



Minutes

Ordinary Council Meeting

Thursday 24 November 2022

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.....	1
6.1	Ordinary Council Meeting – 27 October 2022	1
7	ANNOUNCEMENTS BY THE PRESIDING MEMBER	2
8	ANNOUNCEMENTS BY ELECTED MEMBERS	3
9	ACKNOWLEDGEMENT OF RECEIPT OF DISCLOSURE OF INTERESTS (BY PRESIDING MEMBER).....	3
10	RECEPTION OF MINUTES AND RECOMMENDATIONS OF COMMITTEES HELD SINCE PREVIOUS MEETING OF COUNCIL	3
	REPORTS OF CHIEF EXECUTIVE OFFICER AND OFFICERS.....	4
11	PLANNING AND SUSTAINABILITY	4
11.1	Review of Local Planning Policies - Final Approval.....	4
11.2	Proposed Short Stay Accommodation at Lot 10 (21B) Clifton Crescent, Pinjarra	7
12	CORPORATE GOVERNANCE	12
12.1	Ordinary Council Meeting Dates 2023.....	12
12.2	Shire of Murray Bushfire Management Strategic Plan.....	14
12.3	WALGA Best Practice Governance Review	16
12.4	Payments from Municipal and Trust Funds - October 2022	19
12.5	Monthly Financial Report - October 2022	22
12.6	Lease Proposal - Lot 190 (6) George Street, Pinjarra - Regional Development Australia Peel Inc.....	25
12.7	Licence Proposal - Part Lot 1622 (Reserve 30715) Banksia Terrace, South Yunderup - Pelicans (VG & GC O'Sullivan - Trading as Coral Bay Superfund)	31
12.8	New Policy - G1 Execution of Documents	37
12.9	Policy Amendment G10 - Appointment of Acting Chief Executive Officer	42
13	RECREATION, ECONOMIC & COMMUNITY DEVELOPMENT	46
13.1	Event Sponsorship - MAX Pinjarra Car Show	46
13.2	Waiver of Fees and Charges - Alcoa and Pinjarra Rotary Art Show and Sale	51
14	INFRASTRUCTURE SERVICES	55
14.1	Tender T22/04 - Batavia Quays, South Yunderup Finger Jetty and Boat Ramp Upgrade	55
14.2	Amendment to the Dedication of Various Laneways (Adjacent to First and Second Street), Pinjarra	58
14.3	40km/h Zone - George Street, Pinjarra.....	63
15	ITEMS FOR INFORMATION.....	66

15.1	Delegated Development Application Decisions – October 2022	66
15.2	Outstanding Council Resolutions - November 2022	67
16	BUSINESS LEFT OVER FROM PREVIOUS MEETING.....	68
17	ELECTED MEMBERS’ MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	68
18	NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING	68
19	NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION OF THE MEETING.....	68
20	MEETING CLOSED TO THE PUBLIC (CONFIDENTIAL BUSINESS)	69
20.1	Australia Day Community Citizen of the Year Awards 2023..... Error! Bookmark not defined.	
21	CLOSURE OF MEETING.....	70

Minutes of Shire of Murray Ordinary Council Meeting held at the Murray Shire Council, 1915 Pinjarra Road, Pinjarra on Thursday, 24 November 2022

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) – Via Teleconference from West Point Walpole, Cr Geoff Black, 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 & Sustainability), Leanne McGuirk (Director Place, Community and Economic Development), Denise Garner (Minute Taker)

APOLOGIES

Tracie Unsworth (Director Corporate Services)

LEAVE OF ABSENCE

Nil.

There were one (1) member of the public and four (4) 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 – 27 October 2022

Recommendation/Council Decision OCM22/140

Moved: Cr A Rogers

Seconded: Cr S Carter

That the Minutes of the Ordinary Council Meeting held on Thursday 27 October 2022 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY 8:0

7 ANNOUNCEMENTS BY THE PRESIDING MEMBER

On Friday 28 October, I attended a planning meeting regarding the Pinjarra Heavy Haulage Deviation between the Shire of Murray and Main Roads Western Australia which was held at the Shire of Murray.

On Saturday 29 October, I attended and presented an award at the 2022 Alcoa Peel Business Excellence Awards with Cr Steve Lee which was held at the Lane Group Stadium, Mandurah.

On Monday 31 October, I participated in a radio interview with ABC Radio regarding the Pinjarra Heavy Haulage Deviation funding. That evening I attended the Launch of Peel Away the Mask 3, PCDG Report which was held at Lane Group Stadium, Mandurah.

On Thursday 3 November, I participated in a meeting with executive managers from the Department of Water and Environmental Regulation in Joondalup.

On Monday 7 November, I attended the Exchange Hotel working group meeting which was held at the Shire of Murray offices. I then attended, and participated in the Ravenswood Community Centre 'Turning of the Sod' which was held onsite in Ravenswood.

On Tuesday 8 November, The CEO and I met with executives from Telstra Mobile and Regional Australia and their network engineers to discuss cellular network coverage issues and expansion in the Shire of Murray and the Peel Business Park.

On Thursday 10 November, I attended the Councillor Briefing and Strategy Planning Day held at the Shire of Murray. That afternoon I attended a meeting with a representative from the Rotary Club Pinjarra and Shire of Murray officers to discuss Shire of Murray art being exhibited for a charity fund raising event. That evening I attended and opened the Annual Seniors Dinner Dance which was held at the Pinjarra Civic Centre.

On Friday 11 November, I attended a meeting at the Shire of Murray offices with the CEO and Manager Environmental Health to discuss community concerns related to dust management and expansion of mining operations near the town of Pinjarra. I then attended the Pinjarra RSL Remembrance Day Service which was held at the Pinjarra War Memorial, where I laid a wreath on behalf of the Shire of Murray.

On Saturday 12 November, I attended and spoke at the opening of the Pinjarra Community Garden's new kitchen which was held in Pinjarra.

On Monday 14 November, I attended a meeting with representatives from the Department of Health regarding future planning and regional services at the Murray Districts Hospital. I then attended a meeting at the Shire of Murray offices and PDC to discuss an Eco Tourism Village development presentation.

On Wednesday 16 November, I attended a meeting with the CEO of Bedingfeld Age Care Centre to discuss their future plans and operations.

On Thursday 17 November, I participated in an online meeting to discuss the Peel Alliance Position project on extractive industries and mining in the Peel Region. I then attended a meeting with Alcoa Australia representatives regarding regional activities, community projects and future funding plans and opportunities. That afternoon the CEO and I met with Regional Development Australia (RDA) representatives to discuss various federal government engagement priorities, strategic programs, and key project funding opportunities.

On Saturday 19 November, I attended and presented medals at the Volunteer Bushfire Brigade and Emergency Services Awards Dinner, which was held at Murray SES, Pinjarra.

On Tuesday 22 November, I attended the North Yunderup Community Group meeting which was held in North Yunderup.

On Wednesday 23 November, I attended the Railway Heritage Precinct Working Group meeting which was held at the Shire of Murray offices. I then attended an onsite meeting a representative of the Hotham Valley Railway and Shire of Murray officers.

On Thursday 24 November, I attended the Peel Regional Leaders Forum Annual General Meeting and General meeting which was held at the Shire of Murray offices. That afternoon I attended the WA Local Government Association Peel Zone meeting with representatives from the Shire of Serpentine-Jarrahdale, Shire of Waroona, Shire of Boddington and City of Mandurah at the Shire of Murray. This was followed by the Shire of Murray Audit and Risk Committee meeting which was held in Council Chambers. I then presided at the Shire of Murray November Ordinary Council Meeting held at the Council Chambers.

8 ANNOUNCEMENTS BY ELECTED MEMBERS

Cr Douglas McLarty, Deputy Shire President

On Monday 7 November, I attended the Exchange Hotel Working Group meeting held at the Shire of Murray along with other stakeholders including Cr David Bolt, CEO Dean Unsworth and Shire of Murray Directors.

On Thursday 10 November, I attended the Councillor Briefing and Strategy Planning Day held at the Shire of Murray offices. This was followed by a Community Citizen of the Year Awards Selection Panel meeting also held at the Shire of Murray.

On Friday 11 November, I attended the Dwellingup RSL Remembrance Service which was held in Dwellingup and I laid a wreath on behalf of the Shire of Murray.

On Monday 14 November, I participated in an online training session for the Development Assessment Panel Members.

On Thursday 24 November, I attended the Shire of Murray October Ordinary Council Meeting online which was held at the Council Chambers.

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

Nil.

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

Nil.

REPORTS OF CHIEF EXECUTIVE OFFICER AND OFFICERS**11 PLANNING AND SUSTAINABILITY****11.1 Review of Local Planning Policies - Final Approval**

File Ref:	D22/36342
Previous Items:	OCM 29 Sep 22 Item 11.3 (OCM22/111)
Applicant:	Nil.
Author and Title:	Gregory Delahunty, Manager Planning
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 11.1 App 1 - Commercial Vehicle Parking Item 11.1 App 2 - Pinjarra Activity Centre Item 11.1 App 3 - Domestic Outbuildings Item 11.1 App 4 - Sea Containers Item 11.1 App 5 - Ancillary Dwellings in Rural Residential Zones

Recommendation/Council Decision OCM22/141**Moved: Cr S Lee****Seconded: Cr S Carter****That Council:**

- 1. Pursuant to Clause 4 of the Deemed Provisions set out in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to proceed with the amendments to the following Local Planning Policies as set out at the listed Appendices:**
 - Commercial Vehicle Parking (Appendix 1)**
 - Pinjarra Activity Centre (Appendix 2)**
 - Domestic Outbuildings (Appendix 3)**
 - Sea Containers (Appendix 4)**
 - Ancillary Dwellings in Rural Residential Zones (Appendix 5).**
- 2. Resolves to give notice in accordance the Deemed Provisions set out in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, of the amendments to the policies referred to in part 1 above.**

CARRIED UNANIMOUSLY 8:0**In Brief**

- A comprehensive review of the Shire's local planning policies is currently underway.
- The draft amendments to the policies were advertised for a period of 21 days with no submissions received.
- Council is requested to proceed with the revised local planning policies.

Background

On 29 September 2022, Council approved the advertising of amendments to the following local planning policies:

- Commercial Vehicle Parking
- Pinjarra Activity Centre
- Domestic Outbuildings

- Sea Containers
- Ancillary Dwellings in Special Rural, Farmlet and Rural Zones

At the same meeting Council resolved to revoke its Patios Local Planning Policy.

Report Detail

The amendments to the subject policies form part of the comprehensive planning policy framework review.

Pinjarra Activity Centre Local Planning Policy

During advertising, Shire officers noticed that the building height plan referenced in the Pinjarra Activity Centre Policy was not actually appended to the document. It is therefore recommended that this administrative matter be rectified with the final approval of the Policy amendments. This plan is consistent with the building height plan included in the Pinjarra Revitalisation Strategy approved by Council in 2017.

Murray 2031 Strategic Community Plan

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

Other Strategic Links

Nil.

Statutory Environment

Planning & Development (Local Planning Schemes) Regulations 2015

The Deemed Provisions set out in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations* (Deemed Provisions) provide for the preparation and approval of local planning policies.

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>
<i>Low</i>	<i>The review of local planning policies carries no significant risk. There is a reputational risk in not periodically reviewing and ensuring policies are relevant and useful for present circumstances.</i>

Consultation

The amended Policies were advertised for a period of 21 days from 12 October to 2 November 2022. A notice was published in the Mandurah Coastal Times on 12 October 2022 and the policy was displayed on the Shire's website for the duration of the advertising period. Letters were also sent to the landowners surrounding Lot 99 James Street, Pinjarra, advising that the lot was proposed to be included within the Pinjarra Activity Centre Local Planning Policy.

No submissions were received.

Resource Implications*Financial*

The only direct cost associated with the review of local planning policies is the newspaper notices. The cost of the notice can be accommodated within the current adopted operational budget.

Workforce

The review of the of local planning policies has be accommodated within existing staff resource levels.

Options

1. Amending some or all of the local planning policies.
2. Not amending any of the local planning policies.

Conclusion

The Shire is committed to maintaining a contemporary and dynamic planning policy framework. The review of these local planning policies will assist the Shire in achieving these aims. As such, it is recommended that Council approve the proposed amendments.

11.2 Proposed Short Stay Accommodation at Lot 10 (21B) Clifton Cresecent, Pinjarra

File Ref:	D22/38576
Previous Items:	Nil.
Applicant:	M & H Pruthi Pty Ltd
Author and Title:	Rod Peake, Director Planning & Sustainability
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 11.2 App 1 - Application Plans

Recommendation/Council Decision OCM22/142**Moved: Cr D Pike****Seconded: Cr S Carter**

That Council approves the application for a short stay accommodation development at Lot 10 (21B) Clifton Crescent, Pinjarra, subject to the following conditions:

- 1. The development is to be used to accommodate tourist and business visitors only and not short stay accommodation associated with any social or crisis service.**
- 2. Any guests accommodated must not exceed a period, either continuously or from time to time, which exceeds a total of three months in any 12 month period.**
- 3. A colour and material schedule is to be provided for approval prior to the submission of an application for a building permit. The development is to be undertaken consistent with the approved schedule.**
- 4. The building elevations facing the corner truncation and Clifton Crescent are to be modified to improve the level of building design articulation, visual interest and activation. Plans demonstrating the modifications are to be lodged for approval prior to the submission of an application for a building permit. The development is to be undertaken consistent with the approved plans.**
- 5. Prior to the development first being occupied, the parking bays, driveway and points of ingress and egress are to be designed in accordance with the Australian Standard for Off Street Parking (AS2890), and are to be kerbed, drained, line-marked and thereafter maintained in a sound state of repair to the satisfaction of the Shire.**
- 6. The development is to be managed in a way that does not result in guest, service or other vehicles associated with the development being parked on the adjacent street or street verges.**
- 7. Detailed site drainage plans to the Shire's satisfaction are to be submitted to the Shire for approval prior to the commencement of construction. Approved plans are to be implemented prior to the development first being occupied. The drainage system is to be thereafter maintained in a sound state of repair and operation to the satisfaction of the Shire.**
- 8. The two street trees within the Clifton Crescent street verge are to be retained and maintained in a healthy condition on an ongoing basis. The trees are to be protected during construction.**
- 9. Detailed landscape plans to the Shire's satisfaction for the development site and the abutting street verges are to be submitted to the Shire for approval prior to the commencement of construction. Approved plans are to be implemented prior to the development first being occupied. Landscaping is to be thereafter maintained in a healthy condition.**

10. **The proposed bin store is to be screened to a height of at least 1.8m by a masonry, brick or other durable material as approved by the Shire. The bin store is to be designed in accordance with the Shire of Murray Local Law.**
11. **Any roof mounted or free-standing plant or equipment such as air conditioning units are to be located and/or screened so as not to be visible from beyond the boundaries of the site.**
12. **Any proposed signage must be approved in writing by the Shire prior to installation.**
13. **Design levels of development are to be to the satisfaction of the Shire and shown on the application for building permit.**
14. **The front fence adjacent to the Clifton Crescent and McLarty Road is to be maintained as visually permeable above 1.2m from ground level to the satisfaction of the Shire.**

CARRIED UNANIMOUSLY 8:0

In Brief

- An application has been received seeking development approval for a short stay accommodation development at Lot 10 (21B) Clifton Crescent, Pinjarra.
- The application has been advertised for community comments and one submission was received from a nearby landowner objecting to the proposal.
- The application is now presented for determination.

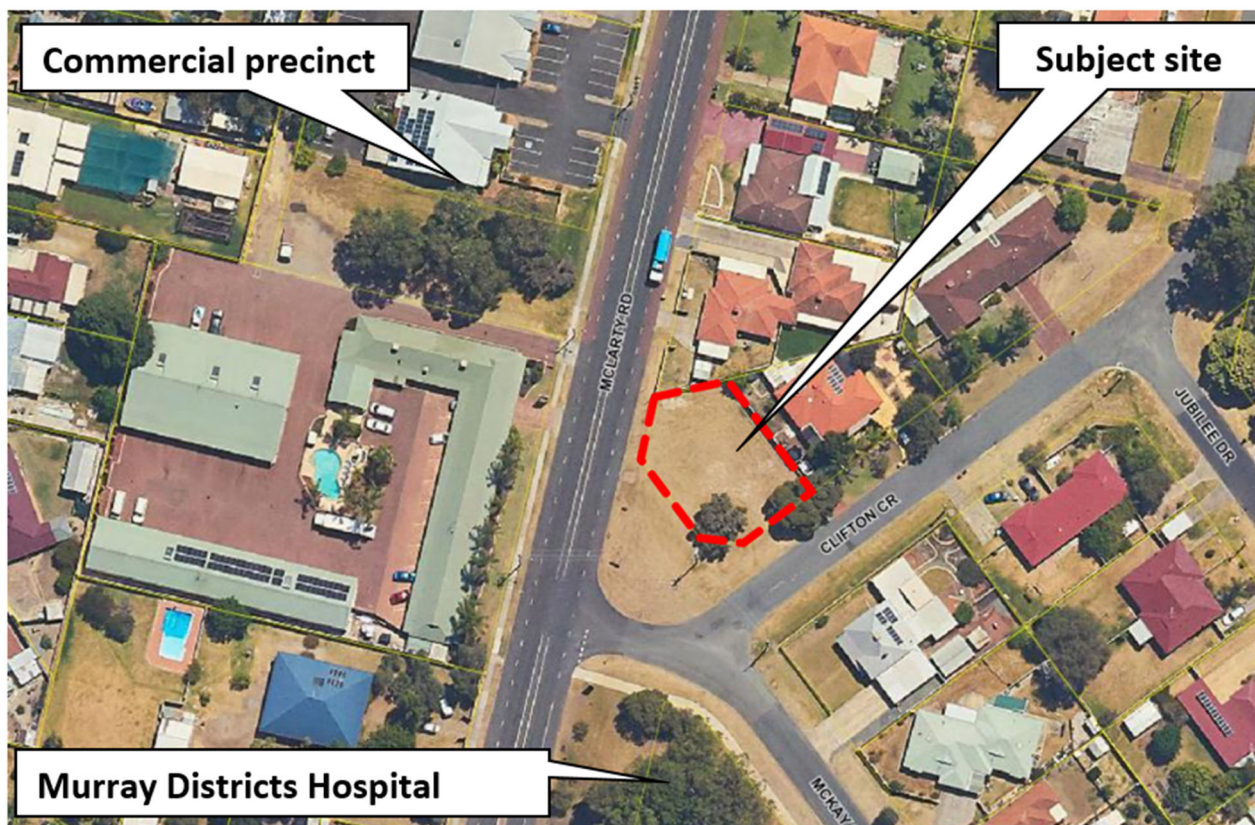
Background

The site is located on the corner of McLarty Road and Clifton Crescent, Pinjarra. It is a strata-titled lot with an overall area of 1,314m². The subject strata lot has an area of around 650m².

The site is level and currently vacant. It is grassed and contains one medium size tree, with two additional medium size trees within the Clifton Crescent verge.

The area to the north and east of the site contains low density single storey residential dwellings. To the south side of Clifton Crescent is an undeveloped vegetated portion of the Murray District Hospital site and to the west side of McLarty Road is a commercial precinct containing a motel, restaurants, shop, stockfeed, mechanics and a dentist.

A location plan is shown below.



Report Detail

It is proposed to develop six two-bedroom, self-contained short stay accommodation apartments in a double storey building, together with a courtyard or balcony to each apartment, six car parking bays, servicing facilities and a recreation area.

The applicant has confirmed the development will accommodate tourist and business visitors only and is not intended for short term accommodation associated with any social, crisis service or the like. A copy of the plans can be viewed at **Appendix 1**.

The site is zoned Residential R15 under the Shire’s Town Planning Scheme No. 4 (Scheme). The commonly accepted definition of short stay accommodation is as set out in the Western Australian Planning Commission’s Planning for Tourism Position Statement to mean *‘temporary accommodation provided on a commercial basis, either continuously or from time-to-time with no guest accommodated for periods totalling more than 3 months in any 12-month period’*.

Short stay accommodation is a ‘use not listed’ under the Scheme. Where a use is not specifically included in the zoning table of the Scheme, Council has discretion to approve an application where it may be consistent with the objectives of the relevant zone, where the proposal has been advertised and any submissions considered.

The objectives of the Residential zone are not specified under the Scheme, however it could be inferred through the list of uses that are permissible in the Residential zone that the objectives are to accommodate a range of residential housing types to meet the needs of the community as well as a range of compatible or complimentary non-residential uses. Short stay accommodation is considered to be consistent with this.

The two-storey scale of the development is consistent with that normally established in a residential area. Balcony and opening locations and screening has been designed to ensure there will not be any clear overlooking into private areas of adjacent sites.

The predominant building setback line to McLarty Road is around six metres and the proposed development is set on an angle to the McLarty Road boundary and extends up to the street boundary for a small extent. As the site is at the end of the street block; is adjacent to the vegetated portion of the hospital site; and the design of the closest portion of the development is an open eaves/awning

area with the solid wall at 900mm from the boundary, it is not considered that this will be unreasonably prominent or incompatible with the broader streetscape.

The building elevations facing the corner Clifton Crescent, the corner truncation and a portion of McLarty Road provide a relatively bland view from the south and west and this could be improved by providing an improved level of articulation and activation to the elevation. A condition of approval has been recommended to achieve this.

Either courtyards or balconies have been provided to each apartment and a small recreation area is proposed as amenities for occupants. The existing onsite tree will need to be removed, however two verge trees will be retained. A landscape plan is included as a recommended condition of approval which will enable the softening of the built form.

The proposed crossover has been located toward the eastern side of the site, along Clifton Crescent with sufficient distance from the intersection of McLarty Road to ensure safe traffic movements.

Six parking bays are provided for the development being one for each unit. This rate of parking provision is similar to many other short stay accommodation developments. It does not provide additional parking for servicing the units however this normally occurs at a time when at least some guests have checked out. Providing additional parking with result in significant design changes to the development and likely result in the reduced number of units. On balance the parking provided is considered adequate. A condition has recommended requiring the development to be managed to ensure parking does not occur on the adjacent streets or street verges.

Murray 2031 Strategic Community Plan

Focus Area	Places for People
Aspiration	Ensure quality, diverse and innovative planning outcomes that meet community aspirations.
Strategy	Ensure Town Planning Scheme and Local Planning Strategy facilitates quality and diverse planning outcomes.

Murray 2021 – 2025 Corporate Business Plan

Nil.

Other Strategic Links

Pinjarra Revitalisation Strategy.

Statutory Environment

The site is zoned Urban under the Peel Region Scheme with the abutting McLarty Road being a Primary Regional Road.

The site is zoned Residential R15 under the Shire’s Scheme.

Sustainability & Risk Considerations

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

The development will provide additional short stay accommodation for tourist and business visitors to the Shire.

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

Short stay accommodation is considered compatible use in a residential area.

Environment – (Impact on environment’s sustainability)

Two of the three existing trees will be retained. The development will be connected to sewer.

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	There are no significant risks associated with the proposal.

Consultation

The proposal was advertised for a period of 28 days from 18 October to 15 November 2022. A notice board was displayed onsite and the Shire's website for the duration of the advertising period as well as letters to landowners within 200 metres of the site.

One submission was received from a nearby resident on Jubilee Drive objecting to the proposal and stating:

"This area already has a lot of low socio-economic dwellings. Not enough information has been provided as to who the short-term tenants will be. Bedingfeld aged care facility already has to deal with undesirable intruders from time to time. Young families in this area do not need extra stress from occupants of short-term accommodation".

The applicant has confirmed that the development is intended for tourist and business visitors to the area and not for accommodation associated with social services. A condition has been recommended to ensure this. On a comparative basis with other areas, Pinjarra has a relatively low level of crime and antisocial behaviour. There is no evidence to suggest that short term visitor accommodation will increase antisocial behaviour in the area.

Resource Implications*Financial*

The applicant has paid the Shire's administrative fees relevant to the application.

Workforce

The assessment of the application has been undertaken within existing staff resources.

Options

1. Approve the application with or without conditions.
2. Refuse the application for stated reasons.

Conclusion

Short stay accommodation is considered a compatible use in a Residential zone. In this case the site is located adjacent to McLarty Road where there are a number of other commercial or community uses already established. The scale and design of the proposed development is suitable for its context. Approval will provide an additional accommodation option for visitors to the Shire. Whilst one community submission was received during the advertising period, this is not considered sufficient to reject the proposal. It is recommended that the application be approved with conditions.

12 CORPORATE GOVERNANCE**12.1 Ordinary Council Meeting Dates 2023**

File Ref:	D22/37116		
Previous Items:	OCM 25 Nov 21	Item 11.4	OCM21/183
	OCM 26 Nov 20	Item 11.4	OCM20/201
	OCM 28 Nov 19	Item 11.6	OCM19/252
Applicant:	Nil.		
Author and Title:	Dean Unsworth, Chief Executive Officer		
Declaration of Interest:	Nil.		
Voting Requirements:	Simple Majority		
Appendices:	Nil.		

Recommendation/Council Decision OCM22/143**Moved: Cr A Rogers****Seconded: Cr S Kirkham**

That Council adopts and advertises the dates for the 2023 Ordinary Council Meetings as follows:

February	Thursday 23 February	5.30pm
March	Thursday 23 March	5.30pm
April	Thursday 27 April	5.30pm
May	Thursday 25 May	5.30pm
June	Thursday 22 June	5.30pm
July	Thursday 27 July	5.30pm
August	Thursday 24 August	5.30pm
September	Thursday 28 September	5.30pm
October	Thursday 26 October	5.30pm
November	Thursday 23 November	5.30pm
December	Thursday 14 December	5.30pm

CARRIED UNANIMOUSLY 8:0**In Brief**

This report is presented to Council to consider the Ordinary Council Meeting dates for 2023.

Background

Local Governments at least once each year are required to give notice of the dates on which and the time and place at which the Ordinary Council Meetings are to be held in the next 12 months.

Report Detail

Council meeting dates are currently scheduled on the fourth Thursday of each month. Council has in the past varied the December round of meetings to meet the needs of Christmas and New Year when necessary. The meeting dates for 2023 do not coincide with any scheduled public holidays.

Murray 2031 Strategic Community Plan

Nil.

Murray 2021 – 2025 Corporate Business Plan

Nil.

Other Strategic Links

Nil.

Statutory Environment

Local Government (Administration) Regulations Clause 12 requires local governments to give public notice of its meetings.

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

The cost of advertising the meeting details of Council is included in the current budget.

Workforce

Nil.

Options

1. Advertising its meeting details to the public as recommended.
2. Varying the dates being recommended for advertising.

Conclusion

It is recommended that Council adopts the meeting dates for 2023 as detailed.

12.2 Shire of Murray Bushfire Management Strategic Plan

File Ref: D22/37162
 Previous Items: Nil.
 Applicant: Nil.
 Author and Title: Dean Unsworth, Chief Executive Officer
 Declaration of Interest: Nil.
 Voting Requirements: Simple Majority
 Appendices: Item 12.2 App 1 - Murray Bushfire & Emergency Response BlueSheet - September 2022

Recommendation/Council Decision OCM22/144

Moved: Cr A Rogers
Seconded: Cr S Kirkham

That Council notes the Shire of Murray Bushfire Management Strategic Plan.

CARRIED UNANIMOUSLY 8:0

In Brief

- In April 2022, Council included in the Chief Executive Officer’s Key Performance Indicators a Bushfire Management Strategic Plan.
- This Plan is presented to Council for noting.

Background

In June and September 2022 two externally facilitated workshops were held with the five Bushfire Brigades, Chief Bush Fire Control Officer (CBFCO), Chief Executive Officer and Manager of Governance with the aim of aligning strategy and foster increased positive communications between all brigades, and with the Shire of Murray.

Report Detail

Following the two workshops a ‘Murray Bushfire and Emergency Response BlueSheet was prepared to align activities, review current processes and performance, how these areas can be improved and an action plan.

This Strategy has been informally endorsed by all five Bush Fire Brigades as well as the CBFCO. From this point, a number of Actions and Tasks will be developed that will ensure that the objectives and aspirations of the Strategy are achieved.

Given the importance of Bush Fire management to the Council, and the fact that this Plan was one of the CEO’s Key Performance Indicators, it was felt appropriate that it be presented to Council for noting.

Murray 2031 Strategic Community Plan

Focus Area	Places for People
Aspiration	To create great places for people through strong partnerships with the community.
Strategy	Facilitate, implement and maintain effective emergency management.

Murray 2021 – 2025 Corporate Business Plan

Focus Area	Places for People
-------------------	-------------------

Objective	To create great places for people through strong partnerships with the community.
Strategy	Facilitate safe neighbourhoods and communities.
Actions	Facilitate, implement and maintain effective emergency management.

Other Strategic Links

Nil.

Statutory Environment

Nil.

Sustainability & Risk Considerations

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

Bushfires has a major economic impact on the region.

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

Effective emergency management is paramount to a socially strong and healthy social environment.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Extreme	Poor emergency management practices and operations can have a catastrophic impact on the community.

Consultation

Two facilitates workshops were held in June and September 2022. Numerous discussions have also been held with various members of the Brigades.

Resource Implications

Financial

Nil.

Workforce

Nil.

Options

1. Notes the Murray Bushfire Management Strategic Plan.
2. Does not accept the Murray Bushfire Management Strategic Plan.

Conclusion

As per this report.

12.3 WALGA Best Practice Governance Review

File Ref:	D22/37178
Previous Items:	Nil.
Applicant:	Western Australian Local Government Association (WALGA)
Author and Title:	Dean Unsworth, Chief Executive Officer
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 12.3 App 1 - WALGA Best Practice Governance Review - Background Paper Item 12.3 App 2 - WALGA Best Practice Governance Review - Consultation Paper - Model Options

Recommendation:

That Council supports Option 3 – Board & Amalgamated Zones as its preferred Western Australian Local Government Association governance structure.

Council Decision OCM22/145

That Council supports Option 5 as there is no need for change.

Moved: Cr D Pike

Seconded: Cr S Lee

CARRIED UNANIMOUSLY 8:0

Reason for change: The current system is effective

In Brief

- WALGA have developed a Consultation paper to consider whether the current governance model is appropriate or if another model would be more appropriate.
- This review was driven from WALGA's Corporate Strategy 2020-25.
- Feedback from Council is requested by 23 December 2022.

Background

The WALGA governance structure has been consistent for many years. WALGA has a governance structure that is very large in comparison to other similar boards. While WALGA has a Board 25 State members from 17 zones, whereas other peak bodies are as follows:

- Australian Medical Association (9)
- Chamber of Commerce and Industry (7-10)
- Chamber of Minerals and Energy (6-11)
- Australian Hotels Association (17)
- Pharmacy Guild (16-22).

While 25 is unwieldy, it must also be balanced with the fact that Western Australia is very large in area and that there are 140 local governments covering the state.

Report Detail

As detailed within the appendix, there are 5 Options that are being presented for consideration by the sector. These options are detailed within the attachment.

Murray 2031 Strategic Community Plan

There is no link between the Shire’s Strategic Community Plan and this WALGA review.

Other Strategic Links

Nil.

Statutory Environment

Nil.

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	There is low risk to Council with whatever Option is supported.

Consultation

WALGA Background & Consultation Papers

Resource Implications

Financial

Nil.

Workforce

Nil.

Options

Supporting Options 1,2,3,4 or 5.

Conclusion

The current situation with State Council having 25 members appears much larger than other like bodies. The makeup is a balance between 12 metropolitan members and 12 country members, with one President.

While the number is significant, issues between zones are often very different.

The view of the author is that a balance between a manageable number of members and ensuring that residents, particularly in the regions, is heard.

From that point of view, Option 3 gives the best balance as it still gives Zones that have commonalities to still be represented. Option 2 reduces the opportunity for regions to be heard,

Option 4 becomes more bureaucratic and inward through the development of 'Policy Teams/Forums/Committees and appears a 'top-down' approach, and Option 5 is too unwieldy.

12.4 Payments from Municipal and Trust Funds - October 2022

File Ref:	D22/37477
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Tamara Tabor, Finance Coordinator
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 12.4 App 1 - Payments from Municipal and Trust Funds October 2022

Recommendation/Council Decision OCM22/146**Moved: Cr S Lee****Seconded: Cr G Black**

That Council receives the Payments from Municipal and Trust Funds Report October 2022 as presented.

CARRIED UNANIMOUSLY 8:0

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 of 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 October 2022.

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.

Murray 2031 Strategic Community Plan

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

Other Strategic Links

Nil.

Statutory Environment

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

Sustainability & Risk Considerations

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

Nil.

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

Nil.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	Failure to present a detailed listing of payments made from the Shire bank accounts in the prescribed form would result in non-compliance with the

	<i>Local Government (Financial Management) Regulations 1996</i> , which may result in a qualified audit.
--	--

Consultation

Nil.

Resource Implications*Financial*

Nil.

Workforce

Nil.

Options

1. Receiving the Payments from Municipal and Trust Funds report for October 2022.
2. Not receiving the Payments from Municipal and Trust Funds report for October 2022.

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.

12.5 Monthly Financial Report - October 2022

File Ref:	D22/37478
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Tamara Tabor, Finance Coordinator
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 12.5 App 1 - Monthly Financial Report - October 2022

Recommendation/Council Decision OCM22/147

Moved: Cr S Carter

Seconded: Cr A Rogers

That Council receives the October 2022 Monthly Financial Report as presented.

CARRIED UNANIMOUSLY 8:0

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.

Report Detail

The monthly financial report for October 2022 identifies the financial position of Council as at the reporting date and consist of:

- Statement of Financial Activity
- Notes to Statement of Financial Activity
 - Monthly Summary Information
 - Significant Accounting Policies
 - Net Current Funding Position
 - Cash and Investments
 - Receivables
 - Capital Acquisitions
 - Operating Grants and Contributions
 - Non-Operating Grants and Contributions
 - Cash Backed Reserves

- Budget Amendments
- Variances

Murray 2031 Strategic Community Plan

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

Other Strategic Links

Shire of Murray 2022/2023 Annual Budget.

Statutory Environment

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

Sustainability & Risk Considerations

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

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

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

Nil.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Nil.

Risk Management Implications

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

Consultation

Nil.

Resource Implications

Financial

Nil.

Workforce

Nil.

Options

1. Receiving the monthly financial report for October 2022.
2. Not receiving the monthly financial report for October 2022.

Conclusion

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

12.6 Lease Proposal - Lot 190 (6) George Street, Pinjarra - Regional Development Australia Peel Inc

File Ref:	D22/38372		
Previous Items:	OCM Oct 2019	Item 19.1	OCM19/243
	OCM Nov 2019	Item 15.2	OCM19/258
	OCM Nov 2019	Item 15.3	OCM19/259
Applicant:	Regional Development Australia Peel Inc		
Author and Title:	Robert Marlborough, Manager Governance		
Declaration of Interest:	Nil.		
Voting Requirements:	Simple Majority		
Appendices:	Nil.		

Recommendation/Council Decision OCM22/148

Moved: Cr G Black

Seconded: Cr S Lee

That Council supports:

1. **A new lease arrangement being entered into with Regional Development Australia Peel Inc (RDA Peel) for a portion of Lot 190 (6) George Street, Pinjarra commencing 1 December 2022 and expiring on 30 June 2025, with the Chief Executive Officer approved to negotiate the general lease terms and obligations.**
2. **The rent payable commencing at \$2005.50 (plus GST), per calendar month which is to be reviewed annually in accordance with the September Perth, All Groups Consumer Price Index, and all normal outgoings, general maintenance and repairs being the lessee's responsibility.**
3. **The Shire President and Chief Executive Officer signing and sealing the Lease Agreement.**
4. **An Expression Of Interest process be undertaken at the end of the lease period for the use of 6 George Street, Pinjarra.**

CARRIED UNANIMOUSLY 8:0

In Brief

To consider a new lease with Regional Development Australia Peel Inc (RDA Peel) on a portion of Lot 190 (6) George Street, Pinjarra, commencing 1 December 2022.

Background

The Shire are the owner of (Lot 190) 6 George Street, Pinjarra (Miss Adams House) in fee simple. This property has a land area of 1512m² and the land is adjacent to Cantwell Park. Park infrastructure is constructed on the rear portion of the property.

Past occupancy of this property by way of lease has been with by Agriculture WA, a local travel agent and with 360 Health and Community, until 30 July 2019. Following the expiry of the lease with 360 Health and Community, an Expression of Interest (EOI) was advertised in August 2019, inviting submissions to lease the premises on the basis of hospitality, tourism or other types of use to add value and vibrancy to Pinjarra and that could integrate the site with the redevelopment of the foreshore reserve and the activation of the main street.

RDA Peel submitted the only proposal to use the premises by the EOI closing date. In November 2019 Council formally supported a lease with RDA Peel for a portion of the property.

The recommendation subsequently adopted following the EOI was, that Council supported:

- *a lease being entered into with Regional Development Australia Peel Inc. (RDA Peel) for a portion of (Lot 190) 6 George Street, Pinjarra from 1 December 2019 to 30 November 2020 at \$1.00, plus GST and normal outgoings subject to:*
 - *RDA Peel, completing at its own cost (by November 2020) (to the satisfaction of the Chief Executive Officer) the following property improvements, being new window treatments, floor coverings, a ducted air-conditioning system, external landscaping and electrical upgrades.*
- *a further lease for a period of two years to 30 November 2022 being entered into with Regional Development Australia Peel Inc. for the same premises at an annual rental of \$22,000 plus GST, with provision for a CPI review, plus normal outgoings.*
- *the Chief Executive Officer was approved to negotiate and determine the broad terms, conditions, outgoings that would apply and the general obligations of any lease arrangement.*

The leasable portion of the premises is outlined red on the following plan:



Part of the original recommendation supported a reduced annual rent for the first year, subject to RDA Peel undertaking various property improvements. Works completed, as agreed by RDA Peel included new window treatments, replacing floor coverings, upgrading air-conditioning, landscaping and driveway work, new front fencing and electrical upgrades. The value of the improvement completed exceeded 50K.

Report Detail

In July this year a written request was lodged by RDA Peel for a new lease for a portion of 6 George Street for the period from 1 December 2022 to 30 June 2025. This period aligns with the end of the current lease, and further aligns with the Commonwealth funding arrangements for RDA Peel's operations.

Following this request, a formal valuation was obtained on 10 October 2022 from Acumentis Mandurah, a licenced valuer to ascertain the market rent that could be expected for the portion of

the property to be leased, using the principles of a willing lessor and a willing lessee, in an arm's length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.

The valuation received indicates a market rent value of \$26,250 per annum or \$2,187,50 per month, plus GST, exclusive of outgoings. Further information is provided in the financial section of this report.

RDA Peel and other RDA Committees, work with all levels of government and the private sector to facilitate regional economic development outcomes, investment, local procurement and jobs. Promote greater regional awareness, support grant program's and research, improve Commonwealth regional policy making by providing intelligence and evidence-based advice to the Australian Government on regional development issues and coordinate the development of strategic regional plans, or work with suitable existing regional plans to align with the Commonwealth's regional priorities.

As outlined RDA Peel have occupied this property by way of lease since 2019 and substantive self-funded property improvements have been made over their current tenure to support the ongoing use, make the property functional and improve the value of this Shire asset.

It is recommended to Council to support a new lease with RDA Peel to retain local services and support and ensure local linkages to higher level economic development regional framework remain in place.

Murray 2031 Strategic Community Plan

Focus Area	Environment, Character and Heritage
Objective	Proactively manage resources and reduce our carbon footprint through responsible management of water, energy, fire management and waste.
Strategy	Continue to develop partnerships with environmental groups, state departments and stakeholders.

Focus Area	Thriving Economy
Objective	An economy that is focused on key success factors for growth: knowledge and innovation: export income and investment; infrastructure and local capacity.
Strategy	Build and maintain the Transform Peel initiative.

Murray 2022 – 2026 Corporate Business Plan

Focus Area	Thriving Economy
Objective	An economy that is focused on key success factors for growth: knowledge and innovation: export income and investment; infrastructure and local capacity.
Strategy	Maximise inherent Regional economic opportunities.

Other Strategic Links

Nil.

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.

(5) This section does not apply to —

- (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
- (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
- (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
- (d) any other disposition that is excluded by regulations from the application of this section.

The lease with RDA Peel presented for determination is considered to be an excluded disposition of property under either Regulation 30(2)(b)(i) or 30(2)(c)(ii) of the *Local Government (Functions and General) Regulations 1996* given that RDA Peel members do not make a pecuniary profit from the body's transactions or that RDA Peel is an agency of the Commonwealth, as follows:

- (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;

Sustainability & Risk Considerations

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

The proposal to enter into the new lease arrangement with RDA Peel as proposed is not expected to disadvantage the community and linked support agencies to Peel RDA will continue to provide positive economic benefits and improvements in service provision both locally and regionally.

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

The use proposed by RDA Peel is not inconsistent with the previous use of the premises. The lease itself and the proposed ongoing uses are not likely to directly affect other adjoining landowners.

Environment – (Impact on environment's sustainability)

Nil.

Policy Implications

The *Local Government Act 1995* provides for the disposition of property, which includes by way of a lease.

In this case the lease proposed is exempt under 30(2)(b)(i) or 30(2)(c)(ii) of the *Local Government (Functions and General) Regulations 1996*, as it is with an agency of the Commonwealth given that Regional Development Australia (RDA) is an Australian Government initiative that brings together all levels of government to enhance the development of Australia's regions. A national network of RDA committees has been established to achieve this objective.

Therefore, prior advertising and a formal market valuation are not required for the lease proposed.

For Council's information the prior market rental valuation this property, dated 16 September 2016 determined that the annual rental value was \$25,000, plus GST, exclusive of outgoings.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	Working towards a new lease with RDA Peel for the premises is permitted under the Local Government Act 1995 and the process proposed is compliant. No change of use is proposed so the likelihood of negative community feedback is limited.

Consultation

Nil.

Resource Implications*Financial*

The recent valuation received indicates an annual market rental value of \$26,250 per annum or \$2,187.50 per month, plus GST, exclusive of outgoings. Continuing the monthly rent from the current lease at \$2,005.50 (inclusive of September 2022 CPI), plus GST is equitable and provides continuity to the lessee.

Normal outgoings in respect to lease arrangements generally include, but are not limited to power consumption and supply charges, water rates consumption and service charges, gas consumption and service charges, annual rubbish services charges, all statutory duties & levies, property insurance charges, general pest control, safety and emergency equipment servicing and inspections, air conditioning servicing and inspection, security alarm monitoring and response, and general internal and external cleaning, maintenance upkeep and general repair.

Periodic gutter cleaning and preventative pest (termite) inspections normally remains the Lessors responsibility as water ingress or termite infestations can cause significant damage in short periods of time.

Workforce

Limited impact, other than the time necessary to prepare a lease and for ongoing administration.

Options

1. Support the proposed new lease arrangement with RDA Peel, as recommended.
2. Determine an alternate lease term and financial structure.
3. Reject the lease proposal and explore other opportunities for the property.

Conclusion

The new lease proposal with RDA Peel, if supported, ensures continuing local and regional services as provided by RDA's, and further supports capacity for office (hot desk) space for other organisations to deliver aligned outreach programmes.

Retaining RDA Peel in Pinjarra increases business activity in the town centre, which supports other broader economic benefits, job opportunities and maintains the opportunity for continuing long-lasting partner arrangements.

12.7 Licence Proposal - Part Lot 1622 (Reserve 30715) Banksia Terrace, South Yunderup - Pelicans (VG & GC O'Sullivan - Trading as Coral Bay Superfund)

File Ref: D22/38487
Previous Items: PDS.May 99 Item 3.4 (PD99/136)
OCM.Jul 02 Item 10.1 (OCM02/195)
PDS.Nov 03 Item 7.1 (PD03/359)
OCM.Nov 03 Item 10.4.1.2 (OCM03/218)
PDS.Oct 12 Item 8.5 (PPS12/149)
OCM.Oct 12 Item 11.1.1.2 (OCM12/210)
Applicant: Vincent J & Gail C O'Sullivan (Trading as Coral Bay Superfund)
Author and Title: Robert Marlborough, Manager Governance
Declaration of Interest: Nil.
Voting Requirements: Simple Majority
Appendices: Nil.

Recommendation/Council Decision OCM22/149**Moved: Cr D Pike****Seconded: Cr S Lee****That Council:**

1. **Subject to the Minister for Lands consent, supports a licence for the purposes of Alfresco Dining being entered into with VJ and GC O'Sullivan (trading as Coral Bay Superfund) on a 302.5m² portion of Reserve 30715 adjacent to Lot 60 Banksia Terrace, South Yunderup for a period of ten years (5 years, with an option term of 5 years) commencing 1 January 2023, with the annual rental commencing at \$900 plus GST, increasing by CPI annually.**
2. **Accepts the market rental valuation provided by Acumentis, a licensed property valuer on 18 October 2022 that established the market rent amount as \$900 per annum, plus GST.**
3. **Approves for a local notice being published in accordance with Section 3.58 of the *Local Government Act 1995* inviting written submissions to be received for a period of at least 14 days on the licence proposal.**
4. **Subject to no submissions being received, authorises the Chief Executive Officer to prepare, negotiate and finalise a licence agreement with VJ and GC O'Sullivan (trading as Coral Bay Superfund) "the Licensee" subject to the licensee agreeing and/or acknowledging the following broad considerations and obligations.**
 - **To monitor the boat waste pump out facilities and provide keys to users, clean the adjacent public toilets (Reserve 38852) between normal scheduled cleaning and maintain the leased/licensed area and adjacent foreshore in a tidy and litter free state at all times;**
 - **Within the first 18 months of the licence period, remove the existing paving, level the site and replace the existing paving or replace with new paving, approved by the Lessor, using qualified trades;**
 - **Not remove or interfere with existing trees and vegetation or install permanent improvements within the licenced area, without prior written consent;**
 - **To obtain public liability insurance of not less than \$20,000,000 being held over the licensed area at all times;**

- **To maintain a marked public accessway/clearway of not less than 2 metres in width through the licensed area, so as to provide continuous public access;**
 - **To not serve alcohol within the licensed area until the appropriate approvals are obtained;**
 - **To accept that the licensed area is within the identified floodway of the Murray River, where some degree of flood damage can be expected during major flood events; neither Council nor the Minister for Lands will be liable for any damage which may occur.**
5. **If submissions on the proposal are received prior to the closing date a further report is to be presented to Council to review the submissions received and determine its position on the matter.**
6. **Authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal to the licence proposed.**

CARRIED UNANIMOUSLY 8:0

In Brief

This report is presented to consider a request for new licence to occupy a portion of Reserve 30715 for an alfresco dining area, adjacent to Lot 60 Banksia Terrace, South Yunderup for a period of ten years (5 years, with an option term of 5 years) commencing 1 January 2023.

Background

Reserve 30175 is located on the northern bank of the Murray River between Pelican Road and the entrance to the Murray Lakes Canals. This Reserve is managed by the Shire under a Management Order issued on 19 December 2002 and the Reserve purpose is "Recreation". The power to issue a licence is approved for the designated purpose for any term not exceeding ten years with the Minister for Lands prior consent.

In November 2003 Council considered a request to issue a licence for the same purpose proposed in this report and the following Committee recommendation was adopted at the Ordinary meeting of Council on 27 November 2003:

"Council issues a Ten-Year License to Occupy a 16.35m x 18.5m portion of Reserve 30715 adjacent to Lot 60 Pelican Road, South Yunderup, to the Pelican Deli and Liquor Store, for the purposes of 'alfresco' dining, subject to the following conditions:

- (i) existing trees and vegetation shall not be removed or interfered with unless the prior written approval of Council has been obtained;*
- (ii) ongoing maintenance of the license area shall, including keeping the area tidy and free of litter at all times, be the licensee's responsibility during the term of the license;*
- (iii) no permanent improvements are to be constructed within the licensed area during the term of the licence;*
- (iv) the licensee to hold Public Liability Insurance of not less than \$10,000,000 over the licence area at all times during the period the licence is in effect;*
- (v) a public accessway/clearway of not less than 2 metres in width being maintained and marked through the licence area so as to provide continuous public access, to the satisfaction of Council's Director Technical Services;*
- (vi) alcohol shall not be served within the Licence area until and unless Council's Planning consent and the relevant Liquor Licence has been obtained for use of the area for that purpose;*
- (vii) in the event of land degradation within the licence area occurring through erosion or failure of the river wall, the licensee shall contribute to the costs associated with the rehabilitation of the land;*

- (viii) *the licensee is advised that the licence area is within the identified floodway of the Murray River, where some degree of flood damage can be expected during major flood events; neither Council nor the Minister for Lands will be liable for any damage which may occur; and,*
- (ix) *at the expiration of the term of the licence, or such lesser term, should the licensee relinquish the licence for whatever reason, the licensee shall return the licence area to its original state, namely Public Recreation/Conservation.”*

A licence to occupy a 302.5 m² area of Reserve 30715 adjacent to Lot 60 Banksia Terrace was subsequently issued in the name of the business proprietor of the Pelican Shop for a period of ten years at \$1.00 per annum. The licence was structured as recommended by Council and provisions within the previous agreement resulted in the licence being terminated, when the business proprietor ceased to operate the business.

The applicant then requested Council to consider approving a new licence for the same area as originally licensed as an alfresco dining area in the name of the property owner of the Pelican Shop, rather than the shop business operator. The applicant had also agreed to maintain the foreshore area adjacent to the alfresco dining area, clean the adjacent toilets between normal scheduled cleaning and to monitor and manage the keys for the nearby boat waste disposal facility.

At the Ordinary Council meeting on 25 October 2012 (OCM12/149) Council supported a new licence with VJ and GC O’Sullivan, trading as Coral Bay Superfund for a 5-year period with a similar extension period. This licence is due to expire on 31 December this year.

In September 2022 the proponent lodged a request for a new licence/licence renewal to continue to operate an alfresco dining area on a portion of the Reserve. The applicant is the owner of strata lot 127, which is the Pelicans Shop premises within Lot 60 Banksia Terrace, South Yunderup.

Report Detail

Council is requested to consider supporting a new a 5-year licence agreement, with a similar extension period with the proponents, commencing on 1 January 2023. The annual rental is proposed to commence at \$900 per annum, plus GST which aligns with the independent valuation received. The proponent would be responsible for all associated licence preparation, advertising, statutory and legal costs as well and costs associated with meeting the obligations generally outlined in the recommendation presented.

The area highlighted below details the location of the proposed continuing licensed area.



The rationale to provide provision within the proposed licence for the proponent to be responsible for the repair/refurbishment of the paving is that limited repair has occurred over the past licensing periods and the existing paving is uneven in areas. Scheduling work within a reasonable achievable time frame supports public safety. Improved the paving or the like within the licensed area will enhance this space, which is linked to the Pelican shop outdoor dining experience. There is clear evidence that the alfresco dining area increases the overall value of the business operation.

Murray 2031 Strategic Community Plan

Focus Area	Places for People
Aspiration	Murray will have created great places for people through strong partnerships with the community; innovative urban design; and improved the well-being and quality of life for residents.
Strategy	Connect the natural assets, waterways, parks and reserves to the community.

Murray 2022 – 2026 Corporate Business Plan

Focus Area	Thriving Economy
Objective	Maximise Murray’s natural assets and heritage as a driver for tourism development.
Strategy	Develop key sectors of the tourism economy where Murray has competitive advantage.
Actions	Promote awareness of investment and business opportunities in Murray.

Other Strategic Links

Nil.

Statutory Environment

Section 3.58 of the *Local Government Act 1995* deals with the issue of disposing of property by lease or otherwise. In this case subsections (2), (3) and (4) apply, as follows:

- (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;
 - (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;
 - (b) the consideration to be received by the local government for the disposition; and

- (c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.

Section 18 of the *Land Administration Act 1997* requires the prior approval of the Minister for Lands to be obtained prior to entering into land transactions involving Crown Land.

Sustainability & Risk Considerations

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

Renewing the licence for a further 10 years on the general terms of past arrangement is not expected to financially impact the community, as the licensee would be exclusively responsible for the maintenance and upkeep of the licensed premises, its own equipment and the paying periodic outgoings, as adjusted by Consumer Price Index (CPI).

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

Outdoor dining in this location has occurred for a considerable period of time and over the summer period it has been very popular. The proposal presented, if approved, is not expected to increase the existing activities and there should be no additional effect on the adjoining landowners. Noise has been a source of complaints in the past and these issues have generally related to live music. Approvals in the future for live events need to consider potential negative impacts on the adjoining property owners

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Council Policies is not impacted by this proposal. If the application is supported the agreement to occupy a portion of the Reserve under a licence will be subject to advertising and the prior approval of the Minister for Lands.

Risk Management Implications

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

Consultation

Nil.

Resource Implications

Financial

The rent at the commencement of the original licence arrangement with this proponent was \$500, plus GST, per annum. This rent has increased annually by CPI over the subsequent term and further term. The annual rent for the current period expiring on 31 December 2022 was \$591.19, GST exclusive. Should the 10-year (5 x 5 Year) licence agreement be supported the annual rental will commence at \$900 plus GST, with annual reviews by CPI.

Workforce

Capacity exists to internally to prepare the proposed licence arrangement

Options

1. Support a new 5-year licence agreement, with a similar extension period.
2. Reject the licence proposal.

Conclusion

Over the years a number of licence arrangements have been in place to support alfresco dining, directly associated with the Pelican Shop. This location and venue have been very popular and the proposal presented will not substantially limit access to the Reserve, as a whole. It is recommended that the proposal be accepted.

12.8 New Policy - G1 Execution of Documents

File Ref:	D22/38678
Previous Items:	Nil.
Applicant:	Not applicable
Author and Title:	Robert Marlborough, Manager Governance
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 12.8 App 1 - Proposed Policy G1 – Execution of Documents

Recommendation/Council Decision OCM22/150**Moved: Cr A Rogers****Seconded: Cr S Carter****That Council adopt Policy G1 - Execution of Documents as detailed and that the Shire of Murray Policy Manual be updated accordingly.****CARRIED UNANIMOUSLY 8:0****In Brief**

To consider a new policy for the execution of documents organisationally to provide clarity and appropriate guidance and direction.

Background

Council policies are periodically reviewed or as otherwise required statutorily to ensure effectiveness and compliance with legislation, and clear alignment with the organisational structure. Council policies are broadly designed to –

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

Recently McLeod's Barristers and Solicitors (McLeods) circulated a legal update of the use of the Common Seal by Local Governments. The update provided advice, as follows -

Use of a common seal is one way that a Local Government can execute documents. Historically, seals were used to authenticate and validate legal documents in commerce and government - think a red wax seal on parchment. Today, seals can still be used by corporations and Local Governments to execute documents, although in ink and rubber stamp form.

Under s9.49A(1) of the Local Government Act 1995, (LGA) a local government can execute documents by:

- 1. affixing the common seal to the document (subject to authorisations and signing requirements); and*
- 2. signing without a common seal (by a person authorised by the local government).*

*The below table summarises the requirements of s9.49A of the Local Government Act 1995 *(LGA)*

<i>Method of Execution</i>	<i>LGA Requirements</i>
<i>Common Seal</i>	<p><i>The common seal of a local government must not be affixed to any document except as authorised by the Local Government.*</i></p> <p><i>The common seal of the Local Government must be affixed in the presence of:</i></p> <ul style="list-style-type: none"> • <i>the local government's mayor or president; and</i> • <i>the local government's CEO, each of whom must sign the document to attest that the common seal was affixed.*</i>
<i>Signature</i>	<p><i>A Local Government may, by resolution, authorise its CEO, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.*</i></p>

Apart from the above requirements, there is no hard or fast rule in the LGA as what kind of document can be executed by affixing the common seal (and consequently what kind of document can be executed by signature).

Each Local Government will generally have its own policies and procedures specifying:

3. *what kinds of documents can or must be executed using the common seal; and*
4. *what kinds of documents can be signed without the common seal and who is authorised to sign them.*

This can be in the form of an execution and authority matrix, setting out the type of document and the required method of execution (including the position and other details of authorised persons).

Whether the common seal must be used or an authorised person can sign is generally a question of balancing good governance and operational efficiencies, as determined by each Local Government.

Examples of documents requiring affixing of the common seal: Local Governments will usually require use of their common seal for significant matters and transactions (as it requires the signatures of both the local government's mayor/president and CEO), such as:

- *making and amending local laws*
- *executing land transaction documents (sales, purchases, leases, easements, restrictive covenants, caveats and other deeds); and*
- *mortgages and loans*

Examples of documents that can be signed by authorised persons: Local Governments will usually permit execution by signature of authorised persons for more routine operational documents, such as:

- *procurement contracts;*
- *services agreements; and*
- *communications relating to the day to day operations of the local government.*

Local governments will usually attach conditions and restrictions on the authority of local government employees to sign documents, based on monetary thresholds, the commitment period specified in the document (if, for example, the document is contract or agreement), and the level of financial risk, legal complexity or political sensitivity.

Document execution policies and protocols: Section s9.49A of the LGA provides a starting point on how local governments can execute documents. Its then up to each local government to have in place clear policies, protocols and authorisations which determine what kinds of documents can be executed by common seal or by signature only (and by whom). If in doubt, check the document execution policies and protocols.

Effective processes are in place internally to support signing of documents at all operational levels.

Report Detail

The policy proposed for Council consideration supports the legal update provided by McLeods to ensure clear guidance is available for executing Shire documents, not only at the highest level, but at operational levels approved by the Chief Executive Officer through position descriptions, statutory appointments/authorities or functions, delegations or sub-delegations or within other roles or via other internal protocols.

Having functional policies aids decision making, supports both consistency and equity in decision making and an effective governance framework.

Murray 2031 Strategic Community Plan

Nil.

Murray 2022 – 2026 Corporate Business Plan

Focus Area	Capable and Accountable
Objective	Murray has a sustainable future.
Strategy	Establish a strong corporate governance framework to ensure high standards of integrity, ethics and accountability.
Actions	Maintain an effective statutory governance framework.

Other Strategic Links

Nil.

Statutory Environment

Local Government Act 1995

2.7. Role of council

- (1) The council —
 - (a) governs the local government’s affairs; and
 - (b) is responsible for the performance of the local government’s functions.
- (2) Without limiting subsection (1), the council is to —
 - (a) oversee the allocation of the local government’s finances and resources; and
 - (b) determine the local government’s policies.

9.49A. Execution of documents

- (3) A document is duly executed by a local government if —
 - (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
 - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.
- (4) The common seal of a local government is not to be affixed to any document except as authorised by the local government.

- (5) The common seal of the local government is to be affixed to a document in the presence of —
 - (a) the mayor or president; and
 - (b) the CEO,
 each of whom is to sign the document to attest that the common seal was so affixed.
- (6) A local government may, by resolution, authorise the CEO, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.
- (7) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.
- (8) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.
- (9) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.

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

The policy provided for consideration will not affect or impact Council’s existing policy framework developed under the *Local Government Act 1995*. Periodic policy development and review to ensure effective policy positions is an expectation, and in some cases a statutory requirement

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	The policy as proposed does not present increased corporate or reputational risk, as clear framework arrangements reduce risk.

Consultation

Nil.

Resource Implications

Nil.

Workforce

Nil.

Options

- 1. Support the recommendation as presented to adopt Policy G1- Execution of Documents.
- 2. Reject the recommendation and determine an alternate position.

Conclusion

Having functional policies aids decision making, supports both consistency and equity in decision making and an effective governance framework.

12.9 Policy Amendment G10 - Appointment of Acting Chief Executive Officer

File Ref:	D22/38721	
Previous Items:	OCM. Jun 2011	Item 10.5.2 (OCM11/099)
	OCM. July 2012	Item 11.2.2 (OCM12/149)
	OCM. Feb 2018	Item 11.7 (OCM18/008)
	OCM. Mar 2021	Item 11.2 (OCM21/033)
	OCM. Jun 2022	Item 12.4 (COM22/070)
Applicant:	Nil.	
Author and Title:	Robert Marlborough, Manager Governance	
Declaration of Interest:	Nil.	
Voting Requirements:	Absolute Majority	
Appendices:	Item 12.9 App 1 - Policy G10 – Temporary Employment or Appointment of Acting Chief Executive Officer	

Recommendation/Council Decision OCM22/151**Moved: Cr S Carter****Seconded: Cr S Kirkham**

That Council, by ABSOLUTE MAJORITY support the amendments to Policy G10 – Temporary Employment or Appointment of Acting Chief Executive Officer, as detailed in the attachment.

CARRIED UNANIMOUSLY 8:0**In Brief**

To consider amendments to the existing Shire of Murray Policy G10 – Appointment of Acting Chief Executive Officer to ensure compliance with the *Local Government Act 1995* and the associated Regulations. The policy, if adopted will be re-titled to Temporary Employment or Appointment of Acting Chief Executive Officer.

Background

All Council policies are periodically reviewed or as otherwise required statutorily to ensure effectiveness and compliance with legislation, and clear alignment with the organisational structure. Council policies are broadly designed to –

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

Council have been previously informed of the priorities for planned local government reform, which commenced on 3 February 2021 following with the formal enactment of the final amendments from the *Local Government Legislation Amendment Act 2019*, which gave effect changes to the *Local Government Act 1995* (the Act), in conjunction with the subsequent publication of the following Regulations:

- *Local Government (Model Code of Conduct) Regulations 2021*;
- *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021*; and
- *Local Government (Administration) Amendment Regulations 2021*.

The Local Government (Model Code of Conduct) Regulations 2021:

- repealed *the Local Government (Rules of Conduct) Regulations 2007*;
- prescribed that a contravention of a local law is a minor breach for the purposes of s.105(1)(b) of the Act; and
- amended *the Local Government Act 1995* by including reference to the code of conduct to be adopted under s5.104 of the Act and prescribes the model Code of Conduct for Council Members, Committee Members and Candidates to be adopted by local governments.

The *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021* amended:

- the *Local Government (Administration) Regulations 1996* to generally provide a Code of Conduct for Local Government Employees. Section 5.51A of the Act requires the Chief Executive Officer to prepare and implement a code of conduct to be observed by employees of the local government.

The *Local Government (Administration) Amendment Regulations 2021* amended the *Local Government (Administration) Regulations 1996* and the Act to deal with matters generally relating to CEO recruitment, performance and termination, which in part brings into effect section 5.39C of the Act, which requires:

All local governments were to adopt a policy that covers the process to be followed by the local government in relation to the following —

- a) the employment of a person in the position of CEO for a term not exceeding 1 year;
- b) the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.

In its guidance on this subject, the Department of Local Government, Sport and Cultural Industries (DLGSC) provided the following notes:

- *Where the role of CEO is not fulfilled for a significant period, this leads to increased risk to the operations and governance of the local government. Therefore, local governments are required to develop and implement a policy that outlines the arrangements to temporarily replace a CEO for any period less than twelve months, for example, when a CEO is on planned or unplanned leave. The policy must include the decision-maker(s) for appointing an acting CEO.*
- *As an example, the policy may include employee position titles, specifying that the Council considers a person holding these positions to be suitably qualified and experienced for the position of CEO. In addition, the policy should also include a methodology for the CEO to appoint an Acting CEO from the listed positions for a period of absence of up to four weeks; however, any decision regarding the appointment of an Acting CEO for any period exceeding four weeks must be made by the council.*

Council has had a Policy in place to deal with the appointment of an Acting Chief Executive Officer for limited periods in the absence of the incumbent Chief Executive Officer (Policy G10) and this report is provided to consider amending this policy to ensure legislative compliance and best practice.

Report Detail

The proposal presented is to amend the current Shire of Murray Policy G10 - Appointment of Acting Chief Executive Officer to ensure the Policy is effective and compliant with the *Local Government Act 1995*, given the recent overarching legislative changes and this further supports the effective ongoing operation of the organisation, by providing clear guidance regarding the appointment of an Acting or Temporary Chief Executive Officer.

The amended policy is provided for Councils consideration within the associated appendix. Proposed amendments are highlighted in bold italic text, and deletions have been struck through.

Murray 2031 Strategic Community Plan

Focus Area	Capable and Accountable
Objective	Murray will have further developed strong leadership through good governance, effective communication and ensuring value for money.
Strategy	Respond efficiently and effectively to the evolving needs of the community.

Murray 2022 – 2026 Corporate Business Plan

Focus Area	Connected and Accessible
Objective	Murray has a sustainable future.
Strategy	Establish a strong corporate governance framework to ensure high standards of integrity, ethics and accountability.
Actions	Maintain an effective statutory governance framework.

Other Strategic Links

Nil.

Statutory Environment

Local Government Act 1995 - Section 2.7 Role of Council

- (1) The council —
 - (a) governs the local government’s affairs; and,
 - (b) is responsible for the performance of the local government’s functions.
- (2) Without limiting subsection (1), the council is to —
 - (a) oversee the allocation of the local government’s finances and resources; and,
 - (b) determine the local government’s policies.

Section 5.39C Policy for temporary employment or appointment of CEO

- (1) A local government must prepare and adopt* a policy that sets out the process to be followed by the local government in relation to the following —
 - (a) the employment of a person in the position of CEO for a term not exceeding 1 year;
 - (b) the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.

* Absolute majority required.

- (2) A local government may amend* the policy.

* Absolute majority required.

- (3) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.

- (4) The CEO must publish an up-to-date version of the policy on the local government’s official website”.

No regulations have been promulgated to give guidance on this matter at the current time. There is a collective industry view that section 5.36(2) of the Act also relates to the position of Acting Chief Executive Officers. This section states:

“A person is not to be employed in the position of CEO unless the council —

- (a) believes that the person is suitably qualified for the position; and
- (b) is satisfied* with the provisions of the proposed employment contract”.

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

The proposed policy amendment aligns with changes to the *Local Government Act 1995* and the associated Regulations. The amendments proposed do not affect other Council policies.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	Implementing the policy change as outlined will not adversely affect the organisations operations and it will improve clarity regarding the appointment of an Acting/Temporary Chief Executive Officer for interim periods, from time to time.

Consultation

Nil.

Resource Implications

Financial

Nil.

Workforce

Nil.

Options

1. Supporting the recommendation presented.
2. Rejecting the recommendation, and determine an alternate position.

Conclusion

The amendments suggested to the existing policy ensures complete compliance with the *Local Government Act 1995* and Regulations, and provides improved guidance for the appointment of an Acting or Temporary Chief Executive Officer from time to time as required. to support the organisation achieving good governance and fulfilling the functions prescribed in s.5.41 of the Act.

13 RECREATION, ECONOMIC & COMMUNITY DEVELOPMENT**13.1 Event Sponsorship - MAX Pinjarra Car Show**

File Ref: D22/37575
Previous Items: OCM. 22 June 2017 Item 11.14 (OCM17/109)
OCM 16 December 2021 Item 11.7 (OCM21/220)
Applicant: MAX Pinjarra
Author and Title: Jennifer Russell, Senior Place and Events Officer
Declaration of Interest: Nil.
Voting Requirements: Absolute Majority
Appendices: Nil.

Recommendation/Council Decision OCM22/152**Moved: Cr S Lee****Seconded: Cr G Black****That Council:**

- 1. Delegates to the Chief Executive Officer to enter into a three (3) year sponsorship arrangement with MAX Pinjarra, contributing \$3,000 annually plus in-kind support through the waiver of venue hire and special event application fees to support delivery of the event in 2023, 2024 and 2025.**
- 2. Advises MAX Pinjarra that the sponsorship arrangement will be subject to acknowledgement of the Shire as a funding partner as part of all future event promotions and that demonstration of this requirement will form a component of the funding acquittals over the three (3) year period.**

CARRIED 7:1

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

Against: Cr David Pike

In Brief

- MAX Pinjarra is a car show held annually on the first Sunday in April at the Sir Ross McLarty Oval Precinct.
- The Shire has been a supporter of the event since its inception in 2010.
- Since its humble beginnings in 2010, MAX Pinjarra attracts over 5,000 attendees each year, peaking to 6000 in 2017, making it a well-attended regional event held in the Murray Region.
- Over 250 entrants attend the event annually with a wide variety of vehicles on display for car enthusiasts and public enjoyment.
- The 2022 event saw 260 entrants with 27% coming from within a radius 50km, 51% between 50-100km and 22% from over 100km.
- Although numbers during the COVID pandemic remained steady, event organisers are keen to expand the program of events, potentially including a drive-in movie the night before, car cruise or further displays utilising the event space and growing its attendance and success.

BackgroundEvent Details

MAX Pinjarra is a not-for-profit organisation that delivers an annual car show on the first Sunday in April at the Sir Ross McLarty Oval Precinct. The event is marketed at car enthusiasts, with a range of family friendly activities.

Local community groups are provided with the opportunity to attend and raise funds for their respective organisations, with their site fees waived. Several are also engaged and remunerated to provide a range of services to the event, such as volunteering, catering, site cleaning, and amusements.

The 2022 event saw over 300 vehicles on display and 3,000 paying visitors (\$10 per adult). Children are free of charge, with an estimated 5,000 people in attendance.

The 2022 entrants represented 78 different postcode locations with 72% of entrants coming from over 50km away.

The event organisers advise that 75% of its vendors, display holders and operators are from within the Peel Region.

Event Sponsorship

For the past 9 years, Healthway has been the major sponsor of the event and will continue to be in 2023.

For the past four years, the Shire has provided an annual financial contribution of \$5,000 (plus in-kind costs) and has paid for waste charges, which supported the delivery of the event in 2018, 2019, 2021 and 2022.

Whilst the event successfully secures additional sponsorship, the Shire (behind Healthway) is its second highest funding partner.

Event Costs

The major costs associated with the event are marketing, infrastructure, management fees and administration, which for the 2023 event is budgeted at approximately \$40,000. The children’s entertainment, volunteer fees and catering are in excess of \$12,000.

Income is generated through vehicle entrants, stall holders and visitor entry fees.

In 2022 the event cost was \$53,781.94 in total and achieved an income of \$59,678.00, resulting in a profit of \$5,896.06.

A breakdown of the costs incurred to run the 2022 event are as follows:

Event Sponsorship	\$5,000	
Special Event Application fee – (includes 50% NFP discount)		\$117.50
Risk Management Plan Assessment		\$355.00
Venue Hire Charges Sir Ross McLarty Oval, Cricket oval and event space – NFP rate x 2 days		\$596.00
Waste Charges – Cleanaway Costs (note: cost is absorbed as part of operational budget)	\$739.00	
Parks and Gardens, additional maintenance Town maintenance crew – based on 4 hours work		\$466.88
Overall support		\$7,274.38

Report Detail

The event organisers have requested Council continue its \$5,000 sponsorship arrangement plus in-kind venue hire, application fees and waste costs for an additional 3 years.

Council currently provides financial assistance through its annual budget to support a number of key events in the Shire of Murray.

Other events of similar scale (attracting 3,000 to 8,000 attendees), along with the amount of sponsorship Council provides for these events are outlined below.

Event	Event Organiser	Est. No. Attendees	Cash Sponsorship
Current Sponsorships			
Fairbridge Festival	Independent	8,000	\$3,000
Pinjarra Garden Day	Community Group	3,000	\$2,500
Dwellingup 100 & Mighty Jarrah Trail Run	Independent/Shire	3,500	\$5,000
Plein Air Down Under	Independent	3,000	\$1,500

Note: Dwellingup 100 is a Shire owned event that is licenced to an event management company to deliver on behalf of the Shire.

MAX Pinjarra has been running since 2010 and is currently one of Pinjarra’s most attended events. Notably however, the Shire’s sponsorship for this event is generally higher than other events attracting a similar number of attendees. For this reason and as the event organisers have not been able to adequately demonstrate an economic benefit to Pinjarra that exceeds the benefit provided by events of similar scale, it is recommended that Council continues its sponsorship under a three-year agreement at a reduced annual sponsorship of \$3,000, with the Shire stipulating outcomes sought from the sponsorship. Outcomes sought are proposed to include methods to measure the economic impact of the event and acknowledgement of the Shire as a funding partner.

Murray 2031 Strategic Community Plan

Focus Area	Places for People
Aspiration	To create great places for the people through strong partnerships with the community; innovative urban design; and improve the well-being and quality of life for residents.
Strategy	In partnership with communities, identify and prioritise community-led projects and initiatives. Develop and facilitate events of a local and regional scale.

Focus Area	Thriving Economy
Aspiration	To create diverse and prosperous economy that supports innovation, training opportunities and provides a variety of business, tourism and employment opportunities.
Strategy	Develop key sectors of the tourism economy where Murray has a competitive advantage.

Murray 2022 – 2026 Corporate Business Plan

Focus Area	Places for People
Objective	Socially connected, safe and cohesive community.
Strategy	Develop and facilitate events of a local and regional scale.

Actions	Support, attract and develop major events. Support community-led events that bring people together to celebrate community or meet neighbours.
Focus Area	Thriving Economy
Objective	An economy that is focused on key success factors for growth; knowledge and innovation; export income and investment; infrastructure and local capacity.
Strategy	Position Pinjarra as a key regional centre through the Pinjarra Revitalisation Strategy.
Actions	Implement initiatives that support and enhance capacity of the local business, tourism and innovation/entrepreneurial sectors.

Other Strategic Links

- Shire of Murray Economic Development Strategy 2018-2022
- Tourism Marketing and Communications Plan 2020-2023
- Pinjarra Revitalisation Strategy 2017

Statutory Environment

Nil.

Sustainability & Risk Considerations

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

Supporting and delivering high quality events provides a time-specific reason for people to visit our places, encouraging repeat visitation and often, valuable social media exposure. This is particularly important for Pinjarra as we develop our tourism product offerings, with events likely to be one of the town’s major drivers for visitation to the town.

Though the total economic benefits associated with the event have not been quantified, the event attracts roughly 5,000-6,000 visitors, positioning it as one of Pinjarra’s largest events behind the Pinjarra Festival.

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

The event provides an opportunity for local community residents to enjoy an event close to home, to participate or volunteer in the event and encourages community connectedness and pride.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	If supported, a risk management plan will be required from the event organisers before event approval is provided.
Low	If sponsorship is provided consistent with other events supported by Council of similar scale, it is unlikely to receive any reputational damage.

Consultation

Shire officers are liaising with the event organisers in relation to the sponsorship request and through the event approval and management process.

Resource Implications**Financial**

Should the Officer recommendation be supported, funds will need to be redirected from the Shire's budgeted surplus.

Workforce

Should the Officer recommendation be supported, any tasks associated with administration of the funding contribution and in-kind support will be adequately managed within existing workforce resources.

Options

1. Entering into a three (3) year sponsorship arrangement with MAX Pinjarra, contributing \$3,000 plus in-kind support through the waiver of venue hire and special event application fees to support the delivery of the event in 2023, 2024 and 2025.
2. Entering into a new three (3) year sponsorship arrangement with MAX Pinjarra, annually contributing \$5,000 plus in-kind support through the waiver of venue hire and special event application fees to support the delivery of the event in 2023, 2024 and 2025.
3. Determining an alternative course of action, funding allocation or funding arrangement.
4. Not supporting a financial commitment towards the 2023 MAX Pinjarra event.

Conclusion

Providing event sponsorship is intended to maximise visitation, deliver a return on investment and/or contribute to Murray's identity and community. The Shire seeks to create a balanced portfolio of events across heritage/arts/culture, sports and community that drives the visitor economy and supports vibrant and sustainable communities.

MAX Pinjarra is a long-running event that attracts around 5,000 - 6,000 attendees annually, positioning it as one of Pinjarra's largest events. The event organisers are continuously exploring ways to value-add to the event and support increased attendance at the event.

The value of an event is not limited to attendee numbers, with a key outcome also being the delivery of unique, quality events and experiences that strengthen awareness of Pinjarra as a destination and catalyse repeat visitation by attendees. Through continued sponsorship over the next three (3) year period, the MAX Pinjarra organisers will be able to work with Shire Officers to strengthen the value add activities to maximise visitation and return on investment.

13.2 Waiver of Fees and Charges - Alcoa and Pinjarra Rotary Art Show and Sale

File Ref: D22/37604
Previous Items: OCM 28 April 2016 Item 11.11 (OCM16/085)
OCM 28 Mar 2019 Item 11.9 (OCM20/039)
Applicant: Pinjarra Rotary Club
Author and Title: Jennifer Russell, Senior Place and Events Officer
Declaration of Interest: Nil.
Voting Requirements: Absolute Majority
Appendices: Nil.

Recommendation/Council Decision OCM22/153

Moved: Cr S Carter

Seconded: Cr S Lee

Recommendation

That Council approves the waiver of special event application and venue hire fees for the Pinjarra Civic Centre and Lesser Hall to the value of \$1,554.50 for the following three years (2023, 2024 and 2025), at the annual hire rate plus GST, and with CPI increases annually, to support the annual Alcoa and Pinjarra Rotary Art Show.

CARRIED 7:1

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

Against: Cr David Pike

In Brief

- The Alcoa and Pinjarra Rotary Art Show has historically formed part of, and been an additional highlight of the successful annual Pinjarra Festival weekend.
- The Alcoa and Pinjarra Rotary Art Show provides the opportunity to showcase and support local artists with the Shire being a long supporter of the event. The Shire of Murray has waived all event application and venue hire fees since 2016, and prior to 2016 granted a reduction in fees.
- Council is requested to consider continuing its support for the Alcoa and Pinjarra Art Show by waiving its event application and venue hire fees and providing it as an in-kind contribution for its 2023, 2024, 2025 events.

Background

The Alcoa and Pinjarra Rotary Art Show (**Art Show**) has historically formed part of the various satellite events held in Pinjarra over the Pinjarra Festival and WA Day June long weekend, with many festival goers opting to visit the Art Show before, during or after attending the Pinjarra Festival.

The Art Show provides the opportunity to showcase and support local artists (including students). The Shire has been a consistent supporter of the event, initially offering reduced venue hire fees, and since 2016 with a fee waiver for the hire of the venues and special event application fees.

Additionally, as part of Council’s annual budget, the provision of \$750 is provided biennially for the purchase of a painting as chosen by the Shire President (or proxy).

Report Detail

Council is requested to consider waiving the special event application and venue hire fees for use of the Pinjarra Civic Centre and Lesser hall for the Art Show which is held over the Pinjarra Festival and WA Day June long weekend.

The current Policy (C10) criteria for Waivers of Fees and Charges is as follows:

Waivers will be considered where the application relates to a free community activity and at least one of the following criteria is met:

- (a) *The activity educates or strengthens communities or complements Council activities;*
- (b) *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;*
- (c) *The purpose of the activity supports the development of infrastructure or services that can be considered the responsibility of Council;*
- (d) *The application supports the activities of an incorporated club or group within the first 12 months of their operation; or*
- (e) *Extenuating circumstances exists.*

This proposal is considered to be in line with the Policy criteria as it complements the event weekend experience, strengthening the Pinjarra Festival’s reputation. Council is therefore requested to consider continuing its support for the Art Show, with the continuation of special event application and venue hire fees offered as an in-kind contribution (waived).

The biennial budget allocation of \$750 would remain for the purchase of the art as chosen by the Shire President (or proxy) and form part of Council’s annual budget review and consideration.

If Council is amenable to this approach, it is requested that this arrangement be implemented for a further three-year period, to support its June 2023 event and be reviewed in early 2026.

Murray 2031 Strategic Community Plan

Focus Area	Places for People
Aspiration	Social connected, safe and cohesive community.
Strategy	In partnership with communities, identify and prioritise community-led projects and initiatives.
	Develop and facilitate events of a local and regional scale.
	Support volunteer opportunities and organisations.

Focus Area	Thriving Economy
-------------------	------------------

Aspiration	An economy that is focused on key success factors for growth; knowledge and innovation; export income and investment; infrastructure and local capacity.
Strategy	Position Pinjarra as a key regional centre through the Pinjarra Revitalisation Strategy.

Murray 2021 – 2025 Corporate Business Plan

Focus Area	Places for People
Objective	Socially connected, safe and cohesive community.
Strategy	Develop and facilitate events of a local and regional scale.
Actions	Support community-led events that bring people together.
Objective	Encourage an active and healthy community.
Strategy	Develop and support activities that encourage an active and healthy lifestyle.
Action	Improve participation in arts and culture activities.

Focus Area	Thriving Economy
Objective	An economy that is focused on key success factors for growth; knowledge and innovation; export income and investment; infrastructure and local capacity.
Strategy	Position Pinjarra as a key regional centre through the Pinjarra Revitalisation Strategy.
Actions	Implement initiatives that support and enhance capacity of the local business, tourism and innovation/entrepreneurial sectors.

Other Strategic Links

- Pinjarra Town Centre Revitalisation Strategy 2017
- Economic Strategy 2018-2022
- Tourism, Marketing and Communications Plan 2020-2023

Statutory Environment

Nil.

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 Art Show attracts many visitors from around the Peel region and forms an integral part of the annual Pinjarra Festival.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	By not continuing to support this organisation and popular event, there is a potential risk of reputational damage.

Consultation

Shire officers are in communication and consultation with the Pinjarra Rotary.

Resource Implications*Financial*

Waiver of fees in the amount of \$1,554.50 (plus GST and CPI increases) over the next three years.

Workforce

Nil.

Options

1. Waiving the total value of special event application and venue hire fees.
2. Offering a reduction to the special event application and venue hire fees.
3. Not approving any waiver or reduction of fees and charges in support of the event.

Conclusion

The annual Art Show attracts many visitors to the Shire, who then take time to attend the Pinjarra Festival and other events held in the Murray Region over the WA Day June long weekend. The event also adds to the value of the Pinjarra Festival, increasing its scale and providing additional reasons to attend for different interest groups. Collectively, the event provides increased economic benefits to the local business and arts community.

The event also provides opportunities to support local artists (and students) and build on Pinjarra's reputation as a community that supports art and cultural related activities and initiatives.

It is requested that this proposal be considered for a period of three years, to maximise workforce efficiencies and to demonstrate Council's long-term support of this highly valued annual event.

14 INFRASTRUCTURE SERVICES

14.1 Tender T22/04 - Batavia Quays, South Yunderup Finger Jetty and Boat Ramp Upgrade

File Ref: D22/37767
 Previous Items: OCM 29 Sept 22 Item 14.2 (OCM22/121)
 Applicant: Nil.
 Author and Title: Darko Bertram, Development/ Project Engineer
 Declaration of Interest: Nil.
 Voting Requirements: Simple Majority
 Appendices: Item 14.1 App 1 - Confidential Assessment Report - Tender T22-4 Batavia Quays, South Yunderup Finger Jetty and Boat Ramp Upgrade - Confidential

Recommendation/Council Decision OCM22/154

Moved: Cr D Pike
Seconded: Cr G Black

That Council endorses the preferred tenderer(s) for the Batavia Quays, South Yunderup Finger Jetty and Boat Ramp Upgrade.

CARRIED UNANIMOUSLY 8:0

In Brief

Council are requested to endorse the preferred tenderer(s) for the Batavia Quays, South Yunderup Finger Jetty and Boat Ramp Upgrade. This project is progressing after successfully obtaining funding via Round 26 of the Recreational Boating Facilities Grant Scheme.

Background

In 2020 funding was obtained from the Department of Transport’s Recreational Boating Facilities Scheme to complete a report and specification related to the Batavia Quays, South Yunderup Finger Jetty and Boat Ramp Upgrade. The construction of a floating jetty will greatly enhance accessibility and promote visitation to the region for the recreational boating community.

In 2021 an application for recreational boating facilities scheme funding to complete the Batavia Quays, South Yunderup Finger Jetty and Boat Ramp Upgrade was successful.

The scope of the works involved two distinct construction and fabrication tasks, therefore the project could be separated into two parts including the floating jetty and the boat ramp upgrade. It was decided to structure the tender as separable portions to enable flexibility in the selection of contractor or contractor’s able to complete the works. The separable portions are:

Part 1 – Fabrication & Installation of Floating Jetty and

Part 2 – Boat Ramp Extension and Jetty Abutment Demolition & Retaining.

Report Detail

The Confidential Assessment Report contains a detailed evaluation report.

Murray 2031 Strategic Community Plan

Focus Area	Places for People
Aspiration	To create great places for the people through strong partnerships with the community; innovative urban design; and improve the well-being and quality of life for residents.
Strategy	Connect the natural assets, waterways, parks and reserves to the community.

Murray 2021 – 2025 Corporate Business Plan

Focus Area	Places for People
Objective	Maximise and Connect the natural assets to the community.
Strategy	1.2.1 Connect the natural assets and waterways, parks and reserves to the community.
Actions	1.2.1.2 Progressively improve and activate family-friendly foreshore reserves.

Other Strategic Links

Nil.

Statutory Environment

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Sustainability & Risk Considerations

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

The upgrade will result in increased visitation to the area by recreational boat users.

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

Provision of a floating jetty will provide easier access for recreational boat users and increased patronage to surrounding areas.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

G11 Purchasing Policy

The Shire of Murray is committed to delivering best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance and that comply with the *Local Government Act 1995* (the ‘Act’) and Part 4 of the *Local Government (Functions and General) Regulations 1996*, (the ‘Regulations’).

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	The project is well within budget and a sufficient contingency to mitigate any financial risks.

Consultation

M P Rogers & Associates Marine Consulting Engineers.

The tender was advertised in the West Australian newspaper Saturday.

Resource Implications

Financial

All details are contained within the Confidential Assessment Report.

Workforce

The project is being coordinated within existing staff resources.

Options

1. Accept the recommended tenderer(s).
2. Rejecting all tenders.

Conclusion

All details are contained within the Confidential Assessment Report.

14.2 Amendment to the Dedication of Various Laneways (Adjacent to First and Second Street), Pinjarra

File Ref:	D22/37999		
Previous Items:	OCM Aug 2022	Item 14.1	(OCM22/104)
	OCM May 2019	Item 11.16	(OCM19/086)
	OCM May 2019	Item 11.17	(OCM19/087)
Applicant:	Nil.		
Author and Title:	Sarah Garbin, Executive Support Infrastructure Services		
Declaration of Interest:	Nil.		
Voting Requirements:	Simple Majority		
Appendices:	Nil.		

Recommendation/Council Decision OCM22/155

Moved: Cr A Rogers

Seconded: Cr S Kirkham

That Council:

1. Requests the Minister of Planning, Lands and Heritage to dedicate Lot 166 and Lot 33 Second Street as a Right of Way pursuant to Section 52 (Acquisition) and Section 56 (Dedication) of the *Land Administration Act 1997*.
2. Indemnifies the Minister of Planning, Lands and Heritage against any claim for compensation arising from this dedication.

CARRIED UNANIMOUSLY 8:0

In Brief

- Laneways are not formally dedicated as Right of Ways.
- Need to progress through the Department of Planning, Lands and Heritage.
- Dedication is through the *Land Administration Act 1997*.

Background

Through a review it was identified that some Right of Ways (RoW) within Pinjarra (adjacent to First and Second Street) have not been dedicated and there is a need to dedicate in accordance with Section 52 and Section 56 of the *Land Administration Act 1997*. The function of the laneways, Lots 166 and 33 have not changed and therefore the need to formalise the RoW through the *Land Administration Act*.

Report Detail

It has been identified that some RoW's were not formally dedicated and it is proposed that the Shire of Murray formalise the dedication of Lot 166 and Lot 33 under the *Land Administration Act 1997*. This will enable RoW's to become legally recognised as a right of access for public access under the care, control and management of the Shire of Murray as per the following plans:







Murray 2031 Strategic Community Plan

Focus Area	Connected and Accessible
Aspiration	Promote an efficient and accessible local and regional transport network.
Strategy	Improve the amenity and functionality of the street network and town entrances.

Other Strategic Links

Nil.

Statutory Environment

Section 52 of the *Land Administration Act 1997*.

Section 56 of the *Land Administration Act 1997*.

Regulation 8 of the *Land Administration Regulation 1998*.

Sustainability & Risk Considerations

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

There is minor cost implication to implement the dedication [process that will be managed within existing resources.

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	Should the process not be progressed the Right of Way won't be dedicated and potentially limit property access and future adjacent development and not reflect the Shire of Murray care, control and management of infrastructure within the road reserve.

Consultation

Department of Planning, Lands and Heritage.

Resource Implications*Financial*

Costs to be managed within existing resources.

Workforce

Within the scope of the Infrastructure Services department provision of services.

Options

Council has the option of:

1. Supporting the dedication of laneways adjacent to First and Second Street. Right of Ways.
2. Not supporting the dedication of laneways adjacent to First and Second Street. Right of Ways.

Conclusion

It is recommended the Shire formally request the Minister of Planning, Lands and Heritage to the RoW's (Lots 166 and 33) adjacent to First and Second Street in Pinjarra as a public access to formalise the infrastructure being under the care, control and management of the Shire of Murray, with the process then formally administering the legal recognition of the laneways.

14.3 40km/h Zone - George Street, Pinjarra

File Ref:	D22/38290
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Alan Smith, Director Infrastructure Services
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Nil.

Recommendation/Council Decision OCM22/156**Moved: Cr S Carter****Seconded: Cr S Kirkham****That Council support Main Roads Western Australia in changing the speed zone within George Street, Pinjarra to 40km/h.****CARRIED 7:1**

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

Against: Cr David Pike

In Brief

- Main Roads are responsible for the approval and management of speed zones within all road networks.
- Main Roads are progressively changing the speed zones within all town areas to improve safety for vehicles and pedestrians.
- A number of recent conflicts within George Street between vehicles and pedestrians reinforces the need to transition to a reduced speed environment.
- The Shire of Murray, Main Roads and Police have undertaken site inspections to work toward the transition of the speed zone.

Background

Main Roads have approached the Shire of Murray to transition the speed limit in George Street, Pinjarra to 40km/h. Main Roads have progressively been transitioning the speed environment in the main street of various town sites within the South West to the new speed environment to reinforce driver behaviour. These actions are primarily around enabling an improved safety for pedestrians and to reinforce to drivers to be cautious when transitioning through town areas.

Report Detail

Recently within the Pinjarra town centre a Gopher and a Cyclist were struck by vehicles in separate incidences, reinforcing the need to better enable traffic behaviour. With a lower speed limit and awareness these instances can either be avoided or the severity reduced.

The Shire have also been approached by the local Police supporting the reduction in speed through the Main Street, they emphasised that any reduction in speed has a very strong link to road safety, especially when pedestrians are involved. The Police attended both incidences where the Gopher and Cyclist were struck with both having the potential of being significantly worse.

As part of the change in speed zone, Main Roads will also rationalise the balance of speed zone areas on the approach and through the Pinjarra town site, including the School Zone to provide an improved outcome and better transition the speed zone areas.

Murray 2031 Strategic Community Plan

Focus Area	Places for People
Aspiration	Socially connected, safe and cohesive community.
Strategy	Ensure the safety of our community.

Murray 2021 – 2025 Corporate Business Plan

Nil.

Other Strategic Links

Nil.

Statutory Environment

Nil.

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 safety of the community is paramount, the reduction in speed through the town centre will work toward an improved and safer pedestrian space.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	Main Roads have the responsibility of managing speed zones and are progressively working with Local Government to lower the speed within town areas to 40km/h. They typically request the support of the local authority when changing speed zones but do not require the Local Governments approval to progress.

Consultation

- Main Roads Western Australia
- Western Australian Police

Resource Implications

Financial

The Shire will work with Main Roads on whether new traffic nibs will be required to support any relocation of the school zone. Should these nibs be required the Shire will undertake the physical works to meet our Main Street expectation with costs being managed within existing budgets.

Workforce

Any project works will be managed from existing resources.

Options

1. Support the introduction of the 40km/h speed zone for George Street, Pinjarra.
2. Not support the introduction of the 40km/h speed zone for George Street, Pinjarra.

Conclusion

The introduction of a reduced speed to 40km/h within George Street, Pinjarra will help reinforce driver behaviour and provide increased safety for pedestrians. It is well known that reducing vehicle speed will also reduce crash severity, this is extremely important when you are dealing with pedestrians.

Both Main Roads and the local Police are fully supportive of the transition of the Speed Zone within George Street, Pinjarra to 40km/h.

15 ITEMS FOR INFORMATION

15.1 Delegated Development Application Decisions – October 2022

File Ref: D22/37522

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

Appendices: Item 15.1 App 1 - Delegated Decisions for October 2022

In Brief

Delegated Decisions are attached for information.

15.2 Outstanding Council Resolutions - November 2022

File Ref: D22/39408

Author and Title: Denise Garner, CEO Executive Support Officer

Appendices: Item 15.2 App 1 - Outstanding Council Resolutions - November 2022

In Brief

The Outstanding Council Resolution Register 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

20 MEETING CLOSED TO THE PUBLIC (CONFIDENTIAL BUSINESS)

Recommendation/Council Decision OCM22/157

Moved: Cr S Kirkham

Seconded: Cr S Lee

That Council proceeds behind closed doors as per Section 5.23(2)(c) of the *Local Government Act 1995* for the purpose of considering the following confidential item:

CARRIED UNANIMOUSLY 8:0

Council went behind closed doors at 6.17pm

Recommendation/Council Decision OCM22/158

Moved: Cr S Kirkham

Seconded: Cr G Black

20.1 Australia Day Community Citizen of the Year Awards 2023

Council endorsed OCM22/159 behind closed doors which will remain confidential until Australia Day 2023.

CARRIED UNANIMOUSLY 8:0

Council Decision OCM22/160

Moved: Cr S Lee

Seconded: Cr A Rogers


That Council came out from behind closed doors at 6.20pm.

CARRIED UNANIMOUSLY 8:0

21 CLOSURE OF MEETING

There being no further business the Presiding Member declared the meeting closed the time being 6.20pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 15 December 2022.



.....
PRESIDING OFFICER