



Minutes

Ordinary Council Meeting

Thursday 29 September 2022

5.00pm

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Minutes of Shire of Murray Ordinary Council Meeting held at the Murray Shire Council, 1915 Pinjarra Road, Pinjarra on Thursday, 29 September 2022

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member, Cr D Bolt declared the meeting open the time being 5.00pm.

2 ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

PRESENT

Cr David Bolt (President), Cr Douglas McLarty (Deputy President), 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), Tracie Unsworth (Director Corporate Services), Belinda Brown (Minute Taker)

APOLOGIES

Nil.

LEAVE OF ABSENCE

Nil.

There were Eleven (11) members of the public, Three (3) members of staff in attendance at this time.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4 PUBLIC QUESTION TIME

Nil.

5 PETITIONS AND APPROVED DEPUTATIONS

5.01pm **Michelle (Mitch) Stone** – Item 13.3 Sublease of the Liveringa Art Gallery

Cr D Bolt thanked **Ms Stone** for her deputation which concluded at 5.11pm.

5.11pm **Stephen Carter** – Item 11.1 – Proposed Structure Plan – Lot 1221 Lakes Road and Lot 1400 Paterson road, Nambeelup.

Cr D Bolt thanked **Mr Carter** for his deputation which concluded at 5.19pm.

5.20pm **Lorraine Elliott** – Item 11.2 – Proposed Structure Plan – Lot 51 McLarty Road, Pinjarra.

Cr D Bolt thanked **Ms Elliott** for her deputation which concluded at 5.21pm.

6 CONFIRMATION OF MINUTES

6.1 Ordinary Council Meeting – 25 August 2022

Recommendation/Council Decision OCM22/108

Moved: Cr A Rogers

Seconded: Cr S Lee

That the Minutes of the Ordinary Council Meeting held on Thursday 25 August 2022 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY 8:0

7 ANNOUNCEMENTS BY THE PRESIDING MEMBER

On Monday 29 August, I attended the Official Welcome to the Malaysian Government delegates at the Shire of Murray Lesser Hall with the CEO and Shire Councillors. I then attended a meeting with Cr Rogers & Cr McLarty regarding Development Assessment Panel process and regulations. That afternoon I attended a Pinjarra Senior High School Board Meeting.

On 30th and 31st of August I attended a two-day virtual workshop and summit in Melbourne on Advanced Air Mobility covering Electric Aircraft, Government Regulations, Planning Policies, and Vertiport Infrastructure. I also attended a community meeting regarding a local planning application for Pinjarra.

On Thursday 1 September, I participated online in the Outer Metropolitan Joint Development Assessment Panel meeting which was held online. Other participants included Cr Rogers and Several Shire of Murray planning officers.

On Friday 2 September, I attended a Strategic Plan planning workshop session at the Shire of Murray with the CEO and, Director Place, Community and Economic Development. I then attended the Exchange Hotel Working Group meeting which was held at the Shire of Murray offices where we discussed operation, design and fit out plans.

On Thursday 8 September, I attended the WALGA State Council Regional meeting for the Peel Country Zone where we discussed local projects and State and Federal Government investments in the Peel Region. This meeting was hosted by the Shire of Serpentine-Jarrahdale. That evening I attended a farewell function for the Malaysian Government Delegates in the town of Dwellingup.

On Friday 9 September, I attended a Pinjarra Men's Shed planning meeting which was held in Pinjarra. That afternoon the CEO, Shire officers and I met with Robyn Clarke MLA and the Minister for Environment, Hon. Reece Whitby MLA to discuss several environmental challenges within the Shire.

On Sunday 11 September, I attended the Hotham Valley Railway Celebrations which were held in Dwellingup.

On Monday 12 September, I attended a meeting at the Shire of Murray with the Director Infrastructure Services, CEO of Rivers Regional Council, and local industry representatives to discuss Food Organics, Garden Organics (FOGO) processing opportunities and servicing within the Shire of Murray.

On Thursday 15 September, I participated in two interviews with ABC Radio Perth and ABC Southwest regarding the Pinjarra Drive-in event. I then attended a catch-up meeting with the CEO at the Shire of Murray. That afternoon I participated in an interview with 6PR Radio regarding the Pinjarra Drive-in event. I then attended a Dwellingup project discussion at the Shire of Murray with the CEO and Chair of the PDC.

On Friday 16 September, I attended a meeting with Robyn Clarke MLA, the CEO, Director Infrastructure Services and Director Planning and Sustainability to discuss environment and community issues.

On Monday 19 September, I participated online to discuss the CHRMAP progress with the CEO, Cr McLarty (online) and Director Planning and Sustainability at the Shire of Murray offices. That afternoon I attended the Dwellingup Futures Implementation Advisory Committee meeting which was held at the Shire of Murray offices. This meeting was also attended by representatives from the PDC, various State Government Departments, Industry Representatives, and other Dwellingup Community stakeholders. The CEO and I then met with representatives from Alcoa to discuss local projects and funding.

On Tuesday 20 September, I attended a breakout session for the Natural Resource Management and Coastal Conference hosted at the Bush Fire Centre of Excellence where I made a short presentation to the group.

On Sunday 25 September, I attended the Plein Air Outdoor Painting Festival in Pinjarra.

On Monday 26 September, I attended the Plein Air Festival in Mandurah where I assisted with the judging of the Pinjarra Acquisitional Award. I then presented two awards, one on behalf of the Peel Development Commission and the other on behalf of the Shire of Murray and Pinjarra Connect.

On Wednesday 28 September, I attended an Aboriginal Engagement, Strategic Community Plan workshop which was held at the Murray Districts Aboriginal Association.

On Thursday 29 September, I participated in the making of a Road Safety Promotional Video for the Shire of Murray. I then attended the 2022 Rates Incentive Prize Draw which was held at the Shire of Murray offices. That evening I presided at the Shire of Murray September Ordinary Council Meeting held at the Council Chambers. After which I attended the Community Networking Forum which was held at the Shire of Murray Civic Centre.

8 ANNOUNCEMENTS BY ELECTED MEMBERS

Cr Douglas McLarty, Deputy Shire President

On Monday 29 August, I attended the Official Welcome to the Malaysian Government delegates at the Shire of Murray Lesser Hall.

On Friday 2 September, I attended the Exchange Hotel Working Group meeting which was held at the Shire of Murray offices.

On Thursday 8 September, I attended the State Council Regional Meeting, Peel Country Zone – Forum: State and Federal Government Investment in the Peel Region, which was held at the Shire of Serpentine-Jarrahdale Civic Centre. That evening I attended the farewell function for the Malaysian Government Delegates in Dwellingup.

On Monday 19 September, I participated online for the Coastal Hazard Risk Management Adaption Plan meeting which was held at the Shire of Murray with the CEO, Cr David Bolt and Rod Peake, Director Planning and Sustainability at the Shire of Murray offices.

On Thursday 29 September, I attended the Rates Incentive Prize Draw which was held at the Shire of Murray offices. That evening I attended the Shire of Murray September Ordinary Council Meeting held at the Council Chambers. I then attended the Community Networking Forum which was held at the Shire of Murray Civic Centre.

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

Cr S Kirkham declared an Impartiality Interest in **Item 13.2 – Support CCTV Installation at Coolup Hall** in that he and his wife Lynda are members of the Coolup Progress Association and Lynda is also the Treasurer.

Cr A Rogers declared an Impartiality Interest in **Item 13.2 – Support CCTV Installation at Coolup Hall** in that she is the President of the Coolup Progress Association and has been involved in the discussions relating to this agenda item.

Cr G Black declared an Impartiality Interest in **Item 13.3 - Subleasing of Liveringa Gallery - Edenvale Heritage Precinct** in that he is the Chairman of Friends of Edenvale.

Cr D Bolt declared an Impartiality Interest in **Item 13.3 - Subleasing of Liveringa Gallery - Edenvale Heritage Precinct** in that his IT Company has provided free IT support to the Murray Arts Group.

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 Proposed Structure Plan - Lot 1221 Lakes Road and Lot 1400 Paterson Road, Nambeelup**

File Ref: D22/30169
Previous Items: OCM 25 Aug 22 Item 11.1 (OCM22/098)
Applicant: CLE Town Planning and Design
Author and Title: Gregory Delahunty, Manager Planning
Declaration of Interest: Nil.
Voting Requirements: Simple Majority

Appendices: Item 11.1 App 1 - Proposed Structure Plan
Item 11.1 App 2 - Nambeelup Industrial Area District Structure Plan
Item 11.1 App 3 - Schedule of Modifications
Item 11.1 App 4 - Schedule of Submissions

Recommendation/Council Decision OCM22/109

Moved: Cr S Lee

Seconded: Cr S Carter

That Council resolves to recommend to the Western Australian Planning Commission that the proposed Structure Plan as set out in Appendix 1 should be approved, subject to the following:

- 1. The Structure Plan Map being modified to replace the Service Commercial zoned land east of the central Public Open Space with Nambeelup Industrial zoned land and the resultant areas of each zone in Table 1: Land Use Summary be modified accordingly.**
- 2. The Structure Plan Map being modified to identify a suitable site for an interim water supply consistent with the District Structure Plan.**
- 3. The Structure Plan map being modified to expand the Central Public Open Space area by approximately 6.5Ha to maintain an appropriate north south ecological linkage through the structure plan area, including the area of Banksia woodland to the west of the existing proposed central open space corridor.**
- 4. The Part 1, Section 7.1 heading being modified to read – ‘7.1 Design Guidelines’ and the text modified to the following:**

Design Guidelines are to be prepared as a precursor to development. Conditions will be applied to future planning stages (i.e. subdivision) that require the preparation of Design Guidelines that will address matters, including, but not limited to:

- a. Vehicular access restrictions and parking;***
- b. Interface with Lakes and Paterson Roads;***
- c. Site Layout and Building Orientation;***
- d. Setbacks;***
- e. Built form, materials and articulation;***
- f. Landscaping;***
- g. Signage;***
- h. Fencing;***
- i. Site coverage;***
- j. Environmentally sustainable design;***
- k. Lots with direct boundary frontage (primary or secondary) to an area of a Public Purpose reservation.***

- 5. The Part 1, Section 8.0 – Other Requirements to add the following:**

ADDITIONAL INFORMATION	APPROVAL STAGE	CONSULTATION REQUIRED
Independent Road Safety Design Audit	Subdivision Application	Shire of Murray
Infrastructure Services Staging Plan	Subdivision Application	Shire of Murray
Foreshore Management Plan	Prior to Subdivision Application	Shire of Murray
Design Guidelines	Subdivision Approval Condition	Shire of Murray

6. Include new section in Part 1 titled '*7.3 – Development Contributions*' that states as follows:

A Development Contribution Plan or alternative mechanism for the equitable provision of shared infrastructure will be required to enable the coordinated delivery of shared infrastructure across the wider Nambeelup Industrial Area as identified in the Nambeelup Industrial Area District Structure Plan. In addition to the items identified in the District Structure Plan, a contribution will be required for the upgrade of the Paterson Road traffic bridge located to the south west of this Structure Plan area.

7. The Local Government's Schedule of Modifications contained at Appendix 3.

8. The Public Agency requested modifications contained within the Schedule of Submissions at Appendix 4.

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

Against: Cr Douglas McLarty

CARRIED 7:1

Dr D McLarty moved an Amendment to remove point 3 from the officer recommendation. This lapsed due to the lack of a seconder.

LAPSED

In Brief

- The proposed Structure Plan covers approximately 201 hectares of land within the Nambeelup Industrial Area.
- The proposed Structure Plan is broadly consistent with the Nambeelup Industrial Area District Structure Plan.
- It is recommended that Council recommend approval of the proposed Structure Plan to the Western Australian Planning Commission (WAPC), subject to a number of modifications.

Background

August Council Meeting

The proposal was considered by Council at its meeting on 25 August 2022, where it was resolved to defer the item at the request of the applicant until the September 2022 meeting. The applicant's request to defer the item was to provide time for it to further consider and discuss the

recommendation to expand the central Public Open Space to accommodate existing banksia woodland.

Context

Land within Nambeelup has been identified for a major industrial area in endorsed strategic planning documents over a long period. This planning framework includes the Inner Peel Region Structure Plan (1997), the Economic and Employment Lands Strategy (2012) and the South Metropolitan Peel Sub-regional Planning Framework (2018).

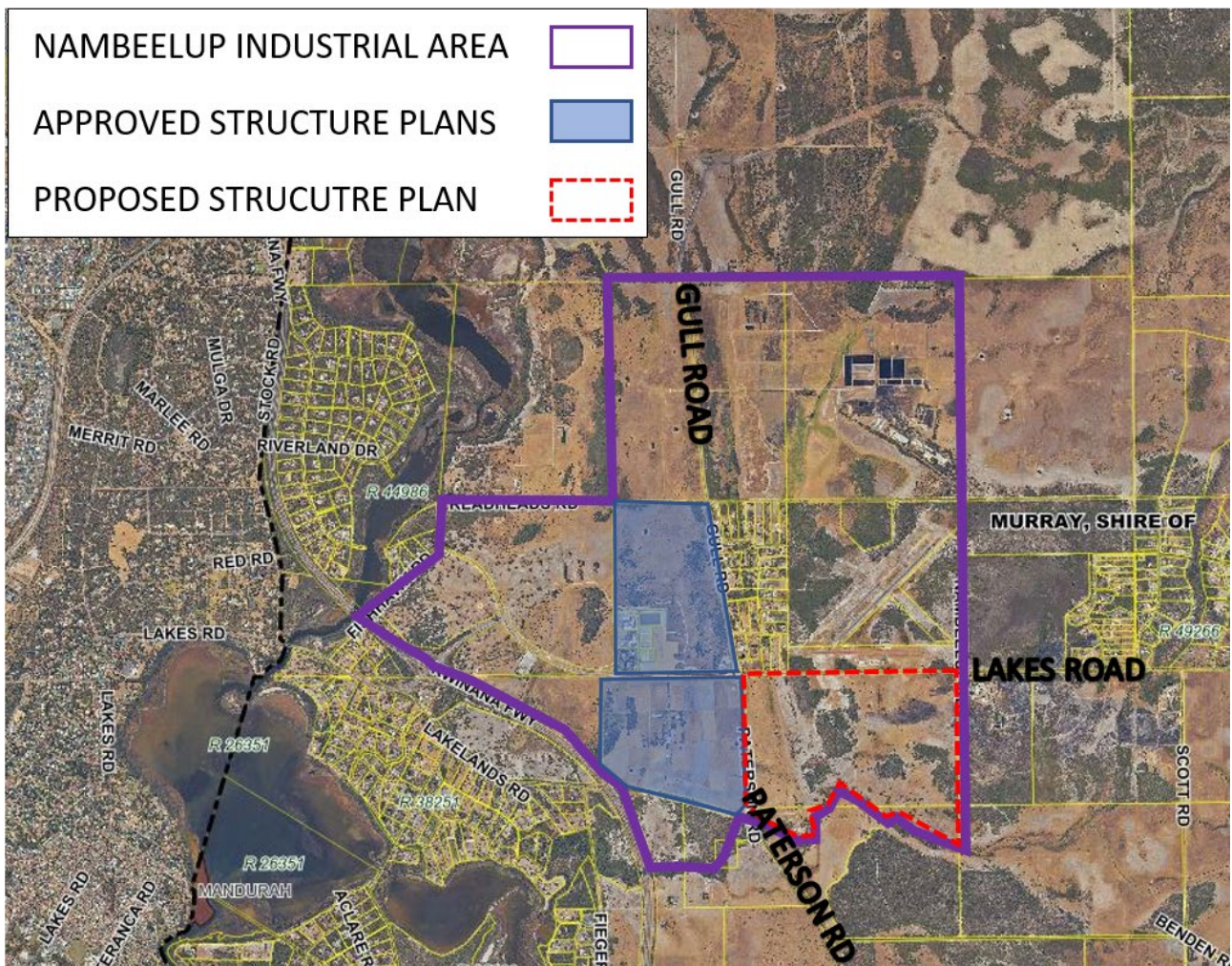
Establishment of an industrial area at Nambeelup has also been identified as a key transformational project under the Peel Regional Investment Blueprint (2015). This blueprint document envisages the Nambeelup Industrial Area as a project that will stimulate industrial related job and economic growth for the Peel region.

In December 2015, the WAPC endorsed the Nambeelup Industrial Area District Structure Plan, (DSP) which identified around 1,000 hectares of land for future industrial purposes. Preparation of the District Structure Plan involved planning, environmental, drainage and infrastructure investigations and two phases of public consultation in 2012 and 2014. The District Structure Plan provides guidance for the detailed planning and development of the industrial area and broadly addresses land requirements for regional roads, provision of open space and drainage requirements.

In April 2016, the District Structure Plan was formally released. At the same time, the State Government announced \$45.3 million in Royalties for Regions funding for the Transform Peel Initiative which included amongst other things the planning, design and construction of trunk infrastructure to support the development of the first 290 hectares of land in the Nambeelup Industrial Area.

Amendment No. 311 to the Shire's Local Planning Scheme No.4 (LPS4), which rezoned the subject land from Rural to Industrial Development – Nambeelup, was gazetted in November 2020.

Two existing Structure Plans covering around 228Ha have already been approved within the Nambeelup Industrial Area, north-west and west of the proposed Structure Plan area. A first stage of subdivision was released north of Lakes Road in 2019 which comprises nine industrial lots together with associated local roads and servicing.



Location Plan

Report Detail

The proposed Structure Plan includes the following key elements:

- 19.89 Ha of Service Commercial zoned land.
- 87.12 Ha of Nambelup Industrial zoned land.
- 38.69 Ha of reserves including recreation / conservation reserves, drainage reserves and road reserves.

A copy of the proposed Structure Plan can be viewed at **Appendix 1**.

Murray 2031 Strategic Community Plan

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	Build and maintain the Transform Peel Initiative.

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.

Other Strategic Links

South Metropolitan Peel Sub-regional Planning Framework

The South Metropolitan Peel Sub-regional Planning Framework identifies the subject land as Industrial Expansion.

Nambeelup Industrial Area (NIA) District Structure Plan (DSP)

The DSP sets the vision that the NIA will be a modern well-planned industrial business park designed to protect and benefit from the area’s environmental features and provide a major new focus of economic activity, employment growth and service delivery for the Peel region. A copy of the DSP can be viewed at **Appendix 2**.

Service Commercial Zone

The DSP provides the option for either Service Commercial or Light Industrial zoned land fronting Lakes Road and Paterson Road, terminating to the west of the proposed central open space reserve. This is different to the proposed Structure Plan which proposes a Service Commercial Zone for the full Lakes Road frontage.

As a Light Industry Zone does not exist within LPS4, only Service Commercial land has been provided in the proposed Structure Plan and the other approved Structure Plans within the NIA. Therefore, the inclusion of additional Service Commercial land, above what was identified in the DSP is not supported, as it may impact the opportunity to maximise industrial land uses within the NIA. The land uses permissible in the Service Commercial Zone are less compatible with Industrial land uses than what could be expected to be found in a light industry zone. Therefore, an oversupply of Service Commercial land should be avoided in order to reduce the risk of land use conflicts. The extension of the Service Commercial area to the south of Paterson Road is relatively minor and is supported.



Comparison Between Service Commercial Land in the DSP (left) and proposed Structure Plan (right)

It is recommended that the proposed Structure Plan Map be modified to replace the Service Commercial zoned land east of the central Public Open Space with Nambeelup Industrial zoned land and the resultant areas of each zone in Table 1: Land Use Summary be modified accordingly.

Design Guidelines

The DSP identifies that local Structure Plans will need to be supported by specific design guidelines and policy measures approved by the Council prior to any subdivision or development. This approach has been followed with other Structure Plans approved in the area. It is recommended that the part one section of the proposed Structure Plan be updated to reflect this.

Development Contributions

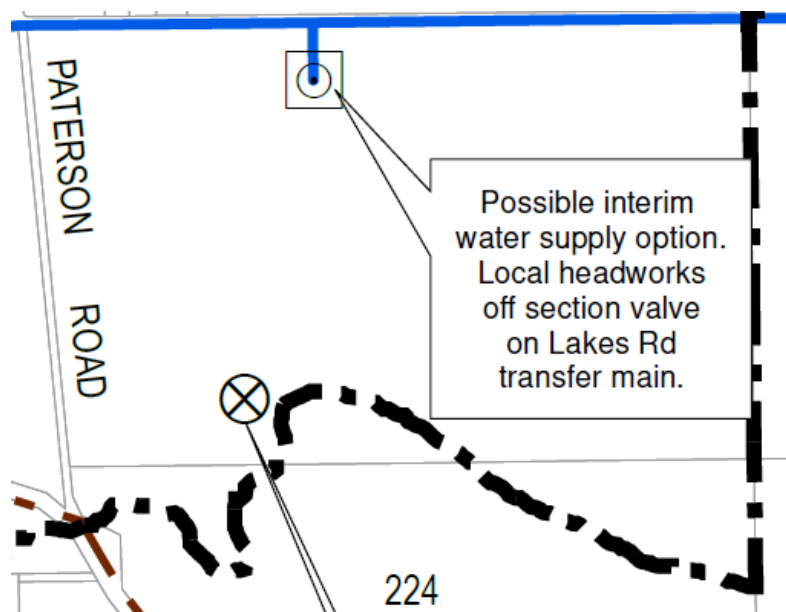
The DSP acknowledges that a development contribution plan (DCP) or alternative mechanism for the equitable provision of infrastructure will be required to deliver development contributions for

shared road, drainage and other infrastructure to service the DSP area. Funding provided by the Royalties for Regions scheme has already provided some of this infrastructure. There is a recognition across the Nambeelup Industrial Area landowners that the shared infrastructure identified in the DSP (generally) will need to be provided by the landowners as development proceeds and that an equitable mechanism is needed to share the costs of this infrastructure. The model to be used is currently being developed in collaboration with the landowners, Shire and the Department of Planning Lands and Heritage. The proposed Structure Plan should be amended to require a DCP or alternative mechanism for equitable provision of shared infrastructure contemplated by the DSP.

Infrastructure Services

It is noted that no staging plan has been included as part of the proposed Structure Plan. Given the lack of a DCP and the lack of a staging plan, it is therefore recommended that an Infrastructure Services Staging Plan needs to be provided prior to subdivision. This plan will show the proposed subdivision staging and infrastructure deliverables listed at each stage of development for clarity.

The Water Corporation has identified that in order to ensure that there is an interim water supply to the proposed Structure Plan area, a site of approximately 2,000m² for a water storage tank and an access track should be identified on the proposed Structure Plan. This is agreed and should be included on the structure plan map. The approximate location is depicted on the DSP.



Proposed Interim Water Supply Option.

Road Network

The proposed vehicular access at subdivision stage will require an independent Road Safety Design Audit of the proposed intersection geometry with Lakes Road and Paterson Road. This is required in order to demonstrate, depending the road operating conditions, that the proposed access strategy has accommodated the road and intersection geometry standards, is reflected in the proposed subdivision road reservation and the lot layout.

The complete subdivision of land is contingent on the forward planning and staged construction of the ultimate Lakes Road and Paterson Road network. At subdivision application stage the proposed local road network design will also be subject to an independent Road Safety Design Audit and a Pre-Opening Audit with Shire of Murray representation. The submitted Traffic Impact Assessment (Transcore April 2022) did not resolve road hierarchy adequately to service the development and assumptions at this point in time do not adequately address the design requirements of Lakes Road and Paterson Road. This will be resolved with subdivision application conditions for the access and intersections being put through an independent Road Safety Design Audit process with the Shire of Murray consulted.

Statutory EnvironmentPlanning and Development (Local Planning Schemes) Regulations 2015

The *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) advises 'a standard structure plan means a plan for the coordination of future subdivision and zone of an area of land.'

The Regulations also advise 'a structure plan in respect of an area of land in the Scheme are may be prepared if:

- (a) the area is
 - (i) all or part of a zone identified in the Scheme as an area suitable for urban or industrial development, and
 - (ii) identified in this Scheme as an area requiring a structure plan to be prepared before any future subdivision or development is undertaken.'

Shire of Murray Local Planning Scheme No.4 (LPS4)

The subject land is zoned *Industrial Development – Nambeelup* under the provisions of LPS4. Under this zone subdivision or development should not be commenced or carried out until a structure plan has been prepared and approved by the Western Australian Planning Commission.

Sustainability & Risk Considerations

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

The proposed structure plan progresses the NIA which is a key driver of the future employment growth for the Peel Region.

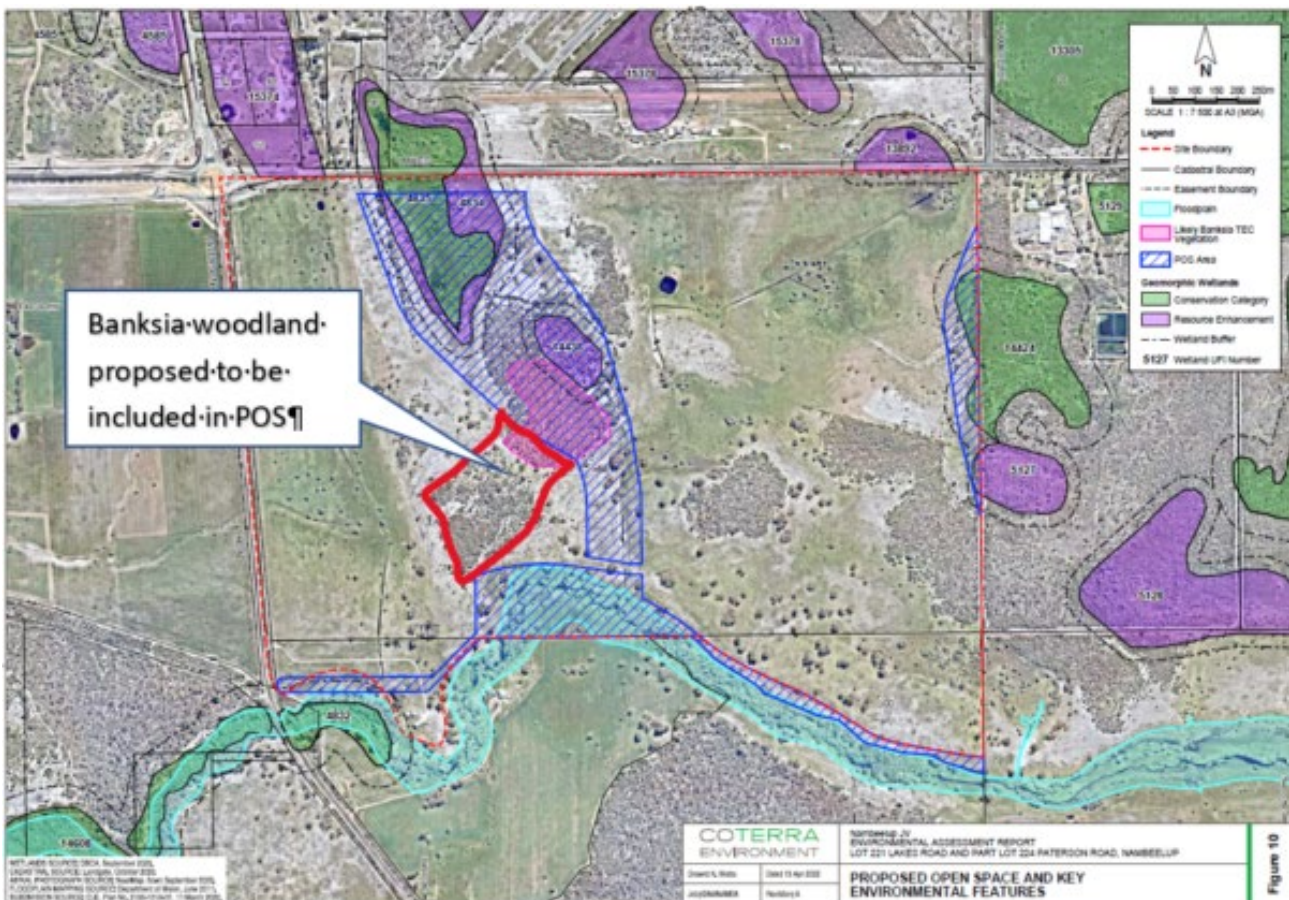
Social - (Quality of life to community and/or affected landowners)

The proposed structure plan is a continuation of the NIA which is a key driver of the future employment growth with a large labour force. Increased business and educational opportunities will provide increased employment positions for the residents of the Shire of Murray and the Peel Region which in turn will provide a better quality of life for local residents.

Environment – (Impact on environment’s sustainability)

Public Open Space Linkages

The site contains Banksia woodland within and to the south west of the proposed POS corridor. It is recommended that the Structure Plan map be modified to expand the central POS corridor to incorporate this Banksia woodland which in total covers an approximate 6.5Ha in order to maintain an appropriate north south ecological linkage through the Structure Plan area as shown below:



Area proposed to be included in POS

A portion of Banksia woodland in good condition will be bisected by the proposed POS boundary as well as an approximate 4Ha portion to the south west of this (mapped as good to degraded, meaning it

is mostly tree cover with no understory). The photo below shows a section of the area showing a “degraded” portion on the edge of the area.



Photo 1: Degraded bushland outside current POS

Shire officers have been on site and observed kangaroo movements through this bushland, an overstory of Banksia and Kunzea and other signs which were consistent with its use as a significant ecological linkage that should be kept and enhanced. The applicant’s environmental report identifies this vegetation as “degraded”, however, it is highlighted that ‘degraded’ in this context means there is no understory. The tree cover is in fact high enough and thick enough to provide refuge and the potential for rehabilitation if stock is removed. This is supported by advice from the Department of Biodiversity, Conservation and Attractions (DBCA) which states:

“The area of native vegetation shown in the blue polygon below would provide fauna habitat for threatened black cockatoo species and other local fauna. As you have identified, exclusion of this portion of the vegetation will effectively sever the ecological linkage. Were the area to be included in the proposed POS, and managed and restored appropriately, it would significantly improve the functionality of the Public Open Space/Ecological link.”

It is understood that the POS design shown on the proposed Structure Plan was developed and shaped primarily on the basis of drainage requirements of the district and to maintain the mapped wetlands, it has not adequately considered the ecological linkage, existing vegetation or Banksia woodland as a threatened ecological community. This is not best practice and is contrary to the Shire’s Local Biodiversity Strategy, associated Local Planning Policy and the current status of the Banksia woodland as a Threatened Ecological Community.

Of note, in addition to the four-hectare section of good to degraded Banksia woodland proposed to be removed from the existing ecological linkage, the section of linkage further north, in better condition, is also bisected by development area. Outside of the linkage, further woodland in the east of the development area amounting to over 10 hectares is also earmarked for removal.

Through the Nambelup Industrial Area District Structure Planning process, Shire officers considered it acceptable to forgo the isolated patches of vegetation on the eastern side of the development area (in excess of 10 hectares) as this was further removed from the ecological corridor. Officers have however consistently requested that the Banksia woodland south west of the POS be included in the POS in full and that the POS be managed for this purpose.

Community Expectation:

The Shire's community is very informed as to the precarious state of the environmental assets in the Shire as shown in the recent community workshops where it appeared to place a very high regard on environmental assets. Allowing the few remaining environmental assets of value that cover a small portion of a future Industrial estate to be destroyed when a realignment and/or a minor extension of the POS would protect it could be seen as not in the interests of the community.

Policy Framework Summary:

State Planning Policy 2.9 – Water Resources, contains a presumption against further clearing in water sensitive areas which includes the Nambelup Brook catchment of which the NIA forms a part. The clearing is inconsistent with SPP 2.9.

State Planning Policy 2.1 Peel-Harvey Coastal Plain Catchment, requires significant revegetation in the Swan Coastal Plan catchment for the Peel-Harvey as well as a presumption against further clearing. The clearing is inconsistent with SPP 2.9.

The Shire of Murray Local Planning Policy – Biodiversity Protection assumes vegetation within 250m of a pre-existing linkage be retained, has a presumption against further clearing of vegetation where less than 30% is remaining from pre-European arrival. There is less than 20% of upland Bassendean type vegetation remaining, which is the vegetation complex to be removed. The clearing is inconsistent with the Shire of Murray Local Planning Policy – Biodiversity Protection.

The Shire of Murray Local Planning Policy – Water Sensitive Urban Design states that all proposals should aim to retain where possible deep-rooted perennial vegetation of local native provenance in areas of public open space. The clearing is inconsistent with the Shire of Murray Local Planning Policy – Water Sensitive Urban Design.

The Shire of Murray Local Planning Policy – Natural Landscape in Urban Areas states that there is a general presumption against the clearing of significant native trees and vegetation where reasonably avoidable. All attempts are to be made to retain, integrate and maintain in a safe and healthy condition significant native trees and vegetation during the planning, design and construction phases of subdivision and development where this is reasonably possible to achieve through site sensitive planning and design. The clearing is inconsistent with the Shire of Murray Local Planning Policy – Natural Landscape in Urban Areas.

Detailed concerns:

As part of its advice to the WAPC on the DSP in 2019 the Shire highlighted that clearing of Banksia woodland in good or better condition required referral to the Federal Department of Climate Change, Energy, the Environment and Water. The Shire has received no notice that this has occurred despite assurances provided by the proponents to the Department of Planning, Lands and Heritage that this would occur. The Shire was also advised *pers coms* by DPLH at the time of the preparation of the DSP that this linkage was not a fatal flaw and as it was degraded and environmental matters could be managed at the next stage of development, i.e. the local structure plan that is currently being considered.

Ecological Linkage

The Shire's Local Biodiversity Strategy (LBS) states:

“Regional connectivity has been assessed as part of the South West Regional Ecological Linkages (SWREL) Technical Report and the Regional Framework for the Perth and Peel Regions. The SWREL report identified regional ecological connectivity axis lines, as shown in Figures 17 and 18. Natural areas within 250 m either side of these lines is a priority for protection and restoration”.

The section of Banksia woodland mapped as degraded to good lies 10 metres from Nambelup Brook to the south (see photo 2 below) and is effectively contiguous with the good condition Banksia woodland that is partly located in the current POS reserve (see photo 3).



Photo 2: Current Gap between the four-hectare portion and Nambeelup Brook (approx.10 Metres)



Photo 3: Current gap between the four-hectare and contiguous linkage (around 5 metres).

The LBS, as target Ecological Connectivity Number 1 (EC1, linkage) states:

“Where subject to urban, light industrial, rural residential or other intensive rezoning, protect all LNA within 250 m of a South West Regional Ecological Linkage axis line.”

This applies to the vegetation in this case, as Nambeelup Brook forms part of an east-west South West Regional Ecological Linkage axis line.

The patch of upland Banksia woodland is already in-situ providing this linkage is ideally placed to continue the existing ecological linkage and therefore should be retained.

This advice was provided at the PRS amendment stage and was dismissed with the following comment:

“The woodlands to the west of, and outside the area classified as ‘Open Space’ in the NIADSP are in degraded condition. More-detailed protection of environmental attributes at the local structure planning stage is likely to be generally consistent with the NIADSP.”

This comment does not address linkage and more importantly, the local structure planning stage provides more of the same and will lead to the destruction of a pre-existing linkage. It also suggests that little understanding of the role “degraded vegetation can play in providing fauna refuge.

The applicant has suggested that ecological linkage can be provided through the proposed drainage reserves. This is, however, considered to be a vastly inferior solution compared to the retention of the existing contiguous vegetation that allows significant fauna to traverse through the natural areas.

Vegetation Protection by Complex

All of the vegetation on site is mapped as Bassendean Central and South of which around 20% remains from pre-European times making it a priority for protection (the threshold is dropping below 30%).

The Shire’s targets for this vegetation type in this area include the protection at least 50% of the occurrences on urban or industrial zoned lands with the highest priority is to be given to occurrences in good or better condition and those serving an ecological corridor function.

It is therefore recommended that the Structure Plan Map be modified to expand the Central POS area by approximately 6.5Ha to maintain an appropriate north south ecological linkage through the Structure Plan area including the area of Banksia woodland to the south west of the currently proposed central open space corridor.

Nambeelup Brook

The LBS identifies Nambeelup Brook as a significant ecological corridor for protection and rehabilitation. Consequently, a Foreshore Management Plan (FMP) will be required to inform future subdivisions. The key purposes of which would be to:

- Restore the area to the state of a self-perpetuating eco-system;
- maintain pre-development water flows;
- manage nutrients from the upper catchment; and
- maintain an east west ecological corridor.

The actual footprint of the foreshore reserve should be based on these biophysical criteria and informed by the FMP. A Foreshore Management Plan should be prepared prior to the preparation of the subdivision application to determine the appropriate extent of the foreshore reserve as well as appropriate protection and management actions.

Policy Implications

See policy discussion under Environment heading.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	There are no significant risks associated with the proposed Structure Plan provided it incorporates the recommended modifications.

ConsultationPublic Consultation

The proposed Structure Plan was advertised for a period of 42 days with the closing date for submissions being 27 July 2022. Advertising was undertaken by way of an onsite sign, notice in the local newspaper and on the Shire's website, as well as letters to nearby landowners.

At the close of advertising two submissions were received supporting the proposal. This included a submission from the owner of Lot 1400 Paterson Road which affirmed their desire to include their land in the proposed Structure Plan.

Agency Consultation

The proposed Structure Plan was referred to relevant public agencies / service providers. A submission schedule which sets out a summary of each submission as well as a comment and recommendation on each is included at **Appendix 4**. Matters which require modification to the Structure Plan have been identified in this Schedule.

Resource Implications*Financial*

The relevant administration fee to cover Shire officer time and direct costs associated with the assessment of the Structure Plan has been paid.

Workforce

The assessment and reporting of the Structure Plan has been accommodated within the existing staff workforce level.

Options

Council has the option of:

1. Recommending the proposed Structure Plan be approved by the Western Australian Planning Commission with or without modifications.
2. Recommending the proposed Structure Plan not be approved by the Western Australian Planning Commission.

Conclusion

The proposed Structure Plan will guide the development of industrial land within the NIA and is broadly consistent with the applicable DSP. As such, it is recommended for approval, subject to the modifications discussed throughout this report.

11.2 Proposed Structure Plan - Lot 51 McLarty Road, Pinjarra

File Ref:	D22/30184
Previous Items:	OCM 25 Aug 22 Item 11.1 (OCM22/099)
Applicant:	Lorraine Elliott Planning Services
Author and Title:	Gregory Delahunty, Manager Planning
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 11.2 App 1 - Proposed Structure Plan Item 11.2 App 2 - Schedule of Submissions Item 11.2 App 3 - Schedule of Modifications

Recommendation/Council Decision OCM22/110**Moved: Cr S Lee****Seconded: Cr A Rogers**

That Council resolves to accept the submissions received and to recommend to the Western Australian Planning Commission that the Lot 51 McLarty Road Structure Plan as set out in Appendix 1 be approved subject to following:

- 1. The Structure Plan being modified to provide:**
 - base density of R20**
 - a density range of R35-R40 on the cottage lots fronting McLarty Road; and**
 - a density range of R40-R60 for the group housing site.**
- 2. The Local Water Management Strategy, the Staging and Earthworks Strategy and Geotechnical report being updated to acknowledge the requirement for a stormwater drainage system to be constructed to allow development for lots fronting the northern boundary to be directly connected to the piped stormwater network.**
- 3. The Local Water Management Strategy, the Staging and Earthworks Strategy and Geotechnical report be updated to provide a commitment to investigate methods to reduce fill levels across the site especially with its impact on lots to the north of the structure plan area.**
- 4. Modify section 8 of the Part 1 Implementation section of the Structure Plan section to include the requirement for a Street Tree Landscaping plan as a condition of subdivision approval.**
- 5. The Recommendations set out in the Schedule of Submission at Appendix 2 as modified by recommendations 1-4 and 6 of this report.**
- 6. The Local Government's revised Schedule of Modifications contained at Appendix 3.**

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

Against: Cr David Pike

CARRIED 7:1**In Brief**

- The Structure Plan was deferred at the August 2022 meeting of Council in order to provide the opportunity for community members, the applicant and Shire Officers to meet and discuss matters relating to density, fill, drainage and tree retention.**

- As a result of further discussions, a modified recommendation is presented to support the Structure Plan, subject to modifications that are generally agreeable to the applicant and the community members involved in the meeting.

Background

The proposed Structure Plan was deferred at the August 2022 meeting of Council in order to provide the opportunity for Shire Officers to liaise with the applicant and the community on, density, fill, drainage and tree retention.

Report Detail

A meeting between Shire officers, the community and the applicant occurred on 31 August 2022 where the below relevant matters were discussed in detail.

Density

The residential area to the north of the development site was established several decades ago and is coded R15, with lot sizes in the range of approximately 800m² to 1,000m² and frontages around 20m. This represents an actual density of around R10 – R12.5.

The residential area to the south of the development site was developed over the past decade and is coded R20, with lot sizes in the range of approximately 450m² to 700m² and frontages around 16 – 17m. This represents an actual density of around R15 – R20.

The Western Australian Planning Commission typically applies a base residential density code of R20-25 to new urban areas, with higher densities typically within centres, along public transport routes and areas of higher amenity such as adjacent to parkland. It is unlikely that the Commission would support a density lower than R20 in this town centre location.

A medium density range was initially recommended in this case as a balance between what was adopted in the Shire's Pinjarra Revitalisation Strategy and the lower densities that currently surround the development site. In promoting medium density housing in this location the Revitalisation Strategy acknowledged the location of the site within the town centre and the close proximity of the hospital and proposed health precinct surrounding the hospital.

From a perspective of providing a choice of housing types and price points for the community, affordable housing options and providing densities to better support improved transport options such as public transport, walking and cycling, it is important that the Shire makes provision for a range of densities and housing types within the Shire. The most appropriate locations for medium housing options are within town centres and along key planned public transport routes where there is access to amenities.

The initial recommendation was that the Structure Plan include a general residential density of R40 (450m² lots) across the site with a portion of R60 (150m² lots) fronting McLarty Road.

The community submissions however raised concerns that this density was not reflective of the existing local character. Having regard to the WAPC minimum base density of R20, the proposed road layout which is relatively fixed, and the lot frontage and dwelling setbacks of the more contemporary subdivision layout of land to the south of the subject site, an appropriate base density of R20 was discussed for the site to better respond to the local context. To provide some housing diversity and choice a higher density (R35-60) for lots fronting McLarty Road was accepted by the parties.

The applicant has indicated that with the subdivision concept can be modified to increase lot sizes can to generally 450m² in area with 15m -16m frontages. This will essentially result in an actual density of R20. It was, however, acknowledged that this will not meet the density targets ascribed by the State Government. The higher density lots (R35-R60) fronting McLarty Road will assist with this and provide some diversity within the structure plan and the potential for greater housing options in Pinjarra, whilst retaining the existing character across the portions of the site most visible to the existing community.

Filling of Land / Drainage

Concerns were raised by the community over the effectiveness of the proposed drainage for the site, given some drainage issues that had been experienced with an abutting subdivision during construction. The submitted Local Water Management Strategy (LWMS), demonstrates in concept that the site can be effectively drained. Construction drawings will be prepared following subdivision approval based on the concepts under in the LWMS to further demonstrate the detail of drainage system to ensure it will not result in issues to adjacent landowners. It is noted that the LWMS, Staging and Earthworks Strategy and Geotechnical report all endorse the use of soak wells for stormwater dispersal on individual lots. Soak wells allow stormwater to be retained on site and to soak into the ground. The porous nature of the fill and higher land, however has the potential to impact the direction of stormwater i.e. generally towards lower laying land. The Department of Water and Environment Regulation has recommended the Local Water Management Strategy investigate whether the use of soak wells is suitable for the site however given the lower lying existing lots to the north of the subject site, the Shire’s Technical Services have required a piped stormwater system, including a subsoil system along the northern boundary of the subject site be provided to the individual lots along the northern boundary of the site. The piped stormwater system will be directed to the road drainage system and ultimately to the drainage swale proposed in the south western part of the lot and will ensure the site is effectively drained.

It is noted that the site is required to be filled generally between 0.5m at 1m across the site. This has the potential to impact on abutting land especially to the north. The applicant has therefore indicated that they will investigate if it is possible to reduce the amount of fill required whilst still achieving suitable levels to effectively drainage and service the site.

Tree Retention

The community expressed a concern about the removal of larger mature trees as a result of the structure plan and subsequent subdivision. The applicant has committed to investigate measures to reduce the amount of fill that will be imported, however, it is acknowledged that it will be unlikely to retain any vegetation on site given the fill that will be necessary to effectively drain and service the land. As an offset it will be required to provide street trees in the road reserves as a condition of subdivision.

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.

Other Strategic Links

Nil.

Statutory Environment

Nil.

Sustainability & Risk Considerations

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

The proposed Structure Plan will guide the subdivision of an additional supply of residential land to contribute towards housing affordability in the area. An increase in population in close proximity to the Pinjarra Town Centre will also contribute to greater economic activity in the area.

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

The proposed Structure Plan will facilitate the development of additional urban based land for the future growth of the Shire and add to the diversity of lifestyle choice and housing types available in the Shire.

Environment – (Impact on environment’s sustainability)

Groundwater drainage generally flows south east over the site. The site is required to be raised above the Eureka Road surface and the drainage must be re-routed towards a proposed drainage swale in the south west corner of the lot. The drainage swale will connect to an existing drainage swale developed for the adjacent Lot 42 Hampton Road. It has been estimated that between 500mm and 1m of fill will be needed to raise the level of the site.

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	There are no significant risks associated with the proposed Structure Plan incorporating the recommended amendments.

Consultation

The Schedule of Submissions from the August report is attached to this report.

The proposed Structure Plan was advertised for 42 days with a closing date for submissions being 27 July 2022. Advertising was undertaken by way of an onsite sign, notice in local newspaper and on the Shire’s website as well as letters to landowners and occupiers of nearby residences.

At the close of the advertising period twelve agency submissions were received and 44 submissions received from landowner/residents most objecting to the development by way of a signed submission form and community template. The main concerns raised by landowner/residents are:

- Retention of the existing trees on the site and concern for wildlife utilising the area;
- Fill impacting adjoining properties in relation to privacy and stormwater;
- Increased traffic impacting local amenity and safety;
- Small lot sizes not consistent with the surrounding area.

The Schedule of Submissions from the August report is attached as **Appendix 2**.

A further meeting of community representatives, the applicant and Shire officers was held on 31 August 2022 to further discuss key issues raised by the submissions, in particular, density, fill, drainage, and tree retention.

Resource Implications

Financial

The relevant administration fee to cover Shire officer time and direct costs associated with the assessment of the structure plan has been paid.

Workforce

The assessment and reporting of the structure plan have been accommodated within the existing Planning and Sustainability workforce level.

Options

Council has the option of:

1. Recommending the proposed Structure Plan be approved by the Western Australian Planning Commission with or without modifications.
2. Recommending the proposed Structure Plan not be approved by the Western Australian Planning Commission.

Conclusion

The proposed Structure Plan proposes to guide the subdivision of residential land, and is generally considered suitable and acceptable to the community. As such it is recommended for approval subject to the modifications contained within this report, the Schedule of Submissions and the Schedule of Modifications.

11.3 Review of Local Planning Policies

File Ref:	D22/31676
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Gregory Delahunty, Manager Planning
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 11.3 App 1 - Patios LPP Item 11.3 App 2 - Commercial Vehicle Parking LPP Item 11.3 App 3 - Pinjarra Activity Centre LPP Item 11.3 App 4 - Outbuildings LPP Item 11.3 App 5 - Sea Containers LPP Item 11.3 App 6 - Ancillary Dwellings in Rural Residential Zones LPP

Recommendation/Council Decision OCM22/111

Moved: Cr A Rogers

Seconded: Cr S Carter

That Council:

1. Pursuant to Clause 6(b) of the Deemed Provisions set out in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, revokes the Patios Local Planning Policies at Appendix 1.
2. Pursuant to Clause 5 of the Deemed Provisions set out in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to amend the following Local Planning Policies as set out at the listed Appendices:
 - Commercial Vehicle Parking (Appendix 2)
 - Pinjarra Activity Centre (Appendix 3)
 - Outbuildings (Appendix 4)
 - Sea Containers (Appendix 5)
 - Ancillary Dwellings in Special Rural, Farmlet and Rural Zones (Appendix 6).
3. 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 revocation and amendment to the policies referred to in parts 1 and 2 above.

CARRIED UNANIMOUSLY 8:0

In Brief

- The Shire is undertaking a comprehensive review of its local planning policy framework.
- The Patios Policy is considered to be no longer necessary and is therefore presented for revocation.
- The remainder of the policies either require updating to reflect current best practice or terminology.

Background

The Shire has been progressively amending its planning policy framework in line with best practice planning outcomes.

Report Detail

Patios Local Planning Policy

The Policy was originally adopted in 2011 and sought to provide a more tailored and flexible set of acceptable development criteria for patios. Since its adoption there have been amendments to State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes) which essentially mirror the provisions of the Shire's LPP. As such, the Policy no longer serves a functional purpose and is proposed to be revoked.

Commercial Vehicle Parking Local Planning Policy

Minor textual amendments are proposed ensuring that current planning vernacular is appropriately referenced. The Policy has also been restructured to a more contemporary format.

Pinjarra Activity Centre Local Planning Policy (PAC LPP)

It is proposed to modify the boundary of the Mixed-Use Precinct to include Lot 99 James Street, Pinjarra.

Land within the PAC has a zoning that is commensurate with its location in an activity centre. For example, it includes the Town Centre, Commercial and the Civic/Cultural Zones which contain a range of commercial and civic uses that would be found in a town centre location. Lot 99 James Street is zoned Residential under Local Planning Scheme No.4 (LPS4), however, the applicable Residential Design Code is R-AC0. R-AC0 is an activity centre coding, aimed at mixed use development, that requires development control to be provided the form of a local planning instrument in lieu of the R-Codes. A local planning instrument can take the form of an activity centre plan, local development plan or local planning policy. The PAC LPP exists for this purpose within the Pinjarra activity centre.

Lot 99 is unique in the fact that it is the only lot within the Shire that with a mixed-use activity centre Residential Design Code that is not covered by a corresponding local planning policy providing development controls. It is therefore necessary to amend the boundary of the PAC LPP to include this lot, thus providing a set of relevant development controls.

It is noted that Lot 99 is included within the Mixed-Use precinct in the Pinjarra Revitalisation Strategy and draft Activity Centre Plan that was publicly advertised and adopted by the Council in 2017. The Western Australian Planning Commission (WAPC) has requested a number of modifications to the draft Activity Centre Plan, mainly to do with supporting technical studies. Lot 99's location within the Mixed-Use precinct, however, is not impacted by the changes currently being undertaken as a result of the WAPC's decision. Therefore, its inclusion within the PAC LPP is consistent with the position already advertised to the community and approved by the Council. The absence of a WAPC endorsed activity centre plan, however, has resulted in a gap in the planning framework that can be filled by the LPP.

The omission was highlighted through recent enquiry for development of a child care centre on Lot 99. As the Pinjarra Revitalisation Strategy and draft Activity Centre Plan followed the same process of consultation and adoption by Council as required for a Local Planning Policy, the requirements in the Plan already in effect have a similar status as a Local Planning Policy. Incorporation in the PAC LPP will however make this clear. The planning advice provided to the enquiry was consistent with the Pinjarra Revitalisation Strategy and draft Activity Centre Plan. It is noted that a development application for a child care centre on Lot 99 has just been submitted.

Outbuildings Local Planning Policy

Minor textual amendments are proposed ensuring that current planning vernacular is appropriately referenced. The Policy has also been restructured to a more contemporary format.

Sea Containers

Changes to this document propose to clarify that development approval is not required for sea containers that are being use for a very short timeframe such as moving house. It also specifies that the Policy does not apply to sea containers that are proposed to be used as part of a residential development.

Minor textual amendments are proposed ensuring that current planning vernacular is appropriately referenced. The Policy has also been restructured to a more contemporary format.

Ancillary Dwellings in Special Rural, Farmlet and Rural Zones

It is also proposed to change the name of this Policy Ancillary Dwellings in Rural Residential Zones to explicitly apply the provision of the policy to areas outside of the three zones in the original title that have similar characteristics such as land zoned ‘Special Use’ under LPS4 where ancillary accommodation is listed as a discretionary land use and the land is also zoned Rural under the Peel Region Scheme.

Minor textual amendments are proposed ensuring that current planning vernacular is appropriately referenced. The Policy has also been restructured to a more contemporary format.

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

The Deemed Provisions set out in Schedule 2 of the Planning Regulations provide for the amendment or revocation 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>
Low	The amendment to the Policy framework carries no significant risk. There is a reputational risk in not periodically reviewing and ensuring policies are relevant and useful for present circumstances.

Consultation

Clause 6 of the Deemed Provisions provides for the revocation of a local planning policy by either a subsequent local planning policy which expressly revokes the policy or by giving notice of the revocation in a newspaper circulating within the Shire and on the Shire's website.

Clause 4(1) of the Deemed Provisions outlines the consultation procedure for amending a local planning policy. This includes advertising the amended policy on the Shire's website, in a local newspaper and any other means it considers appropriate, allowing a minimum of 21 days for submissions. If submissions are received, Council must review the draft policy in the light of the submissions and resolve to proceed with the policy either with or without modification, or not proceed with the policy.

Resource Implications*Financial*

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

Workforce

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

Options

Council has the option of:

1. Revoking and amending some or all of the local planning policies.
2. Not revoking or 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.

12 CORPORATE GOVERNANCE**12.1 Application for Rating Exemption - Lot 4 (266) Morgan Road Meelon - Homestead for Youth Ltd**

File Ref: D22/16568
Previous Items: Nil.
Applicant: Homestead for Youth Ltd
Author and Title: Rikki Gardiner, Senior Corporate Support Officer
Declaration of Interest: Nil.
Voting Requirements: Simple Majority
Appendices: Nil.

Recommendation/Council Decision OCM22/112**Moved: Cr S Carter****Seconded: Cr A Rogers**

That Council declines to grant a rate exemption to Homestead for Youth Ltd for the property situated at Lot 4 (266) Morgan Road Meelon, on the basis that the land is not being used exclusively for charitable purposes.

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

Against: Crs Steve Lee and David Pike

CARRIED 6:2**In Brief**

Correspondence has been received from Homestead for Youth Ltd requesting Council consider granting an exemption of annual rates on the property situated at Lot 4 (266) Morgan Road, Meelon.

Background

Section 6.26 (2) (g) of the *Local Government Act 1995* provides a rate exemption for 'land used exclusively for charitable purposes'.

In 2013, the Commonwealth Government introduced the *Charities Act 2013*, which sets out a list of 'charitable purposes'. These are:

- a) Advancing health;
- b) Advancing education;
- c) Advancing social or public welfare;
- d) Advancing religion;
- e) Advancing culture;
- f) Promoting reconciliation, mutual respect and tolerance between groups of individuals that are in Australia;
- g) Promoting or protecting human rights;
- h) Advancing the security of or safety of Australia or the Australian public;
- i) Preventing or relieving the suffering of animals;
- j) Advancing the natural environment;
- k) Any other purpose beneficial to the general public that may reasonably be regarded as analogous to, or within the spirit of, any purposes mentioned in paragraphs (a) to (j).

- I) Promoting or opposing a change to any matter established by law, policy or practice in the Commonwealth, a State, a Territory or another Country if promoting a change which is in furtherance of a purpose listed above, or opposing a change in hindrance of a purpose listed above.

The rationale for providing an exemption for land used for charitable purposes is that charitable organisations provide a service to the community that would otherwise need to be provided by the government. In the case of rates, the determination is based on the use of the relevant land, rather than the charitable 'status' of the land's owner.

The land must also be used exclusively for charitable purposes. If land is used for a dual purpose it is not exclusively used for a charitable purpose, even though one of the purposes may be charitable. Nor will land be used exclusively for a charitable purpose where the land is used for the purpose of a business enterprise which is raising funds to be used for charitable purposes. However, the use of land for a charitable purpose may produce a 'profit' which is incidental to its charitable purpose. In this case the land may still be considered as 'exclusive use' for a charitable purpose.

Report Detail

The property situated at Lot 4 (266) Morgan Road, Meelon is owned by Homestead for Youth Limited. Homestead for Youth are a not for profit organisation with the vision to engage youth and families through a faith-based rural family environment, using hands-on therapies that restore lives and transform communities. Their mission is to bring safe refuge and restoration to youth. They provide emergency, residential and long-term living arrangements to teenagers and young people in need. They provide counselling, equine therapy and pastoral care.

Homestead for Youth Limited are objecting to the rate record under section 6.76 of the *Local Government Act 1995*, specifically section (1) (a) (ii) "on the basis that the land or part of the land is not rateable land". They suggest that the property at Lot 4 (266) Morgan Road, Meelon, is not rateable land as the 'land is used exclusively for charitable purposes'.

While there is no question that Homestead for Youth Limited are providing for the needs of young people who need help, it is only one of many functions of the property. Agistment is offered along with animal farm tours, therapy sessions and spaces to hire and catering for functions. Therefore the property does not meet the criteria of 'land used exclusively for charitable purposes'.

Other Strategic Links

Nil.

Statutory Environment

Section 6.26(2)(g) of the *Local Government Act 1995* states that land used exclusively for charitable purposes is not rateable land.

The *Charities Act 2013* sets out a list of 'charitable purposes'. These are defined in the background section 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	Should Council not approve this exemption, there is a low risk of reputational loss with the community.

Consultation

Nil.

Resource Implications*Financial*

The application for rates exemption, if approved, will result in a loss of rate revenue of approximately \$2278.37 for the 2021/2022 financial year and a further \$2457.66 for the 2022/2023 financial year. In future years, the annual rate revenue decrease would be absorbed by the other rate payers within the community.

Workforce

Nil.

Options

Council has the option of:

1. Granting a full exemption of annual rates for Lot 4 (266) Morgan Road, Meelon, whilst owned by Homestead for Youth Limited.
2. Declining the request for an exemption in annual rates.

Conclusion

While it is acknowledged that Homestead for Youth Limited are a not-for-profit organisation with the mission to bring safe refuge and restoration to youth, the land at 266 Morgan is also used for commercial purposes and therefore does not meet the definition of 'land used exclusively for charitable purposes'.

12.2 Payments from Municipal and Trust Funds - August 2022

File Ref:	D22/30216
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Tamara Tabor, Finance Coordinator
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 12.2 App 1 - Payments from Municipal and Trust Funds August 2022

Recommendation/Council Decision OCM22/113**Moved: Cr D McLarty****Seconded: Cr G Black**

That Council receives the Payments from Municipal and Trust Funds Report August 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 August 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.
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Consultation

Nil.

Resource Implications*Financial*

Nil.

Workforce

Nil.

Options

Council has the option of:

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

12.3 Monthly Financial Report - August 2022

File Ref:	D22/30223
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Tamara Tabor, Finance Coordinator
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 12.3 App 1 - Monthly Financial Report - August 2022

Recommendation/Council Decision OCM22/114

Moved: Cr S Kirkham

Seconded: Cr G Black

That Council receives the August 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 August 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

Council has the option of:

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

12.4 Licence Proposal - Water Corporation - Part Lot 3 Wandoo Drive, Pinjarra

File Ref: D22/31333
Previous Items: OCM Oct 17 Item 15.9 (OCM17/236)
OCM Mar 18 Item 11.9 (OCM18/061)
Applicant: Water Corporation
Author and Title: Robert Marlborough, Manager Governance
Declaration of Interest: Nil.
Voting Requirements: Simple Majority
Appendices: Nil.

Recommendation/Council Decision OCM22/115**Moved: Cr G Black****Seconded: Cr A Rogers****That Council:**

- 1. support a new licence arrangement with the Water Corporation to occupy and use a portion of Lot 3 Wandoo Drive, Pinjarra for a period 10 years (until 30 November 2032), with the obligations, conditions and annual rental payable continuing from the current licence;**
- 2. authorise the Chief Executive Officer to negotiate and finalise a licence agreement; and**
- 3. authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal to the licence.**

CARRIED UNANIMOUSLY 8:0**In Brief**

To determine Council's position on entering into a new licence arrangement with the Water Corporation to use and occupy a 502m² portion of Lot 3 Wandoo Drive, Pinjarra (subject land) for essential public utility infrastructure purposes.

Background

In August 2009 a planning application was submitted by the Water Corporation seeking approval to install surge tank vessels and associated infrastructure on the subject land to protect Pinjarra and North Pinjarra residents from surge water pressures that could potentially cause property damage.

This first application indicated that the surge tank vessels, if approved would be temporary, with a life expectancy of approximately 15 years.

In September 2010 after public consultation planning approval was granted to the Water Corporation to install surge tank vessels and associated infrastructure for public utility purposes on the subject land. A condition of approval was that a formal arrangement or easement be entered into with the Shire

The form of tenure that was eventually enacted was a licence, at initial annual rental of \$500, plus GST, increasing annually by the consumer price index.

The land where the infrastructure is located is owned in fee simple by the Shire and it forms part of the greater North Pinjarra Recreational Precinct, which has an area of 8.94 hectares that is primarily used for recreation purposes.

The portion occupied by way of a licence is highlighted and identified below.



The current licence for the subject land provided an initial 10-year term that expired on 30 November 2017. A further 5-year option term was enacted in June 2018 and this option term is due to expire on 30 November 2022.

Report Detail

In June 2022 the Water Corporation approached the Shire to discuss the possibility of extending the current licence agreement. Further information was sought about the long-term need for the surge tank vessels and associated infrastructure and the alternate options available, given the original life expectancy of 15 years.

The Water Corporation responded with advice that the Pinjarra surge vessels protect customers and downstream network from transients caused by Ravenswood Pump Station and general operation of the Southern Trunk System, especially after power failure events. The surge vessels (and the land they sit on) would be required until supply to the Pinjarra system can be converted to gravity supply from the new tank and associated mains proposed to be built in Morrell Road in the PCC year 2035.

A new licence term of 13 years was expressed as their preference.

Committing to supporting licence for longer term than 10 years does not encourage the Water Corporation to commit to developing new facilities to cater for community growth in a more appropriate location.

However, it is recognised that current public utility assets are needed and Council are requested to consider supporting a new 10 year licence agreement commencing on 1 December 2022, with the annual per annum rental commencing at \$700 per annum including GST, with all associated preparation, statutory and legal costs being the responsibility of the proponent.

Murray 2031 Strategic Community Plan

Nil.

Murray 2021 – 2024 Corporate Business Plan

Nil.

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.

The licence proposal presented is an excluded disposition under Regulation 30 (2)(c)(ii) of the *Local Government (Functions and General) Regulations 1996*, as the proponent is a department, agency, or instrumentality of the Crown, in right of the State.

Regulation 30 – Dispositions of property excluded from Act s.3.58

(1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.

(2) A disposition of land is an exempt disposition if —

- (a) the land is disposed of to an owner of adjoining land (in this paragraph called the **transferee**) and —

- (i) its market value is less than \$5,000; and
- (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee; or
- (b) the land is disposed of to a body, whether incorporated or not —
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body’s transactions; or
- (c) the land is disposed of to —
 - (i) the Crown in right of the State or the Commonwealth; or
 - (ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or
 - (iii) another local government or a regional local government; or
- (d) it is the leasing of land to an employee of the local government for use as the employee’s residence; or
- (e) it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land; or
- (f) it is the leasing of land to a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the medical profession to be used for carrying on his or her medical practice; or
- (g) it is the leasing of residential property to a person.

Sustainability & Risk Considerations

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

Renewing the licence for a further 10 years on the existing terms is not expected to financially impact the community as the licensee would be exclusively responsible for the maintenance and upkeep of the licensed premises and its own equipment and the existing annual rent, adjusted by Consumer Price Index (CPI) would continue to apply.

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

Community consultation was undertaken prior to the initial planning approval being granted for the surge tank vessel and associated infrastructure and no change of use or intensification is proposed on the subject land. If further development occurs in the future, planning consent would be required.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Nil.

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 was \$500, plus GST per annum. This rent has increased annually by CPI over the term and the annual rent for the current period expiring on 30 November 2022 was \$655.74, inclusive of GST. Should the 10-year licence agreement be supported the annual rental will commence at \$700 including GST, with periodic reviews by CPI.

Workforce

Nil.

Options

Council has the option of:

1. Supporting a new 10-year licence agreement on the existing conditions and terms.
2. Supporting a new licence agreement for a longer or shorter period with alternate terms and conditions.
3. Rejecting the licence proposal.

Conclusion

The continuation a licence agreement with the Water Corporation supports essential services to the community being available.

12.5 Licence Proposal - Internet Services - Lot 2 (16) James Street, Pinjarra

File Ref:	D22/31358
Previous Items:	OCM. Feb 2017 Item 11.7 (OCM17/011)
Applicant:	Crisp Wireless Pty Ltd (ABN: 46 615 297 491)
Author and Title:	Robert Marlborough, Manager Governance
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Nil.

Recommendation/Council Decision OCM22/116**Moved: Cr S Carter****Seconded: Cr S Lee****That Council:**

1. **supports a licence being entered into with Crisp Wireless Pty Ltd for access to a portion of Lot 2 (16) James Street, Pinjarra for a period of 5 years, with a similar option period at nil annual rental, on the basis that the Shire are provided with no cost 25/25 100Mbps Synchronous Unlimited Commercial Internet Services and 3 Fixed IP Addresses in accordance with a Service Level Agreement;**
2. **accepts the market rental valuation of \$7,500 per annum (GST exclusive) obtained for the area to be occupied and used under the proposed licence, as provided by Acumentis on 17 August 2022;**
3. **approves for the Chief Executive Officer to –**
 - (a) **publish a local public notice in accordance with Section 3.58 of the *Local Government Act 1995* inviting written submissions on the proposed licence, to be received for at least 14 days; and**
 - (b) **subject to no adverse submissions being received by the closing date finalise, execute and affix the common seal on a licence agreement with the proponent; and,**
4. **if adverse submissions are received a further report is to be prepared and presented to Council to review submissions and determine a position on the licence proposal.**

CARRIED UNANIMOUSLY 8:0**In Brief**

To seek Council's support enter into a new five year licence agreement, with a similar extension period, to enable the proponent to continue to access and use of a portion of Lot 2 (16) James Street, Pinjarra for the operation of antenna and transmission equipment associated with the Crisp Wireless Mobile Data Centre on the Shire's existing communications infrastructure in return for providing the Shire at no cost 25/25 100Mbps Synchronous Unlimited Commercial Internet Services and 3 Fixed IP Addresses under a Service Level Agreement.

Background

South West Wireless WA, now trading under the name Crisp Wireless Pty Ltd approached the Shire in December 2016 seeking access and use of a portion of Lot 2 (16) James Street, Pinjarra for the provision of wireless internet services to the community on a commercial basis.

The proposal presented in 2016, was in return for allowing access and use of a portion of the subject property, the Shire were to be provided with a 25/25 100Mbps Synchronous Unlimited Commercial Internet Service and 3 Fixed IP Addresses at no cost under a Service Level Agreement. The value of these services was \$1,150.00 per month (\$13,800 per annum) and this service cost is still current.

The internet services provided to the Shire under the licence arrangement, at no cost enabled community access to free WIFI within the town centre and supported other Shire uses.

Following public advertising, a licence agreement for a period of 5 years was endorsed with South West Wireless WA in March 2017. This licence expired on 3 March 2022 and it has been held over since.

In July this year Crisp Wireless Pty Ltd, expressed an interest in a new licence agreement with the Shire for a portion of 16 James Street, currently occupied and access to the Shires communications tower for infrastructure on the general terms within the recently expired licence arrangement. No intensification of infrastructure is proposed.

The site location is detailed, as follows (highlighted red).



The 25/25 100Mbps Synchronous Unlimited Commercial Internet Service and 3 Fixed IP Addresses provided to the Shire under the past licence arrangement, at no cost enabled community access to free WIFI within the town centre and supported other Shire uses.

Report Detail

The proposal presented to Council is to consider supporting a new licence agreement with Crisp Wireless Pty Ltd for a term of 5 years with a similar option period for access to and use of a portion of 16 James Street Pinjarra and the Shires communication tower at the same location at no cost, to provide commercial internet services, subject to the general conditions within previous licence and any other suitable terms, as deemed necessary by the Chief Executive Officer.

In return for allowing access and use, Crisp Wireless Pty Ltd are to continue to provide the Shire with 25/25 - 100Mbps Synchronous Unlimited Commercial Internet Service and 3 Fixed IP Addresses, at no cost to enable ongoing free community WIFI in the town centre and for other Shire uses.

Murray 2031 Strategic Community Plan

Focus Area	Connected and Accessible
Aspiration	To enhance our transport linkages and opportunities to share information using a variety of travel and technology options.
Strategy	Identify and implement technologies and strategies to transform services and public access.

Focus Area	Capable and Accountable
Aspiration	To develop strong leadership through good governance, effective communication and ensuring value for money.
Strategy	Provided community focused customer service and access to information.

Murray 2021 – 2025 Corporate Business Plan

Nil.

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.

The licence proposal presented is not an excluded disposition under the *Local Government (Functions and General) Regulations 1996*.

Sustainability & Risk Considerations

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

There is no anticipated direct financial impact on the community. The licence renewal enables community access to free wireless internet services in the town centre and also supports the availability of commercial internet services more broadly.

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

No change or intensification of the site is anticipated and no adverse impacts are likely to any adjoining landowner.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	The licence proposed for the existing ongoing use on a portion of the subject land should not negatively impact any adjacent landowners and the risk of negative comment is considered low given the continuing free community services expected.

Consultation

Acumentis Mandurah, Market Rental Valuation

Resource Implications

Financial

This licence renewal is a no cost arrangement, that enables the proponent to continue access and use of a portion of Lot 2 (16) James Street, Pinjarra for the provision of commercial internet services to the community, whilst at the same time providing the Shire the ability to support free community access to WIFI internet services within the town centre.

Workforce

Nil.

Options

Council has the option of:

1. Approving a new licence arrangement outlined.
2. Rejecting the licence arrangement.

Conclusion

Supporting a new licence agreement with Crisp Wireless Pty Ltd (previously South Western Wireless Pty Ltd) will continue to benefit the greater community by providing a point of access to commercial WIFI internet services and it also supports the Shire by providing access to no cost 25/25 100Mbps Synchronous Unlimited Commercial Internet Services and 3 Fixed IP Addresses in accordance with a Service Level Agreement that is used for free WIFI within the town centre and other Shire operational uses.

13 RECREATION, ECONOMIC & COMMUNITY DEVELOPMENT

13.1 Proposed CCTV Guidelines and Operational Plan

File Ref:	D22/30294
Previous Items:	OCM 22 June 22 (OCM22/070)
Applicant:	Nil.
Author and Title:	Leanne McGuirk, Director Place, Community and Economic Development
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 13.1 App 1 - A6 - Closed Circuit Television (CCTV) Policy Item 13.1 App 2 - Proposed CCTV Guidelines Operational Manual

Recommendation/Council Decision OCM22/117

Moved: Cr A Rogers

Seconded: Cr S Kirkham

That Council endorses the Shire's Closed-Circuit Television (CCTV) Guidelines and Operational Plan as per Appendix 2.

CARRIED UNANIMOUSLY 8:0

In Brief

- In June 2022 Council endorsed modifications to Policy A6 – Closed Circuit Television as part of a broader review of the Shire's Policy Manual (refer **Appendix 1**).
- The endorsed Policy outlined a range of provisions including taking a partnership approach in working with WA Police, principles regarding the access, release and retention of data and advised that requests for CCTV are subject to an assessment framework (which was yet to be completed at the time of adoption of the Policy).
- To enable delivery of the intent and outcomes identified under Policy A6, Officers have prepared a proposed CCTV Guidelines and Operational Plan for consideration by Council which is located in **Appendix 2**. The proposed guidelines are intended to provide clarity for the Shire, WA Police and the community as to roles and responsibilities, operational requirements and procedures, and the criteria for assessment of CCTV requests.
- The assessment criteria located in the proposed Guidelines formed the basis of assessment of the CCTV request by the Coolup Progress Association in relation to the Coolup Hall, which is also being considered by Council under Item 13.2 of the September 22 OCM.

Background

In June 2022 Council endorsed a consolidated review of various policies within the Shire's overarching Policy Manual, including Policy A6 – Closed Circuit Television. The updated Policy A6 outlined a range of provisions relating to the access, release and retention of data and outlined requests for CCTV are subject to an assessment framework.

Subsequent to Council's endorsement of the updated Policy, Officers have prepared proposed guidelines and an operational plan that is intended to provide further detail and clarity around the use and management of CCTV within the Shire and guide assessment of applications.

The proposed integrated CCTV Guidelines and Operational Plan is the subject of this report (refer **Appendix 2**).

Report Detail

The purpose of the CCTV Guidelines and Operational Plan is to define the Shire's position in relation to CCTV associated with public facilities, and ensure relevant legislation, policy and procedure is

consolidated into one reference point for the effective management of Closed-Circuit Television (CCTV) systems and equipment operated within the Shire of Murray (the Shire).

The proposed Guidelines and Operation Plan support CCTV in circumstances where the following outcomes will be achieved:

- Prevent or discourage criminal activity and anti-social behaviour including illegal dumping and illegal off-road vehicle use;
- Improve community perception of safety and security;
- Protect Shire and community assets;
- Enable Council to manage security at remote locations or sites that are unmanned outside of normal business hours;
- Promote safety and protection of residents, visitors and staff whilst in the Shire;
- Assist with the identification of crime and/or inappropriate behaviour and support evidence gathering for prosecuting authorities; and
- Support the Shire’s Business Units to view public areas for the review, monitoring or verifying of Shire maintenance services and public works.

The Guidelines define the roles, responsibilities and operational requirements for effective management of CCTV systems, including the storage, disposal and accessing of images and other recording requirements, along with the procedure for assessing and determining the need and priority for new CCTV cameras, including those proposed to be funded and operated by Lessees of Shire facilities.

Murray 2031 Strategic Community Plan

Focus Area	Places for People
Aspiration	In 2031 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	Facilitate safe neighbourhoods and communities.

Other Strategic Links

WA State CCTV Strategy

Statutory Environment

Shire of Murray Policy A6 – Closed Circuit Television (CCTV)

Sustainability & Risk Considerations

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

Effective CCTV contributes to the prevention and detection of crime and has the potential to reduce the resources and costs associated with addressing and/or responding to criminal and undesirable behaviour.

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

The importance of feeling safe and secure is central to community health and wellbeing and liveable and activated towns and places. CCTV can reassure the public about community safety, and also provide evidence to relevant enforcement agencies and is likely to discourage undesirable behaviours within and around our public spaces and buildings.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	There is minimal risk associated with establishing the Shire Guidelines and Operational Plan as its purpose is to support and endorsed Policy (A6) and provide greater clarity as to the Shire’s position on CCTV and processes undertaken on receipt of an application.

Consultation

The Guidelines and associated Operational Plan has been prepared in liaison with all relevant departments within the Shire (Governance, Information Services, Building, Planning, Place & Community) and WA Police.

Resource Implications

Financial

No costs will be incurred through Council’s adoption of the Guidelines and Operational Plan, however the initial cost, maintenance and renewal of the Shire’s CCTV network does have ongoing financial implications.

Workforce

Implementation of the Shire’s CCTV Guidelines and Operational Manual, together with the management of the Shire’s CCTV network is considered achievable with existing Shire resources.

Options

Council has the option of:

1. Endorsing the proposed Guidelines and Operational Plan.
2. Endorsing the proposed Guidelines and Operational Plan, subject to modifications.
3. Not endorsing the proposed Guidelines and Operational Plan and/or endorsing an alternative response and resolution.

Conclusion

Closed Circuit Television (CCTV) has increasingly featured in the community as a safety and crime prevention tool. When combined with other crime prevention strategies, the visible presence of CCTV within or around public places and buildings is likely to contribute to a reduction of community fear of crime and act as a visible deterrent to potential offenders.

Endorsement of the proposed CCTV Guidelines and Operational Plan will provide the Shire and community with a clear framework that clarifies the responsibilities, requirements and processes that apply to all Shire CCTV infrastructure and requests received by the community.

An increasing CCTV network has an ongoing financial impact on the Shire’s finances on an ongoing basis. The framework therefore aims to ensure there is a strategic approach when considering to increase the CCTV ongoing annual maintenance budget.

13.2 Support CCTV Installation at Coolup Hall

File Ref:	D22/29946
Previous Items:	OCM 22 Jun 22 (OCM22/070)
Applicant:	Coolup Progress Association
Author and Title:	Leanne McGuirk, Director Place, Community and Economic Development
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 13.2 App 1 - A6 - Closed Circuit Television (CCTV) Policy Item 13.2 App 2 - CCTV Assessment Criteria and Checklist - Coolup Hall

Cr S Kirkham declared an Impartiality Interest in Item 13.2 – Support CCTV Installation at Coolup Hall in that he and his wife Lynda are members of the Coolup Progress Association and Lynda is also the Treasurer.

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

Cr S Kirkham remained in the meeting.

Cr A Rogers declared an Impartiality Interest in Item 13.2 – Support CCTV Installation at Coolup Hall in that she is the President of the Coolup Progress Association and has been involved in the discussions relating to this agenda item.

Cr A Rogers advised that she would consider the matter on its merits and vote accordingly.

Cr A Rogers remained in the meeting.

Recommendation/Council Decision OCM22/118

Moved: Cr D McLarty

Seconded: Cr G Black

That Council approves the Coolup Progress Association funding the installation of Closed-Circuit Television (CCTV) infrastructure at Coolup Hall, subject to:

- 1. The ongoing management and maintenance of the asset remaining the responsibility of the Association.**
- 2. The existing lease being updated to reflect inclusion of the asset and the associated responsibilities related to the ongoing management and maintenance of the asset (where applicable).**
- 3. At the ‘end of life’ and/or replacement of the CCTV the Lessee being required to ‘make good’ any part of the building and/or associated infrastructure impacted by the installation of CCTV at their cost to the satisfaction of the Shire;**
- 4. Renewal of any approved CCTV at the ‘end of life’ being subject to a new application.**
- 5. The CCTV system being installed by a licensed contractor and comply with all relevant work health and safety legislative requirements.**
- 6. The Lessee being advised that CCTV systems can only be viewed and distributed in accordance with the Privacy Act (1988).**

CARRIED UNANIMOUSLY 8:0

In Brief

Council is requested to consider an application by the Coolup Progress Association to install CCTV at the Coolup Hall in response to an increase in anti-social behaviour, vandalism and theft.

Background

The Coolup Progress Association approached the Shire of Murray in December 2021 with a request to fund installation of CCTV cameras at the Coolup Hall in response to incidences of vandalism. In more recent months, the Coolup Hall has experienced a break-in where assets of the Progress Association were stolen, as well as the recent theft of gas bottles and damage to the building.

Consistent with the process outlined within the Shire's proposed CCTV Guidelines and Operations Manual (which is subject to Council's consideration for adoption to advertise at the September 29 OCM – refer Item 13.2), Officers sourced a quote of \$10,771.02 from the Shire's existing CCTV system provider to ensure integration of the cameras with the Shire's broader CCTV network. The cost quoted was considered cost prohibitive by the Progress Association and the Association consequently obtained a further quote of \$3,472 from an alternative supplier. The second quote, whilst providing the same number of cameras (4), did not enable the system to be integrated into the Shire's existing network and would not enable remote access to footage by WA Police and the Shire.

As per the Shire's endorsed CCTV Policy (A6 – Closed Circuit Television – refer **Appendix 1**), the request was evaluated under the Needs Assessment Matrix, contained within the Shire's proposed CCTV Guidelines and Operations Manual. On assessment against this matrix the application was ranked as low priority with a total score of 41% (refer assessment located in **Attachment 2**).

Alternative options to CCTV have been considered which are likely to reduce potential issues, however the Association remain committed to securing CCTV at the Coolup Hall based on the lower quote and are therefore seeking Council's consideration and support for the infrastructure to be funded by the Association and installed at a quoted cost of \$3,472.

Report Detail

The Shire's endorsed CCTV Policy (Policy A6 – Clause 2.3) states that new fixed systems will be considered where community need is identified and substantiated, where funding is available through budget or via grants for equipment and installation, and through a budget for ongoing operational costs. The Policy further states that all requests for systems will be assessed against a formal Needs Assessment Matrix, which was yet to be developed at the time of endorsement of the Policy. Clause 2.2 of the Policy also advises that CCTV should enable the monitoring of existing and new systems within local Police Stations if the CCTV is managed by the Shire.

In support of the Policy provisions, Officers have subsequently developed a proposed matrix which forms part of the broader CCTV Management and Operational Plan being considered by Council at the September 2 OCM. The Coolup Progress Association request has been assessed against this proposed matrix, with a full copy of the assessment is contained with **Attachment 2**.

The CCTV Assessment Group comprised Officers from Building, Governance, Information Technology and Community Development. The evaluation considered numerous factors including Crime Prevention Through Environmental Design (CPTED) measures that may be implemented, incidents of crime against persons and property, level of pedestrian activity / surveillance and whether the infrastructure can form part of the Shire's existing integrated and remote access system.

The request was assessed at a score of 41% (Low). The relatively low assessment score suggests that CCTV in this location may not be a high priority for funding by the Shire, as part of the broader integrated CCTV network.

The above acknowledged, the Coolup Progress Association has indicated a preparedness to fund the installation of CCTV infrastructure at the Coolup Hall and remain committed to achieving this outcome.

Should Council consider the Association's application favourably, it is recommended that consideration be given to supporting the request, subject to the Association taking full responsibility for the ongoing management and maintenance of the asset.

Murray 2031 Strategic Community Plan

Focus Area	Places for People
Aspiration	In 2031 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	Facilitate safe neighbourhoods and communities.

Other Strategic Links

The Shire’s proposed CCTV Guidelines and Operational Plan (which is subject to consideration by Council under Item 13.1 of the September 29 OCM).

Statutory Environment

Policy A6 – Closed Circuit Television (CCTV)

Sustainability & Risk Considerations

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

Effective CCTV contributes to the prevention and detection of crime and has the potential to reduce the resources and costs associated with addressing and/or responding to criminal and undesirable behaviour.

The responsibilities associated with the cost for installation and ongoing management and maintenance of CCTV is proposed to be met by the Coolup Progress Association.

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

The increase of CCTV infrastructure in the Shire of Murray is likely to provide the community with a greater sense of security and safety and may discourage undesirable and criminal activity at the hall. Increased CCTV presence in the Shire would also benefit local police endeavours.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	There is a risk of negative public perception if CCTV is not supported given Coolup Progress Association’s willingness to fund the installation.

Consultation

The Coolup Progress Association and users of the Coolup Hall are supportive of installation of CCTV at the Hall. The WA Police have made comment as part of the CCTV Needs Assessment process and while the levels of crime are comparatively low in the area surrounding the Coolup Hall, the Police are ultimately supportive of any and all CCTV installations in the Shire of Murray.

Resource Implications

Financial

As part of the assessment process, other physical and landscaping measures to discourage undesirable behaviour in and around the Coolup Hall were identified, including the use of bollards.

Irrespective of Council's determination of the CCTV application, these measures are intended to be undertaken and funded by the Shire to discourage further anti-social and/or criminal behaviour.

Should Council determine to fund the CCTV installation at the Coolup Hall to enable an integrated system with the Shire's broader CCTV network there will be upfront and ongoing costs which would be an initial cost of approximately \$10,770 and annual costs of approximately \$1,710.

Workforce

Obtaining footage from an integrated CCTV system would require moderate officer time provided the system allows for remote access. Coolup Progress Association's willingness to manage the CCTV system at the Coolup Hall greatly reduces the impacts on staff time and resources.

Options

Council has the option of:

1. Supporting the recommendation, as proposed.
2. Not supporting the recommendation and/or determining an alternate approach and resolution.

Conclusion

The Coolup Progress Association have raised a community concern around recent anti-social behaviour and criminal activity at and around the Coolup Hall and have identified a response through the installation of CCTV and associated other supporting measures that collectively, are expected to discourage undesirable activity.

The importance of ensuring community led initiatives are supported and local communities are empowered to take a level of ownership and management of valued community spaces and buildings is recognised and supported.

13.3 Subleasing of Liveringa Gallery - Edenvale Heritage Precinct

File Ref: D22/30943
Previous Items: Nil.
Applicant: Murray Districts Arts & Crafts Society WA Incorporated
Author and Title: Krystal Dawe, Manager Place and Economic Development
Declaration of Interest: Nil.
Voting Requirements: Simple Majority
Appendices: Item 13.3 App 1 - Letter from Chairperson, Murray Districts Arts & Crafts Society
Item 13.3 App 2 - Nu.Arts Collective Proposal to Sublet Liveringa Homestead (under separate cover)

Cr G Black declared an Impartiality Interest in Item 13.3 - Subleasing of Liveringa Gallery - Edenvale Heritage Precinct in that he is the Chairman of Friends of Edenvale.

Cr G Black advised that he would consider the matter on its merits and vote accordingly.

Cr G Black remained in the meeting.

Cr D Bolt declared an Impartiality Interest in Item 13.3 - Subleasing of Liveringa Gallery - Edenvale Heritage Precinct in that his IT Company has provided free IT support to the Murray Arts Group.

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

Cr D Bolt remained in the meeting.

Recommendation

Moved: Cr D Pike

Seconded: Cr S Carter

That Council consent to Murray Districts Arts & Crafts Society WA Incorporated entering into a legal arrangement with Nu.Arts Collective to sublease the Liveringa Homestead to take over operation of the art gallery.

Cr S Lee moved an amendment to the officer recommendation:

Moved: Cr S Lee

Seconded: Cr G Black

That Council defer consideration of the proposed Subleasing of Liveringa Gallery - Edenvale Heritage Precinct, subject to further discussion with Murray Arts and Crafts and the proposed sublessee NuArts until its October 2022 meeting.

In Favour: Crs Geoff Black and Steve Lee

Against: Crs David Bolt, Douglas McLarty, Stuart Kirkham, Ange Rogers, David Pike and Stewart Carter

LOST 2:6

The original motion then became the substantive motion.

Recommendation/Council Decision OCM22/119

Moved: Cr D Pike

Seconded: Cr S Carter

That Council consent to Murray Districts Arts & Crafts Society WA Incorporated entering into a legal arrangement with Nu.Arts Collective to sublease the Livinginga Homestead to take over operation of the art gallery.

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

Against: Crs Geoff Black and Steve Lee

CARRIED 6:2

In Brief

Murray Districts Arts & Crafts Society WA Incorporated are requesting consent from Council to sublease the Livinginga Homestead (Livinginga Gallery) to Nu.Arts Collective.

Background

Murray Districts Arts & Crafts Society WA Incorporated (**Murray Arts**) have been granted a lease of a Portion of Lot 316 George Street, Pinjarra (Reserve 36703) and Lot 315 Murray Street Pinjarra, being the Edenvale Heritage Precinct.

The below aerial image highlights the buildings within the Edenvale Heritage Precinct that Murray Arts has lease over. Its Lease for the below buildings expires on 30 June 2024. The building highlighted in red is the Livinginga Homestead which is the subject lease area of this report.



At its General Meeting on 24 August 2022, Murray Arts members voted in favour of the Livinginga Homestead being sublet to Nu.Arts Collective. Correspondence from the Chairperson of Murray Arts dated 25 August 2022 confirming this is attached as **Appendix A**.

The Shire has been advised by the Chairperson of Murray Arts that the proposal was largely supported by its members as its volunteers are finding it increasingly difficult to open and operate the gallery resulting in inconsistent opening hours, exhibitions and activities. Its members therefore would like to refocus on its core activities, being the art and craft shop and delivery of creative classes and workshops.

Under condition 24 of the Lease, the Lessee (Murray Arts) must not sublet any part of the premises without the prior written consent of the Lessor (Shire of Murray).

Murray Arts is subsequently requesting Council's consent to sublet the Livinginga Homestead to Nu.Arts Collective.

Report Detail

Nu.Arts Collective describes its proposed operations as:

A professionally run, organised and managed Art based Collective from a holistic perspective. It will activate a creative cultural centre increasing growth and development, career opportunities and social connection within the region across all sectors of the community. It will provide multi-disciplinary artists a retail outlet and social hub to congregate, learn, connect and expand.

Nu.Arts Collective are proposing to take over operation of the existing art gallery and to expand its capacity and potential. It also proposed to deliver a range of activities and programs to assist with the activation of the Precinct, foster creative skills and expand creative industries. Nu Arts proposal is located at Confidential **Appendix B**.

Murray 2031 Strategic Community Plan

Focus Area	Places for People
Aspiration	Great places for people through strong partnerships with the community; innovative urban design; and improved wellbeing and quality of life for residents.
Strategy	Support volunteer opportunities and organisations.

Murray 2021 – 2025 Corporate Business Plan

Nil.

Other Strategic Links

- Edenvale Heritage Precinct Place and Activation Plan 2021-2031
- Pinjarra Revitalisation Strategy 2017 (has not been endorsed by Western Australia Planning Commission)

Statutory Environment

The Lease is governed by the *Commercial Tenancy (Retail Shops) Agreements Act 1985*. Under condition 24 of the Lease, it states that the Lessor may not unreasonably withhold its consent to the assignment (including sublet) of premises under the Lease.

Sustainability & Risk Considerations

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

The Edenvale Heritage Precinct is an important and valued asset of Pinjarra with great potential to enhance its status as an activated, diverse and inclusive regional and local destination and space for the community and visitors. In 2021, Council adopted the Edenvale Heritage Precinct Place and Activation Plan 2021-2031 to maximise and enhance activation and tourism opportunities for the long-term sustainability of the Precinct and its users. The proposal and program of activities strongly align with the outcomes sought under the Place and Activation Plan and if executed, will add value to the community and visitor experience and perception of the Precinct.

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

Cultural infrastructure is considered to play a key role in creating great places that bring people together, improving the liveability of a place, servicing the visitor economy, fostering inclusiveness, supporting innovation and drive revitalisation projects.

Environment – (Impact on environment's sustainability)

Nil.

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	Should Council support the proposal, there is a level of risk that the venture may not sustain the remaining period under the Lease (due to expire 30 June 2024). Should this occur, Murray Arts will still be responsible for the premises unless otherwise agreed.

Consultation

Given that the premises is under the control of Murray Arts and that the proposed sublease arrangements has been endorsed through a majority members vote, consultation is not considered needed. Additionally, as the proposal would be a sublease matter between Murray Arts and Nu.Arts Collective and is not a new land transaction, public advertisements to the community is not required.

Resource Implications

Financial

Consideration under the Head Lease is currently \$50 per annum. Murray Arts will be charging one third of this cost to Nu.Arts Collective plus outgoings under the sublease should Council support its request to sublet the Liveringa Homestead. Given that the Lease is due to expire on 30 June 2024, this will provide Council with the opportunity to review the arrangement, at that time. In the interim however, it provides a user group with opportunity to establish its operations within the Edenvale Heritage Precinct.

Workforce

Should Council support the proposal, the Manager of Governance will assist in the preparing the sublease instrument to ensure that it is compliant and the obligations under the Lease are understood.

Options

Council has the option of:

1. Consenting to Murray Districts Arts & Crafts Society WA Incorporated entering into a legal arrangement with Nu.Arts Collective to sublease the Liveringa Homestead to take over operation of the art gallery.
2. Not consenting to Murray Districts Arts & Crafts Society WA Incorporated entering into a legal arrangement with Nu.Arts Collective to sublease the Liveringa Homestead to take over operation of the art gallery.

Conclusion

The proposal will ensure that the existing activities of the art gallery at the Liveringa Homestead are continued for the community and visitors while expanding on its offerings to encourage greater visitation and support for creative industries. The proposal strongly aligns with the Edenvale Heritage Precinct Place and Activation Plan and will assist in the outcomes sought for the Precinct. Further, the sublease arrangement will assist with ensuring the longer-term financial sustainability of Murray Arts.

14 INFRASTRUCTURE SERVICES

14.1 Purchase and Disposal of a Heavy Vehicle Rigid Tipper Truck

File Ref: D22/30053
 Previous Items: Nil.
 Applicant: Nil.
 Author and Title: Chris Pretorius, Manager Operations
 Declaration of Interest: Nil.
 Voting Requirements: Simple Majority
 Appendices: Item 14.1 App 1 - Confidential Assessment Report Tipper 2022 - Confidential (under separate cover)

Recommendation/Council Decision OCM22/120

Moved: Cr A Rogers
Seconded: Cr D McLarty

That Council:

1. Approves the Confidential Assessment Report by the evaluation panel for the replacement of the current Volvo FM500 6 wheel rigid tipper truck at Appendix 14.1.
2. Accepts the offer submitted by Truck Centre WA under the WALGA Preferred Supplier Contract NPN 04.13 to supply a new Volvo FM500 6 Wheel Rigid Tipper.
3. Dispose of the existing Volvo FM500 6 Wheel Rigid Tipper via auction after delivery of the new Volvo FM500 6 Wheel Rigid Tipper Truck.

CARRIED UNANIMOUSLY 8:0

In Brief

To progress the Shire of Murray approved 10-year plant replacement program tenders were called for the supply of a new 6 Wheel Rigid Tipper Truck. Tenders were invited under the Western Australian Local Government Associations (WALGA) Preferred Supplier purchasing process. The existing 6-wheel Rigid tipper truck will be disposed at auction to partially offset the new purchase price.

Background

The Shire of Murray operates two 6 Wheel Rigid Tipper Trucks within the Civil Construction and Maintenance section. The rigid trucks are used in transport of materials primarily for road construction but also other construction and maintenance tasks completed by the Operations Team across drainage, parks and waterways management.

As part of the Shire 10-year Plant Replacement Program light & heavy vehicles are forecast to be replaced based on hours of operation or kilometers travelled in order to maintain a fleet of vehicles in good working order to carry out the capital and maintenance works program.

The current Volvo FM500 6-wheel rigid tipper truck is due for replacement.

Report Detail

The report details are provided in the Confidential Assessment Report.

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	Deliver efficient and effective Council services to the Community.
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Other Strategic Links

Nil.

Statutory Environment

The WALGA preferred supplier process used to consider purchasing the new 6 Wheel Rigid Tipper Truck is exempt from the tender requirements of the section 3.57 of the *Local Government Act 1995* and the *Local Government Functions and General Regulations 1996*. Regulation 11 (2) provides the following:

Tenders do not have to be publicly invited according to the requirements of this Division if:

- (b) the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA.

Section 3.58 (2) of the Act deals with the disposal of property, other than by way of local public notice requirements. 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.

Section 3.58 (5) (d) states that this section does not apply to any other disposition that is excluded by regulations from the application of this section.

Regulation 30 (2a) of the Local Government Functions and General Regulations 1996 states:

A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been:

- (b) the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable.

Sustainability & Risk Considerations

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

The purchasing services of WALGA (Preferred Supplier) and a formal Tender process have been used to ensure competitive pricing to minimise any financial impacts.

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

The replacement of the current Volvo FM500 6 Wheel Rigid Tipper Truck is considered to have a low to negligible impact on the community.

Environment – (Impact on environment's sustainability)

The replacement of the current Volvo FM500 6 Wheel Rigid Tipper Truck is considered to have minimal impact on the environment and newer technology may create less harmful emissions.

Policy Implications

The proposal is within budget and supports the 10-year plant replacement program. Council Policies implications have been assessed and there is minimal risk of negative community feedback and the proposal presented is in accordance with the relevant legislation and Council Policy G11 - Purchasing.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	Financial, Operational and Reputational risk is low in considering the replacement of the current Volvo FM500 6 Wheel Rigid Tipper Truck.

Consultation

In considering the proposal an evaluation panel was establish consisting of the Manager Operations, Civil Supervisor, Workshop Supervisor, Truck Drivers and the Technical Officer Operations.

Resource Implications*Financial*

The financial implications are provided in the Confidential Assessment Report to Council.

Workforce

The replacement of the Volvo FM500 6 Wheel Rigid Tipper Truck is considered to have no impact on the current workforce requirements

Options

The Council has the option of:

- 1 Supporting the Tender offer.
- 2 Rejecting the Tender offer.

Conclusion

The recommendation's presented for Council's consideration will enable the administration to forward plan the replacement of heavy vehicle rigid Tipper Truck in light of the long lead times for vehicle supply. The evaluation panel's justifications and conclusions are contained within the Confidential Assessment Report.

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

File Ref:	D22/30227
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Darko Bertram, Development/ Project Engineer
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Nil.

Recommendation/Council Decision OCM22/121**Moved: Cr G Black****Seconded: Cr S Kirkham****That Council:**

- 1. Endorses the tender selection criteria for Tender T22/04 as provided in the body of this report for the engagement of a contractor to complete the Batavia Quays, South Yunderup Finger Jetty and Boat Ramp upgrade.**
- 2. Approves for the Chief Executive Officer to publicly invite Tender T22/04 state-wide for the scope of work in accordance with the provisions of the Local Government Act 1995.**

CARRIED UNANIMOUSLY 8:0**In Brief**

To progress the Batavia Quays, South Yunderup Finger Jetty and Boat Ramp Upgrade as a result of securing funding through Recreational Boating Facilities Scheme Round 26, Council is requested to endorse the tender advertisement and selection criteria for the tender evaluation.

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. Construction of a floating jetty will greatly enhance accessibility and promote visitation to the region.

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 project can be separated into two parts including the floating jetty and the boat ramp upgrade. It is proposed to structure the tender as separable portions to enable flexibility in the selection of the contractor or contractor's able to complete the works. The proposed separable portions will be Part 1 – Fabrication and Installation of Floating Jetty and Part 2 – Boat Ramp Extension and Jetty Abutment Demolition and Retaining.

Report Detail

To progress the project construction, it is necessary to invite suitably qualified contractors to price the works so they can be completed by May 2023 in line with grant funding commitments.

The engagement of a suitably qualified jetty contractor is essential and the following table details the selection criteria proposed for Tender T22/04. It is recommended that Council formally support the selection criteria and the associated weightings, as outlined below. The tender evaluation for the separable portions will be assessed by the selection criteria and the associated weightings.

Criteria	Detail	Weighting
Experience	Demonstrated successful experience in the demolition and construction of jetty upgrade projects.	20%
Demonstrated Understanding & Methodology	Clearly articulate the methodology to be implemented in the construction process.	20%
Capacity	Outline your capacity to undertake the appointment and the resources to be allocated.	20%
Tendered Fees	Clearly outline the pricing differences between alternative designs.	40%

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	Connect the natural assets and waterways, parks and reserves to the community.
Actions	Progressively improve and activate family-friendly foreshore reserves.

Other Strategic Links

Nil.

Statutory Environment

Tendering is dealt with in Section 3.57 of the *Local Government Act 1995* (Tenders for providing goods or services) and Part 4, Division 2 of the *Local Government (Functions and General) Regulations 1996*.

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

Council Policy G11 - Purchasing deals with Tendering and purchasing generally. This proposal complies with the policy requirements and the general statutory obligations within the *Local Government Act 1995* in respect to tenders and delegations.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	The framework for this invitation to tender and consider the outcome is in accordance with the <i>Local Government Act 1995</i> and Council Policy. The risk implication is low.

Consultation

Nil.

Resource Implications*Financial*

Funding from the Department of Transport Recreational Boating Facilities Scheme exists with the Shire of Murray for the Batavia Quays, South Yunderup Finger Jetty and Boat Ramp Upgrade.

Workforce

The project will be delivered with existing staff resources.

Options

Council has the option of:

1. Supporting the invitation of Tender T22/04 and accepting the selection criteria as outlined.
2. Rejecting the proposal to invite Tender T22/04.

Conclusion

The recommendations presented for Council's consideration will enable staff to progress the Batavia Quays, South Yunderup Finger Jetty and Boat Ramp Upgrade and tender for suitably qualified jetty contractors to undertake the works. The completion of the project will also ensure the improved accessibility of boats to the Yunderup Approach Channel, South Yunderup for access to the Peel-Harvey estuary.

14.3 Restrictive Covenant in Public Open Space - Lot 42 Hampton Road, Pinjarra

File Ref:	D22/31331
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Darko Bertram, Development/ Project Engineer
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 14.3 App 1 - Restrictive Covenant - Hampton Road Subdivision 153284 - Lot 42 Hampton Road Pinjarra

Recommendation/Council Decision OCM22/122

Moved: Cr A Rogers

Seconded: Cr S Carter

That Council approves for the Chief Executive Officer and the Shire President to sign and apply the Common Seal to a Restrictive Covenant in favour of Western Power to protect electrical infrastructure located within the new Public Open Space proposed to be encompassed within Reserve 50125.

CARRIED UNANIMOUSLY 8:0

In Brief

A Restrictive Covenant is required to protect a clear zone surrounding Western Power infrastructure. The safe zone will fall within a future Public Open Space to be included in Reserve 50125 from land being developed at Lot 42 Hampton Road.

Background

Lot 42 Hampton Road is currently being developed under Western Australian Planning Commission subdivision approval. As part of providing electricity to the lots, Western Power infrastructure will be located adjacent to a future Public Open Space (POS) that will be under care and management of the Shire. The POS is an extension of existing Reserve 50125.

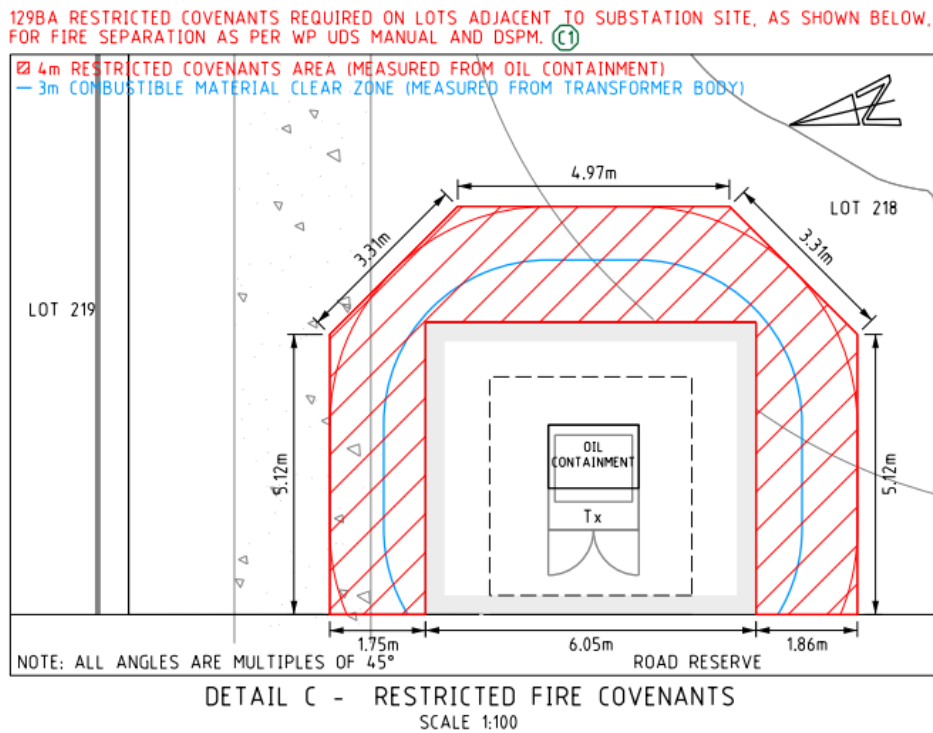
Western Power requires that the infrastructure be surrounded by a restrictive covenant so that no other structures or works are carried out within a clear zone they require.



Lot 42 Hampton Road, Pinjarra

Report Detail

The Restrictive Covenant proposed is to provide a clear zone surrounding Western Power infrastructure proposed to be constructed.



Council are requested to support the use of the Common Seal and the signing of the covenant as detailed in the recommendation.

Murray 2031 Strategic Community Plan

Focus Area	Capable and Accountable
Aspiration	Murray has a sustainable future.
Strategy	Establish a strong corporate governance framework to ensure high standards of integrity, ethics and accountability.

Murray 2021 – 2025 Corporate Business Plan

Nil.

Other Strategic Links

Nil.

Statutory Environment

Planning and Development Act 2005, section 9.49A of the Local Government Act 1995 and Clause 13.4 of the Shire of Murray Meeting Procedures Local Law 2015.

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	Risks associated with the placement of a Restrictive Covenant are low as it will be within a Shire managed Public Open Space.

Consultation

Nil.

Resource Implications

Financial

Nil.

Workforce

Nil.

Options

Council has the option of:

1. Supporting the endorsement of the Restrictive Covenant.
2. Rejecting the proposal.

Conclusion

The impacted land will be future Public Open Space under Management Order to the Shire. There would be no need to undertake infrastructure works within the safe zone being protected under the proposed Restrictive Covenant so it should be endorsed.

15 ITEMS FOR INFORMATION

15.1 Delegated Development Application Decisions – August 2022

File Ref: D22/30149

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

Appendices: Item 15.1 App 1 - Delegated Decisions for Development Approvals for August 2022

In Brief

Delegated Decisions are attached for information.

15.2 Outstanding Council Resolutions

File Ref: D22/30744

Author and Title: Denise Garner, CEO Executive Support Officer

Appendices: Item 15.2 App 1 - Outstanding Council Resolutions

In Brief

Resolution Register is attached for 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

Nil.


20 MEETING CLOSED TO THE PUBLIC (CONFIDENTIAL BUSINESS)

Nil.

21 CLOSURE OF MEETING

There being no further business the Presiding Member declared the meeting closed the time being 5.59pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 27 October 2022.



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Presiding Member