



# **Agenda**

**Ordinary Council Meeting**

**Thursday 18 April 2024 at 5.30pm**

## **Question Time Rules**

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

***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.**

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## Notice of Meeting (Note Change of Venue)

Notice is hereby given that the Ordinary Meeting of Council will be held at the Pinjarra Civic Centre, 1915 Pinjarra Road, Pinjarra on Thursday, 18 April 2024 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**

**Ms Megan McKrill** (Chief Executive Officer Ovis) and **Ms Katrina Russell-Barr** (Operations Manager Ovis) – Ovis Community Services – Item 12.2 Waiver of Lease Rental Payments - OVIS Community Services - 14 Camp Road, Pinjarra

**Mr Ian Willis** (General Manager) – Hotham Valley Railway – Item 12.10 Contribution to Hotham Valley Tourist Railway WA Inc. for Relinquishing Western Side of Pinjarra Railway Precinct (Reserve 45518/Lot 363)

- 6 **CONFIRMATION OF MINUTES**
  - 6.1 **Ordinary Council Meeting – 21 March 2024**

### Recommendation

That the Minutes of the Ordinary Council Meeting held on Thursday 21 March 2024 be confirmed as a true and correct record.

- 7 **ANNOUNCEMENTS BY THE PRESIDING MEMBER**

The Shire President's announcements will be attached 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 Notice of Motion - Shire President David Bolt - Dawesville Cut

File Ref: D24/11484  
Previous Items: OCM 21 March 24 Item 18.1 OCM24/030  
Applicant: Nil.  
Author and Title: David Bolt, Shire President  
Declaration of Interest: Nil.  
Voting Requirements: Simple Majority  
Appendices: Nil.

#### Recommendation

##### That:

- 1. Council requests the CEO to prepare and submit a report and proposal for additional funding from the state government to enable the Shire of Murray to undertake necessary riverbank stabilisation and erosion mitigation works along the riverbanks in front of affected island homes. These works are critical in reducing the immediate and current impacts of the increased tides, frequency and water salinity levels caused by the construction of the Dawesville Cut, aiming to protect the properties of the island residents and the natural environment that has been adversely affected.**
- 2. The Shire of Murray to advocate on behalf of affected island residents to the state government for fair compensation if they are ever required to retreat from their homes due to the impacts from the Dawesville Cut. This compensation should reflect the impact of past state government decisions, acknowledging the residents' lack of responsibility for the circumstances leading to their situation.**

#### Reason for Motion

The construction of the Dawesville Cut, which connects the Peel-Harvey Estuary to the ocean that was completed around 30 years ago, aimed to enhance the estuary's flushing. This initiative sought to mitigate the build up of nutrients that were causing algae blooms and weed growth. However, this intervention has led to several unintended adverse effects. These include an increase in tidal impacts, enhanced riverbank erosion, and escalated salinity levels in the Estuary and delta areas of the Murray River. Such changes have also negatively impacted the vegetation along the riverbanks, which plays a crucial role in stabilising and protecting the banks. Consequently, the properties of residents on islands within the river delta are being impacted.

The residents of those living in the affected areas are now facing increased erosion and the alterations in tidal flows and frequency of changes in water levels if not addressed may, in the longer term, pose a threat to the ongoing use of their properties and amenity. It's crucial to note that residents of the islands find themselves in this predicament through no fault of their own, but rather because of decisions by previous State Governments to approve the construction of the Cut.

#### Officer Comment

The Motion presented is a responsible and reasonable approach and illustrates that a long-solution is required and that the issues need State and Federal Government buy in.

It also aims to undertake the necessary research to be able to clearly demonstrate the obvious affect that the Dawesville Cut has had on our residents' properties.



**11.2 Adoption of Coastal Hazard Risk Management and Adaptation Plan**

File Ref:	D24/5891
Previous Items:	OCM 23 Jul 20      Item 11.2 (OCM20/128) OCM 22 Jun 23      Item 11.2 (OCM23/066)
Applicant:	N/A
Author and Title:	Tom Lerner, Coordinator Environment Services
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 11.1 Appendix 1 - Advertised Version of CHRMAP (Page 1 Separate Appendix) Item 11.1 Appendix 2 - Advertised Version of CHRMAP Summary (Page 699 Separate Appendix) Item 11.1 Appendix 3 - Submissions Schedule (Page 776 Separate Appendix) Item 11.1 Appendix 4 – Submissions (Page 848 Separate Appendix) Item 11.1 Appendix 5 - Draft Special Control Area (Page 1018 Separate Appendix) Item 11.1 Appendix 6 - Draft Coastal Hazard Local Planning Policy (Page 1022 Separate Appendix)

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

- 1. Adopt the Shire of Murray Coastal Hazard Risk Management and Adaptation Plan as set out in Appendix 1, subject to the following modifications being undertaken to the satisfaction of the Chief Executive Officer:**
  - a. Removal of references to the draft Coastal Hazard Special Control Area wording, however retain the action to introduce a Coastal Hazard Special Control Area into the local planning scheme;**
  - b. Removal of the draft Coastal Hazard Local Planning Policy wording, however retain the action to prepare a Coastal Hazard Local Planning Policy;**
  - c. Include an additional short-term action and supporting text to prepare guidelines to add further clarity and explanation including examples on the means of developing land that is impacted by risks of coastal processes and practical means of retrofitting existing buildings to make them more resilient to coastal processes;**
  - d. Include an additional short-term action and supporting text that the Shire advocate on behalf of its community for a suitable financial mechanism to be put in place at the State or National level to provide funding to enable private land owners to progressively transition from areas that will become highly vulnerable to coastal processes in time;**
  - e. Include an additional short-term action and supporting text to advocate for the State government to appropriately research the adverse impacts of the Dawesville Cut and provide funding to address erosion and inundation impacts that are considered to have occurred as a result of changes to the estuary following the opening of the Dawesville Cut; and**
  - f. Include those modifications highlighted in the Officer Recommendation column of the Submission Schedule at Appendix 3.**
- 2. No longer pursue the notice and trigger provisions at clauses 1 and 7 – 11 in the ‘Additional Provisions’ column of the draft Special Control Area document as highlighted**

in Appendix 5 when the local scheme amendment is formally prepared to introduce the Coastal Hazard Special Control Area.

3. Further consider the wording of the Coastal Hazard Local Planning Policy to address the issues raised in the submissions as relevant to the policy when this is formally prepared for consideration by Council. In particular:
  - a. make it clear that whilst applications for new development will need to consider coastal risks and the objectives of the planning policy, proposals will still be considered on their individual merit to enable any relevant site-specific circumstances or alternative ways of addressing policy objectives to be considered;
  - b. clarify and provide additional flexibility to enable development to establish within an erosion risk area, where it can be adequately demonstrated that erosion impacts will be longer term and outside the design life of the development or can be effectively managed to protect the development for its design life;
  - c. address how repairs, modifications or additions to existing buildings will be treated; and
  - d. include reference to the triggers removed from the draft Special Control Area wording in order to provide guidance on potential conditions of approval for new development on vulnerable land that is only able to be approved on a temporary basis due to longer term impacts of coastal processes.
4. Request officers to present as an integrated package the revised Coastal Hazard Special Control Area, Coastal Hazard Local Planning Policy and associated guidelines referred to in recommendation 1. c. above, to Council for formal consideration through the relevant statutory processes.

#### **In Brief**

- In July 2020 Council endorsed Baird Australia as the preferred tenderer to prepare a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) for the Shire of Murray. The CHRMAP is a strategic document that is intended to guide the Shire's response to existing and potential future risks of impact from erosion and inundation along the Shire's coastal areas.
- The CHRMAP was prepared in accordance with the requirements of the Western Australian Planning Commission's (WAPC) *State Planning Policy 2.6 – Coastal Planning* (SPP 2.6) and the associated *CHRMAP Guidelines*. It was prepared under the guidance of a Project Steering Group, comprising representatives from Council, relevant State agencies and the community as well as Community Reference Group, comprising representatives of the affected local communities and community groups. A range of community engagement activities were also undertaken at key stages during the preparation of the draft CHRMAP to ensure community input into and understanding of the project.
- In June 2023 Council authorised public advertising of the draft CHRMAP. Given the comprehensive and technical nature of the document Council also authorised public advertising of a Summary Document that outlined the key elements of the main document in an easier to understand format.
- The draft CHRMAP was advertised for public submissions between 28 June and 29 September 2023. At the closing date a total of 90 submissions had been received.
- Council is now requested to consider the issues raised in the submissions and adoption of a revised document that addresses the issues raised through the consultation process.

#### **Background**

The Shire of Murray is bordered on its west by the low-lying estuarine reaches of the Peel Inlet - Harvey Estuary (Estuary), which includes the lower tidal reaches of the Murray and Serpentine Rivers. The overall Estuary is the largest estuarine system in the south of Western Australia. The Peel Inlet at the north of the system is linked to the Indian Ocean via the Mandurah Entrance Channel

and to the Harvey Estuary further south. The Murray and Serpentine Rivers flow into the Peel Inlet at the Murray Delta in the locality of South Yunderup. The Dawesville Cut, which was opened in 1994, provides for constant seawater flow into both the Peel Inlet and Harvey Estuary and marks the border between the two waterways. The system is recognised internationally by the Ramsar Convention on Wetlands and provides vital habitat to many thousands of migratory birds each year.

Much of the land adjacent to the Estuary and lower reaches of the Murray and Serpentine Rivers are low lying. In recent years, increased erosion and inundation has occurred along the coastline through the cumulative impact of increasing human activity and boating traffic as well as influences from Dawesville Cut. This has led to an increased tidal range within the Estuary and also changed the water chemistry so that it is more marine in nature which is likely to have affected fringing vegetation.

Climate change is predicted to result in a progressively increasing sea level and more extreme storm events, which is predicted to increase coastal hazard risks and the vulnerability of the Shire's coastal areas over time.

The *Local Government Act 1995* has a specific requirement that local governments must plan for the impacts of climate change and also for mitigating those impacts. The WAPC's SPP 2.6 also requires that adequate coastal hazard risk management and adaptation planning must be undertaken where existing or proposed development or landholders are in an area at risk of being affected by coastal hazards. Additionally, the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, which are read as part of the Shire's Local Planning Scheme, require the Shire, as a planning decision maker, to consider the potential risk of flooding, tidal inundation or erosion when determining development applications. The CHRMAP will therefore provide a sound evidence base to support future coastal planning and decision making.

In July 2015, Council considered a flood modelling report for the Delta Islands area prepared by CSIRO and endorsed the preparation of an adaptation strategy for this area as it was considered the area most vulnerable to coastal processes within the Shire. As a first step in the preparation of the adaptation strategy, a discussion paper was prepared and in June 2016, information sessions were held with the Delta Island landowners to inform them of the CSIRO findings and a range of potential adaptation responses outlined in the discussion paper. Comments were subsequently sought from landowners in relation to both the discussion paper and CSIRO report.

In June 2018 as part of its consideration of adaptation planning for the Murray Delta area, Council resolved to seek funding for the preparation of a Shire-wide CHRMAP. The Shire was successful in obtaining matched grant funding from the WAPC under its Coastal Management Plan Assistance Program.

In December 2018, Council nominated Councillor and community representatives on the Project Steering Group and authorised proceeding to advertise tenders for specialist consultants to assist in undertaking the project.

In July 2020, Council endorsed Baird Australia as the preferred tenderer to prepare the CHRMAP, using specialist sub-consultants Element, Rhelm, and Seashore Engineering to provide a multidiscipline approach to the project incorporating science, engineering, community engagement, land use planning and economic expertise.

The CHRMAP was prepared in accordance with the SPP 2.6 guidelines under the guidance of a Project Steering Group, comprising representatives from Council, Shire Officers, relevant State agencies and the community as well as Community Reference Group, comprising representatives from community groups and the affected local communities.

A range of community engagement activities were undertaken at key stages during preparation of the CHRMAP to ensure community input into and understanding of the project. In particular this preliminary engagement sought input on:

- Potential risks arising from hazards in the estuarine and tidally influenced riverine zones;
- Key shoreline infrastructure and assets at risk within these zones;
- Community and cultural values within these zones; and
- Adaptation pathways and management options that the Shire and other stakeholders can pursue to address the risks from coastal hazard over time.

In June 2023, Council authorised public advertising of the draft CHRMAP. Given the comprehensive and technical nature of the document Council also authorised public advertising of a Summary Document that outlined the key elements of the main document in an easier to understand format. A copy of the advertised version of the draft CHRMAP is available at **Appendix 1** and the Summary Document is available at **Appendix 2**.

The draft CHRMAP was advertised for public submissions between 28 June and 29 September 2023. At the closing of advertising a total of 90 submissions had been received. A Submission Schedule which includes a summary of the key issues raised in the submissions together with an officer comment and where relevant recommendations arising from those comments is available at **Appendix 3**. A copy of each of the submissions is available at **Appendix 4**.

### Report Detail

The objectives of the CHRMAP are to:

- Improve the understanding of coastal features, processes and hazards in the study area;
- Identify significant vulnerability trigger points and respective timeframes for the relevant sediment cells to mark the need for immediate or medium-term risk management measures;
- Identify assets (natural and man-made) and the services and functions they provide situated in the coastal zone;
- Gain an understanding of asset vulnerability;
- Identify the value of the assets that are vulnerable to adverse impacts from coastal hazards;
- Determine the consequence and likelihood of coastal hazards on the assets and assign a level of risk;
- Identify possible (effective) risk management measures (or 'actions') and how these can be incorporated into short and longer-term decision-making; and
- Engage stakeholders and the community in the planning and decision-making process.

The CHRMAP was prepared in seven stages as follows:

#### Stage 1 – Establish the Context

This stage included the preparation of a Stakeholder and Community Engagement Plan which outlined the importance and extent of engagement throughout the project and how it would occur. The engagement during preparation of the CHRMAP included: two public information sessions; an online survey which received 186 responses; and two workshops with 23 attendees. Methods of engagement notice included posters, banners, flyers, social media and newspaper notices.

Key points raised throughout all forms of engagement included:

- A strong community connection to the Shire's waterways, its shorelines and coastal / estuarine zone;
- The community place a high value on the natural beauty of the location and the range of water based and land-based activities that are on offer as part of living within the community; and

- The region is a drawcard to visitors from the areas adjacent the Shire and from further afield, who come to enjoy the natural environment, water and land-based activities and who cite the amenities / facilities available to them as visitors.

### Stage 2 – Risk Identification

This stage involved an in-depth coastal hazard assessment and the identification of all assets potentially impacted by erosion or inundation over the 100-year planning timeframe. A new model for determining inundation was adapted for this project, given its in-estuary location. This new model is now being used as a standard for other in-estuary CHRMAP's.

The key findings from the report and a summary of how the erosion and inundation assessment for future planning periods will be applied in the CHRMAP process are provided in this Chapter. These include erosion hazard lines for the present day, 2030, 2050, 2070 and 2120 and inundation footprints for a 10, 100 and 500-year storm surge event. These plans were provided for the six Shoreline Management Units (SMU's) in the Shire of Murray, being:

- South end of Harvey Estuary (including Herron Point);
- Birchmont;
- Point Grey to Austin Bay;
- South Yunderup;
- North Yunderup and the Delta Islands; and
- Serpentine River and Furnissdale.

### Stage 3 – Vulnerability Analysis

The vulnerability assessment first considered the potential impact to coastal assets as a combination of the likelihood and the consequence of that hazard occurring. The vulnerability assessment then considered the adaptive capacity of coastal assets, that is the ability of a coastal asset to accommodate coastal hazard impact. The vulnerability analysis was undertaken based on the *Australian Standard Guideline Climate Change Adaptation for Settlements and Infrastructure – A risk-based approach (AS 5334-2013)* and the WAPC CHRMAP Guidelines, adapted to an estuarine environment.

In risk management terms, 'likelihood' is the chance of something happening, and is similar to the concept of probability. 'Consequence' is used to describe the impact to assets when coastal hazard is realised. The assessment of potential impact to coastal assets uses the likelihood and consequence to determine a level of risk.

Likelihood was assigned using the results of coastal processes and coastal hazard inundation. Consequence of coastal hazards are considered across a range of categories representing severity, with risk rating designated to one of four categories adopted from CHRMAP Guidelines. Risk ratings were then combined with an asset's adaptive capacity to assign assets with a rating for vulnerability over each planning horizon.

The key findings in this chapter were broken down into each SMU and can be summarised as follows:

- Many of the river foreshore areas and associated Shire infrastructure are rated as highly vulnerable to erosion over the planning timeframes, these include minor roads, jetties, drainage features and other associated infrastructure;
- Coopers Mill is highly impacted from both erosion and inundation in the short-term timeframe without management;
- The majority of private lots across the Shire are only at risk from minor inundation, and this only occurs in the longer-term planning timeframe with projected sea-level rise;

- There are a number of private lots, particularly in the North Yunderup, South Yunderup, including the Murray Delta Islands that are vulnerable in the current and shorter-term timeframes from inundation and erosion without further management.

#### Stage 4 – Risk Evaluation

The risk evaluation considered if there are already risk management measures in place or existing controls that can be taken into consideration to reduce the risk rating determined through the vulnerability assessment.

This approach was designed to prioritise the treatment of the assets at-risk and help direct resources to key locations that are in greatest need of attention, recognising that it is not likely to be practical to treat every asset at-risk in the study area. Upon completion of this stage, the residual risk rating for assets through the study area was determined and the most vulnerable assets requiring risk management measures as a priority are identified.

Key outputs were vulnerability ratings for each asset provided as a traffic light system from low risk (green) to very high risk (red) for the assets within each SMU for both inundation and erosion, noting that this risk assumes no mitigation action being taken.

#### Stage 5 – Risk Treatment

This stage is where the most influence lies and is also where most of the contention is likely to be. The chapter report associated with this stage has undergone several revisions following review by Shire and agency officers, Project Steering Group and Community Reference Group feedback.

This chapter highlights the risk treatment options available and includes a cost benefit analysis, benefit distribution analysis and multi-criteria analysis across each option. From these methods long-term adaptation pathways are identified and recommended, including soft and hard engineered riverbank treatments, planning instruments, retreat, further studies and monitoring programs.

Key outcomes from this stage are outlined for each SMU and follow the adaptation hierarchy of Avoid, Planned or Manager Retreat, Accommodate, Protect, No Regrets, or Do Nothing. Many of the recommendations are based on triggers. All relevant triggers are physical triggers being reached as opposed to being time defined.

#### Stage 6 – Implementation Plan

This stage provides short, medium and long-term implementation plans for the Shire of Murray in terms of coastal protection and management. It also provides a cost estimate associated with each recommendation. It looks at how best to share that cost based on usage and benefit and provides options for funding and current sources of funding. The CHRMAP recommends the Shire seek a portion of funding contribution for riverbank restoration from private landholders who will directly benefit from the adaptation approaches to complement other funding sources.

Some proposals, based on a high potential cost and heavy private benefit will require further consultation with impacted residents as will some that are considered achievable in the longer term. Recommendations such as the use of specified area rates are also recommended here as potential funding models.

Short term adaptation actions are identified and costed in the CHRMAP. Some of these actions are already being implemented including soft engineered erosion works along portions of river banks in South Yunderup and the Delta Islands and various studies.

#### Stage 7 – Monitor and Review

To build up a better understanding of the impact of ongoing coastal processes in the Shire and to support the aims of the CHRMAP, a structured monitoring process is proposed. The monitoring program should be used to target key locations in the Shire to improve understanding of coastal erosion and inundation impacts over time. It also will provide the mechanism to assess where

established triggers are being approached, to provide early indication of the need for a change in management.

The monitoring and review process will ensure that the management and adaptation actions remain relevant. In conjunction with annual monitoring activities, a general review of the CHRMAP approximately every five to ten years would be used to implement the findings from the monitoring program, address other changes and update the CHRMAP recommendations where required.

Of key strategic importance in this plan is long term monitoring of the foreshore berms as the risk assessment assumes their integrity will be maintained.

There was a high level of community concern shown during the preparation of the CHRMAP and during the consultation period. This resulted in some 90 submissions being lodged. The more substantive issues raised in the submissions can be broadly broken down as follows:

1. The ability for the Shire to require buildings to be removed when a 'trigger event' occurs.

Many submissions opposed draft Special Control Area (SCA) provisions that included a power for the Shire to issue a coastal hazard notice to require the removal of buildings and rehabilitation of the land at the landowners cost upon a defined 'trigger' event occurring. There were numerous reasons given for the opposition including the loss of homes and investments without compensation; impacts on property values; landowners would incur costs to remove development and rehabilitate land where development had been validly undertaken; the triggers for the notice were unfair or inappropriate; and the notice can be issued at the unfettered discretion of the Shire.

A SCA is a zoning overlay included within a local planning scheme which is used to set out specific provisions applying to an identified area. Importantly in this case the SCA would trigger a need for development approval for all new development (except where an exemption was specified), so that coastal hazards could be considered. The CHRMAP included both an implementation action to introduce a SCA into the Shire's local planning scheme and also draft wording for the SCA (see **Appendix 5** for the advertised version) in order to obtain initial community feedback during the CHRMAP consultation process. It is noted however that the SCA must be subject to its own separate statutory process for it to be included in the Shire's local planning scheme, whether that is via an amendment to the existing scheme or during the adoption of a new local planning scheme. That statutory process provides for further consultation and for the consideration of submissions by the Shire, WAPC and ultimately the Minister for Planning. Any issues raised with respect to the SCA provisions during the consultation process will therefore be thoroughly tested during the approval process.

The intended purpose of the coastal hazard notice mentioned in the draft SCA provisions was to address the risk to the health and safety of both the owner/occupier of the land the subject of the notice, and to the public generally who may be impacted by the failure to remove the structure the subject of the notice. The notice would allow the Shire to be proactive in managing public health and safety, where a development was at an imminent risk of coastal damage or had otherwise been rendered inaccessible or uninhabitable.

There were four trigger events defined in the draft SCA provisions that were designed to be objectively measurable. Once one or more of the triggers were met, the Shire could consider, although was not compelled to, issue a notice. The triggers were intended to represent an extreme situation where other mitigation measures, such as bank stabilisation had not been successfully implemented.

It is understood that there is a general perception that a notice would impinge on private property rights. However, the premise of the notice was predicated on the public purpose of protecting public health and safety. It is not uncommon for laws to prioritise public health and safety over private rights.

In order for the Shire to form the view that a trigger event had occurred the decision must plainly be objectively reasonable and evidence based. That may, or may not, require some form of expert report in each case. The draft provisions also allowed for a right of review to the State Administrative Tribunal (SAT) against the Shire's decision to give a coastal hazard notice. The review right would provide a check and balance with respect to the Shire's power to give a notice. Only reasonable and appropriate decisions would be defensible in a review at SAT.

Notwithstanding the above, the notice provisions in the draft SCA are clearly unpopular with the community. The modelling in the CHRMAP indicates there is a relatively low risk of such a notice power being needed within the shorter term, particularly with proposals for stabilisation of shorelines. There are also existing powers under the *Public Health Act 2016* and *Building Act 2011* that provide similar powers to the coastal hazard notice, albeit notice under building and public health legislation can only be issued after a building becomes structurally unsound or uninhabitable.

On this basis, it is recommended that:

- a) the action to introduce a SCA in the Shire's local planning scheme be retained;
- b) the draft SCA wording be removed from the CHRMAP;
- c) both the notice and trigger provisions at clauses 1 and 7 -11 in the 'Additional Provisions' column of the draft SCA no longer be pursued when the formal statutory process is undertaken to introduce the SCA into the local planning scheme.

## 2. Planning Provisions

Some submissions raised concerns over adding further planning restrictions on the ability to develop private property. Planning is a critical tool for reducing the level of future disaster risk. The draft CHRMAP therefore included proposals for both a SCA to be included in the Shire's local planning scheme (see **Appendix 5**) and a draft Local Planning Policy (see **Appendix 6**). These provisions trigger the need for development approval for new development (except where specifically exempt) within the area identified at risk; sets out the matters to be considered in assessing the application and how the Shire would typically exercise its discretion in considering applications. The draft SCA and Policy documents were included in the draft Plan to obtain initial community feedback and will need to follow separate statutory adoption processes, which will include further community consultation before they can be implemented.

The proposed planning provisions will only apply to new development, which includes modifications and extensions to existing development. They cannot be retrospectively applied to existing development. Additions up to a total 10m<sup>2</sup> of habitable floorspace were to be exempt and development which is incidental to an existing dwelling, such as outbuildings, carports, and patios were to be permitted.

The planning provisions were designed as far as possible to still enable private land to be developed, adapted or redeveloped, but in a way that ensures the new development is more resilient to coastal hazards. A range of concerns were identified by the community regarding the draft policy wording and these are set out in the Submission Schedule at **Appendix 3**. It is recommended that the CHRMAP retains actions to introduce a Special Control Area and Local Planning Policy to ensure that new development within coastal hazard areas properly consider coastal processes, however, it is also recommended that further consideration be given to the wording of the Policy to address key issues raised in the submissions when the formal statutory processes are undertaken, and in particular:

- a) Make it clear that whilst applications for new development will need to consider coastal risks and the objectives of the planning provisions, proposals will still be considered on their individual merits to enable any relevant site-specific circumstances or alternative ways of addressing policy objectives to be considered.



- b) Clarify and provide additional flexibility to enable development to establish within an erosion risk area, where it can be adequately demonstrated that erosion impacts will be longer term or can be effectively managed to protect the development for its design life.
- c) Address how repairs, modifications or additions to existing buildings will be treated.

In addition, it is recommended that guidelines be prepared to add further clarity and explanation including examples on the means of developing land that is impacted by risks of coastal processes and practical means of retrofitting existing buildings to make them more resilient to coastal processes.

### 3. Compensation

A number of submissions considered that compensation ought to be provided particularly where their property was substantially impacted by coastal processes or if the Shire issued a notice to have a building removed (see issue 1, above).

There is currently no relevant legislative mechanism for compensation of this nature in WA. In addition, as it is intended to recommend that the Council remove the notice provisions that would enable the Shire to have buildings removed when a trigger event is reached, the rationale for payment of compensation in that circumstance falls away.

Whilst the overall intent of the CHRMAP is to take actions that will reduce or avoid the risk of impact from coastal processes in the future, should the forecast extent of sea level rise eventuate as time progresses there may still be some instances, particularly on the low-lying Delta Islands, where it will likely become impractical or unviable to further protect private properties, as the vulnerability progressively increases.

The CHRMAP recognises this longer-term possibility and proposes to develop a Managed Retreat Policy. It is anticipated that this policy will be prepared in close consultation with affected landowners and provide a pathway to enable them to continue to enjoy their properties should they so choose until the potential hazard risks make this unrealistic. It will also consider fair and reasonable mechanisms to enable the progressive transfer of such land to the public ownership, favouring voluntary mechanisms, including consideration of acquisition and compensation options.

Notwithstanding the above, it is likely to be beyond the financial capacity of the Shire to provide compensation or to fund a voluntary acquisition scheme. This will increasingly become a social and economic issue, both within and outside of the Shire, should forecast sea level rise eventuate. This is something that will need to be confronted by the State and/or Federal governments as an increasing number of properties become adversely impacted by coastal processes. There is no appropriate tailored funding framework in place at the State or National level to address this and an additional action is therefore recommended that the Shire advocates on behalf of its community for a suitable financial mechanism to be put in place at the State or National level to provide funding to enable private land owners to progressively transition from areas that will become highly vulnerable to coastal processes in time.

### 4. Dawesville Cut

The Dawesville Cut was constructed in the early 1990s as a means to improve water circulation and therefore water quality within the Peel-Harvey estuary. At the time the Estuary was suffering from significant nutrient enrichment, which was resulting in regular algal blooms and the Cut was successful in addressing the significant amenity and public health impacts of this. It is acknowledged that the construction of the Dawesville Cut has however increased the tidal range in the estuary and increased salinity of the estuarine and lower riverine waters. It is likely that this has contributed to loss of fringing vegetation and to greater bank erosion.

The draft Plan has identified significant areas of river and estuarine banks that are already eroding and in need of stabilisation works, particularly in the vicinity of the Delta Islands. As an

example aerial photos indicate that on either side of the main Murray River channel the western extent of Meeyip Island has receded around 200 metres and Cooleenup Island around 75 metres since the Cut was opened.

Given that the Cut is likely to have at least contributed to the significant bank erosion already being experienced, it is recommended that the CHRMAP include an additional action to advocate for the State government to appropriately research these adverse impacts and provide funding to address erosion and inundation impacts that are considered to have occurred as a result of changes to the estuary following the opening of the Dawesville Cut.

A flood barrier across the Dawesville Cut was raised by the community as part of the engagement during the preparation of the CHRMAP and again in the submissions as a potential option to address the impact of coastal processes in the future. Given the significant costs of this, this was not considered a viable option to progress at this stage. This could however, be an option to further consider in a future review of the CHRMAP.

It is noted that a separate item is included at item 11.1 in this agenda directly relating to the impacts of the Dawesville Cut.

5. Modelling and sea level rise allowances

A number of submissions questioned the suitability of the modelling and sea level rise allowances used in the CHRMAP. The CHRMAP was however prepared by specialist coastal engineering consultants and is required to use the State endorsed sea level rise allowances and be prepared consistent with the WAPC’s SPP2.6 Guidelines.

The extent of the sea level rise adopted in this State and therefore used in the CHRMAP for use at a planning level is outlined in *Sea Level Change in Western Australia, Application to Coastal Planning* (DoT 2010) and SPP 2.6. These amount to +0.4m to over the next 50 years (2070) and +0.9m over the next 100 years (2120). Whilst there is uncertainty regarding the rate at which future sea level rise will actually occur, this is recognised in the CHRMAP process with an examination of multiple planning timeframes, use of likelihood scenarios and adaptation pathway triggers based on measured sea level rise.

Key actions included in the CHRMAP are to undertake annual shoreline monitoring to provide an improved understanding of actual coastal impacts over time. The monitoring results will then be considered, along with any other relevant factors such as any changes to the Guidelines, updates to sea level rise allowances or changes in community values over time.

Other more specific issues and comments are highlighted in the Submission Schedule at **Appendix 3** together with any associated recommendations.

**Council Plan**

<b>Focus Area</b>	Planet
<b>Outcome 6</b>	A resilient community equipped to respond to natural disasters and other emergencies.
<b>Objectives 6.1</b>	Minimise risks and impacts from fires, floods and other natural disasters.
<b>Action 6.1.3</b>	Develop a costed program to implement key recommendations in the Coastal Hazard Risk Management and Adaptation Plan.

**Other Strategic Links**

The Shire of Murray Environmental Sustainability Strategy includes action 1.8 to ‘Finalise and progressively implement the Coastal Hazard Risk Management and Adaptation Plan’.

## **Statutory Environment**

The *Local Government Act* provides at section 3.1 that the general function of local government must be performed having regard to the need to plan for, and to plan for mitigating, risks associated with climate change.

The Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, which are read as part of the Shire's Local Planning Scheme, require the Shire, as a planning decision maker, to consider the possible risk of flooding, tidal inundation or erosion when determining development applications. The CHRMAP will provide a sound evidence base to support future decision making.

## **Sustainability & Risk Considerations**

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

The report recommends a range of actions that are costed, as well as highlighting opportunities to seek external funding. It also recommends potential future specified area rating, noting that this would require further analysis as to the extent and consultation with affected property owners before being further considered.

The report also provides a cost-benefit analysis of these recommendations, including the potential adverse economic impacts of non-action to the recommendations outlined.

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

It is projected that the extent and frequency of erosion and inundation is predicted to increase over time. This is likely to have negative and direct quality of life implications for residents in the affected areas, with some areas affected more significantly than others. The plan provides a series of actions to increase community resilience to coastal processes.

There are various significant aboriginal sites that are impacted by erosion and inundation throughout the Shire. Bindjareb consultation has highlighted awareness-raising and nature-based solutions as the best way to maintain the majority of these.

### *Environment – (Impact on environment's sustainability)*

Since the Dawesville Cut was opened in 1994 (and the entrance channel widened), the Peel-Harvey estuary has moved from estuarine to an increasingly marine ecosystem, with greater tidal influence, increased salinity and erosion. The estuarine and river areas comprise significant wetlands with significant habitat for water birds and other terrestrial flora and fauna.

In time forecast sea level rise will likely have a direct impact on the coastal temperate saltmarsh threatened ecological community and much of Kooljerrenup Nature Reserve. The CHRMAP will assist with planning for long-term management program for the reserves in the region.

### *Policy Implications*

State Planning Policies provide the highest level of planning policy control and guidance in Western Australia. Those policies most relevant to this matter include:

- SPP 2 which sets out the broad environment and resource management policies for sustainable development and outlines the need for decision makers to include provisions under strategies and schemes that facilitate the sustainable use of land.
- For coastal / estuarine matters, SPP 2.6 is identified as the higher order and prevailing policy. The purpose of this Policy is to provide guidance for decision-making, including the management of development and land use change; and to protect, conserve and enhance coastal / estuarine values. The policy requires that coastal hazard risk management and adaptation is appropriately planned to manage identified risks.

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
High	<p>To minimise the risk of litigation in the future the Shire must be able to demonstrate that it has acted in good faith when making decisions and taking, or not taking, action. This involves ensuring that it:</p> <ul style="list-style-type: none"> <li>• has good information or a plan for obtaining it;</li> <li>• has a strategy for making defensible decisions using that information;</li> <li>• takes sufficient measures to ensure that a strategy is implemented and that the strategy is and remains effective; and</li> <li>• strives to improve responses to known or likely risks.</li> </ul>

**Consultation**

A Stakeholder Communication and Engagement Plan was developed to manage the consultation throughout the preparation of the CHRMAP. Community engagement has been extensive throughout this project. During the plan preparation this included:

- Six meetings of the Project Steering Group, comprising representatives of the Departments of Water and Environment Regulation; Planning Lands and Heritage; Biodiversity Conservation and Attractions; and Transport; the Peron Naturalise Partnership; the City of Mandurah; and the Peel-Harvey Catchment Council; as well as two Councillor members and representatives from the Murray Delta Residents and Ratepayers Association, the North Yunderup Community Association and the former South Yunderup Residents and Ratepayers Association.
- Seven Community Reference Group meetings involving community members representing resident groups, environmental groups, businesses and individuals;
- Three direct consultations with Bindjareb elders and their representatives;
- Four workshops, including one on multiple criteria analysis;
- Online questionnaires, surveys and a mapping feedback tool.

Once the draft was completed it was advertised for community and stakeholder submissions. The advertising period was extended to 90 days and was undertaken by way of:

- Twice weekly bookable drop-in sessions during work hours;
- Two drop-in sessions after work hours and on a weekend;
- Several social media posts;
- One community presentation;
- Notices on the Shire website and local newspaper;
- Letters to landowners within the areas identified as being at risk of erosion or inundation;
- Letters to affected resident and environmental groups; and
- Advertising banner signs within South Yunderup Road and in North Yunderup.

Following the close of the submission period, further discussions have been held on several occasions with representatives of the Murray Delta Residents and Ratepayers Association and the North Yunderup Community Association to discuss key issues proposed changes. In addition a community meeting was held for the North Yunderup Community Association and representatives from the Murray Delta Residents and Ratepayers Association held a presentation and discussion on key issues affecting the Delta Island community as part of a Councillor Briefing.

**Resource Implications**

*Financial*

Proposed actions and cost estimates included in the advertised version of the draft CHRMAP for the 15-year period to 2040 are set out in Tables 16.3 and 16.4 of the CHRMAP (see pages 172 and 173 of **Appendix 1**). The actions include monitoring, additional planning and technical studies, shoreline works and periodic CHRMAP reviews. The actions along with approximate costs are summarised below:

Monitoring

- Annual Monitoring Activities \$16,000 per annum

Technical Studies

- Building Register of Island Properties \$10,000
- Riverbank Erosion - Vessel Wake Study \$25,000
- Study on ATU options for Islands \$10,000

Planning Studies

- Amend LPS4 to introduce a Special Control Area Shire Internal
- Prepare Local Planning Policy Shire Internal
- Foreshore Management Plan \$20,000
- Update Emergency Evacuation Plan \$15,000
- Feasibility Study for North Yunderup erosion protection \$25,000
- CHRMAP Review (5 yearly) \$25,000 (5 yearly)
- Planned or managed retreat Policy \$25,000

Shoreline Adaptation

- Ballee Island \$50,000 - \$130,000
- South Yunderup \$320,000 - \$870,000
- Cooleenup Island \$340,000 - \$930,000
- Yunderup Island \$240,000 - \$670,000
- Coopers Mill Shoreline (Coolenup Island) \$140,000 - \$400,000

A number of the monitoring and further studies have already been factored into the Shire’s Council Plan and Long Term Long Financial Plan and some have commenced, along with some early shoreline works adjacent to Willow Gardens, South Yunderup and the Delta Islands. The Shoreline works were largely funded through an approximate \$200,000 Natural Resource Management Grant.

Overall the costs for implementing the CHRMAP are significant, particularly for shoreline adaptation works. These costs however need to be considered in the context of the more significant financial, social, political and environmental costs of not acting to adapt to coastal hazards.

The CHRMAP will provide a sound basis for seeking State and Federal government grants, any cost sharing with beneficiaries of coordinated works and for the Shire’s long-term financial planning. The Shire would be less likely to be successful in grant applications without an adopted CHRMAP that identifies and prioritises adaptation works. The funding sources available at State and Federal levels for coastal adaptation planning and works are summarised at Section 19.3 of the CHRMAP. Additional recommended actions to advocate for coastal impacts associated with the Dawesille Cut if successful will reduce financial burden on the Shire. It is anticipated that implementation actions, associated costs and any external funding sources will be considered in annual updates of the Shire’s Council Plan, Long Term Financial Plan and budgets.

*Workforce*

Project management, communication and assessment of the draft CHRMAP has been carried out by Shire officers with input from community members, key stakeholder groups and relevant State

Government departments. Further project management, capital works and monitoring programs will be required as the CHRMAP is progressively implemented.

### **Options**

1. Adopt the CHRMAP in the form recommended in this report.
2. Adopt the CHRMAP in a modified form.
3. Not adopt the CHRMAP and further review the report.

### **Conclusion**

The CHRMAP provides an understanding of risks associated with coastal erosion and inundation. The CHRMAP will inform appropriate development as well as maintenance and renewal of public infrastructure and will ensure that new private development is protected from these risks. The CHRMAP provides and prioritises a program of shoreline protection and stabilisation works for properties impacted by coastal risks.

All of this helps provide greater certainty for areas at risk, avoids the need for site specific risk assessments, and puts the Shire in a better position to advocate for community interests and seek State and National funding for coastal management works.

It is recommended that Council now adopt the CHRMAP, subject to the recommended changes as identified in the Officer recommendation.

## 12 CORPORATE GOVERNANCE

### 12.1 Standardised Meeting Procedures Consultation Response

File Ref:	D24/10189
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	David Bentley, Manager Governance and Strategy
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 12.1 Appendix 1 - Shire of Murray Response - Standardised Meeting Procedures Consultation (Page 4)

#### Recommendation

**That Council endorse the draft submission to the Department of Local Government, Sport and Cultural Industries on the standardised meeting procedures consultation as provided in Appendix 1.**

#### In Brief

Council is requested to consider the attached submission to the Department of Local Government, Sport and Cultural Industries which is provided in response to the Department's consultation paper on standardised meeting procedures.

#### Background

The Department of Local Government, Sport and Cultural Industries have distributed a consultation paper which seeks to gain input from the local government sector on standardised meeting procedures for every local government in the State.

These standardised meeting procedures are part of Tranche 2 of the reforms to the *Local Government Act 1995* being undertaken by the State Government.

#### Report Detail

The responses provided within the submission were prepared by Shire officers in consultation with Council members and are proposed to be submitted to the Department of Local Government, Sport and Cultural Industries as a response on behalf of the Shire of Murray.

There are some issues that have been identified in the consultation paper which are explored in the submission provided at **Appendix 1**. The submission identifies the following as the more pertinent issues in the consultation paper:

- Question 4 – the raising of urgent business at a meeting
- Question 5 – the losing of a quorum at a meeting
- Question 10 – the allowing of a personal representative to ask a question at a council meeting
- Question 15 – petitions
- Question 16 – the maintenance of order at meetings and allowing minor breach complaints against a presiding member for chairing a meeting in an “unreasonable” way
- Question 17 – one calendar week due date for notices of motion
- Question 22 – maximum time for the questions from council members section of the agenda
- Question 24 – giving decision making to the presiding member as to whether a member can ask a clarifying question during debate

**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.
<b>Actions 14.1.6</b>	Implement the suite of local government reforms by required statutory dates.

**Other Strategic Links**

Nil.

**Statutory Environment**

The Shire of Murray currently has a Meeting Procedures Local Law which governs how Council meetings and Committee meetings are run.

When the regulations come into place, expected later this year, the Shire’s Meeting Procedures Local Law will then become inconsistent with State legislation. It is envisaged that at the time the new regulations come into place, the Governor would then repeal each local government’s meeting procedures or standing orders local laws pursuant to the Governor’s powers under section 3.17(1) of the *Local Government Act 1995*.

**Sustainability & Risk Considerations**

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

Nil.

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

Nil.

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

Nil.

*Policy Implications*

Nil.

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Low	Council can choose whether it wishes to provide input into the consultation process. There is no risk to the organisation by participating or not participating.

**Consultation**

The Department of Local Government, Sport and Cultural Industries are consulting with each local government and anyone is encouraged to lodge a submission.

Council members were consulted for their views on the draft submission prior to the development of this report.



**Resource Implications***Financial*

Nil.

*Workforce*

Nil.

**Options**

1. Endorse the draft submission provided at Appendix 1 as recommended.
2. Endorse the draft submission provided at Appendix 1 subject to any changes the Council may want to make.
3. Not endorse the draft submission and make no submission to the Department of Local Government, Sport and Cultural Industries.

**Conclusion**

The proposed standardised meeting procedures has many benefits including ensuring each local government's council meetings run in largely the same way. However, there are a few issues with the proposals put forward by the Department of Local Government, Sport and Cultural Industries which should be addressed before drafting of the regulations begins. The proposals will change the way Council meetings are run and as a result, Council members will need to be briefed when the regulations are drafted and come into force.

## 12.2 Waiver of Lease Rental Payments - OVIS Community Services - 14 Camp Road, Pinjarra

File Ref:	D24/10432
Previous Items:	OCM 23 Feb 23 Item 12.2 (OCM23/009)
Applicant:	OVIS Community Services
Author and Title:	David Bentley, Manager Governance and Strategy
Declaration of Interest:	Nil.
Voting Requirements:	Absolute Majority
Appendices:	Item 12.2 Appendix 1 - Letter from OVIS Community Services (Page 27)

### Recommendation

**That Council supports the request made by OVIS Community Services and waives rental payments of \$9,150 (ex GST) per annum, for a period of 12 months commencing 21 January 2024 for the leased premises at 14 Camp Road Pinjarra.**

### In Brief

OVIS Community Services entered into a lease agreement with the Shire of Murray on 22 March 2022 with a three-year term expiring 20 January 2025, with a similar extension period. Under the terms of the lease, OVIS Community Services were granted a peppercorn lease of \$1 for the first year, with lease payments of 50% of the market value to be paid for years two and three.

Due to uncertainty of their grant funding stream, OVIS Community Services requested Council to consider granting them a waiver of the 50% of the market value for year two of the lease, which Council granted.

Following a request from OVIS Community Services, Council are now requested to consider extending this waiver for year three of the lease.

### Background

OVIS Community Services entered into a lease arrangement for the premises situated at 14 Camp Road, Pinjarra. The premises were leased in order to run the Pinjarra Women's Centre.

The lease was executed on 22 March 2022, for a 3-year term expiring 20 January 2025, with a similar extension period. The first-year rental arrangement, was \$1 (ex GST). The second and third years' lease payments were to be increased to 50% of the current market rental value.

In October 2022, Acumentis was engaged to provide a Market Valuation Report for the premises located at 14 Camp Road, Pinjarra. The valuation was received in November 2022, with the assessment indicating a valuation of \$18,300 (ex GST), which calculated to \$9,150 (ex GST) per annum for the use of the facility.

Council granted a waiver of the \$9,150 (ex GST) at its meeting on 23 February 2023 following a request from OVIS Community Services. The request came from OVIS Community Services as the group remains unfunded by the government.

### Report Detail

In March 2024, OVIS Community Services contacted the Chief Executive Officer with a request to reassess the lease rental conditions that were to recommence from 21 January 2024.

The request from OVIS Community Services is provided as **Appendix 1** to this report.

**Council Plan**

<b>Focus Area</b>	People
<b>Outcome 3</b>	An active and healthy community.
<b>Objectives 3.1</b>	Improve community health and wellbeing.

**Other Strategic Links**

Nil.

**Statutory Environment**

Section 6.12(1)(b) of the *Local Government Act 1995*:

**6.12 Power to defer, grant discounts, waive or write off debts**

- (1) Subject to subsection (2) and any other written law, a local government may –
  - (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money;
  - (b) waive or grant concessions in relation to any amount of money; or
  - (c) write off any amount of money,
 which is owed to the local government.
 

\* Absolute majority required.
- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise power under subsection (1) or regulate the exercise of that power.

**Sustainability & Risk Considerations**

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

Nil.

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

Each year, the Peel region sees over 1,000 people seeking family violence services. OVIS Community Services provides options to people fleeing abuse, supporting survivors on the next phase of their journey and engaging with those in need.

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

Nil.

*Policy Implications*

Nil.

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Moderate	Failure to support the request from OVIS Community Services may result in the potential closure of the services they provide within the district. There is a moderate reputational risk to the Shire if this were to occur.

**Consultation**

Nil.

**Resource Implications**

*Financial*

The estimated market rental value of this property is \$18,300 (ex GST) per annum. The cost to the Shire, should a waiver be granted for year three of the lease would equate to \$9,150 this financial year. This will affect the budget bottom line as this was income budgeted to be received in the 2023/2024 financial year.

*Workforce*

Nil.

**Options**

1. Support the waiver of rental payments to OVIS Community Services as recommended.
2. Not support the waiver of rental payments and continue with the current lease arrangement with payment terms of 50% of the market rental value, being \$9,150 (ex GST), commencing 21 January 2024.

**Conclusion**

OVIS Community Services provide much needed services to those women in need within our community by providing an expanded service. This service is seen as a positive and will ensure that there is a continuity of providing much valued support for the Community. Failure to support the request may result in the potential closure of the service within the district.

**12.3 Review of Policy A13 - Letting of Council Properties**

File Ref: D24/10552  
 Previous Items: OCM 24 Aug 23 Item 12.1 OCM23/16  
 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 - Amended Policy A13 - Letting of Council Properties (Page 29)

**Recommendation**

**That Council adopt the proposed changes to Policy A13 – Letting of Council Properties as provided in Appendix 1.**

**In Brief**

Council is requested to consider amending Policy A13 – Letting of Council Properties to allow a longer maximum lease term to the caretaker at Coopers Mill.

**Background**

Coopers Mill was constructed in the 1840s and a caretaker’s residence was constructed on the site in 1986.

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

Council, at its meeting on 24 August 2023 resolved to consent to the revocation of the management order over Reserve 23015 and to consent to the reissue of a new management order of the same purpose with a power to lease for a term not exceeding 21 years. The new management order with the power to lease was received in February 2024.

**Report Detail**

Following the receipt of the new management order, a new lease will be formulated with the caretaker in accordance with Policy A13 – Letting of Council Properties.

As the land is a reserve, the Minister for Lands consent is required each time a new lease agreement is agreed to. It is proposed to enter into a multiple year lease for the property at Coopers Mill. This will reduce the administrative burden for each lease agreement that is drafted, whilst giving tenancy security to the caretakers at Coopers Mill. To allow for this, Policy A13 requires amendment as the policy only provides a maximum period of twelve months for the letting of residential property.

All other residential tenancies that the Shire maintains are on land that is owned by the Shire. As a result, for all other residential tenancies, Minister for Lands consent is not required.

**Council Plan**

<b>Focus Area</b>	Place
<b>Outcome 9</b>	Built heritage is respected and celebrated.
<b>Objectives 9.1</b>	Conserve and enhance places with significant heritage value.

<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**

Regulation 30 of the *Local Government (Functions and General) Regulations 1996* provides that the leasing of residential property to a person is an exempt disposition of property from the requirements section 3.58 of the *Local Government Act 1995*.

**30. Dispositions of property excluded from Act s. 3.58**

- (1) A disposition of property that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if –
  - (d) it is the leasing of land to an employee of the local government for use as the employee’s residence; or
  - (g) it is the leasing of residential property to a person.

**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 of this proposal are detailed in the report.

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Low	The risk to the organisation in adopting or not adopting this resolution are negligible.

**Consultation**

Nil.

**Resource Implications**

*Financial*

Nil.

*Workforce*

By adopting the proposal, it will significantly reduce the administration required and the time taken to finalise lease agreements with the caretaker of the Coopers Mill.

**Options**

1. Amend the policy as recommended.
2. Not amend the policy meaning that the status-quo will remain.

**Conclusion**

Now that the Shire has the power to lease on the reserve at Coopers Mill, officers can progress a new lease agreement with the caretaker at Coopers Mill. The added flexibility a multiple year lease offers and the reduced red tape and workload that the proposal aims to deliver will ensure leases are undertaken in a timely manner and will result in positive outcomes for the caretaker at Coopers Mill.

**12.4 Amendment to Lease Area - Pinjarra Community Men's Shed - Reserve 45518**

File Ref:	D24/10734
Previous Items:	OCM25 Oct 18 Item 11.4 (OCM18/211)
Applicant:	Pinjarra Men's Shed
Author and Title:	David Bentley, Manager Governance and Strategy
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Nil.

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

- 1. Supports a formal amendment to the Pinjarra Community Men's Shed leased area on Reserve 45518, as outlined in this report.**
- 2. Approves for the Chief Executive Officer to prepare and execute a formal lease variation, subject to any other statutory consents, to accommodate the change to the leased area as outlined in point 1.**

**In Brief**

Council is requested to consider the amendment of the lease boundaries for the Pinjarra Community Men's Shed to accommodate the plans they have to extend the building they currently occupy to the south.

**Background**

The Pinjarra Community Men's Shed were granted a lease over a portion of reserve 45518 following Council's decision on 25 October 2018. The lease was executed on 20 March 2019.

In mid to late 2023, Shire officers met with the Pinjarra Community Men's Shed and Pinjarra Community Garden about a possible extension to the Pinjarra Men's Shed existing structure to allow the Men's Shed to expand their operations. Issues around leasing as well as planning and building implications were discussed.

The leasing issues in relation to the proposal for an extension at the Pinjarra Community Men's Shed were that the Pinjarra Community Garden's leased area was immediately adjacent to the Men's Shed lease area and the extension would encroach on the Community Garden lease area. At the meeting, it was agreed to by the Pinjarra Community Garden that they would cede part of their leased area to the Men's Shed to facilitate their plans for the extension.

This agreement was put into action when the Community Garden's lease expired and a new lease was negotiated. The new proposed boundaries were put to the Community Garden and they agreed to those changes. Council then endorsed their lease at the Council meeting on 28 September 2023 with the amended boundaries.



**Report Detail**

The current leased area for the Pinjarra Community Men’s Shed is highlighted in red in the below excerpt from their lease.



It is proposed that the new lease boundary will match up with the below in red as annotated. The blue shaded area is the Community Garden’s new lease area (approximately) as resolved by Council in September 2023:



The extension to the Pinjarra Community Men’s Shed will still be subject to planning approval through the Peel Region Scheme and any required building approvals. For the relevant agencies to be able to consider these approvals the lease boundary requires amendment.

**Council Plan**

<b>Focus Area</b>	Place
<b>Outcome 9</b>	Built heritage is respected and celebrated.
<b>Objectives 9.1</b>	Conserve and enhance places with significant heritage value.

**Other Strategic Links**

The site falls within the Pinjarra Railway Heritage Precinct Master Plan.

**Statutory Environment**

Clause 40 of the lease with the Pinjarra Community Men’s Shed provide that the lease may only be varied by a deed executed by the parties and subject to such consents as are required by the Lease or at law.

This proposal will require the consent of the Minister for Lands which will be sought prior to executing any agreement.

**Sustainability & Risk Considerations**

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

Nil.

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

Nil.

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

Nil.

*Policy Implications*

Nil.

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Low	If Council does not agree to the proposed lease boundary extension, the Pinjarra Community Men’s Shed extension to their existing building cannot go ahead.

**Consultation**

The Pinjarra Community Men’s Shed and Pinjarra Community Garden had consulted each other prior to presenting their idea to the Shire and both parties are satisfied with the proposed outcomes should the Council agree to the recommendation.

**Resource Implications**

*Financial*

There is no cost to the Shire of Murray in implementing the recommended course of action.

*Workforce*

Sufficient workforce resources exist to implement the recommended course of action.

**Options**

1. Support the extension of the Pinjarra Community Men's Shed lease boundary as recommended.
2. Not supporting the extension of the Pinjarra Community Men's Shed lease boundary.

**Conclusion**

The proposed lease boundary extension is necessary for the required approvals for the Pinjarra Community Men's Shed proposed extension to proceed.

## 12.5 Monthly Financial Report - March 2024

File Ref:	D24/10761
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Nathan Gilfellon, Manager Finance
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 12.5 Appendix 1 - March 2024 Monthly Financial Report (Page 30)

### Recommendation

**That Council receives the March 2024 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 March 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 March 2024.
2. Not receiving the monthly financial report for March 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*.

**12.6 Payments from Municipal and Trust Funds - March 2024**

File Ref:	D24/10762
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 - List of Accounts Paid in March 2024 (Page 51)

**Recommendation**

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

**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 March 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 March 2024.
2. Not receiving the Payments from Municipal and Trust Funds report for March 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.

**12.7 Authorisation to Execute Document - Lease Variation - Murdoch University - Food Innovation Precinct WA**

File Ref: D24/10809  
 Previous Items: Nil.  
 Applicant: Murdoch University  
 Author and Title: David Bentley, Manager Governance and Strategy  
 Declaration of Interest: Nil.  
 Voting Requirements: Simple Majority  
 Appendices: Item 12.7 Appendix 1 - Deed of Variation - Murdoch University (Page 74)

**Recommendation**

**That Council authorises the Shire President and Chief Executive Officer to execute the Deed of Variation with Murdoch University as provided at Appendix 1 via common seal pursuant to section 9.49A(2) of the *Local Government Act 1995* to amend the use of premises portion of their lease agreement.**

**In Brief**

Council is requested to consider authorising the affixing of the common seal to a Deed of Variation to the lease that Murdoch University has with the Shire of Murray at the Food Innovation Precinct.

**Background**

Murdoch University are endeavouring to recognise the area under the lease control at the Food Innovation Precinct WA as a campus through the Tertiary Education Quality and Standards Agency (TEQSA).

To progress with their efforts to recognise the area as a campus, Murdoch have identified that their lease needs to be amended.

**Report Detail**

The variation to the lease involves item 12 of the Details section of their lease which provides the permitted use of the premises. The proposed variation adds the words “teaching, training” to the permitted use. Educational activities are already included in the use of premises however it was deemed necessary to include “teaching” and “training” to strengthen the case with the TEQSA.

Legal advice has been sought in relation to the proposed deed and no issues were identified with the deed contents. However, the Shire’s legal representative has identified that the deed must be executed using the common seal and not through the CEO’s authorisation under section 9.49A(4) of the *Local Government Act 1995*.

Section 9.49A(2) of the *Local Government Act 1995* provides that the common seal is not to be affixed to any document except as authorised by Council. Policy G1 – Execution of Documents provides authorisations under section 9.49A. It identifies that the affixing of the common seal can only be done through a specific resolution of the Council.

**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**

Section 9.49A of the *Local Government Act 1995*:

**9.49A Execution of documents**

- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.
- (3) The common seal of the local government is to be affixed to a document in the presence of –
  - (a) the mayor or president; and
  - (b) the CEO,

each of whom is to sign the document to attest that the common seal was so affixed.
- (4) A local government may, by resolution, authorise the CEO, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.

**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 G1 – Execution of Documents provides that documents cannot be executed by common seal without a specific resolution of Council.

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Moderate	Not allowing the document to be executed by Common Seal would mean that the deed of variation is not able to proceed. This could jeopardise Murdoch University’s efforts to have their leased area at FIPWA recognised as a campus.

**Consultation**

Murdoch University and the Shire’s legal representatives have been consulted through this process.

**Resource Implications**

*Financial*

Nil.

*Workforce*

Nil.

**Options**

1. Authorise the execution of the document as recommended.
2. Not authorising the execution of the document.

**Conclusion**

The proposal to amend the lease with Murdoch University will ensure Murdoch's plans to utilise their leased facility for agri-food educational activities are achieved. The Shire isn't able to execute the deed of variation with Murdoch University via common seal without a specific resolution of Council.

**12.8 Policy Review - Recreational Vehicle Use - Portion of Reserve 45518**

File Ref:	D24/12076
Previous Items:	OCM 30 June 2011 (OCM11/099) OCM 26 July 2012 (OCM12/149) OCM 25 June 2015 (OCM 15/155) OCM 23 June 2022 (OCM 22/070)
Applicant:	Nil.
Author and Title:	Dean Unsworth, Chief Executive Officer
Declaration of Interest:	Nil.
Voting Requirements:	Absolute Majority
Appendices:	Nil.

**Recommendation****That Council:****1. Council amends section 2.1.2 of Policy C5 – Recreational Vehicle Use – Portion of Reserve 45518 from**

- *The time frame between one period of stay and the next period of stay, by the same RV, shall be at least five consecutive nights; to*
- *The time frame between one period of stay and the next period of stay, **either by the same RV or the same person**, shall be at least **twenty-eight** consecutive nights.*

**2. The Policy include the additional management regulations:**

**2.4.4 No clothing hung externally to dry.**

**2.4.5 RVs must be self-contained with on-board toilet/shower and retain all grey water and waste within the confines of the vehicle.**

**2.4.6 Any rubbish generated by a user of the Pinjarra RV site must be removed by the user and the area left in a clean and tidy state prior to the users' departure.**

**2.4.7 That user of the Pinjarra RV site must ensure the site be left 'as is was' prior to their stay.**

**2.4.8 Accessing any private services or utilities such as power or water outlets is strictly prohibited.**

**2.4.9 No portable generators are permitted (on-board/built-in units are permitted).**

**2.4.10 The owner of any dogs or cats brought on site must comply with the Dog Act 1976 and the Cat Act 2011 including dogs having to be on a leash at all times and cats having to be confined to the owner' RV at all times.**

**2.4.11 No tents, camper trailers, or camping in a vehicle that is not considered by an authorised person to be an RV.**

**2.4.12. RV's are strictly to be parked within a designated bay of the Pinjarra RV site.**

**2.4.13 Parking or camping on the grassed areas adjacent to the Pinjarra RV site is strictly prohibited.**

**2.4.14 Any persons that return to the Pinjarra RV site within 28 days are to be permanently banned and will be dealt with in accordance with relevant legislation including the possibility that any RV, vehicle, trailer, caravan will be impounded.**

**2.4.15 Any persons that do not comply with the policy will be asked to leave immediately and if necessary will be dealt with in accordance with relevant legislation including the possibility that any vehicle, trailer, caravan will be impounded.**

**3. Council allocates up to \$40,000 (exc GST) from the Asset Enhancement Reserve to fund the upgrade to the Pinjarra RV site.**

**4. A further, more wholistic review of the Shire be undertaken to address the increasing illegal RV and camping at various sites within the district.**

**In Brief**

- The Shire of Murray has provided a free site for Recreational Vehicle owners since 2011.
- There have been various reviews of the policy since that time, however for the past 9 years it has been a 24-hour only facility.
- Recently, there has been concerns raised by members of our community that the current Council Policy loose and is being flouted by some users who are either refusing to leave or are returning soon after being told to vacate the facility.
- This report is to add further weight to the current Policy that Shire officers can then use to assist in the management and policing of this facility and also to improve the amenity of a very visual entry statement into Pinjarra.

**Background**

The Pinjarra free Recreational Vehicles (RV) facility has grown in popularity since it commenced operations in 2011. It has been used by thousands of travellers and has injected funds into the local community.

However, it is becoming apparent that the current policy is not being adhered to, or that users are deceiving Shire Rangers and returning soon after they have been ordered to vacate the site.

**Report Detail**

Policy C5 – Recreational Vehicle Use – Portion of Reserve 45518 is as follows:

**1. Policy Intention**

To define a robust framework to effectively manage safe and sustainable Recreational Vehicle (RV) use on a portion of Reserve 45518 to foster positive economic outcomes and support tourism activities within the district.

**2. Policy**

RV stays on the identified portion of Reserve 45518 are permitted, subject to the following.

**2.1 Permitted Area**

The approved permitted area is highlighted in red. Camping on any other portion of this Reserve is prohibited.



## 2.2 Length of Stay

- 2.1.1 RV's stays are limited to one night (24 hours), unless otherwise approved by the Chief Executive Officer due to exceptional and unforeseen circumstances;
- 2.1.2 The time frame between one period of stay and the next period of stay, by the same RV, shall be at least five consecutive nights;

## 2.3 Site Numbers

A maximum of fifteen RV's are permitted in the approved area at any one time.

## 2.4 Annexes and Other Infrastructure

- 2.4.1 Constructing, erecting or maintaining a fixed annex is not permitted whether or not attached to an RV or otherwise, where poles or other means are used to fix an annex to the ground, a tree or other fixed point. (Annexes that do not require fixing to the ground and that form part of the RV are permitted).
- 2.4.2 Clotheslines external to an RV are not permitted.
  - 2.4.1 Camp or cooking fires are not permitted.

## 2.5 Signage

That appropriate signage be installed and maintained on the site to outline the use by RV's and provide contact information on local Caravan Parks or other approved camping facilities.

## 3. Definitions

- 3.1.1 '**Recreational Vehicle (RV)**' means a vehicle that is currently licensed to operate on a road within any jurisdiction that is primarily designed and constructed to provide occupancy to a person or persons, subject to the vehicle being fitted with an operable integrated black water waste system with a holding tank within the RV. The RV must also have a grey water waste system fitted with the system being capable of capturing grey water without it being deposited on the ground (an integrated holding tank is not required). Grey water can be captured in a separate non-fixed container to be later disposed of off site.

For the avoidance of doubt the term Recreational Vehicle includes a caravan or other types of vans, buses, coaches or any other licensed vehicle that completely fits the criteria detailed.

- 3.1.2 '**Night**' means the period between sunset on one day and sunrise on the next day.

This report is recommending that section 2.1.2 be amended

2.1.2 The time frame between one period of stay and the next period of stay, by the same RV, shall be at least five consecutive nights.

It is recommended that section 2.1.2 be amended to:

2.1.2 The time frame between one period of stay and the next period of stay, **either by the same RV or the same person,** shall be at least **twenty-eight** consecutive nights.

It is also recommended that the following conditions of use be included in the Policy:

2.4.4 *No clothing hung externally to dry.*

2.4.5 *RVs must be self-contained with on-board toilet/shower and retain all grey water and waste within the confines of the vehicle.*

- 2.4.6 *Any rubbish generated by a user of the Pinjarra RV site must be removed by the user and the area left in a clean and tidy state prior to the users' departure.*
- 2.4.7 *That user of the Pinjarra RV site must ensure the site be left 'as is was' prior to their stay.*
- 2.4.8 *Accessing any private services or utilities such as power or water outlets is strictly prohibited.*
- 2.4.9 *No portable generators are permitted (on-board/built-in units are permitted).*
- 2.4.10 *The owner of any dogs or cats brought on site must comply with the Dog Act 1976 and the Cat Act 2011 including dogs having to be on a leash at all times and cats having to be confined to the owner' RV at all times.*
- 2.4.11 *No tents, camper trailers, or camping in a vehicle that is not considered by an authorised person to be an RV.*
- 2.4.12. *RV's are strictly to be parked within a designated bay of the Pinjarra RV site.*
- 2.4.13 *Parking or camping on the grassed areas adjacent to the Pinjarra RV site is strictly prohibited.*
- 2.4.14 *Any persons that return to the Pinjarra RV site within 28 days are to be permanently banned and will be dealt with in accordance with relevant legislation including the possibility that any RV, vehicle, trailer, caravan will be impounded.*
- 2.4.15 *Any persons that do not comply with the policy will be asked to leave immediately and if necessary will be dealt with in accordance with relevant legislation including the possibility that any vehicle, trailer, caravan will be impounded.*

It is also recommended that funding be allocated from Councils Asset Enhancement Reserve to improve the amenity of the area. This area is the entry statement to the town of Pinjarra from the east and it is reflecting very poorly on the town.

It is recommended that an amount of up to \$40,000 be allocated to provide immediate improvement to the area, being as follows:

\$30,000 towards gravel on the current site that has become a very unpleasant and unattractive grey dust bowl.

\$5000 towards delineating the area so that only 15 RVs can be parked in this area at any one time. Currently the site is unmanaged and that RV's are parked at all angles and positions within the reserve, and thus making it difficult for rangers to easily police the site.

\$5000 towards improved signage and clear warning signs to prevent RVs parking in areas that are prohibited, for example the grassed area to the north of the RV site.

**Council Plan**

<b>Focus Area</b>	Place
<b>Outcome 8</b>	Out towns offer vibrant and attractive spaces, with retained country charm.
<b>Objectives</b>	N/A
<b>Actions</b>	N/A

**Other Strategic Links**

Nil.

**Statutory Environment**

*Caravan Parks and Camping Grounds Act 1995 and Caravan Parks and Camping Grounds Regulations 1997*



*Local Government Act 1995* - Subdivision 4 — Impounding abandoned vehicle wrecks and goods involved in certain contraventions.

### **3.37. Contraventions that can lead to impounding**

(1) Regulations may prescribe any contravention of a regulation or local law made under this Act to be a contravention that can lead to impounding.

(2) Regulations may exclude the application of particular provisions of this Subdivision.

### **3.38. Terms used**

In this Subdivision —

***alleged offender*** means the person who is alleged to have committed a contravention that can lead to impounding;

***contravention that can lead to impounding*** means anything prescribed to be a contravention that can lead to impounding;

***goods*** means any goods involved in a contravention that can lead to impounding, and includes —

(a) a vehicle; or

(ab) an animal; or

(b) a stall or other structure temporarily placed on land,

involved in such a contravention;

### **3.39. Power to remove and impound**

(1) An employee authorised by a local government for the purpose may remove and impound any goods that are involved in a contravention that can lead to impounding.

(2) A person may use reasonable force to exercise the power given by subsection (1).

*Shire of Murray Consolidated Local Laws*

## **Part 3 – Rivers, Reserves and Jetties**

*Division 2—Prohibited Areas and Activities*

### **3.6 Camping and Picnicking**

**3.6.1** A person shall not on any foreshore or reserve to which this Part applies without written permission granted by the Council and then only in a place where the council has resolved to permit camping and has caused a notice specifying the localities where camping is permitted to be given pursuant to subsection 3.3.2—

(a) Camp, lodge at night in or occupy as sleeping quarters or a dwelling any store, building, tent or structure of any kind; or

(b) Erect any tent, camp, hut or other structure other than a foreshore umbrella used during the hours of daylight;

### **6.4 Activities Needing Permission**

A person shall not, without the permission of the Council —

(d) commit any of the following acts —

(i) leave an animal or vehicle or any part of a vehicle in a public place so as to obstruct any portion of that place except, that an animal secured in any public place wherein animals may lawfully be secured, and a vehicle parked in a public place wherein vehicles may lawfully be parked, is not obstructing for the purposes of this section unless, in the case of an animal it is secured for any

period exceeding one (1) hour unless the consent in writing of an Authorised Officer has first been obtained and, in the case of a vehicle (notwithstanding paragraphs (a) and (b) of section 6.3), it is so parked for any period exceeding twenty four (24) hours;

**Division 3—Removal of Animals, Vehicles and Other Things**

**6.10 In Public Places**

**6.10.1** The provisions of this section shall not affect the operation of any other provision in the Act which latter provisions shall prevail in the case of any inconsistency.

**6.10.2** Where an Authorised Person or a member of the Police Force finds an animal or vehicle left in a public place, contrary to the provisions of this Part that person may remove the animal or vehicle therefrom and shall thereupon —

- (a) in the case of an animal, place it in a public pound and deal with it according to law;
- (b) in the case of a vehicle, an authorised person —
  - (i) may remove the vehicle and place it in an appointed place, and
  - (ii) may use such force as is necessary to enter the vehicle for the purpose of removing it.

**Sustainability & Risk Considerations**

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

According to the Caravan, RV & Accommodation Industry of Australia, there are approximately 620,000 RVs in Australia and RV owners on average spend around \$110 per night in the towns they visit.

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

Locally, the RV site in Pinjarra is a visual eyesore and a less than ideal visual entry statement to the town of Pinjarra. It is evident that the site is becoming more unattractive as time goes on, both from the issue of some people making the site a ‘permanent’ one, and the high level of use is turning the site into a dustbowl.

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

Nil.

*Policy Implications*

Policy C5 – Recreational Vehicle Use – Portion of Reserve 45518.

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
High	Without a strengthening of the Policy and a renewed focus from the Shire to manage the site, it will continue to be a poor advertisement to the entry of Pinjarra and will increase Pinjarra town brand reputation.

**Consultation**

Internal.

**Resource Implications**

*Financial*

It is recommended that up to \$40,000 be allocated from Council’s Asset Enhancement Reserve to address the current visual amenity issue at the Pinjarra RV site. The 30 June 2024 estimated closing

balance of the Asset Enhancement Reserve is currently \$2,431,592. Should this proposal be accepted the amended 30 June 2024 estimated balance would be \$2,391,592.

### *Workforce*

A directive has been given for Shire rangers to now visit the site twice per day to undertake number plate audits. With funds to create specific parking areas, similar to what has been implemented at Herron Point Camp site, it will be easier for rangers to police the area and ensure no more than 15 RV's can be situated at the site at any one time.

### **Options**

1. Accept the officer recommendation.
2. Not accept the officer recommendation.

### **Conclusion**

Research shows that there are a number of local governments have opted for a 28-day clause between one period of stay and the next period of stay. Given the current issues being faced at the Pinjarra RV site, this rule would be an appropriate one and would be a deterrent to those that continually return to the site.

From a visual perspective, the site has become very unsightly and a poor reflection on the town. With so many vehicles now visiting the site, it has become a dustbowl and, with no lineation for vehicles, RVs parking is unmanaged and creating quite a chaotic situation.

This report is presented to Council to increase management controls at the site and also to improve the operations of it, and also to improve the visual amenity of a very visual and high traffic entry into Pinjarra.

If a decision is made to support the recommendation, the works could be undertaken in early to mid May 2024.

## **12.9 Commercial Lease and Deed of Gift - Heritage Carriages for the Purpose of use at the Pinjarra Rail Heritage Precinct**

File Ref:	D24/11030
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 - Deed of Gift - Heritage Trains (Page 76) Item 12.8 Appendix 1 - Commercial Lease (part premises) (Page 89)

### **Recommendation**

#### **That Council:**

- 1. Sincerely thanks the Taylor family for the donation of nine heritage carriages and four brake vans to be featured as part of the Pinjarra Rail Heritage Precinct project.**
- 2. Authorises the Chief Executive Officer to sign the Deed of Gift (Appendix 1).**
- 3. Authorises the Chief Executive Officer to sign the commercial lease – 24 Butler Street (Appendix 2).**
- 4. Include the Pinjarra Heritage Precinct and Dwellingup to Pinjarra Heritage Rail Project as a high priority in the Council's 2025 State and Federal election lobby document.**
- 5. That \$40,000 from Account ED0130 be allocated towards the supply and installation of tarps and necessary clearing of the site to be used to protect the 9 carriages and 4 brake vans.**

#### **In Brief**

- For the past three years, the Shire of Murray has been working with key stakeholders to develop the Pinjarra Heritage Railway Precinct in Pinjarra and Tourist Train re-establishment from Pinjarra to Dwellingup.
- The Shire has been working with members of the Pinjarra Heritage Rail Precinct Working Party and has engaged consultants to develop a Feasibility Plan and Business Case for funding.
- The Feasibility Study was completed in October 2023.
- Draft Master Plan was advertised in November and December 2023 with very positive community feedback.
- Costings have been completed and included in the draft 2025 State and Federal Lobby document.
- In discussions with the Taylor Family, the Shire has been conditionally gifted nine heritage carriages and four brake vans to be a key component to be refurbished and provided for niche high level short-stay accommodation at the precinct.
- This report presents a) a Deed of Gift and b) a commercial lease in the event that the necessary grant funds are obtained to create the Pinjarra Heritage Rail Precinct.
- To protect the nine heritage carriages it is proposed to install tarps over each to negate any weather damage.

#### **Background**

The State Heritage Office states that since 1893 Pinjarra Railway Station Precinct has been a focus of the town, contributing to the community's sense of place.

The engine shed is believed to be the oldest remaining engine shed in Western Australia, and the carriage shed is believed to be the only surviving carriage shed in Western Australia.

The goods shed, engine shed, carriage shed and barracks provide tangible evidence of an historic continuum, retaining functions close to their original uses. Through interpretation, the site has a capacity to demonstrate the particular operations at Pinjarra Junction. Pinjarra Railway Station Precinct is valued by those with affection for rail and rail history.

The Shire of Murray has identified the significant economic and social benefits that a re-established Pinjarra Heritage Precinct would have. After undertaking a Feasibility Study commissioned in 2022 illustrated that there is significant potential to turn the Precinct into an iconic national tourism destination. With quality niche accommodation inside heritage trains, maximising the recently acquired decommissioned Australind trains, restoring the heritage barracks and buildings, activating the site and re-establishing heritage train trips from Pinjarra to Dwellingup that ceased in 2011, there is the mix to create that iconic experience.

### **Report Detail**

The project will revitalise existing landmark sites and heritage assets to stimulate visitation, create jobs and attract significant new investment.

The project comprises two major components – the Pinjarra Heritage Railway Precinct and Pinjarra to Dwellingup Rail Link. Together, components will deliver the redevelopment of the historic railway precinct with attractions for tourists and community amenities, and re-establish heritage trains running from Pinjarra to Dwellingup on the Hotham Valley Tourism Railway.

#### ***Pinjarra Heritage Railway Precinct***

The area and buildings at the Pinjarra railway precinct will be revived and a thriving regional culture, arts and heritage destination. It will include a heritage railway museum, visitor centre and café, events spaces, destination play space, community facilities, paying respect to the heritage of rail in Pinjarra.

New life will be breathed into the heritage railway barracks, 13 heritage carriages (the subject of this agenda item), three carriages from the decommissioned Australind train which has already been secured, which will be converted into short-stay accommodation.

#### ***Pinjarra to Dwellingup Rail Link***

Reconnecting the former Pinjarra to Dwellingup Heritage Rail Link will allow Pinjarra to become a must-see national destination, and will connect the town via heritage rail to Dwellingup. The vision is to enable product offerings that rival the likes of the Puffing Billy in Victoria.

Presented to Council are two documents that have been negotiated with the Taylor family to secure the 13 heritage carriages if the necessary state or federal grant funds are secured.

The Deed of Gift (**appendix 1**) is the trigger to donate the carriage and brake vans to the Shire when those funds are obtained.

The commercial lease (**appendix 2**) is also then triggered to allow the then Shire-owned trains to remain on private property at 24 Butler Street and be refurbished on site. This lease provides the necessary legal and insurance protection for both parties.

#### ***Protection of Train Carriages***

Every effort needs to be made to ensure the carriages are protected, the roof cover of the train carriages is showing signs of degradation and there are initial indications of minor water intrusion into some of the carriages. Any internal water damage would be catastrophic to the condition of the

carriages, therefore it has been proposed to cover the carriages with custom made tarps to manage their condition.

**Council Plan**

<b>Focus Area</b>	Prosperity
<b>Outcome 13</b>	Visitor numbers are growing.
<b>Objectives 13.1</b>	Create a compelling tourism offer to attract tourists and visitors.
<b>Actions 13.1.7</b>	Progress endorsement and implementation of the Pinjarra Heritage Railway Precinct Master Plan, including aiming to restore steam rail from Pinjarra to Dwellingup.

**Other Strategic Links**

- Pinjarra Rail Heritage Feasibility
- Pinjarra Rail Heritage Master Plan
- Pinjarra Rail Heritage Business Case

**Statutory Environment**

Various statutory requirements are required to be met to allow the rail project to continue. The Shire continues to work closely with Hotham Valley Railway and various state agencies.

**Sustainability & Risk Considerations**

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

- \$47.4 million in direct and indirect output during construction
- \$134.1 million value- added economic and social impacts over 10 years
- 176,000 visits annually

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

There will be significant benefits to the community through the creation of the precinct.

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

Nil.

*Policy Implications*

Nil.

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
High	Without the donation of the 9 heritage carriages and four brake vans, it will be difficult to obtain the necessary stock as they have become very scarce.

**Consultation**

- Hotham Valley Railway
- Alcoa Australia
- Arc Infrastructure
- Public Transport Authority

- Main Roads Western Australia
- Tourism WA
- Peel Development Commission
- Pinjarra Lions Club
- Pinjarra Rotary Club
- Murray Historical Society

## Resource Implications

### *Financial*

The cost to implement the manufacture and install of the tarps plus any associated site works to enable access around the carriage has been budgeted at \$40,000. Funds are proposed to be accessed from existing budget funds.

### *Workforce*

Existing staff resources will coordinate the works in consultation with the Taylor Family.

## Options

1. Accept the Officer recommendation.
2. Not accept the recommendation.

## Conclusion

The Taylor family has been a long supporter of rail in Pinjarra. Mr Colin Taylor was one of four local residents of Pinjarra formed the Pinjarra Steam & Hills Railway Preservation Society in 1974. That later became the *Hotham Valley Tourist Railway* with the aim of operating steam trains on the Pinjarra to Narrogin railway line.

Initially four former Western Australian Government Railways W class locomotives were purchased. The first three (W920, W903 and W945) were returned to service in the 1970s, followed by the fourth (W908) in 1988. A fifth W class was purchased in 2013 (W947). Eight former Albany Progress carriages were leased and ultimately purchased outright in 1979.

In March 1976, the former Pinjarra Locomotive Depot was leased, officially opening on 17 July 1977. On 12 September 1976 the first train operated from Perth to Dwellingup hauled by W920.

It seems very appropriate that, in Hotham Valley Railways 50<sup>th</sup> year, that these heritage carriages and rail cars are donated to the Shire of Murray, with the objective of them being refurbished and activated, and owned by the community for the benefit of tourists across the globe.

The Hotham Valley Railway website also pays tribute to the vision of those four local Pinjarra residents and the incredible historic importance of rail within our district and another reason why this heritage must be protected and celebrated:

*For fifty years Dwellingup was a busy centre for the thriving timer industry in the area. However, a disastrous fire in January 1961 saw the demise of most of the surrounding timer mills leaving only the Dwellingup operation.*

*The railway line to Dwellingup, which had opened in 1910 as part of a connection between Pinjarra and Narrogin, then saw ever decreasing use until the once weekly freight service was withdrawn completely in 1984.*

*During the early 1970's some Pinjarra residents realised that the lightly used branch line still had something to offer the people of Western Australia and so in 1974 they formed the "Pinjarra Steam*

*and Hills Railway Preservation Society” which later became the “Hotham Valley Tourist Railway”. The foundation members realised that the branch line was a historic remnant of the pioneer’s early endeavours to open up the western third of the continent. All other railway lines climbing the Darling Range to give access to the forest, wheat belt and goldfields of the State had either been drastically modernized or closed and lifted. Here was a railway which retained its original character and was scenically located a handy distance from Perth.*

*Because of the steep grades and small radius curved on this line, special locomotives were required for operation. With the cessation of steam locomotive operation in Western Australia in 1971, many were stowed at Collie awaiting their fate. The Mountain type “W” class, which had worked the Dwellingup line during the latter years of steam, was found to be the most suitable and four of this type were purchased by Hotham Valley. As a fine representative of the remarkable locomotives operated by the many timber companies in the district, Hotham Valley has G class type locomotive, No 71, “Menziess” donated by Millars (WA) Pty Ltd in 1977.*



**12.10 Contribution to Hotham Valley Tourist Railway WA Inc. for Relinquishing Western Side of Pinjarra Railway Precinct (Reserve 45518/Lot 363)**

File Ref:	D24/11126
Previous Items:	OCM 15 Dec 2022 Item 12.8 (OCM22/173)
Applicant:	Hotham Valley Tourist Railway WA Inc.
Author and Title:	Dean Unsworth, Chief Executive Officer
Declaration of Interest:	Nil.
Voting Requirements:	Absolute Majority
Appendices:	Nil.

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

- 1. Council agrees to the request from Hotham Valley Tourist Railway WA Inc. for funding of \$25,000 (exc. GST) towards the costs of moving plant and equipment from the western side of the Reserve 45518 (western side of the Pinjarra Railway Precinct) to Lot 363 (eastern side of the Pinjarra Railway Precinct).**
- 2. Funds of \$25,000 (exc. GST) be taken from the Asset Enhancement Reserve.**

**In Brief**

- At the 15 December 2022 Ordinary Council meeting, Council formally agreed to a new lease for Hotham Valley Tourist Railway (HVTR) for the eastern side of the Pinjarra Railway Precinct.
- As part of this Lease agreement, HVTR agreed to relinquish their leasehold on the western side of the precinct to allow for the future development of the Pinjarra Heritage Rail Precinct Plan.
- HVTR have now undertaken that move to the eastern side of the precinct.
- This report is presented for Council to consider a request from HVTR for a financial contribution towards the higher than expected costs to enact this move.

**Background**

Reserve 45518 is located on the Pinjarra Williams Road and it comprises Lot 363, as well as Lots 502 and 504 (previously Lots 361 and 362 respectively). The Reserve is managed by the Shire under a Management Order for the purpose of "Tourism and Museum, Infrastructure and Community". The total Reserve area comprises 7.927 hectares.



Historically this Reserve land was directly managed by the Corridor Minister. In 1999/2000 this land was determined to be an unrequired Crown asset and it was identified for disposal by vesting directly with HVTR. At the time, HVTR were not fully operational and the Shire accepted management of the whole Reserve, with agreement being made for HVTR to continue occupation by way of a lease.

Two other lease arrangements have also been activated on the Reserve, with the Pinjarra Community Garden and the Pinjarra Community Men’s Shed being occupied on Lot 503. The areas occupied by these groups was originally within the HVTR’s leased area, however, the HVTR kindly agreed to the space being provided and the leases were in turn amended.

HVTR has previously indicated that they intend to shift operations to Dwellingup in the future, however a transition date is still not known.

As part of the discussions regarding the creation of the future Pinjarra Rail Heritage Precinct, it was agreed by HVTR to relinquish a portion of their lease-hold, being the western side to allow for the Master Planning and future construction of the project. While it is acknowledged that HVTR will eventually centralise their rail operations to Dwellingup, this will be a transitional process. Therefore, at the 15 December 2022 Council meeting, it was resolved to support a new lease for 5 years, with a 5-year option.

At the meeting it was resolved:

*That Council support:*

1. *Subject to the Minister for Lands prior written consent, for a lease arrangement to be entered into with the Hotham Valley Tourist Railway WA. Inc. for a portion of Reserve R45518 being the*

*whole of Lot 363 Pinjarra Williams Road, Pinjarra for a term of 5 years commencing on 1 January 2023, with a similar option term.*

2. *The annual rent payable continuing from the current lease being \$56.70 (exc. GST) adjusted annually by the Perth, All Groups Consumer Price Index, plus an annual administration fee, with the Lessee being responsible for all normal outgoings, maintenance and repairs.*
3. *The Chief Executive Officer negotiating and determining the broad terms and obligations to apply, to ensure the heritage fabric and other pertinent aspects are supported effectively.*
4. *The Shire President and Chief Executive Officer signing and sealing the lease agreement once satisfactorily developed.*

It is noted that, to date, this Lease has not been signed by HVR, however negotiations are continuing.

**Report Detail**

At the time of negotiating the outcome to have HVTR relinquish the western side of the Pinjarra rail precinct, the General Manager of the Railway verbally requested that some financial support be provided by the Shire.

HVTR has now undertaken the move from the western side to the eastern side of the precinct, with costs being borne by HVTR.

The Shire has been advised that HVTR has spent \$70,154 relocating everything to the East Side and suitably stowing it. It has also advised:

*There has also been some 1,728 volunteer hours invested in the work required, (valued at roundly \$43,200).*

*Of the \$70,154, there was \$29,856 spent on asset items like sea containers and shelving etc.*

*So HVR fully expensed roundly \$40k on getting out.*

HVTR has formally requested a contribution of \$25,000.

**Council Plan**

<b>Focus Area</b>	Prosperity
<b>Outcome 13</b>	Visitor numbers are growing.
<b>Objectives 13.1</b>	Create a compelling tourism offer to attract tourists and visitors.
<b>Actions 13.1.7</b>	Progress endorsement and implementation of the Pinjarra Heritage Railway Precinct Master Plan, including aiming to restore tourist rail from Pinjarra to Dwellingup.

**Other Strategic Links**

Pinjarra Rail Heritage Master Plan, Feasibility and Business Case.

**Statutory Environment**

Nil.

**Sustainability & Risk Considerations**

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

According to the 2024 Integrated Business Case for the Pinjarra Railway Heritage Precinct Master Plan and Pinjarra-Dwellingup Rail Link Projects, the analysis determined a broad range of significant

economic and social outcomes. A summary of the economic benefits outlined within the integrated business case is outlined below.

<b>Summary of Economic Impacts and Benefits</b>	
Master Plan	\$28,274,405
Rail Link	\$31,852,182
Total Integrated Project Cost	<b>\$60,126,587</b>
Integrated Economic Benefits	\$134.1 million
Visitation <ul style="list-style-type: none"> <li>• Heritage Railway 92,000</li> <li>• Museum and Visitor's Centre 43,000</li> <li>• Destination Playspace 41,000</li> <li>• Bespoke Accommodation Nights 7,300</li> </ul>	
Employment Benefits	<u>Construction</u> Direct: 36 FTE's Indirect: 117 FTE's <u>Ongoing</u> Direct: 94 FTE's Indirect: 66 FTE's
Net Present Value	\$75.8 million
Benefit / Cost Ratio	2.30

While the officer report is specifically related to considering a reimbursement to HVTR, the projects would not be possible without the cooperation of the organisation and for agreeing to vacate the western side. Therefore, the above outlined benefits would not be possible without a positive and constructive partnership with HVTR.

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

According to the Pracsys Business Case completed in February 2022, the redeveloped Precinct includes many elements and features that bring the community together and that encourage participation. Many organisations and community groups will frequent the area, the play carriages will encourage children to play and interact, and the rail cars and museum will offer opportunities for heritage and cultural learnings. These additions will allow the precinct to play an important role within the Pinjarra community and district.

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

Nil.

*Policy Implications*

There are no policy implications relevant to this report.

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Low	There is low risk to Council in supporting the Officer recommendation.

**Consultation**

General Manager – Hotham Valley Tourism Railway WA Inc.

**Resource Implications***Financial*

It is recommended that \$25,000 be taken from the Asset Enhancement Reserve which will then not affect the Shire's estimated surplus as identified in the March 2024 Budget Review.

*Workforce*

There are no additional workforce requirements with this recommendation.

**Options**

1. Accept the Officer recommendation.
2. Consider a higher or lower funding amount.
3. Not support a financial contribution.

**Conclusion**

Moving plant and equipment from the western side of the Pinjarra Heritage Railway precinct to the eastern side has been a significant project. HVTR have spent \$70,154 to undertake the project and used 1,728 of volunteer hours.

Given that the future Pinjarra Heritage Railway Precinct requires the western portion of the railway precinct to be able to progress the Business Case, it is reasonable for Council to provide financial assistance to the organisation.

## 13 RECREATION, ECONOMIC & COMMUNITY DEVELOPMENT

### 13.1 Endorsement of Pinjarra Railway Heritage Precinct Master Plan & Rail Link Project

File Ref:	D24/10766
Previous Items:	OCM 24 Mar 22 Item 13.2 (OCM22/019)
Applicant:	Nil.
Author and Title:	Krystal Dawe, Manager Place and Economic Development
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 13.1 Appendix 1 - Master Plan (Page 125) Item 13.1 Appendix 2 - Hotham Valley Tourist Rail - Pinjarra To Alumina Junction Feasibility Summary Report (Page 149) Item 13.1 Appendix 3 - Integrated Railway Precinct & Rail Link Business Case (Page 263)

#### Recommendation

##### That Council:

- 1. Endorse the Pinjarra Railway Heritage Precinct Master Plan (Appendix 1), Pinjarra-Dwellingup Rail Link Project Basis of Design and Costings (Appendix 2), and consolidated Business Case for the integrated projects (Appendix 3).**
- 2. Endorse the Pinjarra Railway Heritage Precinct Master Plan and Pinjarra-Dwellingup Rail Link project forming part of the Shire's advocacy strategy and support the Chief Executive Officer advocating for Federal and State Government funding to implement the projects.**
- 3. Acknowledge the valuable work undertaken by the Pinjarra Railway Heritage Precinct Working Group in informing the Master Plan and support from funding partners that enabled favourable investigations and development of reports.**

#### In Brief

- In November 2019, a Working Group was established for the Pinjarra Railway Heritage Precinct (**Precinct**), encompassing Council representatives, Shire officers and representatives of groups who operate within or have an association with the rail heritage reserve (R45518).
- The purpose of the Working Group was to inform preparation of an integrated Master Plan that reflected the shared aspirations of key stakeholders and the community to revitalise and re-activate the historic landmark site as a regional tourism, visitor and community destination.
- The extensive engagement process involved multiple stakeholders and community feedback, the outcome of which enabled development of a draft Master Plan and associated business case.
- As an outcome of the master planning process it became apparent that reconnection of the former heritage rail link between Pinjarra and Dwellingup was necessary for the Precinct's potential and visitor experience to be fully realised. This concept was tabled as part of the Council's consideration of the draft Master Plan at its March 2022 Ordinary Council Meeting.
- At the March 2022 meeting, Council supported the draft Pinjarra Railway Heritage Precinct Master Plan and associated reports, however determined to postpone advertising until finalisation of both the detailed design for the Pinjarra Deviation (specifically in relation to the Paterson Road / Pinjarra-Williams Road / South-West Highway intersection upgrade) and further investigations to confirm key stakeholder support for the proposed Pinjarra-Dwellingup Rail Link Project (Rail Link Project).



- Having adequately progressed investigations into the proposed Pinjarra Deviation intersection treatment and the rail link investigations, Officers commenced advertising of the Master Plan throughout November and December 2023, which received a positive response from the community.
- With formal advertising of the draft Master Plan having been completed, Officers seek Council's endorsement of the finalised Master Plan (refer **Appendix 1**), the Pinjarra-Dwellingup Rail Link Project Basis of Design and associated costings (refer **Appendix 2**), along with the consolidated Business Case for these major infrastructure projects (refer **Appendix 3**).

**Background**

Reserve 45518 is a Crown Reserve managed by the Shire. The Management Order outlines the purpose of the reserve as 'Museum and Tourism, Infrastructure and Community Purposes'.

The portion of the Reserve encompassed within the Master Plan only comprises Lots 502 and 503 as shown below in red. The parcel of land identified as Lot 363 (shown in blue) encompasses an area leased by Hotham Valley Tourist Railway and proposed to play a significant role in the upgraded services and visitor experiences contemplated under the rail link project, being the site in which visitors will arrive and depart when travelling between Pinjarra and Dwellingup.



The Master Plan area has seen development and activation in recent years by a range of groups and stakeholders, all with interests in the site's current and future purpose, including the Hotham Valley Tourist Railway, Pinjarra Community Garden, Pinjarra Men's Shed, Pinjarra Lions Club, Pinjarra Rotary, Murray District Historical Society and local historians with a long association and interest in the railway. In recent years activities on site have expanded to include overnight RV visitor parking and dump point facilities.

As an important historic place in Pinjarra, a strategic landmark site within the Town Centre and the increased community and visitor interest in the site, it was determined in late 2019 that there was a

need to prepare a comprehensive Master Plan to guide future development and land uses within the reserve. From the outset, planning priorities were focussed around enriching the railway heritage of the site, whilst strengthening existing uses and creating new community and tourism activities that would not only establish the Precinct as a destination but also contribute to the broader revitalisation of Pinjarra.

An early initiative identified through the master planning process considered fundamental to unlocking potential of the Precinct was investigating the opportunity to re-establish heritage rail services between Pinjarra and Dwellingup.

With funding support from Tourism WA and the Peel Development Commission, an extensive engagement and planning process was subsequently undertaken to progress the rail link project. A technical working group was formed encompassing key stakeholders and representatives from Alcoa, Arc Infrastructure, Public Transport Authority, Main Roads WA (MRWA), Hotham Valley Tourist Railway, the Peel Development Commission and the Shire of Murray Council and Shire Officers. The technical working group were supported by a consultant team who provided necessary technical advice and support. The commitment and collaboration achieved between all stakeholders resulted in favourable investigations that progressed to development of a costed Basis of Design for the future rail link (refer **Appendix 2**). This body of work, together with the Master Plan, informed development of the integrated Master Plan and Rail Link Business Case located in **Appendix 3**.

Concurrent with the Rail Link Project investigations, Officers progressed discussions with MRWA in relation to an anticipated outcome and intersection treatment for the future upgrade of the intersections of Pinjarra-Williams Road, South-West Highway and Paterson Road as part of the broader Pinjarra Deviation project. The outcome of these discussions confirmed it was premature to confirm the design outcome and land area requirements and resulted in a notation being placed on the Master Plan advising that any land requirements would be subject to further detailed planning. From a land requirement perspective, an indicative roundabout has been reflected on the plan, with all development and activity proposed within the Precinct to occur outside this indicative area.

## Report Detail

### *Pinjarra Railway Heritage Precinct Master Plan*

The Pinjarra Heritage Railway Precinct Master Plan establishes an exciting overarching vision to guide revitalisation and future redevelopment of the Pinjarra Railway Station into a thriving regional heritage and cultural destination (refer Master Plan located in **Appendix 1**).

With support from major funding partners, the Shire, Hotham Valley Railway and other stakeholders seek to create a precinct and associated visitor experiences that celebrate and pay homage to the station's historic role in early settlement of Western Australia, whilst also enabling contemporary activities that will collectively attract visitation by the community and visitors to the region.

The outcomes envisaged include a heritage railway museum, visitor centre, event space, destination play space, plus food and beverage and short stay accommodation offerings through adaptive re-use of historic railway barracks and former rail carriages.

Specifically, the following developments and adaptive re-use of existing precinct assets are proposed:

- Refurbishment of the Railway Station to accommodate an integrated Visitor Centre and Railway Museum.
- Refurbishment and adaptive re-use of the historic railway barracks for short stay accommodation.
- Refurbishing historic railway carriages to complement the range of bespoke short stay accommodation and hospitality type offerings on site.



- Refurbishment of historic engine and carriage sheds for future rail displays and community events etc.
- Creating a large green space adjacent to the playground catering for outdoor events, markets and informal recreational/leisure activities.
- The upgrade of overnight RV area and facilities to enhance the visitor experience, including power and water, picnic shelters, camp kitchen and shared bathroom and laundry facility.

Full implementation of the Master Plan has been estimated at \$28,274,405 which includes design and construction contingencies, project escalations and regional loading.

*Pinjarra – Dwellingup Rail Link Project*

As part of the master planning process it was recognised that reinstatement of the former heritage rail link between Pinjarra and Dwellingup will significantly contribute to realising the tourism potential for the Precinct, both towns and the broader Peel Region. Importantly it will enable rail commuters and visitors to travel between the Perth and Bunbury metropolitan areas to Pinjarra and then onto Dwellingup (recognised in 2023 as the State and Australia’s Top Tiny Tourism Town). Continued growth of the Dwellingup visitor market will be critical to the ongoing success of the town as a tourism destination. Connecting Dwellingup to the metropolitan areas of Perth and Bunbury via rail will significantly improve the limited existing visitor transport options currently available, will positively contribute to the continued increased growth in visitation and strengthen the diverse visitor experiences already on offer in the region.

Success of the rail project will not only rely on delivery of major new infrastructure and upgrades to the existing rail line and assets, but also evolution of the current Hotham Valley Tourism Railway into a world class heritage rail experience that attracts significant interstate, national and international visitors. A key aspect of the rail link project investigations has therefore included consideration of all necessary organisational, resourcing and infrastructure requirements to effectively achieve the visitor experience envisaged and the organisational capability needed to support delivery of Hotham Valley’s evolution.

Having recognised the importance of the rail link, key stakeholders have worked collaboratively to progress the detailed technical investigations needed to provide Council confidence in progressing advocacy for funding implementation of the rail link project, estimated at a total cost of \$31,852,182. The estimated cost encompasses Hotham Valley rail infrastructure upgrades, construction of a new pedestrian bridge linking the Pinjarra Train Station on the western side of the rail line with the Hotham Valley Railway platform on the eastern side of the line, design and construction contingencies, projected escalations and regional loading. The proposed Basis of Design and associated cost estimates is located within **Appendix 2**.

*Integrated Business Case*

A consolidated cost benefit analysis has been undertaken to understand the economic impact of the integrated projects to the region. The analysis determined a broad range of significant economic and social outcomes that confirms the integrated projects present a value for money opportunity to build the Peel Region’s and Western Australia’s tourism offering and strengthen the Shire’s local economy and job opportunities. A summary of the economic benefits outlined within the integrated business case is provided below, with a copy of the full Business Case located within **Appendix 3**.

<b>Summary of Economic Impacts and Benefits</b>	
Master Plan	\$28,274,405
Rail Link	\$31,852,182
<b>Total Integrated Project Cost</b>	<b>\$60,126,587</b>

Integrated Economic Benefits	\$134.1 million
Visitation <ul style="list-style-type: none"> <li>• Heritage Railway</li> <li>• Museum and Visitor's Centre</li> <li>• Destination Playspace</li> <li>• Bespoke Accommodation Nights</li> </ul>	92,000 43,000 41,000 7,300
Employment Benefits	<u>Construction</u> Direct: 36 FTE's Indirect: 117 FTE's <u>Ongoing</u> Direct: 94 FTE's Indirect: 66 FTE's
Net Present Value	\$75.8 million
Benefit / Cost Ratio	2.30

**Council Plan**

<b>Focus Area</b>	Place
<b>Outcome 9.</b>	Built heritage is respected and celebrated.
<b>Objectives 9.1</b>	Conserve and enhance places with significant heritage value.
<b>Actions 9.1.5</b>	Advocate for funding to implement the Pinjarra Rail Heritage Precinct Master Plan and Pinjarra to Dwellingup Rail Link.

<b>Focus Area</b>	Prosperity
<b>Outcome 13.</b>	Visitor numbers are growing.
<b>Objectives 13.1</b>	Create a compelling tourism offer to attract tourists and visitors.
<b>Actions 13.1.7</b>	Progress endorsement and implementation of the Pinjarra Heritage Railway Precinct Master Plan, including aiming to restore steam rail from Pinjarra to Dwellingup.

**Other Strategic Links**

- WA State Tourism Strategy
- Peel Regional Investment Blue Print
- Pinjarra Town Centre Revitalisation Strategy
- Pinjarra Railway Yards Conservation Management Plan
- Shire of Murray Local Government Heritage Inventory

**Statutory Environment**

Reserve 45518 is a Crown Reserve managed by the Shire under a Management Order for the purposes of 'Museum and Tourism, Infrastructure and Community Purposes'. The Pinjarra Railway Heritage Precinct is a state listed site and subject to the State Heritage Act 2019. The site is listed as Category A (Exceptional Significance) under the Shire's Heritage Inventory. The Precinct and a portion of the proposed rail link is identified as within or adjacent to the Pinjarra Massacre Site locality (ID 3786). Any proposed works will therefore be subject to all relevant Aboriginal Heritage considerations, processes and approvals.

**Sustainability & Risk Considerations**

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

It is estimated that the cost of implementation will be in the order of \$60M, offset with economic returns of \$134 million (over 20 years), 36 direct FTE jobs during the construction phase and 94 FTE direct ongoing jobs created through delivery of the projects. Development of up to twenty quality bespoke rail accommodation options within the town centre will also contribute to addressing the limited short stay accommodation currently available within Pinjarra and the Murray region.

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

The revitalised Precinct will result in multiple social benefits including a strengthened sense of place identity and community pride in Pinjarra and its rich railway history; new opportunities for volunteers and capacity building to support the day to day operations of the Precinct and new HVR rail services; and provide a new unique place within the town centre to meet, learn, socialise with family and friends and enjoy the diversity of facilities and experiences on offer.

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

Landscaping will form a key feature of the redeveloped Precinct and result in a significant increase in the quality and amount of existing vegetation on site. Plantings of local endemic species and the enhanced public spaces within the precinct the will not only beautify the site but is also likely to result in increased habitat for local fauna.

*Policy Implications*

Nil.

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Moderate	Due to the considerable community support for delivery of the vision, the resources that have been committed by many key stakeholders and agencies to progress the integrated projects, and the economic and social outcomes that will be achieved through implementation, there is likely to be reputational risk should Council not endorse the projects and supporting documents.

**Consultation**

There has been extensive engagement undertaken that has been instrumental in the development of both the Master Plan and the Pinjarra-Dwellingup Rail Link project. Engagement has included:

- Comprehensive one on one interviews with community representatives from all user groups and stakeholders with a direct interest in the Precinct to understand challenges, opportunities and aspirations.
- Preliminary consultation with the broader community via the Shire’s former ‘Your Say’ platform which invited people to share their aspirations for the Precinct.
- Multiple community and technical working group stakeholder meetings involving Alcoa, Arc Infrastructure, Public Transport Authority, MRWA, Peel Development Commission and Hotham Valley Tourist Railway to identify opportunities, resolve challenges and determine support for projects.

- Formal referral of the draft Master Plan to Main Roads WA, Department of Water and relevant agencies within the Department of Planning, Lands and Heritage to ensure in-principle support for outcomes and land uses contemplated.
- Formal public advertising of the Master Plan was undertaken in November and December 2023 and promoted through the Shire's website and media releases including both print, digital and radio interviews, along with social media promotion.

## Resource Implications

### *Financial*

Due to the scale and cost of these major integrated projects implementation will be highly dependent upon the timing and level of funding secured through potential Federal and State Government election commitments, funding programs/streams and other external sources.

Major external project funding generally requires both a financial (including in-kind) contribution by the Shire and key stakeholders. It is therefore anticipated that the Shire's contribution will be met through the delivery of supporting elements within the railway heritage precinct (eg. visitor parking, bus drop off, central open space lawn area, station square and pedestrian spine, overnight RV minor upgrades and public art), estimated at a total contribution cost of approximately \$3.5 million.

As a key stakeholder, Hotham Valley are also committed to making a financial contribution towards the necessary resources needed for implementation of the rail link project, specifically in securing the human resources required to develop and implement changes to the organisation's rail safety management system to meet the requirements of the National Rail Safety legislation and regulations and capacity building of existing and expanded volunteer workforce. The estimated contribution by Hotham is estimated to be approximately \$950,000.

### Options

1. Endorsing the Pinjarra Railway Heritage Precinct Master Plan, the Pinjarra-Dwellingup Rail Link Project and the associated Integrated Business Case located in **Appendices 1, 2 and 3**.
2. Endorsing the Pinjarra Railway Heritage Precinct Master Plan, the Pinjarra-Dwellingup Rail Link Project and the associated Integrated Business Case located in **Appendices 1, 2 and 3**, subject to modifications.
3. Not endorsing the Pinjarra Railway Heritage Precinct Master Plan, the Pinjarra-Dwellingup Rail Link Project and the associated Integrated Business Case, and resolving an alternative resolution.

## Conclusion

Murray's locality, rich heritage and natural charm offer an advantage that presents unique tourism opportunities. Pinjarra is home to one of the oldest train stations in Western Australia, making the town the perfect setting for nostalgic railway heritage experiences.

An extensive engagement process involving a community working group, the Shire of Murray, Hotham Valley Railway, Alcoa Australia, Arc Infrastructure, Public Transport Authority, Main Roads WA, together with funding support from Tourism WA and the Peel Development Commission enabled development of an ambitious and exciting shared vision. The associated business case also presents a compelling and value-for-money opportunity.

This vision and the integrated rail projects have reached the stage in which major funding partners are sought to enable project delivery. Through funding support from the Federal and State Governments and contributions by the Shire and Hotham Valley Tourist Railway, implementation of integrated rail projects will maximise railway heritage tourism experiences within the State and Peel

region, breathe new life in to a historically important place in WA's rail history, and stimulate increased visitation, jobs and attract significant new investment within the region.

### 13.2 Shire of Murray Sport and Recreation Infrastructure Plan 2024 - 2034

File Ref:	D24/11068
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Sarah Farrance, Manager Community and Library Services
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 13.2 Appendix 1 - Murray Sport and Recreation Infrastructure Plan Part 1 Final Draft (Page 327) Item 13.2 Appendix 2 - Murray Sport and Recreation Infrastructure Plan - Part 2 Final Draft (Page 439) Item 13.2 Appendix 3 - Murray Sport and Recreation Infrastructure Implementation Plan Final Draft (Page 483)

#### Recommendation

##### That Council:

1. **Endorse the draft Shire of Murray Sport and Recreation Infrastructure Plan 2024 – 2034 and associated Implementation Plan as set out in Appendices 1 - 3.**
2. **Agree to advertise the draft Shire of Murray Sport and Recreation Infrastructure Plan 2024 – 2034 and associated Implementation Plan for a 30-day public comment period; and**
3. **Request the Chief Executive Officer to present the draft Shire of Murray Sport and Recreation Infrastructure Plan 2024 – 2034 and associated Implementation Plan to Council for final adoption following the public comment period. Where no adverse comment is received or recommended amendments suggested, the endorsed plans in Appendices 1 - 3 are considered to be adopted.**

#### In Brief

- The 2022-2023 Corporate Business Plan included a project to prepare a Shire of Murray Sport and Recreation Plan (**Plan**).
- The preparation of the draft Plan has now been completed and informed by a detailed needs analysis, consideration of the projected population growth during the Plan period and the projected high population growth in the period following the Plan's timeline. Considerable community engagement has also been undertaken with sport and recreation clubs.
- Council is now requested to endorse the draft Sport and Recreation Infrastructure Plan 2024 – 2034 in order to proceed to a 30-day public comment period.

#### Background

The Shire has been working with consultants, ABV Leisure Consultancy, and engaging with the local community to develop the Plan for the period 2024 – 2034 with the following objectives:

- Undertake a review of existing sporting and recreation infrastructure, community profile and identify existing gaps.
- Deliver a prioritised hierarchy for community recreation facilities.
- Deliver recommendations regarding the future use of the Shire's community sport and recreation facilities.

- Produce an implementation plan that prioritises capital investment in its community recreation facilities.

The aim of the Plan is to demonstrate the need for future sport and recreation infrastructure based on forecast population growth by Shire localities, guided by industry trends, provision standards and sporting group aspirations

This plan will guide future planning and investment in sport and recreation facilities and services for the Shire of Murray and will form part of the suite of informing strategies that contribute to the Shire's integrated planning framework and Council's decision-making process.

The Plan has been developed in two parts with Part 1 providing an overview and a summary of outcomes and recommendations and Part 2 including the detailed backgrounds and demand analysis used to inform the outcomes and recommendations.

### **Report Detail**

The Shire of Murray Sport and Recreation Infrastructure Plan 2024 – 2034 has been developed as a blueprint to help guide strategic decision making for the planning and development of sport and recreation infrastructure within the Shire as well as ensuring consistent application of the Plan's principles being:

- Evidenced based need.
- Community engagement.
- Flexibility and adaptability.
- Environmental sustainability.
- Access and Equity.
- Value for money (VFM)/Responsible provision.
- Establish funding prioritisation.

The Plan has been designed to identify and prioritise projected needs for the Plan period of 2024 – 2034 with the aim to avoid duplication and redundancy, and to ensure infrastructure is developed in a planned and sustainable way.

The Plan supports the identification of potential land requirements in advance of rural and urban growth to assist with land allocation and to inform local and district structure plans, and to engage with Developers early in the design phase which in turn will inform the Community Infrastructure Plan and support the funding of facilities through Developer Contribution Plans, funding submissions and the Long-Term Financial Plan.

In the development of the Plan, analysis was undertaken of the community demographics, profile and projections to understand the context for future sport and recreation infrastructure which highlights Pinjarra, South Yunderup and Ravenswood to have the highest population in 2021 with this forecast to remain the same up to 2051, with Pinjarra having the largest growth over that time through consolidation of existing urban areas.

New sites will be required for active open sports spaces to accommodate the growth, with the relevant provision suitable to accommodate a range of sports, users and uses, including competitive match play. This includes relevant supporting infrastructure on the site to meet the range of sport and recreation options. The Plan sets sports space standard provisions to be adopted for future sport and recreation precinct developments.

A detailed demand and needs analysis were undertaken to assess the Shire's current level of provision and to identify future demand for sport and recreation infrastructure.

Provision benchmarks have been established by Parks and Leisure Australia Western Australia (PLAWA) to provide an indication as to the minimum infrastructure required based on population.

A three-stage priority assessment for sport and recreation infrastructure provision has been established to provide a basis for:

- assessing the priority of the sport and recreation infrastructure identified through the needs and demand analysis within this plan.
- assessment that can be adapted to assess future emergent needs as they arise or to assess specific requests that may be received by specific groups not identified in this plan.

The following key criteria has been established to prioritise the infrastructure identified through the needs and demand analysis undertaken. Background information for this criteria rating is based on the demand analysis undertaken that has considered:

- existing infrastructure (current provision, and condition of infrastructure),
- existing use,
- forecast population growth and projected future demographic changes,
- projected use based on future demographic and trend changes,
- consultation (discussions with user groups, sporting group planning documents, and membership/participation data),
- an assessment against provision standards.

The results of the priority assessment have driven the recommendations and priority ordering within the Implementation Plan and are summarised below:

<b>Infrastructure Identified/requested</b>	<b>Facility Type / Precinct</b>	<b>Score</b>	<b>Priority Ranking</b>
George Beacham Pavilion redevelopment	Active Sporting Precinct Sir Ross McLarty Sports Precinct	31	1
Ravenswood / Ravenswood North Active Sport Space	Active Sports Space (Oval development)	30.5	2
South Yunderup Oval Lighting	Active Sports Precinct South Yunderup Oval	30	3
Enzo Menara Changerooms	Active Sports Precinct Sir Ross McLarty Sports Precinct	29	4
Murray Regional Equestrian Centre New Clubrooms	Murray Regional Equestrian Centre	29	4
Murray Regional Equestrian Centre Undercover Arena	Murray Regional Equestrian Centre	27	6
South Yunderup Pavilion	Active Sports Precinct	26	7



Enclosed social / function space	South Yunderup Oval		
Sports Ovals Floodlighting upgrade	Active Sporting Precinct Sir Ross McLarty Sports Precinct	25	8
Commence planning for a district level Skate Park / BMX and youth zone in Ravenswood (by 2031)	Skate Park / BMX	25	8
Commence a development plan for upgrades to the MALC to provide improved facilities to accommodate growing population	Murray Aquatic and Leisure Centre	23	10
Golf Club – Clubroom Redevelopment	Pinjarra Golf Club	23	10
Neighbourhood level skate park – West Pinjarra	Skate Park / BMX	23	10
Continued cricket improvements across Oval 2 & 4. Relocation of turf wicket and resurfacing of Oval 4	Active Sporting Precinct Sir Ross McLarty Sports Precinct	22	13
Pinjarra Bowling and Recreation Club – shade canopy over one bowling green	Lawn Bowls	22	13
Murray District Pistol Club – Club Facilities Development	Shooting Facilities	21	15
Playground – District Level Facility SRMSP by 2027	Play Spaces Sir Ross McLarty Sports Precinct	21	15
Planning for future District level active sports space – North Pinjarra locality	Active Sports Space (Oval development)	20	17
Dwellingup Oval Pavilion Refurbishment	Active Sporting Precinct Dwellingup	19	18
Develop a strategic plan for a water-based trails network	Paddling Facilities	19	18
Playground Local Level Facility – West Pinjarra	Play Spaces	15	20

**Council Plan**

<b>Focus Area</b>	People
<b>Outcome 3</b>	An active and healthy community.
<b>Objectives 3.2</b>	Improve access to sport, recreation, facilities and programs.
<b>Actions 3.2.1</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)*

The 2018 publication by KPMG and Sport Australia ‘The Value of Community Sport Infrastructure, Investigating the value of community sport facilities to Australia’, identifies community sport infrastructure generates an estimated \$6.3 billion worth of economic benefit nationwide.

It has been estimated that through a number of ways, the return on investment benefits are calculated as \$7 total benefits return to Australia for every dollar spent in sport.

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

The Council Plan confirms Council’s commitment to prioritising the health and wellbeing of the community with the benefits of sport and recreation to communities being well documented and widely recognised including physical and mental health benefits as well as social benefits such as connections to community providing social interaction thereby fostering friendships and social cohesion.

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

Environmental factors such as water availability should be considered in the design of active sports spaces and sporting infrastructure.

*Policy Implications*

A15 - Asset Management

*Risk Management Implications*

Risk Level	Comment
Moderate	<p>The Implementation Plan commences in the 2023/2024 financial year with the planning phase of several key projects already underway including new clubrooms and covered arena at the Murray Regional Equestrian Centre and planning for the redevelopment of the Pinjarra Golf Club and the Murray District Pistol Club in the form of needs, feasibility and the development of masterplans.</p> <p>Planning for the George Beacham Pavilion replacement is funded and will commence this financial year and the detailed design and costings for the Enzo Menara Changeroom upgrades are complete and have been put forward as a potential project for Federal funding as part of the Shire’s lobbying and advocacy.</p> <p>The detailed design and construction of these projects as well as the implementation of future projects will require significant funding and there is the risk that projects will be unable to proceed on the forecasted timeline should there be insufficient funds allocated or able to be accessed via grant schemes or through advocacy and lobbying.</p>

**Consultation**

Significant engagement has taken place with sporting and recreation clubs in the development of the Plan. Officers and consultants have made direct contact with Clubs over a number of months to understand their aspirations and strategic goals. In March a series of drop in sessions were also held to provide an overview of the draft Plan. Invitations were sent to all Clubs and the one-on-one sessions were attended by representatives from 10 Clubs.

**Resource Implications***Financial*

Implementation of the recommendations are reliant on funding allocations in the Long-Term Financial Plan and through successful grant applications and lobbying.

*Workforce*

Detailed planning as part of the implementation of the recommendations will identify workforce requirements for delivery and ongoing management and maintenance of new infrastructure.

**Options**

1. Endorse the draft Sport and Recreation Infrastructure Plan 2024 – 2034 and associated Implementation Plan and proceed for advertising; or
2. Identify changes to the draft document prior to advertising of the Plan.

**Conclusion**

Development and endorsement of a Sport and Recreation Infrastructure Plan is necessary for the Shire of Murray to guide the sustainable and appropriate provision of Sport and Recreation Infrastructure for the community over the next 10 years and into the future.

A comprehensive process has been undertaken to prepare the draft Plan and it is now requested it be endorsed for wider public comment. Should there be no comments received during the advertising period that would require changes to the Plan it is requested that the draft documents as contained in Appendices 1 – 3 be endorsed as final.

### 13.3 Shire of Murray Public Electric Vehicle Charging Plan 2024 - 2029

File Ref:	D24/9685
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Krystal Dawe, Manager Place and Economic Development
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 13.3 Appendix 1 - Shire of Murray Public Electric Vehicle Charging Plan 2024-2029 (Page 484) Item 13.3 Appendix 2 - Shire of Murray Public Electric Vehicle Charging Plan 2024-2029 - Financial Modelling (Page 522)

#### Recommendation

##### That Council:

- 1. Endorse and adopt the Shire of Murray Public Electric Vehicle Charging Plan 2024-2029 as set out in Appendix 1;**
- 2. Acknowledge that electric vehicle fast charging infrastructure is capital-intensive to install, govern and maintain; and**
- 3. Requests the Chief Executive Officer to continue to explore feasible opportunities to install or advocate for electric vehicle fast charging infrastructure in Pinjarra and Dwellingup.**

#### In Brief

Council is requested to consider endorsing the Shire of Murray Public Electric Vehicle Charging Plan 2024-2029.

#### Background

- In January 2024, the Shire engaged the services of EVenergi to assist with the development of a Shire of Murray Public Electric Vehicle Charging Plan. EVenergi is a leading transport transition planning consultancy agency, delivering projects across Australia, United Kingdom, United States, Canada and Asia.
- The Shire sought assistance from EVenergi to evaluate the demand for public charging electric vehicle (**EV**) infrastructure in the Murray Region, inform a strategic and coordinated approach to the planning and delivery of public EV charging infrastructure, rank priority locations and undertake financial and governance modelling on two locations to inform investment decisions.
- While the Shire is geographically large, when considering the range of EVs on the market today (and coming to the market), along with the existing fast charging network more broadly and the likely travel patterns of people passing through the region, the advice suggests that only 1-2 fast charging locations would be required in the next five or so years.
- The Shire of Murray Public Electric Vehicle Charging Plan 2024-2029 (**Plan**) has been developed and ranks 13 locations in regards to its suitability for EV charging infrastructure. Financial and governance modelling was undertaken for the Edenvale Heritage Precinct (James Street Public Car Park) and the Dwellingup Trails and Visitor Centre to assist Council in making investment or advocacy decisions for the installation of EV fast charging infrastructure.
- The modelling undertaken for both sites in connection to the Plan indicates that it is capital-intensive to install, govern and maintain EV fast charging infrastructure and based on the revenue projections, it would not be economically profitable for Council to do so without considerable grant funding to reduce its capital investment expenses.

**Report Detail**

To assist with the evaluation and development of the Plan, the Shire provided 10-15 locations for consideration and assessment for the suitability for public EV charging infrastructure. The site selection was largely based on land within the Shire’s control, provided public access, would complement or align with the site’s land use and not negatively impact on the amenity of the surrounding areas. A number of other sites were also included based on the advice of the consulting team.

A multi-criteria assessment of the sites was then undertaken, ranking each of the locations. The multi-criteria assessment considered a range of factors, including population, EV uptake, number of tourism points nearby, proximity to other fast charging infrastructure, distance from main transport routes, plus site-specific factors like ownership, flood risk, number of public car spaces at the site etc.

Recognising the gradual adoption of EVs in the Murray Region and across the broader State, the multi-criteria assessment was adjusted to consider the unique factors of the Shire of Murray. For example, being situated between Perth and the South-West means that the Murray Region enjoys a strategic location, though the typical EV range comfortably accommodates travellers between the Regions without necessitating a stop in Murray. For this reason, prioritising sites with tourism potential within the multi-criteria assessment had a greater emphasis than what might be considered in a metropolitan setting.

The multi-criteria assessment identified the below three sites as being the most suitable and highest priority for the installation of public EV fast charging infrastructure:

1. Pinjarra Town Centre (Public Car Park: 16 -20 James Street, Pinjarra);
2. Edenvale Heritage Precinct (Public Car Park: 8 Murray Street, Pinjarra); and
3. Dwellingup Trails and Visitor Centre (Centre Car Park: Marinup Street, Dwellingup).

Modelling of two locations to forecast infrastructure size, cost and revenue was undertaken for the Edenvale Heritage Precinct and Dwellingup Trails and Visitor Centre to ascertain financial feasibility and inform investment recommendations.

This also included consideration of the best governance and operational model, with the below models considered:

- Land Lease: Shire is a land lessor and the CAPEX, OPEX and revenue are borne by a lessee.
- Revenue Share: Shire takes on some of the revenue risk and might also take on some CAPEX risk. The Shire does not earn a lease on the land.
- Build-Own-Operate: All risks are borne by the Shire. The Shire would install the infrastructure and own/operate it.

To inform the analysis, the following CAPEX and OPEX assumptions were made, based on EVenergi’s technical knowledge and experience. The CAPEX, being the capital upfront investment and the OPEX being annual operational expenses which increase annually based on CPI and increased use of the infrastructure.

<b>Expenses (CAPEX)</b>	
Upstream upgrade costs (Western Power)	\$374,143
Charger costs (2x150kw)	\$210,000
Site upgrades	\$176,479
<b>TOTAL</b>	<b>\$760,622</b>

<b>Expenses (OPEX)</b>	
Site maintenance	\$819
Software subscription	\$420
Charger maintenance	\$3,150
Electricity purchase	\$5,542
<b>TOTAL</b>	<b>\$9, 931</b>

A copy of the Shire of Murray Public Electric Vehicle Charging Plan 2024-2029 can be found at **Appendix 1**. A full breakdown of the economic modelling can be located at **Appendix 2**.

The findings indicate that fast charging infrastructure is capital-intensive to install, govern and maintain. Considering the two site’s revenue projections based on the anticipated number of passing EVs, EV adoption trends and the charger’s capacity, both sites are not anticipated to be economically profitable for the life of the charging infrastructure (eight years). It should be noted however that the capital costs for upgrading the electrical network are unlikely to be required following eight years. Investment decisions regarding EV charging infrastructure may also not always be based on the charging infrastructure returning a profit and rather to encourage the transition to electrified and low-emission vehicles or other reasons.

The Edenvale Heritage Precinct location (and Pinjarra in general) was considered the more viable option than the Dwellingup Visitor and Trails Centre based on its geographic positioning, steady flow of traffic and appeal as a diverse tourist destination.

The recommendations indicate that the Build-Own-Operator model is likely the most realistic option for Council. The Land Lease model may be an option if Council could significantly subsidise the CAPEX to make the transaction attractive for an investor.

**Council Plan**

<b>Focus Area</b>	Planet
<b>Outcome 5</b>	Shared responsibility for combatting climate change.
<b>Objectives 5.1</b>	Reduce greenhouse gas emissions.
<b>Action 5.1.1</b>	Conduct site analysis to identify suitable locations for EV charging stations.
<b>Action 5.1.2</b>	Advocate for fast-charging stations for electric vehicles in Dwellingup and Pinjarra.

<b>Focus Area</b>	Prosperity
<b>Outcome 13</b>	Visitor numbers are growing.
<b>Objectives 13.1</b>	Create a compelling tourism offer to attract tourists and visitors.
<b>Actions 13.1.4</b>	Implement the Edenvale Place and Activation Plan.

**Other Strategic Links**

- Pinjarra Town Centre Revitalisation Strategy 2017
- Edenvale Heritage Precinct Place and Activation Plan 2022
- Shire of Murray Environmental Sustainability Strategy 2024

**Statutory Environment**

Nil.

**Sustainability & Risk Considerations**

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

Advice from the consulting team suggests that fast charging stations have a moderate turnover of vehicles, but with low dwell times. Travellers also often utilise the fast charging stations outside of normal business hours. Therefore, when considering the economic possibilities and unlocking additional revenue for businesses in the Pinjarra or Dwellingup, the installation of fast chargers may not have the anticipated or desired impact.

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

The identified locations in Pinjarra and Dwellingup are within public land and are not expected to adversely impact any nearby residents, users or tenants.

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

The Shire of Murray’s Environmental Sustainability Strategy 2024 identifies transport (38%) as its second highest emitter contributing to greenhouse gas emissions, with the Shire’s residents being highly dependent on private vehicles for transport. Supporting and encouraging the transition to electrified and low-emission vehicles will assist in decarbonisation.

*Policy Implications*

Nil.

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
High	Given the economic modelling, feasibility and capital investment required from the Council to install EV fast charging infrastructure, it is likely to experience reputational damage in investing in the infrastructure when the analysis indicates that there is not a strong business case to support the investment.

**Consultation**

Through the engagement in connection to the development of the Shire of Murray’s Strategic Community Plan, the community requested a stronger focus on sustainability and climate change. Additionally, the Shire of Murray’s Environmental Sustainability Strategy was recently advertised in September and October 2023, with identifying suitable locations for EV charging stations an action for implementation within two years and installation of fast-charging stations for EV in Dwellingup and Pinjarra an action for implementation within five years. Following its advertisement and receiving positive feedback from the community, Council adopted the Environmental Sustainability Strategy in February 2024.

**Resource Implications**

*Financial*

The findings indicate that fast charging infrastructure is capital intensive to install, govern and maintain.

Under the Build-Own-Operator model, Council would be responsible for the CAPEX and OPEX. The revenue over eight years is estimated at \$1,174,351, with a CAPEX of \$760,622 and an OPEX of \$429,823. The model suggests that a profit wouldn’t be made, but Council may ‘break even’ after eight years which is also the typical lifespan of the charging infrastructure.

Under the Land Lease model and based on the revenue projections, Council would need to subsidise the CAPEX costs in order to present an attractive investment opportunity.

The State Government's Charge Up Grant (due to close 4 May 2024) will provide funding assistance for:

- 50% of charging infrastructure costs
- 50% of software
- \$5,000 towards charger installation
- \$150,000 for electricity network upgrades

Should Council be successful in securing funding assistance under the current Charge Up Grant and based on the modelling, it would still need a capital investment of around \$500,000.

Recent discussions with the Charge Up Grant team indicate that take up of the funding by Local Governments has not been high and that a subsequent funding round is likely and potentially with a revised funding criteria.

#### *Workforce*

Any workforce implications can be absorbed within existing resources.

#### **Options**

1. Endorse and adopt the Shire of Murray Public Electric Vehicle Charging Plan 2024-2029 and instruct Shire Officers to continue to explore feasible opportunities to install or advocate for fast charging EV infrastructure in Pinjarra and Dwellingup; or
2. An alternative course of action.

#### **Conclusion**

Based on the findings and modelling which indicate that fast charging infrastructure is capital intensive to install, govern and maintain, the limited grant funding contribution and based on the revenue projections, it is recommended that Council endorse the Shire of Murray Public Electric Vehicle Charging Plan 2024-2029, acknowledge that a capital investment of that significance may be premature based on Council's competing infrastructure properties and instruct Shire Officers to continue to explore feasible funding and infrastructure opportunities as they may arise to either install or advocate for fast charging infrastructure in Pinjarra and Dwellingup.



### **13.4 Fee Waiver - Pinjarra RSL Club - ANZAC and Remembrance Day Services**

File Ref:	D24/9763
Previous Items:	Nil.
Applicant:	Pinjarra RSL Club
Author and Title:	Jennifer Russell, Senior Place and Events Officer
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Nil.

#### **Recommendation**

##### **That Council**

- 1. Support a fee waiver for reserve hire of the War Memorial on the Glebe Land and special event application fees to the Pinjarra RSL Club for its annual ANZAC Day Service held on 25 April and Remembrance Day Service held on 11 November indefinitely.**
- 2. The indefinite waiver for RSL on ANZAC Day and Remembrance Day events be included in the Council Policy Manual.**

##### **In Brief**

- That Council support a fee waiver for reserve hire of the War Memorial on the Glebe Land and special event application fees to the Pinjarra RSL Club for its annual ANZAC Day Service held on 25 April and Remembrance Day Service held on 11 November for a period of 10 years, totalling \$221.00 (plus CPI) per annum.
- The Pinjarra RSL Club currently have a perpetual fee waiver for use of the Pinjarra Civic Centre venue and special event application fees for its annual ANZAC Day (25 April) and Remembrance Day (11 November) services.
- Since the relocation of the War Memorial to the Glebe Land within the Edenvale Heritage Precinct in 2020, the Pinjarra RSL has shifted the hosting these events from the Pinjarra Civic Centre to the War Memorial site.
- Shire officers are requesting Council to consider continuation of a fee waiver approval to reflect the change of venue.

##### **Background**

- On 6 October 2015 and under delegated authority, the Shire's CEO supported a perpetual fee waiver for use of the Pinjarra Civic Centre and special event application fees in support of the Pinjarra RSL Club's annual ANZAC Day (25 April) and Remembrance Day (11 November) services.
- At its October 2019 meeting, Council carried unanimously to move the War Memorial from its former location at the Pinjarra Civic Centre to its new location on the Glebe Land, adjacent to the Edenvale Heritage Precinct.
- With the positive support for the relocation from both the Pinjarra RSL Club and wider community, the War Memorial was relocated in 2020.
- ANZAC Day services in 2020, 2021 and 2022 were not commemorated on site due to the relevant State Emergency Management COVID-19 Directions applicable at the time of these events.

**Report Detail**

The Pinjarra RSL, formally the Murray RSL, has been organising the ANZAC Day and Remembrance Day services locally since 1919. Since that time and to the officer’s knowledge, it has not been charged venue hire fees or administration fees in connection to the two events.

In the past, the Shire of Murray’s support and assistance for both events is acknowledged verbally at the conclusion of the services, by use of our logo in the printed program. The Shire President, Deputy Shire President and/or CEO is also typically in attendance to lay a wreath at both services.

Shire of Murray Fees and Charges 2023-2024 relevant to the two events at the Glebe Land Reserve are:

<b>Fees and Charges</b>	<b>Anzac Day</b>	<b>Remembrance Day</b>
All other public reserves – venue hire	\$68.00	\$68.00
Special event application – public events – 101 to 1000 people (50% deduction for not for profit organisations)	\$42.50	\$42.50
Subtotal	\$110.50	\$110.50
<b>Total</b>	<b>\$221.00</b>	

Council is requested to consider the waiver of the above fees (and any increases as a result of CPI) for a period of ten years.

**Council Plan**

<b>Focus Area</b>	People
<b>Outcome 3</b>	An active and healthy community.
<b>Objectives 3.3</b>	Grow participation in art, culture and community activities and events.
<b>Objective 3.4</b>	Build community capacity by helping local community groups, and clubs to develop and grow.

<b>Focus Area</b>	Prosperity
<b>Outcome 13</b>	Visitor numbers are growing.
<b>Objectives 13.1</b>	Create a compelling tourism offer to attract tourists and visitors.
<b>Actions 13.1.4</b>	Implement the Edenvale Place and Activation Plan.

**Other Strategic Links**

Edenvale Heritage Precinct Place and Activation Plan 2021 – 2031

**Statutory Environment**

Local Government Act 1995

**6.12. Power to defer, grant discounts, waive or write off debts**

- (1) Subject to subsection 2 and any other written law, a local government may –
  - (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or

- (b) waive or grant a concession in relation to any amount of money; or
- (c) write off any amount of money, which is owed to the local government.

\* Absolute majority required.

- (2) Subsections (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subregulation (1) or regulate the exercise of that power.

**Sustainability & Risk Considerations**

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

On average, approximately 100 people attend the ANZAC Day service and 500 to the Remembrance Day service. Hosting this event within the Edenvale Heritage Precinct supports the user groups of the Precinct and nearby businesses.

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

ANZAC Day and Remembrance Day services bring communities together in remembrance and reflection. Through attending commemorative events such as dawn services, parades, and ceremonies, people connect with one another, strengthening bonds and fostering a sense of unity.

Both events provide opportunities for older generations to share their experiences and stories with younger generations, fostering inter-generational understanding and empathy.

Commemorating ANZAC Day and Remembrance Day provides numerous social benefits, including community cohesion, inter-generational understanding, promotion of values, respect for veterans, reflection on peace and conflict, promotion of national identity, and support for veterans and their families.

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

Nil.

*Policy Implications*

Policy C10 – Waiver of Fees and Charges – Requests over \$500 from Shire of Murray based organisations and individuals are to be presented to Council for determination. The Policy also only supports one-off events.

Should the officer recommendation be supported and as part of the Shire’s Policy Review, the officers will look to introduce a policy reconfirming Council’s position and support to waive the fees relating to the ANZAC Day and Remembrance Day services.

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
High	By not continuing to support this organisation and these significant events, there is a high risk of reputation damage to the Shire of Murray.

**Consultation**

Consultation with the Pinjarra RSL Club is ongoing.

## Resource Implications

### *Financial*

As outlined above, the calculated fees for both events in the 2023-2024 financial year is \$221. Over 10 years the fees would be over \$2,210 plus annual CPI increases.

### *Workforce*

Nil.

Any workforce implications can be absorbed within the existing resources.

## Options

1. Support a full fee waiver of \$221.00 + CPI increases in support of the Pinjarra RSL Club's annual Anzac Day and Remembrance Day services for a period of 10 years.
2. Decide on an alternative amount to be paid for the venue hire and special event application fees;  
or
3. Not support a fee waiver.

## Conclusion

Supporting ANZAC Day and Remembrance Day services aligns with the role of local councils in promoting community wellbeing, preserving cultural heritage and fostering social cohesion. ANZAC Day and Remembrance Day hold significant historical and cultural importance for Australians and New Zealanders alike, serving as a time to commemorate, reflect and honour the sacrifices made by those who have served their countries.

Should Council support the requested full fee waiver for venue hire and special event application fees, the Shire can encourage the Pinjarra RSL to continue to acknowledge the Shire of Murray for their support of these events. This can include:

- Acknowledgement of the Shire of Murray in publicity, speeches and advertising materials where appropriate;
- Shire of Murray logo to appear on publicity, advertising, posters, brochures and programming where appropriate and within the Applicant's control;
- Invitation for representative/s from the Shire of Murray to both events.

**14 INFRASTRUCTURE SERVICES**

Nil.

## **15 ITEMS FOR INFORMATION**

### **15.1 Outstanding Council Resolutions April 2024**

File Ref: D24/10758

Author and Title: Belinda Brown, Executive Services Coordinator

Appendices: Item 15.1 Appendix 1 - Outstanding Council Resolutions April 2024  
(Page 532)

#### **In Brief**

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

**15.2 Delegated Development Application Decisions - March 2024**

File Ref: D24/10778

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

Appendices: Item 15.2 Appendix 1 - Delegated Decisions for March 2024 (Page 545)

**In Brief**

The Delegated Development Application Decisions for March 2024 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) and e(iii) of the *Local Government Act 1995* for the purpose of considering the following confidential item/s:**

**20.1 Leasing Arrangements of Buildings - Edenvale Heritage Precinct**

**21 CLOSURE OF MEETING**