



Minutes

Ordinary Council Meeting

Thursday 24 October 2019

**Ordinary Council – 24 October 2019
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Minutes of the Ordinary Meeting of Council held at the Murray Shire Council, 1915 Pinjarra Road, Pinjarra on Thursday 24 October 2019.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

2. ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

Cr D Bolt	President
Cr S Lee	Deputy President
Cr A Rogers	Councillor
Cr C Rose	Councillor
Cr G Black	Councillor
Cr B Cardilini	Councillor
Cr D McLarty	Councillor
Cr B Beacham	Councillor
Cr S Kirkham	Councillor
Mr D Unsworth	Chief Executive Officer
Mr A Smith	Director Infrastructure Services
Mr R Peake	Director Planning and Sustainability
Ms K Dawe	Acting Director Place and Community Development
Mrs T Unsworth	Director Corporate Services
Mrs F Hide	Coordinator Executive Services

There were twenty one (21) members of the public, 2 members of staff and 1 member of the press in attendance at this time.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Mr Bernard Bienke, 4241 South West Highway, Dandalup

Q1:

Is the Shire of Murray required to inform the land owner if and when their land has been rezoned?

Response

Mr R Peake advised that the statutory rezoning process does require community consultation.

Q2:

Does the Shire think that covering the land with approximately a metre of sand can reflect a rural style of development?

Response

Mr R Peake advised that the earthworks were undertaken around either the building site or the residential zoned portion of the site to accommodate the applicant's road design toward South Western Highway. The landowner sought to earthwork the residential zoned portion of the site as part of the development works to facilitate their future development intentions.

Q3:

Could an unsightly power transformer be better located and not next to a footpath or housing?

Response

Mr R Peake advised that the location of power transformers is determined by Western Power and are typically located adjacent to a road reserve.

Mr Josef Francis Gurak, 4224 South West Highway, North Dandrup

Q1:

At what point in this development application did delegated authority by the Planning Department turn this building from a research station and incubator to a licenced premises.

Response

Mr R Peake advised that an application to change the use of portion of the approved building to an incidental restaurant was approved under delegated authority in December 2018. A liquor licence has not been issued to date and such licences are issued by the Department of Racing Gaming and Liquor.

Q2:

Can the following aspects of the recommendation under Item 15.4 please be clarified?

Recommendation 2a) Council are still entertaining general public use of the incidental restaurant. Please explain why this is considered suitable and reasonable. As a research centre should the incidental use not prohibit use by the public at large?

Recommendation 2c) What will the proposed opening hours be? As an incidental use to a research facility with stated reasons of hosting private functions, why does the restaurant need to be open to the public at all? Should the hours of operation not be restricted to normal business hours for a research facility, notably being 09:00 to 17:00 Monday to Friday?

Recommendation 2d) It is noted in the discussion that the lamb is being imported from Toodyay. As the restaurant is incidental to the research centre should the produce sold not be directly related to the research being conducted? Further can it please be explained why no limitation on events held at the restaurant have been considered in the recommendations: As an incidental use to a research facility hosting scientific and agri-food business event, should a restriction on the number of events and guests per event not be established to keep the proposed use incidental? What controls exist to prevent the incidental restaurant hosting weekly events to bypass the conditions of their operation?

Response

Mr Rod Peake advised that the Shire placed a condition on the approval that the Restaurant component of the development must remain incidental to the predominant research centre use. This could be satisfied in a number of ways, including the type of criteria listed in points 2a) – e) of the recommendation. The Shire will seek to discuss and agree with the operator suitable incidental criteria for this particular development to ensure that it does remain incidental with a genuine and continuing relationship between the research centre and restaurant.

5. PETITIONS AND APPROVED DEPUTATIONS

5.42pm: Mr Glen McLeod, principal of Glen McLeod Legal - Item 15.1 Application to delete and modify conditions of the Development Approval for a Dwelling Extension and Outbuilding on Lot 37 Murray Terrace, Cooleenup Island, South Yunderup refers.

In summary, Glen McLeod made the following points:

The Council is requested to approve Mr McDonnell's application for Condition 1 to be removed from his planning approval, because:

- the removal of condition 1 is consistent with the legal and planning framework;
- it is unreasonable and illogical to remove the approved extension, but not the remaining dwelling; and
- the Department of Water and Environmental Regulation has not objected to the removal of Condition 1, nor stated any reason for its inclusion.

Cr Bolt thanked Mr McLeod for his deputation which concluded at 5.51pm.

6. CONFIRMATION OF MINUTES

6.1 Ordinary Council Meeting – 26 September 2019

Recommendation/Council Decision

OCM19/196

Moved: Cr S Lee

Seconded: Cr D McLarty

That the Minutes of the Ordinary Council Meeting held on 26 September 2019 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY 9:0

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

On Friday 27 September, I took part in an ABC Television interview to speak about the Point Grey Marina Development. Later in the morning, I was interviewed by ABC Southwest in relation to the Point Grey Marina Development. In the afternoon, I attended the Shire of Waroona/Shire of Murray Councillors and Senior Staff networking function at the Shire of Waroona offices.

On Monday 1 October, I took part in an ABC Radio interview regarding the Ravenswood Sporting Complex Feasibility Study and the Dwellingup Trails project. Later in the morning, I attended the Murray/Waroona Resource Sharing Committee meeting at the Shire of Murray followed by another TV interview with Channel Seven regarding the Point Grey Marina Development. In the afternoon, I took part in a live to air radio interview with ABC Drive Radio.

On Wednesday 2 October, I attended the Pinjarra Men's Shed meeting to discuss logistics and planning for the launch of the new facility. Following this, the CEO and I met for our fortnightly catch up review meeting.

On Tuesday 8 October, I presided over the Shire of Murray's Citizenship Ceremony held at the Shire of Murray. Councillor Brenda Beacham also attended the ceremony. Twenty-six new Australian citizens were welcomed to the Shire of Murray.

On Thursday 10 October I took part in an ABC South West Radio interview regarding the Shire's mental health programs and initiatives and its finalist selection in the State Mental Health Awards.

On Sunday 13 October, I attended a presentation followed by a guided tour of the Pinjarra Aboriginal Massacre Site.

On Monday 14 October, I attended a review meeting with the Shire of Murray CEO.

On Tuesday 15 October, I attended a meeting at Peel Harvey Catchment Council to discuss the Point Grey Marina Development.

On Wednesday 16 October, I attended a meeting with the CEO and Shire President of Waroona.

On Friday 18 October, I attended my regular review meeting with the Executive Director of the Peel Regional Leaders Forum. This was following in the afternoon with a meeting regarding the Community Men's Shed.

On Thursday 17 October, I attended the PDC and State Government Regional Communication Forum at the Sebel Hotel in Mandurah, then went on to attend the Rivers Regional Council Meeting at the Shire of Serpentine Jarrahdale.

On Saturday 19 October, I attended the Local Government Election count at the Shire of Murray.

On Monday 21 October, I attended a Councillor Induction Information Session at the Shire of Murray for elected and newly elected Councillors.

On Wednesday 23 October, I attended a meeting regarding the Agri-Innovation Centre plans.

On Thursday 24 October, I attended a swearing in ceremony for elected Councillors.

8. ANNOUNCEMENTS BY ELECTED MEMBERS

Nil

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

Nil

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

10.1 CEO Resource Sharing Committee Tuesday 1 October 2019

File Ref: 1403-01
Author and Title: Dean Unsworth, Chief Executive Officer
Voting Requirements: Simple Majority

Appendix 1

Recommendation/Council Decision

OCM19/197

Moved: Cr S Lee

Seconded: Cr B Beacham

That Council receives and notes the Minutes of the CEO Resource Sharing Committee Meeting held on Tuesday 1 October 2019.

CARRIED UNANIMOUSLY 9:0

At this point in the meeting the Presiding Member advised that Items 15.1 – 15.9 would be considered by Council.

Planning and Sustainability

15.1 Application to delete and modify conditions of the Development Approval for a Dwelling Extension and Outbuilding on Lot 37 Murray Terrace, Cooleenup Island, South Yunderup

File Ref: MU05/37
Previous Items: Nil
Applicant: Kevin McDonnell
Author and Title: Rhys Bloxside, Acting Manager Planning
Rod Peake, Director Planning and Sustainability
Voting Requirements: Simple Majority

Appendices 2, 3 and 4

Recommendation/Council Decision

OCM19/198

Moved: Cr D McLarty

Seconded: Cr A Rogers

That Council:

- 1. in regard to the development approval issued by the Shire of Murray on 5 October 2016 for extensions to an existing dwelling and an outbuilding at Lot 37 Murray Terrace, Cooleenup Island, South Yunderup:**
 - a. deletes condition 1 which reads *“Development approval is granted for a period of 20 years from the date of this letter. The development hereby approved shall be removed within this time period unless an extension is otherwise granted by the local government.”***
 - b. extends the date within which substantial commencement of the approved development is to be undertaken from 5 October 2018 to 24 October 2021;**
- 2. advises the applicant that all other terms and conditions of the planning approval remain valid; and**
- 3. resolves to waive the relevant planning administration fee for the application.**

CARRIED UNANIMOUSLY 9:0

Background

Lot 37 Murray Terrace is located on Cooleenup Island, South Yunderup. It is 2,200m² in area, low lying with ground levels ranging from approximately 0.6 to 1.5 m AHD. It contains scattered native vegetation, a modest single dwelling measuring approximately 78m² in area and a shed measuring approximately 6m². A building permit for the dwelling was issued in 1993 and therefore it was likely to have been constructed in approximately 1994. The property is only accessible via the Murray River. There is no vehicular access. A jetty, partially located within the adjacent unconstructed portion of Murray Terrace and extending into the Murray River provides boat access to the property. A plan highlighting the location of the property is shown overleaf.



In October 2016, the Shire issued a planning approval for an extension to the existing dwelling of approximately 66m², plus a perimeter verandah and a new 50m² colorbond outbuilding, with a wall and ridge height of 2.7m and 3.5m respectively. The dwelling extensions are proposed to be constructed in steel framing, hardiflex cladding and a colorbond roof. They have the same floor level as the existing dwelling at 1.86m AHD, raised on stumps by up to approximately a metre from the surrounding ground level. The floor level of the proposed outbuilding is 1.15m AHD which is approximately at the existing ground level in that location.

The following conditions and advice notes were imposed on the planning approval:

1. *Development approval is granted for a period of 20 years from the date of this letter. The development hereby approved shall be removed within this time period unless an extension is otherwise granted by the local government.*
2. *A notification, pursuant to Section 165 of the Planning and Development Act 2005, is to be placed on the certificate of title of the lot, advising of the existence of a hazard or other factor. The notification is to state as follows:*

"VULNERABLE COASTAL AREA - This lot is located in an area likely to be subject to coastal erosion and inundation over the next 100 years."

3. *The outbuilding shall not be used for commercial, industrial or human habitation purposes, unless otherwise approved by the local government.*

Advice to Applicant

- A. *In regard to condition 1, a flood impact report prepared by CSIRO for the Murray River delta anticipates that around 50% of existing lots on Coolleenup Island are under threat as early as a 2030 sea level rise scenario, however, low level flooding will inundate all existing lots on Coolleenup Island with a 2070 sea level rise scenario. In light of this information, the Shire has taken a precautionary approach to this development approval. It may be possible as new information comes to hand in the future to extend the approval date.*

The approval is valid for a period of two years from the date of this letter (ie until 5 October 2018). If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect. Where an approval has so lapsed, no development shall be commenced or carried out without the further approval of the Shire having first been sought and obtained.

In November 2016, the Shire approved an amended site plan that reoriented and repositioned the outbuilding. No changes were made to any of the above conditions. A copy of the original approved plan is included at **Appendix 2**. A copy of the approved amended site plan is included at **Appendix 3**. The validity date to substantially commence the approved works has now expired.

Report Detail

Deemed provision 77 of the *Planning and Development (Local Planning Schemes) Regulations* provides the ability for a landowner to make application to amend or delete any condition imposed on a development approval. This application may be made either during or after the period within which the approved development must be substantially commenced.

The current application seeks the deletion of condition 1 relating to the 20 year approval period and seeks to extend the condition requiring the approved development to be substantially commenced by 5 October 2018. A copy of the applicant's rationale for this is set out in **Appendix 4**.

Each proposal is discussed below.

Proposal to Delete Condition 1 of the Planning Approval

Condition 1 of the planning approval states:

“Development approval is granted for a period of 20 years from the date of this letter. The development hereby approved shall be removed within this time period unless an extension is otherwise granted by the local government.”

The decision to apply this condition to the planning approval was based upon the *Planning and Development (Local Planning Schemes) Regulations* requirement for a local government to take into account the suitability of land for development having regard to the possible risk of flooding and tidal inundation in its assessment of a development application.

The lot is zoned Urban under the Peel Region Scheme (PRS). The purpose of the Urban zoning is to *‘provide for residential development and associated local employment, recreation and open space, shopping schools and other community facilities’*. The proposed dwelling and outbuilding are consistent with the purpose of the Urban zone.

The lot is zoned Residential R5 under the Shire's Town Planning Scheme No.4 (TPS4). The Shire's Zone Objectives Local Planning Policy states that the objective of the Residential zone is to *‘promote a high quality residential environment by maintaining the quality and character of existing residential areas and providing for a range of residential densities and housing types throughout the Shire.’* The proposed dwelling and outbuilding are consistent with the objective of the Residential zone.

A dwelling (and an ancillary outbuilding) is categorised as a ‘Single House’ under TPS 4. According to the zoning table a single house is permitted in the Residential zone. Clause 5.2.2 of TPS4 states that a permitted use is permitted provided that the relevant standards and requirements laid down in the Scheme and all conditions imposed by Council in granting approval are complied with.

Part 12 of TPS4 provides that development other than open fencing shall not be constructed in the floodway without the approval of Council who shall take into account in all respects the advice of the Water and River Commission (now Department of Water and Environment Regulation). The lot is located within the Murray River floodway.

The Western Australian Planning Commission's (WAPC) PRS Floodplain Management Policy provides that development applications for land within the floodway should not be approved where it is considered the development may constitute an obstruction to major river flood flows and increase flood levels upstream. Notwithstanding this, recognising the existing community on the Delta Islands, it does state that *'dwellings are considered acceptable on the existing lots located on Culeenup (sic), Yunderup and Ballee Islands...within the Murray River floodway, subject to a minimum habitable floor level of 0.15 metres above the relevant 1 in 100 year flood level...'*. The policy further states that local governments, prior to determining applications for development on land within the floodway are to consult with the (now) Department of Water and Environment Regulation and have due regard to its advice and recommendations.

The WAPC's State Coastal Planning Policy provides guidance for decision-making in coastal areas and tidal reaches of inland waters subject to coastal processes, hazards and climate change. The Policy's objective relevant to the application is to *"ensure that development and the location of coastal facilities takes into account coastal processes, landform stability, coastal hazards, climate change and biophysical criteria"*. The policy requires the application of a 0.9m sea level rise over a 100 year period to 2110. The policy also requires a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) to be prepared by local governments where there is a risk of coastal hazards affecting land. The Shire is about to commence the preparation of a CHRMAP and this will likely take some 18 months to complete.

The application was referred to the Department of Water and Environment Regulation. The Department advised that it does not have a formal position with regard to the removal of this condition. However, it advised that flood information will most likely be reviewed within this 20 year period, and hence will provide further clarification upon future impacts of major floods and sea level rise at that time. Whilst this advice unfortunately does not provide clear direction the Department did provide further advice on the original application as follows:

'Based on our recommended floodplain development strategy for the area, a minimum habitable floor level of 2.7 m AHD is recommended to ensure adequate flood protection into the future. However, we acknowledge that such a high floor level poses difficulties with integrating the proposed extension with the existing dwelling. The proposed floor level of 1.86 m AHD provides 1 in 100 AEP protection for the next ~ 50-70 years, albeit with freeboard reducing from 0.6 metre currently to zero in later years.

The proposed shed with floor level of 1.16 m AHD currently has ~ 1 in 10 AEP flood protection. This reduces to ~ 1 in 2 AEP flood protection by ~ 2050.'

The applicant has not submitted a site specific climate change vulnerability assessment with the application. In 2014, the Shire engaged CSIRO to undertake an assessment of the low lying land of the Murray River Delta. The key statements in relation to Cooleenup Island made by CSIRO in its final report are summarised below:

- The existing homes on Cooleenup Island are not flooded for current day storm surge, however around 50% of existing homes are under threat as early as a 2030 sea level rise scenario.
- In a 2070 sea level rise scenario, low level flooding inundates all existing homes on Cooleenup Island.

- The undeveloped lots on Cooleenup Island are at an even higher risk of flooding with some lots closer to the western tip starting to flood significantly in a 2030 sea level rise scenario.
- Based on these assumptions, it is unadvisable to develop these lots beyond perhaps a 10-10 year development.

The study used technical data relating to ground levels, tides, flooding and storm surge available from the State Government and modelled the impact of a one off event based on a significant actual storm event and applying an escalating sea level rise allocation equivalent to the 0.9m at 2110 from the WAPC's State Coastal Planning Policy. The CSIRO report is a technical report only, has not been adopted by the Council and is not comprehensive enough to be considered for use as the Shire's CHRMAP which would be used as the basis for changes to the planning framework. Whilst it does show the likelihood that the Delta Island area will experience some risk over time, it is not sufficient to determine the level, acceptability or otherwise of the risk.

Regardless of CSIRO report, a dwelling already exists on the lot. The application only entails its extension and the construction of non-habitable outbuilding. Given that no new bedrooms are being added as part of the extension, the number of occupants within the dwelling is not expected to be increased significantly, meaning that the safety risk to human life associated with sea level rise and storm surge will not increase significantly. The major risk associated with the application is the damage that sea level rise and storm surge will cause to the dwelling and outbuilding over time. As the lot is located within a floodway, the applicant will be required to submit structural engineering certification with the application for building permit which indicates the building will be able to withstand the likely impacts of the flow of flood waters. Structural engineering advice has already been lodged with the Shire in respect to the outbuilding.

The existing dwelling is approximately 25 years old. The existing and proposed portions of the dwelling are steel framed and hardiflex with metal clad construction. The outbuilding is a typical steel frame and clad construction. The typical life of building of this form would be approximately 40 years, potentially less in this case given the extent of the existing building. It is also a form of construction that is relatively easy to disassemble and relocate if needed. The DWER has indicated that the floor level of the dwelling would provide 1 in 100 AEP protection for the next 50-70 years, with a reducing freeboard over time. The outbuilding is non habitable and therefore not normally subject to minimum floor levels however would currently have reasonable 1 in 10 AEP flood protection. This would be likely to experience more frequent flooding with only approximately 1 in 2 AEP flood protection by 2050.

Whilst there is clearly some risk with the proposed development, with the risk likely to increase as time goes on. The development has been approved and all that is being requested is deletion of a condition requiring its potential removal after 20 years. The increased risk of this needs to be balanced against the following points:

- The land is zoned for residential purposes.
- A dwelling is a permitted use within the Residential zone.
- The Delta Islands are within an inland tidal waterway and are not exposed to direct impact of wave action. The lot is also relatively protected being located away from the ends of the island and along a narrow branch of the river.
- The Cooleenup Island lots already exist with the majority of them already containing dwellings or other modest buildings.
- The WAPC's Flood policy allows development on the delta islands with an appropriate freeboard.
- A small dwelling already exists on the lot and the proposal only entails an extension to the dwelling without additional bedrooms plus a non-habitable outbuilding.

- The buildings are proposed to be of light construction that would be relatively easy compared to conventional brick and tile buildings to remove and/or relocate in time.
- Reasonable flood protection will be available throughout much of the life of the proposed buildings.
- The DWER has not objected to the removal of the condition.
- No CHRMAP has been prepared and therefore a lack of specific statutory guidance exists for development applications in areas subject to coastal hazards;
- The CSIRO report has not been adopted and is not comprehensive enough to be considered a CHRMAP;
- The dwelling extension and outbuilding will be required to be engineered for added structural protection against the flow of flood waters through the building permit process.

Proposal to Extend Validity Date to Substantially Commence Approved Works

The original development approval dated 5 October 2016 stated:

“The approval is valid for a period of two years from the date of this letter (ie until 5 October 2018). If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect. Where an approval has so lapsed, no development shall be commenced or carried out without the further approval of the Shire having first been sought and obtained.”

The validity date to substantially commence the approved works was in October 2018 and has therefore passed. The proposal to extend the validity date of the planning approval is recommended to be approved. It is considered appropriate to set the new validity date at two years from the date of the new decision.

Murray 2030 Strategic Community Plan

Focus Area	Environment, Character and Heritage
Aspiration	To be effective stewards of our environment, history, heritage, natural landscape and rural character.
Strategy	Undertake a risk assessment of the impact of climate change.

Murray 2019- 2023 Corporate Business Plan

Focus Area	Environment, Character and Heritage
Objective	Develop adaptation strategies to mitigate risks associated with climate change.
Strategy	Undertake a risk assessment of the impact of climate change.
Project and Actions	Complete the Coastal Hazard Risk Management and Adaptation Planning Strategy and consider outcomes within the planning framework.

Other Strategic Links

Nil

Statutory Environment

- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *State Planning Policy 2.6 State Coastal Planning*
- *Peel Region Scheme*
- *Shire of Murray Town Planning Scheme No. 4*

Sustainability & Risk Considerations

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

Nil

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

Approval of the application will enable the landowner to maximise the use of their land.

Environment – (Impact on environment's sustainability)

Nil

Policy Implications

Nil

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Moderate	<p>The primary risk in approving the application relates to liability should the dwelling and outbuilding become unusable due to the impacts of storm surge, flooding and sea level rise.</p> <p>There is a low risk to human life and safety as the flooding of the land will most likely be incremental and highly noticeable over time.</p>

Consultation

As the land is affected by the Murray River floodway the application was referred to the Department of Water and Environment Regulation. The Department has no formal position on the removal of the condition.

Resource Implications

Financial

Nil

Workforce

The assessment of the application has been accommodated within the scope of the existing workforce level.

Options

Council has the option of:

1. Approving both components of the application;
2. Approving only one of the components of the application and refusing the other; or
3. Refusing the application altogether.

Conclusion

Council is recommended to approve the application for the reasons set out in the Detail section of this report.

15.2 Proposed LED Monolith Sign – Lot 24 (No. 626) Pinjarra Road, Furnissdale

File Ref: PI03/24 and P131/2019
 Applicant: Pinnacle Planning
 Author and Title: Susan Cowling, Senior Planning Officer
 Voting Requirements: Simple Majority

Appendices 5 and 6**Recommendation/Council Decision****OCM19/199****Moved: Cr G Black****Seconded: Cr B Cardilini**

That Council refuse the application for an LED Monolith Sign at Lot 24 (No. 626) Pinjarra Road, Furnissdale, as the proposed development:

- 1. is inconsistent with the purpose of the Peel Region Scheme Primary Regional Road Reservation which is reserved for regional transportation purposes;**
- 2. is inconsistent with the objectives and provisions of Town Planning Scheme No. 4 in that is inconsistent with the character and amenity of the locality and it does not meet the principle of orderly and proper planning;**
- 3. is inconsistent with the objectives and provisions of the Shire of Murray's *Signs Local Planning Policy* in that it proposes third party advertising signage not directly related to an approved land use or development on the subject site, is not consistent with the character and amenity of the area, and is poorly located so as to be a traffic hazard to motorists;**
- 4. is inconsistent with the requirements of the Shire of Murray's Main Roads Third Party Advertising Signs Local Planning Policy in that the development is proposed to be located within a 'Signage Exclusion Zone' and is substantially larger than the size of signs provided for under the policy;**
- 5. is inconsistent with the requirements of Main Roads Western Australia's *Policy and application guidelines for advertising signs* in that the proposal is considered to be a traffic hazard with the potential to unduly distract motorists, and additionally, located within an area deemed to be a 'Device Restriction Area', or an area where this form of signage is not permitted; and**
- 6. would detract from character and amenity of the locality and approval would set an undesirable precedent for the approval of further third party advertising signs which are inconsistent with the Shire's policies.**

CARRIED UNANIMOUSLY 9:0**In Brief**

- Council is requested to determine a development application for a third party LED Monolith Signage at Lot 24 (No. 626) Pinjarra Road, Furnissdale.
- The proposal is located within the Primary Regional Roads Reserve, under the Peel Region Scheme, for the future widening of Pinjarra Road.
- The proposal is inconsistent with the relevant planning framework, will detract from the amenity of the locality and would set an undesirable precedent and is therefore recommended for refusal.

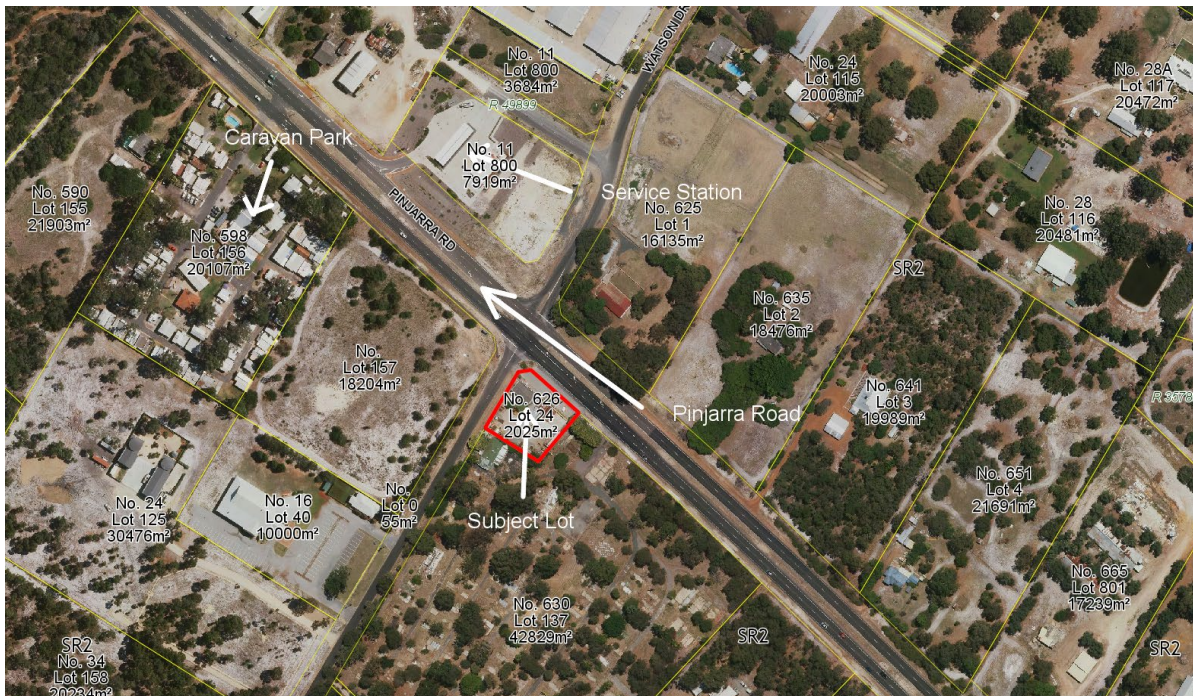
Background

Lot 24 is located on the south eastern corner of Pinjarra Road and Furnissdale Road, Furnissdale. It is 2,025m² in area and contains dated commercial buildings. The eastern building is used for a trailer hire business and the western building is currently vacant although was most recently used as a health studio and residence.

The majority of the site is zoned Commercial under Town Planning Scheme No.4 (TPS4) with a 10 metre wide portion of the site abutting Pinjarra Road Reserved as Primary Regional Road under the Peel Region Scheme (PRS) for the future widening of Pinjarra Road.

The site abuts a former caravan park site that was rezoned in 2012 to the dual zones of Commercial and Service Commercial. This property contains remnants of improvements from the former caravan park and scattered mature trees and other vegetation, although is otherwise vacant.

A plan highlighting the location of the site is included below.



Report Detail

The application proposes an LED monolith sign. The plans indicate the proposed sign will be 11.218m high, 5m wide and 1.72m deep. The monolith sign housing is a 6m x 4m LED screen for the projection of advertisements. The plans further indicate a landscaping strip around the monolith structure. It is noted that a portion of the sign overhangs the lot boundary.

A copy of the applicant's proposal and supporting documentation, including a site plan, is at **Appendix 5**.

Peel Region Scheme

The proposed sign is located within PRS Primary Regional Roads reserve portion of the site. This triggers the need for a separate application for development approval under the PRS. The PRS application is required to be referred to Main Roads Western Australia for advice. The Shire has delegated authority to determine the application consistent with the advice of MRWA or to refuse the application. Where it is proposed to approve the application contrary

to the advice of MRWA the PRS application is to be referred to the Western Australian Planning Commission (WAPC) for determination.

The purpose of the Primary Regional Roads Reserve is *'to provide a regional road network to accommodate current and future transport needs or roads declared under the Main Roads Act 1930.'*

Clause 19 of the PRS lists the forms of development permitted on reserved land. This includes boundary fencing, interior works or demolition of an existing building which has no heritage implications. Some form of signage is also permitted if it:

- relates to the functions of, and exhibited by, a public authority or local government;
- is required for the management or control of traffic and is constructed or exhibited on behalf of a public authority or local government; or,
- required to be exhibited under a written law.

The proposal is not considered consistent with the purpose of the Primary Regional Roads Reserve and is not a permitted form of signage within the Primary Regional Roads reserve.

The application was referred to MRWA for its advice. MRWA has objected to the proposed sign, citing clauses in its guidelines for advertising signs relating to the potential to unduly distract drivers and the location of the sign in a device restriction area. A copy of the advice is available at **Appendix 6**. Given this advice if the Council are of a mind to approve the proposal the PRS application will need to be referred to the WAPC for a separate decision.

Shire of Murray Town Planning Scheme No. 4 (the Scheme)

Schedule 7.5, *Control of Advertisements*, requires planning approval prior to the erection, placement and display of advertisements.

In considering a development application, Council should consider the proposal against the objectives of the Scheme, and with particular reference to the character and amenity of the locality in which it is displayed, including historic or landscape significance and traffic safety, and the amenity of the adjacent areas that may be affected.

Part 2.1 sets out the general objectives of the Scheme, which includes:

(b) to ensure the orderly and proper development of the Scheme Area.

It is considered that orderly and proper planning means the exercising of discretion in determining a development application is approached in a logical and systematic way and not a capricious way, having regard to the requirements of the planning framework and having regard to the appropriateness of the site for the proposed development.

The subject lot is located to the periphery of the Furnissdale/ Barragup service commercial hub, bordering onto the residential based Special Rural zone. The service commercial area is characterised by generally single storey commercial buildings and open landscaping. Signage is typically attached to building facades, and in some instances, includes a typical pylon signs, for tenancy business identification needs. All approved commercial signage is located outside of the regional road reserve. The substantial size and visual impact of the proposed sign is not considered to be consistent with the character and amenity of locality.

The applicant argues that precedent for this form of signage has already been set with signage been approved in the greater Perth and Peel area within road reserves; however, no specific examples have been supplied, and it is noted that no similar signage exists within the Furnissdale and Barragup localities.

With respect to traffic safety concerns, it is noted that the applicant has not supplied any evidence or written examination of traffic safety impact to support the proposal. The sign itself is located approximately 6m from the edge of Pinjarra Road, atop a slight mounded and landscaped area. Given this stretch of road features a speed limit of 80km per hour, and 6m setback to the road, there has been no technical advice supplied by the applicant to demonstrate that the proposal may not pose driver distraction or other traffic safety impacts.

Given the strategic importance of the regional road reserve in the future widening of Pinjarra Road, it is not considered appropriate, or consistent with the principles of orderly and proper planning, to approve development.

Signs Local Planning Policy

This policy seeks a managed approach to signage, encouraging signage of a high quality, effectively designed and located, complimentary to the development to which it applies to all proposals for signage within the Shire, except for third party signs adjacent to the Kwinana Freeway/Forrest Highway.

The policy does not permit third party signage except in certain specified instances which are not relevant to the application. The reason for this is that third party signs tend to proliferate over time and impact on the character, safety and amenity, particularly along main transport routes if not strictly controlled.

Main Roads Third Party Advertising Signs Local Planning Policy

This Policy seeks to provide a framework for a limited number of high quality third party signs on land adjacent to main roads, with messages focused on the Peel region, in a carefully controlled manner that minimises impact on driver safety, does not detract from the environment or rural landscape character and amenity and avoids a proliferation or visual repetition caused by too many or closely spaced signs.

The policy applies to proposals for third party advertising signs on land adjacent to main roads, including Pinjarra Road.

The Policy controls the location of third party signs along main roads, with all third party signage to be located within the 'General Signage Zone' as shown on a signage plan included with the document. In this instance, the proposed sign is located within the 'Signage Exclusion' Zone. The reason for precluding the third party signage from this location is that it forms part of a business precinct which will necessarily include multiple business signs. Further third party signage would add to the proliferation of signage within the area.

It is important to carefully control third party advertising signage as it will otherwise tend to proliferate over time particularly along main transport corridors and impact on the character and amenity of the Shire, increase driver distraction and reduce the impact of other business signage.

Other provisions of the policy seek to ensure that such signage is no more than 20m² in area and do not dominate or protrude above the skyline. The proposed sign does not meet with these requirements.

The Shire's Third Party Advertising Signs policy provides a clear framework for such signage there do not appear to be any sound reasons for deviation from the policy in this case. Approval of the proposal in this case will set an undesirable precedent for the establishment of further third party advertising signs contrary to the Shire's policy. On this basis, the proposal is not supported.

Murray 2030 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 Town Planning Scheme and Local Planning Strategy facilitates quality and diverse planning outcomes.

Murray 2019- 2023 Corporate Business Plan

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

Other Strategic Links

Nil

Statutory Environment

- *Shire of Murray Town Planning Scheme No. 4 (the Scheme).*
- *Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations).*
- *Peel Region Scheme.*

Sustainability & Risk Considerations

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

Similar signs that have been erected in other locations do not typically advertise local businesses. The sign is likely to have limited economic benefit to the Shire.

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

The proposal will be likely to negatively impact on the character and amenity of the Barragup and Furnissdale area.

Environment – (Impact on environment’s sustainability)

Nil

Policy Implications

The following Local Planning Policies are applicable to the development application;

- *Signs Local Planning Policy;*
- *Main Roads Third Party Advertising Signs Local Planning Policy.*

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
High	The proposal is not consistent with either State and Local Government based policy. It is located within areas specifically designated as signage exclusion zones at both State and Local levels. It will impact the character and amenity of the area and add to a proliferation of signage in the area. The proposal is inconsistent with the purpose of the Peel Region Scheme Primary Regional Roads reservation. The proposal will create an undesirable precedent for the approval of further third party signage outside the context of policies.

Consultation

In accordance with Regulation 64 of the Deemed Provisions under the Regulations, the proposal was referred to MRWA for comment. MRWA objects to the proposal. The correspondence be viewed at **Appendix 6**.

The key issues raised included;

- The proposal was assessed against MRWA's *Policy and application guidelines for advertising signs* which addresses advertising signs within and adjacent to state road reserves.
- The proposal was found not to meet the specific requirements of the policy, with respect to 'display' and 'location'.
- MRWA advised that the proposal has the potential to unduly distract drivers due to its design form, orientation or physical size, or iridescence, lustre or brilliance or reflected light.
- Further, the advertising device is proposed to be located within a 'Device Restriction Area', or an area where this form of signage is not permitted, as identified under the Policy.

Resource Implications*Financial*

The applicant has paid the administration fee in accordance with the Shire's adopted Fees and Charges Schedule 2019-20.

Workforce

Assessment of the development application has been accommodated within the scope of the approved Planning and Sustainability Services resource levels.

Options

Council has the option of:

1. Granting development approval with or without conditions.
2. Refusing to grant development approval.

Conclusion

The proposed LED monolith sign is considered inconsistent with the applicable planning framework and is recommended that the application be refused.

15.3 Proposed Sale of Former Exchange Hotel Building Site at Portion Lots 85 – 88 George Street, Pinjarra

File Ref: GE02/85
Previous Items: OCM. 23 Aug 19 Item 16.1 (OCM19/166)
Applicant: Strzelecki Group
Author and Title: Rod Peake, Director Planning and Sustainability
Voting Requirements: Absolute Majority

Appendices 7, 8, 9, 10 and 11

Recommendation

That Council, by absolute majority:

1. notes and has duly considered the submissions received in response to the Business Plan prepared and advertised Statewide pursuant to section 3.59 of the Local Government Act 1995 as set out in Appendix 11;
2. authorises the Chief Executive Officer to sign a conditional Contract of Sale with Exchange Pinjarra Pty Ltd to purchase an approximate 3,300m² portion of Lots 85 -88 George Street, Pinjarra incorporating the former Exchange Hotel building generally as set out in the plan at Appendix 8 ("Building Lot") for the total sum of \$550,000, with \$290,000 paid prior to the certificate of construction compliance being issued at the completion of the proposed works and the second \$260,000 to be paid 12 months following this date, subject to:
 - a. Exchange Pinjarra Pty Ltd entering into a 'Development Agreement and Contract of Sale' with the Shire to the satisfaction of the Chief Executive Officer, which includes clauses that:
 - i. oblige the buyer to undertake development works in accordance with detailed plans and specifications satisfactory to the Chief Executive Officer generally consistent with the concept plans included at Appendix 7 and open a hotel business to the public from the site by 30 April 2022, or other such date as agreed allowing for unforeseen circumstances, and including key milestones that will achieve this;
 - ii. agreement to settlement of the land transfer taking place once it has been demonstrated that finance is available for the agreed works, the main contractor has been appointed and upon the commencement of the works;
 - iii. agreement to charge the land in favour of the Shire and lodging an absolute caveat over the new land title until the full agreed development works are complete and the hotel is open to the public;
 - iv. disposal restriction clauses which limit the ability to dispose of an interest in the land until the completion of the agreed works. In that regard, any incoming mortgagee would need to provide an undertaking to the Shire on appropriate terms and the Shire would only allow the transfer of the land to another entity provided that entity entered into a replacement agreement with the Shire and the Shire was satisfied that the entity had the ability to complete the development;
 - v. agreement to the Shire lodging a 6 metre wide easement over the new title in the position shown as a driveway on the agreed concept plan for public pedestrian and vehicular access between George Street and the rear Shire owned car park and car park on the adjoining Lots 50 and 51; and
 - vi. other typical clauses for an agreement of this nature considered necessary to cover issues including not removing or demolishing any significant building fabric; maintaining appropriate insurances, securing the site; dispute settlement; standard contract of sale provisions; and
 - vii. the Building Lot being sold on an "as is" basis;

- b. settlement being a date to be determined by the Chief Executive Officer after it has been demonstrated by the buyer that finance has been obtained for the agreed works, the main contractor has been appointed and upon commencement of the works;
 - c. approval to the subdivision of Lots 85 – 88 to create a new approximate 3,300m² building lot being granted by the Western Australian Planning Commission with conditions acceptable to the Chief Executive Officer; and
 - d. an easement being established on the title of the new lot to satisfaction of the Chief Executive Officer to provide public access between George Street and the existing public car park within the foreshore and car park on the adjoining Lots 50 and 51;
3. authorises the Chief Executive Officer and Shire President to sign and seal the 'Development Agreement and Contract of Sale';
 4. waive the rates for the land from the time of settlement until a date being three years after the issue of the certificate of construction compliance for the proposed works; and
 5. acknowledge that the Shire will need to construct a retaining wall along the rear boundary of the land along its interface with the Murray River Foreshore to a height of approximately 9.1m AHD during the buyers development works and that funding for this retaining wall and associated infrastructure will need to be considered in the 2021-22 budget.

Council Decision

OCM19/200

Moved: Cr S Lee

Seconded: Cr B Beacham

That Council, by absolute majority:

1. notes and has duly considered the submissions received in response to the Business Plan prepared and advertised Statewide pursuant to section 3.59 of the Local Government Act 1995 as set out in Appendix 11;
2. authorises the Chief Executive Officer to sign a conditional Contract of Sale with Exchange Pinjarra Pty Ltd to purchase an approximate 3,300m² portion of Lots 85 -88 George Street, Pinjarra incorporating the former Exchange Hotel building generally as set out in the plan at Appendix 8 ("Building Lot") for the total sum of \$550,000, with \$290,000 paid prior to the certificate of construction compliance being issued at the completion of the proposed works and the second \$260,000 to be paid 12 months following this date, subject to:
 - a. Exchange Pinjarra Pty Ltd entering into a 'Development Agreement and Contract of Sale' with the Shire to the satisfaction of the Chief Executive Officer, which includes clauses that:
 - i. oblige the buyer to undertake development works in accordance with detailed plans and specifications satisfactory to the Chief Executive Officer generally consistent with the concept plans included at Appendix 7 and open a hotel business to the public from the site by 30 April 2022, or other such date as agreed allowing for unforeseen circumstances, and including key milestones that will achieve this;
 - ii. agreement to settlement of the land transfer taking place once it has been demonstrated that finance is available for the agreed works, the main contractor has been appointed and upon the commencement of the works;

- iii. agreement to charge the land in favour of the Shire and lodging an absolute caveat over the new land title until the full agreed development works are complete and the hotel is open to the public;
 - iv. disposal restriction clauses which limit the ability to dispose of an interest in the land until the completion of the agreed works. In that regard, any incoming mortgagee would need to provide an undertaking to the Shire on appropriate terms and the Shire would only allow the transfer of the land to another entity provided that entity entered into a replacement agreement with the Shire and the Shire was satisfied that the entity had the ability to complete the development;
 - v. agreement to the Shire lodging a 6 metre wide easement over the new title in the position shown as a driveway on the agreed concept plan for public pedestrian and vehicular access between George Street and the rear Shire owned car park and car park on the adjoining Lots 50 and 51; and
 - vi. other typical clauses for an agreement of this nature considered necessary to cover issues including not removing or demolishing any significant building fabric; maintaining appropriate insurances, securing the site; dispute settlement; standard contract of sale provisions; and
 - vii. the Building Lot being sold on an “as is” basis;
- b. settlement being a date to be determined by the Chief Executive Officer after it has been demonstrated by the buyer that finance has been obtained for the agreed works, the main contractor has been appointed and upon commencement of the works;
 - c. approval to the subdivision of Lots 85 – 88 to create a new approximate 3,300m² building lot being granted by the Western Australian Planning Commission with conditions acceptable to the Chief Executive Officer; and
 - d. an easement being established on the title of the new lot to satisfaction of the Chief Executive Officer to provide public access between George Street and the existing public car park within the foreshore and car park on the adjoining Lots 50 and 51;
3. authorises the Chief Executive Officer and Shire President to sign and seal the ‘Development Agreement and Contract of Sale’;
 4. waive the rates for the land from the time of settlement until a date being three years after the issue of the certificate of construction compliance for the proposed works; and
 5. acknowledge that the Shire will need to construct a retaining wall along the rear boundary of the land along its interface with the Murray River Foreshore to a height of approximately 9.1m AHD during the buyers development works and that funding for this retaining wall and associated infrastructure will need to be considered in the 2021-22 budget.
 6. that the funds from the sale be placed in a future Pinjarra Town Centre Car Parking Reserve.

CARRIED UNANIMOUSLY 9:0

Reason for Change

Council added point 6 above to ensure that if extra money was needed for car parking it would be available.

In Brief

- Initial conservation and protection works have recently been finished on the former Exchange Hotel building.
- The Strzelecki Group has lodged a proposal to develop and operate a hotel and shops on the site.

- The plans for the development retain the heritage elements of the site, generally meet the requirements of the Shire's Local Planning Policy and selection criteria set out in the initial Expression of Interest process.
- A business plan outlining the details of the sale and proposal for the site has been prepared and advertised Statewide for a period of 6 weeks. This concluded on 9 October 2019.
- 17 submissions were received mostly positive, although some have raised concerns.
- The proponent has agreed to enter into a development agreement with the Shire to ensure development is carried out consistent with an agreed plan and within an agreed timeframe. Transfer of the site is planned to take place after finance has been secured, the main contractor has been appointed and once the works commence. An absolute caveat will be placed on the title to secure the Shire's interests in the works being completed.

Background

The Shire finalised the acquisition of the Exchange Hotel site, located at Lots 85 - 88 George Street, Pinjarra in May 2012. This acquisition has added significantly toward a continuous public river foreshore within the Pinjarra Town Centre and has secured the public ownership of the northern portion of the Murray River Square, which was previously privately owned property.

Importantly the acquisition also provided an opportunity for the Shire to assist in facilitating the renovation and re-establishment of a suitable business from the Exchange Hotel building, which has been closed to trade since 2008, is in a poor state of repair and has been a blight on such a prominent site within the town.

Council allocated funding in its 2013/14 budget to undertake a feasibility assessment for the Exchange Hotel site. This assessment was undertaken in conjunction with a master plan for the Murray River foreshore to ensure a high level of integration between the renovated Exchange Hotel building and the foreshore.

Council at its meeting in October 2014 resolved to adopt the outcomes of the Exchange Hotel Feasibility Assessment (which incorporated a Conservation Management Strategy) and to prepare a Local Planning Policy generally consistent with the feasibility assessment to guide the planning and development outcomes of the site and to provide a greater degree of certainty for prospective operators. The policy was adopted by Council in July 2015.

The feasibility indicated a preference for the retention of the key heritage elements of the site and removal of the majority of the later additions. In terms of the future use it indicated a preference for a food and beverage operation with optional short stay accommodation as this would not only be likely to generate market interest but would also satisfy multiple criteria ranging from economic, social, heritage, design, service and town centre activation.

The Conservation Management Strategy provided advice on the significance of the place and the extent of recommended works. It also provided a concept plan indicating how the site might be developed in an appropriate manner respecting the heritage significance of the place.

The feasibility further outlined a preference for the leasing of the building portion of the site on a long term basis with the successful operator investing in the capital improvements to re-establish a business on the site. It suggested the successful operator would be sought through an Expressions of Interest process. The feasibility indicated that in order to minimise risk to potential operators the Shire adopts a local planning policy over the site to provide a high degree of confidence over the desired planning outcomes.

An initial Expressions of Interest process consistent with the endorsed feasibility study was advertised between December 2015 and June 2016. An outcome that optimised public benefit through a balance of the following selection criteria was sought:

- Activating the site and surrounding public spaces;
- Restoring and reusing the significant heritage components of the site as part of the redevelopment;
- Design excellence which reflects and reinforces the character of the town; and
- Longer term financial return.

Four Expressions of Interest were initially received, however despite discussions and negotiations, none of these proposals progressed for a range of reasons.

In November 2018, Council decided on a preferred contractor to undertake initial conservation and protection works on the former Exchange Hotel building. These works included the demolition of those portions of the building without heritage significance, structural repairs to the roof, installation of new roof sheeting and roof plumbing, the reconstruction of the front veranda to the accommodation block, some external conservation works and the boarding up and securing of the building. The works were intended to tidy up the site, protect the building from further degradation whilst a future proponent was found and to provide greater visibility to the heritage components of the site that were intended to be retained in any redevelopment. The Shire's initial conservation works were completed in July 2019.

Since these works began, a number of enquiries have been made with the Shire expressing interest to undertake the necessary further works and establish a hospitality business from the site. In March 2019, Council resolved to extinguish the previous Expression of Interest process and readvertise a new Expression of Interest process with applications closing 30 June 2019. In April 2019 however, prior to the formal Expression of Interest advertising commencing, the Strzelecki Group, who was one of the parties that had been involved in informal discussions with the Shire, indicated they were ready to present their plans.

In May 2019 Council considered the Strzelecki Expression of Interest and resolved to:

1. *defer advertising of the Expressions of Interest on the former Exchange Hotel site, Pinjarra pending further discussions and submission of a detailed proposal by the Strzelecki Group; and*
2. *invites the Strzelecki Group as the exclusive preferred proponent to undertake further discussions with Shire and submit a detailed proposal by 30 June 2019.*

Preparation of the detailed proposal took longer than initially anticipated, in part in order to resolve the design integration with the adjoining foreshore. The detailed proposal was submitted for consideration on 25 July 2019 and presented to Council at the Special Council meeting on 1 August 2019, where it resolved to extend the period of exclusivity for Strzelecki Group until 19 August 2019 to allow them time to address issues raised by the Shire relating to the financial offer, several design issues and confirmation of the business entity that the site was proposed to be transferred.

The further information was submitted and on 22 August 2019, Council resolved to:

1. *accept the Strzelecki Group proposal for the former Exchange Hotel at portion of Lots 85 - 88 George Street, Pinjarra as set out in this report for the purpose of preparing and advertising a business plan pursuant to section 3.59 of the Local Government Act.*
2. *Require the following matters to be resolved prior to it considering the submissions on the business plan and whether to enter into a contract of sale for the site:*

- a. *Preparation and agreement by the proponent of a suitable development agreement that meets the requirements of the Shire solicitors.*
 - b. *Consultation with the owner of the adjoin Lots 50 and 51 in relation to the design and location of the vehicular access way to the parking areas at the rear of these lots, with a suitable outcome being incorporated in the concept plans for Council's endorsement.*
3. *Require a further report on the submissions associated with the advertising of the business plan and the matters raised in point 2 above before the 19 December 2019 Council meeting for it to consider whether to enter into a contract of sale.*
 4. *Acknowledge that additional funding may be necessary to construct the retaining wall and associated infrastructure at the interface of the site with the adjoining foreshore.*
 5. *That the applicants proposal including minor amendments to the site plans be amended to reflect the further information provided by the applicant as set out in Officer's memorandum dated 22 August 2019 prior to being advertised.*

A business plan for the proposed sale was subsequently prepared and advertised in accordance with section 3.59 of the *Local Government Act* with the closing date for submissions being 9 October 2019.

Report Detail

Proposal

The key elements of the Strzelecki Group proposal include:

- The re-establishment of a hotel from the main building and pop up specialty shops and a museum from the former accommodation block.
- The expansion of the building to accommodate a front lounge, rear dining area and back of house activities.
- Retention of the areas of the building with heritage significance and an intent to feature the heritage components of the site as part of the redevelopment.
- Establishment of an alfresco area fronting George Street, including a small playground area and a rear beer garden overlooking the foreshore.
- Provision for pop-up markets on the southern external portion of the site adjacent to the Murray River Square.
- Expansion of the site into the adjacent foreshore area to increase the extent of the proposed rear beer garden.
- Parking and service areas along the northern driveway.

The Strzelecki Group proposal included the sale of the building site of approximately 3,300m², excluding the Murray River Square and foreshore land for the sum of \$550,000, with \$290,000 paid prior to the notice of construction compliance being issued at the completion of the proposed works and the second \$260,000 being paid 12 months following this date. The proponent has also requested a rates holiday for the first three years of trade to allow for the establishment of the business, which is consistent with past Council decisions in locations such as the Peel Business Park where substantial infrastructure investment is being made that will assist with the Shire's economic development objectives.

The actual Strzelecki Group business entity the site is proposed to be transferred is Exchange Pinjarra Pty Ltd.

A copy of the Strzelecki Group plans and supporting documentation is included at **Appendix 7**.

Subdivision

The Former Exchange Hotel site comprises four separate titles running between George Street and the Murray River. It is only an approximate 3,300m² portion of the overall site that is subject to consideration for sale, being the portion of the site that contains the existing building. Based on Council's decision accept the Strzelecki Group proposal for the purpose of preparing and advertising the business plan, a subdivision application has been lodged with the Western Australian Planning Commission to rationalise the boundary of the overall site to form two new lots being the building site subject of the sale and the town square and foreshore land. There is not expected to be any difficulty in achieving the subdivision approval and a decision is expected in November 2019. Until the decision has been made and the conditions reviewed, any contract of sale should be made conditional on subdivision approval being granted with conditions to the Shire. A copy of the application for subdivision which shows the new lot sizes and configuration is included at **Appendix 8**.

Interface with adjoining Foreshore

The proposed rear boundary extends further into the foreshore area than the Shire's landscape plans had envisaged. This will enable a more substantial rear outdoor dining/beer garden and help to activate and provide passive surveillance over the adjoining foreshore. This will not substantially impact on the functionality of the foreshore area was therefore supported in principle.

It did however result in some difficulties in the achieving a suitable interface design. In particular, as the land levels fall away toward the river and will result in a retaining wall up to 2m in height along the interface. This will result in a relatively hidden area and a dominant visual feature in this part of the foreshore if not treated well and will complicate the achievement of full disabled pedestrian access between the town square to the lower parts of the foreshore.

The Shire's landscape architects have prepared a suitable revised plan that will achieve the proponents requirements, minimise the visual impacts of the wall and retain suitable disabled access within the foreshore (see **Appendix 9**). This concept represents a reasonable design outcome and the construction of the wall and the associated accessible pathway to connect the town square and car park have been incorporated in the negotiated purchase price. The wall will need to be constructed by the Shire as part of a future stage of the Murray River foreshore project and be completed a few months prior to the Exchange Hotel works to enable the construction of the beer garden. The overall wall and associated accessible pathway is likely to be in the order of \$90,000. Consideration for this will need to be included in the 2021-22 budget.

Easement to Existing Rear Carpark

An existing car park is located to the rear of the portion of the site being considered for sale. The car park is in part owned by the Shire and is intended to remain as a public car park, and in part privately owned and forms part of the adjoining Lots 50 and 51 (Taylor Store site). The proposed subdivision of the Exchange Hotel site will result in removal of direct public access to this car park. The Shire's Exchange Hotel Local Planning Policy indicates that a driveway is to be included in any plans for the Exchange Hotel site to link George Street with this carpark and this is to be protected by an easement to facilitate ongoing public access to the car park. The proponent's plan incorporates this driveway. Discussions were carried out with the owners of Lots 50 and 51 during the advertising of the business plan and they have advised as follows:

The location of the easement/lane immediately adjacent to the boundary of Lot 88 and our lot appears fine, however we will need to confirm once the survey plan is complete. The conditions for the easement should include that it remains open and unobstructed at all times and that the easement conditions cannot be varied, or the easement removed without the

approval of the owners of Lot 50 / 51. Can you also share the proposed easement text with us so that we can comment on it before it is finalised.

These comments are consistent with the Shire's requirements and confirm that the plans meet with the adjoining land owners requirements, subject to the necessary detail.

Timeline

The proponent has included the time it estimates is needed to achieve each key milestone. These have been converted to the following dates to provide an estimated timeline to undertake the project as follows:

<u>Task</u>	<u>Completion date</u>
Advertising and Council consideration of the Business Plan	October 2019
Development purchase agreement	November 2019
Development Approval by WAPC	January 2020
Prepare and lodge liquor licence application	May 2020
Grant of liquor licence	December 2020
Building approval	February 2021
Detailed plans, specifications, construction preliminaries	April 2021
Construction	April 2022

Strzelecki Group have highlighted that they have no control over the timeframes of the WAPC, Shire and Racing Gaming and Liquor in issuing the necessary approvals. In particular, whilst 7 months have been allocated to obtain a liquor licence, an additional allocation of 4 months minimum would likely be necessary if there are objections lodged. They have also highlighted that renovation of a heritage building can be unpredictable and an additional 6 months contingency should be recognised in case needed. It is accepted that some flexibility is needed in timeframes for a project of this nature.

Overall these timeframes are considered reasonable and there may be some potential to streamline the overall times and run some steps in parallel.

Development agreement

To achieve the Council's objectives of delivering a suitable development outcome within the short term, the proponent will need to enter into a development agreement with the Shire. The proponent has agreed in principle to this and to clauses to achieve the following:

1. An obligation to complete the development in accordance with agreed detailed plans, materials schedule and specifications which are generally consistent with the concept plans at **Appendix 7** by April 2022 with interim milestone targets, noting that flexibility will be incorporated to the timeframes for unforeseen circumstances;
2. Settlement of the land transfer taking place after it has been demonstrated that finance is available for the works, the main contractor has been appointed and upon commencement of the works;
3. The Shire charging the land and lodging an absolute caveat over the land until the development is complete and the hotel is open to the public;
4. Disposal restriction clauses which limit the ability to dispose of an interest in the land until the completion of the agreed works. In that regard, any incoming mortgagee would need to provide an undertaking to the Shire on appropriate terms and the Shire would only allow the transfer of the land to another entity provided that entity entered into a replacement agreement with the Shire and the Shire was satisfied that the entity had the ability to complete the Development;

5. Agreement to the Shire lodging an easement on the new title for pedestrian and vehicular access between George Street and the rear Shire owned car park and car park on the adjoining lots 50 and 51, with this access being defined on the agreed plan.

A number of typical clauses will also be included dealing with matters such as not removing or demolishing any significant building fabric, maintaining appropriate insurance, securing the site, default and dispute settlement and the like.

The formal development agreement can be prepared by the Shire's solicitors consistent with the above upon Council's agreement to proceed.

Murray 2030 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	Upgrade the amenity of the Murray River Square, foreshore reserve and Glebe Land. Implement the Pinjarra Revitalisation Strategy.

Focus Area	Thriving Economy
Aspiration	To create diverse and prosperous economy that supports innovation, training opportunities and provides a variety of business, tourism and employment opportunities.
Strategy	Position Pinjarra as a key regional centre through the Pinjarra Revitalisation Strategy.

Focus Area	Environment, Character and Heritage
Aspiration	To be effective stewards of our environment, history, heritage, natural landscape and rural character.
Strategy	Value, protect and celebrate the Shire's rich aboriginal and colonial history.

Murray 2019-2023 Corporate Business Plan

Focus Area	Places for People
Objective	Ensure quality, diverse and innovative planning outcomes that meet community aspirations.
Strategy	Implement the Pinjarra Revitalisation Strategy.
Project and Actions	Facilitate the restoration and re-use of the former Exchange Hotel.

Other Strategic Links

The Shire's Local Business Strategic Plan 2016-2020 prepared following a business strategy workshop attended by Murray business owners and operators identified that a focus on the redevelopment of the Exchange Hotel and Murray River Foreshore upgrade was needed to promote a positive image of the Shire. The Strategy included actions to review the Expressions of Interest for the Exchange Hotel and formulate a Strategy for the redevelopment following the consideration of the submissions.

The Shire of Murray Local Government Heritage Inventory and draft Heritage List indicates the Exchange Hotel site as a 'B' category, which has considerable heritage significance which is very important to the heritage of the locality. The desired outcomes are listed as follows:

- Conservation of the place is highly desirable.
- Any alterations or extensions should be sympathetic to the heritage values of the place.
- Places identified under this category are recommended to be included within the Heritage List prepared under the Shire's Local Planning Scheme.
- A requirement for Planning approval is recommended for proposed exterior works, change in land use and demolition.

The Statement of Significance listed in the Inventory states:

Exchange Hotel includes the remnants of two Victorian Georgian style buildings (c.1866). One of the original buildings appears to be substantially intact, and a remnant of the other building can be seen in a gable to the northeast.

The surviving c.1866 building at Exchange Hotel is rare as part of the oldest remaining hotel in the Peel Region, and one of the oldest building in the Region.

Exchange Hotel has high integrity, having operated continuously as a hotel since 1871 until it closed in 2008.

Exchange Hotel has a close association with the development and growth of Pinjarra. Exchange Hotel has social value as a former centre of community life in Pinjarra, and as such is valued by the community.

Statutory Environment

Section 3.59 of the Local Government Act 1995 deals with commercial enterprises by local governments and essentially defines a major land transaction (except where exempt) as a land transaction where the consideration is more than a prescribed amount.

The Local Government (Functions and General) Regulations 1996 at Regulation 9 prescribes the amount as being the lesser of \$2 million or 10% of the lowest operating expenditure of the Shire for the preceding, current and next financial years. The Shire's operating expenditure in 2017-18 was approximately \$28M. Therefore if the transaction (which includes the value of any improvements or development obligations) exceeds \$2M it would be classed as a major land transaction.

Given the extent of redevelopment works needed at the site the transaction will likely exceed the prescribed amount it was necessary to prepare and advertise a business plan in accordance with the requirements of the section 3.59 of the Act. The advertising period for the business plan was 6 weeks which concluded on 9 October 2019. A copy of the business plan is included at **Appendix 10**.

Section 3.58 of the Local Government Act states that a local government may only dispose of property (lease or sell) to the highest bidder at a public auction or by public tender. If the

local government does not wish to dispose of the property by either of those two mechanisms then, pursuant to section 3.58(3), it must give local public notice of the proposed disposition inviting submissions to be made to the local government in respect of the proposed disposition with the advertising period to be a minimum of 2 weeks from the giving of the local public notice. If the Shire does not sign a (conditional) contract of sale or lease within six months of the advertising of the business plan then it will also need to advertise the disposition pursuant to section 3.58 of the Act.

Sustainability & Risk Considerations

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

From a commercial development perspective the Exchange Hotel site is constrained by a number of factors including foreshore reservation, floodway, heritage issues, lack of parking and the existence of the Murray River Square. Whilst some informal interest was shown towards re-establishing and renovating the hotel before the site was purchased by the Shire, no formal proposals were received following the hotel closure in 2008 which underlines the constrained nature of the site.

The site is a prominent one within the town and it is critical that the Shire achieve a quality development outcome as investment in this key site has the potential to stimulate further private investment in the town and support the local economy.

The formalisation and expansion of formally private land that has now been secured for public use will contribute enormously to the quality and character of the town and is likely to activate private investment and business expansion in the town.

An economic impact assessment has been undertaken of the proposal. The construction and fit-out works are assumed at \$2.55M, 20-25 full time equivalent (FTE) jobs in operation and an expected turnover of between \$3 - \$4.5M per annum.

The construction phase is expected to support the following economic activity:

- \$2.4M in additional economic output, including \$1.3M directly;
- \$1.1M in gross value add to the Shire, including \$0.5M directly;
- \$0.6M income and salaries paid to households, including \$0.3M directly;
- Six full time equivalent jobs, including two FTE direct construction jobs.

The annual net economic impact, assuming only 50% of turnover is new expenditure in the town, during operation is expected as:

- \$2.9M in output, including \$1.5M direct;
- \$1.5M in gross value add, including \$0.8M direct;
- \$0.9M incomes and salaries paid to households, including \$0.5M direct;
- 18 FTE jobs, including 13 directly.

The proposal also provides for a reasonably high standard hotel with a strong dining and family component in an attractive and prominent location in town. It could therefore act as an attractor for day-trippers to visit Pinjarra thus adding to the attraction of Pinjarra as an overall destination for day tourists from outside the area. The proposal also provides for additional retail outlets and external markets and stall which has the potential to be an important addition to Pinjarra and further add to its tourist appeal.

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

The Shire's ownership of the Exchange Hotel site has provided the opportunity to formalise and expand public land within the town centre, contributing toward a continuous usable foreshore public space from the boat ramp to the Murray Leisure Centre. The acquisition has provided the opportunity to better integrate the river with the town centre and provide for the

restoration and reuse of a highly significant heritage site within the Pinjarra heritage area, improving the attractiveness and character of the town. The re-establishment of the use of this building for a food and beverage facility would add to the social sense of place of Pinjarra and extend the level of activity within the town centre outside of normal business hours.

The retention of the key heritage elements of the Exchange Hotel site will contribute toward the character and distinctiveness of the town and helps to create a unique identity and sense of place. It will also provide a valuable cultural and educational resource, which provides a tangible link to the past and enhances the community's cultural identity.

Environment – (Impact on environment's sustainability)

The retention and adaptive reuse of the key heritage elements of the Exchange Hotel site will reduce the consumption of building materials for this site and the embodied energy required to manufacture them.

Policy Implications

The Exchange Hotel Local Planning Policy, which is based on the endorsed Conservation Management Strategy, seeks to provide clear direction on desired development and land use outcomes for the site. The objectives of the policy are to:

1. Encourage the re-establishment of the use of the site for a food and beverage activity, with or without short stay accommodation and other ancillary land uses, in a way that adds significantly toward the character, activation and vibrancy of the town, including the street, the adjacent river foreshore reserve and the Murray River Square;
2. Conserve and restore those elements of the site identified as having cultural heritage significance;
3. Remove those intrusive buildings elements which detract from the cultural heritage significance of the site; and
4. Ensure any alterations and additions do not detract from the cultural heritage significance of the site, are compatible with the size, scale, architectural style and form, materials and external finishes of the place and add significantly toward the character, activation and vibrancy of the town.

The policy does not bind Council in respect of any application for planning approval. Council is however required to have due regard to the provisions of adopted local planning policies and the objectives which these policies are designed to achieve before making its determination on applications. The preferred proponent will need to obtain planning approval from the Shire and the policy provides clear guidance desired outcomes for the site, which would improve the certainty of outcome for the proponent.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	The Shire was required to prepare and advertise a business plan and to consider any submissions received on the business plan before considering the sale of the property. The proposed development agreement to be entered into with the proponent will ensure the agreed development is undertaken within an agreed timeframe.

Consultation

The initial Expressions of Interest process was comprehensively advertised for a six month period through a range of methods including and onsite advertising billboard, notices in the local, state and national newspapers, press releases, social media, Shire promotional publications, notices on the Shire website and discussions with people who had previously

made contact with the Shire. An onsite billboard continued to seek development proponents for the site.

The business plan was required to be advertised state-wide and locally for a six week period. This advertising period closed on 9 October 2019. At that time 17 submissions had been received. A schedule setting out the key elements of the submissions and an officer comment on each is included at **Appendix 11**. Council will need to consider these submissions prior to considering entering into a contract of sale.

Resource Implications

Financial

A current valuation of the building site has been received. Given the heritage constraints and the extent of works needed, the valuation of the building component of the site has been set at approximately \$625,000. The valuer has noted however that this figure is highly subjective given the heritage constraints applicable to the site and the scarcity of comparable sales evidence.

Discussions with the proponents have indicated that the value of the proposed building works would likely be in the range of between \$1.5 – 3 million.

It is estimated that the proposal would generate a rates income of around \$25,000 per annum. At a discount rate of 5% and assuming a 40 year income stream, this has a present value of \$429,000.

Workforce

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

Options

Council has the option of:

1. Considering the submissions on the business plan and proceeding with the sale of the site on either the recommended terms or some other terms.
2. After considering the submissions decide not to proceed with the sale of the site to the Strzelecki Group company, Exchange Pinjarra Pty Ltd and commence a new Expressions of Interest process.

Conclusion

The sale will provide for the re-establishment of a hotel on the site that will help to activate the street, town square and foreshore. The design concept is generally consistent with that proposed by the Shire in its endorsed Conservation Management Strategy and it generally meets the Exchange Hotel Local Planning Policy as well as the selection criteria set out in the initial Expression of Interest process.

The financial proposal is relatively consistent with the current market value noting that the valuation indicates that this figure is highly subjective given the heritage constraints applicable to the site and the scarcity of comparable sales evidence. The financial proposal also needs to be considered against the community outcomes and economic benefits that the proposal will bring to the town and the rates income that the Shire will receive in the future.

The Local Government Act required that the Council prepare and advertise a business plan on the proposal and requires Council to consider any submissions received before considering the sale of the land.

If Council resolves to proceed with the sale this would be subject to formalising a development agreement to oblige the buyer to deliver on the agreed redevelopment proposal with the agreed timeframe.

15.4 North Dandalup Research Centre – Lot 302 Del Park Road, North Dandalup

File Ref: DE04/1211 A11691
Previous Items: OCM. 21 Dec 17 Item 11.2 (OCM17/298)
Owner: Goldfather Pty Ltd
Author and Title: Rhys Bloxsidge, Acting Manager Planning
Voting Requirements: Simple Majority

Appendix 12**Recommendation/Council Decision****OCM19/201****Moved: Cr A Rogers****Seconded: Cr G Black****That Council:**

1. **advises the owner and developer of the North Dandalup Research Centre at Lot 302 Del Park Road, North Dandalup, that an incidental land use is only considered incidental if the use is naturally attaching, appertaining or relating to a predominant use. A predominant use means the primary use of a premise to which all other uses carried out on the premise are subordinate and incidental to. Further, there must be a genuine and continuing relationship or connection between the two uses for one to be incidental to the other; and**
2. **further advises the owner and developer of the North Dandalup Research Centre at Lot 302 Del Park Road, North Dandalup, that the restaurant must at all times remain incidental to the predominant research centre use and this would involve operating the restaurant consistent with criteria such as:**
 - a. **users of the incidental restaurant must only be those directly associated with the predominant use of the land as a research centre to support activities associated with the research centre such as research events, training events, and meetings. The restaurant would only be available for the general public or tourist visitors where they are directly associated or involved in the use of the research centre;**
 - b. **there must not be a separate company managing and operating the restaurant, rather the management of the restaurant must fall under the same company managing and operating the research centre;**
 - c. **the opening times of the restaurant are to be consistent with the opening times of the research centre or for functions directly related to the use of the research centre;**
 - d. **food sold in the restaurant must be food associated with the activities of the research centre (i.e. beef or lamb); and**
 - e. **the restaurant must not be advertised or marketed independently from the North Dandalup Research Centre.**

CARRIED UNANIMOUSLY 9:0**In Brief**

- The Department of Racing, Gaming and Liquor has publicly advertised an application for a liquor licence for the restaurant component of the North Dandalup Research Centre.

- The information provided by the applicant as part of their liquor licence application suggests that the restaurant is intended to be operated outside the scope of the planning approval.
- The restaurant component was only approved on the basis that it was incidental to the North Dandalup Research Centre. The restaurant has not been approved as a separate and independent operation.
- A separate and independent restaurant is not permitted in the 'Rural' zone under the Shire of Murray Town Planning Scheme No. 4.

Background

At its meeting held 21 December 2017, Council granted planning approval to the North Dandalup Research Centre at Lot 302 Del Park Road. Since then, a number of variations to the original approval have been approved under delegated authority. In December 2018, an application was approved to use a portion of the research centre as a restaurant which was incidental to the research centre. The restaurant was approved on the basis that it was only permitted to operate if it was incidental to the research centre.

In early October 2019, the Department of Racing, Gaming and Liquor publicly advertised an application for a liquor licence for the restaurant. The Public Interest Assessment (PIA) submitted by the applicant to support the liquor licence application contained information that suggested that the restaurant was intended to be operated over and above the limitations of an incidental use and more aligned to a separate independent restaurant use, which the Shire does not have the discretion to approve in the Rural zone. A copy of the PIA is included as **Appendix 12**.

The primary areas of concern with the PIA related to the targeting of the general community rather than people associated with the research centre for purposes such as conferences, training etc; the ownership and management of the restaurant is different to the research centre; and the proposed hours of operation which appear to extend well beyond those that would be associated with the research centre.

The Shire has lodged an objection to the liquor licence application on the basis that the use as outlined in the PIA appears to extend beyond a restaurant that is incidental to the research centre and rather appears to be proposing to operate as a separate independent restaurant.

Report Detail

For a use to be incidental it must be naturally attaching, appertaining or relating to a predominant use. A predominant use means the primary use of a premise to which all other uses carried out on the premise are subordinate, incidental to or ancillary. Further, there must be a genuine and continuing relationship or connection between the two uses for one to be incidental to the other. It is not sufficient for the incidental use to merely be a smaller in scale than a predominant use.

Under the Shire of Murray Town Planning Scheme No. 4 (the Scheme), the site of the North Dandalup Research Centre lies on land zoned 'Rural'. A restaurant in this zone can only be considered for approval if the restaurant is incidental to the predominant use of the land. There is no discretion available for the Shire to approve a separate independent restaurant use. As part of the planning application for the restaurant, the applicant described the restaurant as:

- incidental to the research centre;
- an essential feature to support research events, training, meetings, retreats and functions associated with the research centre;
- an integrated component of the premise by design;
- occupying only 20% of the floor space of the research centre.

This description of the proposed restaurant was considered by Shire officers to be consistent with the interpretation of an incidental use and was subsequently approved, albeit with a condition only permitting the restaurant to operate if the use remained incidental in nature.

The PIA associated with the liquor licence application suggests the restaurant will operate as follows:

- Opening hours of Monday to Sunday 10am to midnight, including Good Friday, Christmas Day and ANZAC Day;
- Open to the public, including local residents;
- Targeting tourists, in particular agritourists and food and wine tourists;
- Under the banner of a separate company to that of the research centre;
- A number of persons being employed by the restaurant, including juveniles over the age of 17;
- The restaurant to provide a “paddock to plate” experience promoting local produce;
- Beef and lamb being the primary food options. The beef is to be tested within the research centre to assist in developing healthier beef fat. The lamb is to be sourced from Toodyay;
- As a networking facility for scientific and agribusiness retreats and events.

On the basis of the above, it is a concern that the restaurant appears to be intended to be operated in a manner that would be independent of the research centre, acknowledging that some of the food (beef) sold in the restaurant will be tested in the research centre.

It is considered appropriate to advise the owner and developer of the research centre of the limitations on the restaurant use on this site to ensure the owner and developer do not breach the conditions of the planning approval for the incidental restaurant.

Murray 2030 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	Develop and facilitate events of a local and regional scale.

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

Other Strategic Links

Nil

Statutory Environment

A restaurant is listed as an ‘IP’ Incidental use in the ‘Rural’ zone. As an ‘IP’ use it can only be permitted if the use is incidental to the predominant use of the land. If the restaurant is not incidental, there is no discretion to permit the use.

Sustainability & Risk Considerations

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

The restaurant can only operate if it is incidental to the predominant use of the land as a research centre. The economic benefits of a separate and independent restaurant ought not to be considered as part of the matter.

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

The restaurant as described under the PIA may attract a high number of visitors to the site. On top of the day to day running of the research centre, there is the possibility that the site may attract a level of traffic and other associated amenity implications that would impact the rural character and amenity of the area.

Environment – (Impact on environment's sustainability)

Nil

Policy Implications

Nil

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
High	The primary risk associated with the restaurant is the legal and reputation risks should the restaurant operate outside of the scope of the planning approval as an incidental use.

Consultation

The liquor licence application was publicly advertised by the Department of Racing Gaming and Liquor with the closing date for submissions being 10 October. The Shire has lodged an objection to the liquor licence as it was considered that the manner in which the restaurant was to be operated as outlined in the PIA went beyond that of an incidental restaurant and was more aligned to a separate and independent restaurant.

Resource Implications

Financial

Nil

Workforce

Nil

Options

Given that there is no discretion to approve an independent restaurant in the Rural zone the only practical option in this case is to notify the owner and developer of the North Dandalup Research Centre of the limitations of an incidental restaurant.

Conclusion

It is considered appropriate to advise the owner and developer of the research centre of the Shire's position on the restaurant, to ensure the owner and developer do not breach the conditions of the planning approval. The planning framework does not permit a separate and independent restaurant to be operated from the land. This information being presented to the developer and landowner prior to the building being constructed is considered the most appropriate way to prevent any compliance issue from taking place in the future.

Corporate Governance

15.5 Payments from Municipal and Trust Funds – September 2019

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

Appendix 13

Recommendation/Council Decision

OCM19/202

Moved: Cr B Beacham

Seconded: Cr D McLarty

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

CARRIED UNANIMOUSLY 9:0

In Brief

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

Background

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

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

Report Detail

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

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

This list includes details for each payment made, incorporating:

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

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

Murray 2030 Strategic Community Plan

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 Local Government (Financial Management) Regulations 1996, which may result in a qualified audit.

Consultation

Nil

Resource Implications

Financial

Nil

Workforce

Nil

Options

Council has the option of:

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

Conclusion

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

15.6 Monthly Financial Report – September 2019

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

Appendix 14

Recommendation/Council Decision

OCM19/203

Moved: Cr B Cardilini

Seconded: Cr B Beacham

**That Council receives the September 2019 Monthly Financial Report as presented.
CARRIED UNANIMOUSLY 9:0**

In Brief

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

Background

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

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

Report Detail

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

- Statement of Financial Activity
- Notes to Statement of Financial Activity:
 - * Note 1 Net Current Funding Position
 - * Note 2 Cash and Investments
 - * Note 3 Budget Amendments
 - * Note 4 Receivables
 - * Note 5 Cash Backed Reserves

Murray 2030 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

The Shire of Murray 2018/19 Annual Budget.

Statutory Environment

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

Sustainability & Risk Considerations

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

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

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

Nil

Environment – (Impact on environment's sustainability)

Nil

Policy Implications

Nil

Risk Management Implications

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

Consultation

Nil

Resource Implications

Financial

Nil

Workforce

Nil

Options

Council has the option of:

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

Conclusion

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

Infrastructure Services

15.7 Tonkin Drive, North Yunderup – Review of Vehicle Gate

File Ref:	0168-01		
Previous Items:	PPS Feb 2014	Item 10.1	(PPS14/024)
	OCM Feb 2014	Item 11.5	(OCM14/019)
	PPS May 2014	Item 10.3	(PPS14/061)
	OCM May 2014	Item 12.8	(OCM14/061)
Applicant:	North Yunderup Community Association		
Author and Title:	Alan Smith, Director Infrastructure Services		
Voting Requirements:	Simple Majority		

Appendix 15

Recommendation

That Council:

1. approves the gate along Tonkin Drive being opened on a trial basis following road improvement works;
2. supports road improvements and signage works on Tonkin Drive that provides safe access and egress to Coopers Mill and the Estuary;
3. supports Ranger Services to undertake a continuous review of the trial with a further report being presented to Council in February 2020; and
4. delegates to the Chief Executive Officer the ability to close the gate during the trial after advice to the North Yunderup Community Association should anti-social behaviour become a concern.

Council Decision

OCM19/204

Moved: Cr S Lee

Seconded: Cr A Rogers

That Council:

1. **approves the gate along Tonkin Drive being opened on a trial basis following road improvement works;**
2. **supports road improvements and signage works on Tonkin Drive that provides safe access and egress to Coopers Mill and the Estuary;**
3. **supports Ranger Services to undertake a continuous review of the trial with a further report being presented to Council at the end of February 2020; and**
4. **delegates to the Chief Executive Officer the ability to close the gate during the trial after advice to the North Yunderup Community Association should anti-social behaviour become a concern.**

CARRIED UNANIMOUSLY 9:0

Reason for Change

Council added the words “*End of February*” in point 3 able to allow for the trial to be conducted over the whole month of February.

In Brief

- A gate was installed on Tonkin Drive following a resolution of Council in 2014 to prevent ongoing anti-social behaviour.
- Ranger Services have been working with property owners within North Yunderup and Furnissdale to progressively manage off road access to the area.
- As part of the original Council report a review was to take place following the placement of the gate.
- Feedback was sought on the opening of the gate from the community through the Community Association and Electronic media.

Background

Due to concerns regarding illegal dumping, anti-social behaviour and increased management and maintenance the gravel section of Tonkin Drive was considered for gating to provide alternative management. At the Ordinary Council Meeting held on the 27 February 2014 Council considered a report on this matter and it was resolved:

“That Council:

- 1. Undertakes community consultation and public advertising for the installation of a gate within Tonkin Drive;*
- 2. Installs a gate within Tonkin Drive should no adverse feedback be received through the community consultation and public advertising;*
- 3. Requests a further report should adverse feedback be received through community consultation and public advertising.”*

Following advertising there were a number of both supportive and adverse feedback to the proposed gate with a further report presented to Council. At the Ordinary Council Meeting held on the 29 May 2014 Council considered a further report and it was resolved:

“That Council:

- 1. approves the installation of a vehicle gate on Tonkin Drive, North Yunderup to prevent the illegal dumping of rubbish and anti-social behaviour that frequently takes place on this section of road;*
- 2. allows nominal access to Shire of Murray Staff, Caretaker of Coopers Mill and Emergency Service agencies to ensure managed access at all times; and*
- 3. undertake a review of the gating of Tonkin Drive after 12 months to assess the access and maintenance outcomes.”*

There were delays in the official placement of the gates with the initial gate being significantly vandalised, therefore a more robust gate was ordered through the then Department of Parks and Wildlife and this took some time to acquire and be manufactured.

The gate was officially placed in 2017 following extensive work undertaken by Ranger Services to provide increased fencing management of adjacent land to add value to the gating of Tonkin Drive. Since the installation of the gate on Tonkin Drive Ranger Services have continued to monitor the area and work with landowners to progressively limit access to off road vehicles.

In recent times the community within North Yunderup has raised the opportunity to again access Tonkin Drive during summer to coincide with the crabbing season and peak season for accessing the Estuary.

Report Detail

The primary reason for gating Tonkin Drive was to manage the ongoing illegal dumping and anti-social behaviour that warranted an increased Ranger attendance and required

significant maintenance within the immediate area. This was to control off road vehicles entering the area but did not restrict pedestrian or cycle access which were still encouraged to access the Estuary.

Tonkin Drive provides access to Coopers Mill and an Estuary environment for the community to enjoy, the circumstances around the placement of the gate was to provide an increased level of management, unfortunately to the potential detriment of the community.

During the time Tonkin Drive has been gated Ranger Services have been approached on multiple occasions to open the gate to assist with community clubs wanting access to the Estuary, these included bird watching, painters and photography. This has been a positive relationship with the gates being opened and closed at set times to work with the clubs activities. There is rising support within the North Yunderup Community to provide a trial for the opening of the gates to establish whether a managed approach can be achieved to support the community wishes while managing the previous concerns. Through communication with the North Yunderup Community Association and social media a number of submissions were made regarding the gate being opened (**refer appendix 15**).

There are residents that are within close proximity to Tonkin Drive that have serious concerns with the opening of the gate and the potential return of the anti-social behaviour as they typically are primarily impacted by the behaviour. The placement of the gate and subsequent discussion to consider the opening of the gate has been very contentious but generally supported on a trial basis.

Consideration was given whether during the crabbing season the gates could be opened on weekends only as an introduction and grow the trial should this be successful. The majority of community sentiment is around opening the gates for the duration of the crabbing season with ongoing review throughout the season.

It would be proposed to report to Council at the end of the crabbing season with a detailed review of the trial and to inform a future position on the gating of Tonkin Drive. Should significant concern arise during the trial then Council can delegate to the CEO to reinstate the gate with advise through the North Yunderup Community Association .

Murray 2030 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.

Focus Area	Capable and Accountable
Aspiration	To develop strong leadership through good governance, effective communication and ensuring value for money.
Strategy	Establish and maintain a user focussed communication approach throughout which the community is informed, engaged and empowered.

Other Strategic Links

Nil

Statutory Environment

Land Administration Act 1997 Section 67 – Temporary closure of public access route.

The Minister may, after consulting the relevant local government –

- (a) by notice published once in a newspaper circulating generally in the State, close the whole or any part of a public access route for such a period as is specified in that notice; and
- (b) cause such signs and barriers to be placed on or near the public access route or part of the public access route

Sustainability & Risk Considerations

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

Nil

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

Provide the greater community the opportunity to access the Estuary and Coopers Mill for recreational activities, should anti-social behaviour be prevalent those within proximity of Tonkin Drive will have their lifestyle impacted.

Environment – (Impact on environment's sustainability)

The area in question is environmentally sensitive and needs to be managed and protected, during the trial there will be need for ongoing monitoring to assist with maintaining the area.

Policy Implications

Nil

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Moderate	Ranger Services will need to manage the area with Operations undertaking any ongoing maintenance requirements. Systems will need to be in place to monitor the area and provide proactive maintenance with the potential of additional time and financial resources needed to fulfil this outcome.

Consultation

North Yunderup Community

Resource Implications

Financial

Initial works to improve the road surface and upgrade the approaches and signage to the gate to meet standards will need to be undertaken, it is anticipated these works will cost in the order of \$5000.

Workforce

Both the improvement to the roads and monitoring by Ranger Services will need to be managed within existing resources

Options

Council has the option of:

1. Opening the gate for the crabbing season up until the end of February.
2. Only open the gate during weekends for the crabbing season up until the end of February.
3. Not approve the opening of the gates.

Conclusion

Since the concerns raised in 2014 and the subsequent gate placed on Tonkin Drive there has been a reduction in anti-social behaviour and maintenance. Ranger Services have been working consistently with property owners within North Yunderup and Furnissdale to assist in alleviating the off road vehicles accessing the area, and this will continue irrespective of the gate being opened.

The growing community support for the opening of the gate to enable access to the Estuary has been growing in recent times. The original intent was to place the gate to stop a behaviour that was unrelenting, the current trial will establish whether there is a change of culture within the greater community.

There will be a requirement for Ranger Services to frequent the location and more than likely with increased vehicle access a need for improved road management. These will be need to be managed within existing resources.

Prior to opening the gate a level of road maintenance and placement of signage will need to be completed to ensure the safety of road users, Ranger Services can then work on a monitoring and reporting program to ensure there is informed feedback for the trial and the area is being managed.

It is proposed that as soon as the road and signage works are completed the gate can be opened and remain open for the duration of the crabbing season. A report can then be presented to Council in February to ascertain the outcomes of the trial and the opportunities to either extent the trial or consider longer term options.

Should during the trial there be concern with anti-social behaviour, consideration would need to be given for the Chief Executive Officer to instruct the gate to be closed after advice being issued to the North Yunderup Community Association for distribution to the community.

15.8 Proposed Naming of Reserve R33836: Rodoreda Crescent, Ravenswood

File Ref: R33836-01
Previous Items: Nil
Applicant: Don Repacholi, Chair Owners Council
Author and Title: Alan Smith, Director Infrastructure Services
Voting Requirements: Simple Majority

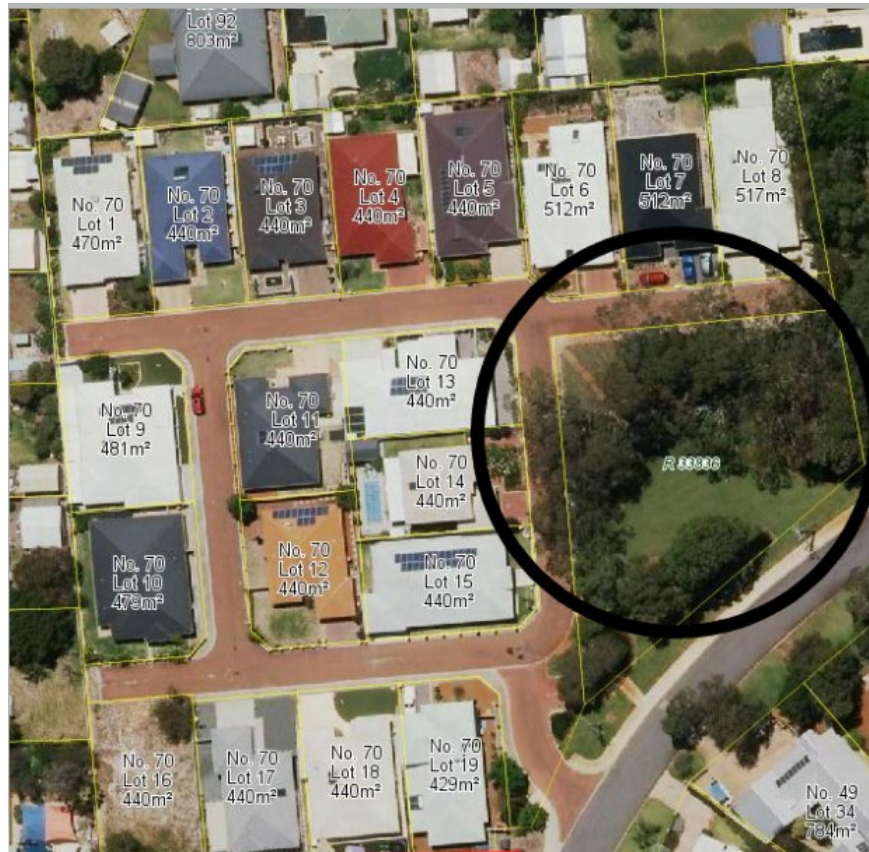
Recommendation/Council Decision**OCM19/205****Moved: Cr S Lee****Seconded: Cr G Black****That Council:**

- 1. supports the naming of Reserve 33836 as the Luiten Cook Reserve subject to the support of the immediate family; and**
- 2. seeks approval from the Geographic Names Committee to endorse the naming of Reserve 33836 as Luiten Cook Reserve through the Landgate naming process.**

CARRIED UNANIMOUSLY 9:0**In Brief**

- A request has been received recommending the naming of Reserve 33836 on Rodoreda Crescent to Luiten Cook Reserve.
- The naming of the reserve is after the recently deceased resident, the late William Cook and his partner Derk Luiten.
- Both residents have completed extensive voluntary work in the Ravenswood area over many years and have been active members of the Ravenswood Community with Derk Luiten continuing in a voluntary capacity.

Below is a map showing the location of the Reserve in question.



Background

A request has been received from the local community to name a local reserve in honour of local residents, a background on both the late William Cook and current resident Derk Luiten has been received from the Ravenswood Community Association and detailed below:

“It is proposed that Reserve R33836 adjacent to 70 Rodoreda Crescent be named LUITEN COOK PARK.

The reserve was created during the residential development of Hayes Court/Scott Place/Carter Street during the 1970’s. It is 1,973m² in area and comes within Clauses 2.3 and 2.4 of the Shire of Murray Policy W13 – Naming of Localities, Roads, Parks, Reserves and Buildings.

JUSTIFICATION

Derk Luiten and Bill Cook are long term residents of Ravenswood and the Murray Shire. Derk and Bill moved to North Yunderup in 1971 and then to Ravenswood in 1977 and have resided at 1 Carter Street Ravenswood since that time. Derk emigrated to Australia from Holland and worked on the Snowy Mountains Scheme and in Kambalda before relocating to the Murray Shire. Bill was originally from Ireland. He worked at Maralinga before joining the Australian Army and serving in Borneo with the 102 Field Battery.

Derk was employed as a Foreman Landscape Gardener in 1971 for the establishment of the Pinjarra Refinery and associated infrastructure. Bill worked with Derk as a gardener. They were instrumental in the initial landscaping of Carcoola and then the Alcoa Pinjarra Refinery. They were also involved in the landscaping of other Alcoa sites at Wagerup, Kwinana and Bunbury Wharf. They also developed the initial plans for the landscaping of the Murray River foreshore from St Johns Church to the Pinjarra High School as employees of Alcoa. Derk and Bill have also involved with the establishment and maintenance of the gardens at Edenvale.

Derk and Bill have had a long involvement with landscaping of the Ravenswood environs with particular reference to Reserve 33836 which adjoins their residential property. They were actively involved in the maintenance of this reserve after its establishment. Derk and Bill are also responsible for the planting of most of the street trees in Ravenswood and have worked closely with Shire personnel in ensuring the success of these trees.

Derk and Bill were active members of the Ravenswood Society and have been active members of the Ravenswood Community Group. They were a familiar sight around Ravenswood planting and watering trees.

It is proposed that the reserve be named after Derk and Bill in recognition of their contributions to the Shire of Murray in particular to Pinjarra and Ravenswood since the 1970's.

The Ravenswood Community Group voted unanimously at their October AGM to support the naming of the park."

The Shire of Murray currently have a Policy TA13: Naming of Localities, Roads, Parks and Reserves and Buildings, which states the following:

"2.3: Naming of Parks and Reserves

- *Priority will be given to the naming of Parks and Reserves after an adjacent street or feature to maximise the identification of that Park or Reserve within an area. The*
- *'road type' is not to be included as part of the name.*
- *'Reserve' is only to be used as part of the name if the whole of the area to be named is reserved under the Land Administration Act 1997 and therefore has a reserve number.*
- *Names that commemorate or may be construed to commemorate living persons will not be considered for parks or reserves over 1ha.*
- *Proposals to name Parks and Reserves should include evidence of strong community support for the name.*
- *For personal names, the person being honoured by the naming should have either direct long-term association with the area, or have made a significant contribution to the area of the proposed park or reserve, or the State. Association or contribution can include;*
 1. *Two or more terms of office on a local government council.*
 2. *Twenty or more years association with a local community group or service club. Action by an individual to protect, restore, enhance or maintain an area that produces long-term improvements for the community or area.*
- *Service to the Community or Organisation must have been voluntary.*
- *Given names may be included as part of the naming proposal, and given and surnames combinations are acceptable.*
- *Death and former ownership of the land are not acceptable reasons for proposing a name, unless previous criteria applies.*

2.4: Naming of Parks and Reserves under 1ha

- *The approval of the Minister for Land information is not required, but Landgate must be advised of all the names assigned.*
- *The names of living persons are acceptable except for those persons holding any form of public office.*
- *The general guidelines listed above shall apply for the naming of such parks and reserves”.*

The Geographic Names Committee that are a service through Landgate recently reviewed their Policies and Standards for Geographical Naming in regards to the use of Commemorative Names, the following applies:

1.4.1 New Commemorative Names

Landgate recognises the significance of historic commemorative naming and encourages the continued recognition of outstanding achievements, contributions to the community and significant events:

The following policies shall apply to all commemorative naming proposals:

- *All commemorative name proposals shall meet the same criteria required of any of the name proposal.*
- *All commemorative naming proposals must include evidence of support by the wider community and reach beyond a single local government, person or special interest group.*
- *A commemorative name shall not be used to commemorate victims of, or mark the location of accidents and tragedies.*
- *Prior of current ownership of the land does not confer the right or entitlement of to apply a commemorative name.*
- *The use of unofficial commemorative names in publications or in landscape dedications or makers is no assurance that they will be adopted in to official name records.*
- *A commemorative name shall not be considered for adoption if a well-established and acceptable name already exists for the feature.*

1.4.2 Use of Personal Names

Landgate will not accept a commemorative naming proposal for a road or locality for person or persons still living.

Requests to approve names that commemorate, or that may have been construed to commemorate, living persons will also not be accepted.

The approval of a name to commemorate an individual will only be considered:

- *Posthumously*
- *Permission of the immediate family must be obtained. Where the person has been deceased for more than 10 years and contact with the immediate family could not be established appropriate consultation must be carried out based on a demonstrated record of achievement.*

- *Having had direct and long-term association with the location and made a significant contribution to the area.*
- *The proposal commemorating an individual with an outstanding nation or international reputation has had a direct association with the area in which it is to be located such application is in the public interest.*
- *There is evidence of broad community support for the proposal.*

The following will not be considered as appropriate grounds for a commemorative naming request:

- *Current or past ownership of the land is not considered sufficient grounds*
- *Precedence of existing names*
- *Past or ongoing public service within all levels of government*
- *Names will not be supported after a person who has sponsored the development of the area, or was the commercial developer.*

Report Detail

After reviewing the Shire of Murray Policy Manual and the Geographic Names Committee Policies and Standards for Commemorative Naming of Reserves, it appears the name Luiten Cook Reserve could be approved based on the above criteria with the support of Council and the immediate family. The Landgate Policy does highlight that *“Requests to approve names that commemorate, or that may have been construed to commemorate, living persons will also not be accepted.”* This would need to be further explored through the Geographic Names Committee through formal application.

Murray 2030 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.

Other Strategic Links

Nil

Statutory Environment

Nil

Sustainability & Risk Considerations

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

Nil

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

The proposal is to provide a level of recognition through the community that highlights the long term achievements of local residents that have added value for their community, the naming of the reserve after local residents would give the Community of Ravenswood a sense of ownership.

Environment – (Impact on environment's sustainability)

Nil

Policy Implications

Shire of Murray Policy Manual TA13

Policy and Standards for Geographical Naming in WA

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	There is little to no risk to the Shire of Murray if the above policies and procedures are adhered too when considering naming this Reserve.

Consultation

Shire of Murray Policy Manual TA13

Policy and Standards for Geographical Naming in WA

Resource Implications*Financial*

There will be minimal financial impact to the Shire of Murray in naming this Reserve. The primary expenditure would come by supplying and installing a sign on the Reserve once the name has been formally approved and these costs are in the order of \$500.

Workforce

The workforce required would be an officer to apply for the naming of the reserve through and liaise with the Geographic Names Committee, any purchase and installation of signage can be undertaken within existing resources.

Options

Council has the option of:

1. Supporting the Rodoreda Crescent Strata Group in naming Reserve R33836 the Luiten Cook Reserve.
2. Not supporting the Rodoreda Crescent Strata Group in naming Reserve R33836 the Luiten Cook Reserve.

Conclusion

The Rodoreda Strata Group has requested the approval of Reserve R33836 to be called the Luiten Cook Reserve. Both the late William Cook and Derk Luiten have been active members of the Ravenswood community for most of their lives, Derk Luiten still resides in Ravenswood and will remain an active community member. This would be great honour for their families and a wonderful legacy for the Ravenswood Community. To enable this process to proceed support would need to be initially obtained from both Council and the immediate family, then applications can be made through the Geographic Names Committee.

15.9 Relocation of Pinjarra War Memorial

File Ref:	HE02/Glebe		
Previous Items:	PPS Oct 2014	Item 5.8	(PPS14/123)
	OCM Oct 2014	Item 12.4	(OCM14/133)
	OCM Oct 2015	Item 16.8	(OCM15/297)
	OCM Dec 2017	Item 11.8	(OCM17/303)
Author and Title:	Alan Smith – Director Infrastructure Services		
Voting Requirements:	Simple Majority		

Appendices 16, 17, 18 and 19**Recommendation/Council Decision****OCM19/206****Moved: Cr B Beacham****Seconded: Cr A Rogers****That Council:**

- 1. approves the relocation of the War Memorial to the Glebe Land and adopts the War Memorial Concept Plan; and**
- 2. prepares and advertises the proposed relocation of the War Memorial and Concept Plan and should a majority of adverse comments be received a further report be presented to Council.**

CARRIED UNANIMOUSLY 9:0**In Brief**

- The popularity of the ANZAC Day Service has created a pedestrian risk at the current War Memorial location on Pinjarra Road.
- Ongoing engagement with the Pinjarra RSL was undertaken to support the relocation and proposed concept plan.
- Funding has been supported through the current budget for the relocation of the War memorial.

Background

The growth in popularity of the ANZAC Day Service has necessitated increased traffic control to ensure safety of attendees as the War Memorial is located adjacent to Pinjarra Road. Through ongoing discussion with the Pinjarra branch of the Returned Services League (RSL) consideration for an alternative site was raised.

The original location of the War Memorial was within Cantwell Park (**Appendix 16**). It has been located on Pinjarra Road (adjacent to the Civic Centre) for an extended period of time. With the current popularity of ANZAC Day and the increase in vehicle movements on Pinjarra Road it has been discussed through the Pinjarra RSL that an alternative site be investigated with the current recommendation being to the Glebe Land.

The Glebe Land forms part of the Murray River Foreshore and Exchange Hotel Site Masterplan and Feasibility study that was adopted by Council in October 2014 and any alteration to the Glebe Land will need consideration from Council. In October 2015 Council accepted the Management Order for the Glebe Land to further highlight our intent to oversee, improve and manage the land.

Further discussion then revolved around the transfer of the St Johns Church to the Shire of Murray to align to the Glebe Land and ultimately incorporate all foreshore areas from the Pinjarra Boat ramp to the Murray Aquatic and Leisure Centre within the Shires management.

Report Detail

The Shire has been engaging with the Pinjarra RSL for a number of years to assist in the management of the ANZAC Day service. ANZAC Day has always been a popular event within the Australian calendar but since the Centenary of the ANZAC Day Service in 2015 there has been an increased popularity in the service and this has continued to this day.

Due to the popularity of the service, there was an ongoing need to incorporate traffic management when organising the event, there was also the potential conflict and noise associated with vehicles moving adjacent to the memorial site during the service. The local Police have endeavoured to assist with the traffic management but there was still the growing need to maintain a safe event that is family friendly and accessible.

Ongoing discussion with the Pinjarra RSL has suggested an alternative location for the War Memorial that will provide increased activation and surveillance within the Glebe Land. A concept plan was developed (**Appendices 17 and 18**) with the proposed site being adjacent to Henry Street. A number of locations were considered and following ongoing liaison with the Pinjarra RSL and an independent Landscape Architect the Henry Street location was recommended due to the proximity to the street and path networks that provide ongoing activation and surveillance.

The original Glebe Masterplan had recommended a car park at the proposed location of the War Memorial, in reviewing the Glebe Masterplan (**Appendix 19**) the proposed location for the War Memorial was considered the best location with any future car parking to be aligned to the current boat ramp carpark.

Murray 2030 Strategic Community Plan

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

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	Upgrade the amenity of the Murray River Square, foreshore reserve and Glebe Land.

Murray 2019- 2023 Corporate Business Plan

Focus Area	Places for People
Objective	Socially connected, safe and cohesive community.
Strategy	In partnership with communities, identify and prioritise community-led projects and initiatives.
Project and Actions	Provide funding for community-led initiatives.

Focus Area	Places for People
Objective	Maximise and connect the natural assets to the community
Strategy	Upgrade the amenity of the Murray River Square, foreshore reserve and Glebe Land.
Project and Actions	Progressively improve and activate family-friendly foreshore reserves.

Other Strategic Links

Nil

Statutory Environment

Nil

Sustainability & Risk Considerations

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

Nil

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

There is the opportunity to relocate the War memorial to a location that provides increased activation and surveillance while improving the safety during events.

Environment – (Impact on environment's sustainability)

Nil

Policy Implications

Nil

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	Ensuring the location meets with the opportunity to grow the event as the population within the Shire of Murray grows, the site has been chosen to facilitate progressive interest and growth for the service.

Consultation

Pinjarra RSL

Resource Implications

Financial

Funding has been allocated within the 2019/20 Budget to undertake the necessary War Memorial relocation and landscape works.

Workforce

The majority of works will be undertaken by contract with officers to project manage the delivery within existing resources.

Options

Council has the option of:

1. Supporting the proposed relocation of the War Memorial and Concept plan.
2. Supporting the proposed relocation of the War Memorial and Concept Plan with an alternative location.
3. Not supporting the relocation of the War Memorial.

Conclusion

The relocation of the War Memorial will provide a location that can receive increased activation, provides natural surveillance from its proximity to Edenvale and the road network and will enable the local roads to be closed during special events like ANZAC Day.

The concept plan for the relocated War memorial has been vetted through the Pinjarra RSL with support for the project to be progressed. Funding has been set aside in the current 2019/20 financial year with works needed to progress by mid November 2019.

The project will ideally commence following Remembrance Day on the 11 November 2019 and be completed prior to ANZAC Day 25 April 2020. Contract stonemasons will be engaged to disassemble the WAR Memorial, take it to their workshop to renew the structure and then re-install at the new location. This process could take up to 4 months to complete therefore timing is essential. The concept plan then provides the landscape support for the War Memorial to enable the site to be easily accessed and provide an acceptable viewing space during special events.

It is important that the greater community are aware of the proposal and therefore advertising and seeking feedback is an important outcome. Should a majority of adverse comments be received from the community then a further report can be presented to Council prior to any works progressing.

11. APPOINTMENT OF COMMITTEES OF COUNCILLORS ONLY**11.1 Audit Committee**

Currently: All Councillors are members of this Committee
Meetings are held once or twice per year.

Recommendation/Council Decision**OCM19/207****Moved: Cr D McLarty****Seconded: Cr A Rogers**

That Council appoints all Elected Members to the Audit Committee, expiring on 16 October 2021.

CARRIED UNANIMOUSLY 9:0**11.2 CEO Resource Sharing Agreement Committee**

Currently: President, Deputy President, Cr B Cardilini
Meetings are held as required.

Recommendation/Council Decision**OCM19/208****Moved: Cr G Black****Seconded: Cr S Lee**

That Council appoints the Shire President, Deputy Shire President, Cr Cr B Cardilini to the CEO Resource Sharing Agreement Committee, expiring on 16 October 2021.

CARRIED UNANIMOUSLY 9:0**12. APPOINTMENT OF COMMITTEES OF COUNCILLORS/EMPLOYEES/OTHER PERSONS**

At this point in the meeting, items 12.1 and 12.2 were carried by 'En Bloc' resolution of Council.

12.1 Bush Fire Advisory Committee

Currently: Cr A Rogers - Cr G Black (proxy)
Meetings are held once per year or as required.

Recommendation/Council Decision**OCM19/209****Moved: Cr C Rose****Seconded: Cr D McLarty**

That Cr A Rogers with Cr Stuart Kirkham (proxy) be appointed to the Bush Fire Advisory Committee expiring on 16 October 2021.

CARRIED UNANIMOUSLY 9:0

12.2 Local Emergency Management Committee

Currently Cr G Black

Meetings are held quarterly.

Recommendation/Council Decision

OCM19/210

Moved: Cr C Rose

Seconded: Cr D McLarty

That Cr S Kirkham be appointed to the Local Emergency Services Management Committee expiring on 16 October 2021.

CARRIED UNANIMOUSLY 9:0

13. APPOINTMENT OF DELEGATES TO EXTERNAL ORGANISATIONS (Councillors, Employees and Other Persons)

At this point in the meeting, items 13.1 – 13.16 were carried by ‘En Bloc’ resolution of Council.

13.1 Western Australian Local Government Association – Peel Zone

Currently Cr D Bolt, Cr S Lee (Cr D McLarty, Councillor Proxy)

Meetings are held bi-monthly.

Recommendation/Council Decision

OCM19/211

Moved: Cr A Rogers

Seconded: Cr B Cardilini

That Cr D Bolt and Cr D McLarty be appointed to the Western Australian Local Government Association – Peel Zone, (with Cr S Lee as proxy), expiring on 16 October 2021.

CARRIED UNANIMOUSLY 9:0

13.2 Rivers Regional Council

Currently Cr S Lee (Cr G Black as deputy for Cr S Lee) and Cr D Bolt with (Cr D McLarty deputy for Cr D Bolt)

Meetings are held bi-monthly with ad hoc presentations/workshops.

Recommendation/Council Decision

OCM19/212

Moved: Cr A Rogers

Seconded: Cr B Cardilini

That Cr D Bolt (Cr D McLarty as deputy for D Bolt) and Cr S Lee (Cr B Cardilini as deputy for Cr S Lee) be appointed to the Rivers Regional Council expiring on 16 October 2021.

CARRIED UNANIMOUSLY 9:0

13.3 Peel Mosquito Management Group (CLAG)

Currently Cr G Black and Cr B Cardilini (deputy)
Meetings are held monthly.

Recommendation/Council Decision

OCM19/213

Moved: Cr A Rogers

Seconded: Cr B Cardilini

That Cr D McLarty and Cr S Kirkham (deputy), and the Manager Environmental Health Services, be appointed to the Peel Mosquito Management Group (CLAG), expiring 16 October 2021.

CARRIED UNANIMOUSLY 9:0

13.4 Coolup Land Conservation District Committee

Currently Cr A Rogers
Meetings are held on an ad-hoc basis.

Recommendation/Council Decision

OCM19/214

Moved: Cr A Rogers

Seconded: Cr B Cardilini

That Cr S Kirkham be appointed to the Coolup Land Conservation District Committee, expiring on 16 October 2021.

CARRIED UNANIMOUSLY 9:0

13.5 Murray House Resource Centre Management Committee

Currently Cr B Beacham
Meetings are held monthly or as required.

Recommendation/Council Decision

OCM19/215

Moved: Cr A Rogers

Seconded: Cr B Cardilini

That Cr B Beacham be appointed to the Murray House Resource Centre Committee, expiring on 16 October 2021.

CARRIED UNANIMOUSLY 9:0

13.6 District Emergency Management Committee

Note: It is recommended that the Councillor representative of DEMC should be the same member as the LEMC representative.

Currently Cr G Black

Meetings are held quarterly.

Recommendation/Council Decision

OCM19/216

Moved: Cr A Rogers

Seconded: Cr B Cardilini

That Cr S Kirkham be appointed to the District Emergency Management Committee, expiring on 16 October 2021.

CARRIED UNANIMOUSLY 9:0

13.7 Rail Heritage Foundation of W.A.

Currently Cr S Lee

Meetings are held on an ad-hoc basis.

Recommendation/Council Decision

OCM19/217

Moved: Cr A Rogers

Seconded: Cr B Cardilini

That Cr S Lee be appointed to the W.A. Rail Heritage Foundation Committee, expiring on 16 October 2021.

CARRIED UNANIMOUSLY 9:0

13.8 South West Regional Road Group

Currently Cr D McLarty, Cr A Rogers (proxy)

Meetings are held bi-monthly.

Recommendation/Council Decision

OCM19/218

Moved: Cr A Rogers

Seconded: Cr B Cardilini

That Cr D McLarty be appointed to the South West Regional Road Group, (with Cr A Rogers as proxy), expiring on 16 October 2021.

CARRIED UNANIMOUSLY 9:0

13.9 Peel Trails Group

Currently Cr C Rose

Meetings are held quarterly.

Recommendation/Council Decision

OCM19/219

Moved: Cr A Rogers

Seconded: Cr B Cardilini

That Cr C Rose be appointed to the Peel Trails Group, expiring on 16 October 2021.

CARRIED UNANIMOUSLY 9:0

13.10 Dwellingup Community Village Inc. Management Committee

Currently Cr B Beacham

Meetings are held as required.

Recommendation/Council Decision

OCM19/220

Moved: Cr A Rogers

Seconded: Cr B Cardilini

That Cr B Beacham be appointed to the Dwellingup Community Village Inc. Management Committee, expiring on 16 October 2021.

CARRIED UNANIMOUSLY 9:0

13.11 Metro South West Joint Development Assessment Panels (JDAP)

Currently Cr C Rose and Cr D Bolt – Cr B Cardilini (first alternate member) Cr A Rogers (second alternate member)

Meetings are held as required.

Introduction/Background

Councillors currently representing the Joint Development Assessment Panel are appointed by the Minister for a term of up to two years to 26 January 2022 and will retain their positions as representatives of the JDAP to which they have been appointed, unless they are not returned on Saturday 19 October 2019. Should the status quo remain in the case of Cr C Rose, Cr D Bolt, and Cr A Rogers no Council decision will be required for these three appointments.

No Council decision was required as the current Councillors previously appointed to this committee until 26 January 2022 were all returned following the 19 October Local Government Elections.

13.12 Peel Community Care

Currently Cr S Lee

Meetings are held generally every 2 months.

Recommendation/Council Decision

OCM19/221

Moved: Cr A Rogers

Seconded: Cr B Cardilini

That Cr C Rose be appointed as Council's representative on the Peel Community Care Committee expiring on 16 October 2021.

CARRIED UNANIMOUSLY 9:0

13.13 Peron Naturaliste Partnership Inc.

Currently Cr S Lee, Leanne McGuirk, and Tom Lerner

Meetings are held bi-monthly

Recommendation/Council Decision

OCM19/222

Moved: Cr A Rogers

Seconded: Cr B Cardilini

That Cr D McLarty, be appointed as Council's representative on the Peron Naturaliste Partnership Inc. with Cr S Lee (proxy), Executive Manager Strategic Development and Coordinator Environmental Services as its proxy members expiring on 16 October 2021.

CARRIED UNANIMOUSLY 9:0

13.14 BHP Billiton Worsley Alumina Mine Community Liaison Committee

Currently Cr B Cardilini - Cr G Black (proxy)

Meetings are held on an ad-hoc basis.

Recommendation

That the Cr with Cr (proxy) be appointed as Council's representative on the BHP Billiton Worsley Alumina Mine Community Liaison Committee expiring on 16 October 2021.

Council Decision

OCM19/223

Moved: Cr A Rogers

Seconded: Cr B Cardilini

That BHP Billiton Worsley Alumina Mine be advised that the Shire of Murray will not be providing a Councillor delegate for the Community Liaison Committee.

CARRIED UNANIMOUSLY 9:0

13.15 ALCOA Community Consultation Network (CCN)

File Ref: 1/2324

Currently Cr B Beacham - Cr B Cardilini (proxy)

Meetings are held bi-monthly from 5.30pm - 7:00pm in Pinjarra.

Recommendation/Council Decision

OCM19/224

Moved: Cr A Rogers

Seconded: Cr B Cardilini

That the Cr B Beacham with Cr B Cardilini (proxy) be appointed as Council's representative on the ALCOA Community Consultation Network (CCN) expiring on 16 October 2021.

CARRIED UNANIMOUSLY 9:0

13.16 Peel Harvey Catchment Council

Currently Cr Caroline Knight, City of Mandurah, Cr Stephen Lee (proxy) Shire of Murray and Councillor John Allert, Shire of Boddington, Cr Eliza Dowling Shire of Cuballing (proxy).

The Peel Harvey Catchment Council are seeking Member (or deputy Member) nominations to represent all coastal local governments within the Peel-Harvey Catchment. Formal meetings will be a minimum of six times per annum with travel costs to these meetings being reimbursed. Members are expected to be active ambassadors and contribute beyond general meeting attendance on behalf of all coastal Councils. The selection of successful nominations will be made via a recommendation from an independent panel to the 12 December 2019 meeting of the Peel Harvey Catchment Council.

The individual local government applicant is requested, with endorsement of their Council, to outline the applicant's reasons for nominating and the knowledge and experience in relation to natural resource management, local government, board governance, strategic planning and/or any other relevant skills that they can bring to the PHCC.

Meetings are held at least six times per annum.

Recommendation/Council Decision

OCM19/225

Moved: Cr A Rogers

Seconded: Cr B Cardilini

- 1. endorses Cr B Cardilini nomination to the board of the Peel Harvey Catchment Council; and**
- 2. notes the application is to outline the applicant's reasons for nominating and the knowledge and experience in relation to natural resource management, local government, board governance, strategic planning and/or any other relevant skills that they can bring to the Catchment Council.**

CARRIED UNANIMOUSLY 9:0

14. WORKING GROUPS

At this point in the meeting, items 14.1 – 14.16 were carried by ‘En Bloc’ resolution of Council.

14.1 Edenvale Homestead Working Group

Currently Cr G Black, one representative from Friends of Edenvale, Murray Districts Historical Society, Murray Arts and Crafts Society, Pinjarra Patchwork Quilters Club, Roger May Machinery Museum, Edenvale Heritage Tea Rooms, Shire of Murray Manager Community Development and Manager Building Services, plus five community representatives.

Meetings are held monthly.

Recommendation/Council Decision

OCM19/226

Moved: Cr A Rogers

Seconded: Cr G Black

That Cr G Black, one representative from Friends of Edenvale, Murray Districts Historical Society, Murray Arts and Crafts Society, Pinjarra Patchwork Quilters Club, Roger May Machinery Museum, Edenvale Heritage Tea Rooms, Shire of Murray Manager Community Development and Manager Building Services, plus five community representatives be appointed to the Edenvale Homestead Working Group, expiring on 16 October 2021.

CARRIED UNANIMOUSLY 9:0

14.2 Murray Access and Inclusion Group

Currently Cr C Rose and Cr B Beacham (proxy)

Meetings are held quarterly.

Recommendation/Council Decision

OCM19/227

Moved: Cr A Rogers

Seconded: Cr G Black

That Cr C Rose with Cr B Beacham (proxy) be appointed to the Murray Access and Inclusion Group expiring 16 October 2021.

CARRIED UNANIMOUSLY 9:0

14.3 Rural Land Holders Reference Group

Currently: Cr C Rose and Cr A Rogers and 7 Rural sector representatives and Executive Manager Strategic Development Ex-Officio (advisory capacity only).

There are three (3) meetings per year.

Recommendation/Council Decision

OCM19/228

Moved: Cr A Rogers

Seconded: Cr G Black

That Cr C Rose and Cr A Rogers be appointed to the Rural Land Holders Reference Group expiring on 16 October 2021, seven Rural sector representatives and Executive Manager Strategic Development Ex-Officio (advisory capacity only).

CARRIED UNANIMOUSLY 9:0

14.4 Crime Prevention and Community Safety Reference Group

Currently Cr D McLarty, Shire of Murray Community Development Officer and Manager Governance (or Senior Ranger), Dwellingup Community Compact, WA Police - Peel Metropolitan District, Pinjarra Primary School, Pinjarra Progress Association, Principal Pinjarra High School, Ravenswood Community Association, Roadwise – Bunbury, SDERA (School Drug Education and Road Aware), Senior Officer Dwellingup Police, Senior Officer Pinjarra Police, Streetnet Officer, the WA Health Department - Mandurah Community Health Centre and North Pinjarra Progress Association and other community representatives as invited by the committee.

Meetings are held quarterly.

Recommendation/Council Decision

OCM19/229

Moved: Cr A Rogers

Seconded: Cr G Black

That Cr G Black, Shire of Murray Community Development Officer and Manager Governance (or Senior Ranger), Dwellingup Community Compact, North Pinjarra Progress Association, Principal Pinjarra High School, Ravenswood Community Association, Roadwise – Bunbury, SDERA (School Drug Education and Road Aware), Senior Officer Dwellingup Police, Senior Officer Pinjarra Police, Streetnet and other community representatives as invited by the committee be appointed to the Crime Prevention and Community Safety Reference Group, expiring on 16 October 2021.

CARRIED UNANIMOUSLY 9:0

14.5 Peel Mobile Health Service Reference Group

Currently Cr C Rose, Cr B Beacham (proxy)

Meetings are held as required.

Recommendation/Council Decision

OCM19/230

Moved: Cr A Rogers

Seconded: Cr G Black

That Cr C Rose be appointed to the Peel Mobile Health Services Reference Group with Cr B Beacham as proxy expiring on 16 October 2021.

CARRIED UNANIMOUSLY 9:0

14.6 Keysbrook Community Consultation Group

Currently Cr B Beacham, Cr C Rose (proxy)

Meetings are held quarterly.

Recommendation/Council Decision

OCM19/231

Moved: Cr A Rogers

Seconded: Cr G Black

That Cr B Beacham be appointed to the Keysbrook Community Consultation Group with Cr S Lee as proxy expiring on 16 October 2021.

CARRIED UNANIMOUSLY 9:0

14.7 Yunderup Sport and Recreation Club Committee

Previously former Councillor Maree Reid - Council Resolution from OCM 28 March 2019. "That Council do not nominate a Councillor at this stage as its representative on the Yunderup Sport and Recreation Club Board and this nomination be listed for consideration on the Agenda following the Local Government Elections in October 2019."

Meetings are held monthly.

There is no requirement for a Council representative to be appointed to this Committee.

14.8 Annual Volunteer Awards Selection Panel

Currently Cr A Rogers, Cr G Black, Cr C Rose and Cr B Cardilini

Meetings are held annually.

Recommendation/Council Decision

OCM19/232

Moved: Cr A Rogers

Seconded: Cr G Black

That Cr A Rogers, Cr G Black, Cr C Rose and Cr B Cardilini be appointed to the Annual Volunteer Awards Selection Panel expiring on 16 October 2021.

CARRIED UNANIMOUSLY 9:0

14.9 Selection Panel for the Australia Day WA Community Citizenship Awards

Currently Cr S Lee, Cr D McLarty, Cr B Cardilini and Cr C Rose

Meetings are held annually.

Recommendation/Council Decision

OCM19/233

Moved: Cr A Rogers

Seconded: Cr G Black

That Cr S Lee, Cr D McLarty, Cr B Cardilini and Cr C Rose be appointed to the Selection Panel for Australia Day WA Community Citizenship Awards expiring on 16 October 2021.

CARRIED UNANIMOUSLY 9:0

14.10 Age Friendly Communities Working Group

Currently no Councillor representation (established February 2016)

Meetings are held quarterly.

Recommendation/Council Decision

OCM19/234

Moved: Cr A Rogers

Seconded: Cr G Black

That Cr C Rose and Cr G Black (proxy) be appointed to the Age Friendly Communities Working Group expiring on 16 October 2021.

CARRIED UNANIMOUSLY 9:0

14.11 Local Recovery Management Committee

Currently Cr G Black

Meetings are held quarterly.

Recommendation/Council Decision

OCM19/235

Moved: Cr A Rogers

Seconded: Cr G Black

That Cr S Kirkham be appointed to the Local Recovery Management Committee expiring on 16 October 2021.

CARRIED UNANIMOUSLY 9:0

14.12 Murray Library and Community Centre Project Steering Committee

Currently Cr B Beacham and Cr A Rogers

Meetings are held approximately quarterly.

This Committee has been cancelled.

14.13 Coastal Hazard Risk Management and Adaption Plan Project Steering Group

Currently Shire President D Bolt as its Councillor representative, Cr B Cardilini proxy member and Nancy Delfos, Linda Gregory and Alistair McKechnie as the community representatives on the Coastal Hazard Risk Management and Adaptation Plan Project Steering Group.

Inaugural Meeting to be scheduled.

Recommendation/Council Decision

OCM19/236

Moved: Cr A Rogers

Seconded: Cr G Black

That Cr D Bolt and Cr D McLarty (proxy) be appointed to the Coastal Hazard Risk Management and Adaption Plan Project Steering Group expiring on 16 October 2021.

CARRIED UNANIMOUSLY 9:0

14.14 Peel Harvey Biosecurity Group

Currently Cr A Rogers, Shire's Coordinator Environmental Services Officer (proxy)
Meetings are held on the 3rd Wednesday of every second month at 6pm

Recommendation/Council Decision**OCM19/237****Moved: Cr A Rogers****Seconded: Cr G Black**

That Cr A Rogers and the Shire's Coordinator Environmental Services Officer as proxy be appointed to the Peel Harvey Biosecurity Group expiring on 16 October 2021.

CARRIED UNANIMOUSLY 9:0**14.15 Local Planning Strategy Reference Group**

Currently Cr S Lee and Cr C Rose.

The group comprises two Councillors, a representative from each of the Local Community Groups, and five general community members. The Group's first meeting was held in October 2019 will meet every one to two months during the project preparation.

Recommendation/Council Decision**OCM19/238****Moved: Cr A Rogers****Seconded: Cr G Black**

That Cr S Lee and Cr C Rose be appointed to the Local Planning Strategy Reference Group expiring on 16 October 2021.

CARRIED UNANIMOUSLY 9:0**14.16 Pinjarra Rail Heritage Committee****Recommendation/Council Decision****OCM19/239****Moved: Cr A Rogers****Seconded: Cr G Black**

That Cr S Lee, Cr D McLarty and Cr S Kirkham be appointed to the Pinjarra Rail Heritage Committee.

CARRIED UNANIMOUSLY 9:0

15. REPORTS OF CHIEF EXECUTIVE OFFICER AND OFFICERS

Planning and Sustainability

15.1 Application to delete and modify conditions of the Development Approval for a Dwelling Extension and Outbuilding on Lot 37 Murray Terrace, Cooleenup Island, South Yunderup

Item 15.1 was discussed at page 7 of these minutes.

15.2 Proposed LED Monolith Sign – Lot 24 (No. 626) Pinjarra Road, Furnissdale

Item 15.2 was discussed at page 14 of these minutes.

15.3 Proposed Sale of Former Exchange Hotel Building Site at Portion Lots 85 – 88 George Street, Pinjarra

Item 15.3 was discussed at page 20 of these minutes.

15.4 North Dandalup Research Centre – Lot 302 Del Park Road, North Dandalup

Item 15.4 was discussed at page 34 of these minutes.

Corporate Governance

15.5 Payments from Municipal and Trust Funds – September 2019

Item 15.5 was discussed at page 38 of these minutes.

15.6 Monthly Financial Report – September 2019

Item 15.6 was discussed at page 41 of these minutes.

Recreation, Economic & Community Development

Nil

Infrastructure Services

15.7 Tonkin Drive, North Yunderup – Review of Vehicle Gate

Item 15.7 was discussed at page 44 of these minutes.

15.8 Proposed Naming of Reserve R33836: Rodoreda Crescent, Ravenswood

Item 15.8 was discussed at page 49 of these minutes.

15.9 Relocation of Pinjarra War Memorial

Item 15.9 was discussed at page 55 of these minutes.

Items for Information**15.10 Council Resolution/Outstanding Items**

Resolution Register is attached for information.

Appendix 20

15.11 Delegated Decisions - September 2019

Delegated Decision is attached for information.

Appendix 21

15.12 Quarterly Corporate Business Plan – 30 September 2019

The Corporate Business Plan Progress Report as at 30 September 2019 is attached for information.

Appendix 22

16. BUSINESS LEFT OVER FROM THE PREVIOUS MEETING

Nil

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

Nil

18. NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil

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

19.1 Late Item – Lease Proposal – 6 George Street, Pinjarra – Regional Development Australia Peel Inc

File Ref: GE02/190
 Previous Items: Nil
 Applicant: Regional Development Australia Peel Inc
 Author and Title: Robert Marlborough, Manager Governance
 Voting Requirements: Simple Majority

Council Decision

OCM19/240

Moved: Cr G Black

Seconded: Cr B Cardilini

That Council accept this item as new business of an urgent nature as per Council's Meeting Procedure Local Law Clause 2.5.

CARRIED UNANIMOUSLY 9:0

Council Decision

OCM19/243

Moved: Cr G Black

Seconded: Cr B Cardilini

That Council:

- 1. supports a lease being entered into with Regional Development Australia Peel Inc for 6 (Lot 190) George Street, Pinjarra from 1 November 2019 to 30 June 2020 at a rental of \$2,083 per calendar month, plus GST and all outgoings;**
- 2. subject to Commonwealth or other operational grant funding being approved for Regional Development Australia's Peel operations for a period of 3 years, from 1 July 2020 support a further three year lease being entered into with Regional Development Australia Peel Inc for the premises at an annual rental of \$25,000, plus GST and CPI reviews annually and outgoings; and**
- 3. approves for the Chief Executive Officer to negotiate and determine the broad terms, conditions, outgoings to apply and the general obligations of the lease arrangements.**

CARRIED UNANIMOUSLY 9:0

In Brief

- To consider leasing 6 (Lot 190) George Street, Pinjarra to Regional Development Australia Peel Inc (RDA Peel) for an interim period to 30 June 2020 and for a further three years commencing 1 July 2020, subject to Peel RDA acquiring grant funding for their local operations from the Commonwealth.

Background

Lot 190 (6) George Street, Pinjarra (Miss Adams House) is a freehold owned property with a total land size of 1512m².

Over the years this property has been occupied by way of lease for the purpose of office space by Agriculture WA, a local travel agent and most recently until 30 July 2019 to

360 Health and Community for the provision of local health services. Following the expiry of the lease with 360 Health and Community an expression of interest was advertised in August 2019, inviting submissions to lease the premises on the basis of hospitality, tourism or other types of use to add value and vibrancy to Pinjarra that could integrate the site with the redevelopment of the foreshore reserve and activation of the main street.

At the close of the submission period on 11 October 2019 the only response received was from RDA Peel, which is outlined as follows:

Project Vision:

- To provide office accommodation for RDA Peel.
- To provide “hot desk” facilities and meeting room to attract and service organisations delivering outreach programs to the Shires of Murray and Waroona from Mandurah and outside the Peel region.
- To attract other development related agencies to Pinjarra.

Delivery structure:

Through the existing Committee structure of Regional Development Australia Peel Inc.

Profile of the proponent, experience, technical capacity and expertise in undertaking similar projects:

RDA Peel has extensive experience in the delivery of economic development and other programs. Recent initiatives developed include Peel Bright Minds, Peel Economic Development Officers Network.

RDA Peel has experience in undertaking a similar project through the development of Make Place in Mandurah in partnership with The Makers Community Development Inc.

Financial backing and capacity to undertake the project:

RDA Peel receives ongoing operational funding from the Australian Government in rolling 3 year contracts.

The extent to which the proposal will activate the town and improve the usage of the adjacent public spaces:

The proposal will not activate the adjacent public spaces. Residents of the Shires of Waroona and Murray will have improved access to services.

The extent to which the proposal recognises and enhances the heritage significance of the site:

The proposal will not recognise or enhance the heritage significance of the site.

Proposed term of the lease/occupation:

Due to RDA Peel's operational funding arrangements an initial lease would be to 30th June 2020, followed by 3 year leases.

Proposed rent per annum:

Proposed rent payable by RDA Peel is \$25,000 p.a. (including outgoings) + GST.

The portion of the premises proposed to be leased is highlighted on the following map as the rear portion of the property forms part of greater Cantwell Park area.



Report Detail

The expression of interest advertised sought uses for the premises within the hospitality, tourism areas or for other uses that would add value and vibrancy to Pinjarra. RDA Peel’s proposal is for general office accommodation to support their needs and to provide capacity to attract service organisations delivering outreach program’s and to attract other development related agencies to Pinjarra.

Given that RDA Peel’s primary funding is provided through the Commonwealth and the next three year cycle of funding is not due until 1 July 2020 it is recommended that Council consider the recommendation presented to offer a RDA Peel a short term lease for the period to 30 June 2020 and then a 3 year lease pending the approval of the next cycle of operating funding.

RDA Peel’s submission suggested a total per annum rent of \$25,000 per annum, inclusive of all outgoings, plus GST.

Generally Shire lease arrangements are based on an agreed annual rental, plus GST with periodic reviews by CPI or market rental valuations. Lessees are generally responsible for outgoings and property maintenance and upkeep.

The financial aspects relating to this lease proposal are detailed in the financial section of the report.

Murray 2030 Strategic Community Plan

Focus Area	Environment, Character and Heritage
Aspirations	Be effective stewards of our environment, history, heritage, natural landscape and rural character.
Strategies	Continue to develop partnerships with environmental groups, state departments and stakeholders

Focus Area	Thriving Economy
Aspirations	To create diverse and prosperous economy that supports innovation, training opportunities and provides a variety of business, tourism and employment opportunities.
Strategies	Build and maintain the Transform Peel initiative

Other Strategic Links

Nil

Statutory Environment

Local Government Act (1995) – s 3.58 Disposing of Property

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

- (5) This section does not apply to —
- (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

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

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

or
 - (c) the land is disposed of to —
 - (i) the Crown in right of the State or the Commonwealth; or
 - (ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or
 - (iii) another local government or a regional local government;

Sustainability & Risk Considerations

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

The proposal to enter a lease arrangement with RDA Peel as proposed is not expected to disadvantage the community and the additional staff and linked support agencies may provide positive economic benefits.

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

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

Environment – (Impact on environment's sustainability)

Nil

Policy Implications

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

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

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

For Council's information the last market rental valuation for 6 George Street, dated 16 September 2016 by LMW Mandurah determined that the annual rental value of the premises was \$25,000 plus GST, exclusive of outgoings

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	The use and occupancy of 6 George Street, Pinjarra by RDA Peel for office space is not likely to result in negative community feedback, as the use intended is consistent with the previous use of the property.

Consultation

Nil

Resource Implications*Financial*

The previous rent paid by 360 Health and Community for this property was \$2,120.98 (excluding GST), per calendar month, plus standard outgoings, such as:

- Water rates and consumption*;
- Annual emergency service levy;
- Building and property insurance premiums;
- Power consumption and supply*
- Gas consumption and supply*
- Telephone and internet services*
- Alarm monitoring*
- Rubbish disposal services

* The previous lessee paid these costs direct to the utility or other service providers with cost incurred being largely dependent on use. The balance of these outgoings were reimbursed to the Shire on issue of an invoice.

In 2018/2019 the following costs applied to the property for which a reimbursement was sought from the prior lessee.

Description	Cost (Ex GST)
Building/Property Insurance	\$985.05
Commercial Rubbish Disposal Services (1 standard and 1 recycle bin)	\$431.00
Emergency Service Levy	\$120.48
Total	\$1,536.53

The Shire have in the past solely funded the annual cost of gutter cleaning, periodic air-conditioning and emergency equipment servicing and other minor incidental maintenance from time to time. In 2018/2019 these costs were \$1,945.00 (Ex GST).

The following table details income and expenditure in 2018/2019.

Description	(Ex GST)
Rental income	\$25,451.76
Less Expenditure (excluding overheads)	\$1,945.00
Net Income	\$23,506.76

RDA Peel's rental offer is \$25,000 per annum, including outgoings, plus GST. This equates \$2,083.33 (plus GST) per calendar month.

This rental amount offered aligns with the prior market rental valuation which is sufficient to meet annual costs and provide a net return to Council, excepting water rates and consumption, power and gas consumption, telephone and internet services, alarm monitoring.

Cost for these utilities and services and garden maintenance and general cleaning should be funded by the proposed lessee in addition to any rent paid.

Workforce

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

Options

Council has the option of:

1. supporting the proposed lease arrangement with RDA Peel, as recommended; or,
2. determining an alternate lease term and financial structure; or,
3. rejecting the lease proposal

Conclusion

The lease proposed with RDA Peel, if supported could further improve services to Pinjarra by providing capacity for office (hot desk) space for other organisations to deliver outreach programmes and be a catalyst to attract other high level development related agencies. Increasing activities at the premises may also result in other economic benefits for other local businesses.

19.2 Request to Attend Meeting via Teleconference - Cr D McLarty

COUNCIL DECISION

OCM19/241

Moved: C B Cardilini

Seconded: Cr S Lee

That Council approves Cr D McLarty attending the 28 November 2019 Ordinary Council meeting via teleconference from the Rest Point Caravan Park, Walpole.

CARRIED UNANIMOUSLY 9:0

20. MEETING CLOSED TO THE PUBLIC (CONFIDENTIAL BUSINESS)

Nil

21. CLOSURE OF MEETING

There being no further business the Presiding Member declared the meeting closed the time being 6.35pm.

I confirm that these minutes were confirmed at the Ordinary Council Meeting held on 28 November 2019 as being a true and correct record.



.....
Presiding Member

28 November 2019

.....
Date