Any alternative arrangement involving a new lease to a third party would constitute a disposal of land and would therefore be subject to section 3.58 of the Local Government Act 1995 and Regulation 30 of the Local Government (Functions and General) Regulations 1996. In summary, these provisions generally require leases to be offered through a competitive public process involving public notice, tender or auction.

Summary of Relevant Lease Terms

- The current two-year lease term expires on 8 September 2026, having regard to Council's July 2024 decision and the recent completion of the building works.
- Completion of the works also triggers the end of the rent discount period approved by Council in July 2024 and the commencement of full rental payments. Formal completion of the works occurred on 13 March 2026.
- Clause 19 of the lease provides the lessee with an option to extend the lease for a further five-year term. If the option is not exercised, the lease will terminate.
- The lease requires the lessee to provide a minimum of three months' notice of its intention to exercise the option. The relevant notice date was 8 June 2026. No such notice has been provided, which may provide grounds for the Shire to challenge the exercise of the option if it wishes to do so.
- Clause 23 of the lease deals with assignment and subletting. In summary, assignment may be approved by the Shire provided it is satisfied that the proposed assignee is a respectable and responsible entity of sound financial standing.
- Clause 7.1 restricts use of the premises to a "Bar and Function Centre". While this is a relatively restrictive use provision, it would be open to the Shire to consider alternative uses if considered appropriate.
- Clause 12 provides for a month-to-month holding-over tenancy following termination of the lease. This provision cannot be invoked unilaterally by the tenant and requires the Shire's agreement.

POLICY / STRATEGIC IMPLICATIONS

The strategic objectives of the Shire relevant to this lease are suggested to be as follows;

- Maintenance of the current tenancy business (or a similarly operating business) to provide place activation, business diversification and economic multiplier benefit to other businesses with the town centre.
- Maximisation of financial return to the Shire, in terms of rent and rates revenue.
- Minimisation of additional expenditure on the building without certainty of a return.

If the termination of the current lease and closure of the business is likely or even inevitable outcome, then it is considered in the Shire's interests to minimise the uncertainty and to determine a preferred future use of this asset as soon as possible.

ORGANISATIONAL RISK MANAGEMENT

The management of this lease, and to a greater extent the future related decisions that the Council makes in relation to the building, have the potential to bring the Council into a legal dispute with the lessee. The level of organisational risk associated with such an outcome cannot be quantified at this time; however all necessary steps are being taken to mitigate legal risks as part of this process.

FINANCIAL IMPLICATIONS

The current rent on the property is \$1371.05 + GST per month. Full rent will be \$2742.10 + GST per month = \$32,905 + GST per annum.

The Council's decision on the options presented by the tenant has a financial implication related to rent revenue received from the lease and further expenditure on the building. The recommended option is that which maximises rent return on the property and minimises further expenditures. However, a budget adjustment will have to be made to reflect the reduction in expected revenue caused by the termination of the lease earlier than expected.

SUSTAINABILITY

Environmental: Nil

Economic: The termination of this lease and the possible vacancy of this tenancy may cause a reduction in the economic activity within the town centre, however this may be mitigated by the occupancy of the space with an alternative commercial tenant.

Social: Nil

VOTING REQUIREMENTS: SIMPLE MAJORITY

Officer Recommendation

That Council:

- 1. Offer to extend the lease term to 30 December 2026, subject to the tenants paying full rent during the subsequent 30-day period required to remove lessee owned fixtures and fittings, and for any**

further period during which fixtures and fittings remain on the premises.

2. Note that the other provisions of the lease remain unchanged, including the option for further terms of 5 + 5 years (now from 30 December 2026) and prescribed rent review dates.
3. Request that the Chief Executive Officer determine the required condition of the tenancy on termination of the lease (including an inventory of all Shire of Manjimup owned fixtures and fittings).
4. Authorise the Chief Executive Officer to negotiate and execute any necessary amendments to the lease documentation to give effect to Item 1.
5. Note that the lease will terminate on 8 September 2026 should the tenants decline the offer outlined in Item 1.
6. Note that, should a suitable purchaser be presented for assignment of the lease, Council may reconsider this decision and assess any proposed assignment in accordance with the relevant provisions of the lease.
7. Request the Chief Executive Officer convene a Council Members workshop meeting to consider options for the future use and tenure of the tenancy at 5D Brockman Street, including consideration of a potential sale of the building subject to existing lease arrangements.
8. Request the Chief Executive Officer to prepare a further report for Council consideration outlining options and a recommendation for the future use and tenure of the tenancy at 5D Brockman Street.

AMENDED COUNCIL RESOLUTION

MOVED: Cr De Campo SECONDED: Cr Darin

29984

That Council:

1. Offer to extend the lease term to 30 June 2027, subject to the tenants paying full rent until 30 June 2027 and during the subsequent 30-day period required to remove lessee-owned fixtures and fittings, and for any further period during which fixtures and fittings remain on the premises.
2. Confirm that it is not prepared to fund any further works to the kitchen space.
3. Note that the other provisions of the lease remain unchanged, including the option for further terms of 5 plus 5 years commencing from 30 June 2027 and the prescribed rent review dates.
4. Require the tenants to advise whether they accept the offer outlined in resolution 1 and execute the necessary lease extension

documentation no later than 8 August 2026.

5. Request the Chief Executive Officer to commence an Expression of Interest process seeking proposals from interested parties to lease the building if the current tenants have not executed the lease extension documentation by 8 August 2026.
6. Request the Chief Executive Officer, if the current tenants do not execute the lease extension documentation by 8 August 2026, to present a report to the September 2026 Ordinary Council Meeting outlining all proposals received through the Expression of Interest process.
7. Request the Chief Executive Officer to schedule a Concept Forum before 30 June 2027 for Council to consider and determine future ownership of 5D Brockman Street, Manjimup.
8. Request the Chief Executive Officer, if the tenants execute the lease extension documentation by 8 August 2026 but subsequently advise that they intend to vacate the building on 30 June 2027, to commence an Expression of Interest process on 30 April 2027 seeking proposals from interested parties to lease the building from 1 August 2027.
9. Request that the Chief Executive Officer determine the required condition of the tenancy on termination of the lease, including preparing an inventory of all fixtures and fittings owned by the Shire of Manjimup.
10. Authorise the Chief Executive Officer to negotiate and execute any necessary amendments to the lease documentation to give effect to resolution 1 above.
11. Note that the lease will terminate on 8 September 2026 should the tenants decline, or fail to accept and execute the necessary documentation for, the offer outlined in resolution 1 by 8 August 2026.

CARRIED: 7/0

For: Shire President Buegge, Cr Bettink, Cr Burns, Cr Darin, Cr De Campo, Cr Miolin, Cr Willcox.

Against: Nil.

15. APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL RESOLUTION

MOVED: Cr De Campo SECONDED: Cr Miolin

29985

That Council grant Cr Julie Bettink and Cr Jayde Darin a leave of absence for the Ordinary Council Meeting to be held 26 August 2026.

CARRIED: 7/0

For: Shire President Buegge, Cr Bettink, Cr Burns, Cr Darin, Cr De Campo, Cr Miolin, Cr Willcox.

Against: Nil.

16. CLOSURE

There being no further business to discuss the Shire President thanked those in attendance and closed the meeting at 6.42pm.

SIGNED:.....DATE:

**Donelle Buegge
Shire President**