



# **Agenda**

**Ordinary Council Meeting**

**Thursday 19 December 2019**

# Question Time

## Rules

Please note that the following rules apply to Question Time:

1. The person asking the question is requested to complete a Public Question Time Form prior to asking a question at the Council meeting. This will assist in a more informed and detailed response being given at this meeting. This form is available on the Shire's website and on the desk in the gallery area of Council Chambers.
2. Questions are to be directed through the Chair, with the Chairperson having the discretion of accepting or rejecting a question or taking it on notice.
3. To enable all members of the public a fair and equal opportunity to participate in Question Time, each person shall, in the first instance, ask a maximum of Two Questions.
4. If a question is taken on notice at the meeting, it will be answered in writing and included in the following meeting's Minutes.

**Ordinary Council – 19 December 2019**  
**Table of Contents**

1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	1
2.	ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE .....	1
3.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	1
4.	PUBLIC QUESTION TIME.....	1
5.	PETITIONS AND APPROVED DEPUTATIONS.....	1
6.	CONFIRMATION OF MINUTES .....	1
	6.1 Ordinary Council Meeting – 28 November 2019.....	1
7.	ANNOUNCEMENTS BY THE PRESIDING MEMBER.....	1
8.	ANNOUNCEMENTS BY ELECTED MEMBERS.....	1
9.	ACKNOWLEDGEMENT OF RECEIPT OF DISCLOSURE OF INTERESTS (BY PRESIDING MEMBER).....	1
10.	RECEPTION OF MINUTES AND RECOMMENDATIONS OF COMMITTEES HELD SINCE PREVIOUS MEETING OF COUNCIL .....	2
	10.2 CEO Resource Sharing Committee Meeting Minutes 26 November 2019 ..	2
11.	REPORTS OF CHIEF EXECUTIVE OFFICER AND OFFICERS.....	3
	Planning and Sustainability.....	3
	11.1 Proposed Amendment No 311 to Town Planning Scheme No.4 to Rezone Lot 221 Lakes Road and Lot 400 Paterson Road, Nambelup .....	3
	11.2 Adoption of Local Heritage Survey.....	10
	11.3 Dwellingup Town Centre Façade Refurbishment Subsidy Program .....	16
	Corporate Governance .....	21
	11.4 Review of Councillor Representation.....	21
	11.5 Shire of Murray Policy Manual Review.....	24
	11.6 Review – Shire of Murray Delegation of Authority Register .....	28
	11.7 Payments from Municipal and Trust Funds – November 2019 .....	33
	11.8 Monthly Financial Report – November 2019 .....	36
	Recreation, Economic & Community Development.....	39
	11.9 Pinjarra Weir Relocation .....	40
	Items for Information .....	46
	11.10 Council Resolution/Outstanding Items.....	46
	11.11 Delegated Decisions – November 2019 .....	46
12.	BUSINESS LEFT OVER FROM THE PREVIOUS MEETING.....	46
13.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.	46
14.	NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING .....	46
15.	NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION OF THE MEETING .....	46
16.	MEETING CLOSED TO THE PUBLIC (CONFIDENTIAL BUSINESS).....	46
	16.1 Joint CEO Long-Term Contract Arrangements – Under Confidential Cover .....	46
17.	CLOSURE OF MEETING.....	47



## **Notice of Meeting**

Notice is hereby given that the Ordinary Meeting of Council will be held at the Murray Shire Council, 1915 Pinjarra Road, Pinjarra on Thursday 19 December 2019 commencing at 5.30pm.

Dean Unsworth  
Chief Executive Officer

1. **DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
2. **ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE**
3. **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

4. **PUBLIC QUESTION TIME**
5. **PETITIONS AND APPROVED DEPUTATIONS**
6. **CONFIRMATION OF MINUTES**
- 6.1 **Ordinary Council Meeting – 28 November 2019**

### **Recommendation**

**That the Minutes of the Ordinary Council Meeting held on Thursday 28 November 2019 be confirmed as a true and correct record.**

7. **ANNOUNCEMENTS BY THE PRESIDING MEMBER**

The Shire President's announcements will be provided as an attachment to the Minutes.

8. **ANNOUNCEMENTS BY ELECTED MEMBERS**

The Elected Members' announcements, as provided, will be attached to the Minutes.

9. **ACKNOWLEDGEMENT OF RECEIPT OF DISCLOSURE OF INTERESTS (BY PRESIDING MEMBER)**

**10. RECEPTION OF MINUTES AND RECOMMENDATIONS OF COMMITTEES HELD SINCE PREVIOUS MEETING OF COUNCIL**

**10.2 CEO Resource Sharing Committee Meeting Minutes 26 November 2019**

**File Ref: 1403-01  
Appendix 1**

**Recommendation**

**That Council receives and notes the Minutes of the CEO Resource Sharing Committee Meeting held on Tuesday 26 November 2019.**

Item 6.3 of these minutes is a confidential matter and will be dealt with separately under Item 16 Meeting Closed to the Public (Confidential Matters).

## 11. REPORTS OF CHIEF EXECUTIVE OFFICER AND OFFICERS

### Planning and Sustainability

#### 11.1 Proposed Amendment No 311 to Town Planning Scheme No.4 to Rezone Lot 221 Lakes Road and Lot 400 Paterson Road, Nambeelup

File Ref: DSA 311  
Applicant: CLE Town Planning and Design  
Author and Title: Cherryll Oldham, Senior Planning Officer  
Voting Requirements: Simple Majority

Appendix 2

#### Recommendation

That Council, subject to the payment of the relevant Shire administrative fees:

1. pursuant to Section 75 of the Planning and Development Act 2005 resolves to prepare Amendment No 311 to the Shire of Murray Town Planning Scheme No. 4 to rezone Lot 221 Lakes Road and a portion of Lot 400 Paterson Road, Nambeelup from 'Rural' to 'Industrial Development - Nambeelup';
2. pursuant to Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 specifies that the Amendment is a standard amendment as it is considered consistent with the Industrial zone proposed under Peel Region Scheme Amendment 046/41, the Western Australian Planning Commission endorsed Nambeelup Industrial Area District Structure Plan, it will have minimal impact on land in the scheme area that is not the subject of the Scheme area and will not result in any significant environmental, social, economic or governance impacts on land within the Scheme area;
3. endorse the preparation of the amendment documents to the satisfaction of the Director Planning and Sustainability and authorise the Shire President and Chief Executive Officer to sign and seal the amendment documentation;
4. authorise the forwarding of the amendment to the Environmental Protection Authority for consideration of environmental assessment in accordance with section 81 of the Planning and Development Act; and
5. following compliance with sections 81 and 82 of the Act, proceed to advertise the amendment for a period of at least 42 days.

#### In Brief

- Amendment 046/41 to the Peel Region Scheme (PRS) was initiated by the Western Australian Planning Commission (WAPC) in April 2019 and proposes to rezone Lot 221 Lakes Road and the portion of Lot 400 Paterson Road north of Nambeelup Brook, Nambeelup, from 'Rural' to 'Industrial'.
- The PRS Amendment is consistent with the South Metropolitan Peel Sub-regional Planning Framework and the Nambeelup Industrial Area District Structure Plan (NIADSP).
- The PRS Amendment was advertised for 90 days between April and July 2019 and it is anticipated to be finalised by approximately February 2020.
- The subject land is zoned Rural under the Shire of Murray Town Planning Scheme No. 4 (TPS4). Clause 124 (3) of the Planning and Development Act 2005 requires the local government to amend its local planning scheme to be consistent with the PRS within 90 days of a region scheme amendment being finalised.

- The purpose of the proposed amendment to TPS4 is therefore to bring the zoning into consistency with the PRS, once amended.
- It is recommended the subject land be rezoned to 'Industrial Development - Nambeelup' under TPS4 as this will ensure the area is comprehensively planned via a structure planning process prior to subdivision and development occurring, which is consistent with other adjacent Industrial zoned lots.

### Background

The subject site is located approximately 10 kilometres east of the Mandurah town centre and 13 kilometres north-west of Pinjarra. The site is bounded by Lakes Road to the north, Paterson Road to the west, Nambeelup Brook to the south, and a rural zoned landholding to the east. The land immediately to the west and northwest (Peel Business Park) is already zoned Industrial Development and currently at varying stages of planning and construction.

The site comprises approximately 200 hectares of land, being the entirety of Lot 221, and an approximate 17 hectare portion of the adjoining Lot 400 located to the north of Nambeelup Brook. A location plan is shown below.



### Report Detail

It is proposed to rezone the site from Rural to Industrial Development - Nambeelup. A copy of the applicant's report is included at **Appendix 2**.

The NIADSP provides commentary on information required to be submitted with a proposed amendment to TPS4. The following documentation ought to be provided:

- a comprehensive servicing report;
- preparation of major road design concept and land requirement plans;
- preparation of a Development Contribution Plan;
- a review of the permitted and discretionary land uses for 'Industrial Development' zone; and
- preparation of design guidelines for different planning precincts.

### *Comprehensive Engineering Servicing Report*

A servicing report has been provided (November 2019) which demonstrates the site can be provided with reticulated potable water, sewerage services and electricity. Natural gas is in the vicinity (Readheads Road) though it is at the discretion of the developer whether to provide natural gas. A limited portion of the site may be connected to water from Lot 600, however significant investment will be required to enable development on the balance of the lot. Waste water will be provided via different pump stations generally connecting to Gordon Road waste water treatment plant, though should these prove unviable, other options may be considered. The servicing report discusses a potential non-potable water supply from a Managed Aquifer Recharge (MAR) and reuse scheme, or tapping into a non-potable supply pipeline. MAR could potentially provide a significant service in Lot 221 by making use of the groundwater (or surface water) discharge volumes, utilising the sizable natural storage capacity underground, and supplying non-potable supply during peak water demand periods.

Fill is likely to be required over the low-lying areas of the site to satisfy drainage requirements and filling above the controlled groundwater level which, depending on the proposed drainage strategy, may differ from the natural ground water level.

The servicing report does not consider the servicing implications for the portion of Lot 400 Paterson Road, which is also proposed to be rezoned under this amendment. Lot 400 will be required to be included in the structure planning process therefore the Engineering Servicing Report will require modification prior to structure planning stage.

### *Major Road Design Concept and Land Requirements Plans*

Draft road design concept plans were provided to the Shire as part of the PRS amendment consultation process. Assessments have already been undertaken on the requirements for Lakes and Paterson Roads, including a roundabout at the intersection. Subdivision approval has been granted by the WAPC for the road widening of Paterson and Lakes Roads.

### *Preparation of Developer Contribution Plan*

A developer contribution plan to provide for equitable contributions for major roads and shared drainage facilities for the overall Nambeelup Industrial Area is currently being prepared by Development WA in collaboration with the Shire.

### *Review of Discretionary Land Uses within the Industrial Development zone*

A review of the land uses was undertaken as part the local scheme amendment process for the Peel Business Park rezoning. The subject scheme amendment does not propose to change the land uses as assigned in the amendment for the Peel Business Park.

### *Preparation of Design Guidelines for Different Planning Process*

Design Guidelines for the Peel Business Park were prepared and endorsed by Council in July 2019. It is anticipated this document will form the general development guidelines for all development in Nambeelup Industrial Area, although there will be some changes to the document needed in order to apply it to the additional land and to address any site-specific design elements.



### Murray 2030 Strategic Community Plan

<b>Focus Area</b>	Places for People
<b>Aspiration</b>	To create great places for the people through strong partnerships with the community; innovative urban design; and improve the well-being and quality of life for residents.
<b>Strategy</b>	Ensure the Town Planning Scheme and Local Planning Strategy facilitates quality and diverse planning outcomes.

<b>Focus Area</b>	Thriving Economy
<b>Aspiration</b>	To create diverse and prosperous economy that supports innovation, training opportunities and provides a variety of business, tourism and employment opportunities.
<b>Strategy</b>	Maximise the inherent economic opportunities in the Mandurah Murray functional economic region.

<b>Focus Area</b>	Environment, Character and Heritage
<b>Aspiration</b>	To be effective stewards of our environment, history, heritage, natural landscape and rural character.
<b>Strategy</b>	Protect and enhance natural areas and biodiversity on public and private land.

### Other Strategic Links

#### *South Metropolitan Peel Sub-Regional Planning Framework*

The South Metropolitan Peel Sub-Regional Planning Framework recognises the Nambeelup Industrial Area, and identifies the majority of the NIADSP area as either 'Industrial' or 'Industrial Expansion'. The Framework identifies the subject site for the purposes of 'Industrial Expansion'.

#### *Nambeelup Industrial Area District Structure Plan*

The NIADSP depicts the subject site primarily for 'Industrial' purposes with portions of the site being identified for 'Open Space' within a central spine, along Nambeelup Brook and along the eastern boundary. The NIADSP enables service commercial and light industrial land uses to be located generally along the eastern side of Paterson Road and along the southern side of Lakes Road, west of the central open space spine.

### Statutory Environment

#### *Planning and Development Act 2005*

Section 75 of the Planning and Development Act (the Act) provides that a Local Government may amend its local planning scheme by an amendment which is either:

1. prepared by the local government, approved by the Minister and published in the Gazette; or
2. proposed by all or any of the owners of land in the scheme area, adopted with or without modification by the local government, approved by the Minister and published in the Gazette.

Section 124 (3) of the Act provides that if a region planning scheme is amended and is inconsistent with a local planning scheme, the local government is, not later than 90 days after the amendment to the region planning scheme takes effect, resolve to prepare:

1. a local planning scheme which is consistent with the region planning scheme; or
2. an amendment to the local planning scheme which renders the local planning scheme consistent with the region planning scheme, and which does not contain or removes, as the case requires, any provision which would be likely to impede the implementation of the region planning scheme.

*Planning and Development (Local Planning Schemes) Regulations 2015*

Regulation 35 (2) of the Planning and Development (Local Planning Schemes) Regulations (the Regulations) requires that a resolution to prepare an amendment must:

1. specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment; and
2. include an explanation of the reason for the local government forming that opinion.

Regulation 34 sets out the criteria for each amendment category and in particular specifies that an amendment to make a local planning scheme consistent with a region planning scheme is a standard amendment.

*Peel Region Scheme*

The subject land is currently zoned Rural under the PRS. An amendment rezone the land from Rural to Industrial is currently in process and likely to be finalised approximately February 2020.

*Town Planning Scheme No. 4*

The subject land is currently zoned Rural under TPS4. The Scheme objectives for the Nambeelup Industrial Development Zone are to:

- a) achieve job creation through the delivery of industrial development opportunities;
- b) designate an industrial area of regional significance which reflects the objectives of the Nambeelup Industrial Area District Structure Plan;
- c) achieve a cluster of agri-food and agri-processing operators and associated industries;
- d) accommodate conventional light and general industries together with limited service commercial and commercial support uses;
- e) demonstrate the viability of innovative servicing solutions.

**Sustainability & Risk Considerations**

*Economic - (Impact on the Economy of the Shire and Region)*

Support for the rezoning will facilitate the subsequent preparation of a local structure plan and ultimately subdivision and development. The addition of more industrial land to the area will complement the existing Peel Business Park by providing choice and business opportunities for prospective purchasers.

*Social - (Quality of life to community and/or affected landowners)*

Rezoning of the land is not expected to result in any significant negative social impacts on the community. It will however facilitate growth in local jobs and general economic growth in the region, which should assist in improving the quality of life for the community.

*Environment – (Impact on environment’s sustainability)*

The site contains areas of conservation category wetland, small pockets of resource enhancement wetland and associated environmentally sensitive areas. Nambeelup Brook also runs along the southern boundary of the subject site. The NIADSP indicates the wetlands and Nambeelup Brook form part of an ecological corridor relating to the waterway. The open space network in the NIADSP identifies drainage and open space areas connecting to Nambeelup Brook to strengthen these ecological linkages. The ecological linkages and associated wetlands will be required to be identified and protected as part of the structure planning process.

There are stands of native vegetation, generally associated with conservation category wetlands and Nambeelup Brook, which will require protection as part of the structure planning process. There are also stands of Banksia woodland, some of which are located within the identified open space network, but there are also areas located outside of the open space network. A referral under *Environmental Protection Biodiversity Conservation Act* may be required prior to the clearing of any Banksia woodland for the development.

*Policy Implications*

Nil

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Low	There is little risk with the rezoning the land as the rezoning is or will be consistent with all planning framework documents.

**Consultation**

Upon a local government resolving to prepare an amendment to a local planning scheme, section 81 of the Planning and Development Act requires it to refer the amendment to the Environmental Protection Authority (EPA) for consideration as to whether an environmental assessment is necessary under the Environmental Protection Act.

Following advice from the EPA that the standard amendment does not require formal environmental assessment, it is to be advertised with a public submission period of at least 42 days by the following means:

1. notice in a newspaper circulating in the scheme area;
2. notice displayed in the offices of the local government;
3. notice to each public authority that the local government considers is likely to be affected by the amendment;
4. notice on the local government’s website;
5. as otherwise directed by the WAPC and in any other way considered appropriate by the local government;

**Resource Implications***Financial*

An administration fee is payable by the applicant to cover staff time and other direct costs associated with the amendment process. The administrative fee will need to be paid before progressing with the Amendment process.

*Workforce*

The assessment and reporting of the amendment can be accommodated within the scope of the existing Planning and Sustainability workforce.

**Options**

Council has the option of:

1. Preparing and proceeding to advertise the proposed amendment to the Scheme in the form recommended or some alternative form, provided it is consistent with the proposed PRS Industrial zoning.
2. Not preparing an amendment until a time not exceeding 90 days following the finalisation of the PRS Amendment.

**Conclusion**

Upon finalisation of the PRS Amendment the Shire is required to bring its TPS4 into consistency with the new PRS Industrial zoning. The proposed amendment is consistent with the intent of applicable suite of strategic planning documents, including the South Metropolitan Peel Sub-regional Planning Framework and NIADSP.

Rezoning of the site and the subsequent subdivision and development of the land for industrial development purposes will help facilitate a more sustainable regional economy and help to enhance employment opportunities within the Peel Region and Shire of Murray.

The development is located directly adjacent to the existing Industrial Development zoned land. It represents a logical extension of the Peel Business Park and will provide an additional development which will increase choice and economic competition between differing estates which will help to keep land competitively priced. It is therefore recommended that Council resolve to prepare and advertise the proposed amendment.

## 11.2 Adoption of Local Heritage Survey

File Ref: 7318  
Previous Items: OCM. 09 Mar 17 Item 11.3 (OCM17/035)  
Author and Title: Susan Cowling, Senior Planning Officer  
Voting Requirements: Simple Majority

### Appendices 3 and 4

#### Recommendation

##### That Council:

1. **adopts the Shire of Murray Local Heritage Survey dated December 2019 as outlined in Appendix 3;**
2. **places notice of the adopted Local Heritage Inventory in a local newspaper circulating in the local government area and advises affected landowners accordingly.**

#### In Brief

- Council endorsed the commencement of the review of the Local Heritage Survey (previously known as the Local Government Heritage Inventory) at its March 2017 meeting.
- Inspections of existing properties, and potential candidates for inclusion into the Survey were undertaken from April 2017 to August 2019.
- Consultation was undertaken in November 2019 with landowners where existing entries were proposed to be modified or updated, and for properties which were being considered for new entries. A number of submissions were received during the consultation process.
- Council is requested to consider these submissions as they relate to individual entries and to adopt the final Local Heritage Survey 2019.

#### Background

The last review of the Local Heritage Survey (LHS) was undertaken in 2011 and a minor update completed in 2013. When Council decided to commence this current review, the Heritage Act required that the survey be reviewed every four years. The Heritage Act was updated in 2018, requiring a general review of the LHS be completed at intervals consistent with the major review of a Local Planning Strategy or Strategic Community Plan, or at defined intervals nominated by the local government. For a regional local government with some urban development, it is expected that a general review be completed every 8-10 years. The LHS should nominate a target period for completion of the next review. This has been incorporated into the draft document.

A LHS is a list of places and structures which, in the opinion of the local government, are or may become, of cultural heritage significance. The survey is the foundation of sound local heritage planning, identifying local heritage assets in a systematic fashion, providing base information to achieve consistency, strategic direction and community support.

The purposes of a LHS are to:

- identify the places and areas that, in the opinion of the local government, are of cultural heritage significance for the local government district;
- assist in determining local government conservation policies and other related policies;
- provide a cultural and historic record of the local government district;
- assist in the preparation of a heritage list under a local planning scheme that has effect in relation to the local government district;

- assist in the designation of heritage areas under a local planning scheme; and
- assist in achieving the heritage conservation objectives of town planning in the State.

General reviews are intended to:

- ensure that an existing survey meets the minimum standards, and to bring the findings into line with the standards if deficient; and
- review the changes in the local heritage in the preceding period, such as demolitions of places, changes in their condition, or the availability of other new information.

A survey should comprehensively identify the places and areas of cultural heritage significance in the local district, including geographic coverage of all the district's towns, suburbs or other areas and coverage of all place types (e.g. public and private buildings; residential and commercial places).

The survey should identify places and areas which retain significant physical fabric from the past. It is not intended that the survey encompass sites without remnant fabric, such as vacant or redeveloped sites, unless they have historic associations of major importance to the locality.

Documentation of each place or precinct should be in accordance with Heritage Council of Western Australia requirements and include a thematic history of the local district as an aid to assessment.

Places entered in the LHS do not have legal protection unless they are included in a separate Heritage List which is linked to the local planning scheme, or they are already entered in the State Register of Heritage Places. Heritage Lists must be compiled with regard to the LHS, but do not necessarily include all places in a LHS.

Previously, Council endorsed the LHS as the Shire's Heritage List. The planning scheme is currently in the process of being amended to formalise this endorsement (under DSA 273). Development standards and guidelines on heritage properties are guided primarily by the *Heritage Places Local Planning Policy* (draft). This policy enables variable planning and development controls based upon the heritage significance of the place identified, allowing for a customised approach to heritage planning that aligns with best practice heritage management and is responsive to community expectations in conservation and retention.

It is not proposed to review the existing policy or scheme heritage planning framework concurrent with the LHS review.

### **Report Detail**

Prior to advertising of the draft Local Heritage Survey, a workshop was conducted with all landowners of existing properties within the survey invited, along with targeted interest groups, (such as the local historical society) and interested community members. The purpose of the workshop was to discuss the purpose of the LHS, process of the general review, statutory implications for properties identified, and to request nominations for new sites for investigation. The workshop was successful, with a number of new properties being suggested for investigation. These properties have been comprehensively researched and catalogued, with a number of possible new entries included as part of the review process.

A number of entries of existing properties were modified to reflect changes to the condition of the property, or its uses since the last major review. Generally speaking, the modifications were minor in nature, and generally applied to Council owned heritage properties. Where possible, photographs were updated. These changes did not require additional advertising, above the contact that was made with landowners during the inspection process.

Modified entries, where management categories were proposed to be changed and possible new inclusions into the LHS were advertised to affected landowners in November 2019. A number of submissions were received, which are discussed in more detail under the 'Consultation' section.

The management category for several existing listed properties are proposed to be modified after review of the site by an independent heritage professional. It has been recommended that the management category for these sites be increased, and include the following:

- Pinjarrah Park Estate, Pinjarra – Category 'B' to 'A';
- Burnside Homestead, Meelon – Category 'C' to 'B';
- Dr Joyce's House, Pinjarra – Category 'C' to 'B';
- Exchange Hotel, Pinjarra – Category 'B' to 'A';
- Redcliffe Barn and Well, Pinjarra – Category 'C' to 'B';
- St Joseph's Convent, Pinjarra – Category 'B' to 'A';
- Dwellingup Hotel, Dwellingup – Category 'B' to 'A'

Council is requested to consider the inclusion of a number of new sites into the survey, including:

- Dwellingup Police Station, Dwellingup;
- Dwellingup Primary School, Dwellingup;
- Browne's Dairy, Coolup;
- Fairbridge Cemetery, Fairbridge;
- McLarty Road Dwelling, Pinjarra;
- Riverdale, Coolup.

A copy of the Local Heritage Survey 2019 is included at **Appendix 3**.

Generally, landowners have been supportive of the process, however, a couple of landowners have requested that the management category not be changed, or that their property not be included into the document. The discussion around these requests are included in the submissions section, though it should be noted that it is the recommendation that all proposed modifications to the management categories and new site entries, with the exception of the Ravenswood Raceway, be adopted.

### **Murray 2030 Strategic Community Plan**

<b>Focus Area</b>	Environment, Character and Heritage
<b>Aspiration</b>	To be effective stewards of our environment, history, heritage, natural landscape and rural character.
<b>Strategy</b>	Complete a review of the Shire's Local Government Heritage Inventory.

### **Murray 2019- 2023 Corporate Business Plan**

<b>Focus Area</b>	Environment, Character and Heritage
<b>Objective</b>	Value, protect and celebrate the Shire's rich aboriginal and colonial history.
<b>Strategy</b>	Complete a review of the Shire's Local Government Heritage Inventory.
<b>Project and Actions</b>	Undertake a review of the Local Government Heritage Inventory.

## Other Strategic Links

### *Local Heritage Strategy*

The Shire's Local Heritage Strategy was adopted in 2013. The objectives of the strategy are:

- the conservation and continued use of heritage places, including those privately owned;
- an increased and conscious focus on heritage tourism;
- community education, awareness and increased participation in heritage management and conservation;
- provision of adequate funding and increased access to funding opportunities.

One of the Strategic Actions of the document is to undertake a major review of the Local Government Heritage Inventory every four years.

## Statutory Environment

Section 103 of the Heritage Act 2018 states-

### *"Local heritage survey*

- (1) *A local government must prepare a survey of places in its district that in its opinion are, or may become, of cultural heritage significance.*

The survey is to be prepared in accordance with the purposes set out under Section 104:

- (a) *Identifying and recording places that are, or may become, of cultural heritage significance in its district; and*
- (b) *Assisting the local government in making and implementing decision that are in harmony with cultural heritage values; and*
- (c) *Providing a cultural and historical record of its district; and*
- (d) *Providing an accessible public record of places of cultural heritage significance to its district; and*
- (e) *Assisting the local government in preparing a heritage list of heritage areas under a local planning scheme."*

The survey is also to be prepared in accordance with the Guidelines for local heritage surveys, as set out under Section 105. Specifically, as per *Guidelines for Local Heritage Surveys* policy document released by the Department of Planning, Lands and Heritage in July 2019. The draft document complies with these guidelines.

The Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides for flexibility in the application of statutory planning controls to realise positive heritage outcomes, while also helping meet the expectations and aspirations of property owners. Incentives may include the relaxation of planning requirements in relation to land use, density, plot ratio, car parking or other works.

## Sustainability & Risk Considerations

### *Economic - (Impact on the Economy of the Shire and Region)*

A key factor in attracting population growth, tourist dollars and increased economic activity to the Shire is its distinctive sense of place. This is strongly influenced by the Shire's heritage amenities and attractions. Managing and enhancing the Shire's heritage assets is an important factor if the Shire is to capitalise on its growth and economic potential.

Tension commonly arises between heritage considerations and landowner aspirations to build new or optimise property investment. A sound Local Heritage Survey which forms the basis of proactive planning controls provides one of the mechanisms by which those tensions can be resolved.



*Social - (Quality of life to community and/or affected landowners)*

The Shire's heritage enriches the character and distinctiveness of the area and helps to create a unique identity and sense of place.

Heritage places are also a valuable cultural and educational resource, which provides a tangible link to the past and enhances the community's cultural identity.

*Environment – (Impact on environment's sustainability)*

The retention and adaptive reuse of existing buildings reduces consumption of building materials and the embodied energy required to manufacture them.

*Policy Implications*

A current Local Heritage Survey, completed in accordance with the Guidelines, forms the basis of the Shire's heritage management strategies. Following these strategies ensures that sites are properly and consistently classified, resulting in a more proactive and individually responsive approach to heritage planning. Undertaking the review complements the existing policy framework.

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
High	<p>Failure to complete and adopt the review of the Local Heritage Survey will result in:</p> <ul style="list-style-type: none"> <li>• Loss of the Shire's heritage assets and resultant loss of its character and distinctive sense of place through inadequate planning and protection mechanisms and strategies that will result from the review;</li> <li>• A reputation risk in the event of demolition of the Shire's heritage assets;</li> <li>• A reputation risk of not delivering on its adopted strategic initiatives set out in its <i>Strategic Community Plan</i> and <i>Corporate Business Plan</i>;</li> <li>• A risk of adverse audit findings in relation to non-compliance with legislative requirements and the discharge of the Shire's statutory responsibilities.</li> </ul>

**Consultation**

Advertising to the landowners of properties already included within the survey, though with recommended changes to the management category, and to those landowners of recommended new sites for inclusion was conducted in November 2019.

At the close of the advertising period, 5 submissions, relating to 4 properties were received.

One submission for a proposed entry of Dwellingup Primary School requested that additional information be included into the documentation.

Two submissions for the St Joseph's Convent objected to the proposed modification to the management category.

Two submissions, for the proposed inclusions of the Browne's Dairy and Ravenswood Raceway, objected against the inclusion of the sites into the Heritage Survey.

The basis of these submissions has been discussed within the submissions schedule, as per **Appendix 4**.

**Resource Implications***Financial*

The review has been completed within budgetary constraints.

### *Workforce*

The project has been undertaken by Shire officers, with specialist advice obtained from external heritage professionals, as required.

### **Options**

Council has the option of:

1. Adopting the Local Heritage Survey 2019, with all recommended changes and inclusions.
2. Adopting the Local Heritage Survey 2019, with some of the recommended changes and inclusions.
2. Not adopting the Local Heritage Survey 2019.

### **Conclusion**

Under the Heritage Act 2018, the Shire is required to review its Local Heritage Survey regularly. Adoption of the updated Local Heritage Survey will ensure that those sites that are integral to the character and distinctive sense of place for residents and visitors are appropriately managed. The Local Heritage Survey forms the basis by which the Shire manages heritage planning, and as such, forms the foundations by which social, economic and tourism activity is developed and coordinated. The Local Heritage Survey review is both a strategic priority and specified action within both the *Murray 2030 Strategic Community Plan* and *Murray 2019-2023 Corporate Business Plan*.

### 11.3 Dwellingup Town Centre Façade Refurbishment Subsidy Program

File Ref:	5002-04		
Previous Items:	OCM. 24 Apr 19	Item 11.3	(OCM19/57)
	OCM. 25 Oct 18	Item 11.2	(OCM18/209)
Applicants:	Ross Clarke Thomas		
Author and Title:	Krystal Dawe, Coordinator of Place		
Voting Requirements:	Simple Majority		

#### Appendix 5

#### Recommendation

**That Council endorse a funding contribution of up to \$14,575 for the proposed works at the Dwellingup Community Hotel on Lots 100 and 8 (9) Marinup Street, corner Newton Street, Dwellingup, subject to the applicant entering into an agreement with the Shire which sets out the agreed schedule of works, timeline, grant sum, payment arrangements and conditions.**

#### In Brief

- An application has been received under the Shire's Façade Refurbishment Subsidy Program to upgrade the street elevations of the Dwellingup Community Hotel at Lots 100 and 8 (9) Marinup Street, corner Newton Street, Dwellingup;
- The proposed works include the repointing of the exterior brickwork and repainting of the windows, doors and gables facing Newton and Marinup Streets;
- The total cost to undertake these works is \$29,150 and the 50% subsidy sought equates to \$14,575;
- The application meets the program objectives;
- Council is requested to determine the application.

#### Background

On 25 October 2018, Council resolved to expand the Façade Refurbishment Subsidy Program (**Program**) to include the Dwellingup town centre, in recognition of a number of building facades being in a run-down state or poorly designed and detracting from the character and amenity of the town.

An application under the Program has been submitted by Ross Clarke Thomas, the lessee of the Dwellingup Community Hotel. The application has been signed in support by the landowner, the Dwellingup Community Association Incorporated and proposes to repoint the exterior brickwork and repaint the windows, doors and gables facing Newton and Marinup Streets.

The subject site is zoned 'Hotel/Motel' and is identified as having exceptional significance under the Shire's Local Heritage Survey and currently operates as a community hotel providing important social infrastructure to the community and its visitors.

A plan showing the subject site is shown below:



The objectives of the Program are to:

- Assist in beautifying and activating town centres by improving the streetscapes;
- Encourage the activation and orientation of development facing public places;
- Enhance the physical quality and established character of the towns' built environment through sensitive and innovative design of buildings and spaces;
- Improve the experience of pedestrians to encourage more people to live, work, play and do business in the respective places;
- Reinforce and build upon the town centres as the major retail, social and cultural hubs of the respective places; and
- Support landowners and local business owners to improve the visual presentation and public impression of their buildings and businesses.

Eligible works under the Program include restoration of facades and design works which improve the architectural standard or interest of facades facing a main street of public space.

**Report Detail**

The applicant seeks a 50% subsidy from the Shire for the repointing of the brickwork of the exterior walls and the repainting of the windows, doors and gables facing Newton Street and Marinup Street. The total cost to undertake these works is \$29,150 and therefore the 50% subsidy sought equates to \$14,575.

A copy of the applicant's submission is attached as **Appendix 5**.

**Murray 2030 Strategic Community Plan**

<b>Focus Area</b>	Places for People
<b>Aspiration</b>	To create great places for the people through strong partnerships with the community; innovative urban design; and improve the well-being and quality of life for residents.
<b>Strategy</b>	In partnership with communities, identify and prioritise community-led projects and initiatives.

<b>Focus Area</b>	Thriving Economy
<b>Aspiration</b>	To create diverse and prosperous economy that supports innovation, training opportunities and provides a variety of business, tourism and employment opportunities.
<b>Strategy</b>	Develop Dwellingup into a nationally recognised trails town.

<b>Focus Area</b>	Connected and Accessible
<b>Aspiration</b>	To enhance our transport linkages and opportunities to share information using a variety of travel and technology options.
<b>Strategy</b>	Improve the amenity and functionality of the street network and town entrances.

<b>Focus Area</b>	Capable and Accountable
<b>Aspiration</b>	To develop strong leadership through good governance, effective communication and ensuring value for money.
<b>Strategy</b>	A participatory community to engage with the Shire to build better places.

**Murray 2019- 2023 Corporate Business Plan**

<b>Focus Area</b>	Places for People
<b>Objective</b>	Ensure quality, diverse and innovative planning outcomes that meet community aspirations.
<b>Strategy</b>	Implement the Pinjarra Revitalisation Strategy.
<b>Project and Actions</b>	Continue the Pinjarra and Dwellingup Town Centre Façade Refurbishment Subsidy Program.

<b>Focus Area</b>	Thriving Economy
<b>Objective</b>	Maximise Murray's natural assets and heritage as a driver for tourism development.
<b>Strategy</b>	Develop Dwellingup into a nationally recognised trails town.
<b>Project and Actions</b>	Transform Dwellingup into a National Trails Town.

**Other Strategic Links**

Nil

**Statutory Environment**

Under the *Planning and Development Act 2005*, planning approval is required prior to any works commencing.

**Sustainability & Risk Considerations**

*Economic - (Impact on the Economy of the Shire and Region)*

Improving the façade of such an iconic building and important social infrastructure will help with revitalisation efforts of the Dwellingup town centre and assist in creating a vibrant town attracting more visitors to the place. Additionally, the works will help protect, conserve and enhance an important building that has heritage value.

*Social - (Quality of life to community and/or affected landowners)*

As the Dwellingup Pub is one of the few places in Dwellingup that offers a dining experience and is the only venue open at night offering meals, upgrading the site contributes to the quality of life of the community and visitors to the town.

Additionally, as the Dwellingup Pub is owned by the community through the Dwellingup Community Association Incorporated, improving the site visually will assist in fostering community pride of the site and town.

*Environment – (Impact on environment’s sustainability)*

Nil

*Policy Implications*

Nil

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Low	Nil

**Consultation**

The Shire has been in consultation with the lessee of the site and the landowner through the committee of the Dwellingup Community Association Incorporated.

**Resource Implications**

*Financial*

Council set aside \$28,499 in the 2019/2020 financial budget for the Program and there is an uncommitted amount of \$15,876 remaining for expenditure on façade refurbishment this financial year. Should Council provide a contribution of \$14,575, there will be \$1,301 remaining.

*Workforce*

Nil

**Options**

Council has the option of:

1. Supporting the full 50% a contribution toward the works.
2. Supporting a lesser contribution toward the works.
3. Not supporting a contribution toward the works.

**Conclusion**

The application and proposed works are consistent with the Program guidelines and reflect its objectives. Additionally, it is considered that should the proposed works proceed, they will have a positive and beneficial impact to the site and surrounding area assisting with revitalisation efforts of the Dwellingup town centre.

The Program stipulates that the Shire may consider providing a contribution of up to 50% of the cost of eligible works (excluding GST) and a maximum contribution of \$20,000.

There is \$15,876 remaining for expenditure for the Program in 2019/20. Endorsing the full 50% contribution will exhaust the majority of the remaining funds. If additional applications are received, Council will still have the opportunity to consider supporting them although will also need to consider allocating additional funding at that time.

## Corporate Governance

### 11.4 Review of Councillor Representation

File Ref:	1001-09	
Previous Items:	CCD. Sept.10	Item 9.1 (CCD10/199)
	OCM. Sept.10	Item 10.3.2 (OCM10/200)
	CCD. Dec.10	Item 6.4 (CCD 10/247)
	OCM. Dec 10	Item 10.2.1.4 (OCM10/285)
	PPS. Oct.12	Item 8.7 (PPS 12/151)
	OCM. Oct.12	Item (OCM 12/151)
	OCM. Jun 19	Item 11.6 (OCM19/109)
Applicant:	N/A	
Author and Title:	Dean Unsworth, Chief Executive Officer	
Voting Requirements	Absolute Majority	

#### Recommendation

**That Council advises the Local Government Advisory Board that it will continue with nine elected members.**

#### In Brief

- Councillors informally supported the formal consideration of a reduction of elected members from 9 to 8 at the 2018/19 Chief Executive Officer performance review.
- Council wrote to the Local Government Advisory Board (LGAB) requesting that councillor numbers be reduced from 9 to 8.
- The LGAB advised that Council should undertake consultation before it would consider the matter.

#### Background

At the June 2019 Ordinary Council meeting, it was resolved:

*“That:*

*Council writes directly to the Local Government Advisory Board requesting that Councillor representation is reduced from nine to eight from the October 2021 Council elections as it is deemed one of a minor nature.*

*If the Local Government Advisory Board advises that a six-week consultation process is required, Council instructs the Chief Executive Officer to undertake this process as soon as practical after the 2019 election, to ensure there is no confusion between both processes”.*

This resolution was considered following discussion at the Chief Executive Officer’s Performance Review held 9 May 2019 and endorsed 23 May. At this Review, the long-term financial position was presented, based on the Council’s request for ongoing low rate increases, given the current challenging economic conditions.

Within the presentation, a restructure of the organisation was presented to meet the challenges of lower rate increases. The restructure produced the cash savings to allow for lower rates increases that had been presented in the previous Long Term Finance Plan.

As part of the overall cost saving required to continue cash surpluses with lower rates income, it was agreed to undertake a review to reduce elected member numbers from nine to eight.



## Report Detail

The (LGAB) considered Councils request to consider reducing elected member numbers from 9 to 8. The advice was that public consultation be undertaken.

Consultation was undertaken for the month of November. No submissions were received.

## Murray 2030 Strategic Community Plan

<b>Focus Area</b>	Capable and Accountable
<b>Aspiration</b>	To develop strong leadership through good governance, effective communication and ensuring value for money.
<b>Strategy</b>	Maintain long-term financial sustainability.

## Other Strategic Links

Nil

## Statutory Environment

*Local Government Act (1995)*

## Sustainability & Risk Considerations

*Economic - (Impact on the Economy of the Shire and Region)*

There is no adverse impact on the economy.

*Social - (Quality of life to community and/or affected landowners)*

While there could be one less Councillor, the Shire's growth is currently stagnant and not expected to rise significantly over the next decade. There is therefore no social impact expected.

*Environment – (Impact on environment's sustainability)*

Not Applicable

*Policy Implications*

There are no policy implications.

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Low	There is little expected reputational risk by reducing elected member representation from 9 to 8.

## Consultation

Comments were sought during late October and all of November. No submissions were received.

## Resource Implications

*Financial*

There would be a saving of approximately \$20,000 per annum, which includes sitting fees, IT allowance, training and overheads with a reduction of one Councillor.

*Workforce*

There are no workforce implications if Council numbers remain at nine or are reduced to eight.

**Options**

Council has the option of:

1. Keeping council elected member representation to 9 at this time.
2. Writing to the LGAB requesting that elected member numbers are reduced to 8.

**Conclusion**

As there were no submissions received, it can be assumed that there is no strong support to reduce Councillor numbers. Given that, it is appropriate to support the status quo.

## 11.5 Shire of Murray Policy Manual Review

File Ref:	1157		
Previous Items:	OCM.Feb 2018	Item 11.7	(OCM18/008)
	OCM.Dec 2018	Items 11.8-11.10	(OCM18/259, 260 & 261)
	OCM. Apr 2019	Item 11.9	(OCM19/64)
	OCM.Jul 2019	Item 11.12	(OCM19/150)
Proponent:	Shire of Murray		
Author and Title:	Robert Marlborough, Manager Governance		

### Appendices 6 and 7

#### Recommendation – Absolute Majority

##### That Council:

1. **Accepts and endorses by Absolute Majority the amendments to Policy M5 – Council Members Continuing Professional Development and the new Policy M7 – Attendance at Events and Functions, as provided at Appendix 6.**

#### Recommendation – Simple Majority

1. **Accepts and endorses the new policies G13 – Citizenship Events Dress Standards and G14 – Fraud and Corruption Control and the proposed policy amendments detailed and provided at Appendix 7.**

#### In Brief

To consider new policies and amendments to the Shire of Murray Policy Manual to ensure effective and up to date policies are in place.

#### Background

Council policies have historically been reviewed annually or as required from time to time to ensure effectiveness, compliance with legislation and alignment with the organisational structure. Council policies are broadly designed to –

- outline positions on particular matters;
- provide consistency and equity in decision making;
- provide promptness in responding to customer needs; and
- support operational efficiency.

The last comprehensive review was undertaken in February 2018. Other policy amendments were last considered in December 2018 and in April and July 2019.

#### Report Detail

The review presented for consideration is proposed to improve alignment to the organisational structure of Members, Governance, Administration, Finance, Place and Community Development, Infrastructure Services, Planning & Sustainability and Emergency Services.

A policy amendment is required to provide for the new prescribed Elected Member training and Policy M5 – Council Members Continuing Professional Development has been amended accordingly.

A new policy is proposed (Policy M7 – Attendance at Events and Functions) in order to establish guidelines for appropriate disclosure and management of acceptance of invitations to events or functions, or other hospitality, where elected members and employees are invited

free of charge, whether as part of their official duties as a Council or Shire representative or not, following the release of the new gift framework by the Department of Local Government, Sport and Cultural Industries.

Both these matters require an Absolute Majority decision.

New policies are also proposed –

- G14 – Fraud and Corruption Control to provide for the effective prevention, detection, investigation, response and monitoring of fraud and corruption related activities.
- G13 – Citizenship Events Dress Code to establish reasonable dress standards at Citizenship events, following direction from the Department of Home Affairs.

Minor amendments are also required to a small number of position titles within the Policy Manual and to also resolve business area descriptions and minor grammatical errors.

The new policies and amendments proposed are summarised in the following table. The full text of the proposed amendments and/or new policies proposed are provided for Councils information at **Appendices 6 and 7**. Where policies have been amended proposed insertions have been highlighted in bold italic text and proposed deletions have been struck through.

Policy	Policy Title	Action	Details/Comment/ Amendments
M2	Members Fees, Allowances and Reimbursement of Expenses	Amend	Change position title reference from Director Corporate and Community Development to Director Corporate Services.
M5	Council Members Continuing Professional Development	Amend	Policy title change and significant policy wording changes to reflect the mandatory training for Elected Members recently prescribed. Other consequential amendments for the associated reporting framework and other minor amendments.
M7	Attendance at Events and Functions	New Policy	Introduce new Policy to comply with s.5.87A and s.5.87B of the Local Government Act 1995 an ensure compliance with the New Gifts Framework as detailed in Departmental Circular No: 11-2019.
G1	Code of Conduct	Amend	Amended to update the Shire's Values. Minor position title correction.
G2	Senior Employees	Amend	Minor grammatical amendment.
G13	Citizenship Events Dress Standards	New Policy	Introduce a new policy to provide basic guidance for acceptable/reasonable dress standards at Citizenship events as requested by the Department of Home Affairs.
G14	Fraud and Corruption Control	New Policy	Introduce a new policy to clearly provide a firm position for fraud and corruption related activities.
A5	Information Services	Amend	Policy title changed to reflect Information Services and department title amended to Information Services. Replaced IT Services throughout with Information Services
A15	Asset Management	Amend	Corporate Business Plan dates amended. Reference to Executive Leadership Team

Policy	Policy Title	Action	Details/Comment/ Amendments
			deleted and replaced with Strategic Leadership Group. Acronyms updated
F7	Rating Concession – Bona-Fide Primary Producers	Amend	Minor amendment to provide for situations where a property that is eligible for a concession is located within a neighbouring Shire, but is contiguous to the eligible rural pursuit that is occurring on land in the Murray district.
W10	Road Verge Directional Signs	Amend	Position title amendment from Director Technical Services to Director Infrastructure Services.
W11	Internally Illuminated Directional Signs	Amend	Position title amendment from Director Technical Services to Director Infrastructure Services.
W14	Construction of Private Launching Ramps – Yunderup Canals – Stage One	Amend	Minor amendment to delete Technical Services Department and replace with Infrastructure Services.
W16	Street Tree Removal	Amend	Position title amendment from Director Technical Services to Director Infrastructure Services.

### Murray 2030 Strategic Community Plan

Nil

### Murray 2019-2023 Corporate Business Plan

<b>Focus Area</b>	Capable and Accountable
<b>Objective</b>	Respond efficiently and effectively to the evolving needs of the community.
<b>Strategy</b>	Deliver efficient and effective Council services to the community.

### Other Strategic Links

Nil

### Statutory Environment

Section 2.7 (2)(b) – *Local Government Act 1995 (The Act)*.

(1) The Council —

- (a) governs the local government's affairs; and,
- (b) is responsible for the performance of the local government's functions.

(2) Without limiting subsection (1), the council is to —

- (a) oversee the allocation of the local government's finances and resources; and,
- (b) determine the local government's policies.

Section 5.128 of the Act requires a policy for Elected Member continuing professional development to be adopted by Absolute Majority, as does Section 5.90 of the Act when adopting a policy for attendance at events.

**Sustainability & Risk Considerations**

*Economic – (Financial impact to the community)*

The proposed new policies and policy amendments will not financially impact the community.

*Social – (Quality of life to community and/or affected landowners)*

Not applicable

*Environment – (Impact on environment’s sustainability)*

Not applicable

Policy Implications

As outlined in this report.

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Low	The risk considerations with this policy review are considered to be low.

**Consultation**

Nil

**Resource Implications**

*Financial*

Nil

*Workforce*

Nil

**Options**

Council has the option of:

1. Adopting the proposed new polices and various amendment, as detailed.
2. Amending the new polices proposed and the suggested amendments and adopt alternatives.
3. Rejecting the review and maintain the status quo.

**Conclusion**

The ongoing development and periodic review of Council policies ensures efficient and effective use of resources and provides guidance during the decision making process, and ensure compliance with legislative requirements.

Policies provide broad direction on corporate and strategic matters that may affect Council and the community and provide support for decisions based on the principles of equity, fairness and transparency.

## 11.6 Review – Shire of Murray Delegation of Authority Register

File Ref:	1157		
Previous Items:	OCM Jun 18	Item 11.7	(OCM18/121)
	OCM Sept	Item 11.7	(OCM19/185)
	Proponent:	Shire of Murray	
Voting Requirements:	Absolute Majority		

### Appendix 8

#### Recommendation

##### That Council:

**Accepts and endorses by Absolute Majority, the amendments to the Shire of Murray Delegation of Authority Register, as provided in this report and as detailed at Appendix 8.**

#### In Brief

To consider the annual review of the Shire of Murray Delegation of Authority Register.

#### Background

The *Local Government Act 1995* requires Council to review delegations at least once each financial year. The last annual review of the Delegation of Authority Register was undertaken in June 2018. An amendment to Delegation 3.2 was endorsed at the Ordinary Council Meeting in September 2019.

The aim and purpose of delegated authority is to assist with the efficiency of the local government activities by way of quicker decisions. Under the *Local Government Act 1995* and other legislation Council may delegate its functions, duties and powers to the Chief Executive Officer to assist with efficient and timely decision making.

The Chief Executive Officer may then sub delegate functions, duties and powers to other staff. Sub-delegated functions are also reviewed annually as a separate process, with the last review being completed in February 2019.

Delegations are a proven effective organisational tool that enhances productivity and support effective customer service and timely decision making.

#### Report Detail

The comprehensive review of the Delegation of Authority Register has been completed with the outcomes proposed, being –

- Restructuring delegations within the broad headings of Governance, Administration, Finance, Fire and Emergency Services, Infrastructure and Planning and Sustainability to improve alignment to the current organisational structure.
- Updating position descriptions, where relevant to align with the current organisational structure.
- Insertion of a new delegation (6.13) to enable the Chief Executive Officer to appoint authorised officers and specified employees to deal with infringement notices under the *Building Act 2011* and the *Building Regulations 2012*.

The proposed amendments to the Shire of Murray Delegation of Authority Register are provided for Council's information at **Appendix 8**. For ease of reference proposed deletions have been struck through and are bold text and insertions are in bold italic text.

The following table broadly outlines the proposed amendments to the Delegation of Authority Register.

<b>Delegation No</b>	<b>Delegation Title</b>	<b>Amendments/ Details</b>
1.10	Caravan Parks and Camping Grounds Act 1995 – Appointment of Authorised Persons and Issuing of Notices	Delete reference Manager Planning and Environment Services and replace with Manager Planning to align with organisational structure
1.20	Authority to Enforce Liquor Licensing and Control Acts 1988	Delete reference Manager Planning and Environment Services and replace with Manager Planning to align with organisational structure. Delete Coordinator Recreation and Community Development as position does not exist. In conditions delete Manager Environmental Health and relace with words Delegates
4.6	Appointment of Fire Weather Officer and Defining Areas	Condition added to ensure the Department of Fire and Emergency Services are advised of appointments.
4.7	Publication of Appointments - Fire Weather Officers	Deleted reference to publishing appointments in the Government Gazette this is the responsibility of the Department of Fire and Emergency Services.
6.1	Appointment of Authorised Persons – Building Act 2011	Delete Place Development and Compliance Officer and Planning Administration Support Team Coordinator as positions do not exist. Insert Coordinator Planning Administration and Building Approvals Coordinator to align with corporate structure.
6.2	Building and Demolition Permits – Building Act 2011	Delete Planning Administration Support Team Coordinator as position does not exist. Insert Coordinator Planning Administration to align with corporate structure.
6.5	Building Information – Building Act 2011	Delete Planning Administration Support Team Coordinator as position does not exist. Insert Coordinator Planning Administration to align with corporate structure.
6.6	Swimming Pools – Building Act 2011	Delete Place Development and Compliance Officer as positions does not exist in the organisational structure.

#### Proposed new Delegation 6.13 – Building Act Infringement Notices

Recent amendments to the *Building Regulations 2012* created new offences for which Local Government Permit Authorities may issue infringement notices. Building Regulation 70 was also amended, correcting its reference to and alignment with sections 9.19 and 9.20 of the *Local Government Act 1995*.



These amendments have created the ability for Council (as a Permit Authority) to delegate the ability to the Chief Executive Officer to appoint authorised officers pursuant to s9.10(1) of the Local Government Act 1995 to –

- Issue Infringement Notices under the Building legislation for prescribed offences as an Authorised Officer for the purposes of the *Criminal Procedure Act 2004*.

Furthermore, to appoint specified employees to consider extensions of time to pay Building Act Infringement Notices and to withdraw Building Act Infringement Notices where circumstances warrant this action, under section s.9.19 and s.9.20 of the *Local Government Act 1995*.

Having the capability to issue Infringement Notices provides a means of enforcement for simple prescribed offences.

Generally the acronym CEO has been replaced with the words Chief Executive Officer throughout the delegation of Authority register to ensure consistency, unless the reference to CEO is required in alternate context.

### **Murray 2030 Strategic Community Plan**

Nil

### **Murray 2019-2023 Corporate Business Plan**

<b>Focus Area</b>	Capable and Accountable
<b>Objective</b>	Respond efficiently and effectively to the evolving needs of the community.
<b>Strategy</b>	Deliver efficient and effective Council services to the community.

### **Other Strategic Links**

Nil

### **Statutory Environment**

*Local Government Act 1995* – Sections 5.42, 5.43, 5.44, 5.45.and 5.46

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
- (a) this Act other than those referred to in section 5.43; or
  - (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

\* Absolute majority required.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;

- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

#### 5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
  - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
  - (b) the exercise of that power or the discharge of that duty by the CEO's delegate,
 are subject to any conditions imposed by the local government on its delegation to the CEO.
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
- (5) In subsections (3) and (4) —
 

**conditions** includes qualifications, limitations or exceptions.

#### 5.45. Other matters relevant to delegations under this Division

- (1) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
  - (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
  - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
  - (a) a local government from performing any of its functions by acting through a person other than the CEO; or
  - (b) a CEO from performing any of his or her functions by acting through another person.

#### 5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.

- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Other legislation that provides delegated functions includes but is not limited to the *Building Act 2011*, *Cat Act 2011*, *Dog Act 1976*, *Bush Fires Act 1954*.

### **Sustainability & Risk Considerations**

*Economic – (Financial impact to the community)*

Not Applicable

*Social – (Quality of life to community and/or affected landowners)*

Not Applicable

*Environment – (Impact on environment's sustainability)*

Not Applicable

Policy Implications

Policy A2 provides the periodic framework for the review of the Shire of Murray Delegation of Authority Register once annually and any Sub Delegations to employees.

### *Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Low	The likelihood of negative community feedback in respect to this review is limited.

### **Consultation**

Nil

### **Resource Implications**

*Financial*

Nil

*Workforce*

Nil

### **Options**

Council has the option of:

1. Approving the amendments, proposed.
2. Rejecting the amendments proposed.

### **Conclusion**

Delegated authority provides the organisation with clear guidelines and operational processes to enhance and support effective customer service and the proposed amended and new delegation will continue to support timely and effective decision making.

## 11.7 Payments from Municipal and Trust Funds – November 2019

File Ref: 8013-01  
Author and Title: Tracie Unsworth, Manager Finance  
Voting Requirements: Simple Majority

### Appendix 9

#### Recommendation

**That Council receives the Payments from Municipal and Trust Funds report for November 2019 as presented.**

#### In Brief

This report of payments made from the Shire's Municipal and Trust bank accounts is presented to Council, in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996*.

#### Background

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* requires that:

- 1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared:
  - a) the payee's name; and
  - b) the amount of the payment; and
  - c) the date of the payment; and
  - d) sufficient information to identify the transaction.
- 2) A list of accounts for approval to be paid is to be prepared each month showing:
  - a) for each account which requires council authorisation in that month:
    - (i) the payee's name; and
    - (ii) the amount of the payment; and
    - (iii) sufficient information to identify the transaction; and
  - b) the date of the meeting of the council to which the list is to be presented.
- 3) A list prepared under sub regulation (1) or (2) is to be:
  - a) presented to the Council at the next ordinary meeting of the council after the list is prepared; and
  - b) recorded in the minutes of that meeting.

#### Report Detail

Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the Shire's Municipal and Trust Funds and, as required, a list of accounts paid by the Chief Executive Office is provided to Council.

The information report contains the list of payments made from the Shire of Murray's Municipal and Trust bank accounts for the month of November 2019.

This list includes details for each payment made, incorporating:

- The payees name
- The description of the payment
- The date of the payment
- The amount of the payment

- A certificate signed by the Chief Executive Officer, stating that all invoices and vouchers presented to Council have been certified as to the receipt of goods and the rendition of services and as to prices, computations and costing and that the amounts shown were due for payment.

Invoices supporting all payments are available for the inspection of Council.

### **Murray 2030 Strategic Community Plan**

<b>Focus Area</b>	Capable and Accountable
<b>Aspiration</b>	To develop strong leadership through good governance, effective communication and ensuring value for money.
<b>Strategy</b>	Establish a strong corporate governance framework to ensure high standards of integrity, ethics and accountability.

### **Other Strategic Links**

Nil

### **Statutory Environment**

Section 6.4(1) of the *Local Government Act 1995* requires the Shire of Murray to prepare financial reports as prescribed. Regulation 13 of the *Local Government (Financial Management) Regulations 1996* governs the requirement to provide to Council a detailed listing of all payments made from the Municipal and Trust bank accounts and outlines the form, content and timing of this report.

### **Sustainability & Risk Considerations**

*Economic - (Impact on the Economy of the Shire and Region)*

Nil

*Social - (Quality of life to community and/or affected landowners)*

Nil

*Environment – (Impact on environment's sustainability)*

Nil

*Policy Implications*

Nil

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Low	Failure to present a detailed listing of payments made from the Shire bank accounts in the prescribed form would result in non-compliance with the Local Government (Financial Management) Regulations 1996, which may result in a qualified audit.

### **Consultation**

Nil

## **Resource Implications**

### *Financial*

Nil

### *Workforce*

Nil

## **Options**

Council has the option of:

1. Receiving the Payments from Municipal and Trust Funds report for November 2019.
2. Not receiving the Payments from Municipal and Trust Funds report for November 2019.

## **Conclusion**

The Payments from Municipal and Trust Funds report has been prepared in accordance with the Local Government (Financial Management) Regulations 1996 and is presented to Council for information. All accounts are for goods and services that have been duly incurred and authorised for payment in accordance with the budget allocation and statutory obligations.

## 11.8 Monthly Financial Report – November 2019

File Ref: 8013-01  
Author and Title: Tracie Unsworth, Manager Finance  
Voting Requirements: Simple Majority

**Appendix 10**

### Recommendation

**That Council receives the November 2019 Monthly Financial Report as presented.**

### In Brief

This monthly financial report is presented to Council to outline the Shire of Murray's financial position as at the reporting date, in line with the requirements of the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996.

### Background

The *Local Government Act 1995* in conjunction with regulation 34(1) of the *Local Government (Financial Management) Regulations 1996* requires a monthly Statement of Financial Activity to be presented to Council. This Statement is to include:

- a. Annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c) of the *Local Government Act 1995*;
- b. Budget estimates to the end of the month to which the statement relates;
- c. Actual amounts of expenditure, revenue and income to the end of the month to which these statements relate;
- d. The material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- e. The net current assets at the end of the month to which the statement relates.

### Report Detail

The monthly financial report for November 2019 identifies the financial position of Council as at the reporting date and consists of:

- Statement of Financial Activity
- Statement of Comprehensive Income
- Statement of Financial Position
- Notes to Statement of Financial Activity:
  - \* Note 1 Graphical Representation of Statement of Financial Activity
  - \* Note 2 Net Current Funding Position
  - \* Note 3 Significant Variances
  - \* Note 4 Cash and Investments
  - \* Note 5 Budget Amendments
  - \* Note 6 Receivables
  - \* Note 7 Grants and Contributions
  - \* Note 8 Cash Backed Reserves
  - \* Note 9 Capital Disposals and Acquisitions
  - \* Note 10 Trust
  - \* Program Schedules

**Murray 2030 Strategic Community Plan**

<b>Focus Area</b>	Capable and Accountable
<b>Aspiration</b>	To develop strong leadership through good governance, effective communication and ensuring value for money.
<b>Strategy</b>	Establish a strong corporate governance framework to ensure high standards of integrity, ethics and accountability.

**Other Strategic Links**

The Shire of Murray 2018/19 Annual Budget.

**Statutory Environment**

Section 6.4(1) of the Local Government Act 1995 requires the Shire of Murray to prepare financial reports as prescribed. Regulation 34 of the Local Government (Financial Management) Regulations 1996 outlines the form, content and timing of the monthly financial reports prepared for presentation to Council.

**Sustainability & Risk Considerations**

*Economic - (Impact on the Economy of the Shire and Region)*

Timely submission of detailed monthly financial reports allows Council to monitor the financial performance of the Shire and review any adverse financial trends that may impact on the Shire’s financial sustainability.

*Social - (Quality of life to community and/or affected landowners)*

Nil

*Environment – (Impact on environment’s sustainability)*

Nil

*Policy Implications*

Nil

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Moderate	Failure to monitor the Shire’s ongoing financial performance would increase the risk of a negative impact on the Shire’s financial position.
Low	Non-compliance with legislative requirements may result in a qualified audit.

**Consultation**

Nil

**Resource Implications**

*Financial*

Nil

*Workforce*

Nil



**Options**

Council has the option of:

1. Receiving the monthly financial report for November 2019.
2. Not receiving the monthly financial report for November 2019.

**Conclusion**

This monthly financial statement has been prepared in accordance with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.

**Recreation, Economic & Community Development**

Nil

## 11.9 Pinjarra Weir Relocation

File Ref:	5207-04
Previous Items:	Nil
Author and Title:	Alan Smith, Director Infrastructure Services
Voting Requirements:	Simple Majority

### Appendices 11 and 12

#### Recommendation

##### That Council:

1. **not pursue with the relocation of the Pinjarra Weir;**
2. **prioritise opportunities for paddle craft to be activated within the Pinjarra River Foreshore precinct; and**
3. **undertake a review of the existing boat ramp to support increased boat mooring, improved signage and CCTV for future budget consideration .**

#### In Brief

- An independent review was undertaken on the feasibility of relocating the Weir within Pinjarra.
- A further investigation was undertaken to appreciate the navigation of the Murray River and associated travel times to access Pinjarra via the River network.
- Engagement with State Government Agencies on required approvals to progress the relocation of the Weir.
- Impact the relocation of the Weir would have on the amenity of the River foreshore within Pinjarra.

#### Background

When undertaking the planning for the Pinjarra Heavy Haulage Deviation and Master planning for the foreshore within Pinjarra there was ongoing communication with the Pinjarra Business Community. A part of these discussions, the idea was muted in late 2016 regarding the opportunity to relocate the current Pinjarra Weir further upstream to enable recreational boats to access the foreshore within Pinjarra.

Further meetings were held with the business sector to explore the feasibility of the proposal with the outcome to engage independent marine engineers to undertake a formal feasibility report. The report was completed by M P Rogers and Associates in September 2017 (**Appendix 11**) highlighting that the physical relocation of the weir could be achieved.

A briefing session was undertaken with the Business Sector in April 2018 to discuss the feasibility but also the understanding that the State Government Agencies also highlighted significant environmental impacts with an array of studies and reports that would be warranted prior to any actual relocation being considered. These responses are detailed below:

#### Department of Water (DoW)

- Licence to Dredge
- License to construct a retaining wall
- Disposal Licence (discharge of Effluent)
- Permit – Bed and Banks
- Contamination Risk
- Hydrological Impacts

The DoW were not negative to the proposal but highlighted there would be significant reports required to ensure all environmental and hydrological investigations need to be undertaken. Further discussion with the DoW also highlighted that there may be a risk with the relocation should the current site have been chosen due any natural rock. Should this be the case then the access opportunities would be limited and geotechnical investigation at the site would be warranted.

#### Department of Environmental Regulation (DER)

Advice from DER primary referred to the *Environmental Protection Act 1986* (EP Act) and the *Contaminated Sites Act 2003* (CS Act) that typically echo the advice from the Department of Water in the need to undertake a series of environmental reports to justify any potential relocation.

#### Department of Transport (DoT)

The advice related to a full hydro survey being undertaken to ensure any future boating access could be accommodated to determine navigable hazards and ensure navigational safety.

#### Department of Planning (DoP)

They advised on a number of matters that would require consideration that included:

- Is the weir still necessary and what are the benefits.
- Options for extending the navigable section of the river upstream.
- The capability of the respective options to achieve the purpose of a weir.
- The structural framework of the Pinjarra Traffic Bridge and its implications for navigation.
- Heritage considerations (including an examination of the scope to retain a proportion for heritage value, if relocation were to occur).
- Riverbank stability (e.g. following possible works and consequent change to water level).
- Wildlife inhabiting/utilising the waterways and ROS reservations.
- Navigation and safety considerations within the Waterways reservation.
- Recreational use within the Regional Open Space (ROS) and Waterways reservations.
- Character and amenity of the ROS and Waterways reservations.
- Beneficial outcomes for the function and habitability of the town centre.

The DoP would also require approvals under the Peel Regional Scheme (PRS), as planning consent would be required for development within the ROS and Waterways reservations. Should the relocated weir impact the shoreline then an amendment to the PRS to change the configuration of the ROS and Waterways reservations would be required.

#### Main Roads Western Australia (MRWA)

The protection of the traffic bridge adjacent to the weir was paramount with advice that no excavation within proximity of the existing traffic bridge would be supported.

#### Department of Aboriginal Affairs

Advice received related to the requirement that a referral would be required, it would also be noted that approval through *Section 18 Aboriginal Heritage Act 1972* would also be needed.

#### Heritage

The Pinjarra Weir is listed within the Shire of Murray Heritage Register, the weir is also identified within the State Heritage "Pinjarra Heritage Precinct" but an assessment of cultural significance has not been undertaken.

The majority of advice received from the State Agencies was not against the proposal but provided advice to the work required to achieve a relocation.

Following the State Agency consultation there was concern over the practicality of the relocation of the weir, the amenity impact it would have on the adjacent foreshore and whether the distance from surrounding boating communities would justify the boating commute to Pinjarra.

A further assessment was recommended to ascertain the navigability of the Murray River and to identify issues or fatal flaws, MP Rogers & Associates were engaged to review this aspect. With assistance from the Department of Water a boat was launched at Murray Bend and the river was mapped for the 15km journey to Pinjarra. The subsequent assessment was completed by MP Rogers and Associates (**Appendix 12**).

The assessment referenced the report of September 2017 and that water depths within proximity of the Pinjarra Murray River Foreshore would limit access to suit small to medium boats only. Following the assessment of the depth of the Murray River from Murray Bend it identified that the river depth varied from 0.5m to 4.5m that would generally cater for the nominated small to medium boats. The primary concern was the shallow sand bars within proximity of Pinjarra that would limit access during lower tides between the current boat ramp and the Murray River Foreshore and therefore not enable all year access.

A further concern was the recent works undertaken to the Traffic bridge that has further highlighted the obstructions within the Murray River that can't be navigated.

The final point from the assessment was the time it takes small to medium boats to travel to Pinjarra, this was seen as a potential fatal flaw. The travel time from Murray Bend was approximately 1.5-2.0 hours to travel the 15km. With the communities of South and North Yunderup further downstream these times would be further extended. The practicality of boats travelling this distance and returning would unfortunately be restrictive.

The assessment highlighted the opportunity to embrace paddle craft adjacent to the Pinjarra Foreshore and this has been incorporated within the current Town Square and Foreshore works.

## **Report Detail**

### Feasibility Study

The Shire engaged Marine Engineers MP Rogers & Associates to review the current weir location and design alternative weir locations upstream of Cantwell Park, to determine cost implications and whether there were any fatal flaws to the proposal. Looking at primarily engineering outcomes there is capacity to relocate the weir upstream of Cantwell Park for between \$390,000 and \$420,000. It is anticipated that further environmental, heritage and geotechnical investigations would be in the order of \$100,000+ to achieve the required outcome.

### Department of Water and Environmental Regulation

A further meeting was held with the Department of Water and Environmental Regulation (DWER) to discuss the project and appreciate the level of environmental approvals, during the meeting it was highlighted the age of the current structure, the unknown environmental implications and whether the current weir was placed at the current site due to natural rock were discussed. If this is the case the relocation of the weir could be further complicated and additional geotechnical investigation may be required, with any rock impacting future navigation. DWER highlighted that should the weir be removed is there any need to place another weir upstream or just maintain natural river frontage. From an environmental perspective the other concern was around the reduction in river level that would expose river banks that have not been exposed in over 100 years that may impact the aesthetic riverside outcome.

### Town Square & Foreshore Development

There is infrastructure being proposed within the River Foreshore to better align to the water, these will be Jetties, a Lookout and Step structures. The final design of these structures will take into consideration the final river water level to enable any design to consider all aspects and work towards the ultimate engagement with the water. There are various works proposed but the priority will always be the engagement to the water, a significant concern is the lowering of the river with the removal of the weir that could impact the transition between the foreshore activity and the River access.

### Site Challenges

The relocation of the weir is achievable yet the challenges behind the relocation need to be fully understood to ensure they are fully appreciated:

1. The differential between the Pinjarra River Foreshore and the water level of the Murray River adjacent will be impacted with the understanding that the removal of the weir will further lower the Murray River by approximately 0.7m, this will expose river bank areas not previously exposed and essentially lessen the ability to directly interact with the river.
2. Further review of the engineering report does highlight the potential that the removal of the weir may impact navigability for boats at low tides and low river discharge further impacting required boat access adjacent to Pinjarra River Foreshore.
3. To guarantee for full boat access adjacent to the Pinjarra River Foreshore consideration for dredging works to manage accessibility would need to be investigated. This in turn would warrant ongoing monitoring and action to maintain the required navigation.
4. The placement of any new weir would need to assess any upstream impacts, similar to the reduction of the river level the new weir may raise the river level upstream.
5. Recent works of the Traffic Bridge adjacent to Cantwell Park has placed a number of concrete beam structures within the river bed to enable management of the bridge, these have further limited access to boating traffic.
6. The nearest boat ramp is located at Murray Bend (15km downstream), should the weir be removed there would be opportunity for boat traffic to access the Pinjarra River Foreshore with additional navigation improvements, but due to distance and the required navigation improvements the number of boats visiting would be limited.

### Community Involvement

The relocation of the weir is yet to be discussed at a community level, this was seen as a requirement should there be positive support for the project through Council.

### Other opportunities:

1. Prioritise river access adjacent to the Pinjarra River Foreshore for paddle craft only, then the need for the weir to be relocated would not be warranted, consideration for the paddle craft to then access and egress both upstream and downstream of the weir could be investigated and essentially create a hub for paddle craft.
2. Development of boating facilities at the Pinjarra Boat Ramp or surrounds to accommodate any boat traffic could be further considered.
3. Provide priority links and signage between Boat Ramp and Cantwell Park to direct visitors toward town through the River Foreshore (Cantwell Park).

### Murray 2030 Strategic Community Plan

<b>Focus Area</b>	Environment, Character and Heritage
<b>Aspiration</b>	To be effective stewards of our environment, history, heritage, natural landscape and rural character.
<b>Strategy</b>	Develop a vision for each town in relation to natural assets.

#### Other Strategic Links

Nil

#### Statutory Environment

Nil

#### Sustainability & Risk Considerations

##### *Economic - (Impact on the Economy of the Shire and Region)*

The opportunity to formalise and create activities within the Murray River Foreshore is likely to activate further private investment and business expansion within the town. The location is adjacent to the proposed redevelopment of the Exchange Hotel and Town Square redevelopment that has the potential to stimulate increased visitation.

##### *Social - (Quality of life to community and/or affected landowners)*

The masterplan of the Foreshore will provide for the coordinated development of the linear space in a manner generally consistent with community consultation. The opportunity to activate with the river is an essential element to the masterplan that encourages the use of water based structures. These structures have been designed to enable pedestrians and paddle craft access.

##### *Environment – (Impact on environment's sustainability)*

The environmental constraints of the foreshore and river network are essential to any water based activity, where change is warranted there is the requirement to engage and undertake relevant investigation to ensure the protection of the river network that is a priority for the Shire of Murray.

##### *Policy Implications*

Nil

##### *Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Low	The opportunity to relocate the weir or develop the foreshore for paddle craft still warrants approval through State Agencies to comply with relevant Acts and Regulations. There is potentially a time constraint for these approvals but considered low risk.

#### Consultation

There has been considerable consultation with State Government Agencies to establish an understanding of the current approval requirements should the Pinjarra Weir be relocated.

Should consideration be given to further explore the relocation of the Weir then formal community consultation would be recommended.

## **Resource Implications**

### *Financial*

Any proposal to undertake infrastructure works would be assessed through long term financial planning and the annual budget process.

### *Workforce*

Current investigations have been undertaken utilising existing staff resources.

## **Options**

Council has the option of:

1. Not supporting the relocation of the Pinjarra Weir and align the area adjacent to the Pinjarra River Foreshore for Paddle Craft.
2. Continuing to support the relocation of the Pinjarra Weir and undertake formal community consultation.

## **Conclusion**

The idea of having boat access to the Pinjarra River Foreshore has real merit, unfortunately the practicality of integrating with the foreshore, the environmental factors required to support a relocated weir, the physical barriers with the sand bar adjacent and the fact that the distance for boats to travel highlight that the need to review the functionality was warranted.

There are considerable opportunities with having direct access to a river asset and the ability to activate this opportunity. The primary outcome would be recommended to support paddle craft within the Pinjarra River Foreshore precinct and establish opportunities for boat traffic to moor at the established Pinjarra boat ramp. This will provide a dual outcome that aligns to the activity-based options for the Pinjarra River Foreshore while not negating options to travel via the vast waterway network.

Should the relocation of the Pinjarra Weir be pursued there would be a requirement to engage with the community as there is considerable history to the weir and community engagement would be of significant benefit.



**Items for Information****11.10 Council Resolution/Outstanding Items**

Resolution Register is attached for information.

**Appendix 13**

**11.11 Delegated Decisions – November 2019**

Delegated Decisions is attached for information.

**Appendix 14**

**12. BUSINESS LEFT OVER FROM THE PREVIOUS MEETING****13. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****14. NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING****15. NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION OF THE MEETING****16. MEETING CLOSED TO THE PUBLIC (CONFIDENTIAL BUSINESS)****Recommendation**

That Council proceeds behind closed doors as per Section 5.23(2) of the Local Government Act for the purpose of considering confidential item 16.1 Joint CEO Long-Term Contract Arrangements – Under Confidential Cover.

**16.1 Joint CEO Long-Term Contract Arrangements – Under Confidential Cover**

File Ref:	P/UNS002
Applicant:	Nil
Author and Title:	Dean Unsworth, Chief Executive Officer
Voting Requirements	Absolute Majority

**Appendix 15 Under Confidential Cover**

**Recommendation**

That Council endorses the CEO Resource Sharing Committee's Recommendation included in the report for Item 16.1 provided under confidential cover.

**In Brief**

- Enable discussion regarding the Joint CEO Long-Term Contract Arrangements.
- A confidential report has been provided (refer **Appendix 15 Under Confidential Cover**).

**Background**

All details are contained within the confidential report.

**Report Detail**

All details are contained within the confidential report.

**Other Strategic Links**

All details are contained within the confidential report.

**Statutory Environment**

All details are contained within the confidential report.

**Consultation**

All details are contained within the confidential report.

**Resource Implications**

*Financial*

All details are contained within the confidential report.

*Workforce*

All details are contained within the confidential report.

**Options**

All details are contained within the confidential report.

**Conclusion**

All details are contained within the confidential report.

**Recommendation**

**That Council proceeds with open doors.**

**17. CLOSURE OF MEETING**