



Minutes

Ordinary Council Meeting

Thursday 21 March 2024 at 5.30pm

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Minutes of Shire of Murray Ordinary Council Meeting held at the Murray Shire Council, 1915 Pinjarra Road, Pinjarra on Thursday, 21 March 2024

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

2 ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

PRESENT

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

IN ATTENDANCE

Rod Peake (Director Planning and Sustainability), Alan Smith (Director Infrastructure Services), Krystal Dawe (Acting Director Place, Community and Economic Development), Tracie Unsworth (Director Corporate Services), Belinda Brown (Minute Taker)

APOLOGIES

Cr David Pike, Dean Unsworth (Chief Executive Officer), Leanne McGuirk (Director Place, Community and Economic Development).

LEAVE OF ABSENCE

Nil.

There were five (5) members of the public, four (4) members of staff in attendance at this time.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Mr Christopher Downie – Birchmont (Question from the floor)

Question:

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

Answer:

The Shire of Murray has previously developed its Bushfire Risk Management Plan 2021 – 2026 (BRM Plan). The aim of the BRM Plan is to effectively manage bushfire risk in order to protect people, assets and other things of local value in the Shire of Murray.

The objectives of this BRM Plan are to:

- Guide and coordinate a tenure blind, multi-agency BRM program over a five year period;
- Document the process used to identify, analyse and evaluate bushfire risk, determine priorities and develop a plan to systematically treat bushfire risk;
- Facilitate the effective use of the financial and physical resources available for BRM activities;
- Integrate BRM into the business processes of local government, land owners and other agencies;
- Ensure there is integration between land owners, BRM programs and activities; and
- Document processes used to monitor and review the implementation of treatment plans to ensure they are adaptable and that risk is managed at an acceptable level.

A copy of the BRM Plan can be found on the Shire website at [bushfire-risk-management-plan \(murray.wa.gov.au\)](https://www.murray.wa.gov.au/bushfire-risk-management-plan)

Mr Guy Pages – Birchmont (Questions from the floor)

Question:

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

Answer:

The Shire has no knowledge as to the reason that a local landowner took it upon themselves to install a gate across the PAW at Possum Way and Kangaroo Loop.

4 PUBLIC QUESTION TIME

Ms Janine McClements – Pinjarra

Question 1:

Roaming cats in my neighbourhood wake me in the night, use my garden as a toilet and my car as a warm spot to relax – not to mention their habit of preying on birds and reptiles things I cherish in my garden. Does the Council have plans to introduce cat containment requirements i.e for pet cats to be confined on their owner's property?

Answer:

The Shire of Murray is currently drafting Cat Local Laws that will look at various requirements for cat owners to contain their cat/s to their property, introduce cat "free" areas and make areas such as parks and reserves prohibited areas to cats. It is envisaged that the Cat Local Laws will be introduced with the next 12 months subject to legislative and State Government requirements.

Question 2:

I am aware of the support Rangers offer in providing cat traps to cat-harassed property owners and appreciate it. I have also researched other tips and tricks to keep roaming pet cats off my property. My concern is such actions are reactive and thus onus to act is placed on the cat-harassed property owner. Assuming there are no immediate plans to introduce cat containment laws, can the Council consider increasing cat registration fees to fund other more proactive actions? This could include providing cat repellent sprays and other deterrents, or doing letter box drops in cat-harassed neighbourhoods explaining why cats need to be contained, or even providing guidance for cat owners to build low cost cat friendly enclosures or train their cat to walk on a lead should they wish their cats to have outdoor time.

Answer:

The State Government determines and sets the registration fees for cats; therefore, Local Governments are unable to establish their own cat registration fees. When possible, the Shire does undertake education programs targeted at cat owners' responsibilities. The Shire also undertakes targeted letterbox drops in areas where, on occasions, the Rangers have identified issues with cats including wandering and nuisance cats. The Rangers often undertake registration checks as a way of identifying unregistered, unsterilized, non-microchipped cats, properties with excessive cats and properties with little or no cat confinement.

5 PETITIONS AND APPROVED DEPUTATIONS

Nil.

6 CONFIRMATION OF MINUTES**6.1 Ordinary Council Meeting – 22 February 2024**

Recommendation/Council Decision OCM24/018

Moved: Cr S Lee

Seconded: Cr A Rogers

That the Minutes of the Ordinary Council Meeting held on Thursday 22 February 2024 be confirmed as a true and correct record.

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

Against: Nil.

CARRIED UNANIMOUSLY 8:0

6.2 Audit and Risk Committee Meeting - 22 February 2024

Recommendation/Council Decision OCM24/019

Moved: Cr D McLarty

Seconded: Cr S Kirkham

- 1. That the Minutes of the Audit and Risk Committee Meeting held on Thursday 22 February 2024 be confirmed as a true and correct record.**
- 2. Adopts recommendation AC24/001 from the Audit and Risk Committee Meeting held on Thursday 22 February 2024.**

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

Against: Nil.

CARRIED UNANIMOUSLY 8:0

7 ANNOUNCEMENTS BY THE PRESIDING MEMBER

On 23 February I attended the opening event of the new Food Technology Production Facility - SIFT, which was held at the FIPWA Building in Nambeelup.

On 26 February I took part in a Youth Workshop Presentation to plan the Youth Festival as part of Youth Week, that was held by the Community Development Team. Later in the day the CEO, Shire Officers and I met with a developer to discuss plans for a new commercial proposal in the Shire.

On 27 February Shire Officers and I meet with a Community Member onsite at Pinjarra regarding some community safety issues. Later in the day Shire Officers and I meet with members from the Anglican Parish regarding upcoming community events and plans. In the evening, I attended and said a few words of thanks to a long serving Shire Officer on his last day at the Shire of Murray.

On 28 February Shire Officers the CEO and I attended the Dwellingup Futures Meeting which was held at the DBCA Office in Crawley. This was to look at opportunities to progress new housing and

accommodation developments in and around the town of Dwellingup to build a sustainable town and population for the future.

On 29 February a fellow Councillor, Shire Planning Officers and I took part in a JDAP meeting which was held online at the Shire Administration Building. Following this meeting I attended the North Dandalup Primary School for the Official Opening of the new school canteen. Later in the afternoon the CEO and I took part in an initial online meeting with the consultants who are preparing the Murray Health Futures feasibility and business case.

On 1 March the CEO, Shire Officers and I hosted a meeting with a developer to discuss a commercial proposal in the in the Shire. This was followed by a meeting with community members and small business operators in the town of Dwellingup.

On 4 March I represented the Shire at the annual Pinjarra Cup event along with representatives from RAWA and other racing industry executives.

On 6 March the CEO, Deputy President and I attended a business breakfast briefing event with the Hon Peter Dutton which was held at the Crown Ball room in Perth. That evening, I attended a meeting with members of the Peel Environment Protection Alliance in Pinjarra.

On 7 March fellow Councillors, Executive Staff and I attended a Tour of the Alcoa mine sites and refinery as part of the Monthly Councillor Briefing Session. In the afternoon the Councillors and Executive Team hosted a meeting with members of the Murray Delta Residents and Ratepayers Association Islanders to discuss the Coastal Hazard Risk Management Adaptation Plan (CHRMAP), this meeting was held in the Council Chambers.

On 8 March the CEO and I presented the upcoming priorities and advocacy projects to the Director of Regional Development Australia Peel. In the Afternoon the CEO, Shire Officers and I hosted a meeting at the Shire Administration with the Hon Neil Thomson MLC (Shadow Minister for Treasury; Environment and previously Planning) to give an overview on the Coastal Hazard Risk Management Adaptation Plan and progress.

On 9 March I attended the Austin Lakes Sailing Club Australian Championship event held at Austin Lakes.

On 10 March I attended the Sunday market at the Pinjarra Town Square. Later in the morning I attended the second day of the Austin Lakes Sailing Club Australian Championships.

On 11 March the Deputy Shire President, CEO and I hosted a meeting with the Hon Andrew Hastie MP to present the upcoming projects in the Murray region. In the evening the CEO and I attended and presented at an information session at the Pinjarra Golf Club regarding the project that the Pinjarra Golf Club Redevelopment Working Group are progressing.

On 12 March the CEO, Shire Officers and I attended a meeting at the Alcoa Offices with representatives from the Shire of Waroona to discuss mining avoidance zones in and around the Dwellingup and Lane Poole areas.

On 20 March I attended a briefing with the Mandurah Times on projects in the Shire of Murray. In the evening, I attended the opening of the National Rally for the Ulysses Club of Australia and gave a short welcome address to approximately 350 of their members who had gathered in the Shire from around the country.

On 21 March I attended a community briefing session on the Federal Governments proposed Wind Farm Zone off the WA coastline. In the evening, I presided over the February Ordinary Council Meeting held in the Council Chambers.

8 ANNOUNCEMENTS BY ELECTED MEMBERS**Cr Douglas McLarty, Deputy Shire President**

On 6 March the Shire President, CEO and I attended the Breakfast with the Hon Peter Dutton MP Event at the Crown Ballroom in Perth.

On 7 March I along with Fellow Councillors and the Executive Team hosted a meeting with members of the Murray Delta Residents and Ratepayers Association Islanders to discuss the Coastal Hazard Risk Management Adaptation Plan (CHRMAP), this meeting was held in the Council Chambers.

On 11 March the Shire President, CEO and I hosted a meeting with the Hon Andrew Hastie MP to present the upcoming projects.

On 22 February I attended the March Ordinary Council Meeting which was held in the Council Chambers.

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

Cr S Kirkham declared an Impartiality Interest in Item 12.3 Shire of Murray Bush Fire Brigades Local Law 2024 in that he is an Officer with the Coolup Volunteer Bush Fire Brigade.

Cr D McLarty declared an Impartiality Interest in Item 12.3 Shire of Murray Bush Fire Brigades Local Law 2024 in that he is an elected office bearer for the Coolup Volunteer Bush Fire Brigade.

Cr A Rogers declared an Impartiality Interest in Item 12.3 Shire of Murray Bush Fire Brigades Local Law 2024 in that she is an elected office bearer for the Coolup Volunteer Bush Fire Brigade.

10 RECEPTION OF MINUTES AND RECOMMENDATIONS OF COMMITTEES HELD SINCE PREVIOUS MEETING OF COUNCIL**10.1 Minutes of the Local Emergency Management Committee Meeting held on 14 February 2024**

File Ref: D24/7407

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

Appendices: Item 10.1 Appendix 1 - Shire of Murray and Waroona Local Emergency Management Committee - 14 February 2024 - Appendices Redacted

Recommendation/Council Decision OCM24/020**Moved: Cr S Kirkham****Seconded: Cr D McLarty****That Council notes the Minutes of the Local Emergency Management Committee Meeting held on Wednesday 14 February 2024.****In Favour: President David Bolt, Crs Douglas McLarty, Geoff Black, Stuart Kirkham, Steve Lee, Ange Rogers, Stewart Carter and Nicole Willis****Against: Nil.****CARRIED UNANIMOUSLY 8:0**

REPORTS OF CHIEF EXECUTIVE OFFICER AND OFFICERS

11 PLANNING AND SUSTAINABILITY

Nil.

12 CORPORATE GOVERNANCE**12.1 Alfresco Dining Lease - Sandy Cove Tavern - Portion of Reserve 39896, Lot 1833 Delta Drive, South Yunderup**

File Ref: D24/6808
 Previous Items: PPS Dec 2013 Item 7.4 (PPS13/160)
 OCM Dec 2013 Item 11.4 (OCM13/253)
 OCM Mar 2015 Item 12.3 (OCM15/048)
 OCM Oct 2016 Item 11.4 (OCM16/237)
 OCM Nov 2016 Item 11.4 (OCM16/274)
 OCM Dec 2023 Item 12.1 (OCM23/191)
 Applicant: Lainey Marketing Pty Ltd (ACN: 092 901 098)
 Gastevski Group Pty Ltd (ACN:151 931 654)
 Author and Title: Julie Pantaleo, Governance Officer
 Declaration of Interest: Nil.
 Voting Requirements: Simple Majority
 Appendices: Nil.

Recommendation/Council Decision OCM24/021**Moved: Cr S Kirkham****Seconded: Cr S Carter****That Council:**

- 1. Approves for the lease agreement with Lainey Marketing Pty Ltd for an area estimated at 55m² located in a portion of Reserve 39896, Lot 1833 Delta Drive, South Yunderup, to be assigned to Gastevski Group Pty Ltd without any change to terms, conditions or obligations to the seeking of the Minister for Lands consent.**
- 2. Supports the lease assignment being advertised by local public notice for a period of not less than 14 days and subject to no adverse comments being received, authorises the Chief Executive and the Shire President to execute the formal Deed of Lease assignment.**

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

Against: Nil.

CARRIED UNANIMOUSLY 8:0**In Brief**

Council is requested to consider assigning the existing alfresco dining lease arrangement with Lainey Marketing Pty Ltd relating to a portion of Reserve 39896, Lot 1833 Delta Drive, South Yunderup which is currently being used in association with the Sandy Cove Tavern at 146 South Yunderup Road, South Yunderup, to Gastevski Group Pty Ltd.

Background

An alfresco dining area adjacent to 146 South Yunderup Road, South Yunderup has operated for some time. Historically between 2013 until now, an agreement for an alfresco dining area has been in effect under a deed of lease agreement.

A request has been received to reassign the lease from Lainey Marketing Pty Ltd to Gastevski Group Pty Ltd.

Report Detail

At the Ordinary Council Meeting on 21 December 2023, Council agreed to enter into a new lease agreement with Lainey Marketing Pty Ltd commencing 1 February 2024 over a 10-year period. This was based on an initial five-year term and a five-year further term.

Lainey Marketing are currently in the process of selling their proprietorship of the Sandy Cove Tavern Pty Ltd. A written request has been submitted for the lease to be assigned to the new proprietors, Gastevski Group Pty Ltd.

Gastevski Group Pty Ltd have confirmed in writing that the lease assignment would be accepted.

Under clause 22.6 of the current Alfresco Dining Lease, it states:

“If the Lessee wishes to assign, sub-lease or transfer this lease, the Lessee must pay all reasonable professional and other costs, charges and expenses, incurred by the Lessor or other persons whose consent is required under this lease, of and incidental to:

- a) the enquiries made by or on behalf of the Lessor as to the respectability, responsibility and financial standing of each proposed assignee, sub-lessee or transferee;*
- b) any consents required under this Lease of at law; and*
- c) all other matters relating to the proposed assignment, sub-lease or transfer, whether or not the assignment, sub-lease or transfer proceeds.”*

The lease term will continue until the lease is due to expire on 31 January 2034, with the annual rent continuing from the 2024/2025 period at \$950 per annum, plus GST and the annual review, based on CPI Review.

A Market Rental Review will be conducted prior to the 5th anniversary of the Commencement Date.

Supporting a lease assignment provides surety for the use of the area for alfresco purposes and the lease terms will ensure that the lessee is obligated to ensure the area is clean and tidy.

Council Plan

Focus Area	Prosperity
Outcome 11	Sustainable economic growth with decent work for all.
Objectives 11.11	Maximise inherent regional economic opportunities.

Other Strategic Links

Nil.

Statutory Environment

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

(1) *In this section –*

Dispose *includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

Property *includes the whole or any part of the interest of a local government in property, but does not include money.*

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
- (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned;
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
- (a) the names of all other parties concerned;
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition –
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition: or
 - (ii) declared by a resolution of the local government on the basis of a valuation being carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.”

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

Sustainability & Risk Considerations

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

Assignment of the lease arrangement for the alfresco site will not negatively impact the community and the annual lease fee will continue to be paid by the newly assigned party to the agreement.

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

Assignment of the lease to continue use of a portion of the reserve for alfresco dining is not likely to adversely affect adjoining landowners, as no change of current use is proposed.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

The *Local Government Act 1995* provides formal process for the disposition of property and Council policies are not impacted by this proposal.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	With the advertising required and the opportunity to comment on the proposal, the risk of negative community feedback is limited. No change or intensification of use of the current site if proposed.
Medium	If Council do not support the assignment of the alfresco dining lease as recommended, the Shire may need to terminate the agreement as the other party to the agreement will

	no longer be operating the Sandy Cove Tavern. This would mean that the use of the reserve would need to cease.
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Consultation

- Lainey Marketing Pty Ltd
- Gastevski Group Pty Ltd

Resource Implications*Financial*

The cost of advertising the proposal can be accommodated within existing budget provisions.

Workforce

Sufficient capacity exists to enact the lease assignment as recommended.

Options

1. Support the lease assignment, as recommended; or
2. Not support the lease assignment or come to an alternative position.

Conclusion

The alfresco dining area adjacent to the Sandy Cove Tavern is very popular. Visitor numbers to the area are increasing especially on weekends and during holiday periods. Supporting the lease assignment provides the Tavern greater surety to plan for business needs and explore growth opportunities.

12.2 Proposed Variation to Leased Area – Lot 38 Dollyup Street Stake Hill – Food Innovation Precinct WA

File Ref: D24/6818
Previous Items: SCM 13 Apr 2023 Item 7.1 (SCM23/008)
Applicant: Groundswell Drive Thru Pty Ltd
Author and Title: David Bentley, Manager Governance and Strategy
Declaration of Interest: Nil.
Voting Requirements: Absolute Majority
Appendices: Item 12.2 Appendix 1 - WAFIP - Market Valuation Report

Recommendation/Council Decision OCM24/022

Moved: Cr S Lee

Seconded: Cr S Kirkham

That Council:

1. **Accepts, pursuant to section 3.58(4)(c)(ii) of the *Local Government Act 1995*, the market rental valuation of \$150 per square metre per annum (ex GST) provided by Acumentis for the Innovation Centre in Lot 38 Dollyup Street, Stake Hill dated 20 July 2021 as being a true indication of the annual rental value at the commencement of the tenure arrangements proposed in this report, as provided in Appendix 1;**
2. **Supports the Chief Executive Officer publishing via local public notice for a period of not less than 14 days advising that the Shire of Murray proposes to dispose, by way of a lease variation, a further 24m² portion of Lot 38 Dollyup Street Stake Hill to Groundswell Drive Thru Pty Ltd for the remainder of their lease period at a rental of \$110 (ex GST) per square metre with a 5-year renewal option being available, with the rent during the option term being based on a market rental valuation by a licenced property valuer.**
3. **Delegates authority to the Chief Executive Officer to do the following if there are no submissions in response to the local public notice period –**
 - a. **Enter into a lease variation with Groundswell Drive Thru Pty Ltd on the above terms and conditions to dispose of a portion of the abovementioned property; and**
 - b. **Negotiating and determining the broad general terms and obligations to apply which are not inconsistent with the above terms and conditions;**
4. **Authorises the Shire President and Chief Executive Officer to execute a lease document drafted pursuant to part 3 of this resolution with Groundswell Drive Thru Pty Ltd.**
5. **Requests a further report to Council should submissions be received during the local public notice period.**

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

Against: Nil.

CARRIED BY ABSOLUTE MAJORITY 8:0

In Brief

Council is requested to consider a variation to the Groundswell Drive Thru Pty Ltd lease at the Food Innovation Precinct WA Innovation Centre following a request from the lessee to expand their leased area.

Background

At the Special Council Meeting on 13 April 2023, Council resolved:

The new leased area is proposed to be a retail area that will be used to showcase local produce and food and beverage products that are produced at the Food Innovation Precinct WA. The lease expansion will encapsulate the area which was previously used as the conference area downstairs at the Innovation Centre. The conference area will move upstairs to ensure the continuation of this amenity.

Groundswell Drive Thru Pty Ltd will be undertaking any fit out works required to the proposed leased area at no cost to the Shire of Murray.

The lease amount of \$110 per square (ex GST) metre is applied to their leased area. As their leased area is increasing, their leased rate will increase from \$4,510 (ex GST) to \$7,260 (ex GST) per annum as their leased area will increase from 41m² to 66m².

To enact the recommendation should Council adopt it, a deed of variation will need to be signed following the public consultation process as provided for within the lease agreement between the Shire of Murray and Groundswell Drive Thru Pty Ltd.

Council Plan

Focus Area	Prosperity
Outcome 11	Sustainable economic growth with decent work for all.
Objectives 11.2	Leverage State Government investment in Transform Peel, Peel Business Park and the Food Innovation Precinct Western Australia.
Actions 11.2.1	Collaborate with key partners to prepare business development strategies to leverage economic potential from Transform Peel, Peel Business Park and Food Innovation Precinct Western Australia.

Other Strategic Links

Nil.

Statutory Environment

Clause 29.5 of the lease with Groundswell Drive Thru Pty Ltd provides that the lease may only be varied by deed executed by the parties subject to such consents as required by this lease or at law. As the land that the Food Innovation Precinct WA is situated on is owned by the Shire in fee simple, there are no legal consents required to vary the lease agreement.

Sustainability & Risk Considerations

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

There are significant long-term economic benefits to the Shire and region with the FIPWA activation and through the leasing of the FIPWA entities to the lessees.

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

Having a strong and vibrant economy adds significantly to the social well-being of the district and the region.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	The risks associated with this report is low. Approving this recommendation will work to ensure that the relationship the Shire has with its tenants at the Food Innovation Precinct WA is maintained to a high level. It also ensures that there is an increased offering at the café to increase foot traffic to the café to support their ongoing viability.

Consultation

Internal Shire departments have been consulted in relation to this report. No issues were raised.

Resource Implications

Financial

There will be an increased revenue from the lease as a result of this report.

Workforce

Sufficient workforce resources exist to enact this recommendation.

Options

1. Approving the recommended lease area variation.
2. Rejecting the recommended lease area variation or coming to an alternative position.

Conclusion

The recommended proposal allows the café at the Food Innovation Precinct WA to expand its operations to ensure it is able to be a viable business as well as showcasing the produce that is made locally and within the Food Innovation Precinct WA itself.

It is recommended that Council proceed with the officer recommendation on the basis of the information contained within this report.

12.3 Shire of Murray Bush Fire Brigades Local Law 2024

File Ref:	D24/7424		
Previous Items:	OCM 25 May 23	Item 12.1	OCM23/047
	OCM 27 Jul 23	Item 12.7	OCM23/101
	OCM 26 Oct 23	Item 20.7	OCM23/163
	OCM 21 Dec 23	Item 12.10	OCM23/200
Applicant:	Nil.		
Author and Title:	John Kowal, Manager Ranger and Community Safety		
Declaration of Interest:	Nil.		
Voting Requirements:	Absolute Majority		
Appendices:	Item 12.3 Appendix 1 - Fire & Emergency Services Commissioner Written Submission		
	Item 12.3 Appendix 2 - Shire of Murray Bush Fire Brigades Local Law 2024		

Cr S Kirkham declared an Impartiality Interest in Item 12.3 Shire of Murray Bush Fire Brigades Local Law 2024 in that he is an Officer with the Coolup Volunteer Bush Fire Brigade.

Cr S Kirkham advised that he would consider the matter on its merits and vote accordingly.

Cr S Kirkham remained in the meeting.

Cr D McLarty declared an Impartiality Interest in Item 12.3 Shire of Murray Bush Fire Brigades Local Law 2024 in that he is an elected office bearer for the Coolup Volunteer Bush Fire Brigade.

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

Cr D McLarty remained in the meeting.

Cr A Rogers declared an Impartiality Interest in Item 12.3 Shire of Murray Bush Fire Brigades Local Law 2024 in that she is an elected office bearer for the Coolup Volunteer Bush Fire Brigade.

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

Cr A Rogers remained in the meeting.

Recommendation/Council Decision OCM24/023

Moved: Cr S Lee

Seconded: Cr S Carter

That Council:

1. **Considers the submissions received and makes the *Shire of Murray Bush Fire Brigades Local Law 2024* as attached at Appendix 2 in accordance with section 3.12 of the *Local Government Act 1995*, subject to:**
 - an amendment to clause 1.3 of the proposed local law that was advertised to substitute “xxxxxxxxxx” with “25 August 2023” to reflect the date the Shire of Murray Bush Fire Brigades Local Law 2023 was published in the Government Gazette; and
 - an amendment to clause 3.7 of the proposed local law that was advertised to add the word “annual” after the words “area until the next” and before “general meeting.” to ensure the correct type of meeting is referenced;
2. **Repeals the *Shire of Murray Bush Fire Brigades Local Law 2023*, as published in the Government Gazette on 25 August 2023, noting the repeal of this local law is covered in clause 1.3 of the newly made *Shire of Murray Bush Fire Brigades Local Law 2024*;**

3. **Authorises the Chief Executive Officer to arrange for the local law to be published in the Government Gazette and undertake any other requirement under section 3.12 of the Local Government Act 1995 to enact the Shire of Murray Bush Fire Brigade Local Law 2024; and**
4. **Sends copies of the adopted Shire of Murray Bush Fire Brigade Local Law 2024 to the Minister for Local Government, Minister for Emergency Services and the Joint Standing Committee on Delegated Legislation.**

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

Against: Nil.

CARRIED BY ABSOLUTE MAJORITY 8:0

In Brief

At its meeting held on the 21 December 2023, Council approval was granted to seek comments from the public on the proposed *Shire of Murray Bush Fire Brigades Local Law 2024* (local law). A copy of the proposed local law is included at **Appendix 2**.

Background

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

Subsequent to the Council adopting the local law and as part of the requirements of section 3.12 of the Act, an Explanatory Memorandum together with copies of the Local Law were sent to the Joint Standing Committee on Delegated Legislation (the Committee). On the 11th October 2023, the Committee wrote to the Shire and provided their advice on the Local Law with the recommendation that Council undertake to recommence the making of an alternate local law by using the WALGA Model Bush Fire Brigades Local Law template.

The Council considered the above information at its meeting of 26 October 2023 with the following Council decision –

That Council resolves to undertake to the Joint Standing Committee on Delegated Legislation that:

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

Report Detail

At the Council meeting held on the 21 December 2023, Council made the following decision:

1. *In accordance with section 3.12(3)(a) of the Local Government Act 1995, authorises the Chief Executive Officer to give local public notice stating that:*

- a. *It is proposed to make the Shire of Murray Bush Fire Brigades Local Law 2023, as provided at Appendix 1 and a summary of its purpose and effect; being:*
 - i. *The purpose of the local law is to make provisions about the establishment, organisation, maintenance, administration and funding of bush fire brigades.*
 - ii. *The effect of the local law is that bush fire brigades will be organised and managed to comply with the provisions of the local law.*
 - b. *The proposed local law may be inspected at the Shire offices during normal opening times, and*
 - c. *Submissions about the proposed local law may be made to the Shire within a period of not less than six weeks after the notice is given.*
2. *In accordance with section 3.12(3)(b) of the Local Government Act 1995, as soon as the local public notice is given, requests that the Chief Executive Officer give a copy of the public notice and the local law to the Minister for Local Government and the Minister for Emergency Services.*
 3. *Notes that any submissions received during the six week public notice period will be presented to Council for consideration following the conclusion of the period stated in the notice.*

In accordance with the abovementioned Council decision the proposed local law was advertised for public comment in the Coastal Times newspaper on 10 January 2024, on the Shire’s Facebook page, website and via Public Notice in Shire buildings on the same date. The advertisement stated that the closing date for public submissions to be received was by the 23 February 2024. Copies of the proposed local law was also sent to the Minister for Local Government and the Minister for Emergency Services, as required.

Council Plan

Focus Area	Planet
Outcome 6	A resilient community equipped to respond to natural disasters and other emergencies.
Objectives 6.1	Minimise risks and impacts from fires, floods and other natural disasters.

Other Strategic Links

Nil.

Statutory Environment

Local Government Act 1995 (Act) and subsidiary legislation.

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

- (1) For the purposes of section 1.7(a), notice of a matter must be published on the local government’s official website for —
 - (a) the period specified in or under the Act in relation to the notice; or
 - (b) if no period is specified in relation to the notice — a period of not less than 7 days.
- (2) For the purposes of section 1.7(b), each of the following ways of giving notice of a matter is prescribed —
 - (a) publication in a newspaper circulating generally in the State;
 - (b) publication in a newspaper circulating generally in the district;
 - (c) publication in 1 or more newsletters circulating generally in the district;

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

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

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

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

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

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

The following statement fulfils the requirement defined in Regulation 3:

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

Purpose:

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

Effect:

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

Timetable

Task	LGA Section	Effective Date

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

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

(1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.

(2A) Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.

(2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.

(3) The local government is to —

(a) give local public notice stating that —

(i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and

(ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and

(iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and,

(b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and

(c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.

(4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed. “*Absolute majority” required.

(5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.

(6) After the local law has been published in the Gazette the local government is to give local public notice —

- (a) stating the title of the local law; and
- (b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
- (c) advising that copies of the local law may be inspected or obtained from the local government’s office.

(7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

(8) In this section —

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

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

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

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

Sustainability & Risk Considerations

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

Nil.

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

Nil.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

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

Risk Management Implications

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

Consultation

In accordance with 3.12(3), 3(a) and 3.12(4), the public notice calling for public submissions for a period of six (6) weeks being up to and including the 23 February 2024 was advertised in the Coastal Times newspaper on 10 January 2024, on the Shire’s Facebook page, website and via Public Notice in Shire buildings on the same.

Only one submission was received during the six (6) week statutory consultation period which was from the Fire and Emergency Services (FES) Commissioner, Mr Darren Klem AFSM, which was

received on the 14 February 2024. A copy of the submission from the FES Commissioned is included at **Appendix 1**.

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

The following summary is provided in Council’s consideration of the submission from the FES Commissioner.

Submission	Comment
<p>while the term “normal brigade activities” is defined within the <i>Rules</i> (set out in the First Schedule), this term is first referenced in the body of the local law (at clause 2.1). For ease of reference, it is recommended the Shire consider including the definition in clause 1.2.</p>	<p>The term “normal brigade activities” has been included in the definitions in clause 1.2.</p>
<p>section 43 of the <i>Bush Fires Act 1954</i> (INA) provides: “A local government that establishes a bush fire brigade shall, by its local laws, provide for the appointment or election of a captain, a first lieutenant, a second lieutenant, and such additional lieutenants as may be necessary ... <i>and prescribe their respective duties.</i>” (emphasis added). DFES notes that while the duties of the Captain are provided for in clause 3.2 of the Rules, these relate only to brigade meetings and there are no further duties of the Captain or other officers provided for otherwise.</p>	<p>The respective duties (roles & responsibilities) of brigade officers are included in the Bush Fire Brigades Standard Operating procedures.</p> <p>The Bush Fire Brigades Local Law is based on the Model Local Law as provided by WALGA as developed in conjunction with the Joint Standing Committee on Delegated Legislation (JSCDL). Therefore, making changes to the Model may create issues from the viewpoint of the JSCDL once the Local Law is finally made and Gazetted, which may result in the Local Law being disallowed as previous with the Shire of Murray Bush Fire Brigades Local Law 2023, which resulted in the Shire having to undertake the Local Law making process again.</p>
<p>DFES notes that the <i>Fire Brigades Regulations 1943</i> stipulate eligibility criteria for volunteer brigades formed under the <i>Fire Brigades Act 1954</i>. Regulation 159C provides for eligibility of probationary members from 16 years if they have parental/guardian consent and the brigade’s captain is satisfied that the prospective member is able to perform the requisite duties. As a matter of policy, the Shire may wish to consider adding these protective mechanisms within their local law.</p>	<p>The requirement for eligibility of probationary members from 16 years if they have parental/guardian consent and the brigade’s captain is satisfied that the prospective member is able to perform the requisite duties is included in the Bush Fire Brigades Standard Operating Procedures.</p>
<p>In clause 1.2, under the definition of “Rules”, reference is made to the “First Schedule”. However, at clause 2.4, reference is made to “Schedule 1”. It is recommended that clause 2.4 is amended for consistency.</p>	<p>Clause 2.4 has been amended to include the term “First Schedule” and not “Schedule 1”.</p>

Resource Implications*Financial*

Funds are provided annually in the Shire of Murray budget to make and review local laws. The cost of making the proposed local law including advertising and publishing in the Government Gazette is approximately \$1,000.

Workforce

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

Options

1. Support the recommendation, as proposed.
2. Reject the recommendation and determine an alternate position.

Conclusion

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

12.4 Payments from Municipal and Trust Funds - February 2024

File Ref:	D24/8091
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Nathan Gilfellon, Manager Finance
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 12.4 Appendix 1 - List of Accounts Paid in February 2024

Recommendation/Council Decision OCM24/024**Moved: Cr A Rogers****Seconded: Cr N Willis**

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

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

Against: Nil.

CARRIED UNANIMOUSLY 8:0

In Brief

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

Background

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

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

Report Detail

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

The report contains the list of payments made from the Shire of Murray’s Municipal and Trust bank accounts for the months of February 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

Focus Area	Performance
Outcome 14	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 February 2024.
2. Not receiving the Payments from Municipal and Trust Funds report for February 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.

12.5 Monthly Financial Report - February 2024

File Ref:	D24/8094
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 - Monthly Financial Report - February 2024

Recommendation/Council Decision OCM24/025

Moved: Cr S Carter

Seconded: Cr S Kirkham

That Council receives the February 2024 Monthly Financial Report as presented at Appendix 1.

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

Against: Nil.

CARRIED UNANIMOUSLY 8:0

In Brief

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

Background

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

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

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

Report Detail

The monthly financial report for February 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

Focus Area	Performance
Outcome 14	Capable and accountable leadership and governance.
Objectives 14.1	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 February 2024.
2. Not receiving the monthly financial report for February 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 2023-2024 Budget Review

File Ref: D24/8099
 Previous Items: Nil.
 Applicant: Nil.
 Author and Title: Nathan Gilfellon, Manager Finance
 Declaration of Interest: Nil.
 Voting Requirements: Absolute Majority
 Appendices: Item 12.6 Appendix 1 - Shire of Murray 2023 / 2024 Budget Review

Recommendation/Council Decision OCM24/026

Moved: Cr S Lee
Seconded: Cr A Rogers

That Council:

- 1. Adopt the attached 2023/2024 Statutory Budget Review.**
- 2. Adopt the budget amendments outlined in Note 4 of the budget review (Appendix 1).**

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

Against: Nil.

CARRIED BY ABSOLUTE MAJORITY 8:0

In Brief

- The Budget Review report provides an overview of the Shire of Murray financial accounts as at 29 February 2024.
- The review identifies an overall increase of \$55,208 to the estimated 2023/2024 closing surplus.

Background

In accordance with Regulation 33A of the Local Government (Financial Management) Regulations 1996, Council is required to carry out a review of its annual budget for that year by 31 March. This requirement recognises the dynamic nature of local government activities and the need to continually reassess projects competing for limited funds to ensure that community benefit from available funding is maximised.

Report Detail

The mid-year review of the Shire’s financial accounts as at 29 February 2024 has been conducted and areas identified which require amendments to current budget allocations.

The budget review process has an estimated additional cash surplus of \$55,208 for the 2023/24 year. The majority of items are self-balancing, whereby expenditure is offset by corresponding decreases elsewhere within the business unit or by additional associated revenue. Details of all changes are listed in Note 4 of the Appendix 1.

Council Plan

Focus Area	Performance
Outcome 14	Capable and accountable leadership and governance.
Objectives 14.1	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.

Long Term Financial Plan

Statutory Environment

Regulation 33A of the Local Government (Financial Management) Regulations 1996 states:

33A. Review of budget

1) Between 1 January and the last day of February in each financial year a local government is to carry out a review of its annual budget for that year.

2a) The review of an annual budget for a financial year must –

a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and

b) consider the local government's financial position as at the date of the review; and

c) review the outcomes for the end of that financial year that are forecast in the budget.

(d) include the following —

(i) the annual budget adopted by the local government;

(ii) an update of each of the estimates included in the annual budget;

(iii) the actual amounts of expenditure, revenue and income as at the date of the review;

(iv) adjacent to each item in the annual budget adopted by the local government that states an amount, the estimated end-of-year amount for the item.

2) The review of an annual budget for a financial year must be submitted to the council on or before 31 March in that financial year.

3) A council is to consider a review submitted to it and is to determine whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*

4) Within 14 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

Sustainability & Risk Considerations

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

Nil.

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

Nil.

Environment – (Impact on environment's sustainability)

Nil.

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Moderate	Failure to manage the Shire's ongoing expenditure and income against budget estimates would increase the risk of a negative impact on the Shire's financial position.
Low	Compliance with legislative requirements is achieved if council adopts the budget review within 30 days of it being undertaken.

Consultation

Management has conducted a comprehensive review of the 2023/24 budget allocations. This review included an analysis of the year to date levels of expenditure and income in comparison to the original and revised budget allocations.

Resource Implications*Financial*

Budget reviews assist in maintaining financial sustainability by ensuring Council is informed of the budget to actual variance and recommended budget amendments. The impact on Council's estimated financial position as a result of this budget review is detailed in the statement of budget review presented as part of the review document. The amended estimated surplus position as at 29 February 2024 is \$1,305,972. A significant part of this surplus is forecast to fund future works and activities detailed in the Long Term Financial Plan.

Workforce

There is no impact on resourcing as a result of the recommendation.

Options

1. Adopting the budget review in full as presented.
2. Adopting any part or parts of the budget review presented.

Conclusion

This budget review provides a mid-year forecast of the Shire's financial position for the current financial year. As part of the review, an assessment of the 2023/24 budget has been undertaken and the resulting impacts will be measured in the Shire's Long Term Financial Plan.

13 RECREATION, ECONOMIC & COMMUNITY DEVELOPMENT**13.1 Reduction in Fees - St John's Church - Art Exhibition - Indian Ocean Craft Triennial 2024**

File Ref: D24/5464
Previous Items: Nil.
Applicant: Patricia Hines - Artist
Author and Title: Jennifer Russell, Senior Place and Events Officer
Declaration of Interest: Nil.
Voting Requirements: Simple Majority
Appendices: Nil.

Recommendation/Council Decision OCM24/027

Moved: Cr S Lee
Seconded: Cr S Carter

That Council support a reduction of venue hire fees to Patricia Hines for the hire of St John's Church to \$150 (plus GST) per week for the duration of the exhibition, being four weeks, with general sponsorship conditions.

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

Against: Nil.

CARRIED UNANIMOUSLY 8:0

In Brief

- The Shire has received a request for the reduction of venue hire fees for St John's Church for the period of 17 August 2024 to 15 September 2024 for an art exhibition during the Indian Ocean Craft Triennial 2024.
- The Indian Ocean Craft Triennial 2024 is delivered every three years and presents the works of contemporary artists and artisans around the Indian Ocean Rim and in Western Australia.
- The request seeks a reduction in venue hire fees from \$400 per day (total fees of \$11,600) to a fee of \$150 per week (total of \$600), being a total reduction of \$11,000.

Background

Patricia Hines is a well-known and experienced contemporary artist with a ceramics, printmaking and mixed media background. Patricia is a long-term resident of Dwellingup, often exhibiting at local galleries and displaying works at the Dwellingup Trails and Visitor Centre. Throughout Patricia's artistic career, she has participated in more than 30 exhibitions or artist in residence programs, 15 events and received 19 notable awards.

Patricia has been invited to participate and exhibit during the Indian Ocean Craft Triennial 2024 (**IOATA2024**). The event is delivered by the Indian Ocean Triennial Australia, a not-for-profit arts organisation based in Perth, Western Australia. The event was created with the vision of telling important stories of our times through the medium of contemporary craft, resulting in more culturally aware and connected communities. It presents every three years and consists of a major international exhibition, a conference, and a large satellite festival of 40 regional galleries. The IOTA2024 event will run from August through to October 2024 and received more than 200 submissions from parties wanting to participate and exhibit during the 2024 event.

More regionally, the Fremantle Arts Centre (Fremantle) and John Curtin Gallery (Perth) will act as the primary galleries and within the Peel Region, Alcoa Mandurah Art Gallery, Contemporary Arts Spaces Mandurah and Lost Eden Creative Dwellingup will be participating.

IOTA2024 is predominantly funded by LotteryWest, WA Department of Local Government, Sport and cultural Industries, and the Australia Council for the Arts. With further partnerships from local galleries, accommodation providers and independent donations.

Report Detail

Patricia Hines (**Applicant**) has approached the Shire seeking a space to exhibit in Pinjarra as part of the IOTA2024. After touring several of the Shire’s owned or managed venues, the Applicant has expressed a strong desire to exhibit at the St John’s Church, within the Edenvale Heritage Precinct.

The Applicant is proposing an exhibition titled ‘Bird Shrines’ which will include 3D sculptural pieces, votive-like reminiscent of angels and other objects found at roadside ‘accident’ shrines or graveyards. The ‘shrines’ are intended to serve as an urgent reminder of the fragility of birds and their habitats, reminding us birds are passing and leaving barely a trace. A cross will be the common symbol featured in each art piece. Works are proposed to be displayed on white plinths beneath each side of the stained-glass windows.

The Applicant is proposing the exhibition to run from 17 August 2024 to 15 September 2024, open to the public from Wednesday to Sunday, 10am to 4pm daily. An opening event on Saturday, 17 August 2024 to launch the exhibition is also proposed.

The current venue hire fee for the St John’s Church is \$400 per day (8 hours use) and the total booking fee under the Shire’s current Fees and Charges 2023-2024 would total \$11,600.

The venue hire fee for St John’s Church is considerably higher than the Shire’s other owned or managed venues, which typically attract a hire fee of \$33.00 per hour for commercial hire or \$12.00 per hour for community group use. This is because use of St John’s Church is predominantly for wedding ceremonies, services or special events that require daily or multi-daily use. Applying the general commercial hire rate for Shire venues would total \$7,656.

The Applicant has expressed that both venue-hire rates are significantly outside of her budget and capacity, given the month-long duration of the event. The Applicant has therefore provided a written request for Council to consider a significant reduction in venue hire fees, proposing a weekly hire fee of \$150, totalling \$600 for the hire period. The amount of \$150 per week is proposed, based on the Applicant’s understanding that this would be half the cost of hiring a commercial gallery space elsewhere.

Council Plan

Focus Area	People
Outcome 3	An active and healthy community.
Objectives 3.3	Grow participation in art, culture and community activities and events.

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

Other Strategic Link

- Pinjarra Town Centre Revitalisation Strategy 2017
- 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)

Based on the Impact Report for the IOTA2021 event, the state-wide festival:

- held 50 exhibitions, 45 events and 50 workshops over 41 venues;
- supported more than 265 artists and 200 volunteers;
- attracted more than 120,000 collective visitors;
- had successful promotion with its website receiving over 162,473 visits, its Facebook and Instagram reaching 94,530 users and garnering 75 significant media mentions.

Locally, the Peel exhibiting galleries are intending on developing an 'art trail' brochure to encourage the event's visitors to explore each gallery in the region. With Mandurah and Dwellingup as exhibiting locations, the addition of Pinjarra will provide a greater reason to visit the Murray Region's galleries and encourage visitors from outside the area.

The initiative aligns with the overarching objectives of the Edenvale Heritage Precinct Place and Activation Plan, which places focus on activating underutilised spaces and supporting artist exhibitions, events, activities and programs. It will also further strengthen Pinjarra's broader vision to be known as a cultural destination.

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

Art exhibitions offer a multitude of benefits, both for artists and attendees, as well as for the broader community. These benefits include education and learning, the promotion of creativity and expression, critical thinking and cultural enrichment. Art exhibitions bring people together, fostering a sense of community and shared experience, and exhibitions can serve as a source of inspiration and motivation.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Policy C10 – Waiver of Fees and Charges – Venue Bookings requires requests over \$500 from Shire of Murray based organisations and individuals to be presented to Council for determination.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	Precedent may be set encouraging applications requesting considerable reduction in fees and charges. The risk of this is considered low as applications will be considered on their merit and based on the information provided that demonstrates proposal social or economic benefits. Proposals will also be subject to venue availability.
Low	The Applicant is a member of WA arts organisation Artsource and part of this membership provides public liability insurance which is considered sufficient for this activity.
Moderate	Should an attractive fee reduction to the Applicant not be supported, the exhibition in Pinjarra is unlikely to go ahead.

Consultation

Consultation with the Applicant is ongoing.

Resource Implications

Financial

The average monthly income of the St John’s Church from July to December 2023 was \$334. This was largely due to a regular user of the venue for Evensong services who has indicated their booking will not continue at the venue. For 2024, there are no bookings for St John’s Church in April, May, June, July, August or September. Although the reduction of fees is significant, St John’s Church is underutilised and therefore impact on income from venue hire is negligible.

Workforce

Nil.

Options

1. Supporting a reduction of venue hire fees to \$150 (plus GST) per week for the duration of the exhibition, being four weeks, with general sponsorship conditions;
2. Decide on an alternative amount to be paid for the hire of the venue; or
3. Not support a reduction in fees.

Conclusion

Based on the IOTA2021 event and its impact assessment and the response to the IOTA2024 event, the event is likely to bring success and visitation to the Peel Region. The inclusion of Pinjarra and Dwellingup in the art trail and cross-promotion of galleries will strengthen and drive visitation from Mandurah and Perth to the Murray Region. The exhibition will also provide the opportunity to build on Pinjarra's reputation as a community that supports art and cultural related activities and initiatives. Being held within the Edenvale Heritage Precinct, also aligns with the overarching objectives of the Edenvale Place and Activation Plan and promotes use of an underutilised venue.

Should Council support the requested reduction of venue hire fees, the Shire can condition the approval to treat the reduction as sponsorship for the event. This can include:

- Display of Shire of Murray banners;
- 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;
- Applicant to provide a post-event report that includes event evaluation and details on visitation to the Pinjarra exhibition.

14 INFRASTRUCTURE SERVICES

14.1 Request for support of new road name on Ballee Island

File Ref: D24/7326
Previous Items: Nil.
Applicant: Landgate
Author and Title: Alan Smith, Director Infrastructure Services
Declaration of Interest: Nil.
Voting Requirements: Simple Majority
Appendices: Nil.

Recommendation/Council Decision OCM24/028

Moved: Cr S Carter

Seconded: Cr S Kirkham

That Council:

- 1. Support the proposed new road name Ballee Road on Ballee Island, South Yunderup.**
- 2. Endorses Shire Officers to support an application to Landgate, Geographic Names Committee for the new road name on Ballee Island.**

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

Against: Nil.

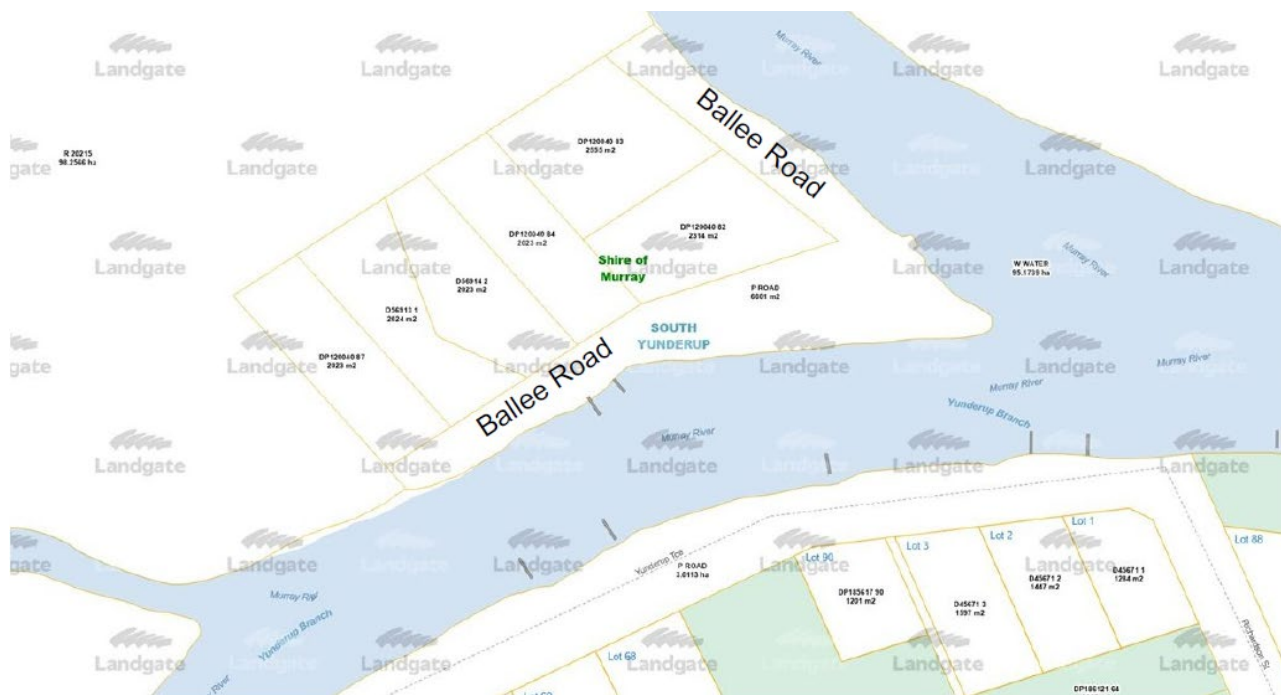
CARRIED UNANIMOUSLY 8:0

In Brief

The Department of Planning, Lands and Heritage has requested through Landgate a proposed road name on Ballee Island, South Yunderup. Landgate's Geographic Names Committee requires Local Government consent of the new road name proposed.

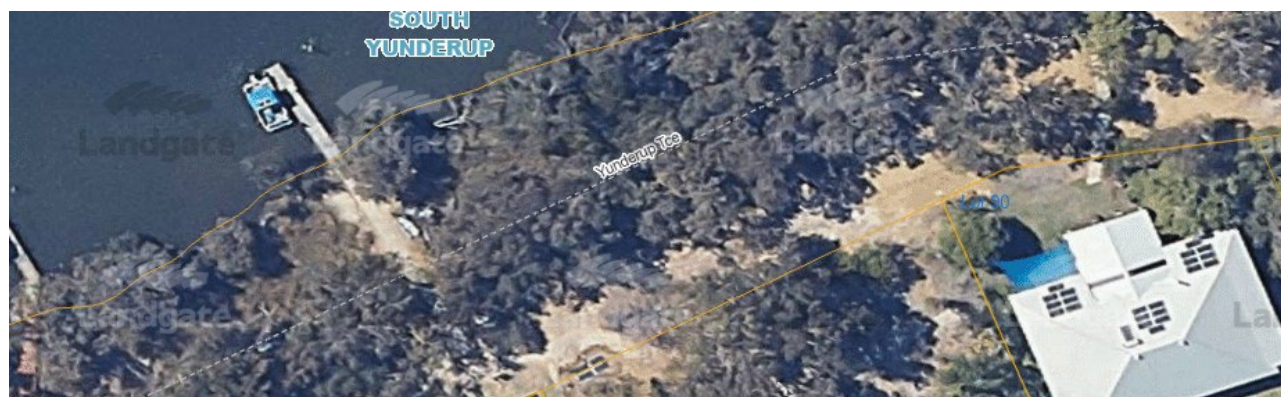
Background

Landgate have been requested by the Department of Planning, Lands and Heritage to apply street addresses to assist with wayfinding for one of the new lots on Ballee Island, South Yunderup. Landgate has requested that the Shire of Murray consider the approval of Ballee Road to the area shown a "P Road" (6601m²) on the map below.



Report Detail

The name Ballee Road would mimic the below Yunderup Terrace as a proposed road solely to enable addressing for the nearby lots.



Council Plan

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

Other Strategic Links

Nil.

Statutory Environment

Land Administration Act 1997

Sustainability & Risk Considerations

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

Nil.

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

Nil.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Policy and Standards for Geographical Naming in WA

Risk Management Implications

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

Consultation

Landgate Geographic Names Committee.

Resource Implications

Financial

Nil.

Workforce

Nil.

Options

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

Conclusion

Council support is requested for the road name chosen for Ballee Island South Yunderup. The proposed road names have passed Landgate’s preliminary validation process and is considered to be consistent with the requirements of Landgate’s Geographic Names Committee Road Naming Policy. Shire Officers support the request and recommend that Council support the proposed new road name Ballee Road.

14.2 Petition - Residents of Austin Cove to reinstate reticulation

File Ref: D24/7367
 Previous Items: OCM 22 Feb 24 Item 5.1 (OCM24/001)
 Applicant: Petition - Residents of Austin Cove
 Author and Title: Karen Lancaster, Landscape Architect
 Declaration of Interest: Nil.
 Voting Requirements: Simple Majority
 Appendices: Nil.

Council Decision OCM24/029

Moved: Cr S Carter
Seconded: Cr S Lee

That Council:

- 1. Support the disconnection of the public reticulation within the verge areas of Countess Circuit.**
- 2. Council request Officers to investigate the technical feasibility, community interest and the costs to maintain the service under a specified area rate and to provide the report at the May OCM Meeting.**

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

Against: Nil.

CARRIED UNANIMOUSLY 8:0

Officer Recommendation

Moved: Cr S Carter
 Seconded: Cr S Lee

That Council:

- 1.Support the disconnection of the public reticulation within the verge areas of Countess Circuit.

Reason for Change: To allow Officers time to investigate feasibility, community interest, costing and rate options for the Austin Cove community.

In Brief

- In 2007 the Austin Cove development in South Yunderup was established and the Developer incorporated reticulation of verge areas within the estate for presentation.
- The reticulated areas were intended to be temporary until the Developer no longer had responsibility for management of the reticulation.
- The reticulated areas were not disconnected when the Developer left the site and therefore continued to be serviced from the production bore within Austin Lakes.
- In May 2023 the Shire wrote to residents with reticulated verges directly adjacent to their properties advising that the reticulation would be disconnected and providing the option for residents to self-connect to their own water supply.
- In December 2023 the Shire wrote to residents regarding the southern verge areas opposite properties along Countess Circuit, adjacent to the bush reserve, advising that the reticulation would be disconnected and the area managed as seasonal verges.

- In January 2024 a signed petition from residents was prepared and submitted to request ‘that the shire immediately reconsider their decision and turn the sprinklers back on...’

Background

In 2007 when Austin Cove was established the developer at the time undertook to reticulate certain verge areas to add presentation for the new residential estate. These reticulated areas aligned to the laneway lots developed as part of the initial stage, with the adjacent verge areas reticulated. The developer intended to disconnect the reticulation and give the property owner the opportunity to reconnect the verge area to their private watering system, as is standard practice.

Soon after the initial stage, stage two of Austin Cove was developed and was completed around 2008. Within this stage, the linear verge area along Countess Circuit was reticulated as a further presentation for the new development.



The Shire was unaware that the reticulation was not disconnected and therefore remained in place watering the differing verge areas.

In May 2023 the owners benefiting from the verge reticulation directly adjacent to their properties were contacted in writing to advise that the reticulation would be disconnected from the bore water supply at the beginning of the winter sprinkler switch-off on 1 June 2023. They were provided with the option to reconnect the reticulation infrastructure available in the verge, utilising their own water supply, to switch it on at 1 September. A number of residents took up this option, with advice provided by the Shire as requested to assist the transition.

In December 2023 properties opposite the linear reticulated verge areas in Countess Circuit were contacted and advised the verge areas would be disconnected from the bore water supply and be transitioned to a seasonal verge area.

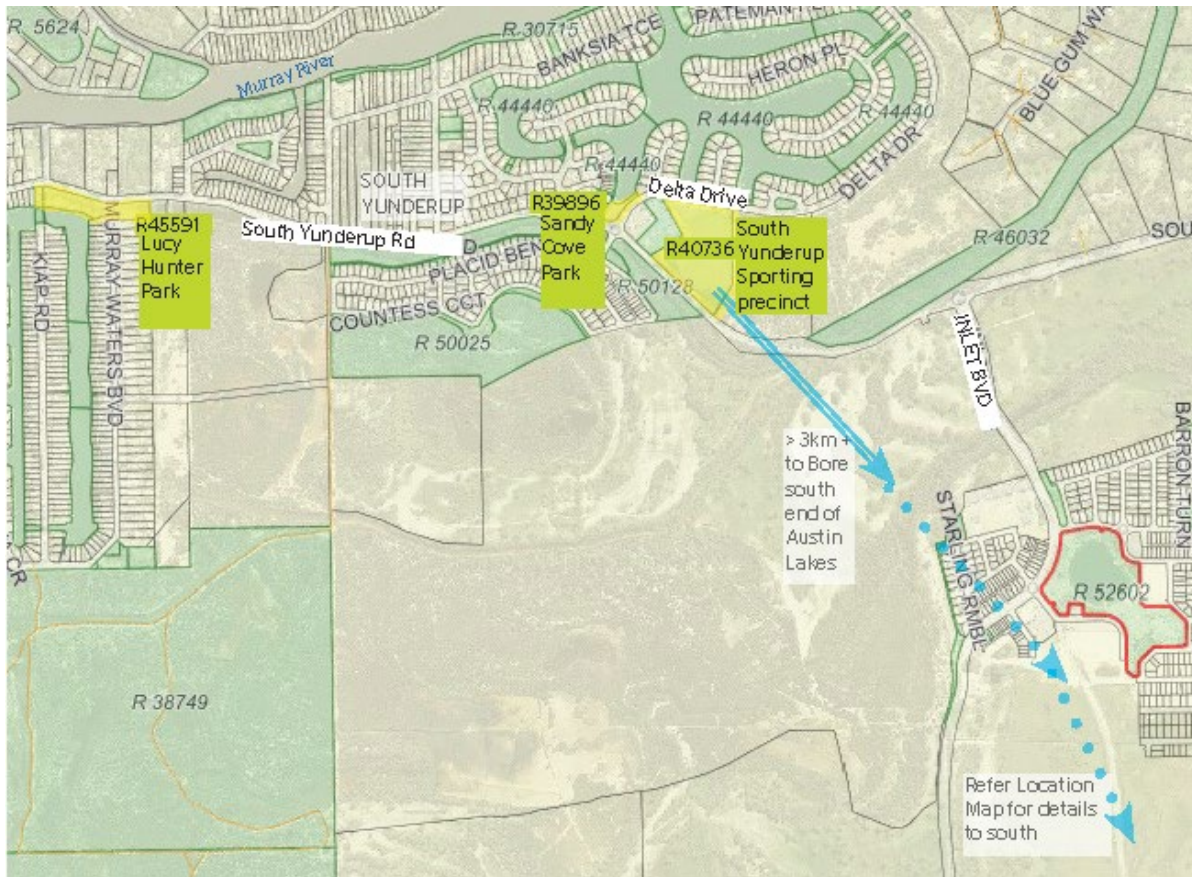
Following the latest correspondence, a petition was received from residents within Austin Cove to request a reconsideration of the reticulation being switched off. Meetings were held with the coordinator of the petition to discuss the management of the verge area along Countess Circuit.

This report is seeking Council response to the petition.

Report Detail

The intention of the original subdivision developer was to have verges reticulated when Austin Cove was first developed, and then progressively have the verge areas disconnected as the area was established. Unfortunately, the progressive disconnection of the service was not undertaken and verges remained connected to the bore for an extended period of time, longer than was necessary.

The Shire has been working closely with the Department of Water and Environmental Regulation (DWER), who govern water extraction from bores, and have together reviewed the Shire’s water allocation. The South Yunderup area is one of a number of areas that modifications will be made to reticulation and allocations. The Water Resource Operating Strategy (Shire of Murray Water Licences: Bores and Irrigation Version 3.2) was endorsed by DWER on 13 July 2023.



The above map is an extract from the endorsed Water Resource Operating Strategy 2023, indicating the public open space reserves serviced with irrigation (reticulation water) and supported by DWER.

Existing Public Open Space (POS) areas to remain irrigated from the one bore in Austin Lakes are Sandy Cove Park, Lucie Hunter Park, South Yunderup Oval, and POS within Austin Lakes. The Shire and current Austin Lakes developer are required to meet DWER water allocations. The remainder of South Yunderup’s public open space and road reserves are unirrigated.

The verge areas adjacent to natural areas, conservation and bush reserves are not typically reticulated and nor are Local level Public Open Space areas (for example Anderson Park in South Yunderup). These rely on seasonal rainfall and otherwise are managed and maintained similarly to other areas, including mowing, plant maintenance and rubbish removal. The presentation of the entry points into residential estate areas may be irrigated where feasible, and often only for establishment of such areas. The entry verges into Austin Cove at Delta Drive into Byron Drive are planned to continue to be reticulated for the foreseeable future and maintained as waterwise, given the proximity to the neighbourhood level POS at Sandy Cove Park and aiming to utilise water allocation for both.



The Shire of Murray Public Open Space Strategy (POS Strategy) was endorsed by Council in March 2022. The POS Strategy provides further information on the Shire’s overall approach to POS management, including parks and streetscapes.

This includes the WA Public Open Space hierarchy system, the Classification Framework of Public Open Space, developed by Department of Local Government, Sport and Cultural Industries. It assists to provide appropriate irrigation and water use, while strategically utilising the Shire’s groundwater allocation, with water allocations based on POS classification of Local, Neighbourhood, District and Regional.

Countess Circuit Park is classified in our POS Strategy as a Local level POS (as is Anderson Park, South Yunderup), with local level parks having a hydrozone category of “no irrigation” and therefore seasonal and relying on rainfall only.

The irrigation amendment to the Austin Cove estate’s Countess Circuit verge area and small public open space area, designated as Local POS, align with both the overall South Yunderup component of the Shire’s Water Resource Operating Strategy for bores and water allocation and the Shire-wide strategies for POS and streetscapes.

Council Plan

Focus Area	People
Outcome 2	A diverse, socially connected and cohesive community
Objectives 2.1	Meet the needs of families, children and young people

Focus Area	Planet
Outcome 4	The ecosystem is managed sustainably for the benefit of current and future generations
Objectives 4.1	Sustainably manage and conserve water resources, rivers and waterways

Actions 4.1.4	Implement management utilising water sensitive urban design initiatives
Actions 4.1.7	Implement the Waterwise Verge Rebate Program

Focus Area	Place
Outcome 8	Our towns offer vibrant and attractive spaces, with retained rural charm
Objectives 8.2	Beautify town entrances and streetscapes

Other Strategic Links

- Public Open Space Strategy
- Water Resource Operating Strategy

Statutory Environment

Nil.

Sustainability & Risk Considerations

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

Nil.

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

The community see the reticulated linear verge space adding value to the streetscape, this needs to be weighed up with sustainably managing our water resources.

Environment – (Impact on environment’s sustainability)

There has been a significant shift in water management over the last few years and this is primarily on the back of lower rainfall and groundwater allocations. It is imperative that the Shire has a consistent approach to water management for all of our communities.

Policy Implications

Policy W15 – Street Verges and Streetscaping

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Moderate	The primary risk is not meeting the expectation of the local community, with the outcome to detail as much as possible the benefits of any changes to the landscape for environmental benefit.

Consultation

Initial letters sent to affected residents to outline the amendments and rationale for them.

Resource Implications

Financial

Any change to the disconnection will result in a need to increase mowing and reticulation maintenance.

Workforce

All works would need to be coordinated through the Park and Gardens Team.

Options

1. Support the disconnection of the public reticulation within the verge areas of Countess Circuit.
2. Support full or part reinstatement of the verge areas within Countess Circuit and accept the management and maintenance of these areas and associated infrastructure.

Conclusion

The petition requests that the sprinklers be turned back on to the grassed verge areas of the Austin Cove estate, South Yunderup.

While it is acknowledged that landscaping of streetscapes and public open space (POS) contributes significantly to amenity, health and wellbeing, the maintenance of property verges is the responsibility of individual landowners, as a practice across the State of Western Australia. Private developers landscape verges to establish the amenity of estates and to promote the development, but this is not a practice that the Shire can continue with indefinitely.

The Shire of Murray is responsible for the management and maintenance of large tracts of public open space, across all classifications of POS and with varying levels of infrastructure and landscaping. As part of our ongoing maintenance and in order to manage our groundwater allocations, the Shire has prepared a Water Resource Operating Strategy that is endorsed by Department of Water and Environmental Regulation. The Shire is required to implement design and maintenance strategies to minimise the overall groundwater consumption and also to develop public open space with appropriate amenity for the broader community.

The irrigation amendments to Austin Cove estate are part of the overall South Yunderup component of the Shire's DWER endorsed Water Resource Operating Strategy 2023 for bore water allocation and they also align with the Shire's strategies for POS and streetscapes, as outlined in the Public Open Space Strategy 2022. As such, to provide a consistent approach and to achieve the objectives of the strategies, the watering of verges is not a priority.

To be aligned with the requirements of Department of Water and Environmental Regulation's water licensing conditions, it is recommended to Council that the irrigation remain disconnected to the verge areas and Local level POS in Austin Cove, and the residents advised the petition is not supported.

15 ITEMS FOR INFORMATION

15.1 Delegated Development Application Decisions - February 2024

File Ref: D24/7958

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

Appendices: Item 15.1 Appendix 1 - Delegated Decisions for February 2024

In Brief

The Delegated Development Application Decisions for February 2024 are attached for information.

15.2 Outstanding Council Resolutions March 2024

File Ref: D24/8112

Author and Title: Belinda Brown, Executive Services Coordinator

Appendices: Item 15.2 Appendix 1 - Outstanding Council Resolutions March 2024

In Brief

The Outstanding Council Resolution Register for March 2024 is attached for your 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

President D Bolt vacated the Chair to present his motion to Council.

Cr D McLarty assumed the chair at 6.01pm

18.1 Notice of Motion - Shire President Bolt - Dawesville Cut

Recommendation/Council Decision OCM24/030

Moved: Cr D Bolt

Seconded: Cr A Rogers

That Council:

- 1. Shire President Bolt's Notice of Motion be included in the April 2024 Council Meeting Agenda; and that**
- 2. The Motion be presented immediately before the Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) officer report and not under Section 17 of the Agenda in order to give the Motion the appropriate context leading into the CHRMAP debate and decision, and any outcomes of this Motion and/or any other Motions may have on the CHRMAP report and debate.**

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

Against: Nil.

CARRIED UNANIMOUSLY 8:0

Proposed Motion

1. 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 buildup 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

President D Bolt resumed the Chair at 6.04pm

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

Nil.

20 MEETING CLOSED TO THE PUBLIC (CONFIDENTIAL BUSINESS)**Recommendation/Council Decision OCM24/031****Moved: Cr D McLarty****Seconded: Cr S Kirkham**

That Council proceeds behind closed doors the time being 6.05pm as per Section 5.23(2)(c) and e(ii) of the *Local Government Act 1995* for the purpose of considering the following confidential item/s:

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

Against: Nil.

CARRIED UNANIMOUSLY 8:0**20.1 Intellectual Property - Dwellingup 100 Mountain Bike Classic and Mighty Jarrah Trail Run****Recommendation/Council Decision OCM24/032****Moved: Cr S Carter****Seconded: Cr G Black****That Council:**

1. Endorses and agrees to transfer the intellectual property associated with the Dwellingup 100 Mountain Bike Classic and Mighty Jarrah Trail Run to The Event Team and The Tucknott Family Trust as equal owners and for an amount of \$10,000;
2. Endorses an annual sponsorship agreement of \$10,000 cash, plus in-kind support, for three years; and
3. Delegates to the Chief Executive Officer to:
 - a. negotiate and enter into a sale agreement that includes:
 - i. if one party wants to divest its interest, the Council is offered 50% ownership for \$5,000;
 - ii. if both parties want to divest their interest or become insolvent, the Council is offered 100% ownership for \$10,000;
 - iii. if an event beneficiary is introduced, the Shire of Murray has representation in the decision-making of who that beneficiary becomes.
 - b. negotiate and enter into a \$10,000 cash, plus in-kind support, sponsorship agreement for three years.

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

Against: Cr Steve Lee

CARRIED BY ABSOLUTE MAJORITY 7:1

Recommendation/Council Decision OCM24/033

Moved: Cr D McLarty

Seconded: Cr S Lee

That Council proceeds with open doors the time being 6.16pm.

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


Against: Nil.

CARRIED UNANIMOUSLY 8:0

21 CLOSURE OF MEETING

There being no further business the Presiding Member declared the meeting closed the time being 6.16pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 18 April 2024.


.....
PRESIDING MEMBER