



Minutes

Ordinary Council Meeting

Thursday 23 November 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, 23 November 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) (By Phone), Cr Geoff Black, Cr Stuart Kirkham, Cr Ange Rogers, Cr David Pike, Cr Stewart Carter, Cr Nicole Willis

IN ATTENDANCE

Dean Unsworth (Chief Executive Officer), Alan Smith (Director Infrastructure Services), Rod Peake (Director Planning and Sustainability), Leanne McGuirk (Director Place, Community and Economic Development), Tracie Unsworth (Director Corporate Services), Belinda Brown (Minute Taker)

APOLOGIES

Cr Steve Lee

LEAVE OF ABSENCE

Nil.

There were nine (9) members of the public, three (3) members of staff in attendance at this time.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4 PUBLIC QUESTION TIME

Nil.

5 PETITIONS AND APPROVED DEPUTATIONS

5.32pm **Mr Geoff Hameister and Tony Preston** – Pinjarra Golf Club – Item 13.1 Community Facility Fund 2023/2024.

Shire President Bolt thanked Mr Hameister and Preston for their deputation which concluded at 5.50pm.

5.1 Late Request for Deputation - Planning Solutions regarding Item 11.1

Recommendation/Council Decision OCM23/168

Moved: Cr A Rogers

Seconded: Cr S Kirkham

That Council approve the request for a late deputation from Planning Solutions regarding Item 11.1 Amendment 326 to Local Planning Scheme No. 4 - Proposed Rezoning of Portion Lot 2 Roe Avenue, Pinjarra from Residential Development to Service Commercial and Additional Use.

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

Against: Nil

CARRIED UNANIMOUSLY 8:0

5.50pm **Mr Ross Underwood and Mrs Noeleen Cole** (Planning Solutions) and – Item 11.1 Amendment 326 to Local Planning Scheme No. 4 – Proposed Rezoning of Portion Lot 2 Roe Avenue, Pinjarra from Residential Development to Service Commercial and Additional Use.

Shire President Bolt thanked Mr Underwood and Mrs Cole and for their Deputation which concluded at 6.05pm.

6 CONFIRMATION OF MINUTES

6.1 Ordinary Council Meeting – 26 October 2023

Recommendation/Council Decision OCM23/169

Moved: Cr S Carter

Seconded: Cr A Rogers

That the Minutes of the Ordinary Council Meeting held on Thursday 26 October 2023 be confirmed as a true and correct record.

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

Against: Nil.

CARRIED UNANIMOUSLY 8:0

6.2 Special Council Meeting - 26 October 2023

Recommendation/Council Decision OCM23/170

Moved: Cr A Rogers

Seconded: Cr S Kirkham

That the Minutes of the Special Council Meeting held on Thursday 26 October 2023 be confirmed as a true and correct record.

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

Against: Nil.

CARRIED UNANIMOUSLY 8:0

7 ANNOUNCEMENTS BY THE PRESIDING MEMBER

On 4 and 5 November I attended various meetings/site visits regarding the bushfire incidents across the Peel. This included visits to both the evacuation centres set up in Pinjarra and Mandurah, and also the Community briefing held in Serpentine. I also did a number of media interviews with the ABC Radio.

On 6 November I took part in an interview with the ABC regarding the recent fires in the Murray and Peel Region. Later in the day Shire Officers and I attended a meeting to discuss local development opportunities and projects in the town of Pinjarra.

On 7 November I attended along with Shire Officers the PDC REDS Grant round 5 Announcement which was held at the FIPWA building.

On 8 November I attended the Food and Beverage Sector Update, which was held by DPIRD at the FIPWA building. In the afternoon the CEO and I hosted a local community member at the Shire of Murray for a discussion regarding Heritage Rail projects within the Shire of Murray.

On 9 November the Executive Team, Fellow Councillors and I attended the monthly Councillor Briefing which commenced at the Shire of Murray Administration Building, followed by site tours to the new Lovegrove Pavilion and The Exchange Hotel. The remainder of the briefing day was then held at FIPWA. In the evening the CEO and Shire Officers attending the FIPWA Innovation Partners Event, which was held in conjunction with the Peel CCI. This event was held at FIPWA.

On 10 November I attended a meeting at the Winjan Aboriginal Corporation to discuss and hear presentations regarding the Aluminium Stewardship Initiative (ASI).

On 11 November I laid a wreath on behalf of the Shire at the Remembrance Day Service in Pinjarra. I then spent time with the Pinjarra RSL members.

On 14 November I took part in an interview for the Outdoor Explorer for the Sunday Newspaper story.

On 15 November I attended the Office of the Auditor General Audit Committee Chair Forum in Perth.

On 16 November I conducted the welcome at the Seniors Dinner and Dance, along with fellow Councillors a fun night was had far all in attendance as part of the Annual Seniors Week Activities.

On 17 November I took part in a radio interview regarding the announcements around the funding for the Heavy Haulage Deviation.

On 18 November the CEO and I along with Robyn Clarke MLA and Hon Rita Saffioti (Deputy Premier, Treasurer, Minister for Transport and Tourism) attended the VIP Final Australind Train Journey.

On 20 November I took part in a Youth Workshop / Council Plan Presentation, that was held by Shire Officers from the Community Development Team. This was then followed by the Technical Working Group Meeting regarding the Pinjarra-Dwellingup Rail Link Project.

On 21 November I attended a meeting with Shire Officers regarding the 2023 Murray Christmas event planning, followed by the final Community Working Group meeting for the Pinjarra-Dwellingup rail Link Project which was held at the Shire Administration Building. Later in the afternoon the CEO and I attended the Alcoa Perth office for a meeting with the Alcoa Australia Vice President and several senior staff.

On 22 November I attended the GoSH Media Event at the Smart Street Mall in Mandurah to support the secondary student teams from the Peel region as they prepare to attend the Youth Entrepreneurship Showcase at West Tech Fest event.

On 23 November I attended the Fairbridge Opening of the John Alexander Kaartijin Maya (Learning Centre) at the Fairbridge Village. This was followed by the Shire of Murray hosting the Peel regional leaders Forum AGM and General Meeting and the Peel Country Zone Meeting on behalf of WALGA. Later in the evening the CEO and I took part in the Shire Audit exit meeting. I then presided over the November Ordinary Council Meeting in the Council chambers at Pinjarra.

8 ANNOUNCEMENTS BY ELECTED MEMBERS

Cr Douglas McLarty, Deputy Shire President

On Thursday 9 November I attended the Monthly Councillor Briefing Session held at both the Shire Administration Building and FIPWA.

On Saturday 11 November I laid a wreath on behalf of the Shire at the Remembrance Day Service in Dwellingup.

On Thursday 23 November I attended the November Ordinary Council Meeting and post briefing session.

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

Cr S Kirkham declared an Impartiality Interest in Item 20.1 Australia Day Community Citizen of the Year Awards 2024 in that he is a relation to one of the applicants.

Cr A Rogers declared an Impartiality Interest in Item 20.1 Australia Day Community Citizen of the Year Awards 2024 in that she nominated a member of the public to be considered by the selection panel for citizen of the year.

Cr D McLarty declared an Impartiality Interest in Item 20.1 Australia Day Community Citizen of the Year Awards 2024 in that he was a second referee for one of the nominees.

Cr N Willis declared an Financial Interest in Item 20.2 Consideration of Stage 2 Submissions - Edenvale Homestead in that she owns a café in Pinjarra.

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 Amendment 326 to Local Planning Scheme No. 4 - Proposed Rezoning of Portion Lot 2 Roe Avenue, Pinjarra from Residential Development to Service Commercial and Additional Use**

File Ref: D23/38370
Previous Items: Nil.
Applicant: Planning Solutions.
Author and Title: Cherryll Oldham, Senior Planning Officer
Declaration of Interest: Nil.
Voting Requirements: Simple Majority
Appendices: Item 11.2 Appendix 1 - Proposed Scheme Amendment Report - Lot 2 Roe Avenue

Council Decision OCM23/171**Moved: Cr D Bolt****Seconded: Cr A Rogers**

That Council does not support an amendment to Local Planning Scheme No.4 to rezone a portion of Lot 2 Roe Avenue, Pinjarra from Residential Development to Service Commercial with an Additional Use for the following reasons:

- 1. The proposal is an ad-hoc unplanned proposal which is inconsistent with the following elements of the state planning framework:**
 - **State Planning Policy 4.2 - Activity Centres; and**
 - **State Planning Policy 7.2 - Precinct Design.**

As such, it is considered to be inconsistent with the principles of orderly and proper planning.

- 2. The proposal will compromise the ability to deliver residential development in a strategically located area which is inconsistent with the Shire's Pinjarra Town Centre Revitalisation Strategy and draft Activity Centre Plan.**
- 3. The proposal will deliver an undesirable form of development in a highly prominent location at the entry to the Pinjarra Townsite, which will compromise the intended character and identity of the town.**
- 4. Review suitability of this proposal in the context of the upcoming District Structure Plan and Precinct plan for Pinjarra.**

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

Against: Crs David Pike and Nicole Willis

CARRIED 6:2

Reason for change:

Point 4 was included to ensure that this type of development on this site is considered in a strategic context as part of the development of the draft District Structure Plan and Precinct Plan for Pinjarra.

Recommendation

Moved: Cr S Carter

Seconded: Cr N Willis

That Council does not support an amendment to Local Planning Scheme No.4 to rezone a portion of Lot 2 Roe Avenue, Pinjarra from Residential Development to Service Commercial with an Additional Use for the following reasons:

1. The proposal is an ad-hoc unplanned proposal which is inconsistent with the following elements of the state planning framework:
 - State Planning Policy 4.2 - Activity Centres; and
 - State Planning Policy 7.2 - Precinct Design.

As such, it is considered to be inconsistent with the principles of orderly and proper planning.

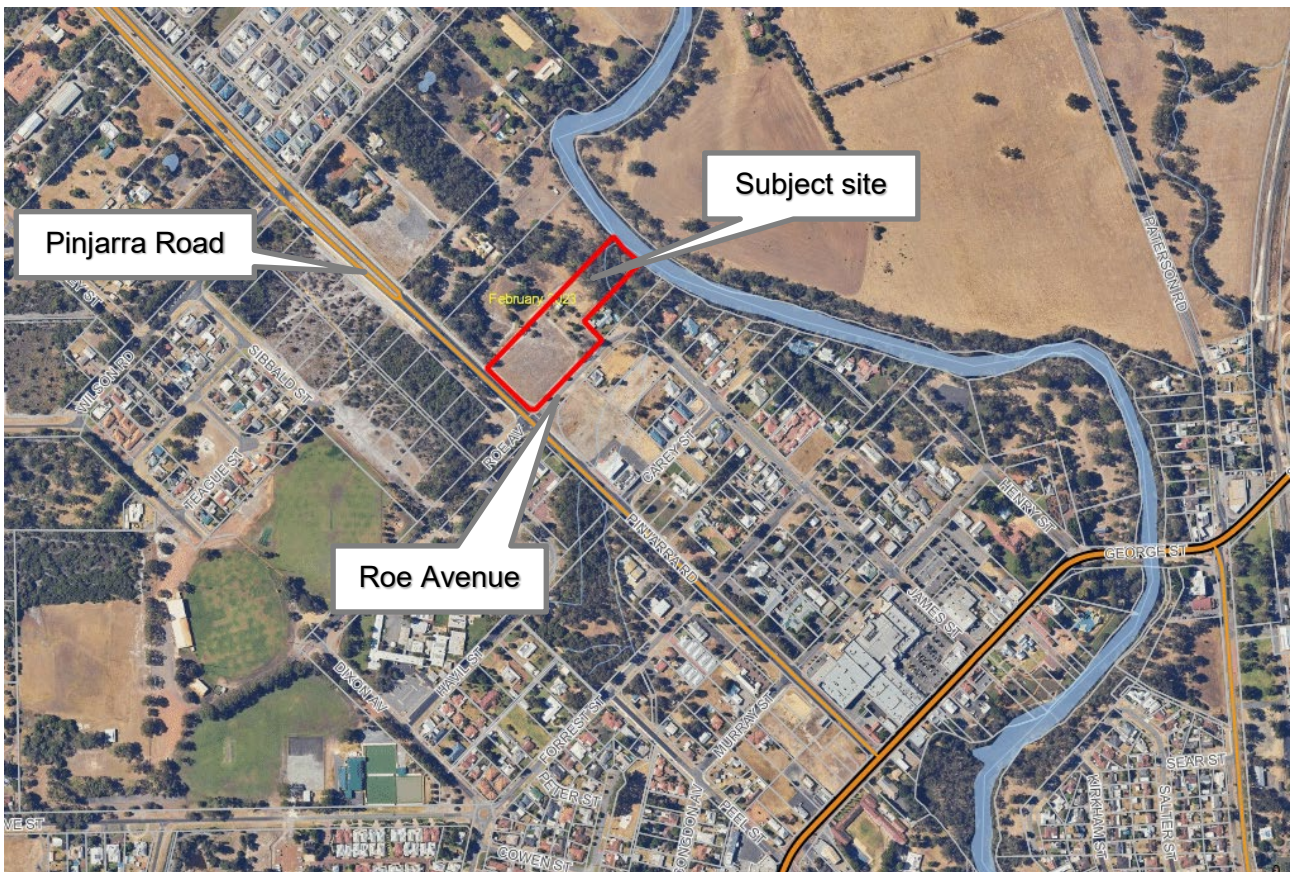
2. The proposal will compromise the ability to deliver residential development in a strategically located area which is inconsistent with the Shire's Pinjarra Town Centre Revitalisation Strategy and draft Activity Centre Plan.
3. The proposal will deliver an undesirable form of development in a highly prominent location at the entry to the Pinjarra Townsite, which will compromise the intended character and identity of the town.

In Brief

- Council is requested to consider preparing an amendment to Local Planning Scheme No.4 (LPS4) for the purpose of public advertising.
- The amendment proposes to rezone a portion of Lot 2 Roe Avenue, corner Pinjarra Road, Pinjarra (subject site) from Residential Development to Service Commercial, with the inclusion of an Additional Use to accommodate a drive through restaurant/café;
- It is recommended that Council not support the amendment as it represents an ad-hoc unplanned proposal, which is inconsistent with the planning framework and the principles of orderly and proper planning. The need for additional Service Commercial land has not been demonstrated. The amendment will result in an undesirable form of development at a highly prominent location at the entry to the town, which will impact on the desired character and identity of the town. Furthermore, the proposal will compromise the ability to deliver much needed medium density housing types in a strategically located area on the outskirts of Pinjarra town.

Background

- The subject site is located on the north western corner of the intersection of Roe Avenue and Pinjarra Road, Pinjarra and has direct frontage to both roads.
- The subject site forms part of an approximate 13 hectare Residential Development zoned cell bounded by Pinjarra Road, Roe Avenue, Wilson Road and the Murray River.
- The subject site is located in the Residential Precinct under the Shire's draft Pinjarra Town Centre Revitalisation Strategy and Activity Centre Plan.



Location Plan

Report Detail

The amendment proposes to rezone a portion of the subject site from Residential Development to Service Commercial, with the inclusion of an Additional Use to accommodate a drive through restaurant/café.

Council Plan

Focus Area	Place
Outcome	Population growth is being managed responsibly and sustainably.
Objectives	Manage urban growth effectively.

Other Strategic Links

South Metropolitan and Peel Subregional Planning Framework (SMPSPF)

Lot 2 Roe Avenue is shown as Urban under the SMPSPF. This is a broad-brush designation for a range of urban uses such as residential and associated commercial, community and recreation uses. The SMPSPF also designates Pinjarra Town centre as a Secondary Activity Centre.

Pinjarra Town Centre Revitalisation Strategy and Activity Centre Plan (ACP)

In 2017 the Council approved the Revitalisation Strategy and draft Activity Centre Plan which is underpinned by a number of objectives that promote the consolidation, vibrancy and walkability of Pinjarra town. The vision established under the ACP is as follows:

“Pinjarra is distinct and important place and destination within the Peel Region, a place where people want to live, work, meet, relax and visit. It is a town that is known for its culture of innovative thinking and its business, employment and community networking opportunities. The Town Centre’s historic,

country character and strong connection to the Murray River is reflected in landscaping, street art and building design. Contemporary development creates a buzzing, yet relaxed atmosphere and access around the town and along the riverfront is easy, convenient and supported by a high quality pedestrian path network and public transport that frequently connects Pinjarra with Mandurah and other key destinations within and outside the region.”

The subject site is positioned within the Residential precinct under the ACP, which envisages an environment with a broad diversity of housing types within a short walk or bike ride of the activity within the town centre core and the adjacent mixed-use areas.

The Western Australian Planning Commission (WAPC) deferred making a decision on the ACP to enable the Department of Planning, Lands and Heritage to work with the Shire of Murray to address various matters including:

- revising the Activity Centre Plan component of the submitted ACP, to only relate to the more central areas of Pinjarra; and
- preparing a district structure plan for the broader Pinjarra locality.

The WAPC also confirmed that a structure plan is warranted for the Pinjarra town centre and surrounding settlement areas for the purposes of orderly and proper planning.

On the basis of the above, the Shire has been progressing the preparation of a Precinct Structure Plan (PSP) for the central Pinjarra area and a District Structure Plan (DSP) for the broader townsite. It should be noted that the WAPC did not raise an issue with the designation of the subject lot as residential in the ACP. The approval of this amendment would be inconsistent with the ACP.

State Planning Policy 4.2 - Activity Centres (SPP4.2)

SPP4.2 clearly articulates the WAPC’s vision that activity centres need to be comprehensively planned with the adoption of a Precinct Structure Plan (PSP), in order to ensure that they are well-designed and well-integrated into a supporting residential community. It strongly advises against the piecemeal ad-hoc growth of centres as it will only serve to compromise the planning of the activity centre as a whole.

It is noted that SPP4.2 does provide guidance on where service commercial sub-precincts should be located if they are planned to be included as part of an activity centre. It is, however, highlighted that service commercial land has not been contemplated to date in the draft PSP or DSP. In fact, when considering service commercial uses, the Council approved ACP specifically states that *“Given, that these uses are heavily reliant on exposure to vehicle traffic and the products sold often necessitate reliance on vehicles and the need for expansive parking, mixed business uses within the centre plan area are considered inconsistent with the objectives and guiding principles of the Strategy and associated activity centre plan”*.

To rezone this portion of land in isolation of an overall PSP would be inconsistent with SPP4.2.

There is no needs assessment provided by the application. It should be noted that, as required by SPP4.2, the Shire has prepared a Local Commercial and Employment Strategy (LACES) in support of its Local Planning Strategy. This body of work models the demand for retail and non-retail commercial floor space within the Shire’s network of activity centres. Service Commercial uses are considered to be non-retail commercial. The needs assessment undertaken as part of the LACES demonstrates that there is sufficient land already within the Pinjarra activity centre to accommodate both the retail and non-retail commercial floorspace needs. It also concludes that any overflow service commercial uses would be more appropriately located adjacent to the Pinjarra Industrial Area employment centre. There is plentiful undeveloped or under-developed land in this location, and other locations within the Shire, such as Barragup/Furnissdale and Nambeelup for Service Commercial development. Zoning additional land for service commercial uses will result in a further

dispersal of development in the town, which is one of the significant issues apparent with the town at present.

State Planning Policy 7.2 - Precinct Design (SPP7.2)

SPP7.2 and its associated Precinct Design Guidelines (PDG) guide the preparation and assessment of Precinct Structure Plans (PSP) for precincts, such as Pinjarra. SPP7.2 requires that a PSP be prepared for an activity centre, in order to guide the subdivision and development in a coordinated manner and deliver a good quality-built environment.

The preparation of the PSP and DSP for Pinjarra is being guided by SPP7.2 and the associated PDG. It is noted that, when considering the matter of land use for structure plan preparation, the PDG outlines the following key considerations:

- Co-location of land uses that have a mutual, positive benefit.
- Location and distribution of land uses to manage amenity impacts such as noise, visual and air pollution.
- Determining the appropriate distribution of residential density to support the intended character and function of the precinct.
- Provision of land uses that appropriately activate and promote safety in the public realm.

In light of the commentary provided in this report, the introduction of an isolated Service Commercial Zone in this location would conflict with all of these considerations

State Planning Policy 3.7 – Planning In Bushfire Prone Areas (SPP3.7)

Strategic planning proposals, including local planning scheme amendments, within designated bushfire prone areas are to comply with the requirements of SPP3.7. It is noted, however, that the applicant proposes to be defer consideration of SPP3.7 until to a later stage of the planning process. A service commercial zoning could accommodate a service station, which is considered to be a high-risk land use under SPP3.7. Therefore, deferring consideration of SPP3.7 is not supported, however, as the recommendation is not to proceed with the amendment, this point is moot.

Statutory Environment

Planning and Development Act 2005

Section 75 of the Planning and Development Act (the Act) provides that a Local Government may amend its local planning scheme by an amendment which is either:

1. prepared by the Local Government, approved by the Minister and published in the Gazette; or
2. proposed by all or any of the owners of land in the scheme area, adopted with or without modification by the Local Government, approved by the Minister and published in the Gazette.

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

Regulation 35 (2) requires that a resolution to prepare an amendment must:

1. specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment; and
2. include an explanation of the reason for the local government forming that opinion.

Regulation 35 (3) advises an amendment to a local planning scheme must be accompanied by all documents necessary to convey the intent and reasons for the amendment.

Peel Region Scheme

Lot 2 Roe Avenue is zoned Urban under the Peel Region Scheme, the purpose of which is to provide for residential development and associated local employment, recreation and open space, shopping, schools and other community facilities.

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

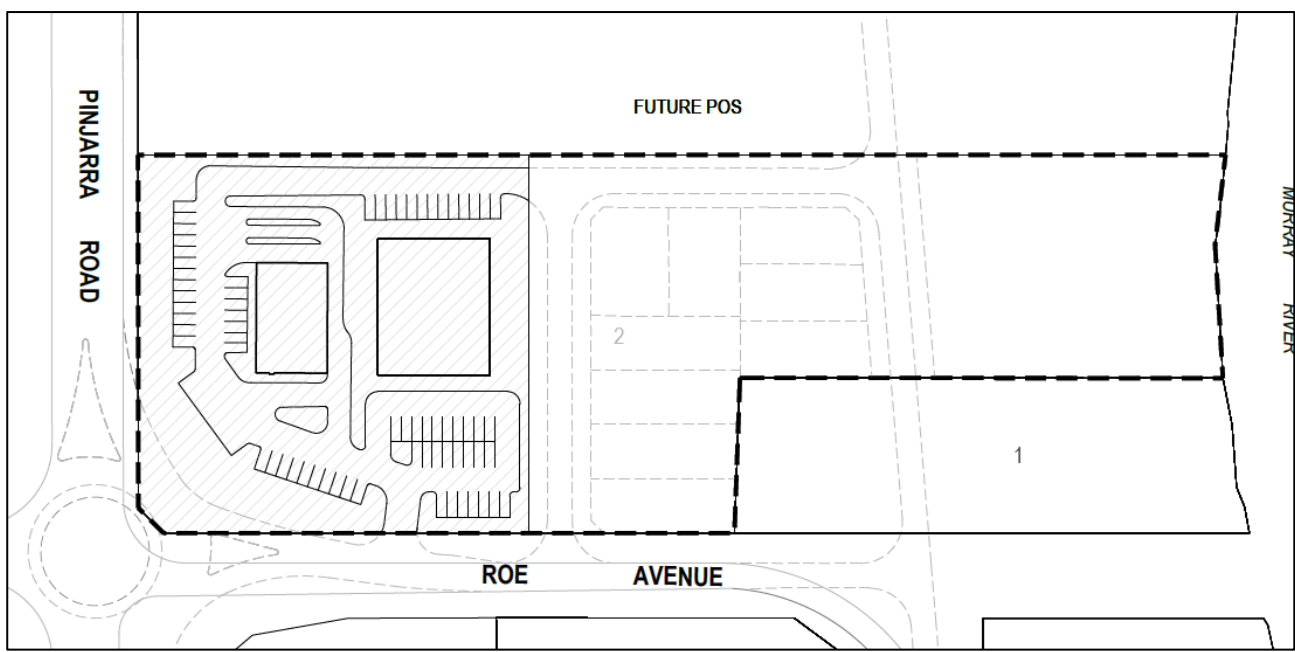
Objectives

It is a specific objective of LPS4 to “*preserve and consolidate the individual identity of the urban settlements (villages) within the Scheme Area*”.

In Council’s recently adopted Council Plan, the Council committed to the preparation of character design guidelines to support the retention of the small-town, rural charm in each town. This body of work is already underway for Pinjarra and will be a key input into the final Pinjarra structure planning.

Given the car dependent nature of the discretionary land uses within the Service Commercial Zone, it is highly likely that a development similar to the concept provided with this proposal (shown below) would be delivered on the site. This is a car dominated development with buildings separated from the street by car parking. It is also likely that dominate signage would be necessary, similar to any other fast food outlet.

It is considered that this form of development would be undesirable in such a prominent location at the entry to the townsite as it would compromise the vision established under the ACP by impacting the character and identity of Pinjarra.



Concept Plan

Residential Development Zone

The current zoning of Residential Development is to identify land for future residential purposes. LPS4 states that it is the intention of the Council to ensure subdivision and development of land maximises the benefits of urban design and services through detailed structure planning. The lots to the north of Lot 2 through to Wilson Road are also zoned Residential Development (approximately 13 hectares in total). The placement of an isolated Service Commercial Zone within this residential cell will fetter future local structure planning opportunities and residential amenity.

Service Commercial Zone

The intent of the proposed Service Commercial Zone is to encourage a range of non-retail commercial uses. Consequently, consideration should be given to traffic generation, impact on amenity, the scale of the development and compatibility with the surrounding land uses. The range of land uses that are discretionary within the Service Commercial Zone includes:

- Take-away Food Outlet
- Car, Boat, Caravan & Agric. Equip Sales
- Service Station/Petrol Filling Station
- Showrooms
- Warehouse & Storage
- Funeral Parlour
- Service Industry
- Health Centre/Studio (Gym)
- Veterinary Centre

Should the amendment be supported, the balance of Lot 2 and the future residential land to the north are likely to suffer amenity impacts, including by way of increased traffic, noise and light. Generally technical reports relating to these matters would be submitted in support of an amendment proposal, however, the recommendation is not to proceed with the amendment in any case.

Sustainability & Risk Considerations

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

The amendment will provide additional service commercial land which will provide opportunity for business and employment growth.

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

The amendment will provide for the extension of a range of services and facilities available to the public, however, the balance of Lot 2 and the lots directly abutting Lot 2 are likely to suffer amenity impacts relating to noise and light.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Nil

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	Given that the proposal is inconsistent with the planning framework the risk is deemed to be low.

Consultation

Should Council support the proposal, consultation with the community and relevant State agencies would be undertaken as per the requirements of the Regulations.

Resource Implications*Financial*

The Planning and Development Regulations 2009 outline a framework for local governments to calculate fees for Scheme Amendments based upon officer hours. This fee includes advertising and other direct costs to the Shire. The applicant has paid the fee in this case. A portion of the fee will be reimbursed to the applicant should the amendment not be supported.

Workforce

The assessment and reporting of the amendment proposal can be accommodated within the scope of the existing workforce level.

Options

1. not support the preparation of the proposed amendment.
2. support the preparation of the proposed amendment.

Conclusion

The location of an isolated pocket of service commercial land in this location is inconsistent with the planning framework, the vision for Pinjarra established under the Council endorsed ACP and ultimately the principles of orderly and proper planning. As such, it is recommended that the proposed rezoning not be supported.

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

File Ref: D23/40065
Previous Items: OCM 26 Oct 23 Item 11.1 OCM 23/154
Applicant: Murdoch University
Author and Title: Dean Unsworth, Chief Executive Officer
Declaration of Interest: Nil.
Voting Requirements: Absolute Majority
Appendices: Nil.

Recommendation/Council Decision OCM23/172**Moved: Cr S Carter****Seconded: Cr S Kirkham****That Council:**

1. **Approves Murdoch University development application for an extension to the Food Technology Facility (FTF) at Lot 38 Dollyup Street, Stake Hill, 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.**
2. **Delegates to the Chief Executive Officer to amend Murdoch University's Licence for the Food Technology Facility only when the following conditions have been met:**
 - a. **The outstanding \$55,000 Bank Guarantee (exc. GST) is provided as per Section 9.1 of the Food Technology Licence Agreement.**
 - b. **The current outstanding rental and outgoings balance from the Research and Development facility and the Food Technology Facility be paid.**
 - c. **The Food Technology Facility Licence to be amended to ensure a 'make good' clause to remove the compound and return the building to its prior condition should the FTF not continue beyond three years, if requested by the Shire of Murray.**
 - d. **All outstanding Management Plans for the FTF and Research and Development Buildings be provided as per the Lease and Licence agreements.**

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

Against: Nil.

CARRIED BY ABSOLUTE MAJORITY 8:0

In Brief

- Council considered this proposal at the 26 October 2023 Council meeting.
- At that meeting it was resolved to delay a decision on the matter until a tour and subsequent discussion be held between Murdoch University and Council. This tour was conducted on 9 November 2023 to understand the merits of the proposal and get a better understanding of

how the proposed extension may impact on future developments on the vacant land to the west of the site.

- 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.

At the 26 October 2023 Council meeting Council resolved:

OCM23/154

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.*

CARRIED BY ABSOLUTE MAJORITY 9:0

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.

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

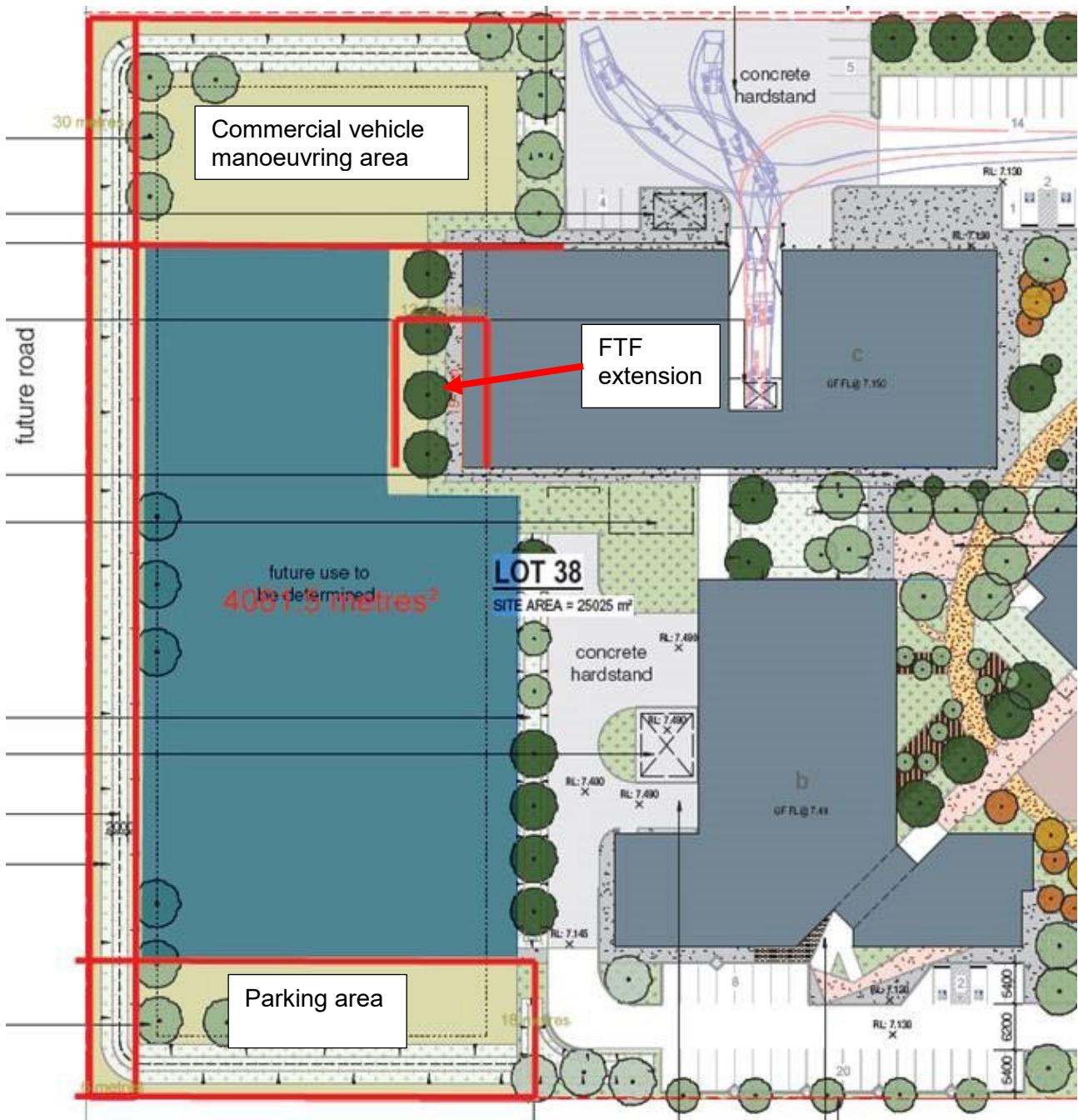
If commercial vehicles (semi-trailers) are required to access a stage 2 building they will likely have to replicate the access arrangement for the existing FTF building. This includes an area for turning movements and a loading bay that is incorporated into the building design. This is concluded for 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 is logical to locate the light vehicle parking to the south of a new building in an extension of the existing arrangement. However, with the operational benefits of the extension being built in the western end, reconsideration of the original plan is now requested.

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.



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

Following the tour on 9 November 2023 for the purpose of developing a better understanding of the proposed western extension, the significant advantages to the Food Technology Facility's operations are now apparent and it is therefore recommended that the extension be approved.

12 CORPORATE GOVERNANCE

12.1 Ordinary Council Meeting Dates 2024

File Ref: D23/29867
 Previous Items: OCM 24 Nov 22 Item 12.1 OCM22/143
 OCM 25 Nov 21 Item 11.4 OCM21/183
 OCM 26 Nov 20 Item 11.4 OCM20/201
 OCM 28 Nov 19 Item 11.6 OCM19/252
 Applicant: Nil.
 Author and Title: David Bentley, Manager Governance and Strategy
 Declaration of Interest: Nil.
 Voting Requirements: Simple Majority
 Appendices: Nil.

Recommendation/Council Decision OCM23/173

Moved: Cr A Rogers
Seconded: Cr G Black

That Council adopts the following dates for the 2024 Ordinary Council Meetings as follows:

MONTH	DATE AND TIME	LOCATION
February	Thursday 22 February 2024 at 5:30pm	Council Chambers
March	Thursday 21 March 2024 at 5:30pm	Council Chambers
April	Thursday 18 April 2024 at 5:30pm	Council Chambers
May	Thursday 23 May 2024 at 5:30pm	Council Chambers
June	Thursday 27 June 2024 at 5:30pm	Council Chambers
July	Thursday 25 July 2024 at 5:30pm	Council Chambers
August	Thursday 22 August 2024 at 5:30pm	Council Chambers
September	Thursday 26 September 2024 at 5:30pm	Council Chambers
October	Thursday 24 October 2024 at 5:30pm	Council Chambers
November	Thursday 28 November 2024 at 5:30pm	Council Chambers
December	Thursday 19 December 2024 at 5:30pm	Council Chambers

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

Against: Nil.

CARRIED UNANIMOUSLY 8:0

In Brief

This report is presented to Council to consider the Ordinary Council Meeting dates for 2024.

Background

Local governments are required to give notice on the local government’s website each calendar year of the following calendar year’s Ordinary Council Meetings.

Report Detail

As a general rule, Ordinary Council meetings are scheduled for the fourth Thursday of each month except for January and for where clashes with public holidays occur.

This year, there are three public holidays that coincide with Council meetings.

Good Friday falls on Friday 29 March 2024, the day after the March Ordinary Council Meeting. With the impact of ANZAC day in April (explored below), the March Council Meeting is scheduled to be held on the third Thursday on 21 March 2023.

ANZAC Day falls on Thursday 25 April 2024. The Ordinary Council Meeting for April is scheduled to be held on the third Thursday on 18 April 2024.

Boxing Day falls on Thursday 26 December 2024. The Ordinary Council Meeting for December will be on the third Thursday 19 December 2024 to counter that impact.

Council Plan

Nil.

Other Strategic Links

Nil.

Statutory Environment

The *Local Government (Administration) Regulations 1996* requires local governments to advertise their Ordinary Council Meeting dates.

12. Publication of meeting details (Act s. 5.25(1)(g))

(1) *In this regulation –*

meeting details, for a meeting, means the date and time when, and the place where, the meeting is to be held.

(2) *The CEO must publish on the local government's official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held:*

(a) *ordinary council meetings;*

(b) *committee meetings that are required under the Act to be open to the public or that are proposed to be open to members of the public.*

(3) *Any change to the meeting details for a meeting referred to in subregulation (2) must be published on the local government's website as soon as practicable after the change is made.*

(4) *If a local government decides that a special meeting of the council is to be open to members of the public, the CEO must publish the meeting details for the meeting and the purpose of the meeting on the local government's official website as soon as practicable after the decision is made.*

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	If Council does not adopt meeting dates, it risks non-compliance with regulation 12 of the <i>Local Government (Administration) Regulations 1996</i> .

Consultation

Nil.

Resource Implications

Financial

Nil.

Workforce

Nil.

Options

1. Adopting the meeting dates as recommended.
2. Vary the dates being recommended.

Conclusion

It is recommended that council adopts the meeting dates for 2024 as detailed.

12.2 Payments from Municipal and Trust Funds - October 2023

File Ref:	D23/38367
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 - October 2023

Recommendation/Council Decision OCM23/174**Moved: Cr A Rogers****Seconded: Cr S Kirkham**

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

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

Against: Nil.

CARRIED UNANIMOUSLY 8:0

In Brief

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

Background

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

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

File Ref:	D23/38688
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 - October 2023 Monthly Financial Report

Recommendation/Council Decision OCM23/175

Moved: Cr G Black

Seconded: Cr S Carter

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

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

Against: Nil.

CARRIED UNANIMOUSLY 8:0

In Brief

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

Background

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

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

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 October 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 October 2023.
2. Not receiving the monthly financial report for October 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*.

12.4 Appointment to Working Groups

File Ref: D23/38948
 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 OCM23/176

Moved: Cr A Rogers
Seconded: Cr S Kirkham

That Council:

- Appoints Cr D McLarty and Cr G Black to the Community Assistance Partnership Fund Panel.**

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

Against: Nil.

CARRIED UNANIMOUSLY 8:0

In Brief

To consider the appointment of Councillors to the Community Assistance Partnership Fund panel.

Background

Community Assistance Partnership Funds

Purpose

The Community Assistance Partnership Fund is a partnership with Alcoa Australia to financially support community organisations in building engaged, vibrant, inclusive and healthy communities.

Assessment and determination of applications is undertaken by a Decision-Making Panel which comprises of two Alcoa representatives, two Council representatives and two Shire Officers.

Funding Frequency

Applications are invited three times each year.

Previous Membership

Membership of the Community Assistance Partnership Fund prior to the election was **Cr Doug McLarty** and **Cr Geoff Black**.

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 this group 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 group as recommended.
2. Decide on an alternative way forward or defer consideration.

Conclusion

Appointment of members to this working group 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.

13 RECREATION, ECONOMIC & COMMUNITY DEVELOPMENT

13.1 Community Facility Fund 2023/2024

File Ref: D23/38974
 Previous Items: Nil
 Applicant: Nil.
 Author and Title: Michelle Francis, Sport and Recreation Officer
 Declaration of Interest: Nil.
 Voting Requirements: Simple Majority
 Appendices: Item 13.1 Appendix 1 - Application - Murray Music and Drama Club
 Item 13.1 Appendix 2 - Application - Pinjarra Cricket Club
 Item 13.1 Appendix 3 - Application - Pinjarra Community Garden
 Item 13.1 Appendix 4 - Application - Murray District Pistol Club
 Item 13.1 Appendix 5 - Application - Murray District Playgroup
 Item 13.1 Appendix 6 - Application - Yunderup Sport and Recreation Club
 Item 13.1 Appendix 7 - Application - Pinjarra Golf Club
 Item 13.1 Appendix 8 - Applications - West Coast Reiners
 Item 13.1 Appendix 9 - Application - Kwillana Va'a Outrigger Canoe Club

Adjournment of Meeting

Recommendation/Council Decision OCM23/177

Moved: Cr A Rogers

Seconded: Cr S Kirkham

That Council adjourn the Meeting, the time being 6.29pm.

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

Against: Nil.

CARRIED UNANIMOUSLY 8:0

Resumption of Meeting

Recommendation/Council Decision OCM23/178

Moved: Cr A Rogers

Seconded: Cr S Kirkham

That Council resume Meeting the time being 7.00pm.

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

Against: Nil.

CARRIED UNANIMOUSLY 8:0

Recommendation/Council Decision OCM23/179

Moved: Cr A Rogers

Seconded: Cr G Black

That Council:

- 1. Considers the Community Facility Fund (CFF) 2023/2024 Officer assessments and approves the allocation of \$50,000 to the following successful applicants:**

- a. **Murray Music and Drama Club - \$6,108.14 to install a new lighting bar in the Civic Centre.**
 - b. **Pinjarra Cricket Club - \$5,145 to install concreting for the clubs Roller and Equipment Shed at Sir Ross McLarty Oval 4.**
 - c. **Pinjarra Community Garden - \$16,196.18 to replace the roof and gutters on the Pinjarra Community Garden Function Centre.**
 - d. **Murray District Pistol Club - \$3,780 for a Junior Pathway Enhancement Feasibility Study.**
 - e. **Murray Districts Playgroup - \$2,695 for kitchen upgrades at the Murray districts Playgroup building plus provision of in-kind labour by the Shire's Building Maintenance team.**
 - f. **Yunderup Sport and Recreation Club - \$16,075.68 to remove and replace the evaporative air conditioning unit with split air systems at the Yunderup Sport and Recreation Club.**
2. **Advises the Pinjarra Golf Club that the funding application for a mini golf feasibility study at the Pinjarra Golf Club is unsuccessful.**
 3. **Advises the West Coast Reiners that the funding application for the arena surface upgrade at Murray Equestrian Centre is unsuccessful.**
 4. **Advises the Kwillana Va'a Outrigger Canoe Club that the funding application for constructing a Colorbond storage shelter at Batavia Quays Boat Ramp is unsuccessful.**

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

Against: Nil.

CARRIED UNANIMOUSLY 8:0

Additional CEO Recommendation

Recommendation/Council Decision OCM23/180

Moved: Cr D Pike

Seconded: Cr G Black

Shire allocates up to \$50,000 in matching funds towards a Pinjarra Golf Club building redevelopment and masterplan and including the feasibility of construction of the mini golf facility, with a report to come back to the December Ordinary Council Meeting. The funding to be sourced in the budget review in February 2024.

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

Against: Nil.

CARRIED UNANIMOUSLY 8:0

In Brief

- Council is requested to consider the applications received in the 2023/2024 round of the Community Facility Fund (CFF), review the assessment outcomes and endorse or amend officer recommendations.
- \$50,000 is allocated in the 2023 / 2024 budget for the CFF.
- Nine applications were received this round and six are recommended for funding to the value of \$50,000 (exc. GST)

Background

The purpose of the CFF is to:

- maximise the opportunity for sport, recreation and community organisations to leverage additional funding for projects from state government, industry and business;
- encourage small, local community-led infrastructure that benefit the community; and
- respond to the needs of the community.

Broadly, the CFF assists incorporated not-for-profit organisations within the Shire to deliver well-planned sport, recreation, and community infrastructure projects.

A budget of \$50,000 has been allocated this financial year, in line with previous years, for CFF projects. Applications are open once per year and assessed by officers using CFF criteria outlines within the guidelines. The applications and officer recommendations are then considered by Council for final endorsement.

Applicants can apply for up to 70% of the total project cost (eligible items only) to a maximum of \$20,000.

Report Detail

A total of 9 applications have been received for the 2023/24 funding round with a combined project value of \$182,467.27 and a total funding request of \$121,295.82 making this round oversubscribed.

Applications have been assessed using the CFF Assessment Matrix which is based upon the Assessment Criteria under the Community Facility Fund Guidelines. A panel of three officers assessed each application. Technical Officers from across the organisation have also provided comment as to the suitability of applications received relevant to their areas of expertise.

Community Facility Fund Applications are located in **Appendices 1-9**.

A summary of each application and associated assessment is provided below.

Applicant / Project	Total Project Cost	CFF request	Score / 60	Recommended for Funding	Amount Recommended
Murray Music and Drama Club <ul style="list-style-type: none"> • Installation of new Lighting Bar at Civic Centre 	\$14,225.92	\$10,920.64	38.5	Yes - partial	\$6,108.14
Officer Comment					
The installation of an additional lighting bar to improve on stage lighting will provide broad community benefit and enhance a Shire asset. No quote was submitted for the electrical works associated with the project and it is therefore recommended that only funding towards the lighting bar be supported.					

Applicant / Project	Total Project Cost	CFF request	Score / 60	Recommended for Funding	Amount Recommended
Pinjarra Cricket Club <ul style="list-style-type: none"> • Installation and concreting for Roller/Equipment 	\$15,229.50	\$10,461.00	37	Yes - partial	\$5,145.00

Shed at Sir Ross McLarty Oval 4					
<p>Officer Comment</p> <p>The applicant has an outstanding acquittal for recent funding from the Shire, however Officers recommend funding the installation of the shed to complete a project previously funded through CFF but was deferred due to construction of the new Lovegrove Sports Pavilion. The relocation of the Curator’s shed is a necessary project and in alignment with the Sir Ross McLarty Masterplan.</p> <p>The application also included a request for installation of a shade structure to Oval 3. This is not recommended as the Club were awarded funding for shade gazebos in the last round of the Community Assistance Partnership Funding.</p>					

Applicant / Project	Total Project Cost	CFF request	Score / 60	Recommended for Funding	Amount Recommended
Pinjarra Community Garden <ul style="list-style-type: none"> Roof Replacement 	\$23,137.40	\$16,196.18	36	Yes	\$16,196.18

<p>Officer Comment</p> <p>This application refers to the roof of the main building at the Garden.</p> <p>The roof is severely water damaged and in a deteriorated condition, leading to significant water leaks during rainy weather. This poses a safety risk for the group, makes it unusable as a hireable space and unsafe to store valuable electronic equipment on-site resulting in a lack of income for the group. This limits the ability to activate the space and necessitates club members transporting equipment to and from the venue to mitigate the risk of water damage.</p> <p>Funding is recommended including a condition that an inspection of the roof frame is carried out by an engineer after the roof sheeting has been removed prior to new sheeting being installed to verify the roof frame is sound.</p>					
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Applicant / Project	Total Project Cost	CFF request	Score / 60	Recommended for Funding	Amount Recommended
Murray District Pistol Club <ul style="list-style-type: none"> Junior Pathway Enhancement - Feasibility Study 	\$5,940.00	\$3,780.00	34	Yes	\$3,780.00

<p>Officer Comment</p> <p>The Murray District Pistol Club have seen significant growth in membership particularly by youth however the facility is ageing and in need of upgrade and expansion. To enable enhancement and potential development on the site a feasibility study is required that would support any future funding applications. Officers recommend funding towards this study as it provides the opportunity to work collaboratively to consider the environmental sensitivities of the site whilst working towards the Club’s and Shire’s strategic goals.</p>					
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Applicant / Project	Total Project Cost	CFF request	Score / 60	Recommended for Funding	Amount Recommended
Murray Districts Playgroup <ul style="list-style-type: none"> Kitchen Upgrades 	\$6,215.00	\$2,695.00 + in-kind labour costs.	33.5	Yes	\$2,695.00 + in kind labour costs.

Officer Comment

The facility’s original kitchen requires replacement due to its age and poor condition following water damage. The total cost of the project is \$6,215 inclusive of materials and labour however, to allow the CFF funding to be distributed to as many applicants as possible, it is recommended that Shire Officers undertake the installation works as in-kind labour, with CFF funding being provided for materials.

Applicant / Project	Total Project Cost	CFF request	Score / 60	Recommended for Funding	Amount Recommended
Yunderup Sport and Recreation Club <ul style="list-style-type: none"> Air-Conditioning 	\$31,982.00	\$20,000.00	32	Yes - Partial	\$16,075.68

Officer Comment

The Club has reported that the air conditioning unit is more than 35 years old, and its maintenance has become increasingly costly and frequent. The operational expenses associated with the unit have become exorbitant. Transitioning to a split air conditioning system is expected to reduce costs and enhance operational efficiency as well as provide an increased level of comfort to patrons.

Applicant / Project	Total Project Cost	CFF request	Score / 60	Recommended for Funding	Amount Recommended
Pinjarra Golf Club <ul style="list-style-type: none"> Mini Golf Feasibility Study 	\$28,204.00	\$17,948.00	31	No	-

Officer Comment

Officers have been made aware of the deteriorating condition of the club room's roof following a Building Evaluation Report commissioned by the Golf Club which also highlights other facility issues to be addressed. Addressing the current facility issues is considered to be a higher priority for the club to address and allocate resources towards ahead of the proposed mini golf feasibility. The Club’s strategic plan contains priority projects and estimated costings however it is noted that no funding strategy accompanies this to identify funding for the construction of a mini golf facility after the completion of the study which is estimated at \$1.2 mil. The Department of Local Government, Sport and Cultural Industries previously provided advice that mini golf infrastructure would not be considered for CSRFF funding as they do not recognise it to be a channel to increase participation or membership. Golf WA and Golf Australia have identified mini golf as a pillar in their strategic plans and highlight an example in their 2021-2022 Annual Report. Due to the conflicting interpretations of mini golf being viewed as a participation and membership pathway, the club could face difficulties moving onto the next phase being construction and the ability to source funding.

It is also noted that the purpose of the CFF is to fund projects with a community focus and Officers suggest that investigation into mini golf feasibility is more aligned to an economic development project.

Officers will continue to work with the Golf Club to assist with the implementation of their strategic plan where appropriate.

Applicant / Project	Total Project Cost	CFF request	Score / 60	Recommended for Funding	Amount Recommended
West Coast Reiners • Arena Upgrade	\$14,857.15	\$19,295.00	28	No. However investigate potential for Shire in-kind support	-

Officer Comment

The application provided detail regarding the steps involved in an arena upgrade as well as comprehensive information on the need for a good surface for the sport.

Lacking however was context as to the activities of the Club and no information was provided on the types, scale or frequency of events held in the arena at the Murray Equestrian Centre to support a request for funding. The application also didn't demonstrate confidence that the club could fulfil its obligations to fund their contribution.

Given the highly competitive funding round, funding is not recommended.

Applicant / Project	Total Project Cost	CFF request	Score / 60	Recommended for Funding	Amount Recommended
Kwillana Va'a Outrigger Canoe Club • Community Shed at Batavia Quays. Installation of a colourbond storage shed at the Batavia Quays boat ramp.	\$42,676.30	\$20,000.00	25.5	No	-

Officer Comment

Development at Batavia Quays is subject to approval by DPLH under the Peel Region Scheme.

The club has previously been advised Colorbond infrastructure is not permissible near foreshore reserves, as it does not align with the requirements of the Peel Region Scheme. As a result, funding is not recommended to support a project that will be unable to obtain the required approvals.

Officers will continue to work with the Kwillana Va'a Outrigger Canoe Club to investigate other options to enable a secure facility within the Shire of Murray.

Council Plan

Focus Area	People
Outcome	An active and healthy community.
Objectives	Improve access to sport, recreation, facilities and programs.
Objectives	Build community capacity by helping local community groups and clubs to develop and grow.

Other Strategic Links

Nil.

Statutory Environment

Policy C9 – Community Facility Fund

Sustainability & Risk Considerations

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

Nil.

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

There is a growing expectation for Local Government to enable greater autonomy and activation of their places by the community and for sufficient community infrastructure to support a diverse range of uses, including the Shire’s growing number of sporting organisations and need to provide suitable community, sport and recreation infrastructure. The collaborative approach to projects will develop greater capacity building in our volunteer, community and sporting organisations.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	<p>Risk: Funded projects do not go ahead due to poor planning.</p> <p>Mitigation: The process is in line with Policy C9 Community Facility Fund which requires a sound level of planning for all projects with supply of evidence.</p> <p>Risk: Unfunded projects are contested.</p> <p>Mitigation: The assessment process is robust and transparent with clear criteria and guidelines.</p>
Medium	<p>Risk: Applicants undertaking funded project that may result in injury or works that are not of a standard required for local government facilities/infrastructure.</p> <p>Mitigation: Where appropriate, require that all supported project works are undertaken by Shire approved contractors.</p>

Consultation

Nil.

Resource Implications*Financial*

Council has endorsed an allocation of \$50,000 in the 2023/24 annual budget.

Workforce

The Shire possess the means to provide in-kind support as highlighted in particular projects.

Options

1. Approving the Officers recommended funding allocations for the 2023/24 Community Funding Facility Fund.
2. Not approving or amending the Officers recommended funding allocations for the 2023/24 Community Funding Facility Fund and resolving alternate funding decisions.

Conclusion

The Community Facility Fund is one of the avenues through which the Shire can support a range of sport, recreation and community organisations to deliver community-led projects that create vibrant, active and inclusive communities which improve the wellbeing of its residents.

This round has seen a high number of applications from a range of community and sporting groups and clubs with the result being an oversubscription to the allocated funding pool.

Officers have assessed the applications and provide recommendations to support the greatest number of groups possible within the budget allocation and in accordance with the principals and intent of the grant.

Officers will continue to work with all Clubs to provide ongoing assistance with projects to benefit the community.

14 INFRASTRUCTURE SERVICES**14.1 Acquisition of Unmade Road Reserve - Thompson Road to Lake Mealup Road Nirimba**

File Ref: D23/33241
Previous Items: OCM 23 Mar 23 Item 41.2 OCM23/030
Applicant: Cornelius McCormick
Author and Title: Alan Smith, Director Infrastructure Services
Declaration of Interest: Nil.
Voting Requirements: Simple Majority
Appendices: Item 14.1 Appendix 1 - Summary of submissions

Recommendation/Council Decision OCM23/181

Moved: Cr A Rogers

Seconded: Cr S Kirkham

That Council not support the proposed closure of the unmade road reserve between Thompson Road and Lake Mealup Road.

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

Against: Nil.

CARRIED UNANIMOUSLY 8:0

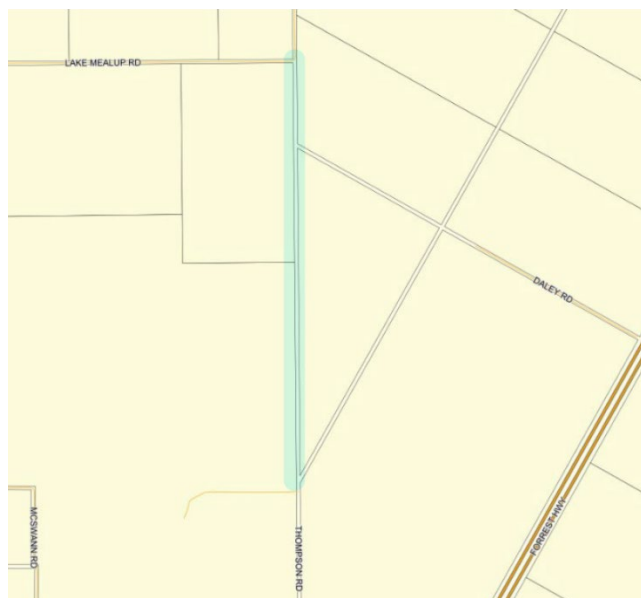
In Brief

The Shire of Murray has received correspondence from the landowner of Lot 1 (#556) Thompson Road, Nirimba seeking acquisition of the adjacent unmade road reserve.

- The Shire received correspondence from the landowner of Lot 1 (#556) Thompson Road, Nirimba seeking to acquire the adjacent unmade road reserve.
- Council resolved to advertise the proposed closure of the road reserve and seek comment from surrounding landowners, service agencies and State Departments.
- Comment has been received following the advertising of the proposed closure.

Background

The property owner of Lot 1 (#556) Thompson Road, Nirimba would like to acquire the unmade road reserve (indicated on the plan below) to keep maintained by grazing to reduce fire risk. To enable the closure to be progressed there is a requirement under the Land Administration Act to advertise and seek comment from adjacent landowners plus Service Agencies (Telstra, Western Power etc.) and State Departments to ensure an informed outcome to the proposed closure.



The acquisition was considered for advertising by Council with the following resolution:

Recommendation/Council Decision OCM23/030

Moved: Cr S Lee Seconded: Cr A Rogers

That Council:

1. Approve advertising the proposed closure of the road reserve, writing to all surrounding landowners and engaging with service authorities for comment.
2. A further report be prepared for Council at the closure of the advertising period.

The proposed acquisition and proposed closure of the road reserve was advertised in the Coastal Times Newspaper on Wednesday 17 May 2023 with submissions to be lodged by Tuesday 6 June 2023. Unfortunately, there was a need to chase up a number of agencies to ensure an informed approach and this has delayed the final review of the proposal.

Report Detail

It is the Local Governments responsibility to progress the request for any proposed road closure in accord with the *Land Administration Act*. The priority is to engage with any impacted properties, Service Agencies and State Agencies to look toward an aligned approach.

In this case there is no service infrastructure within the immediate area therefore the Service Agencies provided no objection, the State Agencies also had limited feedback with the Department of Planning, Lands and Heritage proposing not to comment until after the matter had been determined.

There are three property owners impacted by the proposed closure, the proponent is supporting the proposal, with one neighbour objecting to the closure and the third neighbour did not reply. When dealing with land tenure and road closures it is preferred that all landowners are aligned and supportive of the closure.

In this case there are differing opinions around the closure and the property owners are not in agreement regarding the closure, therefore until the property owners do align and support the closure it would be recommended to not support the road closure between Thompson Road and Lake Mealup Road.

The feedback from the public consultation can be found in **Appendix 1**.

Council Plan

Focus Area	Planet
Outcome	A resilient community equipped to respond to natural disasters and other emergencies.
Objectives	Minimise risks and impacts from fires, floods and other natural disasters.
Actions	Implement bushfire mitigation works.

Other Strategic Links

Nil.

Statutory Environment

Land Administration Act.

Sustainability & Risk Considerations

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

Nil.

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

Nil.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	The management of the existing unmade road reserve is currently dealt with via stocking, therefore there is negligible to no risk regarding the proposed closure. Should the closure progress the said land would continue to be managed by stocking.

Consultation

Through the formal advertising.

Resource Implications

Financial

Costs for the advertising which is covered within operational budgets.

Workforce

Nil.

Options

1. To not progress with the proposed road closure.

2. To progress with the proposed road closure.

Conclusion

When Local Governments review opportunities to close road reserves it is generally with the support of adjoining properties or in some cases to align to a greater planning objective. In this case the proposed road closure is generally supported by the Service Agencies and State Agencies due to the isolated nature of the unmade road reserve.

Unfortunately, the adjoining properties are not fully supportive of the proposed closure, the preference is for these parties to be aligned. Therefore, the current proposal to close the unmade road reserve from Thompson Road to Lake Mealup Road is not supported.

15 ITEMS FOR INFORMATION

15.1 Outstanding Council Resolutions November 2023

File Ref: D23/39023

Author and Title: Belinda Brown, Executive Services Coordinator

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

In Brief

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

15.2 Delegated Development Application Decisions - October 2023

File Ref: D23/39024

Author and Title: Rod Peake, Director Planning & Sustainability

Appendices: Item 15.2 Appendix 1 - Delegated Development Decisions Schedule -
October 2023

In Brief

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

16 BUSINESS LEFT OVER FROM PREVIOUS MEETING

Nil.

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

Nil.

18 NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil.

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

Nil.

20 MEETING CLOSED TO THE PUBLIC (CONFIDENTIAL BUSINESS)**Recommendation/Council Decision OCM23/182****Moved: Cr A Rogers****Seconded: Cr S Kirkham**

That Council proceeds behind closed doors the time being 7.09pm as per Section 5.23(2)(b)(c) and (e ii & iii) of the *Local Government Act 1995* for the purpose of considering confidential item/s 20.1 Australia Day Community Citizen of the Year 2024 and 20.2 Consideration of Stage 2 Submissions – Edenvale Homestead:

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

Against: Nil.

CARRIED UNANIMOUSLY 8:0**20.1 Australia Day Community Citizen of the Year Awards 2024****Recommendation/Council Decision OCM23/183****Moved: Cr S Carter****Seconded: Cr S Kirkham**

Cr S Kirkham declared an Impartiality Interest in Item 20.1 Australia Day Community Citizen of the Year Awards 2024 in that he is a relation to one of the applicants.

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 20.1 Australia Day Community Citizen of the Year Awards 2024 in that she nominated a member of the public to be considered by the selection panel for citizen of the year.

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

Cr A Rogers remained in the meeting.

Cr D McLarty declared an Impartiality Interest in Item 20.1 Australia Day Community Citizen of the Year Awards 2024 in that he was a second referee for one of the nominees.

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

Cr D McLarty remained in the meeting.

Recommendation

That Council endorses the Selection Panel's Recommendation included in the report for Item 20.1 - Australia Day Community Citizen Awards 2024 with the names to remain confidential until Australia Day 2024.

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

Against: Nil.

CARRIED UNANIMOUSLY 8:0

20.2 Consideration of Stage 2 Submissions - Edenvale Homestead**Recommendation/Council Decision OCM23/184****Moved: Cr D Pike****Seconded: Cr S Carter**

Cr Nicole Willis declared an Financial Interest in Item 20.2 Consideration of Stage 2 Submissions - Edenvale Homestead in that she owns a café in Pinjarra.

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

Recommendation.**That Council:**

1. **Endorses Applicant 2, Groundswell Drive Thru Pty Ltd, as the preferred proponent.**
2. **Accepts the market rental valuation dated 11 November 2022 establishing the annual rental value for the premises as \$24,600 per annum as being the current and true market value.**
3. **Delegates to the Chief Executive Officer to negotiate and endorse a lease arrangement with the preferred proponent to operate a food and beverage venue at the Edenvale Homestead being a portion of Lot 316 (Reserve 36703) Henry Street, Pinjarra on the following key terms:**
 - **entering into a minimum five-year term which may be a combination of an initial term and options to extend the lease;**
 - **granting a three-year nominal rent period to assist the business in establishing itself at the premises;**
 - **requiring the lessee to be responsible for all normal outgoings and the maintenance and repair of all equipment and chattels provided to operate the premises.**
4. **Notes that prior to entering into any commercial agreement, the proposed disposal of land will be subject to advertising in accordance with the Local Government Act 1995.**
5. **Delegates to the Chief Executive Officer to consider all public submissions following the closure of the advertising period and should no adverse submissions be received, authorises the Chief Executive Officer to execute a lease arrangement with the preferred proponent.**
6. **Notes that prior to entering into any commercial agreement, the lease is subject to the Minister of Lands prior written consent.**

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

Against: Nil.

CARRIED UNANIMOUSLY 7:0

Cr Nicole Willis re-joined the meeting the time being 7.15pm.

Recommendation/Council Decision OCM23/185

Moved: Cr A Rogers

Seconded: Cr S Kirkham

That Council proceeds with open doors the time being 7.15pm.

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

Against: Nil.

CARRIED UNANIMOUSLY 8:0

21 CLOSURE OF MEETING

There being no further business the Presiding Member declared the meeting closed the time being 7.15pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 21 December 2023.

A handwritten signature in black ink, appearing to read 'I. Daniels', is written over a horizontal dotted line.

PRESIDING MEMBER