



Shire of Murray

Minutes

Ordinary Council Meeting

Thursday 22 August 2019

**Ordinary Council – 22 August 2019
Table of Contents**

1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	1
2.	ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE	1
3.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	1
4.	PUBLIC QUESTION TIME.....	1
5.	PETITIONS AND APPROVED DEPUTATIONS.....	1
6.	CONFIRMATION OF MINUTES	2
6.1	Ordinary Council Meeting – 25 July 2019	2
6.2	Special Council Meeting – 1 August 2019	2
6.3	Special Council Meeting – 13 August 2019	2
7.	ANNOUNCEMENTS BY THE PRESIDING MEMBER.....	3
8.	ANNOUNCEMENTS BY ELECTED MEMBERS.....	4
9.	ACKNOWLEDGEMENT OF RECEIPT OF DISCLOSURE OF INTERESTS (BY PRESIDING MEMBER).....	4
10.	RECEPTION OF MINUTES AND RECOMMENDATIONS OF COMMITTEES HELD SINCE PREVIOUS MEETING OF COUNCIL	4
11.	REPORTS OF CHIEF EXECUTIVE OFFICER AND OFFICERS.....	5
	Planning and Sustainability	5
11.1	Big Lake - Herron Point Road Closure and Amalgamation of the Land with Kooljerrenup Nature Reserve	5
11.2	Point Grey Marina and Associated Entrance and Navigation Channels ...	11
	Corporate Governance	18
11.3	Payments from Municipal and Trust Funds – July 2019.....	18
11.4	Monthly Financial Report – July 2019	21
	Recreation, Economic & Community Development.....	23
11.5	Short Term Loan Proposal for Pinjarra Community Men’s Shed.....	23
11.6	Yunderup Sport and Recreation Club - Funding for Bowling Green Replacement.....	26
11.7	Lease Proposal – Friends of Edenvale – Roger May Museum and Cart Shed – Reserve 36703	29
	Infrastructure Services	34
	Items for Information	35
11.8	Council Resolution/Outstanding Items.....	35
11.9	Delegated Decisions – July 2019	35
12.	BUSINESS LEFT OVER FROM THE PREVIOUS MEETING	35
13.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.	35
14.	NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING	35
15.	NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION OF THE MEETING	35
16.	MEETING CLOSED TO THE PUBLIC (CONFIDENTIAL BUSINESS).....	35
16.1	Detailed Proposal for Former Exchange Hotel, Pinjarra	35
	CARRIED UNANIMOUSLY 8:0	37
17.	CLOSURE OF MEETING.....	37



Minutes of the Ordinary Meeting of Council held at the Murray Shire Council, 1915 Pinjarra Road, Pinjarra on Thursday 25 July 2019.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member Cr D Bolt declared the meeting open the time being 5.31pm.

2. ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

Cr D Bolt	Shire President
Cr S Lee	Deputy President
Cr D McLarty	Councillor
Cr C Rose	Councillor
Cr A Rogers	Councillor
Cr G Black	Councillor
Cr B Cardilini (via teleconference) (as previously approved at Council meeting 23/05/19)	Councillor
Cr B Beacham	Councillor
Mr D Unsworth	Chief Executive Officer
Mr R Peake	Director Planning and Sustainability
Mrs L McGuirk	Director Place and Community Development
Mrs T Unsworth	Director Corporate Services
Mr A Smith	Director Infrastructure Services
Mrs A Wakeford	Executive Assistant Infrastructure Services

There were 9 members of the public, 1 member of the press and 4 members of staff in attendance at this time.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

5. PETITIONS AND APPROVED DEPUTATIONS

5.35pm: Mr Mark Cugley, District Manager and Dr Karl Brennan, District Conservation Coordinator, Department of Biodiversity, Conservation and Attractions – Item 11.1 Big Lake - Herron Point Road Closure and Amalgamation of the Land with Kooljerrenup Nature Reserve refers.

Cr Bolt thanked Mr Cugley and Dr Brennan for their deputation which concluded at 5.40pm.

Council Decision**OCM19/152****Moved: Cr S Lee****Seconded: Cr C Rose**

That Mr Eric Walmsley, resident and property owner of Lot 4, Lot 15 and Lot 4 Herron Point Road, be approved to undertake a Deputation on Item 11.1 Big Lake-Herron Point Road Closure and Amalgamation of the Land with Kooljerrenup Nature Reserve.

CARRIED UNANIMOUSLY 8:0

Cr Bolt thanked Mr Walmsley for his deputation which concluded at 5.55pm.

6. CONFIRMATION OF MINUTES**6.1 Ordinary Council Meeting – 25 July 2019****Recommendation/Council Decision****OCM19/163****Moved: Cr G Black****Seconded: Cr S Lee**

That the Minutes of the Ordinary Council Meeting held on Thursday 25 July 2019 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY 8:0**6.2 Special Council Meeting – 1 August 2019****Recommendation/Council Decision****OCM19/164****Moved: Cr A Rogers****Seconded: Cr B Beacham**

That the Minutes of the Special Council Meeting held on Thursday 1 August 2019 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY 8:0**6.3 Special Council Meeting – 13 August 2019****Recommendation/Council Decision****OCM19/165****Moved: Cr G Black****Seconded: Cr S Lee**

That the Minutes of the Special Council Meeting held on Tuesday 13 August 2019 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY 8:0

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

On Friday 26 July, I attended the Future Food Systems CRC Forum in Mandurah facilitated by Peel Development Commission and Murdoch University.

On Saturday 27 July, I attended the opening of Habitat, the latest exhibition at Lost Eden Creative in Dwellingup featuring the work of two of Dwellingup's local artists.

On Monday 29 July, I attended a meeting at the Shire of Murray along with several Councillors and Shire of Murray staff regarding management and promotion of St John's Church. In the afternoon I attended a meeting with the CEO and Deputy President, Cr Steve Lee to review a regional alliance opportunity.

On Tuesday 30 July, the CEO and I attended a meeting with the Mayor of Mandurah, and other COM staff to discuss local issues and cooperation.

On Thursday 1 August, I attended a Special Council Meeting at Shire of Murray to consider the 2019 – 2020 budget. In the afternoon I attended a meeting with David Templeman MLA to discuss Peel Region projects and opportunities. In the evening I attended a Rivers Regional Council Meeting in Mandurah along with Councilor Steve Lee.

On Monday 5 August, I attended a meeting with the Peel Harvey Catchment Council.

On Tuesday 6 August, I attended a Building Positive Partnerships with Aboriginal Communities forum at the Perth Convention and Exhibition Centre prior to the commencement of the Western Australia Local Government Agencies State Conference. In the afternoon I attended the WALGA Mayor and Presidents Policy Forum. In the evening I attended a project update meeting at Ravenswood for the Murray CCI and local businesses.

On Wednesday 7 August, I attended the Local Government Forum at the Perth Convention Centre. In the afternoon was the WALGA Annual General Meeting which I also attended with Cr Lee and Cr Beacham.

On Thursday 8 August, the CEO and I attended the 2019 Local Government Policy Awards Finalist Breakfast. The Shire was awarded a Commendation for its work for Aboriginal Child Health. Day one of the WALGA conference commenced shortly after.

On Friday 9 August, I attended the second day of the Western Australian Local Government Association Conference.

On Monday 12 August, the CEO and I attended a business briefing with Alcoa senior management. In the afternoon, I presented the award to the local project team for the Aboriginal Child Health project in the Lesser Hall Pinjarra.

On Tuesday 13 August, I attended a briefing prior to the Special Council Meeting and continued to a Special Council Meeting. I then attended a CEO and all Shire of Murray Staff briefing at Lesser Hall along with several other Councillors.

On Wednesday 14 August, I attended a review meeting with the Executive Director, Peel Regional Leaders Forum. Later that morning I filmed an interview for Landcorp regarding the Shire of Murray's new Agri-Innovation Precinct project.

On Friday 16 August, I attended a meeting with Cr Rose and the Dwellingup National Trails Hub Building Steering Group to discuss progress and plans for the new Trails Centre. Later that day Cr Black and I attended a meeting at Edenvale with representatives from MDRRA.

On Sunday 18 August, I attended a Commemorative Service for Vietnam Veterans Day at the Mandurah Memorial where I laid a wreath on behalf of the Shire and Council.

On Monday 19 August, I attended a meeting with the CEO and Dwellingup National Trails Hub Building Steering Group to discuss additional plans for the Trails Centre.

On Tuesday 20 August, I was interviewed for the Our Town Peel television program at the Peel Business Park construction site.

On Wednesday 21 August, I attended a regular review meeting with the CEO. Later that day, I attended a planning meeting for an Aboriginal Memorial project.

On Thursday 22 August I attended a briefing from the Electoral Commission for the upcoming local government elections to be held in October. I then attended a business update briefing by Alcoa management prior to attending the Ordinary Council Meeting.

8. ANNOUNCEMENTS BY ELECTED MEMBERS

Nil

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

Cr C Rose declared an Impartiality Interest in Item 11.1 Big Lake-Herron Point Road Closure and Amalgamation of the Land with Kooljerrenup Nature Reserve in that she has a close association with local residents and friends who use the tracks in the Reserve.

Cr S Lee declared an Impartiality Interest in Item 11.7 Lease Proposal –Friends of Edenvale-Roger May Museum and Cart Shed-Reserve 36703 in that he is the Treasurer of the Friends of Edenvale Inc. and a member of the Roger May Museum.

Cr G Black declared an Impartiality Interest in Item 11.7 Lease Proposal –Friends of Edenvale-Roger May Museum and Cart Shed-Reserve 36703 in that he is the Chairperson of the Friends of Edenvale Inc. and a member of the Roger May Museum.

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

Nil

11. REPORTS OF CHIEF EXECUTIVE OFFICER AND OFFICERS**Planning and Sustainability****11.1 Big Lake - Herron Point Road Closure and Amalgamation of the Land with Kooljerrenup Nature Reserve**

File Ref: R23756 and 1620
 Previous Items: OCM. 24 April 19 Item 11.1 (OCM10/160)
 Applicant: Department of Biodiversity, Conservation and Attractions
 Author and Title: Tom Lerner – Coordinator Environment Services
 Voting Requirements: Simple Majority

Appendices 1, 2 and 3

Cr C Rose declared an Impartiality Interest in Item 11.1 Big Lake-Herron Point Road Closure and Amalgamation of the Land with Kooljerrenup Nature Reserve in that she has a close association with local residents and friends who use the tracks in the Reserve.

Cr C Rose withdrew from the meeting the time being 5.52pm.

Recommendation

Moved: Cr B Beacham

Seconded: Cr S Lee

That Council supports the closure of Big Lake – Herron Point Road, Birchmont and its amalgamation into the adjoining Kooljerrenup Nature Reserve (R23756) providing that a managed track remains open for use as a bridle trail and accessible for access to adjoining properties and for emergency access.

Foreshadowed Motion

Cr A Rogers gave verbal notice of her intention to move the following Recommendation, should the substantive recommendation currently under debate be defeated or withdrawn.

That Council:

1. **does not support the closure of Big Lake – Herron Point Road, Birchmont and its amalgamation into the Kooljerrenup Nature Reserve (R23756); and**
2. **supports the Department of Biodiversity Conservation and Attractions intent to more effectively manage the land within the road reserve and Kooljerrenup Nature Reserve and agrees to these management works designed to the satisfaction of the Shire’s Director Planning and Sustainability which meet the Department’s management objectives and address the community issues raised in this report.**

The recommendation moved by Cr B Beacham and seconded by Cr S Lee was PUT and was

LOST 1:6

Following the result of voting, names were recorded as follows:

For: Cr B Beacham

Against: Cr D Bolt, Cr D McLarty, Cr G Black, Cr A Rogers, Cr S Lee, Cr B Cardilini

Council Decision

OCM19/166

Moved: Cr A Rogers

Seconded: Cr D McLarty

The Foreshadowed motion moved by Cr A Rogers was PUT and was

CARRIED 6:1

Following the result of voting, names were recorded as follows:

For: Cr D Bolt, Cr D McLarty, Cr G Black, Cr A Rogers, Cr S Lee, Cr B Cardilini

Against: Cr B Beacham

Reason for Change

OCM19/167

Moved: Cr A Rogers

Seconded: Cr G McLarty

That Council is confident the effective management plans can be developed to satisfy the objectives of both parties.

CARRIED 6:1

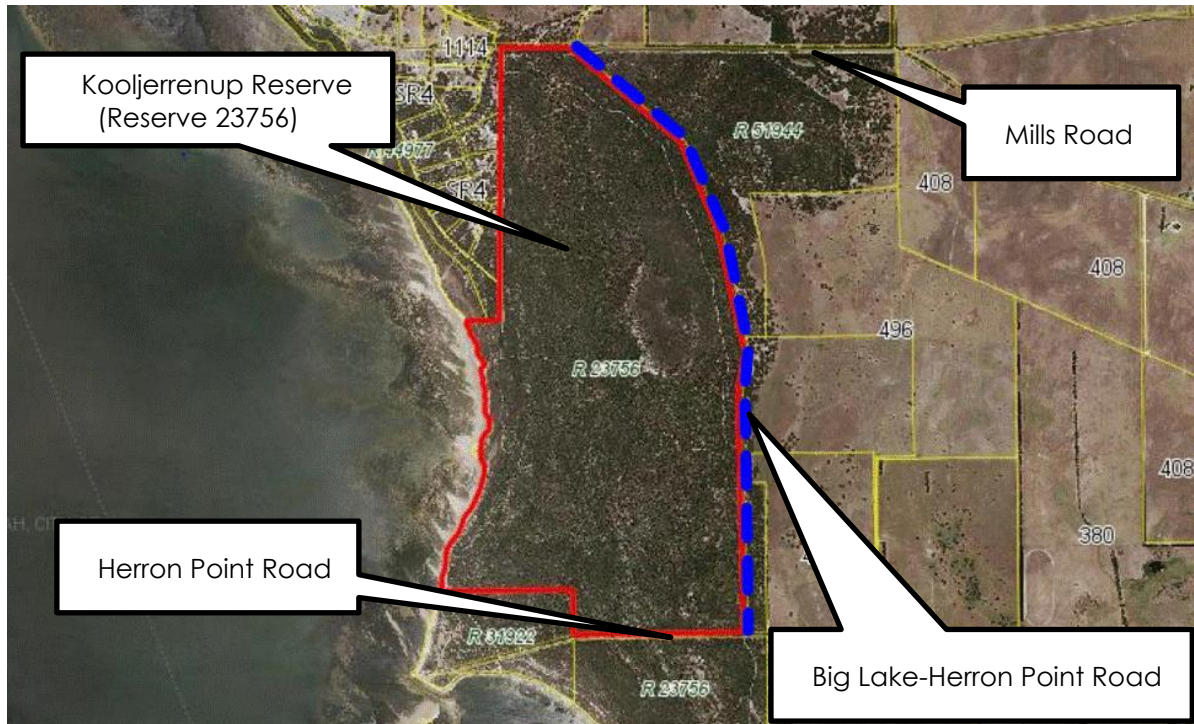
In Brief

- Department Biodiversity Conservation and Attractions (DBCA) has sought the Shire's support to the closure of Big Lake – Herron Point Road, Birchmont, with the land being amalgamated into the adjoining Kooljerrenup Nature Reserve. This will assist with reducing impacts on the conservation of the vegetation, which includes both State and Federally protected species.
- The proposed closure of Big Lake-Herron Point Road was released for public comment on 8 May 2019 for a 5 week period.
- At the close of the advertising period 15 submissions had been received.
- The DBCA was provided an opportunity to respond to the submissions and did so via email correspondence on 26 July 2019 attached at **Appendix 1** and follow up correspondence on 5 August attached at **Appendix 2**.
- Council is now requested to consider the submissions received and determine whether the proposed road closure and amalgamation should be supported with or without modifications.

Background

In November 2018 the Shire received a request from the DBCA seeking its support to the closure of Big Lake – Herron Point Road and amalgamation of the land into the adjoining Kooljerrenup Nature Reserve. The purpose of this was for access management and protection of State protected declared rare flora species (DRF) and a federally listed threatened ecological community (TEC).

The alignment of Big Lake – Herron Point Road is approximately three kilometres in length connecting Mills Road in the north and Herron Point Road in the south. It bisects the A-Class Kooljerrenup Nature Reserve (R23756 and R51944). The general location of the road is shown as the blue dashed line on the following plan.



In April 2019 Council resolved to undertake community consultation on the proposal.

Report Detail

Big Lake - Herron Point Road is unconstructed, although an unmade track links Mills Road and Herron Point Road.

There are no private properties directly serviced by Big Lake - Herron Point Road. It is only accessible by four wheel drive vehicles and there are no plans to construct the road.

If the closure is agreed to, the DBCA will maintain the land within the current road reserve and the track will be retained as an accessible firebreak for emergency services.

The largest known populations of Clubbed Spider Orchid (*Caladenia hueglijii*) and Glossy Leaved Hammer Orchid (*Drakea elastic*) are located in Kooljerrenup Reserve within proximity of the road reserve. These species are protected as threatened flora under the *Western Australian Biodiversity Conservation Act* and are directly threatened by the encroachment of dieback (*Phytophthora cinnamomi*, colloquially known as Jarrah Dieback).



Clubbed Spider Orchid and Glossy Leaved Hammer Orchid

Kooljerrenup Reserve also contains significant areas of *Banksia Woodland*, which is a listed TEC under the Environment Protection and Biodiversity Conservation Act. Banksia woodland is particularly at risk from dieback.

Unmanaged access is seen as a point source for the entry of dieback into the Reserve via vehicular access and horse use and the closure of this road would enable the DBCA to better address and minimise the threat of dieback throughout the Reserve. Other threats from unmanaged access include invasive weeds, firewood removal and dumping.

The DBCA has stated that the track will be maintained as a limestone track, open as a bridle path and keys being provided to emergency response vehicles and properties that use it for access purposes.

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	Protect and enhance natural areas and biodiversity on public and private land.

Murray 2019- 2023 Corporate Business Plan

Focus Area	Environment, Character and Heritage
Objective	Protect and enhance our existing natural assets – waterways, bushland and biodiversity.
Strategy	Protect and enhance natural areas and biodiversity on public and private land.
Objective	Proactively manage resources and reduce our carbon footprint by responsible management of water, energy fire management.
Strategy	Continue to develop partnerships with environmental groups, state departments and stakeholders

Other Strategic Links

Nil

Statutory Environment

- *Local Government Act 1995*
- *Land Administration Act 1997*

Sustainability & Risk Considerations

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

Potential impact on those that use bridle trails as part of their core business should the road be closed without an alternative provision for horse riders.

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

Potential impact on those who currently use the road as a secondary access and shortcut with vehicles and those that use it as an informal bridle trail.

Environment – (Impact on environment's sustainability)

Dieback is a water mould fungus which has been known to impact on plants and can result in extinction to native flora. The introduction of dieback within the population sites of threatened species is as a direct result of vehicle and horse movement via Big Lake – Herron

Point Road, the likelihood of disturbance and/or extinction of these species is high if vehicle access continues.

The probability of further dieback spread throughout the Reserve and it impacting on the federally listed Banksia Woodland TEC is also likely which would be devastating to native flora in this A-Class nature reserve.

Policy Implications

Nil

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	Risk of negative community feedback due to a historic use of the unmade road for access. However, the DBCA has stated that it will provide local landowners use the road for access with a key and will allow for the provision of a bridle trail.
High	Potential for loss of the largest location of a declared rare orchid due to the impacts of dieback, loss of other declared rare flora and negative impacts on a federally listed threatened ecological community. This can be mitigated by controlling access to the reserve.

Consultation

The proposal was advertised by way of advertisements in the local newspaper, Shire website and public noticeboard, letters to adjoining property owners and public utility service providers. The advertising period commenced on 8 May 2019 for a 35 day period concluding on 12 June 2019.

Fifteen submissions were received of which five were broadly in support of the closure and nine were against the proposal with one submission (Telstra) being neutral. A submission schedule is included at **Appendix 3**.

The reasons given for recommending refusal were along three major themes: historical use of the unmade road as a bridle trail; property access; and emergency fire access. These are addressed below.

Equestrian Access:

Six separate submissions stated that this road has been used as an informal bridle trail for generations with one submission stating that the closure of this road will directly impact their ability to survive as a business.

DBCA response

The Department is supportive of closing the existing unmade road reserve track to vehicles whilst allowing the continuation of bridal trail access within a designated area of Kooljerrenup Nature Reserve following the amalgamation of the unmade road reserve into the Nature Reserve. To appropriately manage this land use within the Nature Reserve going forward, the Department under the Conservation and Land Management Act 1984 would designate a specific horse riding area i.e. bridal trail, either through publication of a notice in the Government Gazette (regulation 6(1)(a)), or under regulation 2 by the placement of a sign. This sign would specify certain conditions to enable adherence with the CALM Act and Regulations, for example horses must be controlled at all times, including yarding or tethering overnight or during rest periods, and must be kept within specified zones or on designated horse trails.

Property and Emergency access

Two submissions related to the use of the road reserve to access their adjoining properties. It is noted that no properties have Big Lake - Herron Point road as their primary access route with all adjoining lots having a constructed road access from either Mills Road or Herron Point Road. It is accepted however, that owners do use the subject road reserve as an unofficial secondary access.

Four submissions expressed concern that the road closure would impact on bushfire management for the area as it was considered a key escape and firefighting route for Birchmont.

DBCA response:

With regards to access for emergency vehicles and local landowners, the Department would be willing to provide a key to specific local landowners and relevant emergency services to allow continued access to the reserve.

Resource Implications

Financial

The proponent has confirmed acceptance of responsibility for the payment of all incidental costs incurred (or chargeable) by the Shire relating to this request.

Workforce

Work associated with the proposal can be accommodated within existing staff resource levels.

Options

Council has the option of:

1. Supporting the proposed closure of Big Lake – Point Road and amalgamation with or without conditions.
2. Not supporting the road closure.

Conclusion

The closure of this road reserve will facilitate the long term protection of the A class Kooljerrenup nature reserve and the threatened flora associated with it by allowing greater control of access to the DBCA. The DBCA has, since reviewing the issues raised during the consultation process, agreed to continue to allow property access by adjoining landowners and emergency vehicle access (with a key) and to keep a managed north - south bridle trail open. The road reserve does not directly serve any private property nor does it provide a key transport link.

Given the observable (in terms of vegetation condition and species diversity) impacts access is having on the conservation value of the State protected threatened flora and a Federally listed TEC, the closing of the road and amalgamation with the wider reserve is supported.

Cr C Rose rejoined the meeting the time being 5.58pm.

11.2 Point Grey Marina and Associated Entrance and Navigation Channels

File Ref: CA12/1132
Previous Items: OCM. 27 June 19 Item 11.4 (OCM19/095)
Owner: Point Grey Development Company Pty Ltd and Crown
Author and Title: Rod Peake, Director Planning and Sustainability
Voting Requirements: Simple Majority

Recommendation/Council Decision

OCM19/168

Moved: Cr D McLarty

Seconded: Cr A Rogers

That Council:

- 1. resolves that it will not accept the responsibility for the periodic dredging of the Peel Inlet - Harvey Estuary, the associated environmental monitoring or management of water quality associated with the Point Grey marina in the event that the marina development proceeds; and**
- 2. endorses the Chief Executive Officer to advise the State Government of the Council's refusal to accept this responsibility, and continues to lobby for this position.**

CARRIED UNANIMOUSLY 8:0

In Brief

- Council resolved not to approve the recent applications for land based earthworks at Point Grey at both its April and June 2019 meetings.
- The applicant has lodged an Application for Review of Council's April 2019 decision with the State Administrative Tribunal. The hearing on this matter is scheduled for 2 and 3 October 2019.
- The proposed works have the potential to be regarded as substantial commencement, for environmental approval purposes, of the whole project, including significantly the cutting of the channel across the estuary. Substantial commencement may open the gate for the whole development and entrench the validity of the environmental approvals for the long term.
- There are significant issues which have not been resolved, particularly regarding the impact of the initial and periodic maintenance dredging on the estuarine water quality and the responsibility for costs associated with the dredging in the case that the developer defaults on this obligation.
- These ongoing costs are likely to be substantial. The Shire does not have the resources or expertise to manage this ongoing responsibility and this should not be borne by the Shire and its community.
- There is a strong case for the State Government taking this back up back-up responsibility.
- The Shire has sought an assurance from the State Government that it will acknowledge and accept this responsibility.
- Council ought to consider formalising the position, through a resolution, that it will not accept this responsibility and given the significance of the estuary to the State and the current legal position, the State ought to acknowledge and accept this responsibility.

Background

Point Grey is located on a promontory surrounded on three sides by the Peel Inlet and Harvey Estuary. The Peel Inlet and Harvey Estuary are significant wetlands recognised under the International Ramsar Convention.



Point Grey was first identified as a future tourist node in the Western Australian Planning Commission's Inner Peel Region Structure Plan, released in 1997.

Around 270 hectares of land was rezoned from Rural to Urban and Regional Open Space under the Peel Region Scheme and Special Development and Regional Open Space under the Shire of Murray Town Planning Scheme in 2011.

A Structure Plan for the Urban land was also approved by the Western Australian Planning Commission in 2011 and has effect until 2025.

The approved Structure Plan shows a marina as the focal point of Point Grey and a marina village precinct surrounding the marina, both of which form part of an overall urban development proposing approximately 3,000 dwellings.

The marina was planned to include 300 boat pens, four boat launching ramps, associated parking areas, navigational aids, an entrance channel to the Peel Inlet - Harvey Estuary and protective groynes. Although outside the Structure Plan area, it was also proposed that a 2.5km navigation channel be constructed within the estuary to link the marina with the Dawesville Channel and Indian Ocean. This would enable sufficient access to the marina near the shoreline and in particular allow deeper draft vessels to access the marina from the Dawesville Channel.

The State and Commonwealth governments have each assessed and provided environmental approval to the Point Grey marina, including the construction of the entrance and navigation channels.

The State environmental approval initially required substantial commencement of the marina construction by 1 August 2017. In April 2017, the substantial commencement date was extended until 28 June 2019. In September 2018, a further extension to the substantial commencement date was granted until 1 August 2022.

The Commonwealth environmental approval was initially granted in June 2014 with a condition requiring substantial commencement by June 2019. In March 2019, an amended approval was granted with a substantial commencement date of March 2024.

In approving the marina and associated channel, the State Minister for Environment laid down a number of conditions predominantly relating to compliance reporting, public

availability of environmental data, protection of vegetation, environmental offsets, estuarine water quality management and monitoring and dredge timing. Three of the conditions in particular are required to be complied with prior to construction activities taking place. These conditions concern transferring 10.6 hectares of privately owned foreshore land to the Crown for conservation and recreation purposes, the submission of a land purchase offset strategy and the preparation of a satisfactory Channel and Marina Management Monitoring Plan for estuary water and sediment quality.

The Commonwealth approval requires a range of management plans to be prepared and implemented prior to certain works occurring, compliance reporting and includes similar conditions as the State approval regarding the transfer of land to the Crown and an offset strategy. Management plans relate to dredging and spoil disposal management, acid sulphate soils and dewatering, construction environment management and foreshore management.

An application for approval of the excavation of soil within part of the footprint of the future marina as generally depicted on the approved Structure Plan and the depositing of the fill on adjacent land was submitted in February 2019. All earthworks are proposed to be land based with no excavation taking place in the Peel Inlet or Harvey Estuary. An excavation area of 4.27 hectares was proposed to a depth of 1.0m AHD to ensure that adequate clearance to the maximum groundwater level is achieved. A stockpile area of 5.43 hectares was proposed, with an average stockpile height of 2.5m and a maximum height of 3.5m. The earthworks will result in the clearing and removal of 10 mature trees and around 1Ha of foreshore vegetation.

The applicant indicated that the rationale for the earthworks is to achieve substantial commencement under both the State and Federal environmental approvals and therefore entrench those approvals for the long term.

On 24 April 2019, Council considered the application and resolved to:

1. *Refuse the application made by Roberts Day on behalf of Point Grey Development Company Pty Ltd, for Stage 1 marina earthworks at Lot 672 Carrabungup Road, Point Grey.*
2. *Welcome a new application once the proponent provides documentation that demonstrates the meeting of all outstanding conditions, including the financial model for dredging and maintenance of the proposed channel to the satisfaction of the Council.”*

In making this decision, Council advised that this will allow it *“to have the time to review progress on the condition requirements for the proposal, and to give further due diligence to the project and the financial modelling”*.

The applicant subsequently lodged a new application with the Shire for essentially the same development with further explanatory information on the status of the conditions of the environmental approvals. The key area of difference was that the new application did not propose to excavate within the approximate 1Ha area covered by foreshore vegetation and therefore resulted in the retention of this vegetation.

The second application was considered by Council on 27 June 2019, where Council again refused to approve the application with the stated reason being:

“That Council and the community will not get to see an approved Capital Dredging and Spoil Disposal Plan prior to Commencement of Construction works as previously understood, given the changes to the Commonwealth's Environmental requirements dated March 2019. Previously the Commonwealth required a Plan to be prepared and approved prior to

substantial commencement of the marina which would allow the ongoing costs and impacts of the overall project to be better understood and considered. As such, given the significance of the project and the potential ongoing financial costs, the risks associated with the dredging, spoil disposal and ongoing maintenance is deemed a risk significant enough to not support the officer recommendation.”

The applicant has lodged an Application for Review with the State Administrative Tribunal against the initial application determined by Council in April 2019. The SAT review process is now underway and a hearing date scheduled for 2 and 3 October 2019.

Report Detail

The land-based excavation has the potential to be regarded as a substantial commencement, for environmental approval purposes, of the whole project, including significantly the cutting of the channel across the estuary. Substantial commencement may open the gate for the whole development and entrench the validity of the environmental approvals for the long term.

There are however significant issues which have not been resolved, particularly regarding the impact of the initial and periodic maintenance dredging on the estuarine water quality and the responsibility for costs associated with the dredging in the case that the developer defaults on this obligation.

Whilst a legal agreement is required to be prepared to address the long term funding arrangements by the developer for the ongoing maintenance and asset replacement within any marina precinct, including the maintenance of any marina entrance channel or navigation channel, concern exists over commencing the project before substantial planning and therefore the quantum of costs and the means of funding these have been determined. Furthermore, there are concerns over where responsibility lies in the case that the developer defaults on its obligations under the legal agreement.

The ongoing costs are likely to be substantial and should not be borne by the Shire and its community in the event that the developer defaults on the obligations placed on it. There is a strong case for the State Government taking this back-up responsibility, rather than local government, considering the following:

1. The estuary is a significant State asset. It has recognition as a Ramsar Wetland under the International Ramsar Convention. Quite apart from the question of legal responsibility, the issues associated with the proposed Channel across the Estuary are sufficiently significant to the State for the State Government and taxpayers of the State to accept responsibility, rather than leaving that to a local government with seriously limited resources of expertise, staffing and funding.
2. As a matter of strict legality, it may be that the obligation falls on the State Government in any event, considering:
 - (a) The bed of the estuary is the property of the Crown under the Rights in Water and Irrigation Act 1914 (RWI Act), s.15(2).
 - (b) Control of the water in the estuary is vested in the Crown (RWI Act, s.5A).
 - (c) The estuary is within a management area declared under s.10 of the Waterways Conservation Act 1976 (WC Act). The area would not have been included within a management area if it has not been considered that it was necessary for the State to achieve the control needed for the conservation and management of the waters of the Estuary.

- (d) Since the dissolution of the Peel Inlet and Harvey Estuary Management Authority, control and management of the Inlet and Estuary would appear to have reverted to the Department of Water and Environmental Regulation (DWER) pursuant to the WC Act.
3. The Shire does not have the financial, technical and staff resources to take responsibility for the ongoing dredging and the siltation and incidental water quality problems, which are likely to be associated with the dredging and maintenance of the channel.
 4. The fact that the channel across the estuary will be partly in the district of the Shire and partly in the district of the City of Mandurah.
 5. It is the State (and in the case of the environmental approval also the Federal) government who have endorsed the environmental approvals, the planning scheme provisions and the structure plan. The State administered State Administrative Tribunal will be determining the application for the land-based excavation. The marina development itself will have a very substantial value, ensuring that it will be determined by the Joint Development Assessment Panel. Consequently, the Shire will have at no time had a decision making role in the proposal.

The Shire does not have the resources or expertise to manage this ongoing responsibility and as a result has written to the Minister's responsible for Planning, Transport, Environment, Water and Local Government, as well as relevant local members to seek assurance that the Shire will not have to do so.

Given the significant risk to the Shire's future financial sustainability, Council ought to endorse this position and make a clear resolution to the effect that it will not take on this responsibility. Discussions have been held with the City of Mandurah representatives, who have indicated that they share this position and would prepare a report to its Council for it consider resolving in similar terms.

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	Protect and enhance natural areas and biodiversity on public and private land.

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. Maintain long term financial sustainability.

Murray 2019- 2023 Corporate Business Plan

Focus Area	Environment, Character and Heritage
Objective	Protect and enhance our existing natural assets – waterways, bushland and biodiversity.
Strategy	Protect and enhance natural areas and biodiversity on public and private land.
Project and Actions	Nil

Focus Area	Capable and Accountable
Objective	Murray has a sustainable future.
Strategy	Maintain Long-Term Financial Sustainability.
Project and Actions	Nil

Other Strategic Links

Nil

Statutory Environment

- Rights in Water and Irrigation Act 1914
- Waterways Conservation Act 1976

Sustainability & Risk Considerations

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

The cost associated with the ongoing maintenance dredging and water quality monitoring and maintenance will be significant.

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

If the marina and associated channel proceeds there will be an expectation from the Point Grey community who buy into the estate and other users of the marina that it will remain functional and accessible. Simply not undertaking periodic maintenance dredges would therefore not be practical option.

Environment – (Impact on environment’s sustainability)

The dredging of the estuary has the potential for siltation and ongoing water quality impacts.

Policy Implications

Nil

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
High	There is provision in the Shire’s Town Planning Scheme for an agreement to address the long-term funding arrangements by the proponent for the ongoing maintenance and asset replacement associated with the marina. The detailed planning for the marina or channel has not been undertaken to date and therefore the extent of exposure cannot be quantified at this stage. Even if the agreement places the obligation on the developer, if there is a default, the risk is that the responsibility may fall back onto the Shire (and City of Mandurah).

Consultation

- Letters to State Ministers and relevant local members.
- Meetings with relevant local members.
- Meeting with City of Mandurah.

Resource Implications

Financial

The cost associated with the ongoing maintenance dredging and water quality monitoring and maintenance will be significant.

Workforce

The Shire does not have the workforce resources or expertise to manage the responsibility of ongoing maintenance dredging and water quality monitoring and maintenance.

Options

Council has the option of:

1. Resolving to advise the State Government that it will not accept the responsibility for the care, control and management of the Peel Estuary - Harvey Inlet and in particular the ongoing responsibility for the dredging and associated water quality in the event that the Point Grey marina development proceeds and further seeks confirmation from the State Government that it acknowledges and accepts this responsibility.
2. Does not resolve in the above terms.

Conclusion

If the marina and associated channel proceeds, there is a high risk that the Shire and its community will be left with significant ongoing management responsibilities for periodic maintenance dredging as well as associated water quality monitoring and management, in the case of the developer defaulting.

The Shire does not have the resources or expertise to take on this responsibility, even in a default capacity. Such an obligation represents a high risk to the Shire's future ongoing financial sustainability. Given the significance of the estuary to the State and the current legal position, the State ought to acknowledge and accept this responsibility.

Corporate Governance

11.3 Payments from Municipal and Trust Funds – July 2019

File Ref: 8013-01
Author and Title: Tracie Unsworth, Director Corporate Services
Voting Requirements: Simple Majority

Appendix 4

Recommendation/Council Decision

OCM19/169

Moved: Cr S Lee

Seconded: Cr G Black

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

CARRIED UNANIMOUSLY 8:0

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 July 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 July 2019.
2. Not receiving the Payments from Municipal and Trust Funds report for July 2019.

Conclusion

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

11.4 Monthly Financial Report – July 2019

File Ref: 8013-01
 Author and Title: Tracie Unsworth, Director Corporate Services
 Voting Requirements: Simple Majority

Appendix 5**Recommendation/Council Decision****OCM19/170****Moved: Cr A Rogers****Seconded: Cr G Black****That Council receives the July 2019 Monthly Financial Report as presented.****CARRIED UNANIMOUSLY 8:0****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 July 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 Receivables
 - * Note 4 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 July 2019.
2. Not receiving the monthly financial report for July 2019.

Conclusion

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

Recreation, Economic & Community Development

11.5 Short Term Loan Proposal for Pinjarra Community Men's Shed

File Ref:	7-8207
Previous Items:	OCM 25 Oct 2018 Item 11.4 (OCM10/160)
Applicant:	Pinjarra Community Men's Shed
Author and Title:	Trick Cole, Community Development Officer (Youth)
Voting Requirements:	Absolute Majority

Recommendation/Council Decision

OCM19/171

Moved: Cr B Beacham

Seconded: Cr D McLarty

That Council supports the Pinjarra Community Men's Shed with a short term loan of \$20,000 (plus GST if applicable), should funding be required to enable the project to progress prior to receiving funding from the Department of Infrastructure, Transport, Cities and Regional Development, subject to:

- 1. sighting the executed grant agreement with the Department of Infrastructure, Transport, Cities and Regional Development; and**
- 2. the funds being repaid to the Shire of Murray within 8 weeks of the date of execution of the grant.**

CARRIED UNANIMOUSLY 8:0

In Brief

- Pinjarra Community Men's Shed Inc. (the Men's Shed) has received in principle approval for grant funding from the Department of Infrastructure, Transport, Cities and Regional Development (the Department).
- A grant agreement will be executed by the Department once the Men's Shed has demonstrated it has secured funds from the Bendigo Bank. It is expected that it will take approximately six weeks following the execution of the grant agreement before funds can be released to the Men's Shed from the Department.
- A short term loan for the value of the grant of \$20,000 from the Shire of Murray is proposed to allow the project to progress and ensure the group is ready for the 'opening' event.
- The Men's Shed will repay the funds to the Shire of Murray within 8 weeks of receipt of the grant funds from the Department.

Background

In less than two years the Men's Shed has established itself as an incorporated body with over 100 members, secured a site leased from the Shire, a donation of a shed and sufficient funding to have the shed erected.

The shed still requires a degree of fit out, including the provision of toilets, concrete floor, electrical connections, cabling and sewerage. These elements of the project, and the total project cost in the grant application to the Department of Infrastructure, Transport, Cities and Regional Development, was approximately \$31,000.

The Men's Shed is considered to be a worthy project that will provide an opportunity for men to come together, share similar interests and provide support to each other. These outcomes contribute to an improved sense of belonging and mental health.

To date the Shire has supported the Men's Shed with the provision of a site, preparation works valued at \$18,000 and considerable in-kind resources.

Report Detail

To fund some of the remaining works, the Men's Shed has secured a grant from the Department, subject to the group demonstrating that it has secured a contribution from the Bendigo Bank for over \$9,000.

Once the contribution from Bendigo Bank has been evidenced, the Department has agreed to execute the grant agreement with the Men's Shed. The Department has indicated that it will take 6 weeks to process the payment.

To avoid any significant delays in delivery of the project, the Shire has been requested to make a short-term loan to the Men's Shed following the execution of the grant. This will avoid the 6 week waiting period, as the Shire could process the payment within one week. Once the Men's Shed receives its funding from the Department, it will repay the short term loan from the Shire of Murray. Subsequently, it is expected that the funds will be repaid within 6 weeks, although 8 weeks has been recommended to allow for any unexpected delays.

The Men's Shed expect to hear from the Bendigo Bank around the end of August, but meanwhile the group are pursuing the potential opportunity for two additional donations. Should this occur, it will provide them with the cash flow to proceed without the Shire providing a short term loan.

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.

Murray 2019- 2023 Corporate Business Plan

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

Other Strategic Links

Nil

Statutory Environment

Local Government Act 1995 – Part 6 Financial Management

Sustainability & Risk Considerations

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

This short term loan will not have a financial or economic impact on the community.

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

The short term loan will allow the Men's Shed to avoid a delay of potentially 6 weeks. It is expected that the Men's Shed will improve the wellbeing of its members.

Environment – (Impact on environment's sustainability)

This proposal is not expected to adversely impact on the environment.

Policy Implications

Nil

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	The requirement for the Shire to sight the executed grant agreement with the Department prior to the release of short term funding ensures the financial risk is low. Notably, the Department will not execute an agreement, without the Men's Shed demonstrating that funding has been secured from Bendigo Bank (or an alternative source).

Consultation

Consultation has occurred with the Men's Shed Management Committee and President.

Resource Implications

Financial

This loan would be short term and repaid within 8 weeks of being provided. The financial implication to the Shire is considered to be low.

Workforce

Any tasks will fall within current workloads and the workload for this project is considered minor.

Options

Council has the option of:

1. Agreeing to fund the short term loan to the Men's Shed subject to conditions.
2. Not agreeing to provide the loan to the Men's Shed.

Conclusion

By supporting community initiatives that are by the community, for the community, the Council continues to have a positive impact and encourages community groups to lead initiatives. Support through a short term loan would benefit the group with minimal impact to the Shire, avoiding any delays in the project.

11.6 Yunderup Sport and Recreation Club - Funding for Bowling Green Replacement

File Ref: 7024-04
 Previous Items: OCM. 23 Aug 2018 Item 11.3 (OCM18/177)
 Applicant: Yunderup Sport and Recreation Club Inc.
 Author and Title: Jodie Doherty, Manager Community Development
 Voting Requirements: Absolute Majority

Recommendation/Council Decision

OCM19/172

Moved: Cr S Lee

Seconded: Cr G Black

That Council endorse funding of \$26,500 plus GST if applicable, to the Yunderup Sport and Recreation Club toward the replacement of bowling green 2.

CARRIED UNANIMOUSLY 8:0

In Brief

- A Council resolution was passed in August 2018 to provide the Yunderup Sport and Recreation Club (the Club) with up to \$40,000 to leverage other funding for the resurfacing of its two bowling greens.
- Three of the four applications were unsuccessful, but the Club recently secured \$23,500 toward the replacement of bowling green 2.
- Council is required to make a determination on what level of funding should be allocated, based on the part funding that was secured.

Background

The Yunderup Sport and Recreation Club (the Club) approached Council about securing funding for their two bowling greens that were in a very poor state of disrepair. Green 1 was in such poor condition that it was starting to affect membership as it could not be played on, regardless of interim repairs that were constantly being undertaken.

A Council resolution was passed in August 2018 to provide the Yunderup Sport and Recreation Club (the Club) with up to \$40,000 to leverage additional grant funds for the replacement of their two bowling greens. The resolution specified:

“That Council

- 1. support the Community Sport and Recreation Facilities Fund (CSRFF) application (attached) from Yunderup Sport and Recreation Club Inc. (YSRC) to replace Green 1 as priority number 1;*
- 2. commit a total of \$40,000 toward the replacement of Greens 1 and 2 to apply for both the CSRFF grants in September 2018 and February 2019 and the Federal Government’s Community Sporting Infrastructure (CSI) Fund;*
- 3. acknowledge that the commitment is unbudgeted expenditure and that this be considered in the 2018/19 budget review; and*
- 4. underwrite the funds together with the Club, should the CSI Funding be unsuccessful. In this circumstance, replacement of Green 2 will not continue this financial year and the Shire will limit its commitment to a maximum of \$30,000 toward Green 1.”*

The Shire supported the Club in preparing and submitting funding applications.

Report Detail

The Federal Government's Community Sporting Infrastructure Fund applications were unsuccessful during both rounds. The Community Sport and Recreation Facilities Fund (CSRFF) was unsuccessful in round one (1), but was recently successful in July 2019 for \$23,500.

Since the original resolution in August 2018, the Club has self-funded the replacement of green 1 in April/May 2019 and it is proposing to replace green 2 commencing April 2020. The successful funding from CSRFF is toward the replacement of green 2.

There was no specific allocation from the Shire in the eventuation that only partial grant funds were secured and therefore the level of funding to be allocated is still to be determined. The cost of replacing the bowling greens is approximately \$150,000 each, and although the Club has indicated that any contribution from Council would be greatly appreciated, it has indicated that \$26,500 would bring the total funding up to \$50,000 and would make the project more appealing to the Club financially.

The work is not expected to commence until April 2020, and the Club will continue to save funds until work is ready to commence.

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	Plan community facilities for future generations.

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 to support community-led initiatives.
Strategy	Support diverse, minority and cultural groups.
Project and Actions	Improve facilities and access throughout the Shire.

Other Strategic Links

Nil

Statutory Environment

Nil

Sustainability & Risk Considerations

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

The Yunderup community will enjoy the benefits of upgraded facilities and reports to date is that Bowling Green 1 is better utilised since its upgrade. This in turn increases members, improving the financial viability of the Club.

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

The Yunderup Sport and Recreation Club is an important part of the South Yunderup and broader communities. The Club is well regarded and highly valued, however this may not continue if playing standards are not maintained.

Environment – (Impact on environment’s sustainability)

Nil

Policy Implications

Nil

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	In 2018/19 the Shire made a budget allocation of up to \$40,000 toward this project. It can now choose to allocate a lower amount. The risk is reputational should it decide not to provide a respectable level of funding in support of the Club.

Consultation

Yunderup Sport and Recreation Club.

Resource Implications*Financial*

The grant funds were originally budgeted in 2018/19. Should a lesser amount be supported there will be perceived savings to the Shire, whilst supporting this improved infrastructure.

Workforce

There is minimal workforce requirements to finalise the grant.

Options

Council has the option of:

1. Supporting an amount up to \$40,000 toward the replacement of Green 2.
2. Not supporting any grant funding.

Conclusion

In the past year the Club has replaced bowling green 1, installed a water tank, resurfaced the tennis courts and is looking to install playground equipment in the foreseeable future.

The Club is prepared to fund the balance of the replacement cost for green 2 and has indicated that a contribution from the Shire of \$26,500, bringing the total grant funding up to \$50,000 would be extremely beneficial for the Club.

The Club has shown that it is quite self-sufficient and is growing in strength. To retain and attract new members it is important that it provides good facilities. The funding request seems very reasonable in light of the contribution that the Club has made to upgrade its facilities and it is the only significant sporting and community facility within South Yunderup.

11.7 Lease Proposal – Friends of Edenvale – Roger May Museum and Cart Shed – Reserve 36703

File Ref:	R36703
Previous Items:	Nil
Applicant:	The Friends of Edenvale (Inc.)
Author and Title:	Robert Marlborough, Manager Governance Jodie Doherty, Manager Community Development
Voting Requirements:	Simple Majority

Cr S Lee declared an Impartiality Interest in Item 11.7 Lease Proposal –Friends of Edenvale-Roger May Museum and Cart Shed-Reserve 36703 in that he is the Treasurer of the Friends of Edenvale Inc. and a member of the Roger May Museum.

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

Cr S Lee remained in the meeting.

Cr G Black declared an Impartiality Interest in Item 11.7 Lease Proposal –Friends of Edenvale-Roger May Museum and Cart Shed-Reserve 36703 in that he is the Chairperson of the Friends of Edenvale Inc. and a member of the Roger May Museum.

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

Cr G Black remained in the meeting.

Recommendation/Council Decision

OCM19/173

Moved: Cr A Rogers

Seconded: Cr D McLarty

That Council:

- 1. subject to the Minister for Lands prior written consent, supports a lease being entered into with The Friends of Edenvale Incorporated for the Roger May Museum and the Cart Shed buildings, located on Reserve 36703, for a period of 3 years, with a similar option period, at an annual rental of \$50.00 per annum and an administration fee of \$100 per annum, with rent reviews annually in accordance with the Consumer Price Index (Perth All Groups); and**
- 2. approves the Chief Executive Officer negotiating and determining the general terms, conditions and performance obligations of the lease arrangement and endorse the agreement, with the lessee being responsible for variable outgoings, general maintenance and repair.**

CARRIED UNANIMOUSLY 8:0

In Brief

- A request is made that Council consider the leasing of a portion of the Edenvale Homestead (Roger May Museum and Cart Shed) to The Friends of Edenvale Incorporated to enable the Roger May Museum Volunteers to continue to operate under an auspicing arrangement.

Background

Reserve 36703 (Edenvale Homestead) at Lot 316 George Street, Pinjarra is a Crown Reserve managed by the Shire for the purposes of Historical Buildings. The power to lease (or sub lease or licence) has been granted for any period up to 21 years, with the written consent of the Minister for Lands.

Staff have been working with the Roger May Museum volunteers for a number of years encouraging incorporation in their own right to enable a lease to be developed with the volunteer members, once incorporated. There has been a general reluctance by the volunteers to achieve this preferred outcome.

Over this period the Shire has been managing the Roger May Museum volunteers and supporting the group's activities both financially and administratively.

The Roger May Museum is an important facet of the Edenvale Homestead and the display of local relics and heritage items along with the visual operating themes, offer attractions to visitors and the community. The repair and refurbishment of local relics and heritage items provide the volunteers with opportunities to use existing skills and to network internally with other volunteers and also with visitors.

Other facilities within the Edenvale Homestead grounds are currently leased to the Murray Districts Arts and Craft to support their activities and to provide visitor servicing on behalf of the Shire. The lease arrangement in place with this group is operating well.

The Friends of Edenvale (Inc) is a registered association with the Department of Mines, Industry and Safety, registration number A100328K dated 6 August 1993. This group has confirmed at a meeting held Wednesday 9 July 2019 that it would be willing to lease the Roger May Museum and the adjacent Cart Shed building, if Council support could be achieved for the purposes of continuing the activities of the Roger May Museum volunteers under an auspicing arrangement.

Staff have developed a Memorandum of Understanding between the Roger May Museum volunteers and The Friends of Edenvale to outline the formal arrangement between the parties.

Report Detail

As indicated, The Friends of Edenvale has formally confirmed a willingness to enter into a lease with the Shire for the Roger May Museum and the adjacent Cart Shed building on Reserve 36703, to enable the Roger May Museum to continue to operate as has been the case for a number of years.

It is recommended that Council support the proposal to lease as outlined in the recommendation.

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	Continue to develop partnerships with environmental groups, state departments and stakeholders.

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

Other Strategic Links

Nil

Statutory Environment

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

(1) *In this section —*

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

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

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) *the highest bidder at public auction; or*

(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

(a) *it gives local public notice of the proposed disposition —*

(i) *describing the property concerned; and*

(ii) *giving details of the proposed disposition; and*

(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

and

(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

(4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*

(a) *the names of all other parties concerned; and*

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

(c) *the market value of the disposition—*

(i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*

(ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

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

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

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

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

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

Sustainability & Risk Considerations

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

The proposal to enter into a new lease is not expected to cause a negative financial impact to the community. The lease fees proposed are consistent with Council's existing Policies and the outgoings payable are in line with other similar lease arrangements.

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

Adjoining landowners will not be adversely affected by the proposal to enter into a new lease.

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 Regulation 30(2)(b) of the *Local Government (Functions and General) Regulations 1996*, as it with a group who's objectives are charitable or benevolent or of a like nature and the group members are not entitled or permitted to receive any pecuniary profit from the body's transactions. As such, prior advertising and a formal market valuation are not required in this instance.

Furthermore Policy C6 – Leasing Freehold and Reserve Land to Community Groups, Sporting Clubs and Other Non Profit Organisations provides that the standard lease term for an exempt body leasing land vested in or owned by the Shire of Murray is up to a maximum of 10 years with a similar option period. The minimum lease fee applicable under the policy if a liquor licence is held is \$500 per annum or \$50 per annum without a licence. An annual administration fee may also be charged.

In this case, a three year lease, with a similar option term is proposed and this falls within the maximum period prescribed by policy. A shorter term lease ensures the opportunity for review in case circumstances change or the working arrangements are not satisfactory.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	The Roger May Museum volunteers have been operating from the premises for many years. The lease arrangement is a formalisation of this agreement and is unlikely to have a negative impact.

Consultation

Edenvale Homestead Working Group

Resource Implications

Financial

There will be little change financially for the Shire as it is currently paying for all expenses relating to the building for the Roger May Museum. It is not intended to pass on onerous costs as it is acknowledged that the building needs work, but the group will be responsible for ongoing operational costs as identified in the report.

Workforce

Currently internal resources of approximately 0.11 of a full time equivalent employee are allocated to managing this group. This equates to approximately one officer, half a day per week. Freeing up this resource allows officers to allocate time to other projects.

Options

Council has the option of:

1. Supporting the proposed lease arrangement, as recommended.
2. Determining an alternate lease term, layout and financial structure.
3. Rejecting the lease proposal and continue to manage the activities of the Roger May Museum volunteers.

Conclusion

It is no longer practical for the Shire to provide the current level of support to the volunteers of the Roger May Museum. The auspice arrangements have been passed to the Friends of Edenvale as at 30 June 2019, with both groups comfortable with the arrangement and proposed lease. A Memorandum of Understanding has been entered into by the two parties and they are now keen to enter into a lease, which will formalise the arrangement that is currently already in place.

Infrastructure Services

Nil

Items for Information**11.8 Council Resolution/Outstanding Items**

Resolution Register is attached for information.

Appendix 6

11.9 Delegated Decisions – July 2019

Delegated Decisions is attached for information.

Appendix 7

12. BUSINESS LEFT OVER FROM THE PREVIOUS MEETING

Nil

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

Nil

14. NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil

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

Nil

16. MEETING CLOSED TO THE PUBLIC (CONFIDENTIAL BUSINESS)**16.1 Detailed Proposal for Former Exchange Hotel, Pinjarra**

File Ref: GE02/85
Author and Title: Rod Peake, Director Planning and Sustainability
Voting Requirements: Simple Majority

Confidential Report under separate cover

Recommendation/Council Decision

OCM19/174

Moved: Cr A Rogers

Seconded: Cr D McLarty

That Council proceeds behind closed doors as per Section 5.23(2)(c) of the *Local Government Act* for the purpose of considering confidential item 16.1 Detailed Proposal for Former Exchange Hotel, Pinjarra.

CARRIED UNANIMOUSLY 8:0

Council Decision

OCM19/175

Moved: Cr A Rogers

Seconded: Cr S Lee

That:

- 1. Council accepts 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. Council requires 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; and**
 - 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. Council requires 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. Council 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; and**
- 5. 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 the officer's memorandum dated 22 August 2019 prior to being advertised.**

CARRIED UNANIMOUSLY 8:0

In Brief

- Enable discussion regarding the Detailed Proposal for Former Exchange Hotel, Pinjarra.
- A confidential report will be distributed separate to the main agenda when available.

Background

All details are contained within the confidential report.

Report Detail

All details are contained within the confidential report.

Other Strategic Links

All details are contained within the confidential report.

Statutory Environment

All details are contained within the confidential report.

Consultation

All details are contained within the confidential report.

Resource Implications

Financial

All details are contained within the confidential report.

Workforce

All details are contained within the confidential report.

Options

All details are contained within the confidential report.

Conclusion

All details are contained within the confidential report.

Council Decision

OCM19/176

Moved: Cr D McLarty

Seconded: Cr S Lee

That Council proceeds with open doors the time being 6.21pm

CARRIED UNANIMOUSLY 8:0

17. CLOSURE OF MEETING

There being no further business the Presiding Member declared the meeting closed the time being 6.22pm.