



Minutes

Ordinary Council Meeting

Thursday 28 September 2023

at 5.30pm

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	2
6.1	Ordinary Council Meeting – 24 August 2023	2
7	ANNOUNCEMENTS BY THE PRESIDING MEMBER	2
8	ANNOUNCEMENTS BY ELECTED MEMBERS	4
9	ACKNOWLEDGEMENT OF RECEIPT OF DISCLOSURE OF INTERESTS (BY PRESIDING MEMBER)	4
10	RECEPTION OF MINUTES AND RECOMMENDATIONS OF COMMITTEES HELD SINCE PREVIOUS MEETING OF COUNCIL	5
10.1	Minutes of the Bush Fire Advisory Committee Meeting held on 16 August 2023	5
10.1.1	Nominations for Shire Training Officer, Fire Weather Officer, Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer	6
10.1.2	2023/2024 Bushfire Compliance Notice	11
10.1.3	Shire of Murray Bush Fire Brigades Standard Operating Procedures	14
	REPORTS OF CHIEF EXECUTIVE OFFICER AND OFFICERS	17
11	PLANNING AND SUSTAINABILITY	17
12	CORPORATE GOVERNANCE	18
12.1	Adoption of Infrastructure Asset Management Plan.....	18
12.2	Payments from Municipal and Trust Funds - August 2023	24
12.3	Audit and Risk Committee Terms of Reference.....	27
12.4	Change of Date - December Ordinary Council Meeting.....	30
12.5	Lease Proposal - Pinjarra Community Garden - Reserve 45518	33
12.6	Monthly Financial Report - August 2023.....	38
13	RECREATION, ECONOMIC & COMMUNITY DEVELOPMENT	41
13.1	Ravenswood Community Centre - Request for Fee Waiver - Ravenswood Community Group Inc.	41
13.2	Community Sporting and Recreation Facilities Fund (CRSFF) Forward Planning Grants 2023/24 Round	46
13.3	Dwellingup Town Centre Facade Refurbishment Subsidy Program - Dwellingup General Store - Lot 16 (52) McLarty Street, Dwellingup	49
14	INFRASTRUCTURE SERVICES	54
14.1	Proposed Land Acquisition - 170 Culeenup Road North Yunderup	54
15	ITEMS FOR INFORMATION	57
15.1	Delegated Development Application Decisions – August 2023.....	57
15.2	Outstanding Council Resolutions September 2023	58

16	BUSINESS LEFT OVER FROM PREVIOUS MEETING	59
17	ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	59
18	NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING	59
19	NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION OF THE MEETING.....	59
20	MEETING CLOSED TO THE PUBLIC (CONFIDENTIAL BUSINESS)	59
21	CLOSURE OF MEETING	60

Minutes of Shire of Murray Ordinary Council Meeting held at the Murray Shire Council, 1915 Pinjarra Road, Pinjarra on Thursday, 28 September 2023

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member, Cr D Bolt declared the meeting open the time being 5.30pm.

2 ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

PRESENT

Cr David Bolt (President), Cr Douglas McLarty (Deputy President), Cr Stuart Kirkham, Cr Steve Lee, Cr Ange Rogers, Cr David Pike, Cr Stewart Carter

IN ATTENDANCE

Dean Unsworth (Chief Executive Officer), Alan Smith (Director Infrastructure Services), Rod Peake (Director Planning and Sustainability), Leanne McGuirk (Director Place, Community and Economic Development), Tracie Unsworth (Director Corporate Services), Denise Garner (Minute Taker)

APOLOGIES

Cr Geoff Black

LEAVE OF ABSENCE

Recommendation/Council Decision OCM23/126

Moved: Cr S Lee

Seconded: Cr S Kirkham

That Council approves the below leave requests:

Cr David Pike for the Ordinary Council Meeting in December 2023 due to work commitments.

Cr Douglas McLarty for the Ordinary Council Meeting in December 2023 due to a family holiday.

In Favour: Crs David Bolt, Douglas McLarty, Stuart Kirkham, Steve Lee, Ange Rogers, David Pike and Stewart Carter

Against: Nil.

CARRIED UNANIMOUSLY 7:0

There were two (2) members of the public and three (3) members of staff in attendance at this time.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4 PUBLIC QUESTION TIME

Nil.

5 PETITIONS AND APPROVED DEPUTATIONS

Nil.

6 CONFIRMATION OF MINUTES**6.1 Ordinary Council Meeting – 24 August 2023****Recommendation/Council Decision OCM23/127****Moved: Cr D McLarty****Seconded: Cr S Kirkham****That the Minutes of the Ordinary Council Meeting held on Thursday 24 August 2023 be confirmed as a true and correct record.****In Favour: Crs David Bolt, Douglas McLarty, Stuart Kirkham, Steve Lee, Ange Rogers, David Pike and Stewart Carter****Against: Nil.****CARRIED UNANIMOUSLY 7:0****7 ANNOUNCEMENTS BY THE PRESIDING MEMBER**

On 25 August I attended a meeting at the Shire building with the DBCA Deputy Director General regarding Lane Poole and State National Parks. Later in the day I attended a CHRMAP and local project discussion at Robyn Clarke MLA's office in Pinjarra with the CEO and Shire staff.

On 30 August the CEO, Shire staff and I hosted a meeting with members of the Dwellingup Community to discuss community aspirations for the town of Dwellingup. Later in the day I represented the Shire of Murray at Alcoa's 60th Anniversary Celebration at the Mandurah Offshore Fishing and Sailing Club.

On 1 September the CEO, General Manager FIPWA and I attended the Launch of the WA Food and Beverage Alliance with the Mayor and CEO of the City of Canning and ScaleUp WA at the City of Canning Offices.

On 4 September the CEO, Manager Communications and Marketing and I along with Robyn Clarke MLA, attended a tour of the Mandurah and Cockburn Health Hubs with the Murray Health Futures Steering Committee Members.

On 5 September the Shire Officers and I attended and hosted the Shire of Collie and Tourism operators for a famil in Dwellingup. The day consisted of site tours and discussions around regional tourism opportunities and trails development.

On 6 September I had a meeting with members of the Pinjarra Bowling Club at the Shire of Murray to discuss an upcoming club building project.

On 7 September the CEO, Shire Officers and I attended the Innovation Centre First Partner Event at the FIPWA. Spinifex Brewing Co presented to the event on all things brewing with their new production facilities.

On 8 September I attended a meeting and site tour with Grow HUB and a Kyoto University Delegation at the FIPWA Innovation building.

On 9 September I spoke at the opening of the 'Spirit of the Landscape' Art Exhibition which was held at the Mandurah Performing Arts Centre.

On 11 September I attended the AICC WA Ag event at the Bentley Technology Park. The keynote speaker was the CEO of Elders.

On 12 September I attended a meeting and photo shoot at the Murray House Resource Centre to celebrate their 'Blue Chair Project'.

On 14 September the Fellow Councillors, Directors, and I attended the Monthly Councillor Briefing at the new Ravenswood Community Centre. During the briefing session the group watched a live stream of the Top Tourism Town Awards (held in Canberra) where Dwellingup took out Australia's Top Tiny Town Award for 2023.

On 15 September I pre-recorded an interview with the Wave/ Coast FM regarding Dwellingup's success in the Top Tiny Town Award. This was followed later in the day by the Opening Ceremony of the Dwellingup 100 UCI World Championship Event in Dwellingup.

On 16 September I attended and presented the winners medals at the Dwellingup 100 UCI World Championship Event.

On Sunday 17 September I gave a live radio interview on 6PR to discuss Dwellingup's Top Tiny Tourism Town National Award and the UCI World Championships. I then attended the Mayor and Presidents forum and following this the opening reception for the 2023 WALG State Conference

On Monday 18 September and Tuesday 19 September I attended the WALGA Convention at Crown Perth, along with the CEO and fellow Councillors. As part of the 2-day conference I also attended the WALGA Annual General Meeting along with the Deputy Shire President.

On 20 September I attended a Cost Benefit Analysis Workshop to help develop a Business Case for Restoration Program for the Estuary and Peel-Harvey Waterways in Mandurah.

On the 21 September I attended and laid a wreath on behalf of the Shire of Murray at the National Police Remembrance Day Ceremony at the Mandurah Bowling Club.

On 23 September fellow Councillors and I attended and spoke at the Folk World Pinjarra Community Concert which was held at the Pinjarra Civic Centre.

On 24 September I attended the Plein Air Down Under Painting Festival held at the Edenvale Heritage Precinct throughout the day.

On 25 September I attended and Choose a winner of the Pinjarra Acquisitional Award for the Plein Air Down Under Painting Festival which was held at the Mandurah performing Arts Centre.

On 26 September I attended the Dwellingup Hall along with Shire Officers to discuss the Dwellingup Health Hub at a Community meeting.

On 27 September the CEO, Shire Officers and I attended the regular Murray Health Futures Steering Committee meeting which was held at the Fiona Stanley Hospital. This was followed by a CEO catchup meeting.

On 28 September I presided over the Shire of Murray's September Ordinary Council Meeting in the Council Chambers Pinjarra.

8 ANNOUNCEMENTS BY ELECTED MEMBERS**Cr Douglas McLarty, Deputy Shire President**

On Thursday 14 September I attended a Councillor Briefing / Strategy Planning Day that was held at the Ravenswood Community Centre Cr Bolt, the Directors and my fellow Councillors. We discussed many topics regarding this area within the Shire. We also viewed the Australia's Top Tourism Town Awards, which Dwellingup was crowned the Top Tiny Tourism Town 2023.

On Monday 18 September and Tuesday 19 September, I attended the WALGA Convention at Crown Perth, along with the CEO and fellow Councillors. As part of the 2-day conference I also attended the WALGA Annual General Meeting along with the Shire President.

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

Cr D McLarty declared an Impartiality Interest in Item 10.1.1 Nominations for Shire Training Officer, Fire Weather Officer, Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer in that he is the Bush Fire Control Officer for Coolup.

Cr S Kirkham declared an Impartiality Interest in Item 10.1.1 Nominations for Shire Training Officer, Fire Weather Officer, Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer in that he is named for an appointment as Fire Control Officer (permit issuing only) for Coolup Volunteer Bush Fire Brigade.

Cr S Lee declared an Impartiality Interest in Item 12.5 Lease Proposal - Pinjarra Community Garden - Reserve 45518 in that he is a member of the Pinjarra Community Garden and his partner is the Treasurer.

Cr S Lee declared an Impartiality Interest in Item 13.1 Ravenswood Community Centre - Request for Fee Waiver - Ravenswood Community Group Inc in that he is a member of the Ravenswood Community Group.

Cr D Bolt declared an Impartiality Interest in Item 13.1 Ravenswood Community Centre - Request for Fee Waiver - Ravenswood Community Group Inc in that he has an association with the application in that he provides free technical support for the group.

10 RECEPTION OF MINUTES AND RECOMMENDATIONS OF COMMITTEES HELD SINCE PREVIOUS MEETING OF COUNCIL**10.1 Minutes of the Bush Fire Advisory Committee Meeting held on 16 August 2023**

File Ref: D23/31005

Author and Title: John Kowal, Manager Ranger and Community Safety

Appendices: Item 10.1 Appendix 1 - Unconfirmed Minutes - Bush Fire Advisory Committee - 16 August 2023

Item 10.1 Appendix 2 - Shire of Murray Bush Fire Advisory Committee Meeting - Appendices (Redacted) - 16 August 2023

Recommendation/Council Decision OCM23/128**Moved: Cr A Rogers****Seconded: Cr S Kirkham****That the Minutes of the Bush Fire Advisory Committee Meeting held on Wednesday 16 August 2023 be confirmed as a true and correct record.****In Favour: Crs David Bolt, Douglas McLarty, Stuart Kirkham, Steve Lee, Ange Rogers, David Pike and Stewart Carter****Against: Nil.****CARRIED UNANIMOUSLY 7:0**

10.1.1 Nominations for Shire Training Officer, Fire Weather Officer, Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer

File Ref: 1809
Previous Items: Nil.
Applicant: Nil.
Author and Title: Nicole Stevens, Community Emergency Services Coordinator
Voting Requirements: Simple Majority

Appendix 2 - Nominations for Shire Training Officer, Fire Weather Officer, Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer

Cr D McLarty declared an Impartiality Interest in Item 10.1.1 Nominations for Shire Training Officer, Fire Weather Officer, Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer in that he is the Bush Fire Control Officer for Coolup.

Cr D McLarty advised that he would consider the matter on its merits and vote accordingly.

Cr D McLarty remained in the meeting.

Cr S Kirkham declared an Impartiality Interest in Item 10.1.1 Nominations for Shire Training Officer, Fire Weather Officer, Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer in that he is named for an appointment as Fire Control Officer (permit issuing only) for Coolup Volunteer Bush Fire Brigade.

Cr S Kirkham advised that he would consider the matter on its merits and vote accordingly.

Cr S Kirkham remained in the meeting.

Recommendation/Council Decision OCM23/129

Moved: Cr S Lee

Seconded: Cr A Rogers

That Council Adopt The Bush Fire Advisory Committee recommendations of the appointment of the following persons by delegated authority:

Chief Bush Fire Control Officer: Robert Wilson

Deputy Chief Bush Fire Control Officer: Peter Thurkle

Bush Fire Control Officers:

Douglas McLarty – Coolup VBFB

Anthony Cocivera – Dwellingup VBFB

Peter Thurkle - North Dandalup VBFB

James (Jim) Camplin – South Yunderup/Ravenswood VBFB

Andrew Taylor – West Murray VBFB

Kevin Jones – Pinjarra VFRS

Fire Control Officers – Permit Issuing Only:

Chris Sattler – Coolup VBFB

Stuart Kirkham – Coolup VBFB

Lorraine Webster – North Dandalup VBFB

Christine Thompson JP – West Murray VBFB

Michael (Mick) Gavranich – West Murray VBFB

Fire Weather Officer:

James (Jim) Camplin

Deputy Fire Weather Officer:

Nicole Stevens

Shire Training Coordinator/s:

James (Jim) Camplin

In Favour: **Crs David Bolt, Douglas McLarty, Stuart Kirkham, Steve Lee, Ange Rogers, David Pike and Stewart Carter**

Against: **Nil.**

CARRIED UNANIMOUSLY 7:0

In Brief

The Bush Fire Advisory Committee is to select and recommend appointments required under the Act and other appointments as deemed necessary.

Background

The nomination at brigade level of Bush Fire Control Officers (FCO) and Bush Fire Control Officer - Permit Issuing Officers are determined by each brigade at their respective Annual General Meetings (AGM) and this supports the Shire's BFAC membership structure.

Nominations will also be provided to the BFAC for the following positions -

- Chief Bush Fire Control Officer
- Deputy Chief Bush Fire Control Officer
- Fire Weather Officer
- Deputy Fire Weather Officer
- Shire Training Coordinator

With the introduction of delegated authority in recent years the endorsement of FCO's appointments by Council is no longer required as the Chief Executive Officer has the delegated authority under Section 48 of the Act to appoint FCO's as well as a Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officers and Fire Weather Officer/s. The appointment of Fire Weather Officer/s also requires DFES endorsement.

Report Detail

Accordingly, the proposal presented to the Committee is to support the appointment of the nominated FCO's, including Permit Issuing Officers as provided by the brigades and to determine a recommendation to be provided to the Shire's CEO in relation to the positions of Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer, Fire Weather Officer, Deputy Fire Weather Officer and Shire Training Coordinator.

If required, a copy can be provided of each of the Volunteer Bush Fire Brigades 2023 AGM minutes that provide the details relating to the appointment of Brigade Officers and the nominations for each brigade for FCO's and Fire control Officer (Permit Issuing only) for each of their Brigade areas.

The following written nominations, as provided at **Appendix 2** have also been received.

- Mr. James (Jim) Camplin, for the position of Shire Training Coordinator and for Fire Weather Officer.
- Mr Robert Wilson, for the position of Chief Bush Fire Control Officer.

- Mr Peter Thurkle, for the position of Deputy Chief Bush Fire Control Officer.

Council Plan

Focus Area	Planet
Outcome	A resilient community equipped to respond to natural disasters and other emergencies.
Objectives	Minimise risks and impacts from fires, floods and natural disasters.

Other Strategic Links

Nil.

Statutory Environment

Bush Fire Control Officers

Section 38(1) of the Act states that a local government may from time to time appoint such persons as it thinks necessary to be its Bush Fire Control Officers under and for the purposes of the Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it. The appointment of Fire Control Officers may be delegated to the Chief Executive Officer under Section 48 of the Act.

Section 38(2A) states –

The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.

Fire Weather & Deputy Fire Weather Officers

Section 38(6)(c) An approved local government may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary. The appointment of Fire Weather officers may also be delegated to the Chief Executive Officer under Section 48 of the Act.

- (ca) Where more than one fire weather officer is appointed by a local government the local government shall define a part of its district in which each fire weather officer shall have the exclusive right to exercise the power conferred by paragraph (h).
- (cb) An approved local government may appoint one or more persons, as it thinks necessary, to be the deputy or deputies, as the case may be, of a fire weather officer appointed by the local government and where 2 or more deputies are so appointed they shall have seniority in the order determined by the local government.
- (cc) Where the office of a fire weather officer is vacant or whilst the occupant is absent or unable to act in the discharge of the duties of the office, any deputy appointed in respect of that office under paragraph (cb) is, subject to paragraph (cd), entitled to act in the discharge of the duties of that office.
- (cd) A deputy who is one of 2 or more deputies of a fire weather officer is not entitled to act in the discharge of the duties of the office of that fire weather officer if a deputy who has precedence over him in the order of seniority determined under paragraph (cb) is available and able to discharge those duties.
- (d) The local government shall give notice of an appointment made under paragraph (c) or (cb) to the Authority and cause notice of the appointment to be published at least once in a newspaper

circulating in its district and the Authority shall cause notice of the appointment to be published once in the *Government Gazette*.

- (h) A fire weather officer of an approved local government, or a deputy of that fire weather officer while acting in the place of that officer, may authorise a person who has received a permit under section 18(6)(a), to burn the bush in the district of the local government notwithstanding that for any day, or any period of a day, specified in the notice the fire danger forecast issued by the Bureau of Meteorology in Perth, in respect to the locality where the bush proposed to be burnt is situated, is “extreme” or “very high”, and upon the authority being given the person, if he has otherwise complied with the conditions prescribed for the purposes of section 18, may burn the bush.
- (i) This subsection does not authorise the burning of bush during the prohibited burning times.

Note: Fire Weather Officers must be appointed as Fire Control Officers pursuant to clause (6)(c) of the Act.

Section 48 Delegation by local governments

- (1) A local government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act.
- (2) Performance by the chief executive officer of a local government of a function delegated under subsection (1) —
 - (a) is taken to be in accordance with the terms of a delegation under this section, unless the contrary is shown; and
 - (b) is to be treated as performance by the local government.
- (3) A delegation under this section does not include the power to sub-delegate.
- (4) Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.

The Shire Training Coordinator position is not an appointment specified within the Act. However, Council has traditionally recognised this position to assist the Shire and brigades with the management and the coordination of training.

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

There are no policy implications and the level of risk is considered to be low if the recommendation is endorsed. The proposed appointments under delegated authority are in accordance with the provisions of the *Bush Fires Act 1954*.

Risk Management Implications

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

Consultation

In accordance with previously established procedures, all brigades are cognizant of the process for each brigade to nominate an FCO, PIO and a Fire Weather Officer.

All brigades were also contacted to ensure that they forwarded their AGM minutes to the Shire. This was to ensure that Shire had a record of each brigade's AGM minutes and also a copy of each brigade's respective nominations for FCO's.

Resource Implications*Financial*

The cost of advertising the appointments in accordance with 38(2A) of the Act can be accommodated within the annual operating budget.

Workforce

Nil.

Options

The Committee has the following options –

1. Support the recommendation, as proposed.
2. Support the recommendation, subject to any changes; or
3. Reject the recommendation and determine an alternate position.

Conclusion

The Committee recommendations are to be considered by the Chief Executive Officer under delegated authority to formally appoint persons in accordance with the provisions of the Act to the following positions;

- Chief Bush Fire Control Officer;
- Deputy Chief Bush Fire Control Officer;
- Fire Control Officers;
- Fire Control Officers (Bush Fire Permit issuing only);
- Fire Weather Officer;
- Deputy Fire Weather Officer; and,
- Shire Training Coordinator/s.

10.1.2 2023/2024 Bushfire Compliance Notice

File Ref: 1804
Previous Items: Nil.
Author and Title: John Kowal, Manager Ranger & Community Safety
Voting Requirements: Simple Majority

Appendix 3 – 2023/24 Shire of Murray Bushfire Compliance Notice

Recommendation/Council Decision OCM23/130

Moved: Cr D McLarty

Seconded: Cr S Kirkham

That Council

- 1. Endorses the 2023/24 Shire of Murray Bushfire Compliance Notice, as attached at Appendix 3;**
- 2. Approves for the publication of the 2023/24 Shire of Murray Bushfire Compliance Notice in accordance with the provisions of the *Bush Fires Act 1954*.**

In Favour: Crs David Bolt, Douglas McLarty, Stuart Kirkham, Steve Lee, Ange Rogers, David Pike and Stewart Carter

Against: Nil.

CARRIED UNANIMOUSLY 7:0

In Brief

To determine the Shire of Murray Bushfire Compliance Notice to manage bushfire related matters within the district.

Background

The current Shire of Murray Firebreak Notice (Notice) was significantly amended as part of a full review in 2020. Further amendments have been undertaken again in 2023 in compliance with the recent WALGA Guidance Notes that were provided to support Local Governments to produce a standard, clear, concise and enforceable Notice that aligns with regulatory requirements.

Report Detail

The Notice is made in accordance with section 33 of the Act.

As stated, the new format for the Notice is to align with the new WALGA Guidance Notes that were developed in collaboration between WALGA, DFES and various local governments. The latest format is to be much clearer and more concise, especially with the specific size of land rather than the zoning of the land and the applicable bushfire preparedness works that are required to be carried out by property owners/occupiers.

The Notice still provides sufficient means to direct landowners to take actions to implement works to prevent the outbreak, spread or extension of a bushfire and it provides a mechanism for Special Work Orders to further reduce bushfire hazards, if required.

The proposed Notice will also be specifically formatted to be published within the Government Gazette and also within a newspaper circulating the district. All information contained in the Notice will also be advertised on the Shire's website and also on the Shire's social media.

Council Plan

Focus Area	Planet
Outcome	A resilient community equipped to respond to natural disasters and other emergencies.
Objectives	Minimise risks and impacts from fires, floods and natural disasters.

Other Strategic Links

Nil.

Statutory Environment

Section 33 of the Act provides a local government the ability to make a Notice requiring all owners or occupiers of land within the district to take measures for preventing the outbreak of a bushfire, or for preventing the spread or extension of a bushfire which may occur.

Section 24G(2) of the *Bush Fires Act 1954* provides a local government the ability, by notice published in the Gazette and a newspaper circulating in its district, to prohibit or impose restrictions on the burning of garden refuse within its district that is otherwise permitted under section 24F of the Act.

Section 25(1)(1a) of the Act provides a local government the ability, by notice published in the Gazette and a newspaper circulating in its district, to prohibit or prohibit the lighting of fires in the open air in its district for the purpose of camping or cooking for such period during the prohibited burning times as is specified in the notice.

Sustainability Implications

Economic – (Financial impact to the community)

Nil.

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

Technically no amendments to the general fire prevention, preparedness requirements are proposed.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	The level of negative community feedback will likely be low as technically no change to the current Notice is proposed.

Consultation

The development of the Notice has taken place with consultation with Shire staff including Governance, Media and Communications, Rangers/FCO’s and with the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer.

It is proposed that the Notice will be sent with the Shire’s rate notices to every property owner. The Notice will also be publicly advertised in the local newspaper, Shire venues such as the Shire’s

Administration Centre, Libraries, Visitor Centres and also on the Shire's website and Social Media sites.

Resource Implications

Financial

Funds are provided in the annual budget for the development and publishing of the Notice.

Workforce

Nil.

Options

The Committee has the following options:

1. support the recommendation presented; or,
2. reject the recommendation and commence making a new Notice or amend the current Notice to present to Council for consideration.

Conclusion

The current Shire of Murray Firebreak Notice is effective and applies a reasonable minimum standard of fire prevention requirements across land categories in the district to prevent the spread or extension of a bushfire, and the Notice prescribes additional abilities to manage higher risk land by way of Special Works Orders.

Additional Comments

- Jim Camplin advised that on the permit to burn map Zone 1 contains Yunderup as a whole, Zone 1 should include South Yunderup and Zone 2 should include North Yunderup.
- John Kowal mentioned that Gull Road is the boundary between North Dandalup and West Murray.
- Cr Ange Rogers requested additional clarification for brigade fire districts using road points for brigades. This will be taken into consideration for the 2024/2025 Fire Notice.

10.1.3 Shire of Murray Bush Fire Brigades Standard Operating Procedures

File Ref: 1804
Previous Items: Nil.
Author and Title: John Kowal, Manager Ranger & Community Safety
Voting Requirements: Simple Majority

Appendix 4 – Bush Fire Brigades Standard Operating Procedures

Appendix 5 – Bush Fire Brigades Standard Operating Procedures Appendices Register

Recommendation/Council Decision OCM23/131

Moved: Cr A Rogers

Seconded: Cr S Kirkham

That Council endorses the Bush Fire Brigades Standard Operating Procedures and Appendices.

In Favour: Crs David Bolt, Douglas McLarty, Stuart Kirkham, Steve Lee, Ange Rogers, David Pike and Stewart Carter

Against: Nil.

CARRIED UNANIMOUSLY 7:0

In Brief

The Shire of Murray Bush Fire Brigades Standard Operating Procedures and associated appendices (SOP's) have been developed to describe the management and operations of the Shire of Murray bush fire brigades.

Background

The current Shire of Murray Bush Fire Brigades Local Law 2023 (local law) will come into operation towards the end of August, dependent on advertising schedules and timing. The necessity for the Shire to have a local law was the advice as provided by DFES to ensure that bush fire brigades were properly constituted so that brigades and volunteers have direct authority and powers under the Act to undertake 'normal brigade activities', which includes the response to bushfires.

The local law includes the requirement for SOP's to be established to describe and provide information and guidance relating to normal business of brigades relating to the management and operations of brigades.

Report Detail

As stated, the local law requires the establishment of SOP's to provide information to brigade relating to all facets of brigade management and operations. The establishment of SOP's for the Shire of Murray brigades is similar to the establishment of SOP's by numerous other local governments throughout Western Australia. Previously, the information relating to the management and operations of brigades would be contained in local laws. However, this requirement has since changed mainly due to the fact the process for making amendments to a local law is rather complex and can take a considerable amount of time whereas amendments to SOP's can be completed at any time and is therefore far less complex and takes far less time.

Brigades were initially involved with the development of SOP's and it was informed that this had been done over a long period of time with a considerable amount of work and time contributed by Shire staff and brigade members. Feedback from brigades was that the initial SOP's had taken a long time to develop, were somewhat confusing, had gone through several iterations and were complex. These were some of the reasons as to why it was decided to develop SOP's specifically

for the management and operations of brigades rather than for the management and response to bushfires that included information about the management and operation of brigades.

The engagement with brigades has been ongoing from the initial presentation that was provided to brigades on 22nd March 2023 and the distribution to all brigades of the draft copy of the SOP's to gain any feedback, queries and changes to the SOP's from brigades.

Several reminder emails were also sent to brigades requesting their feedback, queries and changes. There were two brigades that responded and the information provided was very thorough and very constructive and resulted in several amendments to the draft SOP's. Meetings with the CBF CO, DCBF CO and other brigades also yielded good discussion and feedback and also resulted in further changes to the SOP's.

As stated previously, the SOP's can be amended at any time which will allow the inclusion of any changes that Shire and/or the brigades may require in the future and therefore the SOP's should not be seen as "set in stone". This is because such documents need to be flexible enough so that the SOP's remain contemporary to enable changes that maybe required in the future including any changes to legislation or operations.

Council Plan

Focus Area	Planet
Outcome	A resilient community equipped to respond to natural disasters and other emergencies.
Objectives	Minimise risks and impacts from fires, floods and natural disasters.

Other Strategic Links

Nil.

Statutory Environment

Local law has been made by the Shire in accordance with section 41 of the Act and the Shire has undertaken the process for the making and for the adoption of the local law in accordance with the Local Government Act 1995.

As stated, the establishment of SOP's is a requirement of the local law instead of the local law containing all the information relating to the management and operations of brigades.

Sustainability Implications

Economic – (Financial impact to the community)

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	The level of negative community feedback will likely be low as technically no change to the current Notice is proposed.

Consultation

During the development of the SOP's, there has been ongoing consultation with the Shire CEO, Director Corporate Services, CESC, DFES, Chief and Deputy Bush Fire Control Officers and other local governments.

There have also been presentations of the SOP's provided to brigades together with email and phone communications plus direct engagement with some brigades via meetings with brigade Executive Committee members.

Resource Implications*Financial*

Funds are provided in the annual budget for the development and publishing of the Notice.

Workforce

Nil.

Options

The Committee has the following options:

1. support the recommendation, as proposed.
2. support the recommendation, subject to any changes; or
3. reject the recommendation and determine an alternate position.

Conclusion

Shire staff and brigade representatives had initially developed SOP's for the overall management and response to bushfires. The feedback from brigades was that the initial SOP's had taken an inordinate amount of time to develop, were somewhat confusing, had gone through several iterations, which the brigades had lost track of and were complex in nature.

The SOP's will finally provide brigades with relevant information to enable a standard and consistent approach to the management and operations of the brigade with the benefit of having the opportunity in the future to easily make amendments to the SOP's unlike the complex and time-consuming process of amending local laws.

Additional Comments

S Kirkham thanked J Kowal and N Stevens for their work on the brigade SOP's. J Camplin stated that the position description for brigade captains is onerous, this was noted by A Rogers. It was also advised that Craig Salt has been organised for brigade workshops.

REPORTS OF CHIEF EXECUTIVE OFFICER AND OFFICERS

11 PLANNING AND SUSTAINABILITY

Nil.

12 CORPORATE GOVERNANCE

12.1 Adoption of Infrastructure Asset Management Plan

File Ref:	D23/25096
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Sally Donkin, Asset Officer
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 12.1 Appendix 1 - Infrastructure Asset Management Plan 2023 Item 12.1 Appendix 2 - Drainage Asset Management Plan - 2023 Item 12.1 Appendix 3 - Public Open Space and Waterways Asset Management Plan - 2023

Recommendation/Council Decision OCM23/132

Moved: Cr S Lee

Seconded: Cr A Rogers

That Council adopts the reviewed Infrastructure Asset Management Plan as supplied in Appendix 1.

In Favour: Crs David Bolt, Douglas McLarty, Stuart Kirkham, Steve Lee, Ange Rogers, David Pike and Stewart Carter

Against: Nil.

CARRIED UNANIMOUSLY 7:0

In Brief

- The Infrastructure Asset Management Plan (IAMP) and supporting Appendix 2 – Drainage Asset Management Plan and Appendix 3 – Public Open Space and Waterway Facilities Asset Management Plan have been reviewed.
- The IAMP uses the predicted useful life of an asset based on its actual performance and informed by industry standards, to model financial reporting requirements of renewal. These requirements are then incorporated into the Long Term Financial Plan at the agreed funding value.
- The renewal requirement for drainage assets over a 10-year period is \$1,933,816, which equates to an average of \$193,381 per annum.
- The renewal requirement for public open space and waterways assets over a 10-year period is \$3,992,159, which equates to an average of \$399,216 per annum.
- Where it is not possible to fully fund the renewal requirements in the Long Term Financial Plan, the renewal requirements will be prioritised based on risk, service levels and asset hierarchy.

Background

As part of the Integrated Planning and Reporting Framework introduced to Local Government in 2011, there is a requirement to develop Asset Management Plans. This requirement was introduced to enhance the sustainable management of assets by encouraging ‘whole of life’ and ‘whole of organisation’ approaches, and the effective identification and management of risks associated with the use of assets. The Framework has been developed to assist Local Governments in planning and managing their assets, so that the long-term aspirations of their communities can be reached. It highlights the fundamental link between Asset Management, Long Term Financial Planning and Strategic Planning.

The Shire of Murray commenced formal asset management planning in accordance with the current framework in 2008. This has placed Council in an excellent position to adopt meaningful Asset Management Plans (AMP).

The Infrastructure Asset Management Plan is the overarching document and is supported by the relevant asset classes listed as appendices. These appendices are reviewed on a four or five-year rolling cycle, dependant on asset class, with the IAMP reviewed annually.

The IAMP, Appendix 2 – Drainage Asset Management Plan and Appendix 3 – Public Open Space and Waterways Facilities Asset Management Plan have been reviewed and are attached for consideration. The other appendices relevant to the IAMP have not been attached, as they remain unchanged and will be reviewed in accordance with the timeframes set out below:

Plan	Last Reviewed	Next Review
Buildings Asset Management Plan	August 2021	August 2026
Roads and Kerbs Asset Management Plan	May 2020	August 2024
Bridges Asset Management Plan	August 2022	August 2027
Footpaths Asset Management Plan	August 2022	August 2027

Appendix 2 – Drainage Asset Management Plan and Appendix 3 – Public Open Space and Waterways Facilities Asset Management Plan will be reviewed again in August 2028.

Report Detail

The IAMP is an important document that explains:

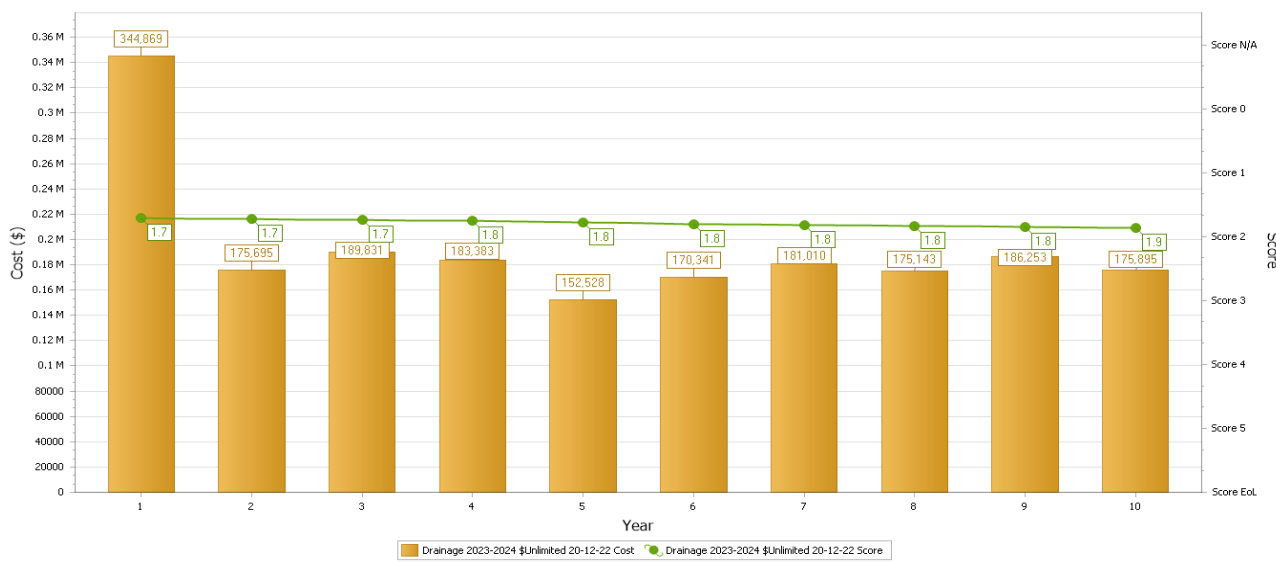
- The assets owned (inventory);
- The agreed level of service or minimum required standards of the asset;
- Anticipated future demand;
- Risks associated with the asset;
- Operation and maintenance of the network and associated costs;
- Renewal costs for the network over the next ten years;
- Upgrade costs for the network over the next ten years;
- Lifecycle costs and Long Term Financial Plan for the network; and
- Improvement Plan

The IAMP has a “core” level status, which reflects the Shire’s current level of maturity in asset management planning.

The following table represents a summary of the assets covered by Appendix 2 – Drainage Asset Management Plan:

Asset Category	Asset Sub Category	Quantity	Length (m)	Replacement Value (\$)
Drainage - Pits	Pits	3620		14,358,728.33
	Headwalls	1892		2,748,345.61
Drainage - Pipes	Pipes	4538	123,948	31,320,325.69
	Culverts	1075		8,252,245.16

The following graph and table summarise the renewal requirement for drainage infrastructure based on like for like replacement using an unlimited budget allocation (i.e. funding 100% of renewal). The renewal requirement over a 10-year period is \$1,933,816.21, which equates to an average of \$193,381.61 per annum. The condition index for drainage assets is very good, with the service level remaining steady in overall condition index at the end of 10 years if the proposed funding is able to be achieved.

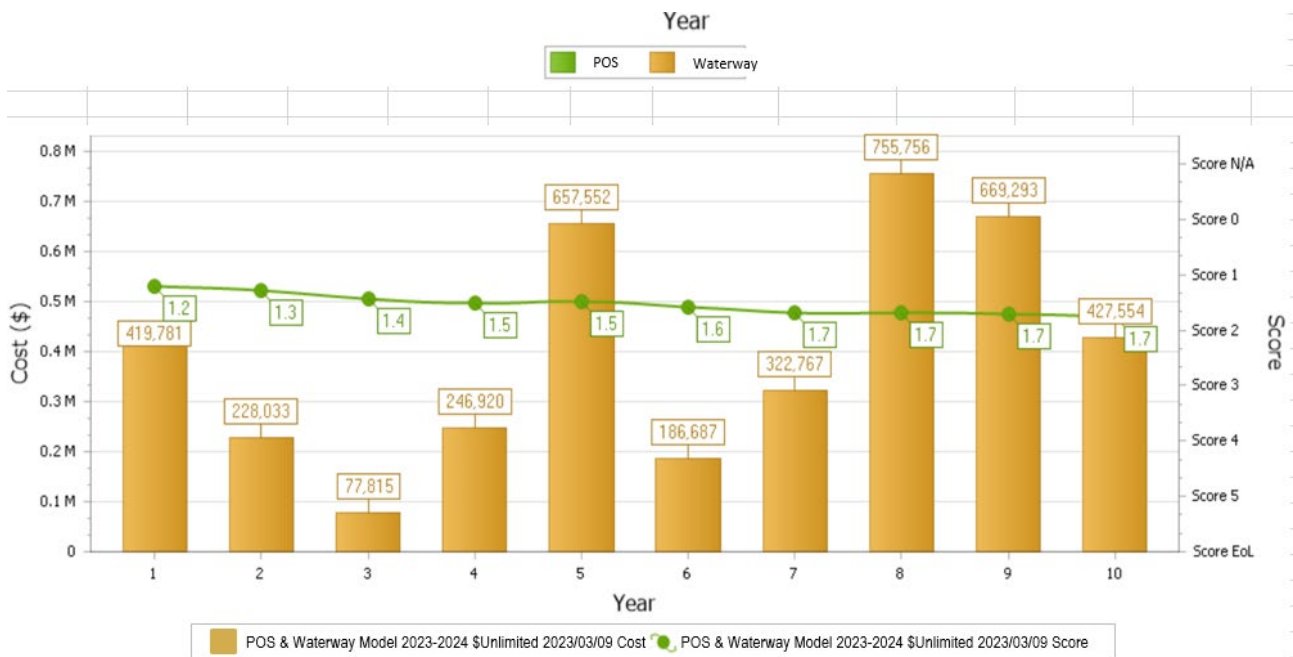


The following table represents a summary of the assets covered in Appendix 3 – Public Open Space and Waterways Facilities Asset Management Plan.

Asset Class	Quantity	Replacement Value (\$)
Bus Shelters	34	504,422.98
Car Parks	97	5,453,523.49
Fencing	309	1,987,079.89
Irrigation & Landscaping	112	1,536,974.10
Lighting	228	827,772.46
Open Space Furniture	385	839,987.59
Play Equipment Items	54	611,893.60
Playground Equipment	41	1,410,790.00
Retaining Walls	107	260,878.82
Signs	547	392,406.56
Sporting Infrastructure	97	8,458,129.37
Structures	78	807,929.50

Asset Class	Quantity	Replacement Value (\$)
Barge and Pontoon	2	21,975.05
Boat Ramp and Canoe Launch	11	1,904,063.47
Canal, Revetment and River Wall	46	2,430,946.74
Floating Jetty and Jetty	25	2,195,842.64

The following graph and table summarise the renewal requirement for public open space and waterway facilities infrastructure based on like for like replacement using an unlimited budget allocation (i.e. funding 100% of renewal). The renewal requirement over a 10-year period is \$3,992,159, which equates to an average of \$399,216 per annum. The condition index for the assets is good, with the service level only falling slightly in overall condition index at the end of 10 years if the proposed funding is able to be achieved.



Where it is not possible to fully fund the renewal requirements for the assets in the Long Term Financial Plan, the renewal requirements will be prioritised based on risk, service levels and hierarchy.

Council Plan

Focus Area	Performance
Outcome	Capable and accountable leadership and governance.
Objectives	Maintain long-term financial sustainability and asset management.

Other Strategic Links

Nil.

Statutory Environment

Asset Management is a core function of managing the District’s infrastructure assets, which meets the objectives of section 2.7 of the *Local Government Act 1995*.

Sustainability & Risk Considerations

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

Infrastructure owned and operated by the Shire contributes to the economic success of the community. The road, drainage and footpath network provide a diverse and safe transport and stormwater system, which balances the needs of all users including pedestrians, cyclists, private vehicles, public transport and freight.

Buildings, public open spaces and waterways provide access to retail, community, educational and recreational facilities and are seen as essential infrastructure.

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

The IAMP defines agreed renewal, upgrade, operations and maintenance levels of service. Hierarchies and intervention levels are also defined, which determines at what condition infrastructure will be listed for renewal.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

The IAMP supports Council’s Policy A15 – Asset Management, through the development of AMP’s aligned to the Institute of Public Works Engineering Australia and the International Infrastructure Management Manual’s core asset management planning specifications.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Moderate	Grant applications for capital items are often assessed on the ability of a Local Government to demonstrate adequate provision for renewal. If no asset management plan exists, this requirement is difficult to evidence.
High	Not considering the financial requirements for input into the LTFP may result in infrastructure deteriorating to a poor condition, leading to a heightened community concern where assets become non-functional. It will also require an increase in financial allocations required to restore the asset due to the higher rate of deterioration near the end of the assets life.

Consultation

The departments responsible for overseeing the relevant assets have provided input into the review of the Asset Management Plans.

Resource Implications

Financial

Asset renewal figures are updated annually as a component of the LTFP. The final level of resources allocated to renewal is determined through the budget process each year.

Workforce

No additional workforce implications arise from the adoption of this Plan.

Options

1. Adopting the IAMP as presented.
2. Choosing to amend the agreed level of service that the community receives by way of infrastructure provision. Any amendment will reflect both the service derived from the assets as well as the level of financial allocation.

Conclusion

The IAMP is a culmination of data and strategies, which together define future management and financial practices required for the Shire of Murray’s infrastructure assets. Adoption of the IAMP and supporting appendices will assist in ensuring that assets are used most effectively and efficiently to support the delivery of the Shire of Murray Council Plan 2023-2033.

The IAMP uses the predicted useful life of an asset based on its actual performance and informed by industry standards, to model financial requirements of renewal. These requirements are then incorporated into the LTFP at the agreed funding level. Condition assessments of assets are completed regularly to ensure the integrity of the data within the Plan.

Shire of Murray Council Plan 2023-2033 identifies that one of the key criteria of a sustainable organisation is long-term infrastructure and asset management. It is also recognised that managing and improving Council's assets is required for Council to achieve its vision for the community. As such, to achieve this aim, Council is required to have an endorsed Infrastructure Asset Management Plan for all asset categories.

12.2 Payments from Municipal and Trust Funds - August 2023

File Ref:	D23/29884
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Tamara Tabor, Finance Coordinator
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 12.2 Appendix 1 - Payments from Municipal and Trust Funds - August 2023

Recommendation/Council Decision OCM23/133**Moved: Cr S Carter****Seconded: Cr A Rogers**

That Council receives the Payments from Municipal and Trust Funds Report August 2023 as presented at Appendix 1.

In Favour: Crs David Bolt, Douglas McLarty, Stuart Kirkham, Steve Lee, Ange Rogers, David Pike and Stewart Carter

Against: Nil.

CARRIED UNANIMOUSLY 7:0

In Brief

This report of payments made from the Shire's Municipal and Trust bank accounts are 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 Officer is provided to Council.

The report contains the list of payments made from the Shire of Murray's Municipal and Trust bank accounts for the month of August 2023.

This list includes details for each payment made, incorporating:

- The payees name
- The description 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.

Council Plan

Focus Area	Performance
Outcome	Capable and accountable leadership and governance.
Objectives	Maintain long-term financial sustainability and asset management.

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 <i>Local Government (Financial Management) Regulations 1996</i> .

Consultation

Nil.

Resource Implications*Financial*

Nil.

Workforce

Nil.

Options

1. Receiving the Payments from Municipal and Trust Funds report for August 2023.
2. Not receiving the Payments from Municipal and Trust Funds report for August 2023.

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.

12.3 Audit and Risk Committee Terms of Reference

File Ref:	D23/29908
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	David Bentley, Manager Governance and Strategy
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 12.3 Appendix 1 - Audit and Risk Committee - Amended Terms of Reference

Recommendation/Council Decision OCM23/134

Moved: Cr S Lee

Seconded: Cr S Kirkham

That Council amends the Terms of Reference for the Audit and Risk Committee as provided at Appendix 1.

In Favour: Crs David Bolt, Douglas McLarty, Stuart Kirkham, Steve Lee, Ange Rogers, David Pike and Stewart Carter

Against: Nil.

CARRIED UNANIMOUSLY 7:0

In Brief

Council is requested to consider minor amendments to the Audit and Risk Committee terms of reference.

Background

Section 7.1A of the *Local Government Act 1995* requires a local government to establish an Audit and Risk Committee. The terms of reference of the Committee govern how the Committee is to be run and structured as well as specify the matters the Committee is to consider.

Report Detail

In preparation for the Ordinary Local Government Election in October 2023, Shire officers have reviewed the terms of reference of the Audit and Risk Committee to ensure that it complies with legislation and is equipped to meet before the end of the year to consider the annual financial statements and annual report.

Minor changes are proposed to the terms of reference to remove the reference to the Shire President being the Chair of the Committee and to clarify the role of the Chief Executive Officer and Shire staff at Audit and Risk Committee meetings. An election is required to fill the role of chairperson and deputy chairperson of a Committee. As per changes to the *Local Government Act 1995* in relation to elections, this election will be conducted as an optional preferential vote and not a first past the post vote as a secret ballot.

Changes to Audit Committees are proposed as part of Tranche 2 of the reform of the Local Government Act, due in 2024. Legislation on this has not been presented to Parliament at this time, however it is expected that an independent member of an Audit Committee would be required to chair the Committee and that an Audit Committee will be more involved in the scrutiny of its local government's operations. Any required changes to the Shire's Audit and Risk Committee will be provided to Council once any changes are made to the relevant legislation.

Council Plan

Focus Area	Performance
Outcome	Capable and accountable leadership and governance.
Objectives	Establish a strong corporate governance framework to ensure high standards of integrity, ethics and accountability.

Other Strategic Links

Nil.

Statutory Environment

Section 7.1A of the *Local Government Act 1995* mandates the establishment of an Audit Committee.

7.1A. Audit Committee

- (1) *A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.*
- (2) *The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members.*

** Absolute majority required.*

- (3) *A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent the CEO as a member of an audit committee.*
- (4) *An employee is not to be a member of an audit committee.*

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	By adopting the amended terms of reference, Council is ensuring it is compliant with the <i>Local Government Act 1995</i> .

Consultation

Nil.

Resource Implications

Financial

Nil.

Workforce

Nil.

Options

1. Adopt the terms of reference as recommended.
2. Adopt any further changes to the terms of reference as desired.

Conclusion

It is recommended to adopt the terms of reference as amended to ensure ongoing compliance with the *Local Government Act 1995*.

12.4 Change of Date - December Ordinary Council Meeting

File Ref: D23/30536
Previous Items: OCM 24 Nov 22 Item 12.1 OCM22/143
Applicant: Nil.
Author and Title: David Bentley, Manager Governance and Strategy
Declaration of Interest: Nil.
Voting Requirements: Simple Majority
Appendices: Nil.

Recommendation/Council Decision OCM23/135

Moved: Cr S Carter

Seconded: Cr S Kirkham

That Council changes the date of the December Ordinary Council Meeting from Thursday 14 December 2023 to Thursday 21 December 2023, with the meeting to be held at 5:30pm in the Council Chambers.

In Favour: Crs David Bolt, Douglas McLarty, Stuart Kirkham, Steve Lee, Ange Rogers, David Pike and Stewart Carter

Against: Nil.

CARRIED UNANIMOUSLY 7:0

In Brief

This report is presented to Council to consider changing the date of the December Ordinary Council Meeting.

Background

At the Ordinary Council Meeting of 24 November 2022, Council resolved the dates of the Ordinary Council Meetings for 2023.

Council meetings are generally held on the fourth Thursday of each month except where public holidays fall directly on those dates. The December 2023 Ordinary Council Meeting was organised for the third Thursday of the month due to its proximity to Christmas.

Report Detail

With the December Council Meeting being held on 14 December 2023, this leaves a very large gap to the next proposed Council meeting, at this stage being Thursday 22 February 2024. A separate report will be presented to Council in November to set the 2024 meeting dates.

By pushing the December Ordinary Council Meeting out by one week, this will give Shire officers more time to prepare reports for the meeting rather than compressing the deadlines during a usually busy period for Shire officers.

The proposed change of date also reduces the possible need to hold a Special Council Meeting in January 2024 by allowing the extra week to compile reports. During this January recess period, many people take leave which will make the holding of a Special Council Meeting difficult.

Council Plan

Focus Area	Performance
Outcome	Capable and accountable leadership and governance.
Objectives	Establish a strong corporate governance framework to ensure high standards of integrity, ethics and accountability.

Other Strategic Links

Nil.

Statutory Environment

The *Local Government (Administration) Regulations 1996* provides for the process to be followed in publishing meeting details.

12. Publication of meeting details (Act s. 5.25(1)(g))

(1) *In this regulation –*

meeting details, for a meeting, means the date and time when, and the place where, the meeting is to be held.

(2) *The CEO must publish on the local government's official website the meeting details for the following meetings before the beginning of the year in which the meeting are to be held –*

(a) *ordinary council meetings;*

(b) *committee meeting that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.*

(3) *Any change to the meeting details for a meeting referred to in subregulation (2) must be published on the local government's official website as soon as practicable after the change is made.*

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

Nil.

Consultation

Nil.

Resource Implications*Financial*

Nil.

Workforce

Nil.

Options

1. Change the date of the December Ordinary Council Meeting as recommended to 21 December 2023.
2. Not change the date of the December Ordinary Council Meeting, leaving the status quo of the meeting being held on 14 December 2023.

Conclusion

It is recommended to change the date of the December Ordinary Council Meeting to ensure there is sufficient time to produce Council reports for this meeting and reduce the need to hold a Special Council Meeting in January 2024.

12.5 Lease Proposal - Pinjarra Community Garden - Reserve 45518

File Ref:	D23/30936		
Previous Items:	PPS 12 Dec 12	Item 7.7	(PPS12/191)
	OCM 18 Dec 12	Item 11.6.2	(OCM12/252)
	PPS 21 Oct 14	Item 8.3	(PPS14/126)
	OCM 30 Oct 14	Item 12.4	(OCM14/133)
	OCM 26 Mar 20	Item 11.4	(OCM20/034)
Applicant:	Pinjarra Community Garden Inc		
Author and Title:	David Bentley, Manager Governance and Strategy		
Declaration of Interest:	Nil.		
Voting Requirements:	Simple Majority		
Appendices:	Nil.		

Cr S Lee declared an Impartiality Interest in Item 12.5 Lease Proposal - Pinjarra Community Garden - Reserve 45518 in that he is a member of the Pinjarra Community Garden and his partner is the Treasurer.

Cr S Lee advised that he would consider the matter on its merits and vote accordingly.

Cr S Lee remained in the meeting.

Recommendation/Council Decision OCM23/136

Moved: Cr S Carter

Seconded: Cr A Rogers

That Council:

- Grants a new lease agreement with the Pinjarra Community Garden Inc for a portion of Lot 503 on Reserve 45518 for a period of five years with an option term of five years, with the annual rental of \$50 ex GST plus the applicable annual administration fee, currently \$100 ex GST.**
- Authorises the Shire President and Chief Executive Officer to execute the lease in accordance with Policy G1 – Execution of Documents**

In Favour: Crs David Bolt, Douglas McLarty, Stuart Kirkham, Steve Lee, Ange Rogers, David Pike and Stewart Carter

Against: Nil.

CARRIED UNANIMOUSLY 7:0

In Brief

To consider a new lease arrangement with the Pinjarra Community Garden Inc for a portion of Reserve 45518 for a period of five years, with a further five-year extension period.

Background

In 2012, Council supported a lease arrangement with Pinjarra Community Garden Inc to occupy a portion of Reserve 45518 being Lot 502 (formerly Lot 362) Pinjarra Williams Road Pinjarra following a planning application that was received for a community garden project on the subject site.

In 2014, Council received a further report to modify the leased area to facilitate a new lease arrangement with Hotham Valley Tourist Railway for portion of the same reserve.

In 2020, Council received another report to further vary the leased area and identify the correct leased area with the correct lot numbers following the rationalisation of the lot boundaries in Reserve 45518.

The lease agreement with Pinjarra Community Garden was entered into in October 2013 and is due for a new lease. The current lease expires on 30 September 2023.

Report Detail

Pending the lease expiration in September 2023, the Pinjarra Community Garden have requested a new lease over a ten year period, with a five-year initial term and a five-year further term. Entering into a lease with these arrangements will support the current use by the Pinjarra Community Garden.

The disposal of property is an exempt disposition under regulation 30(2)(b) of the *Local Government (Functions and General) Regulations 1996*. As a result, there is no requirement to advertise this disposal or seek a market valuation.

The proposed leased area is captured in the aerial photograph of the area:



Council Plan

Focus Area	Place
Outcome	Built heritage is respected and celebrated.
Objectives	Conserve and enhance places with significant heritage value.

Other Strategic Links

The site falls within the Pinjarra Railway Heritage Precinct Master Plan.

Statutory Environment

Local Government Act 1995 – s 3.58 Disposing of Property

(1) *In this section —*

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

- (2) *Except as stated in this section, a local government can only dispose of property to —*
- (a) *the highest bidder at public auction; or*
 - (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) *it gives local public notice of the proposed disposition —*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
 - and*
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned; and*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition—*
 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

The lease proposal with the Pinjarra Community Garden Inc presented for consideration is an excluded disposition of property under Regulation 30(2)(b)(i) of the *Local Government (Functions and General) Regulations 1996*, as follows:

- (1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*
- (2) *A disposition of land is an exempt disposition if —*
- (a) *the land is disposed of to an owner of adjoining land (in this paragraph called the transferee) and —*
 - (i) *its market value is less than \$5 000; and*
 - (ii) *the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee; or*
 - (b) *the land is disposed of to a body, whether incorporated or not —*
 - (i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
 - (ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions; or*
 - (c) *the land is disposed of to —*
 - (i) *the Crown in right of the State or the Commonwealth; or*

- (ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or
- (iii) another local government or a regional local government; or
- (d) it is the leasing of land to an employee of the local government for use as the employee’s residence; or
- (e) it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land; or
- (f) it is the leasing of land to a person registered under the Health Practitioner Regulation National Law (Western Australia) in the medical profession to be used for carrying on his or her medical practice; or
- (g) it is the leasing of residential property to a person.

Sustainability & Risk Considerations

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

Renewing the lease arrangement for the reserve will not financially impact the community as no change of situation is proposed.

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

Nil.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Council Policy C6 – Leasing Freehold and Reserve Land to Community Groups, Sporting Clubs and Other Non-Profit Organisations provides that the maximum term for lease arrangements with groups defined as exempt bodies in Regulation 30 (2)(b) of the Local Government (Functions and General) Regulation 1996 is 10 years with a similar option term. In this case, the Pinjarra Community Garden have provided agreement to a five year term with a five year option term.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	The lease proposed for the existing ongoing use should not negatively impact adjacent landowners and the risk of negative adjacent landowner or broader community comment is considered low.

Consultation

The Pinjarra Community Garden have been consulted on the proposed lease arrangements.

Resource Implications

Financial

There are no direct financial implications to prepare a new lease arrangement with the Pinjarra Community Garden.

Workforce

Internal capacity exists to prepare any necessary documentation for this lease arrangement.

Options

1. Supporting the proposal presented to lease a portion of Reserve 45518 as recommended.
2. Supporting the proposal presented to lease a portion of Reserve 45518 under an amended term or other position as determined by Council.
3. Decline to support the lease proposal and the Pinjarra Community Garden vacate the premises at the lease expiry date.

Conclusion

The lease option recommended enables the Pinjarra Community Garden to continue to use Reserve 45518.

12.6 Monthly Financial Report - August 2023

File Ref:	D23/31978
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Nathan Gilfellon, Manager Finance
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 12.6 Appendix 1 - August 2023 Monthly Financial Report

Recommendation/Council Decision OCM23/137

Moved: Cr D McLarty

Seconded: Cr S Kirkham

That Council receives the August 2023 Monthly Financial Report as presented at Appendix 1.

In Favour: Crs David Bolt, Douglas McLarty, Stuart Kirkham, Steve Lee, Ange Rogers, David Pike and Stewart Carter

Against: Nil.

CARRIED UNANIMOUSLY 7:0

In Brief

The 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:

- 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*;
- Budget estimates to the end of the month to which the statement relates;
- Actual amounts of expenditure, revenue and income to the end of the month to which these statements relate;
- The material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- The net current assets at the end of the month to which the statement relates.

Regulation 35 of the *Local Government (Financial Management) Regulations 1996* is now in place which requires a Statement of Financial Position.

Report Detail

The monthly financial report for August 2023 identifies the financial position of Council as at the reporting date and consist of:

- Statement of Financial Activity
- Statement of Financial Position
- Notes to Statement of Financial Activity

- Basis of Preparation
- Statement of Financial Activity Information
- Significant Accounting Policies
- Net Current Funding Position
- Explanation of Variances
- Key Information
- Cash and Financial Assets
- Reserves
- Capital Acquisitions
- Receivables
- Disposal of Assets
- Borrowings
- Lease Liabilities
- Grants and Contributions
- Capital Grants and Contributions
- Trust Fund
- Budget Amendments

Council Plan

Focus Area	Performance
Outcome	Capable and accountable leadership and governance.
Objectives	Establish a strong corporate governance framework to ensure high standards of integrity, ethics, and accountability.

Other Strategic Links

Shire of Murray 2023/2024 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.

Regulation 35 of the *Local Government (Financial Management) Regulations 1996* adds a requirement to include a Statement of Financial Position.

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 may result in a breach of legislative requirements.

Consultation

Nil.

Resource Implications*Financial*

Nil.

Workforce

Nil.

Options

1. Receiving the monthly financial report for August 2023.
2. Not receiving the monthly financial report for August 2023.

Conclusion

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

13 RECREATION, ECONOMIC & COMMUNITY DEVELOPMENT**13.1 Ravenswood Community Centre - Request for Fee Waiver - Ravenswood Community Group Inc.**

File Ref: D23/30753
Previous Items: Nil.
Applicant: Ravenswood Community Group Incorporated
Author and Title: Sarah Farrance, Manager Community and Library Services
Declaration of Interest: Nil.
Voting Requirements: Simple Majority
Appendices: Item 13.1 Appendix 1 - Application for Fee Waiver - Ravenswood Community Group Incorporated

Cr S Lee declared an Impartiality Interest in Item 13.1 Ravenswood Community Centre - Request for Fee Waiver - Ravenswood Community Group Inc in that he is a member of the Ravenswood Community Group.

Cr S Lee advised that he would consider the matter on its merits and vote accordingly.

Cr S Lee remained in the meeting.

Cr D Bolt declared an Impartiality Interest in Item 13.1 Ravenswood Community Centre - Request for Fee Waiver - Ravenswood Community Group Inc in that he has an association with the application in that he provides free technical support for the group.

Cr D Bolt advised that he would consider the matter on its merits and vote accordingly.

Cr D Bolt remained in the meeting.

Recommendation/Council Decision OCM23/138

Moved: Cr A Rogers

Seconded: Cr D Pike

That Council:

1. **Supports the Applicant's request for a fee waiver for up to 200 hours of use of the Ravenswood Community Centre for the period 9 October 2023 to 8 October 2024 subject to:**
 - a. **Events and activities delivered are to be offered at no cost to the community;**
 - b. **The 200 hours of use are to be utilised for events and activities organised and run by the Ravenswood Community Group Incorporated only;**
 - c. **A quarterly report is to be provided to Shire Officers detailing the events and activities delivered and their outcomes with an annual summary to be presented to Council post October 2024.**

In Favour: Crs David Bolt, Douglas McLarty, Stuart Kirkham, Steve Lee, Ange Rogers, David Pike and Stewart Carter

Against: Nil.

CARRIED UNANIMOUSLY 7:0

In Brief

Ravenswood Community Group Incorporated have submitted a request for a full fee waiver for hire of the Ravenswood Community Centre (the Centre) within its first year of operation. The request

seeks up to 200 hours of use of the Centre for the purposes of providing free community activities and events.

Background

The Ravenswood Community Group Inc (RCGI) was established in 2015 and is run by volunteers with the basic aim of representing the residents of the Ravenswood locality. The RCGI were instrumental in advocating for a Community centre in Ravenswood which is now nearing completion.

Since the inception of the Ravenswood Community Centre project, Shire Officers have liaised closely with RCGI regarding various aspects of the Centre including the most appropriate means of management and hire of the facility.

As a result of those discussions, RCGI have submitted a request for a fee waiver for their activations in the Centre’s first 12 months of operation. As the value of the request exceeds the CEO’s delegation it is now presented to Council for consideration.

Report Detail

RCGI are an active community group representing the residents of the Ravenswood locality and have been instrumental in advocating for a Community Centre in Ravenswood which is now nearing completion.

Throughout the design and construction of the Centre, Officers have worked closely with RCGI regarding the activation of the Centre and how this will be most appropriately managed to provide the best outcome for the community.

Several options for the management and hire of the Centre were discussed with RCGI including a lease, management agreement, partnership agreement and a casual hire arrangement.

Given the initial running costs and activation schedule of the Centre is largely unknown, it was concluded that the most appropriate arrangement for the Centre’s first 12 months of operation is a casual hire arrangement whereby RCGI book the facility for its’ usage and the Shire manages and funds the operations and maintenance of the building.

This was viewed as the most effective approach as it provides RCGI an opportunity to activate the facility, gain new members and build its’ capacity without the financial responsibility of maintenance and outgoings for utilities in the early days of the Centre.

The 2023/2024 fees and charges provide for incorporated residents / ratepayers groups to hold monthly meetings with no charge for up to 2 hours and additionally, for the office space at the Centre to be free of charge for community groups for up to 2 hours use. This report therefore refers to bookings outside of committee, general and annual general meetings.

RCGI have indicated indicative use of the Centre for events sponsored and run by RCGI as follows with the fee waiver request included as **Appendix 1**:

Event	Frequency	Hours
Christmas Party	Annually	4
Movie Nights	Quarterly	4
Sundowner	Monthly	3
Breakfast	Monthly	3
Children’s Games Afternoons	Weekly	2
Total Annual Hours		196

The request aligns with the criteria of Policy C10 – Waiver of Fees and Charges – Venue Bookings being:

- The activity educates or strengthens communities or complements Council activities;
- The purpose of the activity supports a service or activity that the local government considers it would have undertaken and is beneficial to the community; and
- The application supports the activities of an incorporated club or group within the first 12 months of their operation which in this context refers to the first 12 months of operation of the Centre.

Bookings of the Centre will be made via the Shire’s online booking platform SpacetoCo with a code to be provided for the approved usage solely for the use of RCGI to enable the discount to be applied.

Officers will continue to work with RCGI to develop a reporting template to be used to provide quarterly updates to evaluate the events and activities offered and provide an opportunity for two-way feedback on the Centre’s activations.

Council Plan

Focus Area	People
Outcome	A diverse, socially connected and cohesive community.
Objectives	<ul style="list-style-type: none"> • Meets the needs of families, children and young people. • Engage, enable and support seniors.
Outcome	An active and healthy community.
Objectives	<ul style="list-style-type: none"> • Grow participation in art, culture and community activities and events. • Build community capacity by helping local community groups and clubs to develop and grow.

Other Strategic Links

Nil.

Statutory Environment

Local Government Act 1995

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money,
- which is owed to the local government.

* Absolute majority required.

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

Sustainability & Risk Considerations

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

In accordance with the 2023 / 2024 Fees and Charges, 200 hours of facility hire of the Function Space at the Community Rate (\$16 per hour) equates to \$3,200.00.

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

Supporting the fee waiver provides an opportunity for the RCGI to build its capacity and increase its membership as well as providing free events and activities to the community activating the new Community Centre.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Policy C10 – Waiver of Fees and Charges – Venue Bookings.

The policy states that waivers will only be considered where the application relates to a free community activity. This is in keeping with the application received from RCGI. Although as per the Policy, events and activities are required to be free for attendees, it is acknowledged that on occasion gold coin donations may be appropriate.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	Should Council not support a fee waiver and fees apply in the initial months of the Centres operation, RCGI may be unable to provide as many events and activities for the Community due to cost implications.

Consultation

Consultation has regularly occurred with RCGI regarding their intended use and activation of the Centre.

Resource Implications

Financial

In accordance with the 2023 / 2024 Fees and Charges, 200 hours of facility hire of the Function Space at the Community Rate (\$16 per hour) equates to \$3,200.00.

Workforce

Nil.

Options

Council has the option of:

1. Approving the application for a fee waiver for up to 200 hours use of the Ravenswood Community Centre by the Ravenswood Community Group Inc for no cost activities for a 12-month period.
2. Not approving the application for a fee waiver for up to 200 hours use of the Ravenswood Community Centre by the Ravenswood Community Group Inc for no cost activities for a 12-month period.

Conclusion

The Ravenswood Community Group Inc was established in 2015 and is run by volunteers with the basic aim of representing the residents of the Ravenswood locality. The RCGI have expressed a desire to activate the new Community Centre by providing a variety of activities for the local community. To promote activation of the new community space by RCGI, Officers recommend Council's support for a fee waiver for the first 12 months of operation of the Centre.

13.2 Community Sporting and Recreation Facilities Fund (CRSFF) Forward Planning Grants 2023/24 Round

File Ref: D23/31721
Previous Items: Nil.
Applicant: Pinjarra Bowling and Recreation Club Inc
Author and Title: Sarah Farrance, Manager Community and Library Services
Declaration of Interest: Nil.
Voting Requirements: Simple Majority
Appendices: Nil.

Recommendation/Council Decision OCM23/139

Moved: Cr S Carter

Seconded: Cr S Kirkham

That Council:

Endorse the application from the Pinjarra Bowling and Recreation Club Inc to the Department of Local Government Sport and Cultural Industries (DLGSC) Community Sporting and Recreation Facilities Fund (CSRFF) Forward Planning Grants for the construction of a high tensile bowling green canopy, and rank the project 1 from 1.

In Favour: Crs David Bolt, Douglas McLarty, Stuart Kirkham, Steve Lee, Ange Rogers, David Pike and Stewart Carter

Against: Nil.

CARRIED UNANIMOUSLY 7:0

In Brief

The Department of Local Government Sport and Cultural Industries (DLGSC) Community Sporting and Recreation Facilities Fund (CSRFF) provides financial assistance to community groups and local governments to develop basic infrastructure for sport and recreation.

The program aims to maintain or increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well-designed and well-utilised facilities.

Background

The Sir Ross McLarty Sports Precinct Master Plan was endorsed by Council in 2021 with one of the recommendations being construction of a permanent shelter over Bowling Green A by 2027.

Report Detail

The Pinjarra Bowling and Recreation Club (PBRC) are an established and well-respected club with a long history in the Shire of Murray. The Club have a positive history of delivery and acquittal of infrastructure projects and have demonstrated sound governance and financial management practises.

The construction of a bowling green canopy is a priority project in the PBRC Strategic Plan 2019 – 2024 as well as being a recommendation in the Sir Ross McLarty Sports Precinct Master Plan 2021.

PBRC have generously been donated significant funds to contribute towards delivery of this project and have secured additional contributions through fund raising.

The total cost of the project is \$1,323,900.00 ex. GST with the funding strategy as follows:

Applicant Cash	\$700,000.00
Other funding – private bank loan	\$220,000.00
CSRFF funding request	\$400,000.00
In Kind labour	\$3,900.00
Total Project ex GST	\$ 1,323,900.00

Council Plan

Focus Area	People
Outcome	An Active and healthy community.
Objectives	Improve community health and wellbeing.
Objectives	Improve access to sport, recreation, facilities and programs.

Other Strategic Links

Sir Ross McLarty Sports Precinct Master Plan 2021.

Statutory Environment

The Pinjarra Bowling and Recreation Club hold a lease of the facility and are responsible for all maintenance and upgrades to the facility.

Sustainability & Risk Considerations

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

Nil.

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

The Sir Ross McLarty Sports Precinct has been the focal point of sport and recreation in the Shire for over fifty years. It has evolved into a district sporting precinct that provides local and regional sport competition, formal and informal recreation pursuits, social activities, neighbourhood meetings and school curriculum activities. The Master Plan proposes the addition or upgrade of significant infrastructure that will provide the community with contemporary and accessible amenities to build upon current activities. This project will continue to build the capacity of the PBRC and increase community engagement, participation and create social capital.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Policy A15 – Asset Management: new infrastructure assets provide the desired level of service to meet the community’s needs and expectations in a financially sustainable manner.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Moderate	If the PBRC application to CSRFF is not supported by Council, the CSRFF application is ineligible as an application. Without State funding support (through a successful CSRFF application), the project is unlikely to proceed. There is likely reputational risk if a community led project is not supported.

Consultation

Ongoing consultation has taken place between PBRC, Shire Officers and the DLGSC Regional Manager throughout the development of the CSRFF application.

Resource Implications*Financial*

The construction of a high tensile bowling green canopy at the PBRC will add to the Shire's assets, however the Club is providing the balance of funds required to complete the installation, as well as the ongoing operational and maintenance costs.

Workforce

Nil.

Options

1. Supporting the Pinjarra Bowling and Recreation Club Inc's CSRFF application for a high tensile bowling green canopy.
2. Not supporting the Pinjarra Bowling and Recreation Club Inc's CSRFF application for a high tensile bowling green canopy.

Conclusion

The CSRFF funding provides an opportunity for the Pinjarra Bowling and Recreation Club Inc to leverage funds raised by the Club to progress a key project identified in their strategic plan as well as the Sir Ross McLarty Master Plan.

Provision of a bowling green canopy will provide an all-weather facility for provision of year-round events and activities, thereby encouraging more people to be physically and socially active and further build the capacity of the PBRC.

13.3 Dwellingup Town Centre Façade Refurbishment Subsidy Program - Dwellingup General Store - Lot 16 (52) McLarty Street, Dwellingup

File Ref: D23/32212
Previous Items: OCM. 19 Dec 19 Item 11.3 (OCM19/267)
OCM. 24 Apr 19 Item 11.3 (OCM19/57)
OCM. 25 Oct 18 Item 11.2 (OCM18/209)
Applicant: Dwellingup General Store – The Gallden Bucket Pty Ltd
Author and Title: Krystal Dawe, Manager Place and Economic Development
Declaration of Interest: Nil.
Voting Requirements: Simple Majority
Appendices: Item 13.3 Appendix 1 - Dwellingup General Store - Façade Upgrades - Concept Design
Item 13.3 Appendix 2 - Dwellingup General Store - Façade Upgrades - Artist Profile

Recommendation/Council Decision OCM23/140

Moved: Cr A Rogers
Seconded: Cr S Carter

That Council endorse funding of up to \$20,000 (excluding GST) for the proposed works at the Dwellingup General Store on Lot 16 (52) McLarty Street, Dwellingup, from the Shire's Façade Refurbishment Subsidy Program subject to the applicant obtaining planning approval and entering into an agreement with the Shire setting out the agreed schedule of works, timeline for completion, grant sum and conditions.

In Favour: Crs David Bolt, Douglas McLarty, Stuart Kirkham, Steve Lee, Ange Rogers, David Pike and Stewart Carter

Against: Nil.

CARRIED UNANIMOUSLY 7:0

In Brief

- An application has been received under the Shire's Town Centre Façade Refurbishment Subsidy Program to upgrade the street elevations of the Dwellingup General Store at Lot 16 (52) McLarty Street, Dwellingup.
- The proposed works are detailed in the report and will contribute to beautifying the main street and enhancing the physical quality and established character of the Dwellingup town centre.
- The total cost to undertake the proposed works is \$42,959 (excluding GST) and the applicant is seeking a financial contribution of \$20,000 (excluding GST) towards the works.
- The application meets the Program's objectives and the proposed works are considered eligible works under the Program's Guidelines.

Background

On 25 October 2018, Council resolved to expand the Town Centre 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.

Since that time, Council has supported four applications under the Program in Dwellingup to assist land and small business owners upgrade their facades to improve the visual presentation and activation of public places.

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 town’s 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 respective places;
- Reinforce and build upon the town centre as the major retail, social and cultural hub; and
- Support land and local business owners to improve the visual presentation and public impression of their buildings and businesses.

Under the Program, an applicant may apply for up to 50% of eligible works with a maximum contribution from Council of \$20,000.

An application under the Program has been submitted by the owners and operators of the Dwellingup General Store seeking a contribution of \$20,000 (excluding GST) towards eligible works. The works are detailed in this report.

The Dwellingup General Store is a prominent site in the Dwellingup Town Centre and is highly visible by pedestrian and vehicle traffic. A plan showing the subject site is below:



Report Detail

The proposed works include:

Detail	Amount
Base painting of the building to improve visual presentation and in preparation of new public art works	\$10,690
Public art works by Kyle Hughes Odgers (internationally-renowned Perth artist)	\$15,000
Upgrade of window glazing to beautify street frontage and encourage interaction	\$11,800

New scallop awning to add visual aesthetic and enhance the town’s established character	\$5,469
Total cost of eligible works (ex GST)	\$42,959
Applicant’s contribution to eligible works (ex GST)	\$22,959
Council contribution sought (ex GST)	\$20,000

In addition to the above and given Dwellingup’s remote location, the applicant will be providing in-kind support by making available its short-stay accommodation for contractors, reducing overall costs.

A copy of the applicant’s design concept and the artist’s profile is attached as **Appendix 1** and **2**. Please note the artwork is conceptual and will be modified to reflect a human hiker. The Shire will approve final design prior to any installation.

Identified eligible works stipulated in the Program Guidelines, include, but are not limited to:

- Modification or construction of awnings or verandahs;
- Restoration of facades facing a street or public space;
- Modification or creation of new windows to promote interaction and interest with the adjoining street or public space; and
- Design works to the façade facing the street or public space which will improve the standard or interest of the façade.

The proposed works the subject of the application are considered eligible works also noting in the past that Council has supported a number of public art projects under the Program.

Council Plan

Focus Area	Place
Outcome	Our towns offer vibrant and attractive spaces, with retained rural charm.
Objectives	Provide quality buildings and public facilities.
Actions	Deliver the Pinjarra and Dwellingup Town Centre Façade Refurbishment Program.

Focus Area	Prosperity
Outcome	Visitor numbers are growing.
Objectives	Create a compelling tourism offer to attract tourists and visitors.
Actions	Partner with regional and state tourism organisations, local businesses and the tourism sector to strengthen Dwellingup and Pinjarra as visitor destinations.

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)

Enhanced façade quality is positively linked to improved pedestrian activity, perception of a place and community pride. Additionally, public art often acts as a tourism attractor with a growing following of people willing to travel to visit creative works, resulting in increased user-generated content created on digital platforms promoting greater awareness of the business and town.

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

The proposed works will be highly visible to pedestrian and vehicle traffic travelling along both McLarty Street and Newton Street. The proposed works will have a positive and transformational impact on the site and town centre, including community and visitor services.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	Previously with applications involving public artwork, a potential risk has been highlighted over the choice of artwork given art is subjective. Risk associated with the design of the artwork is considered minimal and is considered in keeping with the character of the town.

Consultation

Nil.

Resource Implications

Financial

Each financial year, Council allocates \$20,000 towards the Program. Council did not receive any applications in 2022-2023 and therefore the annual contribution was carried forward. There is therefore a total of \$40,000 remaining for expenditure under the Program for the 2023-2024 financial year.

The Program Guidelines also provide for the waiver of any planning and building application fees required in relation to eligible works (this does not include State Government statutory building fees which are to be paid by the applicant).

Workforce

Nil.

Options

1. Supporting a financial contribution of \$20,000 towards the eligible works;
2. Supporting a lesser financial contribution towards the eligible works; or
3. Not supporting a financial contribution towards the eligible works.

Conclusion

The application and proposed works are consistent with the Program’s Guidelines and reflect the outcomes sought under the Program.

The applicant is investing considerable resources into the revitalisation of the site to improve the building's façade and have a positive impact on the town centre and visitor experience.

Dwellingup is an important visitor destination within the Murray Region with considerable investment and efforts spent in creating a welcoming, attractive and active place to visit and recreate.

Additionally, the Dwellingup General Store plays a critical role in the local community delivering important services for its residents.

It is recommended that the application seeking a \$20,000 financial contribution towards the works be supported.

14 INFRASTRUCTURE SERVICES**14.1 Proposed Land Acquisition - 170 Culeenup Road North Yunderup**

File Ref: D23/30721
Previous Items: OCM 27 Aug 15 Item 12.7 (OCM15/217)
Applicant: Ryan Wilson
Author and Title: Martin Harrop, Manager Engineering Services
Declaration of Interest: Nil.
Voting Requirements: Simple Majority
Appendices: Nil.

Recommendation/Council Decision OCM23/141

Moved: Cr S Kirkham

Seconded: Cr S Lee

That Council:

- 1. Council agrees to advertise the proposed land acquisition adjacent to Lot 31 (170) Culeenup Road under section 58 of the *Land Administration Act*.**
- 2. Council contacts all service providers and adjacent landowners regarding the proposed acquisition; and**
- 3. following the close of advertising a report to be provided to Council for consideration.**

In Favour: Crs David Bolt, Douglas McLarty, Stuart Kirkham, Steve Lee, Ange Rogers, David Pike and Stewart Carter

Against: Nil.

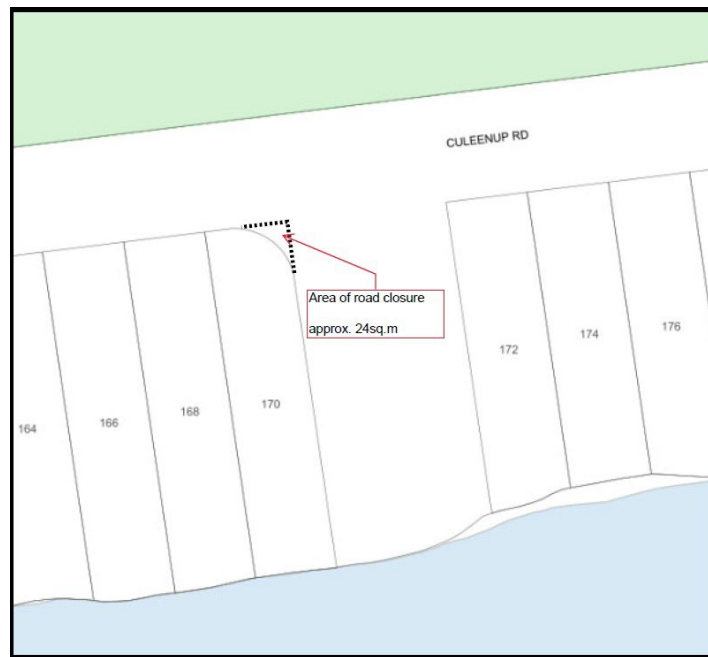
CARRIED UNANIMOUSLY 7:0

In Brief

Council is requested to consider an application from the owners of Lot 31 (170) Culeenup Road, North Yunderup who have requested to acquire the adjacent road reserve to remove the curved truncation adjacent to their property.

Background

Correspondence has been received from the landowner of Lot 31 (170) Culeenup Road, North Yunderup requesting support for acquisition of the road reserve truncation. The removal of the truncation in the north-east corner of the property will enable the extension of the northern and eastern boundaries to allow for better use of the property for future development. The approximate area of road closure is 24m² and aligns to a previous land acquisition supported for 172 Culeenup Road in 2015 through Council.



Report Detail

In accordance with the Land Administration Act there is a requirement to advertise the proposal prior to final determination. This will involve placing advertisements in the local newspapers, notifying adjacent residents and writing to all service providers to gauge any impact on the proposed acquisition.

Council Plan

Focus Area	Place
Outcome	Population growth is being managed responsibly and sustainably.
Objectives	Manage urban growth effectively.

Other Strategic Links

Nil.

Statutory Environment

Land Administration Act 1997

Sustainability & Risk Considerations

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

Should the land acquisition proceed, valuations will be undertaken on the land to be amalgamated into the adjacent property with the landowners funding the acquisition through the Department of Lands. Any costs associated with the land acquisition will be borne by the landowners acquiring the land.

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	The activity is categorised as acceptable risk acceptance in accordance with the Councils Risk Management Strategy. The activity is administration process and all costs associated with land acquisition will be borne by the owner of Lot 31 (170) Culeenup Road, North Yunderup.

Consultation

Landowner.

Resource Implications

Financial

Any financial implications are to be borne by the landowner of Lot 31 (170) Culeenup Road, North Yunderup.

Workforce

Nil.

Options

1. Supporting the advertising of the request for acquisition adjacent to Lot 31 (170) Culeenup Road, North Yunderup; or
2. Not supporting the advertising of the request for acquisition adjacent to Lot 31 (170) Culeenup Road, North Yunderup.

Conclusion

The land to the immediate east of the property at Lot 31 (170) Culeenup Road is a road reserve that has been developed into a park that now serves the local community with landscaping, river access and infrastructure. The truncation in question would have been originally placed with the knowledge that a potential road intersection could be placed. The property on the opposite side of the road reserve being 172 Culeenup Road progressed with a land acquisition in 2015, by completing the proposed land acquisition will align both properties.

To progress the request the land acquisition there is a requirement through the *Land Administration Act* to advertise the proposal and seek comments from affected landowners and service providers.

15 ITEMS FOR INFORMATION

15.1 Delegated Development Application Decisions – August 2023

File Ref: D23/22622

Author and Title: Pauline Wood, Executive Assistant Director Planning and Sustainability

Appendices: Item 15.1 Appendix 1 - Delegated Decisions for August 2023

In Brief

The Delegated Development Application Decisions are attached for your information.

15.2 Outstanding Council Resolutions September 2023

File Ref: D23/32232

Author and Title: Belinda Brown, Executive Services Coordinator

Appendices: Item 15.2 Appendix 1 - Outstanding Council Resolutions September 2023

In Brief

The Outstanding Council Resolution Register September 2023 is attached for your information.

16 BUSINESS LEFT OVER FROM PREVIOUS MEETING

Nil.

17 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

18 NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil.

19 NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION OF THE MEETING

19.1 Request to attend meeting via Teleconference – Cr McLarty

Council Decision OCM23/142

Moved: Cr A Rogers

Seconded: Cr S Lee

That Council approves Cr McLarty attending the 23 November Ordinary Council Meeting via teleconference at West Point Caravan Park, Walpole.

In Favour: Crs David Bolt, Douglas McLarty, Stuart Kirkham, Steve Lee, Ange Rogers, David Pike and Stewart Carter

Against: Nil.

CARRIED UNANIMOUSLY 7:0

19.2 Leave of Absence for November Ordinary Council Meeting – Cr Lee

Council Decision OCM23/143

Moved: Cr S Kirkham

Seconded: Cr D McLarty

That Council approves a leave of absence for Cr Steve Lee for the 23 November Ordinary Council Meeting due to holiday.

In Favour: Crs David Bolt, Douglas McLarty, Stuart Kirkham, Steve Lee, Ange Rogers, David Pike and Stewart Carter

Against: Nil.

CARRIED UNANIMOUSLY 7:0

20 MEETING CLOSED TO THE PUBLIC (CONFIDENTIAL BUSINESS)

Nil.

21 CLOSURE OF MEETING

There being no further business the Presiding Member declared the meeting closed the time being 5.57pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 26 October 2023.


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PRESIDING MEMBER