



Minutes

Ordinary Council Meeting

Thursday 26 October 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, 26 October 2023

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President, David Bolt declared the meeting open the time being 5.30pm.

2 ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

PRESENT

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

IN ATTENDANCE

Dean Unsworth (Chief Executive Officer), Alan Smith (Director Infrastructure Services), Greg Delahunty (Acting Director Planning and Sustainability), Leanne McGuirk (Director Place, Community and Economic Development), John Kowal (Acting Director Corporate Services), Belinda Brown (Minute Taker)

APOLOGIES

Rod Peake (Director Planning and Sustainability) and Tracie Unsworth (Director Corporate Services)

LEAVE OF ABSENCE

Nil.

There were eleven (11) members of the public and six (6) members of staff in attendance at this time.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4 PUBLIC QUESTION TIME

Jason Harding: Lot 806 Reading Place, Birchmont

Q 1. Dean, can you please write a letter to main roads to address an earlier ETA date less than 12 months.

A: (Chief Executive Officer)

A letter has already been sent to Main Roads WA after receiving requests from local residents. Main Roads have recently requested updated traffic counts for the Birchmont Area to help inform their review. The Shire will undertake these counts and submit to Main Road in the coming weeks. When these counts are submitted to Main Roads the Shire will request a timeline for a decision on the signage and advise.

Q 2. What mediation support does the Shire of Murray provide when dealing with nuisance neighbours?

A; (Shire President)

The Shire of Murray does not offer mediation services, it is encouraged for neighbours to work with each other where possible.

Q 3. How many people need to complain before the signs are deemed inappropriate and how many times does the Shire need to address the inappropriate signs with the landowners before they act?

A: (Chief Executive Officer)

The Shire of Murray takes all complaints seriously and we review each case on its merits. In relation to these specific signage concern, a notice has been issued to the landowner to remove signage by 1st November 2023. The site will be reviewed on the 2nd November 2023 by the Shire with further action to be taken if required.

The Shire will use the Planning and Developing Act instead of the Local Law to deal with this compliance matter, as it has more teeth to achieve the final goal. The Shire needs to follow a correct and fair process to ensure a good outcome. The Shire apologises that this has taken time to be resolve but it has been a very complex matter, however the Shire will be checking regularly that the signs that have been taken down are kept down.

Michael Brierty: 111 Kangaroo Loop Birchmont.

Q: Why isn't Birchmont getting enough attention from the Shire of Murray to deal with issues like the gate?

A: (Chief Executive Officer)

The Pedestrian Access is currently unvested and therefore differing Agencies were involved to provide advice with the Shire of Murray on the issue. In an effort to reach a community lead approach the Shire will engage with the Birchmont Community through a public consultation process to enable an informed approach on all the access points to the Estuary and how best to manage into the future. Once the consultation process is complete the Shire will liaise with the State Agencies DBCA and DPLH to come up with a plan that can then be presented to Council for a decision. The Shire will keep a close eye on this issue and ensure that we are helping with keeping the Birchmont community a peaceful place to live.

Your positive comment regarding staff members Meg (Rangers) and Phil S (Health) and also Cr A Rogers are appreciated.

Mark Dell: Lot 801 Birch Drive Birchmont

Q: A letter was sent to the Shire in July without a reply regarding excess rubbish and pallets being used as a fence adjacent to his property, what is being done?

A: (Chief Executive Officer)

The Shire will ensure a response is provided to the letter in question to address the concerns over rubbish and fencing at the adjacent property. Currently there is compliance action against the property in question that has a number of factors that commenced with the signage, the unkept state of the property and fencing will be part of a progressive compliance effort.

5 PETITIONS AND APPROVED DEPUTATIONS

Nil.

6 CONFIRMATION OF MINUTES

6.1 Ordinary Council Meeting – 28 September 2023

Recommendation/Council Decision OCM23/144

Moved: Cr S Lee

Seconded: Cr A Rogers

That the Minutes of the Ordinary Council Meeting held on Thursday 28 September 2023 be confirmed as a true and correct record.

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

Against: Nil.

CARRIED UNANIMOUSLY 9:0

7 ANNOUNCEMENTS BY THE PRESIDING MEMBER

On 29 September I attended a meeting at the Dwellingup Trails and Visitors Centre with Hon Reece Whitby MLA, Minister for Environment, Climate Action and Racing and Gaming, and the local member Robyn Clark MLA, along with the CEO and several members of the Dwellingup Community. We discussed Lane Poole Reserve National Park status, the Forest Management Plan, and several mining proposals in the Jarrah Forest and surrounds of Dwellingup.

On 3 October I took part in a media tour and radio interview, with ABC on behalf of the Shire of Murray at the Food Innovation Precinct Western Australia.

On 4 October the CEO, fellow Councillors, Shire Officers, and I officially opened the Ravenswood Community Centre on behalf of the Shire of Murray. This was followed by a grant funding photo opportunity with Robyn Clarke MLA at the Ravenswood Canoe Launch Site. Later in the day I attended a meeting with the Peel Development Commission Chair followed by an afternoon tea to farewell a Board member of the PDC.

On 5 October I attended the opening of the Bedingfeld Park ANZAC memorial courtyard. I also had the privilege to meet with four of the amazing residents. Margaret (99), May (103), Joan (100), and Elsie (101). Three of them served in the Army, Land Army, and Airforce, and together they have a collective age of 403 years.

On 6 October I attended a planning workshop in Mandurah with the Department of Jobs, Tourism, Science, and Innovation, to provide input into the Departments strategic Science plan for the coming ten years.

On 8 October I attended the Ravenswood Community Group Annual General Meeting to present on the Shire's new ten-year Council Plan.

On 10 October I performed a Citizenship Ceremony where we welcomed ten new residents to become Australian Citizens. Deputy President, Cr McLarty, and Cr Lee also assisted me at the event. Later in the day I attended a planning meeting with the Pinjarra Senior High School.

On 11 October I had a regular catch-up review meeting with the Shire CEO, followed by a meeting with Shire Officers regarding the requirements for livestreaming Ordinary Council Meetings.

On 13 October I welcomed the riders from the Pollie Pedal group at the Dwellingup Visitors Centre. The group were riding to raise funds to help Veterans with challenges transitioning back into civilian life.

On 14 October I attended and represented the Shire at the Pinjarra RSL Open Day in Pinjarra.

On 15 October I attended a meeting with residents in North Pinjarra regarding dust issues in the area. I then attended the Nambelup Katitjin Community Open Day at the Bushfire Centre of Excellence and the Food Innovation Precinct of WA.

On 17 October I attended the Anti-Poverty Week Food Drive at the Pinjarra Community Kitchen, where the Shire presented the kitchen with this year's food drive donations.

On 18 October I attended the Peel Development Commission Board Meeting hosted by the City of Mandurah.

On 19 October I attended and Presided at the Rivers Regional Council Meeting which was held at the City of Mandurah.

On 20 October I took part in a media interview with the Mandurah Times regarding the upcoming Council Elections.

On 21 October the CEO, fellow Councillors and Council Nominees and I attended the Shire of Murray Administration Building to witness the Local Government Election count.

On 22 October I attended and officially opened the Pinjarra Garden Day at the Edenvale Heritage Precinct.

On 23 October I attended the New Councillor Induction day at the Shire of Murray Administration Building.

On the 24 October I hosted Hon. Roger Cook MLA, Premier of Western Australia and Minister for State and Industry Development at the Opening of the Pinjarra Senior High School Performing Arts Centre, this was followed by a tour with the Premier of the Food Innovation Precinct Western Australia. Later in the evening I attended and presented the VET DUX award at the Pinjarra Senior High School Presentation and Awards Ceremony held at the Murray Aquatic and Leisure Centre.

On 26 October I took part in the Shire of Murray's Special Council Meeting to swear in the New and Re-elected Councillors, I then presided over the October Ordinary Council Meeting in the Council Chambers Pinjarra.

8 ANNOUNCEMENTS BY ELECTED MEMBERS

Cr Douglas McLarty, Deputy Shire President

On Thursday 10 October I attended along with the Shire President the Citizenship Ceremony that was held at the Shire's Administration Building.

On Saturday I along with fellow Councillors attended the Local Government Election vote count held at the Shire of Murray.

On Monday 23 October, I attended the New Councillor Induction day at the Shire of Murray Administration building.

On Thursday 26 October, I attended the Special Council Meeting to swear in new and re-elected Councillors, this was then followed by the October Ordinary Council Meeting and post briefing session.

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

Cr N Willis declared an Financial Interest in Item 20.8 Exxpression of Interest – Edenvale Homestead – Consideration of Submissions in that she owns a café in Pinjarra.

10 RECEPTION OF MINUTES AND RECOMMENDATIONS OF COMMITTEES HELD SINCE PREVIOUS MEETING OF COUNCIL**10.1 Minutes of the Local Emergency Management Committee Meeting held on 2 August 2023**

File Ref: D23/35710

Author and Title: Chantelle Goff, Emergency Management Officer / Ranger Administration

Appendices: Item 10.1 Appendix 1 - Shire of Murray and Shire of Waroona Local Emergency Management Committee (LEMC) meeting - Unconfirmed Minutes - 2 August 2023

Item 10.2 Appendix 2 - Shire of Murray and Shire of Waroona Local Emergency Management Committee (LEMC) meeting - Appendices (Redacted) - 2 August 2023

Recommendation/Council Decision OCM23/145**Moved: Cr D McLarty****Seconded: Cr S Kirkham****That Council receives and notes the Minutes of the Local Emergency Management Committee Meeting held on Wednesday 2 August 2023 (Appendix 1).****In Favour: Crs David Bolt, Douglas McLarty, Geoff Black, Stuart Kirkham, Steve Lee, Ange Rogers, David Pike, Stewart Carter and Nicole Willis****Against: Nil.****CARRIED UNANIMOUSLY 9:0**

REPORTS OF CHIEF EXECUTIVE OFFICER AND OFFICERS

11 PLANNING AND SUSTAINABILITY

The Presiding Member changed the order of the agenda to hear Item 11.1 Proposed Extension to the Food Technology Facility – Lot 38 Dollyup Street, Stake Hill after Item 15.3 Plan for the Future - Council Plan Progress Report. See page 36.

12 CORPORATE GOVERNANCE

12.1 Appointment of Committees of Councillors Only

File Ref:	D23/27195
Previous Items:	OCM 28 Oct 21 Item 11
Applicant:	Nil.
Author and Title:	David Bentley, Manager Governance and Strategy
Declaration of Interest:	Nil.
Voting Requirements:	Absolute Majority
Appendices:	Nil.

Recommendation/Council Decision OCM23/146

Moved: Cr A Rogers

Seconded: Cr S Carter

That Council by absolute majority:

- 1. Appoints the Shire President and All Councillors to the Audit and Risk Committee, for a term expiring at the next ordinary local government election; and**
- 2. Appoints President D Bolt, Cr D McLarty, Cr A Rogers and Cr S Lee to the Chief Executive Officer Performance Review Committee, for a term expiring at the next ordinary local government election.**

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

Against: Nil.

CARRIED BY ABSOLUTE MAJORITY 9:0

In Brief

To consider the appointment of Councillors to the Audit and Risk Committee and the Chief Executive Officer (CEO) Performance Review Committee.

Background

Audit and Risk Committee

The Audit and Risk Committee is a Committee established under section 7.1A of the *Local Government Act 1995*.

The Terms of Reference for the Audit and Risk Committee provide that all Elected Members are to be members of the Committee. Prior to the election, all Elected Members were members of the Audit and Risk Committee.

The Chair of the Committee will be elected at the next meeting in line with the regulations.

Meetings are held periodically during the year to discuss and review financial audits, relevant reports from the Office of the Auditor General and other items pertaining to risk management as they arise.

Chief Executive Officer Performance Review Committee

The CEO Performance Review Committee is established under section 5.8 of the *Local Government Act 1995* as a Committee comprising Councillors only.

The CEO's Performance Review Committee comprises the current President and Deputy President and two Councillors. Prior to the election, the Shire President **Cr David Bolt**, Deputy Shire President **Cr Doug McLarty**, **Cr Ange Rogers** and **Cr Steve Lee** were members of the CEO Performance Review Committee.

The Chair of the Committee will be selected at the next meeting in line with regulations.

Meetings are held when necessary. Typically, during office hours at Shire of Murray offices.

Report Detail

The Council is to resolve by absolute majority who is to be appointed to each Committee.

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

Nil.

Statutory Environment

Local Government Act 1995 – section 5.8

5.8 Establishment of Committees

A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

* *Absolute majority required.*

5.10 Committee members, appointment of

- (1) A committee is to have as its members —
 - (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).
- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the council.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
 - (a) to be a member of the committee; or

(b) that a representative of the CEO be a member of the committee,
 the local government is to appoint the CEO or the CEO’s representative, as the case may be,
 to be a member of the committee.

7.1A Audit committee

- (1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.
- (2) The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members.

* *Absolute majority required.*

- (3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent the CEO as a member of an audit committee.
- (4) An employee is not to be a member of an audit committee

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>
Moderate	Council is required to have these Committees established to fulfil its legal obligations under the <i>Local Government Act 1995</i> .

Consultation

Nil.

Resource Implications

Financial

Nil.

Workforce

Nil.

Options

1. Appoint members of the Audit and Risk Committee as recommended and the CEO Performance Review Committee.
2. Decide on an alternative way forward or defer consideration.

Conclusion

Every local government is required to establish an Audit and Risk Committee and CEO Performance Review Committee.

12.2 Appointment to Committees - Councillors

File Ref: D23/27197
Previous Items: OCM 28 Oct 21 Item 12
Applicant: Nil.
Author and Title: David Bentley, Manager Governance and Strategy
Declaration of Interest: Nil.
Voting Requirements: Absolute Majority
Appendices: Nil.

Recommendation/Council Decision OCM23/147

Moved: Cr G Black

Seconded: Cr S Lee

That Council by absolute majority:

1. **Appoint Cr A Rogers with Cr S Kirkham as Deputy to the Bush Fire Advisory Committee, for a term expiring at the next ordinary local government election.**
2. **Appoint Cr S Kirkham to the Shire of Murray and Waroona Local Emergency Management Committee, for a term expiring at the next ordinary local government election.**

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

Against: Nil.

CARRIED BY ABSOLUTE MAJORITY 9:0

In Brief

To consider the appointment of Councillors to the Bush Fire Advisory Committee and the Shire of Murray and Waroona Local Emergency Management Committee.

Background

Bush Fire Advisory Committee

The Bush Fire Advisory Committee is established under section 67 of the *Bush Fires Act 1954*.

The Terms of Reference for the Bush Fire Advisory Committee provides membership is to comprise the Bush Fire Control Officer of each of the Shire's Bush Fire Brigades (Coolup, West Murray, North Dandalup, South Yunderup Ravenswood and Dwellingup), a Councillor of the Shire of Murray, the Manager Ranger and Community Safety, the Community Emergency Services Coordinator, the Chief Bush Fire Control Officer and the Captain of the Pinjarra VFRS.

Meetings are held at the Shire of Murray at least two times annually (May and November).

Cr Ange Rogers was the Shire of Murray's Councillor representative prior to the election.

Local Emergency Management Committee

The Local Emergency Management Committee is established under section 38 of the *Emergency Management Act 2005* to develop and maintain effective emergency management arrangements for the districts.

The Local Emergency Management Committee is joint between the Shire of Murray and the Shire of Waroona and comprises membership from key stakeholders from both local governments.

The Terms of Reference for the Local Emergency Management Committee provide that a Shire of Murray Councillor comprises part of the membership of the Committee with the Shire’s Local Recovery Coordinator, Emergency Management Officer / Ranger Administration, Community Emergency Services Coordinator, Chief Bush Fire Control Officer and Manager Murray Aquatic and Leisure Centre.

Meetings are held on the first Wednesday of every February, May, August and November, alternating between the Shire of Murray and Shire of Waroona administration buildings.

Council is requested to appoint the Shire of Murray Councillor to the Committee. **Cr Stuart Kirkham** was the Shire of Murray’s Councillor representative prior to the election.

Report Detail

The Council is to resolve by absolute majority who is to be appointed to each Committee.

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

Nil.

Statutory Environment

Bush Fires Act 1954:

67. Advisory committees

- (1) A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire-breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.
- (2) A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their number to be chairman thereof.
- (3) In respect to a committee so appointed, the local government shall fix the quorum for the transaction of business at meetings of the committee and may —
 - (a) make rules for the guidance of the committee; and
 - (b) accept the resignation in writing of, or remove, any member of the committee; and
 - (c) where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.
- (4) A committee appointed under this section —
 - (a) may from time to time meet and adjourn as the committee thinks fit;
 - (b) shall not transact business at a meeting unless the quorum fixed by the local government is present;

- (c) is answerable to the local government and shall, as and when required by the local government, report fully on its activities.

Emergency Management Act 2005:

38. Local emergency management committees

- (1) A local government is to establish one or more local emergency management committees for the local government’s district.
- (2) If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.
- (3) A local emergency management committee consists of —
 - (a) a chairman and other members appointed by the relevant local government in accordance with subsection (4); and
 - (b) if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.
- (4) Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.

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>
Moderate	If Council does not appoint Council members to these Committees, it risks the proper functioning of those Committees, particularly the LEMC where Council members are generally the Chair of those meetings.

Consultation

Nil.

Resource Implications

Financial

Nil.

Workforce

Nil.

Options

1. Appoint members of the BFAC and LEMC as recommended
2. Decide on an alternative way forward or defer consideration.

Conclusion

It is recommended to appoint a Councillor each to the BFAC and LEMC to ensure the Committees continue to function effectively and to ensure the Shire's response and management capability in an emergency situation is maintained.

12.3 Appointment of Delegates to External Organisations

File Ref:	D23/27198
Previous Items:	OCM 28 Oct 21 Item 13
Applicant:	Nil.
Author and Title:	David Bentley, Manager Governance and Strategy
Declaration of Interest:	Nil.
Voting Requirements:	Absolute Majority
Appendices:	Nil.

Recommendation/Council Decision OCM23/148

Moved: Cr S Kirkham

Seconded: Cr D McLarty

That Council:

1. **Appoints President D Bolt and Cr D McLarty to the Western Australian Local Government Association – Peel Zone and Cr Lee and Cr Pike as proxies, for a term expiring at the next ordinary local government election;**
2. **Appoints President D Bolt (with Cr N Willis as Proxy) and Cr S Lee (with Cr D McLarty as Deputy) to the Rivers Regional Council, for a term expiring at the next ordinary local government election;**
3. **Appoints Cr D McLarty as a member, Cr S Kirkham as Deputy and the Manager Environmental Health to the Peel Mosquito Management Group (CLAG), for a term expiring at the next ordinary local government election;**
4. **Appoints Cr S Kirkham to the Coolup Land Conservation District Committee, for a term expiring at the next ordinary local government election;**
5. **Appoints Cr S Kirkham to the District Emergency Management Committee for a term expiring at the next ordinary local government election;**
6. **Appoints Cr D Pike to the South West Regional Road Group with Cr D McLarty as proxy, for a term expiring at the next ordinary local government election;**
7. **Appoints Cr G Black to the Dwellingup Community Village Inc. Management Committee, with Cr Willis as proxy, for a term expiring at the next ordinary local government election;**
8. **Nominates President D Bolt and Cr A Rogers as the Shire of Murray local government members on the Outer Metropolitan – Joint Development Assessment Panel prior to the expiry of the current membership term, with Cr D McLarty being the first alternate member and Cr D Pike being the second alternate member, with an application being forwarded to the Minister for Planning in accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*;**
9. **Appoints Cr N Willis as Council’s representative on the Peron Naturaliste Partnership Inc. with Cr D McLarty and the Coordinator Environmental Services being proxy members, for a term expiring at the next ordinary local government election;**
10. **Appoints Cr S Carter as Council’s representative on the ALCOA Community Consultation Network, with Cr G Black as proxy, for a term expiring at the next ordinary local government election; and**
11. **Endorses the nomination from Cr G Black as a local government representative for the Peel Harvey Catchment Council Board.**

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

Against: Nil.

CARRIED BY ABSOLUTE MAJORITY 9:0

In Brief

To consider appointments of delegates to external organisations to fulfil various roles and responsibilities.

Background

WALGA Peel Zone

Purpose

State Councillors are elected to State Council from one of 17 Zones, which are groupings of Local Governments convened together on the basis of population, commonalities of interest and geographical alignment. The relationship between State Council and Zones within the Western Australian Local Government Association is a critical one in the political representation of Local Government at the State and Federal levels.

Zones have an integral role in shaping the political and strategic direction of WALGA. Not only are Zones responsible for bringing relevant local and regional issues to the State Council decision making table, they are a key player in developing policy and legislative initiatives for Local Government.

WALGA's Constitution outlines that the functions of Zones are to:

- Elect one or more State Councillors;
- Consider the State Council agenda;
- Provide direction and feedback to their State Councillor; and,
- Any other function deemed appropriate by the Zone.

Additional activities undertaken by Zones include:

- Developing and advocating on positions on regional issues affecting Local Government;
- Progressing regional Local Government initiatives;
- Identifying relevant issues for action by WALGA;
- Networking and information sharing; and
- Contributing to policy development through policy forums and other channels.

The Peel Country Zone is made up of representatives from City of Mandurah, Shire of Murray, Shire of Waroona, Shire of Boddington and Shire of Serpentine Jarrahdale.

Meeting Frequency

Meetings are held bi-monthly.

Previous Members

Members of the WALGA Peel Zone prior to the election were **Cr David Bolt** and **Cr Doug McLarty**, with **Cr Steve Lee** appointed as proxy.

Rivers Regional Council

Purpose

The Rivers Regional Council incorporates a number of metropolitan and Peel Local Governments to align waste strategies and opportunities. Each Member Council elects two Councillors to be Regional Councillors. The Regional Council makes decisions relating to Strategic Waste Management issues. The Regional Council is advised on technical matters associated with waste management by the Technical Advisory Committee comprising of the relevant Director and Manager of waste from each member of Council.

Meeting Frequency

Meetings are held six times a year, every two months at alternating member councils. Meetings are held from 6pm and includes ad-hoc presentations/workshops.

Previous Members

Members of the Rivers Regional Council prior to the election were **Cr David Bolt** (with **Cr Doug McLarty** as deputy) and **Cr Steve Lee** (with **Cr David Pike** as deputy).

Peel Mosquito Management Group (CLAG)**Purpose**

The Peel Mosquito Management Group (PMMG / CLAG) consists of representatives from the Shire of Murray, City of Mandurah, City of Rockingham, Shire of Waroona and Department of Health. It meets quarterly to discuss how to best mitigate mosquito impacts in the Peel region. Topics of discussion generally include environmental conditions, mosquito virus activity, mosquito abundance, helicopter operations, and safety. Meetings give an opportunity to review mosquito activity from the last quarter and to plan the implementation of the mosquito monitoring and treatment program for the next quarter. By working together with input from various agencies, the PMMG is able to best use its budget for larvicide, equipment and staff to protect residents and tourists from mosquito borne viruses in the Peel region including the Shire of Murray.

Meeting Frequency

Meetings are held quarterly, typically at 1pm on a Thursday at alternating member Council's.

Previous Members

Members of the Peel Mosquito Management Group prior to the election were **Cr Doug McLarty** with **Cr Stuart Kirkham** as deputy and the **Manager Environmental Health Services**.

Coolup Land Conservation District Committee**Purpose**

Land Conservation District Committees (LCDCs) are statutory committees appointed by the Commissioner of Soil and Land Conservation to administer Land Conservation Districts in accordance with an Order proclaimed by the Governor. Their main function is to promote sustainable land management and undertake projects. There is one LCDC operating within the Shire, Coolup, and it comprise representatives of the Commissioner of Soil and Land Conservation, the relevant local government/s, the Farmer's Federation and the local community.

Meeting Frequency

The LCDC's meet on an irregular ad-hoc basis, typically in Waroona.

Previous Members

The member of the Coolup Land Conservation District Committee prior to the election was **Cr Stuart Kirkham**.

District Emergency Management Committee**Purpose**

District Emergency Management Committees (DEMCs) provide support to Local Emergency Management Committees (LEMCs) to manage District level disaster risks (i.e. bushfire, flood, storm etc) and are the conduit between LEMC and the State Emergency Management Committee.

DEMCs provides support to LEMCs during disasters for various resources, information and advice for emergency response and community recovery. They also support the LEMCs with advice on Emergency Management Arrangements, as well as participating in exercises and testing of Local Emergency Management Arrangements.

Meeting Frequency

Meetings are held quarterly.

Previous Members

The member of the District Emergency Management Committee prior to the election was **Cr Stuart Kirkham**.

South West Regional Road Group**Purpose**

The South West Regional Road Group consists of Local Governments in the South West and Peel, excluding the Shire of Serpentine-Jarrahdale.

The group oversees funding, safety and transport priorities for the regions. The group is also responsible for assessing road-funding submissions from its member Local Governments, the annual distribution of funds to Local Government roads and monitoring and reporting on the effectiveness of applying funds to Local Government roads in its regions.

Meeting Frequency

Meetings are held three times over the year at the Shire of Dardanup with representatives from all local councils.

Previous Members

The member of the South West Regional Road Group prior to the election was **Cr Doug McLarty** with **Cr David Pike** as proxy.

Dwellingup Community Village Inc. Management Committee**Purpose**

The purpose of the DCV Management Committee is to provide a management structure across the seven units that are housed at the site. The Committee are now aiming to increase this number to nineteen.

Meeting Frequency

Meetings are held as required.

Previous Members

The member of the Dwellingup Community Village Inc. Management Committee prior to the election was **Cr Geoff Black** with **Cr Casey Rose** as proxy. **Cr Doug McLarty** was named as proxy following Cr Casey Rose's resignation.

Outer Metropolitan Joint Development Assessment Panel (JDAP)

Purpose

Development Assessment Panels were established in 2011 as independent decision-making panels that report directly to the Minister for Planning (the Minister). There are five DAPs in Western Australia, with each DAP consisting of three specialist members and two local government members relevant to the jurisdiction of the application being considered.

The Outer Metropolitan JDAP includes the local government areas of the City of Armadale, City of Cockburn, City of Gosnells, City of Joondalup, City of Kalamunda, City of Kwinana, City of Mandurah, Shire of Mundaring, Shire of Murray, City of Rockingham, Shire of Serpentine-Jarrahdale, City of Swan and City of Wanneroo.

The Shire of Murray is required to nominate four elected members by 24 November 2023 to sit on the Outer Metropolitan JDAP after 26 January 2024, two as local panel members and two as alternate local members. The Minister for Planning has the final approval of members of JDAPs. If no nominations are received, the *Planning and Development (Development Assessment Panels) Regulations 2011* give the Minister the ability to appoint a person who is an eligible voter of the district of the local government.

Nominees are required to provide contact and other personal details, confirm eligibility for remuneration under the Premier's State Government Boards and Committee Circular (2017/08) and state whether previous DAP training has been undertaken. DAP members must attend training before sitting on a DAP. Members who have previously completed training do not need to re-train, however refresher courses are encouraged. Any current (or past) JDAP member who is currently an elected member is eligible to be renominated and reappointed to the JDAP for a further term.

Meeting Frequency

Meeting times are based on applications received, typically 2 - 4 meetings per annum held during office hours either online or at Shire of Murray Offices.

Previous Members

The members and alternate members of the Outer Metropolitan Joint Development Assessment Panel was **Cr Casey Rose** and **Cr David Bolt**, with **Cr Ange Rogers** the first alternate and **Cr David Pike** the second alternate. Following Cr Casey Rose's resignation, **Cr Ange Rogers** became a member and **Cr Doug McLarty** a new alternate member.

Peron Naturaliste Partnership Inc.

Purpose

The Peron Naturaliste Partnership (PNP) is an incorporated collective group of nine local governments between Cape Peron and Cape Naturaliste comprising the City of Bunbury, City of Busselton, City of Mandurah, City of Rockingham, Shire of Capel, Shire of Dardanup, Shire of Harvey, Shire of Murray and the Shire of Waroona.

The PNP take a regional collaborative and integrated adaptation approach to the impacts of climate change. The partnership was formed in 2011 through a volunteer Memorandum of Understanding and recognising the long-term benefits of the partnership and the importance of dealing with coastal matters, the PNP became an incorporated group in 2015.

The PNP is governed by a Board of Governors comprising a Councillor representative from each of its member local governments, with technical input provided through Committees and Working Groups comprising member local government officers and others as needed.

Meeting Frequency

The PNP meet on a bi-monthly basis.

Previous Members

The members of the Peron Naturaliste Partnership Inc. prior to the election was **Cr Doug McLarty** with **Cr Steve Lee** and the **Coordinator Environment Services** as proxies.

ALCOA Community Consultation Network

Purpose

The ALCOA Community Consultation Network provides an opportunity to discuss the sites decommissioning and rehabilitation activities, and ongoing community engagement activities.

Meeting Frequency

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

Previous Members

The members of the ALCOA Community Consultation Network prior to the election were **Cr Stewart Carter** with **Cr Geoff Black** as proxy.

Peel Harvey Catchment Council

Purpose

The Peel-Harvey Catchment encompasses an area of more than 1.1 million hectares south of Perth and extends from the Peel Harvey Estuary at Mandurah up to 150 km into the Wheatbelt.

Defined by the catchments of the Serpentine, Harvey and Murray Rivers, the catchment is host to extensive agricultural areas, residential populations, state forests, mining and an array of ecosystems across three distinct bioregions. The catchment encompasses all of the Peel Region and parts of the Perth Metropolitan Region and Wheatbelt Region.

Peel Harvey Catchment Council (PHCC) is a not-for-profit community based natural resource management organisation that promotes an integrated approach to catchment management and how the Peel Harvey catchment environment is protected and restored. PHCC have a strong emphasis on partnerships, working with landholders, community groups, Industry, Federal Government, State Government and Local Government to affect change 'on-ground' and in environmental management. Their activities address sustainable natural resource management including climate change, river and wetland restoration, biodiversity protection, sustainable agriculture and building community capacity. PHCC believe that the past ecological collapse of the Peel Harvey Estuarine System demands a continued emphasis on water quality issues.

If an Elected Member wishes to nominate for a position on the PHCC Board, some paperwork is required to accompany the nomination. There is also no guarantee that a nomination from an Elected Member will be successful.

Meeting Frequency

Meetings are at 1pm on the third Thursday of every second month in Mandurah.

Previous Members

Cr Geoff Black nominated for a position on the Peel Harvey Catchment Council at the last election but was unsuccessful.

Report Detail

The Council is to resolve by absolute majority who is to be appointed to each of the groups as presented.

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

Nil.

Statutory Environment

Nil.

Sustainability & Risk Considerations

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

Nil.

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

Nil.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Moderate	The Council risks not being able to participate in these groups should it decide not to appoint members to the groups.

Consultation

Nil.

Resource Implications

Financial

Nil.

Workforce

Nil.

Options

1. Appoint members and proxies to the groups as recommended.
2. Decide on an alternative way forward or defer consideration.

Conclusion

It is important that the Council appoints members and proxies to these groups so that it can participate and contribute to these groups.

12.4 Appointment to Working Groups

File Ref: D23/27206
Previous Items: OCM 28 Oct 21 Item 14
Applicant: Nil.
Author and Title: David Bentley, Manager Governance and Strategy
Declaration of Interest: Nil.
Voting Requirements: Simple Majority
Appendices: Nil.

Recommendation/Council Decision OCM23/149

Moved: Cr S Carter

Seconded: Cr S Kirkham

That Council:

1. **Appoints Cr S Lee as a member, Cr D McLarty as proxy and the Place and Community Administration Officer to the Murray Aged Access and Inclusion Group for a term expiring at the next ordinary local government election;**
2. **Appoints Cr G Black to the Keysbrook Community Consultation Group with Cr D Pike as proxy, for a term expiring at the next ordinary local government election;**
3. **Appoints Crs S Carter, G Black, N Willis and S Lee (up to four) to the Selection Panel for Australia Day WA Community Citizenship Awards, for a term expiring at the next ordinary local government election;**
4. **Appoints Cr S Kirkham to the Local Recovery Management Committee, for a term expiring at the next ordinary local government election;**
5. **Appoints Cr N Willis and the Coordinator Environmental Services as proxy, to the Peel Harvey Biosecurity Group, for a term expiring at the next ordinary local government election; and**
6. **Appoints President D Bolt, Crs D McLarty, S Lee, S Kirkham and D Pike as members of the Pinjarra Rail Heritage Precinct Working Group.**

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

Against: Nil.

CARRIED UNANIMOUSLY 9:0

In Brief

To consider the appointment of Councillors to the various working groups of the Shire or that the Shire has membership of.

Background

Murray Aged Access and Inclusion Group

Purpose

The Murray Aged Access and Inclusion Group meets as required to drive the implementation of the Disability Access and Inclusion Plan, consult on Shire run events, Seniors programs, and through consultation, identify potential access improvements to Shire run and owned buildings, facilities and outdoor spaces.

Meeting Frequency

Meetings are held quarterly.

Previous Membership

Membership of the Murray Aged Access and Inclusion Group prior to the election was **Cr Casey Rose** and **Cr Steve Lee** as proxy. Following Cr Casey Rose's resignation, **Cr Steve Lee** became the member and **Cr Stewart Carter** the proxy.

Keysbrook Community Consultation Group**Purpose**

The Keysbrook Community Consultation Group is a forum for two-way communication between the Doral and the community in relation to the Doral mineral sands mine in Keysbrook/North Dandalup. Topics covered include project updates, environmental updates, community updates, and consideration of Doral sponsorship submissions.

Meeting Frequency

Meetings are held quarterly, typically at 4pm on the first Wednesday of February, May, August and November at the Keysbrook Community Hall.

Previous Membership

Membership to the Keysbrook Community Consultation Group prior to the election was **Cr Geoff Black** with **Cr Stewart Carter** as proxy.

Selection Panel for the Australia Day WA Community Citizenship Awards**Purpose**

The Selection Panel is a panel of representatives who attend meetings as required, to determine who will be the finalists for the Australia Day, WA Community Citizenship Awards. This is to celebrate the work of volunteers from throughout the Shire and to provide the opportunity to network with local organisations.

Meeting Frequency

Meetings are held annually.

Previous Membership

Membership on the selection panel prior to the election was **Cr Steve Lee**, **Cr Stewart Carter**, **Cr Geoff Black** and **Cr Doug McLarty**.

Local Recovery Management Committee (LRMC)**Purpose**

The LRMC is a sub-committee of the Local Emergency Management Committee that functions broadly to support strategic emergency planning and preparedness by reviewing processes and structures for the timely and effectual administration of recovery management. The LRMC also aids the Local Recovery Coordination Group during an emergency events and members of the LRMC may be activated to the LRMC, as and when required.

Meeting Frequency

Meetings are held biannually or as required.

Previous Membership

Membership on the Local Recovery Management Committee prior to the election was **Cr Stuart Kirkham**.

Peel Harvey Biosecurity Group**Purpose**

The Peel Harvey Biosecurity Group is a recognised incorporated group under the Biosecurity and Agriculture Management act that deals with the management of declared pests in the Shire of Serpentine Jarrahdale, Shire of Murray, Shire of Waroona, Shire of Harvey and the City of Mandurah. The Shire of Murray has a permanent place on the committee which is filled by an elected member with a relevant officer as proxy.

Meeting Frequency

Meetings are held on the third Wednesday of every second month at 6pm, typically in Waroona.

Previous Membership

Membership to the Peel Harvey Biosecurity Group prior the election was **Cr Ange Rogers**, with the **Coordinator Environmental Services** as proxy.

Pinjarra Rail Heritage Precinct Working Group**Purpose**

The Pinjarra Rail Heritage Precinct Working Group is a group of key community stakeholders that provide advice into the development of the Precinct Master Plan.

Meeting Frequency

Meetings are approximately held quarterly.

Previous Membership

Membership to the Pinjarra Rail Heritage Precinct Working Group prior the election was **Cr David Bolt**, and **Cr Douglas McLarty**.

Report Detail

The Council is to resolve by simple majority who is appointed to each working group.

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

Nil.

Statutory Environment

There are no statutory considerations in relation to the appointment of Councillors to working groups as working groups are not established under the *Local Government Act 1995*.

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	Not appointing members to these groups risks the effectiveness of them and leaving the Shire out of the loop on matters that the groups consider and discuss.

Consultation

Nil.

Resource Implications

Financial

Nil.

Workforce

Nil.

Options

1. Appoint members to the working groups as recommended.
2. Decide on an alternative way forward or defer consideration.

Conclusion

Appointment of members to these working groups is required to ensure the ongoing operation of these groups so that they can continue to do the work that they are set up for.

12.5 Payments from Municipal and Trust Funds - September 2023

File Ref:	D23/35140
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Tamara Tabor, Finance Coordinator
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 12.5 Appendix 1 - Payments from Municipal and Trust Funds September 2023

Recommendation/Council Decision OCM23/150**Moved: Cr A Rogers****Seconded: Cr D McLarty**

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

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

Against: Nil.

CARRIED UNANIMOUSLY 9:0

In Brief

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

Background

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

- 1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared:
 - a) the payee's name; and
 - b) the amount of the payment; and
 - c) the date of the payment; and
 - d) sufficient information to identify the transaction.
- 2) A list of accounts for approval to be paid is to be prepared each month showing:
 - a) for each account which requires council authorisation in that month:
 - (i) the payee's name; and
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction; and
 - b) the date of the meeting of the council to which the list is to be presented.
- 3) A list 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 September 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 September 2023.
2. Not receiving the Payments from Municipal and Trust Funds report for September 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.

12.6 Monthly Financial Report - September 2023

File Ref:	D23/35640
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Nathan Gilfellon, Manager Finance
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 12.6 Appendix 1 - September 2023 Monthly Financial Report

Recommendation/Council Decision OCM23/151

Moved: Cr S Lee

Seconded: Cr S Carter

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

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

Against: Nil.

CARRIED UNANIMOUSLY 9:0

In Brief

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

Background

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

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

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 September 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 September 2023.
2. Not receiving the monthly financial report for September 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

Nil.

14 INFRASTRUCTURE SERVICES

Nil.

15 ITEMS FOR INFORMATION

15.1 Outstanding Council Resolutions October 2023

File Ref: D23/35414

Author and Title: Belinda Brown, Executive Services Coordinator

Appendices: Item 15.1 Appendix 1 - Outstanding Council Resolutions October 2023

In Brief

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

15.2 Delegated Development Application Decisions - September 2023

File Ref: D23/35416

Author and Title: Rod Peake, Director Planning & Sustainability

Appendices: Item 15.2 Appendix 1 - Delegated Decision Schedule

In Brief

The Delegated Development Application Decisions for September 2023 are attached for information.

15.3 Plan for the Future - Council Plan Progress Report

File Ref: D23/36108

Author and Title: Rikki Gardiner, Senior Corporate Support Officer

Appendices: Item 15.3 Appendix 1 - Council Plan Report - October 2023

In Brief

The Council Plan Progress Report is attached for information.

11.1 Proposed Extension to the Food Technology Facility - Lot 38 Dollyup Street, Stake Hill

File Ref: D23/36392
Previous Items: Nil.
Applicant: Murdoch University
Author and Title: Gregory Delahunty, Manager Planning and Environmental Services
Declaration of Interest: Nil.
Voting Requirements: Absolute Majority
Appendices: Item 11.1 Appendix 1 FTF Retort Layout Development Plans
Item 11.1 Appendix 2 FTF Services Compound

Suspension of Meeting Procedures**Council Decision OCM23/152**

Moved: Cr S Lee

Seconded: Cr A Rogers

That Council suspend Meeting Procedures (as per Shire of Murray Meeting Procedures Local Law 2015 Clause 12.1) to allow open discussion on Item 11.1 Proposed Extension to the Food Technology Facility - Lot 38 Dollyup Street, Stake Hill, the time being 6.06pm.

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

Against: Nil.

CARRIED UNANIMOUSLY 9:0

Resumption of Meeting Procedures OCM23/153

Moved: Cr D McLarty

Seconded: Cr S Kirkham

That Council resume Meeting Procedures (as per Shire of Murray Meeting Procedures Local Law Clause 12.1) the time being 6.50pm.

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

Against: Nil.

CARRIED 9:0

PROCEDURAL MOTION OCM23/154

Moved: Cr A Rogers

Seconded: Cr D Pike

That Council, pursuant to clause 7.1(a) of the Meeting Procedures Local law 2015,

- 1. Proceed to the next item of business to enable the item to come before the November Ordinary Council Meeting to all Council to attend a site visit at FIPWA to the Food Technology Facility and Research and Development facility and the CEO to contact Murdoch to ask the following before any further consideration for the FTF expansion will be considered.**

- a) **Written commitment from Murdoch leadership expressing an intent to stay at the Food Technology Facility beyond the current 3 years;**
- b) **That the outstanding Bank Guarantee of \$55,000 (exc. GST) is provided as per Section 9.1 of the Food Technology Facility Licence Agreement (executed 4 May 2022);**
- c) **Licence be amendment to ensure a make good clause should the FTF project not continue beyond 3 years and if requested by the Shire of Murray.**
- d) **That the current outstanding rental and outgoings balance from the Research and Development facility and FTF be addressed.**
- e) **Provide outstanding Management Plans for the FTF and Research and Development Buildings as per the Lease and Licence agreements.**

2. **That the provision of the above is not an approval, however they are issues that need to be addressed before any consideration will be given to the FTF extension.**

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

Against: Nil.

CARRIED BY ABSOLUTE MAJORITY 9:0

Recommendation

That Council:

1. Provides landowner consent to Murdoch University to apply for development approval for an extension to the Food Technology Facility at Lot 38 Dollyup Street, Stake Hill.
2. Approves the development application referred to in item 1, subject to the following conditions:
 - a. The services area is to be appropriately screened. Prior to applying for a Building Permit a schedule of materials and colours consistent with the architectural theme of the Food Innovation Precinct Western Australian is to be provided to the satisfaction of the Local Government.
 - b. The existing pedestrian footpath is to be relocated to wrap around the exterior of the proposed additions.
 - c. All landscaping impacted as a result of the development is to be relocated to the satisfaction of the Local Government.
3. Delegates authority to the Chief Executive Officer to amend Murdoch University's Licence for the Food Technology Facility to incorporate the additions and amended rental amounts.
4. Requires a 'make-good' clause in the Licence to remove the compound and return the building to its prior condition if requested by the Shire of Murray.

In Brief

- Council is requested to provide landowner's consent and consider a development application for the addition of a services compound to the Food Technology Facility (FTF) operated by Murdoch University at the Food Innovation Precinct Western Australian (FIPWA).
- The main factor to consider is how the additions could impact a proposed FIPWA stage 2 development.

- Based upon site planning constraints, it is unlikely that the additions will have a material impact on a stage 2 development.
- It is recommended that landowners' consent is provided and conditional development approval is granted. It is also recommended that Council delegates power to the CEO to amend Murdoch University's licence accordingly.

Background

Development approval was issued for the FIPWA in March 2021. A revised development approval was issued in August 2022 which increased the floor area and configuration of the FTF.

The Shire has always harboured intentions of expanding the FIPWA in a westward direction on the vacant portion of the site. Currently there is about 6,000m² of space available, however, with the requirement to provide vehicular access, parking areas, lot boundary setbacks and drainage, it is thought that the delivery of 4,000m² of building floorspace is likely.

Report Detail

Proposed Development

The development proposes the inclusion of a 6m x 19.5m services area to be located on the western elevation of the FTF. The yard will include an agitated retort, associated boilers and cool water plant.

The FTF contains three food processing areas that can all easily access the retort if it is in the location on the western wall.

The development plans are located at Appendix 1.

Stage 2 FIPWA Implications

The main consideration is any potential impact to a FIPWA stage 2 development. As there has been no site master planning undertaken, there is inherently a risk by allowing development to incur into the currently vacant area.

There are, however, a number of factors that will influence the site planning for a stage 2 development including:

- Vehicular access (light and commercial)
- Parking areas (approx. 40 bays)
- Lot boundary setbacks
- Drainage

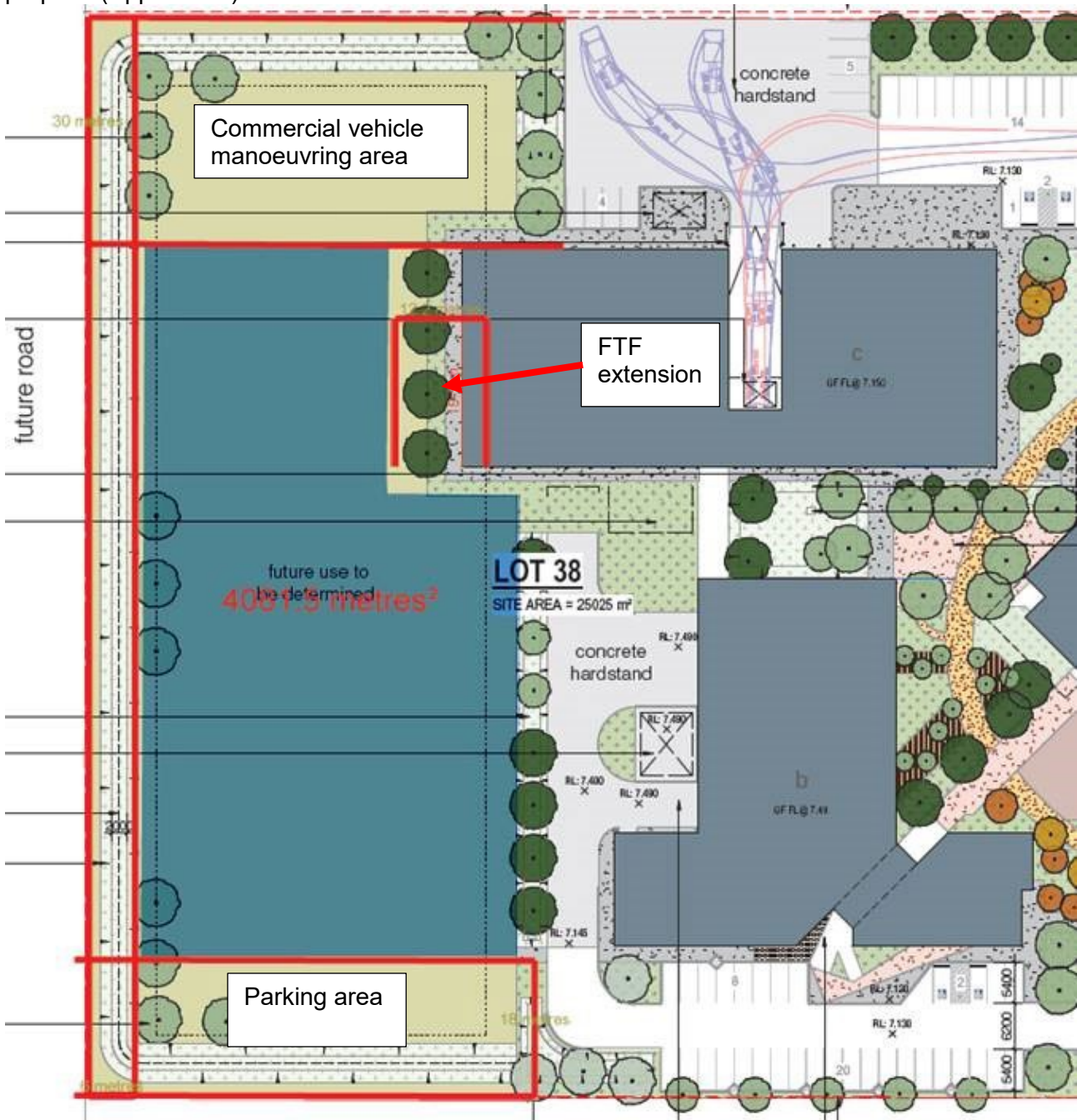
If commercial vehicles (semi-trailers) are required to access a stage 2 building they will likely have to replicate the access arrangement for the existing FTF building. This includes an area for turning movements and a loading bay that is incorporated into the building design. This is concluded for the following reasons:

- Commercial vehicles have to utilise the norther crossover to the FIPWA, as the southern carpark aisle hasn't been designed to accommodate them.
- Provision of an access road and a turning area further south on the site would sterilise a large portion of the stage 2 site.
- It would appear logical to co-locate all of the service vehicles movements at one end of the site.

Consequently, it makes sense to locate the light vehicle parking to the south of a new building in an extension of the existing arrangement.

These constraints have been plotted on a concept plan below that shows it is possible to deliver approximately 4000m² of floorspace for a stage 2 building even with the extension to the FTF building.

It is noted that a 2m apron for pest control is required to be provided all around the FTF building. The existing footpath will be moved to wrap around the proposed extension and be used for this purpose (Appendix 2).



Site Planning for Stage 2

Council Plan

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

Other Strategic Links

Nil.

Statutory Environment

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

Under LPS4, the subject land is zoned Nambeelup Industrial Development. The proposed development is classified as an incidental addition to the approved Research Centre which is a discretionary use in the subject zone.

Sustainability & Risk Considerations

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

Economic modelling indicates that the Precinct could increase Western Australia’s food and beverage sector output between one and three per cent in the first five years of operation. This translates into between 17 and 51 new food businesses delivering benefits to the Western Australian economy, including:

- Growth in WA’s food and beverage sector output by between \$110 and \$330M
- Economic injection of between \$245 and \$737M in other economy sectors
- Direct job creation of between 169 and 506 jobs
- Indirect job creation of between 323 and 977 jobs.

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

Nil.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	There is minimal impact to the current or future development of the FIPWA.

Consultation

Murdoch University.

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 have been accommodated within the existing workforce level.

Options

1. Provide landowner's consent, grant development approval and amend Murdoch University's licence for the FTF building.
2. Refuse provide landowner's consent.

Conclusion

This report demonstrates that the proposed extension will have minimal risk to the delivery of a stage 2 FIPWA building. Consequently, it is recommended that the FTF extension be approved.

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

19.1 Leave of Absence for November Ordinary Council Meeting - Cr S Lee

Recommendation/Council Decision OCM23/155

Moved: Cr G Black

Seconded: Cr D McLarty

That Council approves a leave of absence for Cr Steve Lee for the 23 November Ordinary Council Meeting due to holiday.

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

Against: Nil.

CARRIED UNANIMOUSLY 9:0

20 MEETING CLOSED TO THE PUBLIC (CONFIDENTIAL BUSINESS)**Recommendation/Council Decision OCM23/156****Moved: Cr D McLarty****Seconded: Cr S Lee**

That Council proceeds behind closed doors the time being 6.51pm for the purpose of considering the below confidential items under the following sections of the *Local Government Act 1995*

Section 5.23(2)(c) – Items 20.1, 20.2, 20.3, 20.4 and 20.8;**Section 5.23(2)(a) – Item 20.5 and****Section 5.23(2)(d) – Item 20.6**

Noting that Item 20.7 relates to information covered under State Parliamentary privilege derived from Parliamentary Privileges Acts 1891.

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

Against: Nil.

CARRIED UNANIMOUSLY 9:0**20.1 Tender T23/14 - Wharf Cove Jetties Upgrade Stage 2 Design, Demolition and Construction****Recommendation/Council Decision OCM23/157****Moved: Cr S Lee****Seconded: Cr A Rogers****That Council:**

- 1. Accepts the Confidential Assessment Report.**
- 2. Endorse Ciltech as the preferred tenderer for the design, demolition and construction of Wharf Cove Jetties upgrade stage 2 at Wharf Cove, South Yunderup at the estimated price of \$422,993.10 (ex GST).**
- 3. Delegates to the Chief Executive Officer to negotiate the final scope and cost implications of the tender submission in accordance with the specifications and tender rates in the “Schedule of Prices” for Tender T23/14.**

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

Against: Nil.

CARRIED BY ABSOLUTE MAJORITY 9:0

20.2 Replacement of the current Maintenance Caterpillar 12M Motor Grader**Recommendation/Council Decision OCM23/158****Moved: Cr D McLarty****Seconded: Cr G Black****That Council:**

- 1. Accepts the Confidential Assessment Report.**
- 2. Endorse Westrac as the preferred tenderer under the WALGA Preferred Supplier Contract PSP006 to supply a new Caterpillar 140 Motor Grader at a cost of \$472,380.00 (GST exclusive).**
- 3. Dispose of the current Caterpillar 12M Motor Grader (PV4051) through auction after delivery of the new Caterpillar 140 Motor Grader.**

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

Against: Nil.

CARRIED UNANIMOUSLY 9:0

20.3 Replacement of the current Front-End Loader Backhoe PV4054**Recommendation/Council Decision OCM23/159****Moved: Cr A Rogers****Seconded: Cr S Kirkham****That Council:**

- 1. Accepts the Confidential Assessment Report.**
- 2. Endorse WesTrac as the preferred tenderer under the WALGA Preferred Supplier Contract PSP006 to supply a CAT 432 Front End Loader Backhoe at a cost of \$263,703.45 (GST excl).**
- 3. Dispose of the current Caterpillar 432 Front End Loader Backhoe through auction after delivery of the new Caterpillar 432 Front End Loader Backhoe**

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

Against: Cr David Pike

CARRIED 8:1

20.4 Replacement of the current Town Maintenance Truck and Crane PV4040**Recommendation/Council Decision OCM23/160****Moved: Cr A Rogers****Seconded: Cr S Carter****That Council:**

- 1. Accept the Confidential Assessment Report.**
- 2. Endorse Isuzu Australia Limited (Major Motors) as the preferred tenderer under the WALGA Preferred Supplier Contract NPN 04-13 to supply a new Town Maintenance Truck and Crane, Isuzu FVD 165-300LWB at a cost of \$283,102.00 (GST exclusive).**
- 3. Dispose of the current Isuzu Town Maintenance Truck and Crane (PV4040) through auction after delivery of the new Isuzu FVD 165-300LWB**

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

Against: Cr David Pike

CARRIED 8:1**20.5 Resource Sharing Review****Recommendation/Council Decision OCM23/161****Moved: Cr D McLarty****Seconded: Cr A Rogers****That:**

- 1. Council accepts the Chief Executive Officers review and report on the resource-sharing agreements with the Shire of Waroona.**
- 2. Council requests that the Chief Executive Officer write to the Shire of Waroona advising that it wishes to exit from the resource-sharing of Rangers/Emergency Services, Information Technology Services and Environmental Health Services on 30 June 2024.**
- 3. Council authorises to the Chief Executive Officer to accept an earlier date to exit from the three (3) services above if it is requested by the Shire of Waroona.**
- 4. If Recommendation 3 (above) is activated by the Shire of Waroona, Council supports the Chief Executive Officer to make operational decisions to have the least impact on the Shire of Murray financially and operationally.**

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

Against: Nil.

CARRIED UNANIMOUSLY 9:0

20.6 Food Technology Facility (Food Innovation Precinct Western Australia) - Power Contract

Recommendation/Council Decision OCM23/162

Moved: Cr A Rogers

Seconded: Cr S Lee

That:

1. Council delegates to the Chief Executive Officer to execute a three-year power supply contract with Peel Renewable Energy (PRE) on the following conditions. That:
 - a. Murdoch University provides a Bank Guarantee to the value of \$378,000 over two years, reducing to \$189,000 at the start of year 2;
 - b. Department of Primary Industry and Regional Development (DPIRD) underwrites \$170,000 of this contract from its Enterprise Support Programme (ESP), at the start of year 1, reducing to \$144,833 at the start of year 2, and \$119,666.50 at the start of in year 3, and can be drawn upon by the Shire of Murray if it is left with a liability with PRE;
 - c. That Council matches DPIRD’s underwriting of the PRE contract from its own ESP fund, therefore supporting the following financial risk mitigation strategy:

	Year 1	Year 2	Year 3
	\$	\$	\$
Murdoch University	378,000	189,000	0
Shire of Murray ESP quarantined	170,000	144,833	119,666.50
DPIRD ESP quarantined	<u>170,000</u>	<u>144,833</u>	<u>119,666.50</u>
TOTAL CONTRACT REMAINING	718,000	478,666	239,333

2. Council reiterates to Murdoch that a Deed is not sufficient in protecting Council’s financial risk in signing a contact with PRE.
3. Acknowledges that PRE are a unique product and sole agency for power under contract with Development WA for the Peel Industrial Park.

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

Against: Nil.

CARRIED UNANIMOUSLY 9:0

20.7 Bush Fire Brigades Local Law 2023 - Undertakings to the Joint Standing Committee on Delegated Legislation**Recommendation/Council Decision OCM23/163****Moved: Cr S Kirkham****Seconded: Cr G Black****That Council resolves to undertake to the Joint Standing Committee on Delegated Legislation that:**

- 1. Within 6 months, repeal the Bush Fire Brigades Local Law and make a new local law complying with all requirements in section 3.12 of the *Local Government Act 1995*.**
- 2. Any new local is to comply with section 62(1) of the *Bush Fires Act 1954*, which can be achieved by adopting the WALGA template.**
- 3. Not enforce the local law to the contrary before it is amended in accordance with undertakings 1 and 2.**
- 4. Ensure all consequential amendments arising from the undertakings will be made.**
- 5. Where the local law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking.**

In Favour: President David Bolt, Crs Douglas McLarty, Geoff Black, Stuart Kirkham, Steve Lee, Ange Rogers, David Pike, Stewart Carter and Nicole Willis**Against: Nil.****CARRIED UNANIMOUSLY 9:0**

Cr Nicole Willis declared an Financial Interest in Item 20.8 Expression of Interest - Edenvale Homestead - Consideration of Submissions in that she owns a café in Pinjarra.

Cr Nicole Willis withdrew from the meeting the time being 7.12pm.

20.8 Expression of Interest - Edenvale Homestead - Consideration of Submissions**Recommendation/Council Decision OCM23/164****Moved: Cr A Rogers****Seconded: Cr G Black****That Council:**

- 1. Invites Applicants 1 and 2 to proceed to a Stage 2 of the Expression of Interest process, with Shire Officers developing an appropriate assessment criterion.**
- 2. Invites Applicants 1 and 2 to brief Council and Executive Staff at its briefing session scheduled for 9 November 2023.**
- 3. Instructs Shire Officers to present a further report to Council at its November 2023 meeting with the Evaluation Panel's recommendation for appointing Preferred Proponent status.**

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

Against: Nil.

CARRIED UNANIMOUSLY 8:0

Recommendation/Council Decision OCM23/165

Moved: Cr S Kirkham

Seconded: Cr D Pike

That Council accept the late Item 20.9 Rent Relief for 28 George Street, Pinjarra (Jarra Infusion).

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

Against: Nil.

CARRIED UNANIMOUSLY 8:0

20.9 Rent Relief for 28 George Street Pinjarra (Jarra Infusion)

Recommendation/Council Decision OCM23/166

Moved: Cr S Carter

Seconded: Cr D McLarty

That Council provide a rental waiver of six-months to Jarra Infusion to bring it into line with the same incentive offering being provided to the future Edenvale Tearooms lessee.

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

Against: Nil.

CARRIED UNANIMOUSLY 8:0

Cr Nicole Willis re-joined the meeting the time being 7.17pm.

Recommendation/Council Decision OCM23/167

Moved: Cr D McLarty

Seconded: Cr S Carter

That Council proceeds with open doors the time being 7.17pm.

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

Against: Nil.

CARRIED UNANIMOUSLY 9:0

21 CLOSURE OF MEETING

There being no further business the Presiding Member declared the meeting closed the time being 7.18pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 23 November 2023.

A handwritten signature in black ink, appearing to read 'David H.', is written over a horizontal dotted line. The signature is fluid and cursive.

Presiding Member