



# **Agenda**

**Ordinary Council Meeting**

**Thursday 21 December 2023**

**at 5.30pm**

## **Question Time Rules**

**Please note that the following rules apply to Question Time:**

- 1. The person asking the question is requested to complete a Public Question Time Form prior to asking a question at the Council meeting. This will assist in a more informed and detailed response being given at this meeting. This form is available on the Shire's website and on the desk in the gallery area of Council Chambers.**
- 2. Questions are to be directed through the Chair, with the Chairperson having the discretion of accepting or rejecting a question or taking it on notice.**
- 3. To enable all members of the public a fair and equal opportunity to participate in Question Time, each person shall, in the first instance, ask a maximum of Two Questions.**
- 4. If a question is taken on notice at the meeting, it will be answered in writing and included in the following meeting's Minutes.**



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## **Notice of Meeting**

Notice is hereby given that the Ordinary Meeting of Council will be held at the Murray Shire Council, 1915 Pinjarra Road, Pinjarra on Thursday, 21 December 2023 commencing at 5.30pm.

Dean Unsworth  
Chief Executive Officer

- 1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
- 2 ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE**
- 3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
- 4 PUBLIC QUESTION TIME**
- 5 PETITIONS AND APPROVED DEPUTATIONS**
- 6 CONFIRMATION OF MINUTES**
  - 6.1 Ordinary Council Meeting – 23 November 2023**

### **Recommendation**

**That the Minutes of the Ordinary Council Meeting held on Thursday 23 November 2023 be confirmed as a true and correct record.**

### **6.2 Audit and Risk Committee Meeting – 7 December 2023**

#### **Recommendation**

**That the Minutes of the Audit and Risk Committee Meeting held on Thursday 7 December 2023 be confirmed as a true and correct record.**

### **7 ANNOUNCEMENTS BY THE PRESIDING MEMBER**

The Shire President's announcements will be provided as part of the Minutes.

### **8 ANNOUNCEMENTS BY ELECTED MEMBERS**

The Elected Members' announcements will be provided as part of the Minutes.

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

**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 Draft Shire of Murray Local Planning Strategy

File Ref:	D23/32086
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Rod Peake, Director Planning & Sustainability
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 11.1 Appendix 1 - Draft Local Planning Strategy - Confidential Item 11.1 Appendix 2 - Draft Local Planning Scheme No. 6 - Confidential

#### Recommendation

##### That Council:

- 1. Endorse the draft Local Planning Strategy in accordance with that set out in Appendix 1 for forwarding to the Department of Planning Lands and Heritage and other relevant State agencies for preliminary feedback prior being formally considered for presentation to the Western Australian Planning Commission for certification to advertise for public comment.**
- 2. Note the draft Local Planning Scheme No.6 as set out in Appendix 2, which is intended to be updated to adapt to changes made to the Local Planning Strategy as the Strategy proceeds through its process.**

#### In Brief

Council is requested to consider the draft Local Planning Strategy for forwarding to the Department of Planning Lands and Heritage and other relevant State agencies for feedback prior to being formally considered for certification by the Western Australian Planning Commission (Commission) to advertise for public comment.

A draft Local Planning Scheme has also been prepared for Councillors information until the direction of the Local Planning Strategy has been confirmed and the statutory process for the Scheme can formally commence.

#### Background

The *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) require that local governments must prepare a Local Planning strategy to inform each local planning scheme.

A Local Planning Strategy must:

- Be prepared in a manner and form approved by the Commission.
- Set out the long-term planning directions for the local government.
- Apply any relevant State or regional planning policy.
- Provide the rationale for any zoning or classification of land proposed under the local planning scheme.

The Local Planning Strategy responds to the State's strategic planning framework set out in the *Perth and Peel at 3.5 Million* and *South Metropolitan Peel Sub-Regional Planning Framework* endorsed by the Commission and the subsequent Planning Investigation Area Update Report released in September 2022.

The Local Planning Strategy also responds to the aspirations and outcomes relevant to land use planning as set out in the Shire's newly adopted *Plan for the Future 2023 -2033*.

The preparation of the Local Planning Strategy was informed by the substantial community engagement undertaken for the Shire's Plan for the Future. This included six community workshops, almost 1,500 responses to a community survey and feedback from 90 internal seminar attendees. In addition, separate community and State agency workshops were held specifically relating to the Local Planning Strategy.

### Report Detail

The Shire's population is currently estimated at 19,252 people. The population is spread across nine separate towns and settlements in both rural, urban and forest settings, which provides a diverse range of lifestyle options. The term of the Local Planning Strategy is 15 years. By 2038 the Shire's population is forecast to nearly double to 37,794 people and by 2051 forecast to nearly double again to 71,820 people. A key purpose of the Local Planning Strategy is to plan for the orderly growth of the Shire to accommodate this forecast population growth with a diverse range of lifestyle options in a way that provides for sufficient local employment and economic growth opportunities to provide a prosperous future; provide for a range of transport options and sufficient community and public utility services and infrastructure; as well as protect and enhance the Shire's unique character, cultural heritage, sensitive environmental attributes and provide for vibrant and attractive places.

The Local Planning Strategy has been informed by a number of technical studies that have provided the rationale for many of the recommended actions. This includes a bushfire risk assessment of proposed areas for population growth to ensure they are suitable from a bush fire risk perspective; an activity centres and employment planning strategy to determine the number and type of jobs necessary and to provide the basis to determine a suitable activity centre network for the forecast population; landscape and character evaluations to help identify actions to help protect and enhance the natural landscape and character elements of the Shire as it grows; and a transport strategy which identifies transport related issues, principles and recommended actions necessary to accommodate the forecast population and to as far as possible support alternative transport modes to the private car.

The Local Planning Strategy is aligned to the State's strategic planning framework, which includes principles to:

- Develop a consolidated urban form that limits the identification of new greenfield areas to where they provide a logical extension to the urban form, and that places a greater emphasis on urban infill and increased residential density.
- Avoid areas that are at a high risk of bushfire to manage the potential impact on people, property and infrastructure.
- Limited support for new rural residential development, with the emphasis on areas currently zoned for this purpose.
- Facilitate increasing the number of people living close to where they work with the identification of suitable sites for employment within the sub-region and a focus on attracting strategic economic and employment land uses to the sub-region.
- Protect employment land from other competing land uses that could limit its ability to be used for employment purposes.
- Integrate land use and public transport to contribute to maintaining air quality.
- Maximise the use of and add value to existing infrastructure, including transport, community/social and service infrastructure, where there is a concentration of urban and employment opportunities.
- Promote shared infrastructure corridors and sites for transport, community/social and service infrastructure (where appropriate).



- Provide effective and sustainable management of water resources including public drinking water source areas, drainage, nutrient management and water allocation to minimise environmental impacts, particularly in a drying climate.
- Avoid, protect and mitigate impacts on environmental attributes (with an emphasis on avoiding and protecting) when allocating proposed land uses, or address impacts through an improved conservation estate where those impacts cannot be avoided or mitigated, especially the Peel-Harvey Catchment area.
- Identify ultimate land uses for industrial and public purposes sites, while promoting access to finite basic raw materials, through the staging and sequencing of development.
- Retain land for agriculture and food production.

The Local Planning Strategy sets out the land use planning vision for how land use change and development will occur within Shire of Murray over the next 15 years as well as the key issues, opportunities, planning directions and implementation actions. The draft Strategy is included in **Appendix 1**.

In accordance with the Commission’s guidelines the Local Planning Strategy has been framed around the following four themes:

- Community, urban growth and settlement.
- Economy and employment.
- Environment.
- Transport and Infrastructure.

The key steps in the process for the Local Planning Strategy is set out below:

1	Council endorsement to the direction of Local Planning Strategy.
2	Preliminary feedback from Department of Planning Lands and Heritage and other relevant agencies with Council endorsement of any necessary changes arising from this.
3	Formal submission of the draft Local Planning Strategy to the Commission seeking its certification that the draft Local Planning Strategy meets the criteria under the Regulations and the Shire may proceed to advertise for draft Strategy for public submissions.
4	Public advertising of the draft Local Planning Strategy.
5	Council to review and endorse the draft Local Planning Strategy having regard to any submissions made.
6	Endorsement of the Local Planning Strategy by the Commission.
7	Publication of endorsed Local Planning Strategy.

The Local Planning Strategy forms the strategic basis for the preparation of a new Local Planning Scheme for the Shire of Murray (Scheme). A Scheme is a statutory document that sets out the way land is to be used and developed. In particular it zones and reserves land within the Shire area and sets out permissible land uses for each zone. It also contains a range of statutory provisions to guide how land is used, developed and managed.

A Scheme comprises a Scheme text and Scheme Maps. The Scheme text comprises the Deemed Provisions as set out in the Regulations which are common to all local government Schemes, as well as text relevant to the specific local government which is based on the Model Provisions set out in the Regulations, tailored to suit the local government.

A draft Scheme has been prepared for Council’s information and the current version is included in **Appendix 2**. As the Scheme must respond to the strategic direction of the Local Planning Strategy, it may need amendment following progression of the Local Planning Strategy assessment process. The Department of Planning Lands and Heritage has therefore indicated a preference for the Local Planning Strategy to progress ahead of the Scheme. It is therefore intended that the draft Scheme will be updated and adapted to changes made to the Local Planning Strategy as it proceeds through its process, with the statutory process for adopting the Scheme to commence when there is a high degree of certainty over the final form and content of the Local Planning Strategy.

The draft Local Planning Strategy and Local Planning Scheme documents have been confidentially appended to the agenda. This is to help avoid the undesirable situation where speculative proposals are made at this early stage based on new land proposals in the documents when they are at a preliminary stage and have not been considered the Department of Planning Lands and Heritage or other agencies and may therefore be subject to change. Both documents will go through full and thorough public consultation later in the process prior to being formally considered for adoption.

**Council Plan**

<b>Focus Area</b>	Place
<b>Outcome</b>	Population growth is being managed responsibly and sustainably.
<b>Objectives</b>	Manage urban growth effectively.
<b>Actions</b>	Finalise the Local Planning Strategy and Local Planning Scheme with a focus on retaining local character and achieving sustainability outcomes.

**Other Strategic Links**

The Local Planning Strategy is the highest-level strategic land use planning document for the Shire. It has been prepared in a way that aligns with the direction of the State’s strategic planning and particularly Perth and Peel at 3.5 million and the South Metropolitan Peel Sub Regional Planning Framework.

**Statutory Environment**

The process for the preparation and endorsement of a Local Planning Strategy is set out in Part 3 of the Regulations.

**Sustainability & Risk Considerations**

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

The Local Planning Strategy will provide a clear planning framework to guide future public and private investment in the Shire.

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

The Local Planning Strategy will provide for a land use planning framework to protect and enhance the quality of life and liveability for the Shire’s community, and will address a range of social trends and issues.

*Environment – (Impact on environment’s sustainability)*

The Local Planning Strategy will provide a framework to accommodate the Shire’s growth in a way that is sensitive to, and capitalises on, the existing natural and built environmental assets.

*Policy Implications*

The Shire’s existing local planning policies will be progressively reviewed to ensure alignment with the Local Planning Strategy following final endorsement by the Commission.

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Low	There is a Statutory obligation to prepare a Local Planning Strategy to support the preparation of a new Scheme. The Local Planning Strategy aligns with the State planning framework. There are opportunities for consultation and consideration of submissions as part of the Local Planning Strategy process. There are no significant risks in progressing the Local Planning Strategy.

**Consultation**

The Local Planning Strategy was informed by the substantial community engagement undertaken for the Shire’s recently adopted Plan for the Future. This included six community workshops, almost 1,500 responses to a community survey and feedback from 90 internal seminar attendees. In addition, two separate community and State agency workshops were held specifically relating to the Local Planning Strategy.

Following certification from the Commission that the Local Planning Strategy can be advertised, the Regulations provide for a minimum 21-day public advertising period to provide stakeholders with an opportunity to comment on the draft Strategy. In the lead up to the advertising, an engagement plan will be prepared to ensure widespread notice of the draft Local Planning Strategy and opportunity to lodge submissions. This is intended to include a variety of means whereby the community can learn about what is proposed and discuss the proposals with the Shire staff which will complement conventional communication means such as newspaper advertising and online engagement.

**Resource Implications**

*Financial*

The Local Planning Strategy has been prepared within the budget allocated to the project.

*Workforce*

The Local Planning Strategy has been prepared within existing staff resource levels, with the assistance of specialist consultant input.

**Options**

1. Endorse the draft Local Planning Strategy in its recommended form for forwarding to the Department of Planning Lands and Heritage and other relevant agencies for feedback prior to being formally considered for public advertising by the Commission.
2. Request amendments to the draft Local Planning Strategy prior to seeking feedback from the State agencies.

**Conclusion**

The Regulations require the Shire to prepare a Local Planning Strategy to provide the strategic context for its new Local Planning Scheme. The draft Local Planning Strategy aligns with the State Planning Framework and Shire’s new Plan for the Future and is now in a form suitable for release to obtain feedback from the Department of Planning Lands and Heritage and other State agencies before being considered for submission to the Commission for formal certification for public advertising.

## 12 CORPORATE GOVERNANCE

### 12.1 Alfresco Dining Lease - Portion of Reserve 39896 on Lot 1833 Delta Drive, South Yunderup

File Ref:	D23/38504		
Previous Items:	PPS Dec 2013	Item 7.4	(PPS13/160)
	OCM Dec 2013	Item 11.4	(OCM13/253)
	OCM Mar 2015	Item 12.3	(OCM 15/048)
	OCM Oct 2016	Item 11.4	(OCM16/237)
	OCM Nov 2016	Item 11.4	(OCM16/274)
Applicant:	Lainey Marketing Pty Ltd (ACN:092 901 098)		
Author and Title:	Julie Pantaleo, Governance Officer		
Declaration of Interest:	Nil.		
Voting Requirements:	Simple Majority		
Appendices:	Nil.		

#### Recommendation

##### That Council:

1. **Accepts the market rental valuation of \$950 per annum (GST exclusive) for the area to be occupied and used under the proposed lease, as provided by Acumentis on 1 November 2023;**
2. **Approves for the Chief Executive Officer to –**
  - (a) **publish a local public notice in accordance with Section 3.58 of the *Local Government Act 1995* inviting written submissions on the proposed lease, to be received for at least 14 days; and**
  - (b) **subject to no adverse submissions being received by the closing date finalise, execute and affix the common seal on a lease agreement with the proponent;**
3. **Grants a new lease agreement with Lainey Marketing Pty Ltd for a portion of Reserve 39896 on Lot 1833 Delta Drive, South Yunderup for a period of five years with an option term of five years, with the annual rental of \$950 per annum, ex GST plus CPI reviews with a market rental valuation at the commencement of the further term; and**
4. **Authorises the Shire President and Chief Executive Officer to execute the lease in accordance with Policy G1 – Execution of Documents, subject to the consent of the Minister for Lands being first obtained.**

#### In Brief

This report is presented to consider a request for a new lease arrangement with Lainey Marketing Pty Ltd for a portion of Reserve 39896 for a period of five years, with a further five-year extension period commencing 1 February 2024.

#### Background

In December 2013, Council originally approved for a lease agreement to be developed with Yellara Nominees Pty Ltd for a portion of Reserve 39896 on Lot 1833 Delta Drive, South Yunderup to support alfresco dining associated with the Sandy Cove Tavern. The following Committee recommendation was adopted (OCM13/253).

##### That Council –

1. *authorises the Chief Executive Officer to consider the submissions and determine the lease of an approximate 55m<sup>2</sup> portion of Reserve 39896 Delta Drive, South Yunderup, to the owners of the Sandy Cove Tavern on terms and conditions considered appropriate by the Chief Executive Officer including an initial five year term with a further five year option and an annual rental*

*determined by market valuation, escalated annually by the consumer price index with a further market review after the first five years; and*

- 2. authorises the Chief Executive Officer and Shire President to sign and seal the lease documentation.*

After this Council determination a lease was developed and endorsed on 16 January 2014 with Yellara Nominees Pty Ltd for an initial term of 5 years with a similar option period at a rental of \$550 per annum, excluding GST to accommodate alfresco dining on a portion of Reserve 39896.

Subsequent to that lease being enacted in March 2015 Council were requested to support the assignment of the lease from Yellara Nominees Pty Ltd to Skyknight Pty Ltd due to a change in business circumstances. On 26 March 2016 the following recommendation supporting the assignment was adopted. That Council –

- 1. supports the current lease with Yellara Nominees Pty Ltd on Reserve 39896 to be assigned to Skyknight Pty Ltd of level 2/140 Colin Street, West Perth on the existing lease terms and conditions;*
- 2. reaffirms that all costs associated with the assignment are the responsibility of the current lessee; and*
- 3. authorises the Chief Executive Officer to prepare, execute and seal a formal deed of assignment.*

In 2016, concerns were identified with development within the area leased for alfresco dining and in particular encroachments by shade sail poles into the balance of the Reserve. A report was present at the Ordinary Council Meeting on 27 October 2016 to determine a means to satisfactorily address the concerns identified and the following recommendation was adopted.

*“That Council authorises the Director Planning and Sustainability to delete the conditions of development approval for the application submitted by Kelly Brown on behalf of the Sandy Cove Tavern for retrospective approval of a shade sail structure within Lot 631 and Reserve 39896 South Yunderup Road, South Yunderup, upon the following matters being completed;*

- 1. a contribution of \$5,000 being received by the Shire from the Sandy Cove Tavern owner/manager to be placed in the Parks and Recreation Reserve account to be used toward future upgrade works to the Sandy Cove Reserve; and*
- 2. modifications being undertaken in the vicinity of the shade sail poles to the satisfaction of the Director Technical Services aimed at creating a barrier to the pinch point between the existing retaining wall and the poles to reduce safety risk; and*
- 3. changes being made to the existing lease documentation to the satisfaction of the Director Planning and Sustainability to address issues relating to the poles including maintenance, ownership, liability, insurance.”*

Solicitors acting on behalf of Skyknight Pty Ltd and the proponent requesting the assignment of the existing lease formally acknowledged the above Council determination on the remedies approved to address the shade sail infrastructure encroachments and the following confirmation summarises the associated matters. Skyknight Pty Ltd formally consents to –

- the lease being assigned to Ikeys Intersection Pty Ltd in accordance with the relevant sale of land and business contracts;
- meet all reasonable assignment costs; and
- bear responsibility for all action required to resolve the issue of the alfresco infrastructure being constructed outside of the approved lease area

Further to the request for an assignment / transfer of lease, Skyknight agrees to:

- pay the \$5,000 contribution to upgrade the new park facilities immediately upon confirmation of payment instructions
- To request that the draft transfer of lease include any variations of lease to recognise the shade sale poles and address issues such as maintenance, ownership, liability and insurance.

In November 2016 Council considered assigning a lease held by Skyknight Pty Ltd to Lainey Marketing Pty Ltd (ATF the Lainey Unit Trust (Lainey)) for a portion of Reserve which is used by Sandy Cove Tavern for Alfresco Dining. On 24 November 2016 the following recommendation supporting the assignment was adopted.

*“That Council –*

- 1. supports the current lease with Skyknight Pty Ltd for a portion of Reserve 39896 to be reassigned to Lainey Marketing Pty Ltd atf the Lainey Unit Trust on the existing general lease terms and conditions;*
- 2. reaffirms that all costs associated with the assignment and indemnification are the responsibility of the assignee;*
- 3. authorises the Chief Executive Officer to prepare, execute and seal a formal deed of assignment with Lainey Marketing Pty Ltd atf the Lainey Unit Trust on the existing lease terms, subject to the consent of the Minister for Lands being obtained; and*
- 4. authorises the Chief Executive Officer to prepare, execute and seal a formal Deed of Indemnification with Lainey Marketing Pty Ltd atf the Lainey Unit Trust on the terms required to effectively manage the shade sail poles encroachment into Reserve 39896.”*

### **Report Detail**

Pending the lease expiration on 31 January 2024, Lainey Marketing Pty Ltd have requested a new lease over a ten-year period. This is to be based on an initial five-year term and a five-year further term. Entering into a lease agreement with these arrangements will benefit the community of South Yunderup and its surrounding areas.

The annual rental is proposed to commence at \$950 per annum, plus GST which aligns with the independent valuation received. The applicant would be responsible for all associated lease preparation, advertising, statutory and legal costs as well as costs associated with meeting the obligations generally outlined in the recommendation presented.

The rationale to provide provision within the proposed lease for the applicant to be responsible for the repair/refurbishment of the infrastructure. There is clear evidence that the alfresco dining area increases the overall value of the business operation.

The area outlined red in the map provided details the location of the proposed continuing lease area.



**Council Plan**

<b>Focus Area</b>	Prosperity
<b>Outcome</b>	Sustainable economic growth with decent work for all.
<b>Objectives</b>	Maximise inherent regional economic opportunities.

**Other Strategic Links**

Nil.

**Statutory Environment**

Section 3.58 of the *Local Government Act 1995* deals with the issue of disposing of property by lease or otherwise. In this case subsections (2), (3) and (4) apply, as follows:

- (2) *Except as stated in this section, a local government can only dispose of property to —*
  - (a) *the highest bidder at public auction; or*
  - (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
  - (a) *it gives local public notice of the proposed disposition —*
    - (i) *describing the property concerned;*
    - (ii) *giving details of the proposed disposition; and*
    - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*

- (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
  - (a) *the names of all other parties concerned;*
  - (b) *the consideration to be received by the local government for the disposition; and*
  - (c) *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*

Section 18 of the *Land Administration Act 1997* requires the prior approval of the Minister for Lands to be obtained prior to entering into land transactions involving Crown Land.

**Sustainability & Risk Considerations**

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

Renewing the lease for a further 10 years on the general terms of past arrangement is not expected to financially impact the community, as the lessee would be exclusively responsible for the maintenance and upkeep of the licensed premises and its own equipment.

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

Supporting the lease is not expected to adversely affect adjoining landowners, as no change in use or permitted purpose is proposed and putting in place mechanisms to ensure maintenance of the encroachment matters will limit exposure to any associated risks.

*Environment – (Impact on environment’s sustainability)*

Nil.

*Policy Implications*

Council Policies are not impacted by this proposal. If the application is supported the agreement to occupy a portion of the Reserve under a lease will be subject to advertising and the prior approval of the Minister for Lands.

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Low	<p>The lease proposed for the existing ongoing use should not negatively impact adjacent landowners and the risk of negative adjacent landowner or broader community comment is considered low.</p> <p>The overall level of organisational risk by the proposal presented is considered low subject to the consents being obtained from the Department of Lands.</p>

**Consultation**

- Council Records
- Internal Discussion
- Lainey Marketing Pty Ltd



**Resource Implications***Financial*

The rent at the commencement of the original lease arrangement with this proponent was \$550, plus GST, per annum. This rent has increased annually by CPI over the subsequent term and further term. The annual rent for the current period expiring on 31 January 2023 was \$974.49, GST exclusive. Should the 10-year (5 x 5 Year) lease agreement be supported the annual rental will commence at \$950 plus GST, with annual reviews.

*Workforce*

Capacity exists internally to prepare the proposed lease arrangement.

**Options**

1. Supporting the proposal to lease a portion of Reserve 39896 as recommended.
2. Supporting the proposal presented to lease a portion of Reserve 39896 under an amended term or other position as determined by Council.

**Conclusion**

Over the years a number of lease arrangements have been in place to support alfresco dining, directly associated with the Sandy Cove Tavern. This location and venue have been very popular and the proposal presented will not limit access to the Reserve, as a whole. Enacting a lease arrangement will provide clear responsibilities and obligations for the maintenance, ownership, liability and insurance factors associated with the shade sail poles encroaching into the balance of the reserve. The lease option recommended enables Lainey Marketing Pty Ltd to continue to use a portion of Reserve 39896. It is recommended that the proposal be accepted.

**12.2 Payments from Municipal and Trust Funds - November 2023**

File Ref:	D23/39054
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 - November 2023 (page 4)

**Recommendation**

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

**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 November 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**

<b>Focus Area</b>	Performance
<b>Outcome</b>	Capable and accountable leadership and governance.
<b>Objectives</b>	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 November 2023.
2. Not receiving the Payments from Municipal and Trust Funds report for November 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 Review of Policy A2 - Review of Policy Manual and Delegated Authority**

File Ref:	D23/40609
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	David Bentley, Manager Governance and Strategy
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 12.3 Appendix 1 - Proposed Amendments - Policy A2 - Review of Policy Manual and Delegated Authority (page 32)

#### **Recommendation**

**That Council renames Policy A2 to Review of Policy Manual and adopts the amendments to Policy A2 as presented at Appendix 1.**

#### **In Brief**

To consider amendments to policy A2 – Review of Policy Manual and Delegated Authority.

#### **Background**

Council policies are reviewed periodically to ensure alignment with the organisational structure and overall effectiveness to support the community, as legislation changes to meet compliance requirements or where a need arises.

#### **Report Detail**

The Review of Policy Manual and Delegated Authority policy is proposed to be amended to provide greater clarity on what is required when reviewing policies.

When policies are reviewed, they should be done with the following in mind:

- Whether the content of a policy and the policy itself is still relevant or required and serving the stated intention of the policy.
- Whether the implementation of the policy was successful and that there are no barriers to its ongoing operation.
- Whether the policy is efficient and doesn't contribute to excessive red tape.
- Whether the policy aligns with the Shire's strategic direction through its Council Plan or other supporting strategies and plans.

Each policy will be reviewed every three years.

If the proposed amendments are carried, it is also proposed that each policy will have a table inserted which outlines the policy owner and the review timeline. This will be inserted into the policy manual should Council adopt the recommendation.

It is important to note that a policy can be reviewed at any time, including where Council requires or requests a review, changing legislative requirements or identified issues with a policy.

The policy in its current form provides that the Shire's registers of delegated authority are to be reviewed each year. However, these provisions are proposed to be removed from the policy as the *Local Government Act 1995* requires all delegations to be reviewed by the delegator (being the Council or the CEO as the case may be for a particular delegation) at least once per financial year.

**Council Plan**

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

**Other Strategic Links**

Nil.

**Statutory Environment**

Section 2.7 of the *Local Government Act 1995* provides the role of Council:

- (1) The Council –
  - (a) governs the local government affairs, and
  - (b) is responsible for the performance of the local government’s functions.
- (2) Without limiting subsection (1), the council is to –
  - (a) oversee the allocation of the local government’s finances and resources; and
  - (b) determine the local government’s policies.

**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*

The policy implications are explored in the Report Detail.

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Low	There are no expected negative impacts associated with adopting the officer recommendation.

**Consultation**

Nil.

**Resource Implications**

*Financial*

Nil.

**Workforce**

There are no further workforce implications as policies have always had a three year review requirement according to the policy.

**Options**

1. Adopt the officer recommendation to amend the policy as per Appendix 1.
2. Edit the amendments being made or provide further amendments to the policy.
3. Reject the officer recommendation, meaning the status quo will remain.

**Conclusion**

The ongoing development and review of Council policies ensures efficient and effective use of resources, provides guidance during decision making processes, ensures compliance with legislative requirements and supports best practice based on the principles of equity, fairness and transparency.

## **12.4 Budget Amendments to Opening and Closing Balances and Projects Carried Forward from 2022/23**

File Ref:	D23/41746
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Tracie Unsworth, Director Corporate Services
Declaration of Interest:	Nil.
Voting Requirements:	Absolute Majority
Appendices:	Item 12.4 Appendix 1 - Budget Amendments to Opening and Closing Balances Appendix 23_24 (page 33)

### **Recommendation**

**That Council adopts the budget review as presented in Appendix 1 and approves the amendments to the 2023/24 budget and opening and closing positions.**

### **In Brief**

Following the finalisation of the 2022/23 annual financial report, Council is requested to consider amendments to the 2023/24 annual budget.

### **Background**

Council adopted its 2023/24 budget on 10 August 2023. At the time of adoption, transactions for the 2022/23 financial year were not finalised and therefore the annual financial statements reflect different figures than those presented as estimated actuals in the budget document. The impact on the opening and closing balances and some of the uncompleted projects that were carried forward from 2022/23 to 2023/24 are adjusted during the preparation of the annual financial statements.

It is considered best practice for Council to consider a budget variation as soon as possible after the annual financial statements have been prepared and audited so that budget allocations are corrected prior to the half-yearly statutory budget review in 2024.

### **Report Detail**

This review highlights areas where amendments to initial budget allocations are required. These have been detailed in the appendix for Council's review and determination.

The 2023/24 Annual Budget reported an estimated closing surplus as at 30 June 2024 of \$1,020,432. As a result of the financial movements outlined in this review, the revised surplus estimation has increased by \$280,332 to \$1,300,764.

The following items have influenced this position:

- Grant Funding – Appendix Note 1  
Advice of adjustments to government grants included in the 2023/24 budget have been received subsequent to budget adoption. These adjustments have resulted in a net increase of \$121,572 to available funds, and include:
  - General purpose grant – increase of \$50,274
  - Untied road grant – increase of \$54,399
  - Self-balancing special bridgework grants - \$1,362,624
- Carried Forward Projects – Appendix Note 2



Of the projects included in the 2022/23 budget that were identified as incomplete and carried forward to the 2023/24 budget, further financial transactions and budget allocations were identified, resulting in a net \$61,258 increase in available funds.

- Movement in Net Current Assets affecting surplus – Appendix Note 3

Following the adoption of the 2023/24 budget, the final reconciliation of the 2022/23 accounting transactions resulted in an increase of cash and receivables of \$238,964 and an increase in payables and provisions of \$141,460. These transactions amounted to an overall net increase to the 2022/23 closing surplus of \$97,502.

The overall impact on the Shire’s 2023/24 budgeted surplus as at 30 June 2024 is summarised as follows:

<b>Original Estimated Closing Surplus/(Deficit)</b>	<b>\$1,020,432</b>
Adjustments to Government Grant Funding Following Budget Adoption	121,572
Adjustments to 2022/23 Projects Carried Forward	61,258
Adjustments to 2022/23 Estimated Surplus/(Deficit) Brought Forward	97,502
<b>Proposed Estimated Closing Surplus/(Deficit) 30 June 2024</b>	<b>\$1,300,764</b>

**Council Plan**

<b>Focus Area</b>	Performance
<b>Outcome</b>	Capable and accountable leadership and governance.
<b>Objective</b>	Maintain long term financial sustainability and asset management.

**Other Strategic Links**

2023 Long Term Financial Plan

**Statutory Environment**

Although there is no statutory requirement for Council to amend the annual budget at this time, the Western Australian Local Government Accounting Manual recommends that a budget variation item to correct opening balances be presented to Council as soon as possible after the financial statements have been finalised so that budgets are corrected prior to the statutory budget review period.

**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	Reviewing the annual budget on a regular basis assists in the sound management of the Shire’s finances by ensuring decisions made throughout the year are based on the most recent financial position and helps to limit any negative financial impact.

**Consultation**

Nil.

**Resource Implications**

*Financial*

The impact on the Shire’s estimated financial position as at 30 June 2024 as a result of this budget review is an increase of \$280,332 to the closing surplus as reported in the 2023/24 budget document and is detailed in the revised Statement of Financial Activity and accompanying notes presented as part of the review document (refer to Appendix).

*Workforce*

Nil.

**Options**

1. Supporting the officer recommendation to approve the budget adjustments as presented in the appendix.
2. Approving part of the proposed budget adjustments as presented in the appendix.
3. Not supporting the officer recommendation.

**Conclusion**

A review of all projects carried forward from the 2022/23 financial year has been undertaken as part of this budget review. All amendments detailed in the review document (refer to Appendix) are considered necessary to ensure the successful provision of Shire services and that the Shire’s financial reports reflect the true estimated financial position as at 30 June 2024.

**12.5 Minor Review of Register of Delegations and Authorisations from Council**

File Ref: D23/41958  
 Previous Items: OCM 15 Dec 22 Item 12.2 OCM22/167  
 Applicant: Nil.  
 Author and Title: David Bentley, Manager Governance and Strategy  
 Declaration of Interest: Nil.  
 Voting Requirements: Absolute Majority  
 Appendices: Item 12.5 Appendix 1 - Register of Delegations and Authorisations from Council - As Amended (page 37)

**Recommendation**

**That Council by absolute majority adopts the changes to the Register of Delegations and Authorisations from Council as provided in Appendix 1.**

**In Brief**

Council is requested to consider the minor review of the Register of Delegations and Authorisations from Council undertaken by officers.

**Background**

The *Local Government Act 1995* and other legislation requires Council to review its delegations at least once each financial year. Council last reviewed its delegations to the CEO and other officers at the Ordinary Council Meeting on 15 December 2022.

The aim and purpose of delegated authority is to assist with the efficiency of local government operations and activities by way of quicker decision-making. Under the *Local Government Act 1995*, and other legislation, Council may delegate functions, duties and powers of the local government to the Chief Executive Officer to assist with efficient and timely decision making.

The Chief Executive Officer may then sub-delegate some of these functions, duties and powers to other officers. Sub-delegated functions are also required to be reviewed once every financial year or as otherwise required to meet operational needs. The last review of the sub-delegations was undertaken by the Chief Executive Officer on 17 November 2023.

Delegations are a proven effective organisational tool that enhances productivity and support effective customer service and timely decision making.

**Report Detail**

The review of the Register of Delegations and Authorisations from Council has been undertaken as a minor review, to correct some formatting as well as capturing the position title of the newly appointed Ranger / Bush Fire Mitigation Officer.

A summary of changes is included in the below table:

<b>Delegation No.</b>	<b>Current Delegation Title</b>	<b>Amendment / Action</b>
1.10	<i>Caravan Parks and Camping Grounds Act 1995</i>	Addition of Ranger / Bushfire Mitigation Officer and rename Shire Rangers to Rangers.
1.19	Issue of Environmental Protection Notices	Remove (EHO) from the position title of Environmental Health Officers.

Delegation No.	Current Delegation Title	Amendment / Action
4.8	<i>Bush Fires Act 1954</i> – Prosecution of Offences	Addition of Ranger / Bushfire Mitigation Officer and rename Shire Rangers to Rangers.
4.10	Issue of Special Works Orders	Addition of Ranger / Bushfire Mitigation Officer and rename Shire Rangers to Rangers.
6.1	Appointment of Authorised Persons – <i>Building Act 2011</i>	Corrected legislative reference for the issuing of an identity card.
6.6	Swimming Pools – <i>Building Act 2011</i>	Corrected legislative reference for appointing authorised persons as it incorrectly referenced the <i>Local Government Act 1995</i> , not the <i>Building Act 2011</i> .

It was identified during this review that a major review needs to occur to the Register of Delegations and Authorisations from Council. There are some legislative changes that have occurred over the last few years which will mean certain delegations will need to be thoroughly reviewed, including the impact on the organisation in terms of processes and resourcing, particularly around appointing Authorised Persons under various legislation.

Further to this, some feedback received during this review included that the Register of Delegations and Authorisations from Council is difficult to follow for officers. A new format will be used for the upcoming major review which will make it easier for Council and officers to follow, making it very clear what is being delegated.

**Council Plan**

<b>Focus Area</b>	Performance
<b>Outcome</b>	Capable and accountable leadership and governance.
<b>Objectives</b>	Establish a strong corporate governance framework to ensure high standards of integrity, ethics and accountability.
<b>Actions</b>	Implement the suite of local government reforms by required statutory dates.

**Other Strategic Links**

Nil.

**Statutory Environment**

**5.42. Delegation of some powers and duties to CEO**

- (1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
  - (a) this Act other than those referred to in section 5.43; or
  - (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

\* *Absolute majority required.*

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

**5.43. Limits on delegations to CEO**

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority of the council;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.129;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

**5.44. CEO may delegate powers and duties to other employees**

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
  - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
  - (b) the exercise of that power or the discharge of that duty by the CEO's delegate,are subject to any conditions imposed by the local government on its delegation to the CEO.
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
- (5) In subsections (3) and (4) —  
**conditions** includes qualifications, limitations or exceptions.

**5.45. Other matters relevant to delegations under this Division**

- (1) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
  - (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
  - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
  - (a) a local government from performing any of its functions by acting through a person other than the CEO; or
  - (b) a CEO from performing any of his or her functions by acting through another person.

Other legislation provides functions to be delegated, including the *Building Act 2011*, *Cat Act 2011*, *Dog Act 1976* and *Bush Fires Act 1954*, among others.

**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 likelihood of negative community feedback in respect to this statutory review is limited.

**Consultation**

Nil.

**Resource Implications**

*Financial*

Nil.

*Workforce*

Nil.

**Options**

1. Accept the review outcomes as proposed.
2. Reject the review outcomes and determine an alternate position.

**Conclusion**

Delegated authority provides the organisation with clear guidelines and operational processes to enhance and support effective, efficient and consistent customer service. The proposed amendments through this review process further enhance the efficiencies and support that officers need to deliver outcomes to the community.

## 12.6 Monthly Financial Report - November 2023

File Ref:	D23/42208
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 - November 2023 Monthly Financial Report (page 122)

### Recommendation

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

### 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:

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

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 November 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**

<b>Focus Area</b>	Performance
<b>Outcome</b>	Capable and accountable leadership and governance.
<b>Objectives</b>	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 November 2023.
2. Not receiving the monthly financial report for November 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*.

**12.7 Fee Waiver Request: Life Cycle for Canteen**

File Ref:	D23/42230
Previous Items:	Nil.
Applicant:	Jennifer Aramini, Life Cycle for Canteen Inc.
Author and Title:	Ben Jordan, Manager Murray Aquatic and Leisure Centre
Declaration of Interest:	Nil.
Voting Requirements:	Absolute Majority
Appendices:	Nil.

**Recommendation**

**That Council support a part fee waiver to Life Cycle for Canteen Inc for the use of the Murray Aquatic and Leisure Centre from 9 – 11 March 2024, reducing the fee from \$2,327.00 to \$616.25 (inclusive of GST), to cover additional staff supervision costs during their booking.**

**In Brief**

Life Cycle for Canteen Inc are holding their 25<sup>th</sup> Annual Charity Ride from 9 – 11 March 2024. They will be staying overnight in Pinjarra on 10 March, utilising the Murray Aquatic and Leisure Centre (MALC) for their accommodation. Given the event is a fundraiser for Canteen, they have asked the Shire of Murray to waive hire fees.

**Background**

Life Cycle for Canteen Inc is a registered not for profit charity that is comprised completely of volunteers. For the past 24 years they have been conducting an annual charity ride to raise funds for Canteen. Canteen support young people aged 12 to 25 who are cancer patients or are the offspring or siblings of cancer patients, offering a large variety of services in their support.

The Life Cycle event runs from Bassendean to Busselton, with around 200 cyclists making their way south over 3 days, including stopovers in Pinjarra and Brunswick. For the past 3 years, the cyclists have stopped in Pinjarra overnight at Sir Ross McLarty Oval, however due to a fixture clash with the Pinjarra Tigers Football Club, that facility is not available.

The group are running the event again in 2024 from the 9 – 11 March with all profits from the event going directly to Canteen, with most costs from the ride being met through fundraising or donations.

**Report Detail**

Life Cycle for Canteen Inc were unable to find any accommodation for their 2024 Pinjarra stopover and have approached the MALC as a host. This includes providing sleeping areas (both internal and external, using Court 3, the Group Fitness Room and the fenced outdoor grassed area for tents), toilets, changerooms and food preparation facilities. In addition, they will be holding a special presentation on the Saturday night in Court 3 for participants and special guests.

As the Life Cycle for Canteen event is a fundraising event, the organisers have requested a fee waiver for the use of the facility where possible. The booking requires access to the MALC primarily after hours and includes various elements such as:

- Access to Court 3 for riders and volunteers to sleep on the floor. In addition, a presentation will be held for all participants in the evening. Access is required from 2.00pm Saturday 10 March through to 9.00am Sunday 11 March 2024.
- Access to the Group Fitness Room (formerly known as the PAW) from 5.00pm Friday 9 March to 9.00am Sunday 11 March 2024. Riders and volunteers will be sleeping in the room overnight Saturday, plus a group of around 4 people will be in an advance party on the Friday.

- Access to the lower court toilets and changerooms from 5.00pm Friday 9 March to 9.00am Sunday 11 March 2024.
- Access to the MALC kitchen and kiosk seating area to prepare and serve dinner on 10 March and breakfast, 11 March 2024.
- Access to the Aquatic grassed area for riders to put tents from 2.00pm 10 March to 9.00am 11 March 2024.
- Access to the Aquatic toilet and change rooms from 2.00pm to 7.00pm 10 March 2024 and 6.00am to 9.00am 11 March 2024. This will require staff supervision.
- Additional facility cleaning.

The hire costs chargeable as per the MALC Schedule of Fees and Charges is \$2,327. This amount excludes any allowance for additional staff costs. The minimum additional staff costs that would be incurred to provide this hire is \$616.25.

**Council Plan**

<b>Focus Area</b>	People
<b>Outcome</b>	An active and healthy community.
<b>Objectives</b>	Improve community health and wellbeing.

**Other Strategic Links**

Nil.

**Statutory Environment**

Nil.

**Sustainability & Risk Considerations**

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

It is expected that riders while staying at the MALC will support many local retailers in the Pinjarra townsite.

*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	There are some potential risks with this event, however they are considered low and manageable with measures in place.  Access to the Centres kitchen and equipment will be supervised by a qualified chef and only minimal volunteers will be permitted in the space. A MALC staff member will provide an induction on equipment use.

	<p>When the aquatic toilets and changerooms are made available to members across the booking, at all times a Supervisor will be in the Centre as well as traffic bollards being in situ to ensure there is no pool access.</p> <p>Security will be managed by the group, with a group of riders taking it in turns to primarily look out for the 200 bikes, but also thwarting any unwanted access.</p> <p>A full risk assessment and treatment plan will be conducted with the organiser prior to the event to address any potential issues that may arise once the final event plan is completed.</p>
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### Consultation

Jennifer Aramini, the event organiser, has been liaising with Shire of Murray Events staff in preparation for the event and have sought appropriate approvals. The event organiser, chef and a volunteer had a walk through at the MALC on 24 November to work through their requirements for the accommodation aspect of the event.

### Resource Implications

#### *Financial*

The Schedule Fees for the hire of this event are \$2,327 which would be forgone with a fee waiver. There is a cost to the Centre to provide supervision of the facility during periods when the riders can access the aquatic toilets, changerooms and kiosk kitchen facilities, as well as additional cleaning, totalling \$616.25.

#### *Workforce*

A Duty Supervisor will be required to be in attendance from 2.00pm to 7.00pm on 10 March, and 6.00am to 9.00am on 11 March. A minimum of an additional two hours cleaning (provided by MALC cleaners) will also be required over the weekend to maintain the facilities between and after use.

### Options

1. To support a full fee waiver to the Life Cycle for Canteen Inc, for the hire of the MALC from 9 – 11 March 2024, to the value of \$2,327.
2. To support a part fee waiver to Life Cycle for Canteen Inc, charging only for the additional cost to the Centre of staff wages and cleaning, being \$616.25 (inclusive of GST).
3. To not support a fee waiver for Life Cycle for Canteen Inc, with standard hire fees and charges to be applicable.
4. To support an alternate fee option/fee waiver for Life Cycle for Canteen Inc.

### Conclusion

The MALC is pleased to be able to host the Life Cycle for Canteen Inc group in March 2024 as part of their charity ride. The Centre is allowing additional access to areas such as the kiosk kitchen and grass area for tents, areas we wouldn't normally give access to but have done so as it's a worthwhile cause and they had no other accommodation options.

A staff member will be on site during the food preparation and expected peak showering time to provide venue supervision, leaving the group with access to the lower court areas after this time. It is considered important to lock and alarm the central and aquatic areas of the Centre overnight, ensuring both security of the venue and safety of the guests, particularly given that the 24/7 gym will continue to operate.

In addition, with the group intending to seek permission to consume and potentially sell alcohol at their event on the Saturday night, the increased risks associated with leaving the aquatic toilets and

therefore pool hall accessible overnight was deemed too large, hence why access to them will not be available overnight.

Without access to the aquatic toilets and change rooms, the group will only have the Court 3 toilets for use between 7.00pm 10 March and 6.00am 11 March, therefore the Life Cycle for Canteen Inc are planning to hire portable toilets to provide additional facilities at their cost.

Should Council choose to provide a full fee waiver, it is important to note there are costs to the Centre to provide access for Life Cycle for Canteen Inc.

## 12.8 Adoption of 2022/2023 Annual Report

File Ref:	D23/42295
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Dean Unsworth, Chief Executive Officer
Declaration of Interest:	Nil.
Voting Requirements:	Absolute Majority
Appendices:	Item 12.8 Appendix 1 - 2022 / 2023 Annual Report (page 143)

### Recommendation

#### That Council:

1. **Receives the Shire of Murray Annual Report for the financial year ending 30 June 2023 and gives local public notice of its availability.**
2. **Receives the Shire of Murray Annual Financial Report and Auditor's Report for the financial year ending 30 June 2023 as contained in the Annual Report.**
3. **Resolves to hold the Annual Electors' Meeting for the financial year ending 30 June 2023 on Thursday 8 February 2024 in the Council Chambers commencing at 5.00pm.**
4. **Gives local public notice of the Annual Electors' Meeting in accordance with Section 5.29 of the *Local Government Act 1995*.**

### In Brief

- Section 5.54(1) of the *Local Government Act 1995* requires Council to receive the Annual Report no later than 31 December each year.
- Section 5.54(2) states that if the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.
- Section 5.27(2) requires Council to set a date for the Annual Electors' Meeting to be held no later than fifty-six (56) days after receiving the Annual Report.

### Background

Section 5.54(1) and Section 5.27(2) of the *Local Government Act 1995* requires the Local Government to receive the Annual Report for the year ending 30 June 2023 and set a date for the Annual Electors' Meeting.

The date of the Annual Electors' Meeting must be held by giving at least 14 days local public notice and up to 56 days after the Annual Report is accepted.

### Report Detail

In accordance with the *Local Government Act 1995* and its subsidiary regulations the Annual Report, which includes the Annual Financial Report and Auditor's Report for the year ending 30 June 2023, has been prepared and is circulated to Councillors under separate cover.

**Council Plan**

<b>Focus Area</b>	Performance
<b>Outcome</b>	Capable and accountable leadership and governance.
<b>Objective</b>	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* Sections:

- 5.27 – Electors’ General Meetings
- 5.29 – Convening Electors’ Meetings
- 5.53 – Annual Reports
  - ❖ *Local Government (Administration) Regulations 1996*; Part 5 Division 2 – Annual Reports
- 5.54 – Acceptance of Annual Reports
- 5.55 – Notice of Annual Reports
- 5.55A – Publication of Annual Reports

**Sustainability & Risk Considerations**

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

The Shire’s Annual Report demonstrates to the Community sound management of the Shire’s finances during 2022/2023.

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

Achievements outlined in the Shire’s Annual Report demonstrate the Shire’s commitment to improving the quality of life of the Community.

*Environment – (Impact on environment’s sustainability)*

Included in the Annual Report are details of projects and planning initiatives which ensure environmental sustainability.

*Policy Implications*

Nil.

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Low	The Annual Report provides a mechanism of communicating with the Community and other key stakeholders in an open and accountable way, reducing risk to Council’s reputation.

**Consultation**

- Council’s auditors
- Office of the Auditor General

- Senior management

**Resource Implications***Financial*

The Shire is required to meet the cost of preparing the Annual Report and advertising the Annual Electors' Meeting. Funds have been allocated in the 2023/2024 budget for these purposes.

*Workforce*

There is no impact to the Shire of Murray workforce in regards to the adoption of the Annual Report.

**Options**

Council is required by legislation to adopt the Annual Report and Annual Financial Statements for the preceding financial year.

**Conclusion**

Council has a statutory obligation to produce an Annual Report for the preceding financial year. Following adoption of the 2022/2023 Annual Report, Council is required to hold an Annual Electors' Meeting within 56 days of acceptance of the report. Therefore, it is proposed to hold the Annual Electors' Meeting on Thursday 8 February 2024, commencing 5.00pm. This date falls within the scope of the *Local Government Act 1995* where 14 days local public notice is required.





**Other Strategic Links**

Pinjarra Rail Heritage Master Plan and Feasibility Study

**Statutory Environment**

Nil.

**Sustainability & Risk Considerations**

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

The Australind Railcars will be the first major outcome of the overall development. These cars alone will bring many tourists to the town, however once they are activated as a café and/or other uses as part of the overall plan, the economic benefit to the town of Pinjarra, the Shire and the Region will be significant.

*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 cars are being offered at no cost. A risk management plan has been produced by Hotham Valley Railway and PTA to ensure the formal handover is safe and has low risk.

**Consultation**

- Deputy Premier, the Hon. Rita Saffioti
- Member for Murray-Wellington, Mrs Robyn Clarke
- Public Transport Authority of Western Australia
- Hotham Valley Railway

**Resource Implications**

*Financial*

A budget for long-term maintenance will be developed as soon as possible and presented to Council. Without the trains on site and a final location as to where they will be placed, this is difficult to calculate. However, the Shire has the means to allocate the necessary funds to maintain the cars. It is recommended that any rent received from the trains be used for ongoing maintenance and insurance requirements.

*Workforce*

There is no significant impact on the Shires workforce.

**Options**

1. Accept the Deed to assume ownership of the Australind Cars as attached.
2. Recommend further negotiation on the Deed with the PTA.
3. Not accept the offer to own the Australind Railcars.

**Conclusion**

The offer of the three to four Australind Cars is a very generous and unique offer from the State Government to the Shire of Murray. The cars will add significantly to the vision of the future Pinjarra Rail Heritage Precinct and should be accepted.

**12.10 Shire of Murray Bush Fire Brigade Local Law 2024**

File Ref:	D23/42599
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	John Kowal, Manager Ranger and Community Safety
Declaration of Interest:	Nil.
Voting Requirements:	Absolute Majority
Appendices:	Item 12.10 Appendix 1 - Shire of Murray Bush Fire Brigades Local Law 2024 (page 225)

**Recommendation****That Council**

1. **In accordance with section 3.12 of the *Local Government Act 1995*, authorises the Chief Executive Officer to give public notice stating that:**
  - a. **It is proposed to make the Shire of Murray Bush Fire Brigades Local Law 2024, and a summary of its purpose and effect; being:**
    - i. **The purpose of the local law is to make provisions about the establishment, organisation, maintenance, administration and funding of bush fire brigades.**
    - ii. **The effect of the local law is that bush fire brigades will be organised and managed to comply with the provisions of the local law.**
  - b. **The proposed local law may be inspected at the Shire offices during normal opening times, and**
  - c. **Submissions about the proposed local law may be made to the Shire within a period of not less than 6 weeks after the notice is given.**
2. **In accordance with section 3.12(3)(b), as soon as the notice is given, requests that the Chief Executive Officer give a copy of the public notice and the local law to the Minister for Local Government and Minister for Emergency Services.**
3. **In accordance with section 3.12(3)(c) of the Act, notes a copy of the proposed local law be supplied to any person requesting it.**
4. **Notes that any submissions received during the 6 weeks public notice period will be presented to Council for consideration following the conclusion of the period stated in the notice.**

**In Brief**

To seek Council support to recommence the process in accordance with the provisions of the *Local Government Act 1995* (Act) to make the Bush Fire Brigades Local Law 2024.

**Background**

Previously, Council undertook the process in accordance with section 3.12 of the Act to previously make the Shire of Murray Bush Fire Brigades Local Law 2023. At its meeting of 27 July 2023, Council resolved to adopt the aforementioned local law and the local law came into operation on the 9<sup>th</sup> September 2023.

Subsequent to the Council adopting the local law and as part of the requirements of section 3.12 of the Act, an Explanatory Memorandum together with copies of the Local Law were sent to the Parliamentary Standing Committee on Delegated Legislation (the Committee). On the 11<sup>th</sup> October 2023, the Committee wrote to the Shire and provided their advice on the Local Law with the

recommendation that Council undertake to recommence the making of an alternate local law by using the WALGA Model Bush Fire Brigades Local Law template.

The Council considered the above information at its meeting of 26<sup>th</sup> October 2023 with the following Council decision –

*Recommendation/Council Decision OCM23/163*

*Moved: Cr S Kirkham*

*Seconded: Cr 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**

### **Report Detail**

The following advice was provided by the Committee and subsequently became the Councils undertaking to the Committee –

### **Undertakings**

*The Committee requests the following undertakings:*

- 1. Within 6 months repeal the 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 law 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.*

It is proposed to formally recommence the process to make the local law in accordance with the undertaking provided to the Committee, within the 6-month period as stipulated and in the form of the WALGA Model Bush Fire Brigade Local Law template.

As previously advised, the local law is required to comply with the provisions of Division 2, section 41 of the *Bush Fires Act 1954*, which states –

### **Division 2 — Bush fire brigades**

**41. Bush fire brigades**

- (1) *For the purpose of carrying out normal brigade activities a local government may, in accordance with its local laws made for the purpose, establish and maintain one or more bush fire brigades and may, in accordance with those local laws, equip each bush fire brigade so established with appliances, equipment and apparatus.*
- (2) *A local government shall keep a register of bush fire brigades and their members in accordance with the regulations and shall register therein each bush fire brigade established by it under subsection (1) and each member of each such brigade.*
- (2a) *A local government is to notify the FES Commissioner as soon as practicable after any changes occur in any of the details required to be recorded in the register under subsection (2).*
- (3) *A local government may at any time cancel the registration of a bush fire brigade.*

The local law will enhance the effective management and administration of the Shire’s Bush Fire Brigades and also provide an improved legislative framework enabling the use of the Bush Fire Brigades Standard Operating Procedures to support the bush fire brigade offices, bush fire brigade members and the Shire appointed CBFCO/DCBFCO/BFCO in the effective day-to-day administration, management, and operations of bush fire brigades. This will provide those involved with bush fire brigades with a clear, consistent and effective framework underpinned by good governance for the provision of normal brigade activities within the Shire.

Attached at **Appendix 1** for Council consideration is a copy of the proposed Shire of Murray Bush Fire Brigades Local Law 2024.

**Council Plan**

<b>Focus Area</b>	Planet
<b>Outcome</b>	A resilient community equipped to respond to natural disasters and other emergencies.
<b>Objectives</b>	Minimise risks and impacts from fires, floods and other natural disasters.

**Other Strategic Links**

Nil.

**Statutory Environment**

*Local Government Act 1995 (Act)* and subsidiary legislation.

1.8 Statewide public notice (Act)

Where under this Act Statewide public notice of a matter is required to be given, notice of the matter must be given in accordance with section 1.7(a) and (b) and the requirements prescribed for the purposes of this section.

3A. Requirements for local public notice (Act s. 1.7) (*Local Government (Administration) Regulations 1996*)

- (1) For the purposes of section 1.7(a), notice of a matter must be published on the local government’s official website for —
  - (a) the period specified in or under the Act in relation to the notice; or
  - (b) if no period is specified in relation to the notice — a period of not less than 7 days.

- (2) For the purposes of section 1.7(b), each of the following ways of giving notice of a matter is prescribed —
- (a) publication in a newspaper circulating generally in the State;
  - (b) publication in a newspaper circulating generally in the district;
  - (c) publication in 1 or more newsletters circulating generally in the district;
  - (d) publication on the official website of the Department or another State agency, as appropriate having regard to the nature of the matter and the persons likely to be affected by it, for —
    - (i) the period specified in or under the Act in relation to the notice; or
    - (ii) if no period is specified in relation to the notice — a period of not less than 7 days;
  - (e) circulation by the local government by email, text message or similar electronic means, as appropriate having regard to the nature of the matter and the persons likely to be affected by it;
  - (f) exhibition on a notice board at the local government offices and each local government library in the district for —
    - (i) the period specified in or under the Act in relation to the notice; or
    - (ii) if no period is specified in relation to the notice — a period of not less than 7 days;
  - (g) posting on a social media account administered by the local government for —
    - (i) the period specified in or under the Act in relation to the notice; or
    - (ii) if no period is specified in relation to the notice — a period of not less than 7 days.

Section 3.12 of the *Local Government Act 1995*, refers to the procedure for making local laws.

Council may make local laws in accordance with Part 3 of the *Local Government Act 1995* and in so doing, all local laws are then to be reviewed within eight years of their commencement date. The process of adopting or amending a local law is set out in s3.12 of the *Local Government Act 1995* and is summarised in Table 1 below, with further information provided.

In addition, Regulation 3 of the *Local Government (Functions and General) Regulations 1996* provides that:

*“For the purpose of section 3.12, the person presiding at a Council meeting is to give notice of the purpose and effect of a local law by ensuring that —*

- (a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and*
- (b) the minutes of the meeting of the council include the purpose and effect of the proposed local law.”*

The following statement fulfils the requirement defined in Regulation 3:

**NOTICE of the Purpose and Effect of the proposed Shire of Murray Bush Fire Brigades Local Law 2024;**

***Purpose:***

**The purpose of the Shire of Murray Bush Fire Brigades Local Law 2024 is to make provisions for the establishment, organisation, maintenance, administration and funding of bush fire brigades within the Shire of Murray district.**

***Effect:***

**The effect of this local law is that bush fire brigades will be organised and managed to comply with the provisions of the local law.**

Timetable

Task	LGA Section	Effective Date
Report to Council for approval to make the proposed local law.	3.12(2)	Nov 2023
Give Statewide and local public notice and make copies of the proposed local law available to the general public.	3.12(3) & 3(a)	Dec 2023
Provide a copy of the proposed local law and the published notice to the Minister for Local Government.	3.12(3)(b)	Dec 2023
Closing date for submissions to be received (not less than 6 weeks).	3.12(4)	Jan 2024
Consider submissions and report back to Council to determine whether to make the local law (Absolute Majority required).	3.12(4)	Feb 2024
Publish Local Law in Government Gazette and forward a copy to the Minister for Local Government.	3.12(5)	March 2024
Give Statewide and local public notice advising that the new law has been made, the title, the purpose and effect and make copies available to the general public.	3.12(6)	April 2024
<i>Note: Dates are a guide only</i>		

Section 3.12 of the *Local Government Act 1995* deals with the procedure for making local laws –

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2A) Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to —
  - (a) give local public notice stating that —
    - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and
    - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
    - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
 and,
  - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
  - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.



- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed. **“\*Absolute majority” required.**
- (5) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
- (6) After the local law has been published in the *Gazette* the local government is to give local public notice —
  - (a) stating the title of the local law; and
  - (b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
  - (c) advising that copies of the local law may be inspected or obtained from the local government’s office.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.
- (8) In this section —
 

**making** in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

Of relevance is s3.12(4) of the Act, where a local law initially proposed is significantly different, s.3.13 applies and in this case the major amendments proposed are considered to enact s. 3.13.

Section 3.13 of the Act. Procedure where significant change in proposal –

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

**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*

Council policies are not impacted by this proposal. The *Local Government Act 1995* enables the making of local laws. The community consultation process involved broadly supports the principals of openness and transparency.

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Low	The relevant legislation will be followed to make the local law.

**Consultation**

Should Council resolve to support making the local law, the decision to give public notice for a period not less than six (6) weeks will provide an opportunity for additional and broader community and stakeholder consultation.

Following the close of the statutory consultation period, Council is required to consider any submissions received, including those from the Minister for Local Government and Minister for Emergency Services.

**Resource Implications***Financial*

Funds are provided annually in the Shire of Murray budget to make and review local laws.

The cost of making the proposed local law including advertising and publishing in the *Government Gazette* is approximately \$1,000.

*Workforce*

Sufficient staff resources are available to progress and finalise the proposed local law.

**Options**

1. supporting the recommendation, as proposed,
2. rejecting the recommendation and determine an alternate position.

**Conclusion**

The Joint Standing Committee on Delegated Legislation has provided its advice regarding the Shire of Murray Bush Fire Brigades Local Law 2023 (which remains subject to parliamentary privilege) and in accordance with this advice and subsequent Council undertaking, Council is required to follow the process in accordance with section 3.12 of the Act to repeal the abovementioned local law and make the Shire of Murray Bush Fire Brigades Local Law 2024.

**12.11 Pinjarra Golf Club Redevelopment - Feasibility Study**

File Ref:	D23/42755
Previous Items:	OCM 23 Nov 23 Item 13.1 (OCM23/180)
Applicant:	Pinjarra Golf Club
Author and Title:	Dean Unsworth, Chief Executive Officer
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Nil.

**Recommendation****That Council:**

- 1. Reconfirms its allocation of \$50,000 (exc. GST) as resolved at the November Council meeting towards the Pinjarra Golf Club Redevelopment Feasibility Study and Concept Plan.**
- 2. Acknowledges the \$25,000 (exc. GST) contribution from the Pinjarra Golf Club and \$10,000 (exc. GST) from the Peel Development Commission towards the project.**
- 3. Requests that the Chief Executive Officer continue to investigate further funding opportunities towards the Feasibility and Concept Plans.**
- 4. Requires a Memorandum of Understanding (MOU) to be entered into between the Shire and the Pinjarra Golf Club, which outlines the key terms of the scope of works to be funded and undertaken, along with the requirement for establishment of a Project Working Group encompassing a Councillor, delegated Shire Officers and nominated Club representatives.**
- 5. Endorses Cr \_\_\_\_\_ as the Councillor Project Working Group member.**
- 6. Reconsiders the funding structure for the Feasibility and Concept Planning if quotations exceed the budget, noting that the November 2023 Resolution was for Council to support the project on the condition that it was matching funding.**

**In Brief**

At the November Council meeting, Council received a deputation from the Pinjarra Golf Club in response to the Officer's Recommendation not to provide funding to the Club to plan for a mini-golf facility.

At the meeting, Council allocated its annual \$50,000 of funding under the Community Facilities Fund to six projects and that funding from this fund was not supported.

However, after some discussion, it was agreed for Council to allocate funding towards a larger feasibility to undertake a feasibility study and Master Plan for the entire facility rather than focus on mini-golf in isolation.

**Background**

At the 23 November 2023 Council meeting it was resolved:

**OCM23/180:**

***“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.”***

**Report Detail**

Following this resolution, a meeting was held with the Pinjarra Golf Club to discuss the Council decision.

At the meeting, the Golf Club supported the direction Council wished to take and has allocated \$25,000 towards the Feasibility and Master Planning.

It was explained to the Club that the objective from Council was to provide matching funding, and that the \$25,000 was likely not enough to undertake the work, given that the estimate of the Master Planning is likely to be in the vicinity of \$100,000.

However, now that \$75,000 has been sourced, an approach has been made to the Peel Development Commission for any funding support that may be forthcoming.

To facilitate development of the scope of works for the Feasibility Study and associated Concept Plan, it is recommended that a Memorandum of Understanding (MOU) is entered into between the Shire and the Club, along with establishment of a Project Working Group. The agreement and Working Group will provide the strategic support and guidance needed to ensure agreed outcomes of the funding are achieved. It is recommended that a Councillor and delegated Shire Officers form part of the established Working Group.

**Council Plan**

<b>Focus Area</b>	People
<b>Outcome</b>	An active and healthy community.
<b>Objectives</b>	Improve access to sport, recreation, facilities and programs.
<b>Actions</b>	Implement recommendations in the new Sport and Recreation Infrastructure Plan.

**Other Strategic Links**

Nil.

**Statutory Environment**

Nil.

**Sustainability & Risk Considerations**

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

A redeveloped Pinjarra Golf Club into a multi-purpose function, conference centre and Country Club would add significantly to the economic base of Pinjarra and the district.

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

A redeveloped Pinjarra Golf Club would add very significantly to the social fabric of Pinjarra, the district and the region.

*Environment – (Impact on environment’s sustainability)*

Nil.

*Policy Implications*

Nil.

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Moderate	There is risk to Council if it does not support a Pinjarra Golf Club redevelopment feasibility and Master Plan as the building is nearing the end of its useful life.

**Consultation**

- Pinjarra Golf Club.
- Department of Local Government, Sport & Recreation and Cultural Industries.
- Peel Development Commission.
- Shire’s consultant developing the long-term Sport & Recreation Plan.

**Resource Implications**

*Financial*

There is no financial allocation within the Council’s Long-Term Finance Plan. However, this is amended on an annual basis as part of the annual budget process.

*Workforce*

The resources required to develop the MOU and subsequent Officer participation as part of the established Working Group will be covered within existing resources.

**Options**

1. Council supports the strategy as presented by the author.
2. Council does not support the officer recommendation and looks at alternative strategies.

**Conclusion**

While the full matching funding requirement has not been met, there are approaches being made to external agencies to find the additional funding required to undertake the planning for the project. However, it is recommended that a project scope be developed and quotes sought as soon as possible in order for the project to proceed.

**13 RECREATION, ECONOMIC & COMMUNITY DEVELOPMENT**

Nil.

## 14 INFRASTRUCTURE SERVICES

### 14.1 Closure of Portion of Culeenup Road and Amalgamation into Lot 31 (170) Culeenup Road, North Yunderup

File Ref: D23/36081  
 Previous Items: OCM 28 Sept 23 Item 14.1 (OCM23/141)  
 OCM 27 Aug 15 Item 12.7 (OCM15/217)  
 Applicant: Ryan Wilson.  
 Author and Title: Martin Harrop, Manager Engineering Services  
 Declaration of Interest: Nil.  
 Voting Requirements: Simple Majority  
 Appendices: Nil.

#### Recommendation

##### That Council:

1. Pursuant to *Section 58 of the Land Administration Act 1997*, requests the Minister to partially close Culeenup Road, North Yunderup;
2. Supports the owner of Lot 31 ( 170 ) Culeenup Road, North Yunderup application to the Department of Lands for the partial acquisition and amalgamation of land with the adjoining land; and
3. Indemnifies the Shire of Murray against any costs associated with partial road closure, acquisition and amalgamation.

#### In Brief

The landowners of 170 Culeenup Road, North Yunderup are requesting to acquire a portion of Crown Land (road reserve) and amalgamate with their property to square up the lot frontage.

#### Background

An item was presented to Ordinary Council Meeting 28 September 2023 and Council moved (OCM23/141) the motion to advertise the land acquisition and contact service providers and adjacent landowners. Advertising was undertaken by way of a notice in the Mandurah Coastal Times, on the Shires' website, letters to adjacent landowners and relevant utility service providers.

The agenda item on the 28 September 2023 sought Council endorsement to advertise for land acquisition with a further recommendation required for endorsement of the partial road closure. Under the *Land Administration Act (1997)* the Council must endorse a road closure before the request can be presented to the Minister for consideration. This administration process can be managed with the current proposal put forward to Council.

#### Report Detail

At the closing of the public notification period of 35 days, no objections had been received on the proposal. The proposal is to have Council endorse the partial road closure and support the application of the landowner of 170 Culeenup Road to Department of Planning, Lands and Heritage for the acquisition and amalgamation into 170 Culeenup Road, North Yunderup.

#### Council Plan

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

**Other Strategic Links**

Nil.

**Statutory Environment**

Land Administration Act 1997.

**Sustainability & Risk Considerations**

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

Should the land acquisition proceed, valuations will be undertaken on the land to be amalgamated into the adjacent property with the landowners funding the acquisition through the Department of Planning, Lands and Heritage. Any costs associated with the land acquisition will be borne by the landowners acquiring the land.

*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	All costs to be borne by the applicant.

**Consultation**

- Landowner and adjoining landowners
- Public Utility Service Providers
- Public consultation via Mandurah Coastal Times advertising

**Resource Implications**

*Financial*

Any financial implications are to be borne by the landowner of 170 Culeenup Road, North Yunderup.

*Workforce*

Nil.

**Options**

1. Supporting the partial road closure, acquisition and amalgamation of Culeenup Road with 170 Culeenup Road.
2. Not supporting the partial road closure, acquisition and amalgamation of Culeenup Road with 170 Culeenup Road.

**Conclusion**

The portion of land within the Culeenup Road reserve provides no benefit to the community. The owner wishes to purchase the land to square up the lot frontage of 170 Culeenup Road.



**15 ITEMS FOR INFORMATION**

**15.1 Outstanding Council Resolutions December 2023**

File Ref: D23/42889

Author and Title: Belinda Brown, Executive Services Coordinator

Appendices: Item 15.1 Appendix 1 - Outstanding Council Resolutions December 2023  
(page 247)

**In Brief**

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

**15.2 Delegated Development Application Decisions - November 2023**

File Ref: D23/42930

Author and Title: Michelle Meads, Executive Assistant to Director Planning and Sustainability

Appendices: Item 15.2 Appendix 1 - Delegated Decisions for November 2023  
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**In Brief**

The Delegated Development Application Decisions for November 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**

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

**20 MEETING CLOSED TO THE PUBLIC (CONFIDENTIAL BUSINESS)**

**Recommendation**

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

- 20.1 Tender T23/13 - Moving Floor and Compactor Corio Road Waste Transfer Station**
- 20.2 Tender T23/15 - Maintenance and Installation of Heating Ventilation and Air Conditioning (HVAC) Systems**

**21 CLOSURE OF MEETING**