



Minutes

Ordinary Council Meeting

Thursday 24 August 2023 at 5.30pm

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Minutes of Shire of Murray Ordinary Council Meeting held at the Murray Shire Council, 1915 Pinjarra Road, Pinjarra on Thursday, 24 August 2023

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

2 ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

PRESENT

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

IN ATTENDANCE

Dean Unsworth (Chief Executive Officer), Alan Smith (Director Infrastructure Services), Rod Peake (Director Planning and Sustainability), Krystal Dawe (Acting Director Place, Community and Economic Development), John Kowal (Acting Director Corporate Services), Belinda Brown (Minute Taker)

APOLOGIES

Cr Stewart Carter, Leanne McGuirk (Director Place, Community and Economic Development), Tracie Unsworth (Director Corporate Services)

LEAVE OF ABSENCE

Nil.

There were ten (10) members of the public, two (2) members of staff in attendance at this time.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4 PUBLIC QUESTION TIME

Nil.

5 PETITIONS AND APPROVED DEPUTATIONS

5.31pm **Mrs Annette James** – 280 Hart Road, Coolup – Item 11.1 Proposed Garden Centre – Lot 1 (287) Hart Road, Coolup.

Cr D Bolt thanked Mrs James for her deputation which concluded at 5.51pm.

5.51pm **Mr Robert Palermo & Mr Nicholas Porter** – Lot 1 (287) Hart Road, Coolup – Item 11.1 Proposed Garden Centre – Lot 1 (287) Hart Road, Coolup.

Cr D Bolt thanked Mr Palermo and Mr Porter for his deputation which concluded at 6.01pm.

5.1 Petition - Murray Delta Residents and Ratepayers Association

Recommendation/Council Decision OCM23/110

Moved: Cr S Lee

Seconded: Cr D McLarty

A petition signed by 61 residents of the Shire of Murray was submitted by Mr Lindsay Webb on 31 July 2023 and reads as follows: " To the Council of the Shire of Murray, we the undersigned, do respectfully request an extension of time for submissions on the CHRMAP from August 18 to September 30, 2023.

The extension is required due to the intervening two week school holiday period, the complexity of the CHRMAP and its recommendations, and the fact that despite the community consultation plan to date, many members of the wider community in North and South Yunderup who are affected by the proposed Special Control Area, remain uninformed about the implications of the CHRMAP.

The undersigned further maintain that it is inappropriate for the CHRMAP submissions period to be dictated by the 42 day statutory consultation period associated with Scheme Amendments

Recommendation

That Council:

- 1. Receives the petition presentation by the Murray Delta Residents and Ratepayers Association regarding the Requests to extend the Submission Period on the CHRMAP from August 18 to September 30, 2023.**
- 2. Supports the extension of the CHRMAP Submission Period from August 18 to September 30, 2023.**

CARRIED UNANIMOUSLY 7:0

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

Against: Nil.

6 CONFIRMATION OF MINUTES

6.1 Ordinary Council Meeting – 27 July 2023

Recommendation/Council Decision OCM23/111

Moved: Cr A Rogers

Seconded: Cr S Kirkham

That the Minutes of the Ordinary Council Meeting held on Thursday 27 July 2023 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY 7:0

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

Against: Nil.

6.2 Special Council Meeting - 10 August 2023

Recommendation/Council Decision OCM23/112

Moved: Cr S Lee

Seconded: Cr G Black

That the Minutes of the Special Council Meeting held on Thursday 10 August 2023 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY 7:0

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

Against: Nil.

7 ANNOUNCEMENTS BY THE PRESIDING MEMBER

On 29 July I attended the Coastal Hazard Risk Management Adaption Project (CHRMAP) community drop-in session at the Pinjarra Court House. Later in the day I attended the Carcoola Community Family Day.

On 31 July the CEO, several Councillors and I attended the Department of Planning, Lands and Heritage workshop regarding the new Aboriginal Cultural Heritage Act at the Waroona Memorial Hall.

On 2 August the CEO and I attended a meeting at FIPWA regarding the Enterprise Support Program (ESP) and the future servicing needs of the precinct.

On 3 August the CEO, Directors and fellow Councillors supported the Pinjarra Race Club at a Community Club morning tea held at the Shire of Murray Administration Building, followed by a lunch at the Race Club to celebrate the 2023 Melbourne Cup Tour coming to Pinjarra and community fundraising event supporting Riding for The Disabled.

On 4 August the CEO and Shire Officers and I attended a Governance Committee Meeting regarding the FIPWA. This was followed by a meeting and site tour with the Hon Rita Saffioti MLA, Deputy Premier, Treasure, Minister for Transport and Tourism at the Heritage Railway Precinct in Pinjarra.

On 10 August I attended (via phone) the Shire of Murray Special Council Meeting which was held at the Coolup Hall to adopt the Annual Budget for 2023/24.

On 14 August I attended an online Local Government Election Webinar for the coming Council Elections hosted by the WA Electoral Commission and WALGA.

On 16 August I attended the Peel Development Commission Board Meeting which was held at the Shire of Murray Council Chambers. This was followed by a site tour of the Pinjarra Heritage Rail Precinct and discussions of the tourist rail link and tourism projects from Pinjarra to Dwellingup.

On 17 August the CEO, Director Infrastructure Services and I attended a meeting with the Chief Executive and the Australian Vice President of Alcoa at the Alcoa Pinjarra Bindjareb office. In the evening I attended and chaired the August Rivers Regional Council Meeting which was held online.

On 18 August I attended the Commemorative Service for Vietnam Veterans Day at the Mandurah RSL. I laid a wreath on behalf of Councillors and the Shire of Murray.

On 21 August the Director Infrastructure Services, Acting Director Place, Community and Economic Development and I attended a meeting with Murray Engineering regarding EV Charging Infrastructure and several other projects which was held at the Shire of Murray council briefing room.

On 22 August I attended a photo opportunity at the Edenvale Heritage Precinct with Folkworld Chair, General Manager and Artistic Director to formally announce the Fairbridge Festival's relocation from Fairbridge Village to the Pinjarra Edenvale Heritage precinct, starting in 2024.

On 23 August the Strategic Project Planner, Manager Environmental Health and I attended a meeting with Alcoa management at the Shire of Murray offices regarding Alcoa's Pinjarra Refinery future expansion plans.

On 24 August I attended the Peel Regional Leaders Forum (PRLF) General Meeting which was held at the City of Mandurah Council Chambers. Following this meeting I attended the WALGA Peel Country Zone Meeting also at the City of Mandurah. In the evening I presided over the Shire of Murray's August Ordinary Council Meeting

8 Announcements by Elected Members

Cr Douglas McLarty, Deputy Shire President

On 31 July I attended the Department of Planning, Lands and Heritage workshop regarding the Cultural Heritage Act at the Waroona Memorial Hall.

On 3 August the CEO, Directors and fellow Councillors supported the Pinjarra Race Club at a morning tea held at the Shire of Murray Administration Building, followed by a Lunch at the Race Club to celebrate the 2023 Melbourne Cup Tour coming to Pinjarra.

On 10 August I presided over the Shire of Murray's Special Council Meeting (as the Shire President was unwell so attended electronically) held at the Coolup Hall. Following this meeting the Shire held a Councillor Briefing Day at the Coolup Hall which also included various site visits in Coolup.

On 24 August the Shire President and I attended the Peel Country Zone Meeting at the City of Mandurah. Later in the evening I attended the Shire of Murray's August Ordinary Council Meeting. The Elected Members' announcements will be provided as part of the Minutes.

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

Cr S Kirkham declared an Impartiality Interest in Item 11.1 Proposed Garden Centre - Lot 1 (287) Hart Road, Coolup in that he personally know several people living at the Brownes Dairy Community.

Cr A Rogers declared an Impartiality Interest in Item 11.1 Proposed Garden Centre - Lot 1 (287) Hart Road, Coolup in that by the very nature of living in the small community of Coolup, she is familiar with the people living within the Bownes Lane and Hart Road residential area along with the land owner making the submission.

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

Nil.

REPORTS OF CHIEF EXECUTIVE OFFICER AND OFFICERS**11 PLANNING AND SUSTAINABILITY****11.1 Proposed Garden Centre - Lot 1 (287) Hart Road, Coolup**

File Ref:	D23/21365
Previous Items:	OCM 27 Jul 23 Item 1.1 OCM23/092
Applicant:	Coolup Investments Pty Ltd
Author and Title:	Gregory Delahunty, Manager Planning
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 11.1 Appendix 1 - Site plan Item 11.1 Appendix 2 - Nutrient Irrigation Management Plan Item 11.1 Appendix 3 - Heritage Impact Statement Item 11.1 Appendix 4 - Schedule of Submissions Item 11.1 Appendix 5 - Late Submission

Cr S Kirkham declared an Impartiality Interest in Item 11.1 Proposed Garden Centre - Lot 1 (287) Hart Road, Coolup in that he personally know several people living at the Brownes Dairy Community.

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

Cr S Kirkham remained in the meeting.

Cr A Rogers declared an Impartiality Interest in Item 11.1 Proposed Garden Centre - Lot 1 (287) Hart Road, Coolup in that by the very nature of living in the small community of Coolup, she is familiar with the people living within the Bownes Lane and Hart Road residential area along with the land owner making the submission.

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

Cr A Rogers remained in the meeting.

Recommendation/Council Decision OCM23/113

Moved: Cr D Pike

Seconded: Cr G Black

That Council approves the application for a Garden Centre development at Lot 1 (287) Hart Road, Coolup, subject to the following conditions:

- 1. The development must operate within the limitations of the approved Nutrient Irrigation Management Plan prepared by Bioscience dated May 2023, as amended by these conditions of approval.**
- 2. A café is not included as part of this approval.**
- 3. Prior to applying for a Building Permit an asbestos management plan must be submitted to and approved by the Local Government. The approved plan must be prepared by a suitably qualified and experienced person and implemented to the satisfaction of the Local Government.**
- 4. Prior to applying for a Building Permit, a detailed plan is to be submitted for approval by the Local Government for the proposed parking bays, driveways and points of ingress and egress. These areas are to be designed in accordance with the Australian Standard for Off Street Parking (AS2890), and are to be constructed, drained, line-**

marked and thereafter maintained in a sound state of repair to the satisfaction of the Local Government in accordance with the approved plans. The plans must show the vehicular access and egress to the car parking area at a suitable location only from Brownes Road and a one-way traffic movement to the delivery area with entry in only from Hart Road.

5. Prior to the applying for a Building Permit, an adaptive re-use heritage strategy is to be submitted to the Local Government for approval. The recommendations included within the approved strategy to be implemented to the satisfaction of the Local Government prior to the occupation of the development.
6. Prior to applying for a Building Permit, the landowner / applicant is to undertake a site assessment which seeks to determine whether there are any substances at or above background concentrations that present, or have the potential to present a risk of harm to human health, the environment or any environmental values of the site to the satisfaction of the Local Government on the advice of the Department of Water and Environmental Regulation.

Should such substances be found, requisite remediation is to occur to the satisfaction of the Local Government prior to the occupation of the development.

7. Prior to applying for a Building Permit, detailed landscape plans, for the development site and the abutting street verges, are to be submitted to and approved by the Local Government. Approved plans are to be implemented prior to the development first being occupied. Landscaping is to be thereafter maintained in a healthy condition.
8. Prior to the commencement of site works, a Construction Management Plan shall be submitted to and approved by the Local Government. The plan must detail how the site will be managed during and after works are completed, in order to minimise issues associated with dust/sand, noise, vibration, traffic and general construction issues. The approved plan must thereafter be implemented to the satisfaction of the Local Government.
9. Prior to the development first being occupied, all stormwater and drainage run off to be contained on site or connected to a council stormwater legal point of discharge to the specification and satisfaction of the Local Government.
10. Prior to the development first being occupied, an asbestos clearance report and a certification from a licensed asbestos assessor are to be provided to the satisfaction of the Local Government confirming that the premises has been remediated appropriately from asbestos and is safe to occupy. This report must be supported by information detailing the surveying and analysing techniques employed (as per *Work Health and Safety (General) Regulations 2022 Part 8.7: Clearance Inspection Regulation 473 and Certificate Regulation 474*).
11. The development is to be managed in a way that does not result in vehicles associated with the development being parked on the adjacent streets or street verges.
12. Any proposed signage must be approved in writing by the Local Government prior to installation.
13. Hours of operation are limited to Wednesday to Sunday between the hours of 8am and 5pm, unless otherwise approved in writing by the Local Government.
14. Crossovers are to be constructed and sealed to the satisfaction of Local Government.
15. Redundant crossovers fronting Brownes Road and Harts Road are to be removed and the land reinstated to a similar condition to adjacent land to the satisfaction of Local Government.
16. Internal fencing is to be installed to border the proposed Garden Centre operations and prevent public access to balance of site grounds and building structures.

Advice to Applicant:

1. The development must comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.
2. Any building work involving the removal or alterations to asbestos products is to be undertaken with extreme caution. The handling and disposal of asbestos is to be in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2004*.
3. With respect to condition 3 the applicant / landowner is advised that:
 - any workers, contractors or others that may come into contact directly or indirectly with asbestos are to be provided with training to address risks of asbestos exposure;
 - the disposal of asbestos is to an appropriately licensed landfill site, and receipts for disposal are kept and provided to the Shire of Murray;
 - appropriate warning signs and labels are in place, including at main entrances, to ensure that asbestos is not unknowingly disturbed by visitors to the site; and
 - ongoing monitoring and maintenance measures are to remain in place to manage asbestos risks, including the ongoing sealing of the roof sheeting to ensure irrigation water is not contaminated by asbestos.
4. The landowner / applicant is to comply with the 'Code of Practice for the Management and Control of Asbestos in the Workplace' see National Occupational Health and Safety Commission (safeworkaustralia.gov.au)
5. With respect to condition 10 it is advised that a licensed asbestos assessor is to be engaged to provide an asbestos register to identify all asbestos containing material on site, which as per the 'Asbestos Management Guide for Agencies'.

CARRIED UNANIMOUSLY 7:0

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

Against: Nil.

In Brief

- An application has been received for the use of the old Coolup Browne's Dairy site as a Garden Centre.
- A number of objections have been received.
- The proposal is considered to be consistent with the objectives of the Southern Palusplain Strategy and potential impacts can be mitigated through conditions of approval. As such, the proposal is recommended for approval.

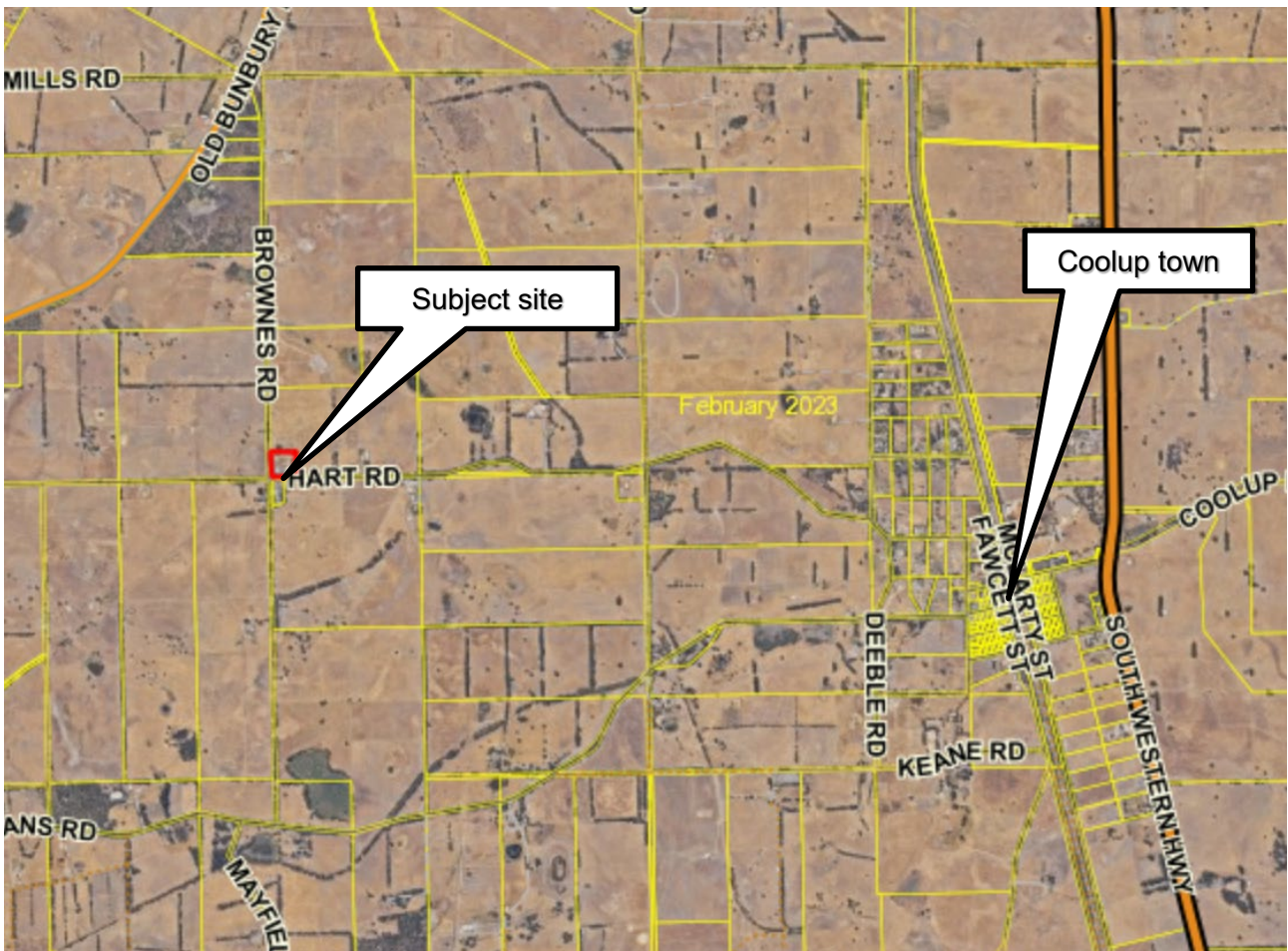
Background

The 1.8-hectare lot is located on the corner of Hart Road and Brownes Road, Coolup.

The site was used as a Dairy from the early 1950's until the 1990's. On the opposite side of Hart Road exists six houses that it is understood were used to house former employees of the dairy.

The site retains old buildings, including a milk receipt and bottling plant, a cheesemaking building containing a shop and offices (to be used as a display area), a boiler house (to be used as a propagation area) and a staff toilet and ablution facility.

The location of the subject site is shown on the plan below.



Council, at its ordinary meeting held on 27 July 2023, resolved to defer consideration of the application until its August meeting in order to consider a detailed late submission (**Appendix 5**) and to visit the site.

Report Detail

The application involves:

- the use of the existing buildings as a garden centre;
- separate vehicular access for customers and service vehicles;
- three staff will be employed to work on site;
- hours of operation 8am – 5pm Wednesday to Sunday (these have been amended from 7am to 6pm everyday);
- a closed-circuit irrigation system is proposed to be used to propagate containerised seedlings, then to grow out seedlings into larger potted plants; and
- irrigation water will be sourced from rainwater collected from the extensive roof of site existing buildings. Two tanks of 150,000 L and a drainage recirculation tank of 50,000 L will be used.

Whilst the supporting documentation mentions a café, it is advised that approval is not being sought for the café at this stage.

A copy of the supporting site plan, nutrient irrigation management plan (NIMP) and heritage impact statement is at **Appendices 1 – 3**.

Council Plan

Focus Area	Place
Outcome	Built Heritage is Respected and Celebrated.
Objectives	Conserve and Enhance Places with Significant Heritage value.

Focus Area	Prosperity
Outcome	Sustainable Economic Growth with decent work for all.
Objectives	Maximise inherent regional economic opportunities.

Other Strategic Links

State Planning Policy 2.5 – Rural Planning (SPP2.5)

The purpose of this policy is to protect and preserve Western Australia’s rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values. Ensuring broad compatibility between land uses is essential to delivering this outcome.

Given that the size of the lot does not lend its self to a sustainable agricultural enterprise, an alternative activity could be considered provided that it is compatible with the character and amenity of the locality provided it does not compromise the agricultural potential of land in the area. SPP2.5 acknowledges that WA’s regional variations of climate, economic activity, cultural values will influence how rural land can be used. As discussed below in reference to the Southern Palusplain Strategy, a Garden Centre is considered a suitable use of the subject land in this context.

Southern Palusplain Strategy (Strategy)

The vision established under the Strategy is that the area supports a strong, diversified and sustainable rural economy that encourages increased agricultural productivity and innovation, supports the growing equine industry and recognises the agri-tourism potential of the area and the importance of the rural landscape character. Underpinning this is the recognition, protection and restoration of the natural environment.

The site is located within the Rural Area wherein it is the purpose of the Strategy to protect and support the area for agricultural activities into the future, consider the potential for diversified innovative farming and food production pursuits, support the area for equine activities such as horse agistment, breeding and training and to maintain the rural landscape character of the area.

The Strategy identifies that agri-tourism uses such as farm stays, rural produce stalls, short stay holiday chalet units, bed and breakfast accommodation and farm gate sales shall be supported in accordance with the current Town Planning Scheme requirements and local planning policies, subject to site-specific assessment. It is considered that the Garden Centre use is not inconsistent to those identified and given that the lot is not large enough to support a typical agricultural enterprise, it is a suitable alternative use. Importantly, the submitted NIMP demonstrates that the proposal can be delivered in an environmentally sensitive manner.

Local Heritage Survey

Under the Shire’s Local Heritage Survey, the Brownes Dairy site is recognised as a Class B heritage place with considerable significance. This is based upon its association with the important local industry of dairy farming. The Survey recognises that the former dairy has a number of buildings which, with appropriate interpretation, have the potential to reveal the importance of dairy production in WA. It is recommended that an adaptive reuse heritage strategy be provided and implemented as a condition of approval.

General Development Provisions – Building Setbacks, Car Parking Standards - Local Planning Policy

Under this Policy a Garden Centre is required to be set back 7.5 m from the street and 3m from other boundaries.

It is noted that, given the positioning of the existing building proposed to be used, it does not meet the minimum 7.5m street setback in two locations, although the buildings are existing. Customer carparking, however, is proposed to be located to the rear of the buildings screened from the cottages on the opposite side of Hart Road. This will assist in reducing any potential amenity impacts.

One car parking space is required to be provided for every 100m² of site area. It is noted that 12 are proposed to be provided. This is considered to be sufficient. There is, however, ample space for overflow parking onsite if required.

Statutory Environment

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

Under LPS4, the subject land is zoned Rural. The proposed development is defined as a Garden Centre which is an 'SA' discretionary use in the Rural zone. Council may exercise discretion to permit such a use, provided the proposal has been advertised, and that it is satisfied that such a use would not be contrary to the amenity of the area.

Planning and Development (Local Planning Scheme Regulations) 2015

Under Clause 67 (2) of the Regulations the local government must have due regards to certain matters when considering an application for development approval. Key matters have been discussed throughout this report and below.

(n) The amenity of the locality

It is considered that the main amenity impacts that a Garden Centre could have on the location would be unreasonable traffic generated by the proposal and resultant noise impacts. Given the remoteness of the location, however, it is unlikely that the development will be a major attractor of customers. It is not located near large population centres or convenient to major transport routes.

It is noted that there is an approved Garden Centre (Mandurah Nursery) at 25 Lymon Road in Stake Hill. This Garden Centre is much closer to the population centres of Mandurah and Rockingham and has very convenient access to the Kwinana Freeway. An audit of the historical photos of the site on the Shire's mapping system indicates that there are minimal vehicles located at the site in all instances.

It is noted that the applicant has amended the hours of operation, reducing them from seven days a week to five and from 7am – 6pm to 8am - 5pm.

Additionally, customer parking has been sited behind the existing buildings which will reduce potential noise impacts from doors closing and activity. The access to the car park would preferably be located off Browns Road rather than Hart Road as currently proposed to minimise the amenity impacts of traffic and activity on the residents to the south of the site. A condition is recommended to address this.

The potential impacts from vehicles exiting the site onto Hart Road via the delivery exit is noted. The applicant has indicated that this delivery vehicle access will be used sparingly with a maximum of four vehicles a day. This includes the limited delivery of products as well as customers who have ordered ahead and will pick up purchases directly into their vehicles. A one way system for the delivery area with the in access via Hart Road would further minimise potential impacts on adjacent residents from headlight glare should deliveries be made during the evening or early mornings. A condition is recommended to address this.

In light of the above, it is considered that the development will not generate an unreasonable amount of traffic and the resultant amenity impacts will not be significant.

(r) *The suitability of the land for the development taking into account the possible risk to human health or safety;*

Contamination

It is noted that a number of submissions raised the possibility that there may be underground fuel tanks on site used in conjunction with the historical dairy. The applicant has indicated that these tanks have been removed and the site has been remediated.

In order to ensure that the site is suitable for use, a condition has been recommended requiring the submission of a contamination assessment and that any required remediation is undertaken.

It is noted that the site is not identified as a contaminated site on the Department of Water and Environmental Regulation’s website.

Asbestos

It is noted that there is asbestos present on site. The Shire has previously liaised with the landowner to remediate this. In order to safeguard human health during works and future activities related to the Garden Centre it is recommended that conditions relating to asbestos management and remediation be applied to the approval.

Sustainability & Risk Considerations

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

The proposal does not have any significant economic impacts. It offers potential employment opportunities, and business opportunities.

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

As discussed in the amenity section, the proposed development will not have any significant negative social impacts.

Environment – (Impact on environment’s sustainability)

A Nutrient Irrigation Management Plan has been submitted in support of the proposal which has demonstrated that it can be operated in an environmentally acceptable manner.

Policy Implications

Nil.

Risk Management Implications

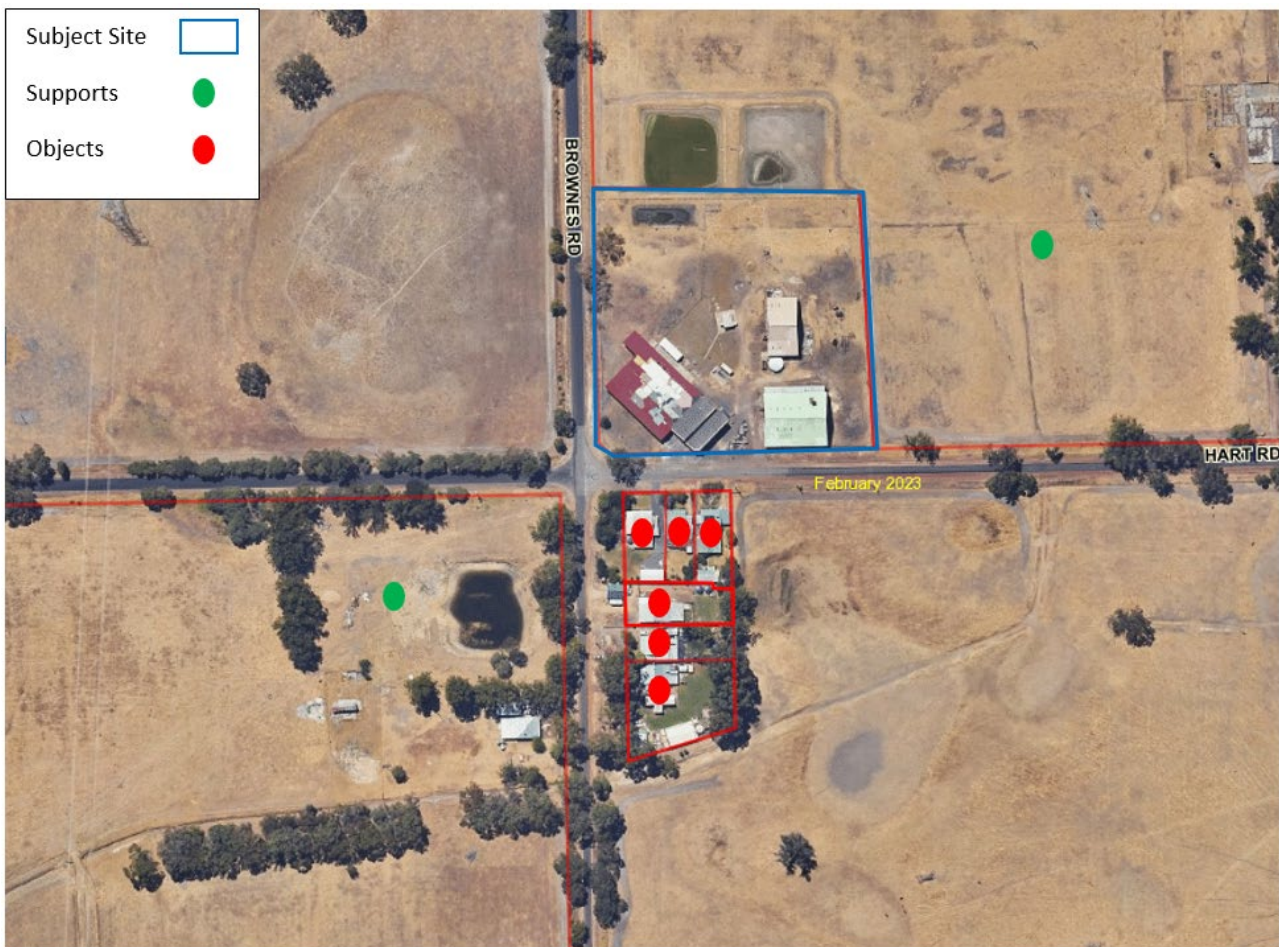
<i>Risk Level</i>	<i>Comment</i>
Low	Through the application of a conditional approval it is considered that there are no significant risks associated with the proposed Garden Centre.

Consultation

Public Consultation

The Garden Centre proposal was advertised publicly through the Shire’s website for a period of 14 days with referral letters sent to all properties within 200m of the site.

At the close of advertising 15 submissions were received, including 13 objections focusing on potential impacts. The location of the submissions can be seen on the plan below:



A copy of the schedule of submissions which includes key points raised by the submissions and an officer comment on each can be found at **Appendix 4**.

Late Submission

An additional submission from a combined group of residents, objecting to the application was received after the closing date. The further information:

- Reiterates the content of the substantive objection made during the advertising period; and
- Provides commentary on the Officer recommended conditions of approval.

Shire officers have reviewed the further submission and consider that these matters have been contemplated in the Council report and the associated schedule of submissions.

A slight wording change, however, has been added to proposed condition 10 to ensure that the site is safe to occupy as well as being clear from asbestos. There have also been three further advice notes (3-5) applied relating to asbestos management.

Agency Consultation

Both the Department of Primary Industries and Regional Development (DPIRD) and the Department of Water and Environmental Regulation (DWER) have assessed the proposal and have been satisfied with the NIMP.

Resource Implications*Financial*

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

Workforce

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

Options

1. Grant development approval with or without conditions.
2. Refuse development approval for stated reasons.

Conclusion

As demonstrated in this report the proposed development will not have any significant detrimental impact in the amenity of the location within which it is located. It offers the opportunity to diversify the economy on land that cannot be operated as a traditional farm whilst having minimal environmental impact. The development also provides an opportunity to adapt and reuse one of the Shire's significant heritage assets. The application is therefore recommended for approval subject to conditions.

11.2 Amendment to Boating Facilities and Moorings Local Planning Policy

File Ref: D23/26666
Previous Items: OCM 23 Jun 16 Item 11.1 OCM16/135
OCM 9 Feb 17 Item 11.1 OCM017/005
Applicant: Nil.
Author and Title: Gregory Delahunty, Manager Planning
Declaration of Interest: Nil.
Voting Requirements: Simple Majority
Appendices: Item 11.2 Appendix 1 - Draft Amended Boating Facilities and Moorings Local Planning Policy

Recommendation/Council Decision OCM23/114**Moved: Cr A Rogers****Seconded: Cr S Kirkham****That Council:**

- 1. Pursuant to Clause 5(2) of the Deemed Provisions set out in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to approve the amended Boating facilities and Moorings Local Planning Policy as set out in Appendix 1; and**
- 2. Resolves to give notice of the amended policy referred to in 1 above in accordance the Deemed Provisions.**

CARRIED UNANIMOUSLY 7:0

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

Against: Nil.

In Brief

- The Shire is undertaking a comprehensive review of its local planning policy framework.
- The Boating Facilities and Moorings Local Planning Policy (Policy) currently requires a development application for all proposals within the artificial waterways.
- In an effort to reduce red tape, it is proposed to amend the policy to exempt development that meets the general and specific requirements of the Policy.

Background

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

Applications for jetties and the like in artificial waterways are exempt from the need to obtain development approval under the Peel Region Scheme, provided that they comply with a local planning policy.

The Shire's local planning policy however calls in all proposals for jetties within the artificial waterways.

Proposals for jetties in the natural waterway are dealt with under a separate WAPC planning policy.

Report Detail

It is proposed to modify the Policy to exempt proposals from development approval, provided that they comply with the general and specific requirements of the Policy. This will reduce the number of development applications being received by the Shire as well as reducing red tape for the community.

A copy of the Policy highlighting the proposed amendments is set out in **Appendix 1**.

Council Plan

Focus Area	Performance
Outcome	The Shire actively listens and responds to community needs.
Objectives	Deliver efficient and effective services to improve the customer experience.

Other Strategic Links

Nil.

Statutory Environment

Planning and Development (Local Planning Schemes) Regulations 2015 (Planning Regulations)

The Deemed Provisions set out in Schedule 2 of the Planning Regulations provide for the amendment of local planning policies. Clause 5(2) allows the local government to make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.

Given that this policy amendment merely seeks to exempt compliant development and reduce red tape and does not change the development provisions, it is considered to be a minor amendment.

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

Adoption of the recommendation will result in an amendment to an existing local planning policy.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	The amendment to the policy carries no significant risk. There is a reputational risk in not periodically reviewing and ensuring policies are relevant and useful for present circumstances.

Consultation

Clause 4(4) of the Deemed Provisions provides for the advertising of an approved amended local planning policy by giving notice of the approved policy on the Shire's website.

Resource Implications*Financial*

Nil.

Workforce

The review of the of local planning policy has been accommodated within existing staff resource levels.

Options

1. Amending the local planning policy as recommended or with further minor amendments.
2. Not amending the local planning policy.

Conclusion

The Shire is committed to maintaining a contemporary and dynamic planning policy framework and delivering the best customer experience possible. The amendment to this policy will assist the Shire in achieving these aims by reducing red tape and the number of development applications received.

11.3 Advertising of Draft Environmental Sustainability Strategy

File Ref:	D23/26745
Previous Items:	D22/40816
Applicant:	Nil.
Author and Title:	Tom Lerner, Coordinator Environment Services
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 11.3 Appendix 1 - Environmental Sustainability Strategy Draft

Recommendation/Council Decision OCM23/115

Moved: Cr S Lee

Seconded: Cr A Rogers

That Council authorises public advertising of the draft Shire of Murray Environmental Sustainability Strategy generally as set out in Appendix 1.

CARRIED 6:1

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

Against: Cr David Pike

In Brief

- The 2022-23 Corporate Business Plan included a project the preparation of an Environmental Sustainability Strategy for the Shire of Murray.
- The preparation of the draft Strategy has now been completed and was informed by the substantial community engagement feedback received as part of the preparation of the Shire's new Council Plan as well as specific feedback received from a community survey and the Environmental Sustainability Strategy Working Group comprising representatives from the Council, relevant State agencies and the community.
- Council is now requested to consider proceeding to advertise the draft Environmental Sustainability Strategy in order to obtain feedback from the wider community, before considering adoption of the Strategy.

Background

The concept of environmental sustainability emerged in 1987, when the World Commission on Environment and Development created the concept of 'sustainable development'. That means actions that 'meet the needs of present generations without compromising the needs of future generations'.

Sustainability has three distinct but interrelated components:

1. Economic sustainability - ensuring economic prosperity can be maintained over time.
2. Social sustainability - ensuring all people, now and in the future, have their basic needs met.
3. Environmental sustainability - ensuring non-human elements of nature, like air, water and biodiversity remain healthy over time.

This strategy focussed on the Environment. The Shire of Murray's environment is diverse, from its forests and bushland, waterways and urban environments. The natural environment sustains life. It provides access to clean water, air and food. It also underpins our economy and the liveability of our

Shire. Protecting and maintaining our natural environment is essential if we wish to continue to support the liveability and prosperity of the Shire.

The Shire however faces many environmental challenges, whether these be to our natural areas from past and current use, or from the global threat of climate change. These challenges will invariably continue as the population grows.

The Environmental Sustainability Strategy provides a vision, objectives and actions, as well as targets and a monitoring and reporting framework to help advance environmental sustainability across our Shire. It outlines the actions required for Council to integrate sustainable practices into its operations, as well as its community programs and services. The Strategy aligns with key Federal and State government environmental policies and requires the Shire to work in partnership with the community, private sector and other levels of government to ensure that we continue to protect and enhance our environment for current and future generations.

Community consultation has highlighted the importance of building environmental sustainability into decision making and this increasing awareness and importance of the environment is clearly gaining momentum outside the Shire. An increased focus on environmental concern is reflected in the new Council Plan, including the increased prominence of Sustainable Development and the Planet. This Plan was informed by the community which clearly articulated that the environment is a significant priority.

Report Detail

The Murray Environmental Sustainability Strategy has been developed in consultation with the local community and a range of stakeholders, and is delivered in accordance with State and National guidelines and standards.

It has been prepared as an easily read and shared guide, setting a vision and long-term targets for environmental sustainability.

In 2015, the 2030 Agenda for Sustainable Development (<https://sdgs.un.org/2030agenda>) was adopted by all United Nations members, including Australia. It recognises that building peaceful and inclusive societies, ending poverty, protecting human rights and sustaining economic growth, must go hand in hand with strategies that protect our planet and natural resources, improving health and education, all while tackling climate change. At its core, the agenda introduces 17 Sustainable Development Goals (SDGs) as an urgent call for action by all countries in a global partnership. In September 2015, Australia agreed to work at all levels of government to implement the SDGs and meet sustainability targets by 2030.

The draft Environmental Sustainability Strategy was developed around six key focus areas – energy, water, waste, biodiversity, community and governance, all of which detail the following:

- Relevant Sustainable Development Goals;
- A position statement;
- A brief explanation;
- Long-term goal;
- Recent Shire achievements;
- Performance indicators; and
- Actions and future aims.

The focus areas aim to guide Council's current and future actions in working towards achieving our sustainability goals and overcoming key challenges. Each action is measurable and achievable, providing for a triple bottom line approach to decision making.

Although the long-term goals are aspirational, the actions are specific, measurable, achievable, realistic and time measured. Where possible longer-term actions are quantified, however these are

likely to stay under development throughout the lifetime of the Strategy and as such will be subject to revision and refinement.

Council Plan

Focus Area	Planet
Outcome	The ecosystem is managed sustainably for the benefit of current and future generations.
Focus Area	Planet
Outcome	Shared responsibility for combatting climate change.

Other Strategic Links

- Local Biodiversity Strategy
- Waterwise Action Plan
- Cities Power Partnership Program Pledges

Statutory Environment

Clause 1.3 (3) of the *Local Government Act 1995* provides that

‘In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity’.

Sustainability & Risk Considerations

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

Climate change poses many risks to our economy, especially in the traditional resource-based industries. According to the 2021 Census, 38% of employment in Shire of Murray is in the manufacturing and mining industry sectors. As the world transitions to a low-carbon economy these industries face challenges in changing processes to reduce emissions with potential flow on to local employment.

Another area of risk is in the area of transport with transport emissions contributing 17% of the State’s total greenhouse gas emissions. The Shire of Murray is highly dependent on private vehicles for transport and faces risks in this area as the transport sector undergoes transformation to reduce emissions, such as electrification and low-emission vehicles. This potentially poses economic and social risks.

In a drying climate water security, including water sources but also water efficiency will be critical for the economy (as well as the community and natural environment).

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

The impacts of climate change will be felt across society however, it is well documented that the more vulnerable groups in our community are at a greater risk.

Increased demand on emergency services to deal with issues including increased bushfires, heatwaves, flooding / storm surge and frequency of extreme events.

It is envisaged that through education and engagement the Strategy will help empower and educate the community and to help reduce their energy dependency.

Environment – (Impact on environment’s sustainability)

Climate change is an existential threat to environmental sustainability on a global and local level. Our natural environment is part of what makes Murray an attractive place to live, work and play. It is

part of the internationally recognised South-West global biodiversity hotspot (there only 34 of these in the world) but our natural environment is particularly susceptible to climate change due to changes in temperatures, water availability, habitat loss and more frequent bushfires. Some of the results of this include extinction of species, increased algal blooms and more frequent fish kills.

Through reducing our own impact on the region, we can directly and indirectly protect our environment. Biodiversity protection is intrinsic to a long-term sustainability strategy.

Policy Implications

The Sustainability Strategy includes action to prepare or amend various policies.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	There are minimal risks in developing a Sustainability Strategy, the greater risk is in taking no coordinated action towards environmental sustainability.

Consultation

The preparation of the Environmental Sustainability Strategy was informed by the following community engagement:

- The substantial community feedback associated with the new Council Plan;
- The results of an online community questionnaire;
- An Environmental Sustainability Working Group comprising representatives of the community, Council;
- Feedback from relevant State agencies.

It is intended to widely advertise the draft Strategy with a six week submission period.

Resource Implications

Financial

The Environmental Sustainability Strategy has many implementation actions which will have financial implications. It is intended that the Strategy will be used to help inform future reviews of the Council Plan and the Shire’s Long Term Financial Plan. The Strategy will also assist in obtaining grant funding for included projects. Implementation of many of the actions will also be likely to result in cost savings.

Workforce

The draft Environmental Sustainability Strategy has been prepared within existing staff resources.

Options

1. Proceed to advertise the draft Environmental Sustainability Strategy in its current form.
2. Identify changes to the draft document prior to advertising of the document.

Conclusion

Extensive research, development and engagement with community stakeholders have gone into the preparation of the draft Environmental Sustainability Strategy. The draft Strategy is now in a form that is considered suitable for release to the community for public feedback. This will be an important step in allowing broader community submissions to be considered before presenting the Environmental Sustainability Strategy to the Council to consider adoption.

12 CORPORATE GOVERNANCE**12.1 Revocation and Reissue of Management Order - Reserve 23015 - Coopers Mill - Cooleenup Island**

File Ref: D23/25940
Previous Items: Nil.
Applicant: Nil.
Author and Title: David Bentley, Manager Governance and Strategy
Declaration of Interest: Nil.
Voting Requirements: Simple Majority
Appendices: Nil.

Recommendation/Council Decision OCM23/116**Moved: Cr G Black****Seconded: Cr D McLarty**

That Council consent to the revocation of the existing management order of Reserve 23015, Coopers Mill Cooleenup Island for the purpose of “Recreation and Preservation of Historic Buildings” and consent to the reissue of a new management order for the same purpose with a power to lease for a term not exceeding 21 years, pursuant to its powers under section 46 of the *Land Administration Act 1997*.

CARRIED UNANIMOUSLY 7:0

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

Against: Nil.

In Brief

Council is requested to consider revoking the existing management order over Cooleenup Island with a new management order for the same purpose with an included provision to lease for a period not exceeding 21 years. This is to allow the caretaker arrangement at Coopers Mill to continue.

Background

Coopers Mill was constructed in the 1840s, was in operation by 1850 and operated until 1865. The Murray Roads Board assumed responsibility for the mill in 1930.

A Caretaker's Residence was constructed in 1986. Following construction of the Caretaker's Residence, a volunteer caretaker was sought for the facility via a rent-free living arrangement. This was advertised in the West Australian and Coastal District Times in June 1986, with the caretaker moving in soon after and was there until his passing in November 2003. New caretakers moved in on 1 January 2004 and moved out in mid-2005 and the current caretaker, John Lingard, moved in on 29 October 2005.

Coopers Mill was registered on the State Heritage Register on 9 May 1997. The caretaker arrangement assists with the Shire's requirements in preserving the heritage value of the site.

The current caretaker's residential tenancy agreement expired in June 2023 and a new agreement will need to be entered into to enable the caretaker function to continue at Coopers Mill. However, checks have revealed that the Shire of Murray does not have the power to lease the Reserve.

The current vesting order, dated 29 April 1994 and made under section 33(2) of the *Land Act 1933* provides that the reserve that Coopers Mill sits on is vested to the Shire for the designated purpose of “Recreation and Preservation of Historic Buildings”.

Report Detail

Shire officers have contacted the Department of Planning, Lands and Heritage to request that the power to lease be included on the vesting order to enable the caretaker function to continue at Coopers Mill to ensure the heritage listed site does not fall into any further state of disrepair.

The Department of Planning Lands and Heritage have provisionally accepted this and have requested the Shire of Murray to provide its written confirmation to revoke the existing management order and reissue the management order with the power to lease and licence provisions for any term not exceeding 21 years. These actions are pursuant to section 46 of the *Land Administration Act 1997*.

Any lease entered into would be subject to seeking the consent of the Minister for Lands under section 18 of the *Land Administration Act 1997*.

Council Plan

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

Other Strategic Links

Nil.

Statutory Environment

An excerpt of part of section 46 of the *Land Administration Act 1997* that relates to this report:

46. Care, control and management of reserves

- (1) *The Minister may by order place with any one person or jointly with any 2 or more persons the care, control and management of a reserve for the same purpose as that for which the relevant Crown land is reserved under section 41 and for purposes ancillary or beneficial to that purpose and may in that order subject that care, control and management to such conditions as the Minister specifies.*
- (2) *The Minister may, with the consent of the management body of a reserve and of the holders of any interests within the reserve, by order vary any condition to which the care, control and management of the reserve is subject.*
- (3) *The Minister may –*
 - (a) *by order confer on a management body power, subject to section 18, to grant a lease or sublease or licence over the whole or any part of the Crown land within the reserve in question for the purposes referred to in subsection (1); and*
 - (b) *approve a mortgage of any such lease.*

The residential tenancy arrangements with the caretaker are exempt from the disposal of property provisions of the *Local Government Act 1995* due to regulation 30 of the *Local Government (Functions and General) Regulations 1996*:

30 Dispositions of property excluded from Act s. 3.58

- (1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*
- (2) *A disposition of land is an exempt disposition if –*
 - (g) *it is the leasing of residential property to a person.*

Sustainability & Risk Considerations

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

There will be no economic impacts as the officer recommendation reflects a “business as usual” outcome for Coopers Mill.

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

The continued occupation of the Caretaker’s Cottage is seen as extremely important to the ongoing wellbeing of the caretaker as well as to the ongoing maintenance of Coopers Mill.

Environment – (Impact on environment’s sustainability)

There will be no environmental impacts as the officer recommendation reflects a “business as usual” outcome for Coopers Mills.

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
High	If Council resolves to not consent to the revocation and re-issuing of the management order, the Shire will be unable to continue to lease the Caretaker’s Cottage to the caretaker. This presents risks to the maintenance of the heritage listed site and an alternative arrangement will be required.

Consultation

The Department of Planning, Lands and Heritage have been consulted in relation to this proposal.

Resource Implications

Financial

Nil.

Workforce

Nil.

Options

1. Accepting the officer recommendation, resulting in a re-issued management order for the Coopers Mill Reserve.
2. Not accepting the officer recommendation, resulting in a caretaker no longer being able to be based at Coopers Mill.

Conclusion

In order to ensure the Coopers Mill caretaker can continue to operate out of the Caretaker’s Cottage, it is recommended that Council adopt the officer recommendation.

12.2 Payments from Municipal and Trust Funds - July 2023

File Ref:	D23/26226
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Tamara Tabor, Finance Coordinator
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 12.2 Appendix 1 - Payments from Municipal and Trust Funds - July 2023

Recommendation/Council Decision OCM23/117**Moved: Cr A Rogers****Seconded: Cr S Lee**

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

CARRIED UNANIMOUSLY 7:0

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

Against: Nil.

In Brief

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

Background

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

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

b) recorded in the minutes of that meeting.

Report Detail

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

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

This list includes details for each payment made, incorporating:

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

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

Council Plan

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

Other Strategic Links

Nil.

Statutory Environment

Section 6.4(1) of the *Local Government Act 1995* requires the Shire of Murray to prepare financial reports as prescribed.

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* governs the requirement to provide to Council a detailed listing of all payments made from the Municipal and Trust bank accounts and outlines the form, content and timing of this report.

Sustainability & Risk Considerations

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

Nil.

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

Nil.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	Failure to present a detailed listing of payments made from the Shire bank accounts in the prescribed form would result in non-compliance with the <i>Local Government (Financial Management) Regulations 1996</i> .

Consultation

Nil.

Resource Implications*Financial*

Nil.

Workforce

Nil.

Options

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

Conclusion

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

12.3 Monthly Financial Report - July 2023

File Ref:	D23/27331
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Nathan Gilfellon, Manager Finance
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 12.3 Appendix 1 - July 2023 Monthly Financial Report

Recommendation/Council Decision OCM23/118

Moved: Cr D McLarty

Seconded: Cr G Black

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

CARRIED UNANIMOUSLY 7:0

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

Against: Nil.

In Brief

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

Background

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

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

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

Report Detail

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

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

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

Council Plan

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

Other Strategic Links

Shire of Murray 2023/2024 Annual Budget.

Statutory Environment

Section 6.4(1) of the *Local Government Act 1995* requires the Shire of Murray to prepare financial reports as prescribed.

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* outlines the form, content and timing of the monthly financial reports prepared for presentation to Council.

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

Sustainability & Risk Considerations

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

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

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

Nil.

Environment – (Impact on environment's sustainability)

Nil.

Policy Implications

Nil.

Risk Management Implications

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

Consultation

Nil.

Resource Implications*Financial*

Nil.

Workforce

Nil.

Options

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

Conclusion

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

13 RECREATION, ECONOMIC & COMMUNITY DEVELOPMENT**13.1 Sir Ross McLarty Sports Precinct Oval 1 - Lighting Upgrade**

File Ref:	D23/26730
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Sarah Farrance, Manager Community and Library Services
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Nil.

Recommendation/Council Decision OCM23/119**Moved: Cr D McLarty****Seconded: Cr G Black****That Council:**

- 1. Endorse an application to the Department of Local Government Sport and Cultural Industries 'Club Night Lights Program' for funding towards the installation of LED lighting to Oval 1 at the Sir Ross McLarty Sports Precinct in the August 2023 round and rank the project 1 of 1;**
- 2. Notes that all ongoing maintenance and renewals of the LED lighting at Oval 1 shall be the responsibility of the Shire of Murray.**

CARRIED UNANIMOUSLY 7:0

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

Against: Nil.

In Brief

The Department of Local Government Sport and Cultural Industries (DLGSC) 'Club Night Lights Program' (CNLP) provides financial assistance to community groups and Local Governments to develop sports floodlighting infrastructure.

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

Background

In 2021 Council endorsed the Sir Ross McLarty Sports Precinct Master Plan (the Master Plan).

The Master Plan recommends an upgrade of sports lighting to LED on Oval 1 by 2024.

The recently endorsed Council Plan 2023 – 2033 supports the recommendations of the Master Plan and includes an action in the 2023/2024 year to upgrade lighting in the Sir Ross McLarty Sports Precinct.

Report Detail

To progress the recommendations of the Master Plan, a consultant was engaged to prepare a report on LED floodlight replacement and an assessment of the existing floodlight condition. The purpose of the report was to audit the sports lighting at the Sir Ross McLarty Precinct including AFL oval 1 and provide recommendations.

The report states that the current AFL flood lighting equipment has reached “end of life” due to age and failing of components. The existing floodlights are obsolete with spare parts and lamps becoming increasingly difficult to source.

Due to the condition of the existing floodlights, the current installation cannot achieve the original design criteria of 150 lux and therefore new floodlights are required.

The report recommends the retention of the existing poles and the installation of ‘led’ floodlights to each pole to achieve a lux of 150 to match the original design.

The report provides an Opinion of Probable Cost for the lighting replacement project as \$267,300.00. This includes preliminary works to site, installation and commissioning of an access control system and 10% contingency costs.

Installation of lighting access control system gives the ability for individual authorised users of the lighting to control the lights and provides the opportunity to invoice individual users for their hours of operation.

Based on 18 hours per week of usage energy consumption with new LED luminaires is expected to reduce from 68 740kWh per annum to 31 450kWh. There will therefore be a reduction in ongoing electricity usage costs.

The Club Night Lights Program guidelines allow applications to apply for up to one third of the eligible items. Additionally, there is the opportunity to make application for up to 50% of the eligible items by way of a Development Bonus. In conjunction with DLGSC it has been determined that the Shire of Murray may be eligible for a development bonus in the categories of Geographical location, Sustainability initiative and Increased participation.

The project is required to be completed prior to the commencement of the 2024 football season. To achieve this, the Shire will engage a contractor to undertake the lighting design to provide the necessary documentation to enable the tender process to be initiated following the outcome of the Club Night Lights grant application in November.

An allocation of \$200,000.00 has been included in the 2023/24 annual budget which allowed sufficient funds should the lighting audit recommend replacement of the lighting poles. As this is not a requirement, there is likely to be surplus funding for this project. The balance of funds remaining can be utilised as a contribution towards the next priority project from the Master Plan, the upgrade of the Enzo Menara changerooms for which Officers anticipate submitting an application to the February 2024 round of CSRFF small grants scheme.

Council Plan

Focus Area	People
Outcome	An active and healthy community.
Objectives	Improve access to sport, recreation, facilities and programs.
Actions	Upgrade lighting in the Sir Ross McLarty Sports Precinct.

Other Strategic Links

Sir Ross McLarty Sports Precinct Master Plan 2021.

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

Environment – (Impact on environment’s sustainability)

LED lighting is more efficient to operate and will reduce energy costs.

Policy Implications

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

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Moderate	If the Club Night Lights Program application is not supported, the lighting project may not proceed due to lack of funding.

Consultation

Consultation has taken place with both Pinjarra Football and Netball Club and Pinjarra Junior Football Club as well as the WA Football Commission.

Resource Implications

Financial

LED lighting upgrade

The 2023/24 annual budget made preliminary provision for the upgrade to the lighting at Oval 1 and the anticipated indicative funding strategy based on the Shire being successful for 50% funding is as follows:

Club Night Lights Program	\$ 133,642.00
Pinjarra Football and Netball Club contribution	\$ 1,000.00 – unconfirmed
Pinjarra Junior Football Club contribution	\$ 1,000.00 – unconfirmed
Municipal Funds	\$ 146,643.00
Total Project Cost	\$ 267,300.00

This funding strategy is subject to change dependant on outcomes of the Club Night Lights Program grant (successful outcome supporting 50% or up to one third of project cost funding) and final lighting product costs.

An allocation of \$200,000.00 has been included in the 2023/24 annual budget which allowed sufficient funds should the lighting audit recommend replacement of the lighting poles. As this is not a requirement, there will be surplus funding for this project. The balance of funds remaining can be utilised as a contribution towards the next priority project from the Master Plan, the upgrade of the Enzo Menara changerooms for which officers anticipate submitting an application to the February 2024 round of CSRFF small grants scheme.

Workforce

Nil.

Options

1. Supporting the Club Night Lights Program application for LED sports lighting to Sir Ross McLarty Oval 1.
2. Not supporting the Club Night Lights Program application for LED sports lighting to Sir Ross McLarty Oval 1.

Conclusion

The Sir Ross McLarty Sports Precinct Master Plan 2021 is the culmination of an extensive process to inform the development of infrastructure options at the Precinct.

The Lighting Upgrade to Oval 1 was identified as a priority to be delivered by 2024 and this recommendation is further reinforced by the outcomes of the recent lighting audit.

The August 2023 round of the Club Night Lights Program provides an opportunity for Council to leverage Shire funds to meet the timeframe required and provide a quality outcome for the community.

14 INFRASTRUCTURE SERVICES

14.1 Corio Road Transfer Station Moving Floor and Compactor - Tender Selection Criteria

File Ref: D23/23154
Previous Items: OCM 22 Jun 23 Item 14.3 (OCM23/079)
OCM 21 Dec 17 Item 11.18 (OCM17/313)
Applicant: Nil.
Author and Title: Claire Ward, Coordinator Waste and Fleet Services
Declaration of Interest: Nil.
Voting Requirements: Simple Majority
Appendices: Nil.

Recommendation/Council Decision OCM23/120

Moved: Cr S Kirkham

Seconded: Cr D McLarty

That Council:

1. **Endorses the selection criteria for Tender T23/13 as provided in the body of this report for the Supply and Installation of a Moving Floor and Compactor at Corio Road Transfer Station; and**
2. **Approves the Chief Executive Officer to publicly invite Tender 23/13, State and Australia wide for the Installation of a Moving Floor and Compactor at Corio Road Transfer Station in accordance with the provisions of the Local Government Act and budget.**

CARRIED UNANIMOUSLY 7:0

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

Against: Nil.

In Brief

To progress the moving floor and compactor at the Corio Road Waste Transfer Station the first stage is to invite a Tender for the supply and installation.

Background

In 2021 modifications to the tipping wall were undertaken, providing a shelter over the tipping platform and the installation of gates across the face to meet Work Health & Safety guidelines. Community feedback has been that it is difficult to lift items over the gates and into the skip bins and therefore the gates were considered a short-term option.

The 2017 Corio Road Transfer Station Infrastructure Plan was reviewed this year and identified key components to support the operational and financial efficiencies of the facility. A key priority of the review was to allow the removal of the gates with the outcome being the installation of a moving floor and compactor.

Council endorsed the 2023 Corio Road Transfer Station Infrastructure Plan in June 2023 and supported the allocation of \$1,500,000 from the Waste Management Reserve in the 2023/24 budget.

Report Detail

To progress the installation of the moving floor and compactor at the Corio Road Waste Transfer Station it is necessary to invite a tender for the works which would be planned to commence early 2024.

The following table details the selection criteria proposed for Tender T23/13:

Description	Weighting
a) Demonstrate your organisations experience in supplying similar works and services.	20%
b) Demonstrated Understanding - Provide an outline of the methodology to be implemented in the installation process	20%
c) Technical and Physical Capacity – Respondents resources	20%
d) Tendered Price	40%
Total Weighting	100%

It is recommended that Council formally support the selection criteria and the associated weightings as outlined above.

Council Plan

Focus Area	Planet
Outcome	Shared responsibility for combatting climate change.
Objectives	Work towards achieving zero waste.
Actions	Implement the Waste Strategy and Education Plan.

Other Strategic Links

Nil.

Statutory Environment

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

Sustainability & Risk Considerations

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

The installation of the moving floor and compactor will provide improved management of the waste stream, allowing increased resource recovery and minimising the financial impact to the community.

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

Improvements to Corio Road Transfer Station ensure that the community is provided with a modern and safe facility, resulting in an enhanced user experience.

Environment – (Impact on environment’s sustainability)

Providing a well-managed facility which promotes reuse, recycling and the minimisation of waste contributes to a responsible impact upon the environment. The compactor will provide a substantial reduction in the number of skip bins being transported off site resulting in a reduction of vehicle emissions.

Policy Implications

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

Risk Management Implications

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

Consultation

Nil.

Resource Implications*Financial*

The installation of the moving floor and compactor at a cost of \$1,500,000 will significantly decrease operating costs and has been included in the 2023/24 Waste Budget and is supported from the Waste Management Reserve.

The Waste Management Reserve was established to ease the impact of future capital expenditure in providing for current and future waste management services for the Shire of Murray with funds within the Reserve being \$2.2M as of 1 July 2022.

Workforce

The project will be delivered within existing staff resources.

Options

1. Support the invitation of Tender T23/13 and the selection criteria and associated weightings as outlined in the report.
2. Not supporting the invitation of Tender T23/13 and the selection criteria and associated weightings as outlined in the report.

Conclusion

The recommendation presented for Council's consideration will progress the tender phase with the project providing operational and financial efficiencies through resource recovery and a significant reduction in transport costs.

14.2 Request for Support of New Road Names for Subdivision Lot 1 Pinjarra Road Pinjarra

File Ref: D23/24274
 Previous Items: Nil.
 Applicant: Jurovich Surveying
 Author and Title: Robyn Colum, Technical Officer
 Declaration of Interest: Nil.
 Voting Requirements: Simple Majority
 Appendices: Nil.

Recommendation/Council Decision OCM23/121

Moved: Cr A Rogers
Seconded: Cr S Kirkham

That Council:

1. Support the proposed new road names Brodie Avenue and Gregory Road for subdivision Lot 1 Pinjarra Road, Pinjarra.
2. Endorses Shire Officers to support an application to Landgate, Geographic Names Committee for the new road names for subdivision Lot 1 Pinjarra Road, Pinjarra.

CARRIED UNANIMOUSLY 7:0

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

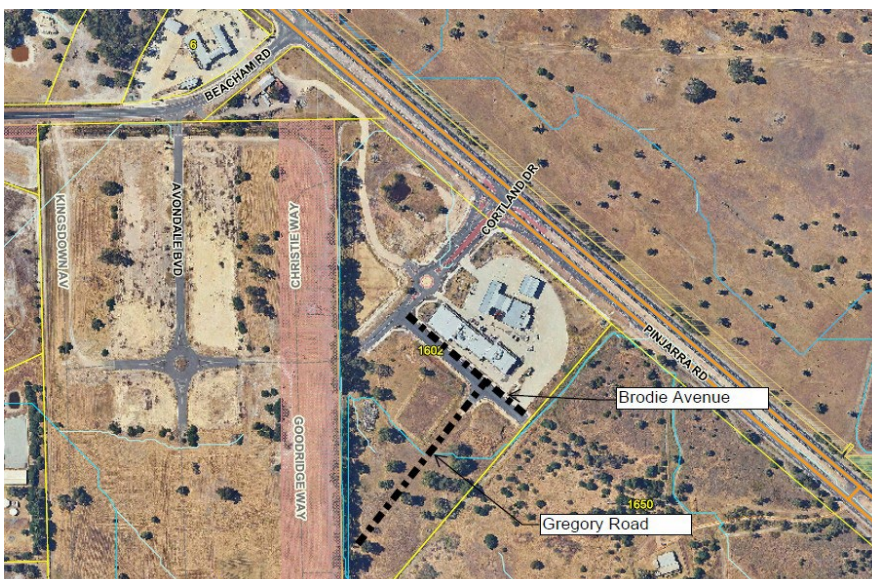
Against: Nil.

In Brief

The Developer of Lot 1 Pinjarra Road, Pinjarra has submitted proposed new road names for the subdivision. Landgate’s Geographic Names Committee requires Local Government consent of the new road names established through subdivision.

Background

A request has been received from Jurovich Surveying seeking Council’s support to use the road names Brodie Avenue and Gregory Road and they have also provided alternative names Ewing, Austin and Lewis.



Report Detail

The Developer has chosen the theme for the road names from Surveyor’s who prepared subdivisions for some of the original Murray locations in the late 1890’s. Landgate, Geographic Names has undertaken the initial validation checks and expressed in principle approval for the use of the road names proposed.

Council Plan

Focus Area	Place
Outcome	It is easy to move around the Shire safely and sustainably.
Objectives	Improve the local road network.
Actions	This report satisfies a legislative requirement and there are no specific actions referenced in the Council Plan.

Other Strategic Links

Nil.

Statutory Environment

Land Administration Act 1997

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

- Policy and Standards for Geographical Naming in WA.
- Policy W13 – Naming of Localities, Roads, Parks and Reserves and Buildings.

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 to when considering naming of roads.

Consultation

- Landgate, Geographic Names Committee
- Jurovich Surveying

Resource Implications

Financial

Nil.

Workforce

Nil.

Options

1. Supporting the proposed road names and forward to Landgate for final approval.
2. Not supporting the proposed road names.

Conclusion

Council support is requested for the road names chosen for subdivision Lot 1 Pinjarra Road, Pinjarra. The proposed road names have passed Landgate's preliminary validation process and is considered to be consistent with the requirements of Landgate's Geographic Road Naming Policy. Shire Officers support the Developers request and recommend that Council support the proposed new road names Brodie Avenue and Gregory Road.

15 ITEMS FOR INFORMATION

15.1 Delegated Development Application Decisions – July 2023

File Ref: D23/27079

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

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

In Brief

The Delegated Development Application Decisions July 2023 are attached for your information.

15.2 Outstanding Council Resolutions August 2023

File Ref: D23/28582

Author and Title: Belinda Brown, Executive Services Coordinator

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

In Brief

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

16 BUSINESS LEFT OVER FROM PREVIOUS MEETING

Nil.

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

Nil.

18 NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil.

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

Nil.

20 MEETING CLOSED TO THE PUBLIC (CONFIDENTIAL BUSINESS)**Recommendation/Council Decision OCM23/122****Moved: Cr A Rogers****Seconded: Cr D McLarty**

That Council proceeds behind closed doors the time being 6.25pm as per Section 5.23(2)(c) of the *Local Government Act 1995* for the purpose of considering the following confidential item/s:

20.1 Tender T23/12 - Supply and Spray of Bitumen Products**20.2 Enterprise Support Programme - Funding Submissions****CARRIED UNANIMOUSLY 7:0**

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

Against: Nil.

20.1 Tender T23/12 - Supply and Spray of Bitumen Products**Council Decision OCM23/123****Moved: Cr S Kirkham****Seconded: Cr S Lee****That Council:**

- 1. Accepts the Confidential Assessment Report by the evaluation panel.**
- 2. Endorse Fulton Hogan Industries Pty Ltd for the supply and spraying of bitumen products at the estimated price of \$448,610 (ex GST) for the 2023/24 financial year in accordance with the specifications and tender rates detailed in Tender T23/12 for a period of two (2) years commencing on 1 July 2023 with an option to extend the tender for three (3) one (1) year periods to 30 June 2028.**

CARRIED BY ABSOLUTE MAJORITY 7:0

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

Against: Nil.

Recommendation**That Council:**

- 1. Accepts the Confidential Assessment Report by the evaluation panel.**
- 2. Delegates authority to the Chief Executive Officer to negotiate with Fulton Hogan Industries Pty Ltd to confirm contractual conditions and subject to successful agreement award Fulton Hogan Industries Pty Ltd for the supply and spraying of Bitumen Products in accordance with the specifications and tender rates detailed in Tender T23/12 for a period of two (2) years commencing on 1st July 2023 with an option to extend the tender for three (3) one (1) year periods to 30 June 2028.**
- 3. Delegates authority to the Chief Executive Officer if an agreement with Fulton Hogan Industries Pty Ltd is unsuccessful to award SBS and Mechanical Pty Ltd for the supply and spraying of Bitumen Products in accordance with the specifications and tender rates in Tender**

T23/12 for a period of two (2) years commencing on 1st July 2023 with an option to extend the tender for three (3) one (1) year periods to 30 June 2028.

Reason for Change: The Shire and the proposed successful tenderer agreed on the final contract departures which resulted in a delegation to the CEO to award the tender no longer being necessary.

20.2 ENTERPRISE SUPPORT PROGRAMME - FUNDING SUBMISSIONS

Recommendation/Council Decision OCM23/124

Moved: Cr D Pike

Seconded: Cr G Black

That Council

- 1. Allocates \$135,000 (exc. GST) from the ESP funding programme towards the \$534,726 project to create a multi-use canning facility at Spinifex Brewery, subject to:
 - a. The supply of a bank statement showing funds to match the ESP funding request.**
 - b. Budget projections for the next 12 months; and**
 - c. Reconfirm that at least 30% utilisation of the proposed equipment will be available for wider industry use.****
- 2. Does not provide ESP funding to Omega Nuts.**
- 3. Requests further information from Beanstalk Agtech, being:
 - a. Will it consider a staged approach; and**
 - b. Written evidence of external funding sources.****

CARRIED UNANIMOUSLY 7:0

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

Against: Nil.

Recommendation/Council Decision OCM23/125

Moved: Cr A Rogers

Seconded: Cr S Kirkham

That Council proceeds with open doors the time being 6.29pm.

CARRIED UNANIMOUSLY 7:0

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

Against: Nil.

20 Closure of Meeting

There being no further business the Presiding Member declared the meeting closed the time being 6.29pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 28 September 2023.



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PRESIDING MEMBER