



# **Minutes**

**Ordinary Council Meeting**

**Thursday 22 February 2024 at 5.30pm**

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Minutes of Shire of Murray Ordinary Council Meeting held at the Murray Shire Council, 1915 Pinjarra Road, Pinjarra on Thursday, 22 February 2024

## **1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

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

## **2 ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE**

### **PRESENT**

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

### **IN ATTENDANCE**

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

### **APOLOGIES**

Nil.

### **LEAVE OF ABSENCE**

Nil.

There were fourteen (14) members of the public and four (4) members of staff in attendance at this time.

## **3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

## **4 PUBLIC QUESTION TIME**

### **Deputy Mayor Lorna Buchan – City of Rockingham**

I have been receiving many complaints from residents about a noxious smell drifting in from the East and South East to the City of Rockingham to particularly Singleton, Golden Bay, Secret Harbour and Karnup suburbs for several weeks now.

#### **Question 1:**

Has the Shire of Murray been receiving complaints about a noxious smell? If yes, how many complaints have been received?

#### **Answer:**

Yes about 30 complaints. Department of Water and Environmental Regulation (DWER) has received over 765 complaints since November last year.

#### **Question 2:**

Has the Shire of Murray investigated the source? If so, has the source been detected? Where is it coming from? What is it?

#### **Answer:**

The Shire has been liaising with DWER who as part of their investigation have detected the sources of odours as being from the lakes and from other sources, which DWER will be advising of

further details shortly on their community updates page, and to the City of Rockingham, City of Mandurah and Shire of Murray.

**Question 3:**

What steps have the Shire taken to remedy the issue?

**Answer:**

The Shire has been liaising with DWER, and DWER have advised they will be taking significant action shortly, requiring relevant DWER licensees to remedy the odours they are responsible for.

**Mr Christopher Downie - Birchmont**

**Question 1:**

Is the Shire aware that such restrictions to vehicular access to the only Beach area at Birchmont will entail any person/family seeking access to the beach will be confronted with a 300 metre walk through heavy scrub that affords no shade (41 degrees Celsius on Tuesday) on an uneven poorly formed unmaintained limestone track. This will successfully deny access to older residents or those with a disability. Will the Shire provide disabled and aged access to the only beach front at Birchmont given this portion of beachfront accessed through Lot 55 is used extensively for recreation as evidenced by photographs in appendix supporting the denial of access?

**Answer:**

The Shire is aware of the context of the Pedestrian Access Way's (PAW'S) and will consider accessibility implications when making its decision, along with other relevant issues including the planned purpose of the PAW's, amenity impacts on neighbouring residents and how suitable the PAW's are for vehicular access and parking.

**Question 2:**

Given the recommendation to cease vehicular access through for example Lot 55, what provisions has the Shire made to encourage and support recreational activities by the residents and families of Birchmont and surrounding areas to access specifically the beached areas on the western ends of both lane ways given those involved in both mullet netting and crabbing would be unable to transport their equipment (60 metre nets, crabbing gear, eskies and ice for fish and crabs, seats to sit on, and other equipment) along a 300 metre sand and limestone track in very likely 40+ degrees temperatures?

**Answer:**

If Council decide to preclude vehicular access to the PAW's, alternatives for closer vehicular access to the foreshore reserve are available at the Birchmont boat ramp, Lake Mealup Road North and Herron Point.

**Question 3:**

In relation to the survey conducted and interpreted by the shire I note there are 40 lived in residences at Birchmont. I counted physically them. The 78 landowners that were surveyed 38 are vacant blocks or sheds that are not lived in and in my experience seldom visited by the absentee owners. 30 of the residences appear to have responded which is far in excess of expectations given the ratio normally afforded to voluntary responses to surveys and 75 per cent responded. The survey clearly indicates the majority of respondents wished to have vehicle access to the reserves, I would also note that having spoken to other respondents they all indicated that the option 1 on the survey appeared to mean it was to simply leave it as it is. Either way 16 (46 per cent) and possibly 21 including respondents of option 1 would then be over 75 percent of respondents requesting vehicle access along laneways including lot 55. Therefore is the shire intending to ignore the majority of Birchmont residents based on both a flawed and skewed survey in which 4 of the 6 questions say the same thing over and over again with slight amendments, whilst trying to justify said survey, (survey states

there are 6 options provided to respondents when in fact only 2 options were made available and with slight amendments)?

**Answer:**

The survey results for each option are set out in the agenda item and show 16 responses prefer the formalisation of vehicular access and 13 responses prefer pedestrian only access. In deciding this matter Council will also need to consider other relevant matters including the planned purpose of the PAW's, amenity impacts on neighbouring residents and how suitable the PAW's are for vehicular access and parking.

**Question 4:**

Is the shire seeking to update the plans for the foreshore at Birchmont? Given that the recommendations put forward are dependent on the foreshore plan (1996) to deny vehicle access to the waterfront through the laneways, I note the plan referred to is dated 1996, 28 years ago, I also note the demographics have changed considerably as at that time there was only 1 residence, the original Birch cottage. There are now 40 families living in Birchmont. Given the changes to the Mandurah and western side of the Peel inlet (and Collins Pool) Foreshore plans over a similar time period what updates or studies have been undertaken, or seek to be undertaken by the shire to improve beach access and liveability for the majority of the occupants of residences (40) in Birchmont?

**Answer:**

The reference to the original Foreshore Management Plan was included to show the original intent for the PAWs. The Shire, however, has no jurisdiction over the nature reserve, this is managed by the Department of Biodiversity, Conservation and Attractions (DBCA). DBCA was consulted through this process and it highlighted concerns with the environmental impacts from illegal camping and vehicular access onto the reserve. DBCA supports the restriction of vehicular access.

**Mr Mike Brierty – Birchmont (Absent) questions read by Mr Christopher Downie**

**Question 1:**

When I became a member of the Birchmont Community we had access through reserves and both laneway to the estuary. Over time we have lost this access. Does the Shire have plans for residents to gain access to a user-friendly beach with sufficient space to undertake recreational activities? In its current state, unfortunately, the boat ramp is not user friendly.

**Answer:**

If Council decide to preclude vehicular access to the PAW's, existing alternatives for closer vehicular access to the foreshore reserve are available at the Birchmont boat ramp, Lake Mealup Road North and Herron Point. The Shire has no jurisdiction over the nature reserve at the western end of the PAW's, with this land being managed by the Department of Biodiversity, Conservation and Attractions (DBCA). DBCA was consulted through this process and it highlighted concerns with the environmental impacts from illegal camping and vehicular access onto the reserve. DBCA supports the restriction of vehicular access.

**Question 2:**

At present we have one access and egress to our community. At time of purchasing my property we had egress through reserves and to beaches but these have since been closed off. I am very concerned that should a fire affect Birchmont my avenues of escape or accessing shelter (the estuary) are limited. For example, the recent fire on the east side of the freeway was burning very fiercely on a hot, windy day. Should the wind have changed direction it would have jumped the road and impacted the Birchmont community very quickly, leaving no escape route as we only have the one road in or out. What provision is the shire going to put in place for the community in an extreme weather event or bushfire? (Climate change).

**Answer:**

The Shire is not considering closing the PAW's. The PAWs have never been designated as bushfire escape routes. There were a range of bushfire mitigation strategies implemented for Birchmont at the time of subdivision including strategic firebreaks fuel reduction areas. In the event of an incident the emergency management agency would issue advanced public warnings and instigate additional evacuation management where necessary.

**Mr Christopher Downie – Birchmont (Question from the floor)****Question:**

The Bushfire Mitigation Strategies Plan was formulated in 1986. What are the Council doing to update this plan?

**Answer:**

President Bolt took this question on notice.

**Mr Cullum Tiddy – Birchmont (Question from the floor)****Question:**

Birchmont residents do not have access to the estuary beach via Lake Mealup Road. Lake Mealup Road shows as a gazetted road from Birch Drive but this was gated off approx. 2 years ago.

**Answer:**

Director Planning and Sustainability Rod Peake noted that Lake Mealup Road is a public road managed by DBCA and the Shire is not aware of DBCA plans.

**Mr Guy Pages – Birchmont (Questions from the floor)****Question:**

Why was the gate put in in the first place by the landowner adjacent who seeked to control the area for himself, giving no regard for other community users? The area is used for dumping of material and destruction of Local trees on path way. The Landowner has chopped trees down for own use?

**Answer:**

The Shire President took this question on notice. A written response will be provided.

**Mr Jason Harding – Birchmont (Questions from the floor)****Question 1:**

Can the Shire please provide an update on Birchmont community concerns presented at its Ordinary Council Meeting Minutes held on Thursday 24 of October 2023. This included the following:

- 70km reduced speed signs entering Birchmont Estate.
- Safe public parking area for pedestrians accessing waterways located at Kangaroo Loop and Possum Place.
- Compliance action on the property on question relating to Lot 807 Reading Place, Birchmont.

**Answer:**

The Shire is continuing to follow up on your behalf with relevant agencies and are progressing.

**Question 2:**

Is the Shire of Murray participating in the 2024 Rabbit Calicivirus program in relation to Birchmont Reserves?

**Answer:**

This is an activity of the Peel Biosecurity Group, and the Shire if a member of this group.

**Mr Colin Asplin – Birchmont (Question from the floor)****Question 1:**

Will the Shire look at disabled access to the boat ramp and Possum Place accessway?

**Answer:**

The Shire is aware of the context of the Pedestrian Access Way's (PAW'S) and will consider accessibility implications when making its decision, along with other relevant issues including the planned purpose of the PAW's, amenity impacts on neighbouring residents and how suitable the PAW's are for vehicular access and parking.

**Question 2:**

Has the Shire undertaken an environmental impact study to assess the impact to the section of waterway from the Department of Parks and Wildlife (DPaW) firebreak to the National Park Boundary?

**Answer:**

Director Planning and Sustainability noted that no assessment has been undertaken. The Department of Biodiversity, Conservation and Attractions look after this area and it would therefore be up to them to complete any environmental assessments.

**5 PETITIONS AND APPROVED DEPUTATIONS****5.1 Petition - Residents of Austin Cove**

**Recommendation/Council Decision OCM24/001**

**Moved: Cr A Rogers**

**Seconded: Cr S Carter**

**A petition has been submitted by Mr Beau Zoranich on 2 February 2024 and it reads as follows 'We, the undersigned, residents and/or ratepayers of Austin Cove urge the Shire of Murray to act now to resume watering the verges in Austin cove before it turns into a sandpit or dust bowl'.**

**Recommendation**

**That Council:**

**Recieves the petition presented by Residents of Austin Cove regarding the request to resume watering the verges in Austin Cove.**

**That Officers prepare a report to the March Ordinary Council Meeting to address the Petition from the Residents of Austin Cove.**

**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**



## 5.2 Deputation - Mr Brian Green and Ms Megan Green

5.58 pm **Mr Brian Green and Megan Green**– 8 Possum Place, Birchmont – Item 11.2 Pedestrian Access Ways - Lot 55 Kangaroo Loop and Possum Place, Birchmont.

**President Bolt** thanked Mr Green for his deputation which concluded at 6.07pm

## 6 CONFIRMATION OF MINUTES

### 6.1 Ordinary Council Meeting – 21 December 2023

**Recommendation/Council Decision OCM24/002**

**Moved: Cr S Lee**

**Seconded: Cr N Willis**

**That the Minutes of the Ordinary Council Meeting held on Thursday 21 December 2023 be confirmed as a true and correct record.**

**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**

### 6.2 Annual Meeting of Electors – 8 February 2024

**Recommendation/Council Decision OCM24/003**

**Moved: Cr A Rogers**

**Seconded: Cr D Pike**

**That the Minutes of the Annual Meeting of Electors held on Thursday 8 February 2024 be confirmed as a true and correct record.**

**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**

## 7 ANNOUNCEMENTS BY THE PRESIDING MEMBER

On 22 December I attended the end of year function at the Shire of Murray Operations Centre.

On 9 January the CEO and I attended a meeting with the new Pinjarra Police Senior Sergeant to discuss local law and order and community safety and security progress in the Shire.

On 10 January CEO, Shire Officers, and I attended the Welcoming Event for the Australind Train Carriage delivery to the Rail Heritage Precinct.

On the 17 January I took part in an Interview with the ABC regarding the Health Report and Community Survey conducted in the Shire of Murray.

On 24 January I attended a demo of the first VH-registered, remotely piloted Camcopter in Australia at Wheeler Airfield in Coolup

On Friday 26 January we celebrated Australia Day at Edenvale with an Australian Citizenship Ceremony where eighteen new citizens were sworn in. We also held the Citizen of the Year Awards where the below awards were announced:

- Australia Day Citizen of the Year Award 2024 – Peta Sattler
- Australia Day Citizen of the Year Award SENIOR 2024 – Linda Gregory
- Australia Day Citizen of the Year Award GROUP OR EVENT 2024 – Lions Club of Pinjarra

Congratulations to these valued members of our community.

On 31 January I along with Shire Officers attended a meeting regarding a North Dandlaup Research Facility proposal. This was followed later in the day by the Official Opening of the new Coolibah Care Facility in Mandurah.

On 1 February I attended a training session for the Development Assessment Panel (DAP) at the Department of Planning in Perth.

On 2 February Shire Officers and I attended a meeting with a South Yunderup resident regarding the reticulation in Austin Cove. At this meeting I received a petition which will be tabled at the February Ordinary Council Meeting. Later that day the CEO and I attended a meeting with Murdoch University and FTF Chair to discuss progress with the Food Research and Food Technology Facility at FIPWA.

On 6 February I attended a farewell meeting with the Board of the PDC. This was followed by a meeting at the Shire of Murray Administration Building with residents of Pinjarra regarding ongoing dust issues. Later in the afternoon Shire officers and I meet with members from the Murray Arts and Craft Society at the Shire Administration Building.

On 7 February the CEO, and I attended the Murray Health Hub Steering Committee held at Rockingham General Hospital. In the evening the CEO and I made a presentation on the Shire of Murray future projects to the RDA Board in Pinjarra.

On 8 February I along with fellow Councillors attended the monthly Councillor Briefing Session which was held at the Food Innovation Precinct Western Australia (FIPWA). I then presided over the Annual Electors Meeting held in the Council Chambers later in the evening.

On 13 February the CEO and I attended and presented the Shire of Murray Council Plan to the local Probus members. This was followed by the Murray Arts and Crafts Society launch of the 50<sup>th</sup> Anniversary Community Workshops Programme. I had the pleasure of saying a few welcoming words at this morning tea event.

On 14 February I along with the CEO and Shire Officers attended an update meeting regarding a Point Grey development proposal.

On 15 February the CEO and I attended a stakeholder meeting with Development WA to discuss upcoming projects in Murray, which was held at the Shire of Murray Administration Building. In the evening, I took part and chaired the bi-monthly Rivers Regional Council meeting.

On 16 February the CEO and I attended a breakfast meeting with Alcoa's mine manager. Later that morning the CEO, Shire Officers and I attended the first Pinjarra Golf Club Redevelopment Working Group Meeting which was held at the Shire of Murray Administration Building.

On 19 February the CEO and I attended a quarterly catch up with the Shire President and CEO from the Shire of Serpentine Jarrahdale which took place at the Shire of Murray Administration Building.

On 20 February Shire Officers and I attended a CHRMAP updated community meeting with residents of North Yunderup.

On 21 February I attended a monthly catch up with the Mandurah Times to discuss local projects and progress for the Shire of Murray Strategic Community Plan. This was followed by an introductory meeting with the new secretary of the Dwellingup Community Compact at the Shire of Murray Administration.

On 22 February the CEO and I attended the Peel Regional Leaders Forum General Meeting which was held at the Shire of Serpentine Jarrahdale. In the afternoon the Deputy President and I attending the Peel Country Zone Meeting which was also held at the Shire of Serpentine Jarrahdale. This was followed by the Councillor and Executive Photos taken in the Council Chambers before I then presided over the Audit and Risk Committee meeting and then the February Ordinary Council Meeting which was also held in the Council Chambers.

## **8 ANNOUNCEMENTS BY ELECTED MEMBERS**

### **Cr Douglas McLarty, Deputy Shire President**

On 12 January I meet with a resident in South Yunderup

On Friday 26 January we celebrated Australia Day at Edenvale with an Australian Citizenship Ceremony where eighteen new citizens were sworn in. We also held the Citizen of the Year Awards where the below awards were announced:

Australia Day Citizen of the Year Award 2024 – Peta Sattler

Australia Day Citizen of the Year Award SENIOR 2024 – Linda Gregory

Australia Day Citizen of the Year Award GROUP OR EVENT 2024 – Lions Club of Pinjarra

Congratulations to these valued members of our community.

On 8 February I along with fellow Councillors attended the monthly Councillor Briefing Session which was held at the Food Innovation Precinct Western Australia (FIPWA) this was then followed in the evening by the Annual Electors Meeting held in the Council Chambers.

On 22 February I along with the Shire President and CEO attended the Peel Country Zone Meeting held at the Shire of Serpentine Jarrahdale. This was followed by the Councillor and Executive Photos taken in the Council Chambers before the February Ordinary Council Meeting which was also held in the Council Chambers.

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

Nil.

**10 RECEPTION OF MINUTES AND RECOMMENDATIONS OF COMMITTEES HELD SINCE PREVIOUS MEETING OF COUNCIL****10.1 Minutes of the Local Emergency Management Committee Meeting held on 1 November 2023**

File Ref: D24/2353

Author and Title: Meg Robertson, Administration Officer Ranger and Community Services

Appendices: Item 10.1 Appendix 1 - Shire of Murray and Shire of Waroona Local Emergency Management Committee ( LEMC ) Meeting - Unconfirmed Minutes - 1 November 2024

**Recommendation/Council Decision OCM24/004****Moved: Cr D McLarty****Seconded: Cr S Kirkham****That the Minutes of the Local Emergency Management Committee Meeting held on Wednesday 1 November 2023 be confirmed as a true and correct record.****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**

**REPORTS OF CHIEF EXECUTIVE OFFICER AND OFFICERS****11 PLANNING AND SUSTAINABILITY****11.1 Adoption of Environmental Sustainability Strategy**

File Ref: D23/36968  
Previous Items: OCM 24 Aug 23 Item 11.3 (OCM23/115)  
Applicant: Nil.  
Author and Title: Tasmin Lancaster, Environmental Officer  
Declaration of Interest: Nil.  
Voting Requirements: Simple Majority  
Appendices: Item 11.2 Appendix 1 - Revised Environmental Sustainability Strategy  
Item 11.2 Appendix 2 - Submission Schedule

**Recommendation/Council Decision OCM24/005**

**Moved: Cr S Carter**

**Seconded: Cr S Lee**

**That Council adopts the Shire of Murray Environmental Sustainability Strategy as set out in Appendix 1.**

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

**Against: Cr David Pike**

**CARRIED 8:1**

**In Brief**

- The 2022-23 Corporate Business Plan included a project to prepare an Environmental Sustainability Strategy for the Shire.
- The preparation of the Environmental Sustainability Strategy was guided by a range of opportunities for community engagement, including a Sustainability Strategy Working Group, comprising of representatives from Council, relevant State agencies and the community.
- Council approved the advertising of the draft Strategy at its August 2023 meeting and the advertising period has now concluded.
- The submissions and draft revised Strategy that incorporated recommended changes arising from the consultation program are now presented for Council to consider adoption.

**Background**

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

Sustainability has three distinct but interrelated components:

1. Economic sustainability - ensuring economic prosperity can be maintained over time.
2. Social sustainability - ensuring all people, now and in the future, have their basic needs met.
3. Environmental sustainability - ensuring non-human elements of nature such as air, water and biodiversity remain healthy over time. It is this component that forms the focus of the current Strategy.

The Shire of Murray's environment is diverse, from its forests and bushland, waterways and urban environments. The natural environment sustains life. It provides access to clean water, air and food. It also underpins our economy and the liveability of our Shire. Protecting and maintaining our natural environment is essential if we wish to continue to support the liveability and prosperity of the Shire.

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

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

Community consultation has highlighted the importance of building environmental sustainability into decision making and this increasing awareness and importance of the environment is clearly gaining momentum outside the Shire. An increased focus on environmental concern is reflected in the Council's new Plan for the Future. This Plan was informed by the community feedback which clearly articulated a key concern was for the Environment.

### **Report Detail**

The Murray Environmental Sustainability Strategy has been prepared in consultation with the local community and a range of stakeholders, and is delivered in accordance with State and National guidelines and standards. It has been prepared as an easily read and shared guide, for the Shire to work towards its vision and long-term targets for environmental sustainability. A copy of the revised version of the Strategy, incorporating the recommended changes arising from the consultation process is included as **Appendix 1**.

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

- Relevant Sustainable Development Goals;
- Shire of Murray position statement;
- In brief explanation;
- Long-term goals;
- Recent Shire achievements;
- Performance indicators; and
- Actions and future aims.

The focus areas aim to guide Council's current and future actions in working towards achieving our sustainability goals and overcoming key challenges. Each action is measurable and achievable, integrates with the Shire's operations by implementing a triple bottom line approach to all decision making.

Although the long-term goals may seem aspirational, the actions are specific, measurable, achievable, realistic and time measured. Where possible longer-term actions are quantified, however these are likely to stay under development throughout the lifetime of the Strategy and as such will be subject to revision and refinement.

**Council Plan**

<b>Focus Area</b>	Planet
<b>Outcome 4</b>	The ecosystem is managed sustainably for the benefit of current and future generations.
<b>Objectives 4.1</b>	Sustainably manage and conserve water resources, rivers and waterways.
<b>Actions 4.1.1</b>	Implement the Environmental Sustainability Strategy.

**Other Strategic Links**

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

**Statutory Environment**

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

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

**Sustainability & Risk Considerations**

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

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

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

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

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

The impacts of climate change will be felt across society however, it is well documented that the more vulnerable groups in our community are at a greater risk. Increased demand on emergency services to deal with issues including increased bushfires, heatwaves, flooding / storm surge and frequency of extreme events. It is envisaged that through education and engagement the Strategy will help empower and educate the community and to help reduce their energy dependency.

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

Climate change is an existential threat to environmental sustainability on a global and local level. Our natural environment is part of what makes Murray an attractive place to live, work and play. It is part of the internationally recognised South-West global biodiversity hotspot (there are only 34 of these in the world) but our natural environment is particularly susceptible to climate change due to changes in temperatures, water availability, habitat loss and more frequent bushfires. Some of the results of this include extinction of species, increased algal blooms and more frequent fish kills.

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

*Risk Management Implications*

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

**Consultation**

The Environmental Sustainability Strategy was advertised for 42 days by way of notices in the local newspaper and on the Shire website as well as social media.

At the conclusion of the advertising period a total of seven submissions were received, six being from members of the community and one from the Peel-Harvey Catchment Council (PHCC). A submission schedule at **Appendix 2** includes a summary of each submission as well as an officer comment on each and where appropriate a recommendation for amending the Strategy.

**Resource Implications**

*Financial*

The Shire has significant financial challenges over the next few years arising from factors including capital works, new programs and increasing costs. A review of the Shire’s ability to resource the implementation of the Strategy was undertaken to ensure all recommendations are affordable and within the Shire’s ability to deliver. This has resulted in some changes to the proposed actions from the advertised draft.

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

*Workforce*

Some actions recommended under the Environmental Sustainability Strategy will involve workforce resources. The workforce commitment will be dependent upon the prioritised actions undertaken and will be considered in specific future budget submissions.

**Options**

1. Adopting the Environmental Sustainability Strategy in its recommended or a modified form.
2. Not adopting the Environmental Sustainability Strategy.

**Conclusion**

Local Governments have a key role in the promotion of economic, social and environmental sustainability for their communities now and for future generations. Now, there is a clearer expectation that decision-making is supported by robust and transparent practices, and that the long-term sustainability for future generations are incorporated into planning, decisions and actions.

With a view to this the Environmental Sustainability Strategy has been prepared to provide a long-term strategy to guide Council in protecting the environment and preparing for the impacts of climate change. It is recommended that the draft Environmental Sustainability Strategy now be adopted.



**11.2 Pedestrian Access Ways - Lot 55 Kangaroo Loop and Possum Place, Birchmont**

File Ref: D24/1430  
Previous Items: Nil.  
Applicant: Nil.  
Author and Title: Gregory Delahunty, Manager Planning and Environmental Services  
Declaration of Interest: Nil.  
Voting Requirements: Simple Majority  
Appendices: Item 11.2 Appendix 1 - Deposited Plan  
Item 11.2 Appendix 2 - Parking in Possum Place and the PAW

## Officer Recommendation

Moved: Cr A Rogers  
Seconded: Cr N Willis

That Council:

1. Restricts vehicular access by installing vehicle control measures at the eastern end of the Pedestrian Access Ways at Lot 55 Kangaroo Loop and Possum Place, Birchmont; and
2. Includes the costs associated with the vehicular control measures in the mid-year budget review.

In Favour: Nil,

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

LOST 0:9

**Council Decision OCM24/006**

**Moved: Cr D Bolt**  
**Seconded: Cr S Lee**

That Council

1. **Status Quo is supported by Council; and**
2. **Applies to and discusses with DBCA Council's support for vehicle access at Lot 55 Kangaroo Loop and Possum Place.**

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**

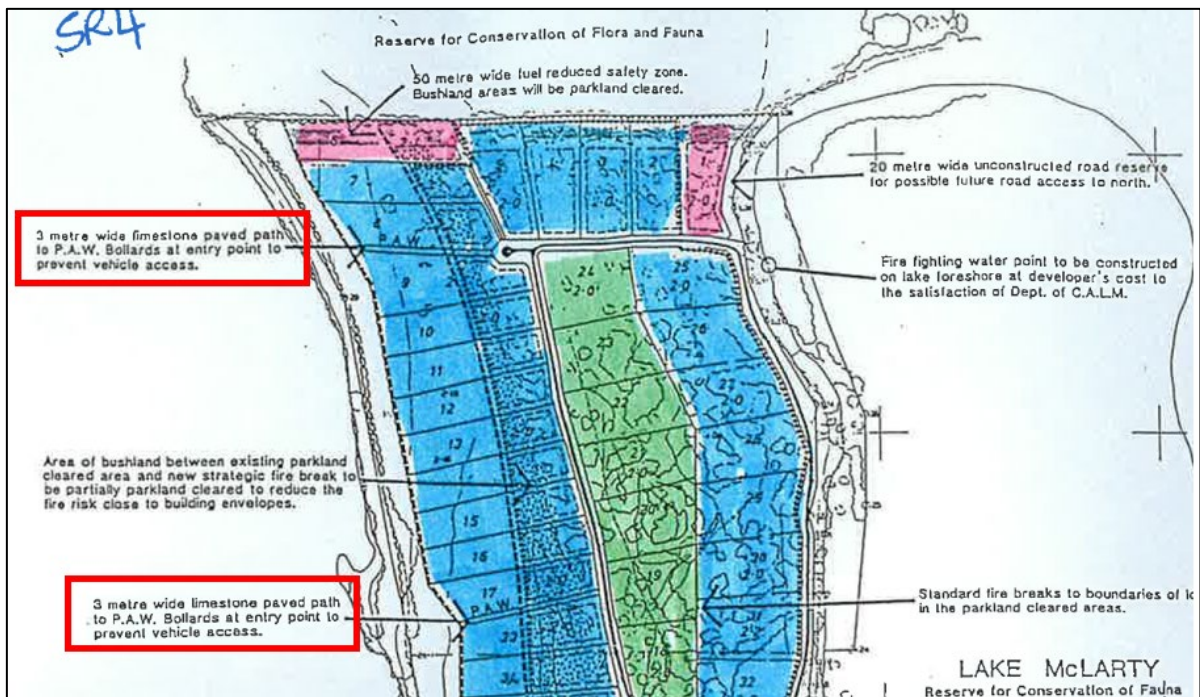
Reason for change: The precedent has been set for 26 years and is deemed a right of way.

**In Brief**

- Council is requested to consider feedback from the Birchmont community on the use of two pedestrian access ways (PAWs) that provide access to the estuary foreshore reserve (Reserve 44977).
- 30 out of 78 consulted individual landowners replied to the survey, with a relatively even split on the options.
- It is recommended that vehicular access control is provided at the eastern end of the PAWs.

**Background**

- The Birchmont Special Rural subdivision was approved in 1996. As part of this subdivision Lot 55 Kangaroo Loop and Possum Place was created as two separate PAWs that link the respective streets to the estuary foreshore reserve (R44977) (**Appendix 1**). The original subdivision plan identified a three metre wide limestone access track with bollards at the entry point to prevent vehicular access.
- Historically, the PAWs have been used to provide both pedestrian and vehicular access to R44977.
- In 2005, after receiving complaints from an adjoining landowner, the Shire installed a removable bollard within the northern PAW adjoining Possum Place. This was subsequently cut and removed by an unknown entity.
- A gate was installed by a landowner at the eastern end of the PAW adjoining Possum Place in 2023. This gate was also cut and removed.
- There is existing vehicular access to R44977 at the boat ramp which is accessed from Birch Drive.



1. Original Subdivision Plan



2. Location Plan

**Report Detail**

As a result of conflict within the community, arising over the recent gating of the PAW, Council initiated a consultation effort to obtain community sentiment. A survey was provided to the landowners in Birchmont, that:

- asked if there were any issues with the current access arrangements;
- provided a number of options should the access way be redesigned; and
- asked if there were any alternative solutions that should be considered.

**Council Plan**

<b>Focus Area</b>	Performance
<b>Outcome 15</b>	The Shire actively listens and responds to community needs.
<b>Objectives 15.1</b>	Deliver efficient and effective services to improve the customer experience.

**Other Strategic Links**

Birchmont Foreshore Management Plan (FMP)

The FMP, which was required to be prepared as a condition of the Birchmont Special Rural subdivision, identifies that controlling access within the foreshore reserves is a key aspect for effective future management.

With specific respect to access, the FMP states that:

*“Public vehicular access to the Harvey Estuary foreshore will be restricted to a single well managed location at the boat ramp and parking area.*

*Pedestrian access to the Harvey Estuary foreshore from the adjacent Special Rural development will be provided by two public access ways (PAW’s) in the northern section. These access ways are to be crushed limestone paved, 3 metres wide, and will provide both pedestrian and fire control access. End points of the PAW’s will have lockable bollards to prevent unauthorised vehicle access.”*

**Statutory Environment**

Planning and Development Act 2005 (the Act)

Under Section 152 of the Act, the Western Australian Planning Commission may, as a condition of subdivision approval, vest land for the purpose of a PAW in the Crown. Section 152 of the Act replaced section 20A of the former *Town Planning and Development Act 1928*, under which the subject lots were created as PAWs in 1996.

There is no legislative provision that expressly prohibits the use of a PAW by vehicles, however the use of a PAW by vehicles is certainly inconsistent with the public purpose for which they are reserved.

Local Government Act 1995 (the LG Act)

Under Section 3.53 of the LG Act, a Local Government is responsible for controlling and managing unvested reserves within its district. This includes PAWs.

**Sustainability & Risk Considerations**

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

Nil.

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

The continued use of the PAWs may have amenity impacts to adjoining landowners.

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

Nil.

*Policy Implications*

Nil.

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Low	Installation of barriers will ensure that the PAWs are operated in the manner intended when they were created.

**Consultation**

Public Consultation

Letters were sent to 78 landowners in the Birchmont community with a survey that sought to gain an understanding of any issues with the existing situation and preferences on design options. Information was also provided on the Shire’s website. The following design options were presented:

Option 1	I don't think it needs to be redesigned, leave it as a pedestrian access way.
Option 2	Install new barriers at the eastern end of the access ways allowing pedestrian access only.
Option 3	Install new barriers at the eastern end of the access ways allowing pedestrian access only, but with a car park provided close to the entry.
Option 4	Hardstand the access way and allow pedestrian and vehicle access to the Department of Biodiversity, Conservation and Attractions (DBCA) western gate, and install a vehicular turn around at the western end.
Option 5	Hardstand the access way and allow pedestrian and vehicle access to the DBCA western gate, and install a car park at the western end.
Option 6	Install barriers to restrict pedestrian and vehicle access.

At the end of the consultation period 30 specific responses were received, as presented in the table below. It should be noted that some respondents selected multiple options, whereas some selected none. There were also a number of duplicate responses from the same source. These have been tabulated as one consolidated response.

	Yes	No				
<b>Currently an Issue?</b>	12	18				
	<b>Option 1</b>	<b>Option 2</b>	<b>Option 3</b>	<b>Option 4</b>	<b>Option 5</b>	<b>Option 6</b>
<b>Redesign Preference</b>	5	4	3	5	11	1

13 responses (i.e. options 1, 2, 3 and 6) prefer leaving it as a PAW or controlling access with the installation of barriers at the eastern end.

16 responses (i.e. options 4 and 5) prefer the formalisation to enable vehicular access.

Most notably, however, 48 out of 78 (62%) individual properties did not respond. Consequently, it can be ascertained that the majority of Birchmont residents are not directly concerned with how the PAWs operate.

Eight responses proposed alternative solutions. These mainly focussed on the provision of sufficient vehicular access and parking to the reserve. They also touch upon fire access in an emergency. The PAWs use in a fire event, however, doesn’t seem evident, as it would result in people driving towards a heavily vegetated dead end.

Agency Consultation

<b>Department of Biodiversity, Conservation and Attractions</b>
DBCA advised that access to the nature reserve via horse or vehicles is not permitted. It is therefore recommended that pedestrian access only is permitted from the eastern end of the two PAWs without creating a car park.
It is noted that a car park is available 2km south of the Possum Place easement for easy access to the foreshore on foot. Furthermore, there are two more parking spots to access the foreshore at Lake Mealup Road north about 1.5km north and Herron Point about 5km south.

Past actions from members of the public have affected the conservation of the Nature Reserve and some vehicle gates were stolen, vegetation trampled and rubbish left in the bush.

#### **Department of Planning, Lands and Heritage**

The PAW land is under the care, control and management of the Shire of Murray, by way of section 3.53 of the Local Government Act 1995. This section states that any 'otherwise unvested facilities' such as thoroughfares (which includes pedestrian access ways) are to be placed under the care, control and management of the relevant local government authority.

The lots are identified as pedestrian access ways and therefore, they should only provide pedestrian access, i.e., not vehicular.

### **Resource Implications**

#### *Financial*

Hard standing of both PAWs has been estimated at approximately \$80,000. Provision of two gates is estimated to cost approximately \$9,000.

There is no provision in the current budget for either option. Whilst the cost to install the gates is relatively modest and so could reasonably be considered as part of the mid-year budget review should Council decide on that option. The cost associated with hard standing the two PAW's however is quite substantial and it would therefore be prudent to consider expenditure of this magnitude amongst other priorities in the context of the next budget.

#### *Workforce*

The assessment and reporting of this item has been accommodated within the existing staff workforce level.

### **Options**

Given that the use of a PAW by vehicles is inconsistent with the public purpose for which the land is reserved, it is considered that the only options available are to:

1. Leave access to the PAWs uncontrolled and police vehicular access.
2. Restrict vehicular access with the installation a control mechanism at the eastern end of the PAWs.

### **Conclusion**

Notwithstanding that vehicle access within the PAW's appears to have informally taken place in the past, it is clear that they were never intended to be used for vehicular access. This is substantiated from multiple sources including the deposited plan, the subdivision plan and the FMP. The Shire has also sought to restrict vehicular access in the past with the installation of a bollard.

The majority of Birchmont residents did not respond to the community survey. It would therefore be reasonable to construe this silence as these landowners not being directly concerned with the ongoing function of the PAWs.

The individuals living next to the PAWs are most likely to be affected by ongoing vehicular access by traffic, noise and light nuisance. This has been supported with numerous complaints and photographs showing excessive parking within the PAW and the adjoining road reserve (**Appendix 2**). It is also noted that the PAWs have not been designed for safe and functional vehicular access, parking or manoeuvring.

It is highlighted that there are already other opportunities for vehicular parking and pedestrian access to the reserve at the nearby boat ramp. Additional opportunities are available at both Herron Point to the south and Lake Mealup Road North to the north.

It is therefore concluded that the use of the two PAWs for vehicular access is not necessary and will sustain amenity impacts to the adjoining landowners. Consequently, it is recommended that Council restricts vehicular access by installing suitable physical measures to restrict vehicle access at the eastern end of the PAWs.

## 12 CORPORATE GOVERNANCE

### 12.1 Peel Development Commission Board Nominations

File Ref:	D23/45305
Previous Items:	Nil.
Applicant:	Peel Development Commission
Author and Title:	Dean Unsworth, Chief Executive Officer
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Nil.

#### Recommendation/Council Decision OCM24/007

**Moved: Cr N Willis**

**Seconded: Cr A Rogers**

**That Council invites Councillor McLarty to submit an application to join the Peel Development Commission Board.**

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

**Against: Nil.**

**CARRIED UNANIMOUSLY 9:0**

#### **In Brief**

Every two years, the Peel Development Commission (PDC) seeks a Local Government representative to join its Board.

#### **Background**

The PDC is seeking nominations for one local government representative vacancy on its Board.

Nominees for this vacancy must be members of the Council of a local government in the region and are to be nominated by the local governments.

#### **Report Detail**

All five local governments have been requested to nominate up to two Councillors, who are willing and able to be candidates. If an elected member is nominated by Council, that nominee must then complete a nomination form and a Curriculum Vitae proforma that has been supplied by the PDC (these forms will be provided to the nominating Councillor).

The PDC Meet 5 times per year.

#### **Council Plan**

Nil.

#### **Other Strategic Links**

Nil.

#### **Statutory Environment**

Nil.



**Sustainability & Risk Considerations**

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

Nil.

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

Nil.

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

Nil.

*Policy Implications*

Nil.

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Low	There is no risk to Council with this matter.

**Consultation**

Peel Development Commission

**Resource Implications**

*Financial*

Nil.

*Workforce*

Nil.

**Options**

Nil.

**Conclusion**

As detailed within this report.

**12.2 Payments from Municipal and Trust Funds - December 2023 and January 2024**

File Ref:	D24/305
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 - December 2023 Item 12.2 Appendix 2 - Payments from Municipal and Trust Funds - January 2024

**Recommendation/Council Decision OCM24/008****Moved: Cr A Rogers****Seconded: Cr G Black**

**That Council receives the Payments from Municipal and Trust Funds Report December 2023 and January 2024 as presented.**

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

**Against: Nil.**

**CARRIED UNANIMOUSLY 9:0**

**In Brief**

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

**Background**

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

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

- a) presented to the Council at the next ordinary meeting of the council after the list is prepared; and
- b) recorded in the minutes of that meeting.

**Report Detail**

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

The report contains the list of payments made from the Shire of Murray’s Municipal and Trust bank accounts for the months of December 2023 and January 2024.

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 14</b>	Capable and accountable leadership and governance.

**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 December 2023 and January 2024.
2. Not receiving the Payments from Municipal and Trust Funds report for December 2023 and January 2024.

**Conclusion**

The Payments from Municipal and Trust Funds reports have been prepared in accordance with the *Local Government (Financial Management) Regulations 1996* and are 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 Procedures for Public Question Time

File Ref:	D24/445
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Dean Unsworth, Chief Executive Officer
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Nil.

Recommendation/Council Decision OCM24/009

Moved: Cr S Carter

Seconded: Cr D McLarty

That Council endorses the procedures for Public Question Time for all Council meetings as follows:

#### **PROCEDURE – PUBLIC QUESTION TIME**

*Where a meeting of a committee is open to the public the procedures for public question time apply. In this regard, these procedures are amended by substituting ‘Council’ with ‘Committee’ to provide proper context.*

#### **Questions asked verbally**

- 1. Members of the public are invited to ask questions at Council Meetings.**
- 2. Questions asked at an Ordinary Council meeting must relate to a matter that affects the Shire of Murray. Questions asked at a Special Council meeting must relate to the purpose for which the meeting has been called.**
- 3. A register will be provided for those persons wanting to ask questions to enter their name. The Presiding Member may call persons registered to come forward in an order that allows the maximum opportunity for as many people as possible to address the meeting of matters that are listed on the agenda. Persons that come forward are to state their name and full address.**
- 4. Public question time will be limited to two verbal questions per person to allow for others to also have the opportunity to participate. If there is remaining time the Presiding Member will then revert to any person that requested more than two (2) questions be asked within the allotted 15 minutes of Question Time.**
- 5. All questions should be succinct and to the point and not extend beyond 2 (two) minutes.**
- 6. Statements are not permitted unless it is part of the Deputation section of the meeting. Deputations must relate to an item on the Council agenda for that meeting and should be requested in advance to the Chief Executive Officer in writing of the Council Meeting at least 48 hours prior to the meeting. Any decision outside of this procedure is to be decided by the Council.**
- 7. Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.**

8. **Public question time will be allocated a minimum of 15 minutes and may be extended in intervals of up to 10 minutes by resolution of Council, but the total time allocated for public questions to be asked and responses given is not to exceed 35 minutes in total.**
9. **Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or Shire employee. The Presiding Member shall decide to:**
  - i. **Accept or reject any question and their decision is final;**
  - ii. **Nominate a Shire employee to respond to the question;**

**Or;**

  - iii. **Take a question on notice. In this case a written response will be provided as soon as possible, and included in the agenda of the next Council meeting.**
10. **Questions and any response will be summarised and included in the minutes of the Council meeting.**
11. **It is not intended that question time should be used as a means to obtain information that would not be available if it was sought from the Shire's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information Act 1992 (FOI Act). Where the response to a question/s would require a substantial commitment of Shire's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the Shire and refuse it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act.**

**Questions in Writing – (Residents and/or ratepayers of the Shire of Murray only)**

1. **Only Shire of Murray residents and/or ratepayers may submit questions to the Shire in writing.**
2. **Questions asked at an Ordinary Council meeting must relate to a matter that affects the Shire of Murray. Questions asked at a Special Council meeting must relate to the purpose for which the meeting has been called.**
3. **The Shire will accept a maximum of five (5) written questions per Shire of Murray resident/ratepayer. To ensure equity and consistency, each part of a multi-part question will be treated as a question in its own right.**
4. **Questions lodged by 4.00pm on the day immediately prior to the scheduled Council meeting will be responded to, where possible, at the Council meeting. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.**
5. **The Presiding Member shall decide to accept or reject any written question and their decision is final. Where there is any concern about a question being**

***offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published.***

- 6. The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.***
- 7. Written questions unable to be responded to at a Council meeting will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Council meeting.***
- 8. A person who submits written questions may also ask questions at a Council meeting and questions asked verbally may be different to those submitted in writing.***
- 9. Questions and any response will be summarised and included in the minutes of the Council meeting.***
- 10. It is not intended that question time should be used as a means to obtain information that would not be available if it was sought from the Shire's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information Act 1992 (FOI Act). Where the response to a question/s would require a substantial commitment of Shire's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the Shire and refuse it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act.***

#### **DISCLAIMER**

***Responses to questions asked verbally are provided in good faith and as such, should not be relied upon as being either complete or comprehensive.***

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

**Against:** Nil.

**CARRIED UNANIMOUSLY 9:0**

#### **In Brief**

Council is requested to review the current procedures for Public Question Time at Council meetings.

#### **Background**

As part of each Ordinary or Special meeting of Council, the Local Government Act requires a local government to provide at least 15 minutes of question time prior to any items on the agenda to be considered.

#### **Report Detail**

In order to ensure a smooth process, it is requested that Council consider formally endorsing the following procedures for Public Question Time.

In recent times, there has been an increase in the number and complexity of questions and also an increase in written requests coming before Council to be answered as part of Public Question Time.

Therefore, it is recommended Council consider the recommended procedures to ensure an efficient and fair public question time at each Council meeting.

### PROCEDURE – PUBLIC QUESTION TIME

*Where a meeting of a committee is open to the public the procedures for public question time apply. In this regard, these procedures are amended by substituting ‘Council’ with ‘Committee’ to provide proper context.*

#### *Questions asked verbally*

- 12.** *Members of the public are invited to ask questions at Council Meetings.*
- 13.** *Questions asked at an Ordinary Council meeting must relate to a matter that affects the Shire of Murray. Questions asked at a Special Council meeting must relate to the purpose for which the meeting has been called.*
- 14.** *A register will be provided for those persons wanting to ask questions to enter their name. The Presiding Member may call persons registered to come forward in an order that allows the maximum opportunity for as many people as possible to address the meeting of matters that are listed on the agenda. Persons that come forward are to state their name and full address.*
- 15.** *Public question time will be limited to two verbal questions per person to allow for others to also have the opportunity to participate. If there is remaining time the Presiding Member will then revert to any person that requested more than two (2) questions be asked within the allotted 15 minutes of Question Time.*
- 16.** *Statements are not permitted unless it is part of the Deputation section of the meeting. Deputations must relate to an item on the Council agenda for that meeting and should be requested in advance to the Chief Executive Officer in writing of the Council Meeting at least 48 hours prior to the meeting. Any decision outside of this procedure is to be decided by the Council.*
- 17.** *Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.*
- 18.** *Public question time will be allocated a minimum of 15 minutes and may be extended in intervals of up to 10 minutes by resolution of Council, but the total time allocated for public questions to be asked and responses given is not to exceed 35 minutes in total.*
- 19.** *Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or Shire employee. The Presiding Member shall decide to:*
  - i.** *Accept or reject any question and their decision is final;*
  - ii.** *Nominate a Shire employee to respond to the question;*

*Or;*

  - iii.** *Take a question on notice. In this case a written response will be provided as soon as possible, and included in the agenda of the next Council meeting.*
- 20.** *Questions and any response will be summarised and included in the minutes of the Council meeting.*



21. *It is not intended that question time should be used as a means to obtain information that would not be available if it was sought from the Shire's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information Act 1992 (FOI Act). Where the response to a question/s would require a substantial commitment of Shire's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the Shire and refuse it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act.*

*Questions in Writing – (Residents and/or ratepayers of the Shire of Murray only)*

1. *Only Shire of Murray residents and/or ratepayers may submit questions to the Shire in writing.*
2. *Questions asked at an Ordinary Council meeting must relate to a matter that affects the Shire of Murray. Questions asked at a Special Council meeting must relate to the purpose for which the meeting has been called.*
3. *The Shire will accept a maximum of five (5) written questions per Shire of Murray resident/ratepayer. To ensure equity and consistency, each part of a multi-part question will be treated as a question in its own right.*
4. *Questions lodged by 4.00pm on the day immediately prior to the scheduled Council meeting will be responded to, where possible, at the Council meeting. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.*
5. *The Presiding Member shall decide to accept or reject any written question and their decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published.*
6. *The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.*
7. *Written questions unable to be responded to at a Council meeting will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Council meeting.*
8. *A person who submits written questions may also ask questions at a Council meeting and questions asked verbally may be different to those submitted in writing.*
9. *Questions and any response will be summarised and included in the minutes of the Council meeting.*
10. *It is not intended that question time should be used as a means to obtain information that would not be available if it was sought from the Shire's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information Act 1992 (FOI Act). Where the response to a question/s would require a substantial commitment of Shire's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the Shire and refuse it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act.*

**DISCLAIMER**

*Responses to questions asked verbally are provided in good faith and as such, should not be relied upon as being either complete or comprehensive.*

Council Plan

<b>Focus Area</b>	Performance
<b>Outcome 14</b>	Capable and accountable leadership and governance.
<b>Objectives 14.1</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)

5.24. Question time for public

(1) Time is to be allocated for questions to be raised by members of the public and responded to at

(a) every ordinary meeting of a council; and

(b) such other meetings of councils or committees as may be prescribed.

(2) Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

Local Government (Administration) Regulations (1996)

5. Question time for public, meetings that require prescribed (Act s. 5.24)

For the purposes of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are —

(a) every special meeting of a council;

(b) every meeting of a committee to which the local government has delegated a power or duty.

6. Question time for public, minimum time for (Act s. 5.24(2))

(1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.

(2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in sub-regulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

7. Question time for public, procedure for (Act s. 5.24(2))

(1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) are to be determined —

(a) by the person presiding at the meeting; or

(b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of those members, having regard to the requirements of sub-regulations (2), (3) and (5).

(2) The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.

(3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.

(4) Nothing in sub-regulation (3) requires —

(a) a council to answer a question that does not relate to a matter affecting the local government; or

(b) a council at a special meeting to answer a question that does not relate to the purpose of the meeting; or

(c) a committee to answer a question that does not relate to a function of the committee.

(5) If, during the time allocated for questions to be raised by members of the public and responded to, a question relating to a matter in which a relevant person has an interest, as referred to in section 5.60, is directed to the relevant person, the relevant person is to —

(a) declare that he or she has an interest in the matter; and

(b) allow another person to respond to the question.

**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*

This Procedure, if endorsed will be the formal procedures

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Low	There is low risk to Council if the procedure is not endorsed, however it should assist in clarity for residents and also provide assistance to the Presiding Member.

**Consultation**

Nil.

**Resource Implications**

*Financial*

Nil.

*Workforce*

Nil.

**Options**

1. Council accepts the procedures as presented.

2. Council amends or rejects the procedures as presented.

**Conclusion**

While the Local Government Act and the Local Government (Administration) Regulations addresses broadly the requirements of Public Question time, it does not provide an efficient process in how best to manage this section of a Council meeting. Therefore, the proposed procedures are presented to make clear to both those residents and ratepayers who wish to ask a question how the process works, but also provide clarity and a framework to assist the Presiding Member.

## 12.4 Monthly Financial Report - December 2023 and January 2024

File Ref:	D24/3564
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Nathan Gilfellon, Manager Finance
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 12.4 Appendix 1 - December 2023 Monthly Financial Report Item 12.4 Appendix 2 - January 2024 Monthly Financial Report

### Recommendation/Council Decision OCM24/010

**Moved: Cr S Lee**

**Seconded: Cr A Rogers**

**That Council receives the December 2023 and January 2024 Monthly Financial Report as presented at Appendix 1.**

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

**Against: Nil.**

**CARRIED UNANIMOUSLY 9:0**

### In Brief

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

### Background

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

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

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

### Report Detail

The monthly financial report for December 2023 and January 2024 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 14</b>	Capable and accountable leadership and governance.
<b>Objectives 14.1</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 December 2023 and January 2024.
2. Not receiving the monthly financial report for December 2023 and January 2024.

**Conclusion**

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

**13 RECREATION, ECONOMIC & COMMUNITY DEVELOPMENT**

Nil.



**14 INFRASTRUCTURE SERVICES**

**14.1 Request for Support of New Road Name for Subdivision Lot 801 Greenlands Road West Pinjarra**

File Ref: D24/1943  
 Previous Items: Nil.  
 Applicant: McMullen Nolan Group  
 Author and Title: Martin Harrop, Manager Engineering Services  
 Declaration of Interest: Nil.  
 Voting Requirements: Simple Majority  
 Appendices: Nil.

**Recommendation/Council Decision OCM24/011**

**Moved: Cr D Pike**

**Seconded: Cr D McLarty**

**That Council:**

- 1. Support the proposed new road name Grapple Avenue for subdivision Lot 801 Greenlands Road, West Pinjarra.**
- 2. Endorses Shire Officers to support an application to Landgate, Geographic Names Committee for the new road name for subdivision Lot 801 Greenlands Road, West Pinjarra.**

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

**Against: Nil.**

**CARRIED UNANIMOUSLY 9:0**

**In Brief**

The Developer of Lot 801 Greenlands Road, West Pinjarra has submitted proposed road name for the subdivision of the land. Landgate’s Geographic Names Committee requires Local Government consent of the new road name established through subdivision.

**Background**

A request has been received from McMullen Nolan Group (MNG) seeking Council’s support to use the road name Grapple Avenue and they have also provided alternative names Skidder, Chaser and Feller for subdivision Lot 801 Greenlands Road, West Pinjarra.

**Report Detail**

The Developer has chosen the theme road names of logging terms. The road name chosen are logging equipment. Landgate Geographic Names has undertaken the initial validation checks and expressed in principle approval for the use of the road names proposed.

**Council Plan**

<b>Focus Area</b>	Place
<b>Outcome 10</b>	It is easy to move around the Shire safely and sustainably.
<b>Objectives 10.1</b>	Improve the local road network.

**Other Strategic Links**

Nil.

**Statutory Environment**

Land Administration Act 1997

**Sustainability & Risk Considerations**

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

Nil.

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

Nil.

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

Nil.

*Policy Implications*

- Policy and Standards for Geographical Naming in WA
- McMullen Nolan Group (MNG)

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Low	There is little to no risk to the Shire of Murray, if the above policies and procedures are adhered to when considering naming of roads.

**Consultation**

- Landgate, Geographic Names Committee
- McMullen Nolan Group (MNG)

**Resource Implications**

*Financial*

Nil.

*Workforce*

Nil.

**Options**

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

**Conclusion**

Council support is requested for the road name chosen for subdivision Lot 801 Greenlands Road, West Pinjarra. The proposed road names have passed Landgate’s preliminary validation process and is considered to be consistent with the requirements of Landgate’s Geographic Names Committee Road Naming Policy. Shire Officers support the Developers request and recommend that Council support the proposed new road name Grapple Avenue.

**15 ITEMS FOR INFORMATION**

**15.1 Outstanding Council Resolutions February 2024**

File Ref: D24/1275

Author and Title: Belinda Brown, Executive Services Coordinator

Appendices: Item 15.1 Appendix 1 - Outstanding Council Resolutions - February 2024

**In Brief**

The Outstanding Council Resolution Register for February 2024 is attached for your information.

**15.2 Delegated Development Application Decisions - December 2023 and January 2024**

File Ref: D24/2462

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

Appendices: Item 15.2 Appendix 1 - Delegated Decisions for December 2023 and January 2024

**In Brief**

The Delegated Development Application Decisions for December 2023 and January 2024 are attached for information.

**15.3 Plan for the Future - Council Plan Progress Report**

File Ref: D24/4853

Author and Title: Rikki Gardiner, Senior Corporate Support Officer

Appendices: Item 15.3 Appendix 1 - Council Plan - Report for February 2024

**In Brief**

The Council Plan Progress Report is attached for information.

**16 BUSINESS LEFT OVER FROM PREVIOUS MEETING**

Nil.

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

Nil.

**18 NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING**

Nil.

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

**19.1 Leave of Absence - Cr David Pike**

**Recommendation/Council Decision OCM24/012**

**Moved: Cr S Kirkham**

**Seconded: Cr D McLarty**

**That Council approves a leave of absence for Cr David Pike for the 21 March Ordinary Council meeting.**

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

**Against: Nil.**

**CARRIED UNANIMOUSLY 9:0**

**20 MEETING CLOSED TO THE PUBLIC (CONFIDENTIAL BUSINESS)****Recommendation/Council Decision OCM24/013****Moved: Cr S Kirkham****Seconded: Cr S Lee**

That Council proceeds behind closed doors the time being 6.35pm 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 Enterprise Support Programme - Funding Submission****20.2 Tender T24/1 - Sports Floodlighting Replacement Sir Ross McLarty Oval****20.3 Tender T24/2 - Dwellingup Cafe Fire Remediation Works**

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

**Against:** Nil.

**CARRIED UNANIMOUSLY 9:0****20.1 Enterprise Support Programme - Funding Submission****Recommendation/Council Decision OCM24/014****Moved: Cr S Carter****Seconded: Cr A Rogers****That Council:**

- 1. Allocates \$150,000 (exc. GST) from the ESP funding programme towards the \$300,000 project to create a FIPWA Open Innovation Studio, subject to:**
  - a. Reconfirmation of participation from Beanstalk program and funding partner - Grower Group Australia (GGA).**
  - b. Reconfirmation that the FIPWA Open Innovation Studio will be created in the FIPWA Innovation Centre; and**
  - c. Agreement to execute a Financial Assistance Agreement (FAA) with the Shire of Murray as part of which the Program Design phase will incorporate a rework of the Project Governance and Problem Statement for Challenge #1.**
- 2. Supports in-principle a further funding allocation of up to \$100,000 (exc GST) from the ESP funding programme as co-investment towards a matched funding project for Challenge #2, upon meeting set project performance metrics and completing Challenge #1, and subject to a further report to Council.**

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

**Against:** Nil.

**CARRIED UNANIMOUSLY 9:0**

**20.2 Tender T24/1 - Sports Floodlighting Replacement Sir Ross McLarty Oval****Recommendation/Council Decision OCM24/015****Moved: Cr G Black****Seconded: Cr S Kirkham****That Council:**

- 1. Accepts the Confidential Assessment Report by the evaluation panel;**
- 2. Endorses Greenlight Electrical Contractors Pty Ltd as the preferred tenderer for the Sports Floodlighting Replacement Sir Ross McLarty Oval, Pinjarra at a tendered price of \$250,310.80 (ex GST) and;**
- 3. Delegates to the Chief Executive Officer to negotiate the final scope and cost implications of the tender submission in accordance with the specification and tender rates in the “Schedule of Prices” for Tender T24/1.**

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

**Against: Nil.**

**CARRIED UNANIMOUSLY 9:0****20.3 Tender T24/2 - Dwellingup Cafe Fire Remediation Works****Recommendation/Council Decision OCM24/016****Moved: Cr S Carter****Seconded: Cr S Lee****That Council:**

- 1. Accepts the Confidential Assessment Report;**
- 2. Endorses Safeway Building and Repairs Pty Ltd as the preferred tenderer for the Dwellingup Café Fire Remediation Works at a tendered price of \$233,770 (ex GST); and**
- 3. Delegates to the Chief Executive Officer to negotiate the final scope and cost implications of the tender submission in accordance with the specifications and tender rates in the ‘Schedule of Prices’ for Tender T24/2.**

**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**



**Recommendation/Council Decision OCM24/017**

**Moved: Cr D McLarty**

**Seconded: Cr S Lee**

**That Council proceeds with open doors the time being 6.48pm.**

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

**Against: Nil.**

**CARRIED UNANIMOUSLY 9:0**

**21 CLOSURE OF MEETING**

**There being no further business the Presiding Member declared the meeting closed the time being 6.48pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 21 March 2024.**

  
.....  
**PRESIDING MEMBER**