



# **Minutes**

**Ordinary Council Meeting**

**Thursday 15 December 2022**

**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, 15 December 2022

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

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

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

### **PRESENT**

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

### **IN ATTENDANCE**

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

### **APOLOGIES**

Nil.

### **LEAVE OF ABSENCE**

Nil.

There were four (4) members of the public and two (2) members of staff in attendance at this time.

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

Nil.

## **4 PUBLIC QUESTION TIME**

Nil.

## **5 PETITIONS AND APPROVED DEPUTATIONS**

Nil.

## **6 CONFIRMATION OF MINUTES**

### **6.1 Ordinary Council Meeting – 24 November 2022**

**Recommendation/Council Decision OCM22/161**

**Moved: Cr D McLarty**

**Seconded: Cr A Rogers**

**That the Minutes of the Ordinary Council Meeting held on Thursday 24 November 2022 be confirmed as a true and correct record.**

**CARRIED UNANIMOUSLY 8:0**

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

On Wednesday 30 November 2022 I attended a Peel Development Commission's Peel Agritourism Workshop at the Food Innovation Precinct WA in Nambeelup. This was followed by a planning event for the Murray Shire Australia Day 2023 and Citizenship Ceremony.

On Friday 2 December I attended a ministerial announcement at the Edenvale Homestead by Hon. Alannah MacTiernan, Minister for Regional Development where she announced several Regional Economic Development Grants for local Peel businesses. This was followed by a site visit with the Minister of the Exchange Hotel redevelopment site and project with the new operators.

On Monday 5 December I attended the Alcoa Peel Volunteer of the Year Awards in Mandurah and gave a short speech and presented the Award for the Youth Volunteer of the Year. This was followed by a meeting to discuss a Men's Shed initiative for a book to promote the Pinjarra Town and Region. That afternoon I attended the Children's University Graduation Ceremony at the University of Western Australia, where students from Schools in the Murray Shire were recognised for their learning achievements.

On Tuesday 6 December I attended Pinjarra Primary School's end of year graduation ceremony and presented the English Award. That evening I attended St Joseph's Primary School's Christmas Concert and presented the Shire of Murray award to the top student.

On Thursday 8 December I attended a Councillor briefing and strategy planning session along with other Councillors in Council Chambers.

On Friday 9 December I attended the Shire of Murray's Presidents' Breakfast at the Pinjarra Golf Club to thank and recognise community and sporting groups leaders across the Shire. This was followed by a meeting to discuss Pinjarra town centre activity centre strategic plan, road networks and various development opportunities and projects.

On Monday 12 December I attended a Quarterly Alcoa briefing with senior management from Mines and Pinjarra Refinery. This was followed by Carcoola Primary School's end of year graduation ceremony where I presented the English Award to the top student. I then attended the Peel Alliance strategic planning Workshop at the Shire of Murray.

On Tuesday 13 December I attended the Tree Planting Event at Pinjarra Primary School in recognition of the Queens Jubilee year.

On 14 December I attended a Peel Development Board Meeting and end of year function. I then attended and chaired the Shire of Murray CHRMAP Community Reference Group meeting at the Shire offices.

On Thursday 15 December I attended a meeting with the Department of Water and Environmental Regulations along with officers from the Department of Health to discuss community concerns regarding mining and refinery operations near Pinjarra. I then attended a briefing on the recent Shire of Murray Community Feedback survey. This was followed by presiding at the December Ordinary Council Meeting in Council Chambers.

## **8 ANNOUNCEMENTS BY ELECTED MEMBERS**

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

On Friday 2 December I attended the PNP Board Meeting via Zoom.

On Friday 9 December I attended the Shire of Murray's Presidents' Breakfast at the Pinjarra Golf Club with the Chief Executive officer and other Shire Councillors.

On Monday 12 December I attended Willow Gardens with the Chief Executive Officer, Dean Unsworth and fellow Councillor Stewart Carter along with Director Rod Peake and Tom Lerner to discuss a recent project.

On Thursday 15 December I attended a DWER meeting regarding some dust issues in the Shire of Murray with Shire President, Cr Bolt and the Shire's Chief Executive officer.

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

**Cr S Kirkham** declared an Impartiality Interest in Item 12.7, Proposed Management Agreement – Coolup Community Hall and Coolup Tennis Club, in that his wife Lynda is Treasurer and he is a member of the Coolup Progress Association.

**Cr A Rogers** declared an Impartiality Interest in Item 12.7, Proposed Management Agreement – Coolup Community Hall and Coolup Tennis Club in that she is the President of the Coolup Progress Association.

**Cr D McLarty** declared an Impartiality Interest in Item 12.9, Deed of Lease Assignment - Portion Reserve 37757 - Hualand Pinjarra Rd Pty Ltd to Alcoa of Australia Limited, in that he is an employee of Alcoa.

**Cr S Kirkham** declared an Impartiality Interest in Item 12.9, Deed of Lease Assignment - Portion Reserve 37757 - Hualand Pinjarra Rd Pty Ltd to Alcoa of Australia Limited, in that he is an employee of Alcoa..

**10 RECEPTION OF MINUTES AND RECOMMENDATIONS OF COMMITTEES HELD SINCE PREVIOUS MEETING OF COUNCIL**

**10.1 Minutes of the Audit and Risk Committee Meeting held on 24 November 2022**

File Ref: D22/40439

Author and Title: Denise Garner, CEO Executive Support Officer

Appendices: Item 10.1 App 1 - Audit and Risk Committee Confirmed Minutes - 24 November 2022

**Recommendation/Council Decision OCM22/162**

**Moved: Cr S Lee**

**Seconded: Cr S Kirkham**

**That the Minutes of the Audit and Risk Committee Meeting held on Thursday 24 November 2022 be confirmed as a true and correct record.**

**CARRIED UNANIMOUSLY 8:0**

**10.2 Minutes of the Local Emergency Management Committee Meeting held on 2 November 2022**

File Ref: D22/41363

Author and Title: Robert Marlborough, Manager Governance

Appendices: Item 10.2 App 1 - Local Emergency Management Committee Meeting Minutes - 2 November 2022

**Recommendation/Council Decision OCM22/163**

**Moved: Cr D McLarty**

**Seconded: Cr S Kirkham**

**That the Minutes of the Local Emergency Management Committee Meeting held on Wednesday 2 November 2022 be received and noted as a true and correct record.**

**CARRIED UNANIMOUSLY 8:0**



**REPORTS OF CHIEF EXECUTIVE OFFICER AND OFFICERS****11 PLANNING AND SUSTAINABILITY****11.1 Review of Draft Forest Management Plan 2024-2033**

File Ref:	D22/39197
Previous Items:	Nil.
Applicant:	Conservation and Parks Commission
Author and Title:	Brett Flugge, Strategic Projects Planner
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 11.1 App 1 - Fact sheet - Australasia Climate Change Impacts and Risks

**Recommendation/Council Decision OCM22/164****Moved: Cr S Carter****Seconded: Cr G Black****That Council:**

- 1. Endorses the comments in this report as the basis of the Shire of Murray submission on the draft Forest Management Plan 2024-2033.**
- 2. Reiterates to the Department of Biodiversity Conservation and Attractions the urgency in progressing with the Reserve Bills for presentation to Parliament in order to offer increased protection to Lane Poole Reserve from a variety of potentially incompatible competing uses.**
- 3. Notifies the Environmental Protection Authority, recommending that the draft Forest Management Plan should be formally assessed so as to examine comparative environmental, social and economic costs of mining and the cumulative impacts of clearing the forest environment versus the value of retaining native forest for longer term needs.**
- 4. Notifies the Dwellingup Community Compact and Dwellingup Protection Group of the Shire's submission.**
- 5. Forwards a copy of the Shire submission to the Minister for Environment, Minister for Regional Development and local Member for Murray Wellington.**

**CARRIED UNANIMOUSLY 8:0****In Brief**

The draft Forest Management Plan 2024-2033 (FMP) has been released over a two-month period to provide the public with an opportunity to comment on the future management of south-west forests. A full copy of the document is available at <https://www.dbca.wa.gov.au/parks-and-wildlife-service/forests/forest-management-plan>.

Shire of Murray has prepared this submission on the draft Forest Management Plan in light of ongoing discussions via the Dwellingup Futures Implementation Advisory Committee towards trying to achieve a shared position on the environmental heritage assets contained within Dwellingup Discovery Forest Zones and Values.

**Background**

The draft Forest Management Plan 2024-2033 prepared by the Conservation and Parks Commission (through the Department of Biodiversity, Conservation and Attractions) in accordance with the *Conservation and Land Management Act 1984* has recently been released for public comment until 18 December 2022.

The Forest Management Plan outlines the approach to protecting and managing forests in Western Australia's south-west national parks, conservation parks, nature reserves, State Forests and timber reserves, and provides direction on how new Government policy settings will be achieved.

The FMP is guided by four strategic goals as follows:

1. To value and protect Noongar culture and heritage and support Noongar Traditional owner involvement;
2. To conserve biodiversity and support ecosystem resilience;
3. To maintain or improve forest health and enhance climate resilience;
4. To deliver social and economic benefits through the provision of goods and services.

The draft plan has an increased focus on Noongar values and the drying and warming climate of the south-west. It also provides for improved protection of our south-west forests, including at least an additional 400,000 hectares being included in national parks, conservation parks and nature reserves.

Shire officers have been liaising closely with the Dwellingup Community Compact and subsidiary Dwellingup Protection Group to seek feedback and gain a better appreciation of the concerns and issues of importance to the local community.

### **Report Detail**

The most pressing concern with the draft FMP is that the plan fails to provide any preservation or protection of the State Forest environment around the town of Dwellingup, notwithstanding that the CALM Act has no control over mining activity which is administered under the State Agreement Act and is subject to other environmental approval processes. As such, the environmental, social and economic impact of mining has not been assessed in the FMP.

**The Shire believes that Environmental Protection Authority should be formally assessing the draft FMP so as to examine comparative environmental, social and economic costs of mining and the cumulative impacts of clearing the forest environment versus the value of retaining native forest for longer term needs.**

Through consultation carried out during formulation of the Dwellingup Futures Road Map project, the Dwellingup Community Compact via its subsidiary Dwellingup Protection Group has formed a position that the best means of protecting the values of the Forest environment surrounding Dwellingup is through agreement being reached on the values contained in the Dwellingup Discovery Forest. It was subsequently determined by the Dwellingup Protection Group that the most optimal way to achieve protection of the identified area was to progress a Ministerial Statement with a Deferred Indefinitely Zone – Forest Conservation under the CALM Act Reserve for Research and Education and also through more permanent change by amending the tenure and purpose addition to the Lane Poole Reserve and proposed Reserve additions.

In the absence of a negotiated or shared position being achieved on the environmental heritage assets contained within the Dwellingup Discovery Forest (as an Action listed in the Dwellingup Futures Road map report), Council has previously resolved (refer Ordinary Council meeting held in December 2017) its continued support for the Dwellingup Community Compact's objective to create a protection zone around Dwellingup townsite and also for key trails/recreation precincts, such as Lane Poole reserve and also given the strategic social and economic imperatives for the expansion of the Dwellingup townsite for provision for this to be recognised and allowed to occur.

**The Shire is requesting the Conservation and Parks Commission/DBCA give the Dwellingup community aspirations serious consideration, as outlined in its Position paper for establishment of a Dwellingup Discovery Forest, as a means of better protecting the forest environment surrounding Dwellingup townsite whilst still providing for some consolidated growth of the town as proposed in the Dwellingup Futures Road Map and draft Precinct Structure plan for the townsite.**

## **Section 1.1 Noongar involvement in forest management**

In February 2021, the South West Native Title Settlement became operational. The area of land covered by the FMP is part of the South West Native Title Settlement Area. Comprising six Indigenous Land Use Agreements (ILUAs), the Settlement will enable the State Government to work in partnership with the Noongar people to improve economic, social, cultural outcomes for the Noongar community.

The South West Conservation Estate covers approximately 3.8 million hectares and refers to all CALM Act lands and waters within the Settlement Area, including State Forests, national parks, nature reserves and other areas set aside for conservation.

A key negotiated benefit of the Agreements is the delivery of 320,000 hectares within a Noongar Land Estate to be transferred in reserve or leasehold and including up to 20,000 ha transferred into freehold land.

Shire of Murray recently sent comments back to Department of Planning Lands and Heritage South West Settlement project team on several parcels of land in and around Dwellingup earmarked for transfer into the Noongar Land Estate. The Shire advised it was not supporting most of the land within the Dwellingup townsite area proper from being transferred into Noongar land estate, as these land parcels are considered essential for the future consolidated growth of the town as identified in the Dwellingup Futures Road Map 2021-2036 report endorsed by Council in October 2021 and the draft Dwellingup Precinct Structure Plan.

## **Section 4.4 Weeds**

The FMP acknowledges that weeds pose a serious threat to ecosystem health, impacting threatened flora communities and can pose a risk to increasing fuel loads affecting the frequency and occurrence of bush fires. DBCA intends to monitor and manage high priority weed species where possible.

**The Shire is seeking a commitment from DBCA to address weed management concerns raised by the community in and around Dwellingup.**

## **Section 5.4.1 Expanding the conservation reserve system**

It is noted that the FMP is proposing to continue with existing proposals to create national parks, conservation parks and nature reserves yet to be completed from previous management plans and these will be prioritised during the 10-year term of this FMP.

Council has previously supported expansion and reclassification of reserves near Lane Poole for inclusion in National Park that were intended to be progressed separately through both Houses of Parliament with a Reserves Bill. The draft FMP indicates two areas in Lane Poole reserve (ID 112 south west and ID 113 south east of Dwellingup) are proposed for reclassification from Conservation Park to National Park. ID 113 is in progress for change and 112 is not in progress.

Council recommended lobbying the Minister for Environment to seek the earliest consideration in changing the Lane Poole Conservation Park Reserve classification to National Park status in light of increased interest from mining companies submitting Exploration Licence applications over nearby State Forest areas.

**Council should reiterate to DBCA the urgency in progressing with the Reserve Bills for presentation to Parliament in order to offer increased protection to Lane Poole Reserve from a variety of potentially incompatible competing uses.**

## **Section 5.5.9 Regeneration and Rehabilitation**

The FMP report acknowledges that forest disturbance activities such as mining can be detrimental to soil and water resources if not properly managed. South West forests have experienced a range of patch level clearing disturbances where rehabilitation may be incomplete or deferred, and this situation is likely to be exacerbated by future scattered mining activities.

Concern has previously been raised by community representatives and Conservation groups regarding the standard and quality of rehabilitation works undertaken by permitted disturbance activities, including mining.

**It is recommended that Council supports the Management direction to develop and implement a guideline for best practice rehabilitation/regeneration of FMP areas post disturbance and further research to develop best practice regeneration of disturbed areas.**

**It is also recommended that Council supports a mining exclusion buffer zone to prevent degradation of forest vistas as viewed from major highway and scenic routes such as Pinjarra-Williams Road, Del Park Road, Nanga Road and other key local tourist routes.**

**Section 5.5.4 Fire management**

DBCA’s fire management and annual prescribed burning program and three-year indicative burn program aims to manage biodiversity at a range of spatial scales and is informed by landscape, local and regional requirements.

The risk of bush fire is expected to increase in a warming and drying climate over the next decade. One of the management objectives outlined in Table 16 for fire management is to manage fire in the planning area to protect life, communities and assets from the impacts of bush fire.

Shire of Murray has engaged the services of Emerge Associates consultants to prepare a detailed Strategic Bush Fire Risk Assessment Plan for Dwellingup townsite and surrounds as part of review of the draft Dwellingup Precinct Structure Plan. It is likely that the forest in close proximity to the town will need thinning or other management to provide effective protection from bushfire risk.

DBCA, DFES and DPLH have been requested to provide feedback on the strategic bush fire strategy for Dwellingup with comments due to be considered by the Dwellingup Futures Implementation Advisory Committee in early December. Outcomes of this IAC meeting can be conveyed to DBCA as part of the Shire’s submission on the FMP.

**Section 6 Part D Plan Implementation, assessment and adaptive management**

Western Australia’s national parks, conservation parks, nature reserves, State forests and timber reserves are vested in the Conservation and Parks Commission, an independent body established under the CALM Act. DBCA manages land vested in the Commission and also has responsibility for protection of indigenous flora and fauna across all land tenures in Western Australia.

This draft FMP is a statutory management plan prepared in accordance with Part V of the CALM Act. This Plan will be implemented through the State’s Forest Management System and through monitoring and research according to available resources.

While there is a great of evidence to support current research practices, the FMP report notes there remain many important knowledge gaps that need to be addressed to improve understanding related to forest conservation, forest health and function, climate change and to help inform future management.

**Murray 2031 Strategic Community Plan**

<b>Focus Area</b>	Thriving Economy
<b>Aspiration</b>	Maximise Murray’s natural assets and heritage as a driver for tourism development.
<b>Strategy</b>	Develop Dwellingup into a nationally recognised trails town.

<b>Focus Area</b>	Environment, Character and Heritage
<b>Aspiration</b>	Protect and enhance our natural assets, waterways, bushland and biodiversity.
<b>Strategy</b>	Lead the Dwellingup Futures group to ensure a balanced approach to development in and around Dwellingup. Protect and enhance natural areas and biodiversity on public and private land.

**Murray 2022 – 2026 Corporate Business Plan**

<b>Focus Area</b>	Thriving Economy
<b>Objective</b>	Maximise Murray’s natural assets and heritage as a driver for tourism development.
<b>Strategy</b>	Develop key sectors of the tourism economy where Murray has competitive advantage.
<b>Actions</b>	Work with stakeholders to enable identification and development of a new short stay accommodation site within Dwellingup town centre.

<b>Focus Area</b>	Environment, Character and Heritage
<b>Objective</b>	Maximise Murray’s natural assets and heritage as a driver for tourism development.
<b>Strategy</b>	Develop Dwellingup into a nationally recognised trails town.
<b>Actions</b>	Complete the delivery of Dwellingup Adventure trails project.

**Other Strategic Links**

- Dwellingup Futures Road Map 2021-2036 and Beyond
- Regional Forest Agreement for South-West Forest Region of WA

**Statutory Environment**

Native forests on public lands, vested in the Conservation and Parks Commission in the south west of Western Australia are managed in accordance with a Forest Management Plan prepared under legislative backing of the Conservation and Land Management Act 1984 (CALM Act). The FMP facilitates management of the multiple values and uses of south west forests including biodiversity conservation, customary practices, recreation and tourism, and other forest-based industries.

**Sustainability & Risk Considerations**

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

The south-west forests are important to the economic and social fabric of Western Australia, generating tangible benefits including the provision of jobs and economic outputs for a range of industries, such as tourism, recreation, basic raw materials and forest based produce and resources.

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

The FMP planning area provides various goods and services that provide a range of social benefits for the community in terms of revenue and direct and indirect employment opportunities in forest based resources, recreation and tourism sectors.

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

The northern jarrah forest is one of the most vulnerable ecosystems in Australia and requires careful management to ensure its survival and the International Panel on Climate Change (IPCC) has identified the Northern Jarrah Forests as being at particular risk of climate collapse (**Appendix 1**). The unique evolutionary history of the south-west forests underpins the unique biodiversity of this region.

*Policy Implications*

Nil.

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>

High	<p>There is a reputational risk in the event Council is unable to achieve a shared position the protection of environmental heritage assets and potential trade-offs between mining and forestry protection.</p> <p>Impacts of climate change need to be carefully managed and monitored on northern Jarrah Forest ecosystems.</p>
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**Consultation**

Shire officers have been consulting with DBCA officers, Alcoa, DPLH and local community group members to help guide its consideration of key issues and concerns.

**Resource Implications**

*Financial*

There is minimal impact on Council as the Shire is not funding any external consultant to assist in formulating this submission.

*Workforce*

The review of FMP is being undertaken in-house by Shire officers in liaison with local community groups and relevant Government agencies.

**Options**

1. Supporting recommended position as its submission on the FMP.
2. Amending the comments for inclusion in a submission on the FMP.

**Conclusion**

The draft Forest Management Plan fails to provide any preservation or protection of the State Forest environment around the town of Dwellingup, notwithstanding that the CALM Act has no control over mining activity which is administered under the State Agreement Act and is subject to other environmental approval processes. In order to comprehensively examine comparative environmental, social and economic costs of mining and the cumulative impacts of clearing the forest environment versus the value of retaining native forest for longer term needs, it is recommended that EPA should formally assess the draft FMP as a Public Environmental Review PER.

In the absence of a negotiated or shared position being achieved on the environmental heritage assets contained within the Dwellingup Discovery Forest focus area (as an Action listed in the Dwellingup Futures Road map report), Council has previously resolved (refer Ordinary Council meeting held in December 2017) its continued support for the Dwellingup Community Compact’s objective to create protection zones around Dwellingup townsite and key trails/recreation precincts such as Lane Poole reserve.

Council is requested to support comments in this report as the basis of the Shire of Murray submission on the draft Forest Management Plan 2024-2033.

## **11.2 Appointment of Councillor Representative and to the Sustainability Strategy Working Group**

File Ref:	D22/40816
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Tom Lerner, Coordinator Environment Services
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Nil.

### **Recommendation/Council Decision OCM22/165**

**Moved: Cr S Lee**

**Seconded: Cr D McLarty**

**That Council:**

- 1. Agrees to establish a Sustainability Strategy Working Group, comprising two Councillors, environmental interest group and general community group representation;**
- 2. Nominates Cr Kirkham and Cr Rogers as Councillor representatives on the Sustainability Strategy Working Group;**
- 3. Authorise the Chief Executive Officer to nominate environmental group and general community group representation following an expression of interest process.**

**CARRIED UNANIMOUSLY 8:0**

### **In Brief**

- Work has commenced on an Environmental Sustainability Strategy for the Shire of Murray.
- Councillor representation is requested for membership on a working group to provide input into the preparation of the Strategy.

### **Background**

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

Sustainability has three distinct but interrelated components:

1. Economic sustainability - ensuring economic prosperity can be maintained over time.
2. Social sustainability - ensuring all people, now and in the future, have their basic needs met.
3. Environmental sustainability - ensuring non-human elements of nature, like air, water and biodiversity remain healthy over time.

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

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

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

Recent community consultation has highlighted the importance of building environmental sustainability into decision making and this increasing awareness and importance of the environment is clearly gaining momentum outside the Shire.

The preparation of a Shire of Murray Environmental Sustainability Strategy is an action in the current Corporate Business Plan for completion this financial year. It is expected to guide the Shire’s environmental related actions over the next 10 years. It will align with the Shire’s Local Biodiversity Strategy, Waterwise Action Plan and Cities Power Partnership Pledges.

Background work on the Strategy has been undertaken over the last few months and this will be supplemented by the feedback received through recent community workshops and once available surveys results undertaken for the Shire’s new Strategic Community Plan and Local Planning Strategy.

**Report Detail**

The project is now at the stage where it would benefit from involvement of a working group to guide the preparation of the Strategy document. The working group would comprise interested members of the community, environmental groups, together with Councillor and officer representation.

It is envisaged that the working group will provide input into the community engagement strategy for the project; champion and promote the project in the wider community; provide community involvement and engagement in the process; and to test and validate key elements of the Strategy during its preparation.

It is proposed that this group would comprise two Councillors, representatives from interested environmental related interest groups and up to five general community members. It is envisaged that the working group would meet two to three times during the preparation of the Strategy in the first part of 2023 and then once following the close of the public advertising process. General community members will be sourced through advertising of an expression of interest and requests to community groups and it is envisaged would be appointed by the Chief Executive Officer following consideration of submissions.

**Murray 2031 Strategic Community Plan**

<b>Focus Area</b>	Environment, Character and Heritage
<b>Aspiration</b>	Proactively manage resources and reduce our carbon footprint through responsible management of water, energy, fire management and waste.
<b>Strategy</b>	Responsibly manage Council and community water and energy use.

**Murray 2022 – 2026 Corporate Business Plan**

<b>Focus Area</b>	Environment, Character and Heritage
<b>Objective</b>	Pro-actively manage resources and reduce our carbon footprint by responsible management of water, energy, fire management and waste.
<b>Strategy</b>	Responsibly manage Council and community water and energy use.
<b>Actions</b>	Prepare an Environmental Sustainability Strategy.



## Other Strategic Links

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

## Statutory Environment

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

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

## Sustainability & Risk Considerations

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

Climate change poses many risks to our economy, especially in the traditional resource based industries. According to the 2016 Census, 35.7% of employment in Shire of Murray is in the manufacturing and mining industry sectors. As the world transitions to a low-carbon economy these industries face challenges in changing processes to reduce emissions with potential flow on to local employment.

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

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

From a basic short-term business level sustainability strategies can help drive change in terms of auditing and finding efficiencies in power use. They often lead to direct cost reduction in energy use in the short term.

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

The impacts of climate change will be felt across society however, it is well documented that the more vulnerable groups in our community are at a greater risk.

Increased demand on emergency services to deal with issues including increased bushfires, heatwaves, flooding / storm surge and frequency of extreme events.

It is envisaged that through education and engagement the Strategy will help empower and educate the community and to help reduce their energy dependency.

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

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

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

*Policy Implications*

Nil.

*Risk Management Implications*

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

**Consultation**

The strategy will involve consultation and communications throughout development and then be advertised in draft form for at least 6 weeks.

**Resource Implications***Financial*

An allocation of \$30,000 has been included in the 2022-23 budget for the development of the Strategy.

*Workforce*

The Strategy can be prepared within existing staff resource levels.

**Options**

1. Nominate Councillor representatives to the Sustainability Strategy Working Group.
2. Not allocate Councillor representatives to the Sustainability Strategy Working Group.

**Conclusion**

The Sustainability Strategy is a project included within the existing Corporate Business Plan for preparation in 2022-23 and sufficient funds are set aside in the current budget for the project.

Background investigations have been undertaken to date and the establishment of a working group to assist with the preparation of the Strategy would assist in ensuring a direction that has widespread community support.

## 12 CORPORATE GOVERNANCE

### 12.1 Local Government Reform - Ward and Representation Review

File Ref:	D22/39503
Previous Items:	OCM 27 Oct 22 Item 12.3 (OCM22/128)
Applicant:	Department of Local Government, Sport and Cultural Industries
Author and Title:	Dean Unsworth, Chief Executive Officer
Declaration of Interest:	Nil.
Voting Requirements:	Absolute Majority
Appendices:	Item 12.1 App 1 - Review of Wards and Representation Discussion Paper

#### Recommendation/Council Decision OCM22/166

**Moved: Cr A Rogers**

**Seconded: Cr S Carter**

**That Council, by Absolute Majority, having undertaken the required six week public consultation on the matter:**

- 1. Endorses the Ward and Representation Review Discussion paper (attached);**
- 2. Supports the ‘Voluntary Pathway’ for a publicly elected Shire President and;**
- 3. Advises the Local Government Advisory Board accordingly.**

**CARRIED UNANIMOUSLY 8:0**

#### In Brief

- The Minister for Local Government, the Hon. John Carey MLA has announced that a Bill will be presented to State Parliament in early 2023 to enforce all Band 1 and Band 2 Councils to have directly elected Mayors and Shire Presidents.
- The Shire of Murray is a Band 2 local government and is subject to this Bill.
- There is a voluntary or non-voluntary pathway affected local governments can take in meeting the stipulations to having a directly elected Shire President.

#### Background

The Election Transition Arrangements (Direct Election of the Mayor or President, and Consequential Changes to the Council) Bill will be presented to Parliament in early 2023. New requirements will be introduced to provide for:

- The introduction of optional preferential voting;
- Directly elected Mayors and Presidents for band 1 and 2 local governments;
- Councillor numbers based on population; and
- The removal of wards for band 3 and 4 local governments. The Bill also will force Councils that have Wards to undertake a Ward review. As the Shire of Murray does not have Wards this requirement is not necessary.

Due to the Shire President being directly-elected, The Department of Local Government, Sport & Cultural Industries (DLGSC) instructed Council to undertake a formal Ward and Representation Review to consider reducing the elected member numbers to 8 and have a directly-elected Shire President. Note that the size of the Council is to remain at 9.

The purpose of offering the 'voluntary' pathway as proposed by the Minister is to allow the Council to implement these changes and meet strict timelines Voluntary Pathway This pathway requires and provides the greatest possible lead time to plan for next year's ordinary elections.

Council considered the Ministers correspondence and at the October 2022 Ordinary Council meeting, it resolved (OCM22/128):

*That Council:*

- 1. Advises the Department of Local Government, Sport and Culture that its intention is to select the Voluntary Pathway as the method for implementing a directly elected Shire President and undertakes a Ward and Representation Review commencing 28 October 2022.*
- 2. Gives local public notice of its intention to carry out a review of wards and representation and invites submissions as required under Clause 6(1) of Schedule 2.2 of the Local Government Act 1995.*
- 3. Endorses the Ward Review and Representation Discussion Paper (Appendix 2) for the purposes of seeking public submissions, commencing 28 October 2022.*
- 4. Notes that the required six-week public consultation for the Ward and Representation Review concludes at 5pm on 12 December 2022 and that a late Officer report will be provided to Council prior to the Ordinary Council meeting on 15 December 2022.*

**CARRIED UNANIMOUSLY 8:0**

## **Report Detail**

A discussion paper was released for public comment on Friday 29 October, with submissions closing on 12 December at 5pm. At the time of finalising the December Council agenda, no submissions had been received. If any submissions are received between the release of this Council agenda and 12 December, they will be presented to Council for consideration.

## **Murray 2031 Strategic Community Plan**

This proposal is not part of the Shire's Strategic Community Plan.

## **Other Strategic Links**

Nil.

## **Statutory Environment**

The Minister is expected to introduce Election Transition Arrangements (Direct Election of the Mayor or President, and Consequential Changes to the Council) Bill to Parliament in early 2023. New requirements will be introduced to provide for:

- The introduction of optional preferential voting; and
- Directly elected Mayors and Presidents for band 1 and 2 local governments;

## **Sustainability & Risk Considerations**

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

Nil.

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

Nil.

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

Nil.

*Policy Implications*

Nil.

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Low	There is no significant risk to Council in either supporting or rejecting the officer recommendation.

**Consultation**

- West Australian Public notices 29 October and 5 November, 2022
- Shire website
- Social media

**Resource Implications***Financial*

There is no financial impact with this decision.

*Workforce*

There is no workforce impact with this decision.

**Options**

1. Support the officer recommendation and advise the Local Government Advisory Committee as such.
2. Not support the officer recommendation. This approach would almost certainly see all elected member positions vacant at the October 2023 local government elections.

**Conclusion**

It is very apparent that the Minister is fully committed to having legislation introduced to Parliament for Band 1 and Band 2 Councils having Mayors and Presidents directly elected by the public. By choosing the Voluntary Pathway, a Ward and Representation review can be completed by the statutory timeframes and that there isn't a full spill of council positions. If the Voluntary Pathway is not chosen, there is not the time available to have a Ward and Representation Review completed and therefore, it is likely all Council positions become vacant on election day on 21 October 2023.

With no submissions having been received (to date), there does not appear that there is any community angst about the proposal to support the 'Voluntary Pathway' to having a directly-elected Shire President.

**12.2 Annual Review - Shire of Murray Delegation of Authority Register**

File Ref:	D22/40921
Previous Items:	OCM. Jun 18 Item 11.7 (OCM18/121) OCM. Sept 18 Item 11.7 (OCM19/185) OCM. Dec 19 Item 11.6 (OCM19/271) SCM. Apr 20 Item 5.2 (SCM20/050) OCM. Dec 20 Item 11.4 (OCM20/215) OCM. Dec 21 Item 11.2 (OCM21/215)
Applicant:	Nil.
Author and Title:	Robert Marlborough, Manager Governance
Declaration of Interest:	Nil.
Voting Requirements:	Absolute Majority
Appendices:	Item 12.2 App 1 - Delegation of Authority Register - Review Document

**Recommendation/Council Decision OCM22/167****Moved: Cr G Black****Seconded: Cr D McLarty**

**That Council by Absolute Majority, accepts the annual review of the Shire of Murray Delegation of Authority Register (as detailed and provided) to meet the statutory requirements prescribed in section 5.46 (2) of the *Local Government Act 1995*.**

**CARRIED UNANIMOUSLY 8:0****In Brief**

To consider the annual review of the Shire of Murray Delegation of Authority Register.

**Background**

The *Local Government Act 1995* and other legislation requires Council to review delegations at least once each financial year. The last annual review of the Delegation of Authority Register was undertaken in December 2021.

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

The Chief Executive Officer may then sub delegate functions, duties and powers to other staff. Sub-delegated functions are also reviewed annually or as otherwise required to meet operational needs, with the last sub-delegation review being undertaken on 7 October 2022.

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

**Report Detail**

A review of the current Shire of Murray Delegation of Authority Register (Register) has been completed. The proposal presented for Council to consider is amendments and minor changes to Register, broadly outlined as follows:

- where there is a reference to a Councillor and/or Elected Member, change to Council Member for consistency and alignment with the *Local Government Act 1995*;
- where a title is used, such as Chief Executive Officer, Shire of Murray or where there is a legislation reference. Once a title or reference is used once within each policy, it has been

replaced with an acronym such, as Act, Regulation, CEO or Shire, etc to maintain consistency;

- general grammar issues, typographical errors and formatting have been addressed to improve readability and clarity;
- legislation references have been updated; and
- other minor word alterations have been completed, that do not affect delegated outcomes.

Any changes outside of these minor changes, are broadly outlined in the following table. For clarity, proposed deletions have been struck through and insertions are in bold italic text. The full text of Register is provided at Appendix 1.

Delegation No	Current Delegation Title	Amendments/Actions
1.13	Acquisition and Disposal of Property	Value increased to \$75,000 to align with legislation.
6.8	Transitional Provisions Relating to Local Government – Building Act 2011	Delete delegation, as the transitional provisions have now expired.
6.9	Issue of Certificates (Strata Titles)	Delete delegation. The former Strata Titles Act 1985 has a head of power in s.23. A new Act is now in force and the delegated functions are no longer required.
6.10	Planning Approvals and Associated Decisions	Legislation updated to reflect the <i>Planning and Development (Local Planning Scheme's) Regulations 2015 (the "Regulations")</i> .
6.13	6.13 Appointment of Authorised Officers and Specified Employees – Building Act 2011 Infringement Notices	Change in Delegation Title to reflect Building Act 2011. Corrections to legislative references.

### Murray 2031 Strategic Community Plan

<b>Focus Area</b>	Capable and Accountable
<b>Objective</b>	To develop strong leadership through good governance, effective communication and ensuring value for money.
<b>Strategy</b>	Deliver efficient and effective Council services to the community.

### Murray 2021 – 2025 Corporate Business Plan

<b>Focus Area</b>	Capable and Accountable
<b>Objective</b>	Respond efficiently and effectively to the evolving needs of the community.
<b>Strategy</b>	Deliver efficient and effective Council services to the community.

### Other Strategic Links

Nil.

### Statutory Environment

Local Government Act 1995 – Sections 5.42, 5.44, 5.45.and 5.46

5.42. Delegation of some powers and duties to CEO

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

**\* Absolute majority required.**

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

#### 5.43. Limits on delegations to CEO

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

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

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

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

conditions include qualifications, limitations or exceptions.

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

- (1) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —



- (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
  - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
- (a) a local government from performing any of its functions by acting through a person other than the CEO; or
  - (b) a CEO from performing any of his or her functions by acting through another person.

5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

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

**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 A2 provides the periodic framework for the review of the Shire of Murray Delegation of Authority Register once annually, and for periodic review of any sub-delegations from the Chief Executive Officer to employees.

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Low	The likelihood of negative community feedback in respect to this statutory review is limited.

**Consultation**

Nil.

**Resource Implications**

*Financial*

Nil.

*Workforce*

Nil.

**Options**

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

**Conclusion**

Delegated authority provides the organisation with clear guidelines and operational processes to enhance and support effective, efficient and consistent customer service. The proposed amendments through an annual review process ensures compliance with the legislative occurred and readability of the Register is improved.

### **12.3 Budget Amendments to Opening and Closing Balances and Projects Carried Forward from 2021/22**

File Ref:	D22/40965
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Tracie Unsworth, Director Corporate Services
Declaration of Interest:	Nil.
Voting Requirements:	Absolute Majority
Appendices:	Item 12.3 App 1 - Budget Amendments to Opening and Closing Balances

#### **Recommendation/Council Decision OCM22/168**

**Moved: Cr S Lee**

**Seconded: Cr A Rogers**

**That Council adopts the budget review as presented in the Appendix and approves the amendments to the 2022/23 budget and opening and closing positions, with an additional amendment that**

- **\$10,000 (exc. GST) be allocated from the Asset Enhancement Reserve for the purpose of obtaining various rail assets to remain on the western side of the Pinjarra Rail Precinct; and**
- **Council delegates to the Chief Executive Officer to negotiate with relevant parties items that are of heritage value to the precinct up to that budgeted amount.**

**CARRIED UNANIMOUSLY 8:0**

#### **In Brief**

Following the finalisation of the 2021/22 annual financial report, Council is requested to consider amendments to the 2022/23 annual budget.

#### **Background**

Council adopted its 2022/23 budget on 28 July 2022. At the time of adoption, transactions for the 2021/22 financial year were not finalised and therefore the annual financial statements reflect different figures than those presented as estimated actuals in the budget document. The impact on the opening and closing balances and some of the uncompleted projects that were carried forward from 2021/22 to 2022/23 are adjusted during the preparation of the annual financial statements.

It is considered best practice for Council to consider a budget variation as soon as possible after the annual financial statements have been prepared and audited so that budget allocations are corrected prior to the half-yearly statutory budget review in 2023.

#### **Report Detail**

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

The 2022/23 Annual Budget reported an estimated closing surplus as at 30 June 2023 of \$1,565,927. As a result of the financial movements outlined in this review, the revised surplus estimation has increased by \$398,058 to \$1,963,985.

The following items have influenced this position:

- Items endorsed by Council subsequent to budget adoption – Appendix Note 1  
2022/23 budget amendments to date have been mainly self-balancing, with only a minor adjustment to the closing surplus of \$3,000 to fund the 2023 MAX Pinjarra event.

- **Grant Funding – Appendix Note 2**  
 Advice of adjustments to government grants included in the 2022/23 budget have been received subsequent to budget adoption. These adjustments have resulted in a net increase of \$71,962 to available funds, and include:
  - General purpose grant – increase of \$155,991
  - Untied road grant – increase of \$69,636
  - Self balancing special bridgework grants - \$1,866,000

Also impacting grant funds was the notification that funding under the Local Roads & Community Infrastructure Program (Phase 3a) that was allocated to footpath, road reseals and the Batavia Quays project was not proposed to be available until July 2023. To meet this temporary shortfall, it is proposed that the affected projects be funded by reserve funds as detailed in Notes 2 and 6 in the appendix.

- **Carried Forward Projects – Appendix Note 3**  
 Of the projects included in the 2021/22 budget that were identified as incomplete and carried forward to the 2022/23 budget, further financial transactions and budget allocations were identified, resulting in a net \$119,426 increase in required funding.
- **Movement in Net Current Assets affecting surplus – Appendix Note 4**  
 Following the adoption of the 2022/23 budget, the final reconciliation of the 2021/22 accounting transactions resulted in an increase of cash and receivables of \$981,608, an increase in payables and provisions of \$805,540 and an increase in excluded items of \$272,454. These transactions amounted to an overall net increase to the 2021/22 closing surplus of \$448,522.

The overall impact on the Shire’s 2022/23 budgeted surplus as at 30 June 2023 is summarised as follows:

<b>Original Estimated Closing Surplus/(Deficit)</b>	<b>\$1,565,927</b>
Adjustments to 2022/23 Budget Endorsed by Council	(3,000)
<b>Revised Estimated Closing Surplus/(Deficit)</b>	<b>\$1,562,927</b>
Adjustments to Government Grant Funding Following Budget Adoption	71,962
Adjustments to 2022/23 Projects Carried Forward	(119,426)
Adjustments to 2021/22 Estimated Surplus/(Deficit) Brought Forward	448,522
<b>Proposed Estimated Closing Surplus/(Deficit) 30 June 2023</b>	<b>\$1,963,985</b>

**Murray 2031 Strategic Community Plan**

<b>Focus Area</b>	Capable and Accountable
<b>Aspiration</b>	Murray has a sustainable future.
<b>Strategy</b>	Maintain long term financial sustainability.

**Other Strategic Links**

2022 Long Term Financial Plan

**Statutory Environment**

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

**Sustainability & Risk Considerations***Economic - (Impact on the Economy of the Shire and Region)*

Nil.

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

Nil.

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

Nil.

*Policy Implications*

Nil.

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Low	Reviewing the annual budget on a regular basis assists in the sound management of the Shire's finances by ensuring decisions made throughout the year are based on the most recent financial position and helps to limit any negative financial impact.

**Consultation**

Nil.

**Resource Implications***Financial*

The impact on the Shire's estimated financial position as at 30 June 2023 as a result of this budget review is an increase of \$398,058 to the closing surplus as reported in the 2022/23 budget document and is detailed in the revised rate setting statement and accompanying notes presented as part of the review document (refer to Appendix).

*Workforce*

Nil.

**Options**

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

**Conclusion**

A review of all projects carried forward from the 2021/22 financial year has been undertaken as part of this budget review. All amendments detailed in the review document (refer to Appendix) are considered necessary to ensure the successful provision of Shire services and that the Shire's financial reports reflect the true estimated financial position as at 30 June 2023.

**12.4 Payments from Municipal and Trust Funds - November 2022**

File Ref:	D22/41304
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Tamara Tabor, Finance Coordinator
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 12.4 App 1 - Payments from Municipal and Trust Funds November 2022

**Recommendation/Council Decision OCM22/169****Moved: Cr A Rogers****Seconded: Cr S Carter**

**That Council receives the Payments from Municipal and Trust Funds Report November 2022 as presented.**

**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 of prepared under sub regulation (1) or (2) is to be:
  - a) presented to the Council at the next ordinary meeting of the council after the list is prepared; and
  - b) recorded in the minutes of that meeting.

**Report Detail**

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

The report contains the list of payments made from the Shire of Murray’s Municipal and Trust bank accounts for the month of November 2022.

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.

**Murray 2031 Strategic Community Plan**

<b>Focus Area</b>	Capable and Accountable
<b>Aspiration</b>	To develop strong leadership through good governance, effective communication and ensuring value for money.
<b>Strategy</b>	Establish a strong corporate governance framework to ensure high standards of integrity, ethics and accountability.

**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> , which may result in a qualified audit.
--	--

**Consultation**

Nil.

**Resource Implications***Financial*

Nil.

*Workforce*

Nil.

**Options**

1. Receiving the Payments from Municipal and Trust Funds report for November 2022.
2. Not receiving the Payments from Municipal and Trust Funds report for November 2022.

**Conclusion**

The Payments from Municipal and Trust Funds report has been prepared in accordance with the *Local Government (Financial Management) Regulations 1996* and is presented to Council for information. All accounts are for goods and services that have been duly incurred and authorised for payment in accordance with the budget allocation and statutory obligations.



## 12.5 Monthly Financial Report - November 2022

File Ref:	D22/41307
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Tamara Tabor, Finance Coordinator
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Monthly Financial Report - November 2022

### Recommendation/Council Decision OCM22/170

**Moved: Cr S Kirkham**

**Seconded: Cr G Black**

**That Council receives the November 2022 Monthly Financial Report as presented.**

**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.

### Report Detail

The monthly financial report for November 2022 identifies the financial position of Council as at the reporting date and consist of:

- Statement of Financial Activity
- Notes to Statement of Financial Activity
  - Monthly Summary Information
  - Significant Accounting Policies
  - Net Current Funding Position
  - Cash and Investments
  - Receivables
  - Capital Acquisitions

- Disposal of Assets
- Operating Grants and Contributions
- Non-Operating Grants and Contributions
- Cash Backed Reserves
- Budget Amendments
- Variances

**Murray 2031 Strategic Community Plan**

<b>Focus Area</b>	Capable and Accountable
<b>Aspiration</b>	To develop strong leadership through good governance, effective communication and ensuring value for money.
<b>Strategy</b>	Establish a strong corporate governance framework to ensure high standards of integrity, ethics and accountability.

**Other Strategic Links**

Shire of Murray 2022/2023 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.

**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 with legislative requirements may result in a qualified audit.

**Consultation**

Nil.

## **Resource Implications**

### *Financial*

Nil.

### *Workforce*

Nil.

## **Options**

1. Receiving the monthly financial report for November 2022.
2. Not receiving the monthly financial report for November 2022.

## **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 Lease Proposal - Dwellingup Community Hall - Dwellingup Community Compact Incorporated**

File Ref: D22/41582  
Previous Items: OCM Aug 2020 Item 5.1 (OCM20/158)  
Applicant: Dwellingup Community Compact Incorporated  
Author and Title: Robert Marlborough, Manager Governance  
Declaration of Interest: Nil.  
Voting Requirements: Simple Majority  
Appendices: Nil.

### **Recommendation/Council Decision OCM22/171**

**Moved: Cr S Carter**

**Seconded: Cr A Rogers**

**That Council:**

- 1. Supports a lease agreement with the Dwellingup Community Compact Incorporated group, on behalf of the Dwellingup Teenz, for the portion of the Dwellingup Community Hall on Reserve 20198, identified in the diagram provided in this report, for a period of one year, with a similar option period, subject to the consent of the Minister for Lands first being obtained.**
- 2. Authorises the Chief Executive Officer to negotiate the general terms of the lease with the annual rent commencing at \$100 (ex GST), plus CPI review, with an annual administration fee of \$100 (ex GST) applying, and a 6-monthly contribution of \$25 towards electricity consumption.**

**CARRIED UNANIMOUSLY 8:0**

### **In Brief**

Council is requested to consider a request from the Dwellingup Community Compact Incorporated (Compact) on behalf of the Dwellingup Teenz group to continue to lease a portion of the Dwellingup Community Hall, for use as community youth space.

### **Background**

The Shire of Murray holds the Management Order for Reserve 20198, being the site on which the Dwellingup Community Hall is located in McLarty Street, Dwellingup. The Shire has power under this Management Order to lease for a period not exceeding 21 years, subject to the written consent of the Minister of Lands.

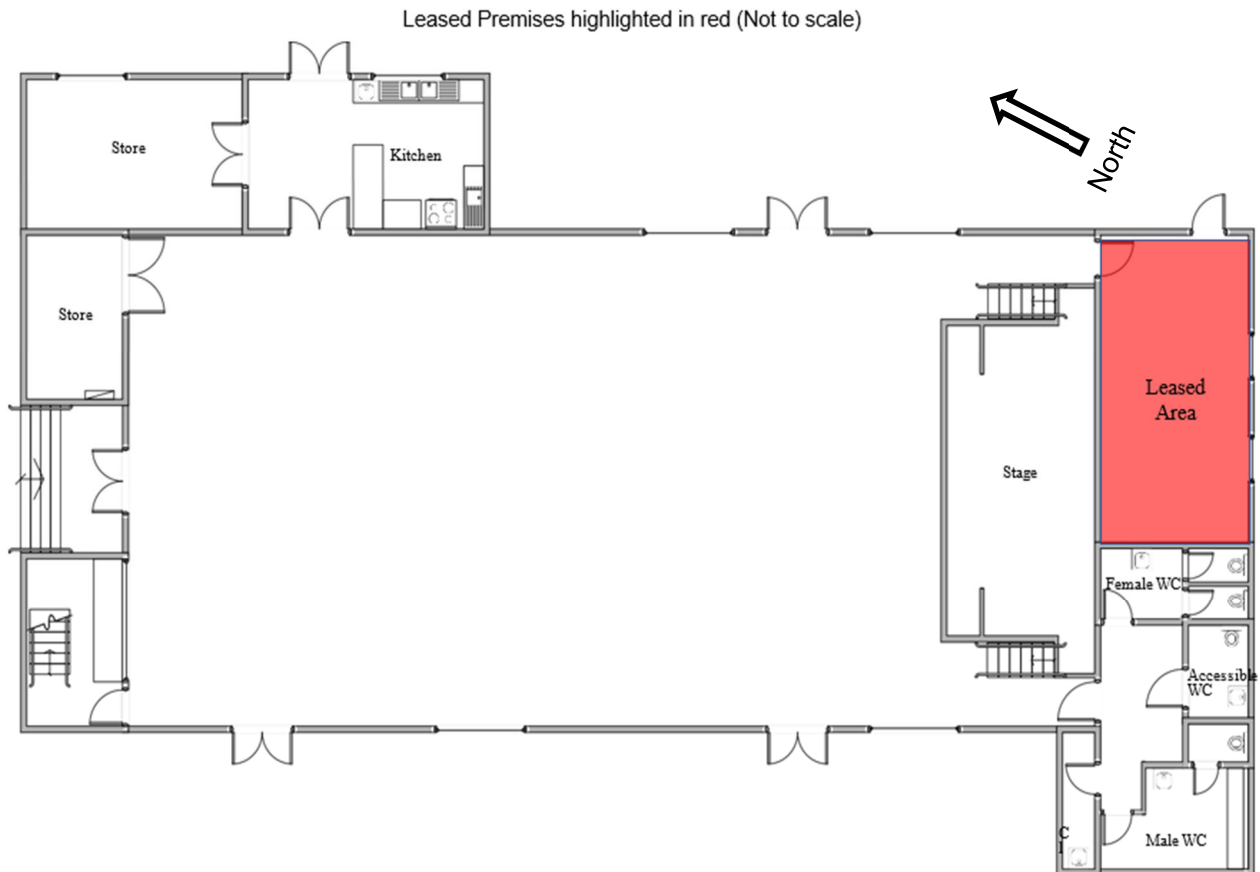
The Dwellingup Teenz group formed in October 2017 as a drop-in youth space for 11 to 17 years olds, based at the Dwellingup Community Hall. The Shire and the Compact supported this initiative following the adoption of the Shire of Murray Youth Strategy 2016-2020, which identified the need for youth spaces in the Murray Region.

Dwellingup Teenz group commenced operating in the Community Hall on Monday and Tuesday evenings and on the first Friday of every month, as a safe venue to hang out, make dinner together, play video and board games or other interactive activities targeted towards youth. The venue was first provided on a fee-waiver basis given the frequency of use.

The Dwellingup Teenz groups scope has evolved from just providing a drop-in youth space to delivering a number of initiatives including drama, dance and softball classes and improving the facilities by installing wall mounted shelving units and storage and providing audio visual equipment in the portion of the building.

Given the more permanent basis of the Community Hall use by the Dwellingup Teenz Group, Council approved a lease with the Compact in 2020 to provide dedicated space for youth activities within this facility. The last available lease extension term expired on 31 October 2022.

The Dwellingup Teenz group are seeking to continue exclusive use of the space within the Community Hall, as identified and highlighted red in the following site plan.



The Dwellingup Community Compact Incorporated group, auspice the Dwellingup Teenz group as they are not incorporated. The Compact has formally supported seeking a new lease arrangement to ensure dedicated local space continues for youth activities.

**Report Detail**

Council is requested to consider granting a new one a year lease, with a similar option period, for the identified portion of the Dwellingup Community Hall, for exclusive use of Dwellingup Teenz group.

Providing dedicated space within the Hall enables youth activities to continue to grow in a safe environment. No increase in floor space is sought and it is proposed to continue the lease fees previously applied without increase, other than the normal CPI review process, as detailed in the recommendation.

**Murray 2031 Strategic Community Plan**

<b>Focus Area</b>	Places for People
<b>Aspiration</b>	Murray will have created great places for people through strong partnerships with the community; innovative urban design; and improved the well-being and quality of life for residents.
<b>Objective</b>	Socially connected, safe and cohesive community.

<b>Strategy</b>	In partnership with communities, identify and prioritise community-led projects and initiatives.
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<b>Focus Area</b>	Places for People
<b>Aspiration</b>	Murray will have created great places for people through strong partnerships with the community; innovative urban design; and improved the well-being and quality of life for residents.
<b>Objective</b>	Socially connected, safe and cohesive community.
<b>Strategy</b>	Engage, enable and support youth.

<b>Focus Area</b>	Capable and Accountable
<b>Aspiration</b>	Murray will have further developed strong leadership through good governance, effective communication and ensuring value for money.
<b>Objective</b>	Actively increase the level of engagement with the community.
<b>Strategy</b>	A participatory community to engage with the Shire to build better places.

### Murray 2022 – 2026 Corporate Business Plan

<b>Focus Area</b>	Places for People
<b>Objective</b>	Socially connected, safe and cohesive community.
<b>Strategy</b>	Engage, enable and support youth.
<b>Project and Actions</b>	Implement initiatives that meet the aims and outcomes of the Shire's Youth Plan.

### Other Strategic Links

Shire of Murray Youth Strategy 2016-2020

### Statutory Environment

- *Local Government Act 1995*
- *Local Government (Functions and General) Regulations 1996*
- *Land Administration Act 1997*

Advertising the proposed disposition of property by way of the lease proposed is not required as the Dwellingup Community Compact is a non-profit group and an exemption applies under Regulation 30(2)(b)(i) or 30(2)(c)(ii) of the *Local Government (Functions and General) Regulations 1996*.

### Sustainability & Risk Considerations

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

Nil.

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

Activities delivered by the Dwellingup Teenz group benefit the Dwellingup community, in particular its youth, and this encourages activation, social interaction and personal development.

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

Nil.

*Policy Implications*

Policy C6 - Leasing Freehold and Reserve Land to Community Groups, Sporting Clubs and Other Non-Profit Organisations provides that a standard lease term for an exempt body leasing land vested in or owned by the Shire is up to a maximum of 10 years with a similar option period. In this instance, continuing with a one-year lease with a similar term provides Council with the opportunity to review should impacts with other users occur, or if circumstances change with the Dwellingup Teenz group.

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Low	Continuing to provide exclusive use of the proposed leased area to the Dwellingup Teenz, auspiced by the Compact is not likely to create negative community comment, as no change of use from the current arrangement is proposed.

**Consultation**

Nil.

**Resource Implications***Financial*

Nil.

*Workforce*

Limited impact, other than the time necessary to prepare a lease arrangement and managing ongoing administration.

**Options**

1. Support the proposed new lease arrangement, as recommended.
2. Determine an alternate lease term and financial structure.
3. Reject the lease proposal and apply normal hire fees for the Dwellingup Teenz use of Dwellingup Community Hall.

**Conclusion**

The Dwellingup Teenz group continue to demonstrate a strong commitment to grow and support youth engagement in Dwellingup. The group have had exclusive use of the leased area within the Dwellingup Community Hall since 2017, both on a formal and informal basis. It is not anticipated that ongoing use will unreasonably impact other users.

**12.7 Proposed Management Agreement - Coolup Community Hall and Coolup Tennis Club Facility**

File Ref: D22/41584  
Previous Items: CCS July 10 Item 5.4 (CCS10/136)  
OCM July 10 Item 10.5.2 (OCM10/162)  
CCD Sept 10 Item 5.5 (CCD10/190)  
OCM Sept 10 Item 10.3.1.1 (OCM10/197)  
PPS Feb 13 Item 8.6 (PPS13/014)  
OCM Feb 13 Item 11.11.1.5 (OCM13/017)  
OCM Mar 18 Item 11.7 (OCM)18/059  
Applicant: Coolup Progress Association (Inc.)  
Author and Title: Robert Marlborough, Manager Governance  
Declaration of Interest: Nil.  
Voting Requirements: Simple Majority  
Appendices: Item 12.7 App 1 - Coolup Progress Association Correspondence  
Item 12.7 App 2 - Management Agreement Request  
Item 12.7 App 3 - Draft Management Agreement

**Cr S Kirkham** declared an Impartiality Interest in Item 12.7, Proposed Management Agreement - Coolup Community Hall and Coolup Tennis Club Facility, in that his wife Lynda is Treasurer and he is a member of the Coolup Progress Association.

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

**Cr S Kirkham** remained in the meeting.

**Cr A Rogers** declared an Impartiality Interest in Item 12.7, Proposed Management Agreement - Coolup Community Hall and Coolup Tennis Club Facility, in that she is the President of the Coolup Progress Association.

**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 OCM22/172**

**Moved: Cr S Lee**

**Seconded: Cr G Black**

**That Council:**

- 1. Authorises the Chief Executive Officer to endorse a Management Agreement with the Coolup Progress Association Inc. for the day to day management of the Coolup Community Hall and the Coolup Tennis Club facility for a period of five years, commencing at the expiry of the current Management Agreement on 25 January 2023.**
- 2. Supports continuing to fund the cost of public liability insurance for the Coolup Progress Association for activities associated with the management of the Coolup Community Hall and the Coolup Tennis Club facility, up to the amount of \$1,000 per annum exc. GST, whilst a Management Agreement is operating.**
- 3. Subject to the Coolup Progress Association satisfactorily meeting its obligations under the Management Agreement if approved, authorises the Chief Executive Officer to renew a Management Agreement for the same facilities for a further 5-year term, on receipt of written application.**

**CARRIED UNANIMOUSLY 8:0**



## In Brief

Council is requested to consider its position in supporting a new management agreement with the Coolup Progress Association (Inc.) (the "Association") for the management of the Coolup Community Hall, with the inclusion of the Coolup Tennis Club facility.

## Background

The Coolup Community Hall and other similar facilities in the district have been managed by local community groups or progress associations under management agreements for a number of years.

The current management agreement with the Association for the Coolup Hall was approved by Council in 2018 and the current agreement expires on 25 January 2023. Both the Coolup Hall and the Coolup Tennis Club facilities are located on Reserve 17448. This Reserve is managed by the Shire under Management Order, with the lands purpose being Community and Recreation.

The Shire has and is currently funding the cost of public liability insurance for activities associated with the hire of the Coolup Community Hall. This same insurance arrangement applies to other Community Halls that are managed by either Progress or Community Associations where the base principle is local management of facilities to support ease of community access and increased use.

The Association have requested a new management agreement for the Dwellingup Community Hall. A strong interest has also been expressed to include the area of the Coolup Tennis Club facility. The areas proposed to be managed are highlighted in red on the following plan.



Correspondence from the Association is attached as is a copy of the draft Management Agreement.

## Report Detail

The proposal presented to Council is to support a new management agreement being endorsed with the Association for the management of the Coolup Community Hall and the Coolup Tennis Club facility for a period of 5 years, and then on written application for a further 5 years, subject to the Association satisfactorily meeting its obligations as the facility Manager.

**Murray 2031 Strategic Community Plan**

<b>Focus Area</b>	Places for People
<b>Aspiration</b>	Murray will have created great places for people through strong partnerships with the community; innovative urban design; and improved the well-being and quality of life for residents.
<b>Objective</b>	Socially connected, safe and cohesive community.
<b>Strategy</b>	In partnership with communities, identify and prioritise community-led projects and initiatives.

<b>Focus Area</b>	Places for People
<b>Aspiration</b>	Murray will have created great places for people through strong partnerships with the community; innovative urban design; and improved the well-being and quality of life for residents.
<b>Objective</b>	An active and healthy community.
<b>Strategy</b>	Plan community facilities for future generations.

**Murray 2022 – 2026 Corporate Business Plan**

<b>Focus Area</b>	Places for People
<b>Objective</b>	Encourage an active and healthy community.
<b>Strategy</b>	Plan community facilities for future generations.

**Other Strategic Links**

Nil.

**Statutory Environment**

The Management Order provides the ability to lease or licence for any term not exceeding 21 years, subject to the prior consent of the Minister for Lands.

Management Agreements are not a disposition of property, nor are they a tenure mechanism that requires the Minister’s prior consent. The object of management agreements is to enable likeminded Community or Progress Associations to self-manage community facilities to promote and increase local use.

**Sustainability & Risk Considerations**

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

Nil.

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

Local facilities such as halls provide venues for the community to meet, create and renew social networks or to discuss community related issues or participate in structured activities. The adjoining landowners will not be affected by this proposal, as no change of use is anticipated.

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

Nil.

*Policy Implications*

Nil.

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Low	The management of the community hall and tennis club facility by Association has limited risk. The level of negative community comment is considered to be low, as no significant change to current arrangement, even if the tennis facilities inclusion is supported.

**Consultation**

Nil.

**Resource Implications**

*Financial*

An annual budget allocation is provided to fund ongoing maintenance of the Shire’s halls. The proposed agreement does not alter the responsibility for the general maintenance and repair, which remains with the Shire.

There will be costs of up to \$1000 per annum to fund the cost of suitable public liability insurance for the Associations activities and third party hire of the community hall.

The responsibility for the day to day operating costs including cleaning and all outgoings will remain the responsibility of the Association. The day to day operating costs are funded by the hall hire and tennis facility fees that are generated throughout the year.

*Workforce*

Limited impact.

**Options**

1. Support a new management agreement with the Coolup Progress Association for the Coolup Community Hall and Coolup Tennis Club facility.
2. Reject the proposal presented.

If the proposal is rejected Council will need to commit resources to manage the day to day operations of these two community facilities.

**Conclusion**

The day to day management of this community hall at a local level has worked effectively for a number of years. Including the tennis facility may add opportunities to expand use of the hall and generate additional income. The proposal to enter into a 5-year agreement initially, and then on written application for a further 5 years, subject to the Association satisfactorily meeting its obligations as the facility Manager supports ongoing local management and improved community access to both the Hall and the tennis facility.

**12.8 Lease Proposal: Hotham Valley Tourist Railway - Portion of Reserve R45518 (Lot 363) Pinjarra-Williams Road, Pinjarra.**

File Ref: D22/41607  
Previous Items: OCM Oct 2014 Item 8.3 OCM14/126  
OCM Oct 2018 Item 11.4 OCM18/211  
Applicant: Hotham Valley Tourist Railway (WA) Incorporated  
Author and Title: Robert Marlborough, Manager Governance  
Declaration of Interest: Nil.  
Voting Requirements: Simple Majority  
Appendices: Nil.

**Recommendation/Council Decision OCM22/173****Moved: Cr D Pike****Seconded: Cr S Carter****That Council support:**

- 1. Subject to the Minister for Lands prior written consent, for a lease arrangement to be entered into with the Hotham Valley Tourist Railway W.A. Incorporated for a portion of Reserve R45518 being the whole of Lot 363 Pinjarra Williams Road, Pinjarra for a term of 5 years commencing on 1 January 2023, with a similar option term.**
- 2. The annual rent payable continuing from the current lease being \$56.70 (ex GST) adjusted annually by the Perth, All Groups Consumer Price Index, plus an annual administration fee, with the Lessee being responsible for all normal outgoings, maintenance and repairs.**
- 3. The Chief Executive Officer negotiating and determining the broad general terms and obligations to apply, to ensure the heritage fabric and other pertinent aspects are supported effectively.**
- 4. The Shire President and Chief Executive Officer signing and sealing the lease agreement once satisfactorily developed.**

**CARRIED UNANIMOUSLY 8:0****In Brief**

This report is presented for Council to consider entering into a new lease with Hotham Valley Tourist Railway W.A. Incorporated (HVTR) for a portion of Reserve R45518 (Lot 363) Pinjarra Williams Road, Pinjarra for a period of 5 years, with a similar option period.

**Background**

Reserve 45518 is located on the Pinjarra - Williams Road in Pinjarra and it comprises Lot 363, as well as Lots 502 and 503 (previously Lots 361 and 362 respectively). This Reserve is managed by the Shire under a Management Order for the purpose of "Tourism and Museum, Infrastructure and Community". The power to lease for up to 21 years is approved subject to the prior written consent of the Minister for Lands. The total Reserve area comprises 7.927 hectares.

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

Two other leases arrangements are also active on the Reserve, with the Pinjarra Community Garden and the Pinjarra Community Men's Shed groups. The areas occupied by these groups on Lot 503.



was originally within HVTR’s leased area. However, to enable space to be available for these two community groups to operate, HVTR’s lease was formally amended twice, over the past few years.

HVTR previously indicated, and continue to indicate, that they intended to shift operations to Dwellingup in the future. However, the final time frame for a full transition to Dwellingup is not known.

The Shire have been actively working through the Railway Precinct Project Working Group to put in place future plans to activate the west side of the Reserve. An outcome from the working group discussions was to not renew HVTR’s lease on the western side of the Reserve, after the current agreement expires on 31 December this year.

There was support for HVTR to continue to lease the eastern side of the Reserve, which comprises Lot 363, as highlighted on the following site plan.



HVTR are a registered non-profit incorporated group, registered number A0750144L, dated 23 September 1975.

**Report Detail**

HVTR have been a long-term user of Reserve 45518 and a significant interest still exists to continue use, at least in the short to medium term, on the eastern side of the Reserve (Lot 363).

The ongoing Railway Precinct Project will in time, clearly form the basis for the future use of the whole Reserve.

The proposal presented for Council to consider and support is a new lease arrangement with Hotham Valley Tourist Railway W.A. Incorporated for the eastern side of Reserve 45518 being the whole of Lot 363, for a period of 5 years with a similar option period. The lease to be developed will require the lessee to pay annual rent, an administration fee and be responsible for all normal outgoing, repairs and maintenance, as well as property insurance costs, which is consistent with other lease arrangements.

Within any lease developed clear written guidance must be provided to ensure clear common understanding about the sites heritage considerations and if there is any potential for HVTR to remove any fixed or other asset from the leased portion of the Reserve, at some future point.

**Murray 2031 Strategic Community Plan**

<b>Focus Area</b>	Thriving Economy
<b>Aspiration</b>	Murray will have a diverse and prosperous economy that supports innovation, training opportunities and provides a variety of business, tourism and employment opportunities.
<b>Objective</b>	Maximise Murray’s natural assets and heritage as a driver for tourism development.
<b>Strategy</b>	Develop key sectors of the tourism economy where Murray has a competitive advantage.

**Murray 2022 – 2026 Corporate Business Plan**

<b>Focus Area</b>	Thriving Economy
<b>Objective</b>	Maximise Murray’s natural assets and heritage as a drive for tourism development.
<b>Strategy</b>	Develop key sectors of the tourism economy where Murray has competitive development.

<b>Focus Area</b>	Capable and Accountable
<b>Objective</b>	Establish a strong corporate governance framework to ensure high standards of integrity, ethics and accountability.
<b>Strategy</b>	Maintain an effective statutory governance framework.

**Other Strategic Links**

Nil.

**Statutory Environment**

*Local Government Act (1995) – s 3.58 Disposing of Property*

(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; and
  - (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; and
  - (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) as declared by a resolution of the local government on the basis of a valuation 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.
- (5) This section does not apply to —
  - (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
  - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
  - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
  - (d) any other disposition that is excluded by regulations from the application of this section.

The lease proposal presented for consideration is an excluded disposition of property under either Regulation 30(2)(b)(i) and/or 30(2)(b)(ii) of the Local Government (Functions and General) Regulations 1996 given that HTVR operates like an educational, recreational, sporting or other like nature and its members do not make a pecuniary profit from the body's transactions, as follows:

- (2) A disposition of land is an exempt disposition if —
  - (a) the land is disposed of to an owner of adjoining land (in this paragraph called the transferee) and —
    - (i) its market value is less than \$5 000; and
    - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee; or
  - (b) the land is disposed of to a body, whether incorporated or not —
    - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
    - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;
- or
- (c) the land is disposed of to —
  - (i) the Crown in right of the State or the Commonwealth; or
  - (ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or

- (iii) another local government or a regional local government;

**Sustainability & Risk Considerations**

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

There should not be any negative financial impact on the community, if Council support the lease proposal.

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

Adjoining landowners should not be affected by the proposal to lease as no change or intensification of use is proposed for the area to be occupied.

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

Nil.

*Policy Implications*

The lease proposed is generally in line with Council Policy C6, excluding the requirement to public advertise an expression of interest, if and when lease arrangements expire to enable other community groups opportunities, and the term proposed being 5 years, plus a 5 year option, rather than 10 years, plus a 10 year option. These particular policy provision should be set aside:

- as the Reserve land in question is designed and used primarily for railway activities and no spaces are suitable for other types of community uses or activities; and
- the lease term of 5 years plus, a 5 year option provide opportunity to simplify review, if HVTR’s full transition to Dwellingup occurs.

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Low	The proposal presented to lease meets the legislative requirements, and it will not change the current or historic uses that have been occurring on the reserve land. The likelihood of negative community is considered low.

**Consultation**

Nil.

**Resource Implications**

*Financial*

The rent at the commencement of the original lease arrangement with HVTR, was \$50, plus GST, per annum. This rent has increased annually by CPI over the life of the current agreement. It is proposed to continue the rent from the expiring agreement, \$56.70, plus GST. Normal outgoing relating to power, water emergency service levy and contributions toward property insurance will apply. The lessee will be also responsible for maintenance and repair generally, and costs associated with bushfire prevention gutter cleaning and general pest control.

*Workforce*

Capacity exists internally to develop and manage the lease arrangement proposed.

**Options**

1. Support a new 5-year lease, with a similar extension period.
2. Support a lease, for an alternate term.
3. Reject a lease and determine an alternative position.



**Conclusion**

HVTR have been a long-term occupier of Reserve 45518 by way of lease. Over the past few years HVTR's lease footprint has reduced to cater for other community uses. The Railway Precinct project will drive future community, tourism and economic interest over the whole Reserve, firstly on the western portions Lots 502 and 503.

At this point the eastern side of the Reserve (Lot 363) meet the immediate needs of HVTR and it is set up to support this groups current activities. Continue to lease this part of the Reserve to HVTR is supportive and it will not be detrimental to the community or others users.

**12.9 Deed of Lease Assignment - Portion Reserve 37757 - Hualand Pinjarra Rd Pty Ltd to Alcoa of Australia Limited**

File Ref: D22/41677  
Previous Items: CS. 13 Jul 06 Item 4.1 (CS06/151)  
OCM. 27 July 06 Item 10.1.2 (OCM-6/107)  
OCM. 27 Jun 06 Item 11.13 (OCM19/117)  
Applicant: Hualand Pinjarra Rd Pty Ltd and Alcoa of Australia Limited  
Author and Title: Robert Marlborough, Manager Governance  
Declaration of Interest: Nil.  
Voting Requirements: Simple Majority  
Appendices: Nil.

**Cr D McLarty** declared an Impartiality Interest in Item 12.9, Deed of Lease Assignment - Portion Reserve 37757 - Hualand Pinjarra Rd Pty Ltd to Alcoa of Australia Limited, in that he is an employee of Alcoa.

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

**Cr D McLarty** remained in the meeting.

**Cr S Kirkham** declared an Impartiality Interest in Item 12.9, Deed of Lease Assignment - Portion Reserve 37757 - Hualand Pinjarra Rd Pty Ltd to Alcoa of Australia Limited, in that he is an employee of Alcoa.

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

**Cr S Kirkham** remained in the meeting.

**Recommendation/Council Decision OCM22/174**

**Moved: Cr A Rogers**

**Seconded: Cr G Black**

**That Council:**

- 1. Subject to the prior consent of the Minister for Lands being obtained, approves for the lease agreement with Hualand Pinjarra Rd Pty Ltd for a portion of Reserve 37757 at Lot 321 Carey Street, Pinjarra being assigned to Alcoa of Australia Limited, without any change to terms, conditions or obligations.**
- 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, approves for the Chief Executive Officer and the Shire President endorse and seal the formal Deed of Lease assignment.**

**CARRIED UNANIMOUSLY 8:0**

**In Brief**

To consider assigning the existing lease with Hualand Pinjarra Road Pty Ltd (Hualand) for a portion of Reserve 37757 to Alcoa of Australia Limited.

**Background**

Reserve 37757 is a Crown Reserve managed by the Shire under a Management Order with the purpose of the land being parking and parkland. The power to lease, sub lease and/or licence is approved for a period not exceeding 21 years, subject to the Minister for Lands prior consent.

The existing car parking facilities on the Reserve were built during the construction of the adjacent premises which was and is still occupied by Alcoa of Australia Limited. Council did not contribute towards the cost of the parking facilities.

In 2018, a 10 year lease extension term was enacted with Kavilla Pty Ltd with the agreement expiring on 2 April 2028. Advice from McLeods Barristers and Solicitors at the time determined that Kavilla Pty Ltd was not a legal company entity. Therefore, that entity was not legally capable of holding or assigning the lease interest on the Reserve to a third party. If Alcoa wished to continue to utilise the Reserve land for overflow car parking, a new lease under s.3.58 of the *Local Government Act 1995* would be required.

The adjacent land occupied by Alcoa was then sold to Hualand. Following an application, Council at its Ordinary Meeting on 27 June 2019 supported a lease with Hualand for a portion of Reserve 37757 for the purpose of car parking facilities associated with the adjacent land at Lot 1000 (1874) Pinjarra Road, Pinjarra, for a period of 10 years.

The area leased is highlighted in the following plan.



The 10-year lease currently in effect is for two 5 year terms, with the second term being exercisable on written application. The first term of lease is in effect until 31 July 2024. The second term if exercised would apply until 31 July 2029.

**Report Detail**

The identified portion of the Reserve has been formally used for the purposes of overflow car parking associated with the Alcoa of Australia Ltd occupied premises at 1874 Pinjarra Road, Pinjarra by way of a lease since about 2008.

Hualand are in the process of selling 1874 Pinjarra Road to a third party. A written request was recently submitted requesting the assignment of the existing lease to Alcoa of Australia Limited (Alcoa). Alcoa have confirmed in writing that the lease assignment would be accepted. Hualand have confirmed acceptance to pay all costs associated with the assignment, including legal and advertising, if required.

Given the support for the assignment between the parties there is no foreseeable reason to not assent to the assignment request. Alcoa have a long term lease commitment to the adjoining land for the use as office space and if the lease is assigned Alcoa would be responsible for meeting the lease obligations and requirements, in full.

**Murray 2031 Strategic Community Plan**

<b>Focus Area</b>	Capable and Accountable
<b>Aspiration</b>	Murray will have further developed strong leadership through good governance, effective communication and ensuring value for money.
<b>Objective</b>	Respond efficiently and effectively to the evolving needs of the community.

<b>Strategy</b>	Deliver efficient and effective Council services to the community.
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### **Murray 2021 – 2025 Corporate Business Plan**

Nil.

### **Other Strategic Links**

Nil.

### **Statutory Environment**

*Local Government Act (1995) – s 3.58 Disposing of Property*

(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; and

(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; and

(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) as declared by a resolution of the local government on the basis of a valuation 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.

The Deed of Assignment presented for consideration is not an excluded disposition under the *Local Government (Functions and General) Regulations 1996*.

## Sustainability & Risk Considerations

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

Assigning the lease will not adversely economically impact the Shire of the region.

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

No change of use is proposed by the assignment and adjoining landowners will not be adversely impacted.

### *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	Formal tenure by way of lease is in effect for the subject Reserve land and the proposal to assign will not increase risk considerations.

## Consultation

- Hualand Pinjarra Rd Pty Ltd
- Alcoa of Australia Limited

## Resource Implications

### *Financial*

All costs associated with the assignment will be borne by Hualand Pinjarra Rd Pty Ltd.

### *Workforce*

Nil.

## Options

1. Approving the assignment, as proposed.
2. Reject the assignment and retain the status quo.

## Conclusion

Part of this Reserve has actively been used for overflow parking associated with the premises occupied by Alcoa of Australia Limited on the adjoining land for an extended period of time. This use supports Alcoa's business operations and in general it does not impact the community. Assigning the existing lease is not likely to detrimentally impact the Shire and aligning the lease to the predominate tenant (Alcoa) clearly links use and all associated obligations and responsibilities, as provided in the existing lease arrangement.

**12.10 Notice of Motion - Revoke Previous Decision - 24 November 2022, Item 12.6 - Lease Proposal, Lot 190 (6) George Street, Pinjarra - Regional Development Australia Peel Inc**

File Ref: D22/42320  
Previous Items: OCM Oct 2019 Item 19.1 OCM19/243  
OCM Nov 2019 Item 15.2 OCM19/258  
OCM Nov 2019 Item 15.3 OCM19/259  
OCM Nov 2022 Item 12.6 OCM22/148  
Applicant: Nil.  
Author and Title: Robert Marlborough, Manager Governance  
Declaration of Interest: Nil.  
Voting Requirements: Absolute Majority  
Appendices: Nil.

**Recommendation/Council Decision OCM22/175****Moved: Cr S Carter****Seconded: Cr S Kirkham****Third: Cr A Rogers**

**That Council by Absolute Majority revokes the following decision in full, made at the Ordinary Council Meeting on 24 November 2022 (OCM22/148), Item 12.6:**

**That Council supports:**

- 1. A new lease arrangement being entered into with Regional Development Australia Peel Inc (RDA Peel) for a portion of Lot 190 (6) George Street, Pinjarra commencing 1 December 2022 and expiring on 30 June 2025, with the Chief Executive Officer approved to negotiate the general lease terms and obligations.**
- 2. The rent payable commencing at \$2005.50 (plus GST), per calendar month which is to be reviewed annually in accordance with the September Perth, All Groups Consumer Price Index, and all normal outgoings, general maintenance and repairs being the lessee's responsibility.**
- 3. The Shire President and Chief Executive Officer signing and sealing the Lease Agreement.**
- 4. An Expression of Interest process be undertaken at the end of the lease period for the use of 6 George Street, Pinjarra.**

**CARRIED UNANIMOUSLY 8:0**

**In Brief**

To consider revoking a previous decision made at the Ordinary Council Meeting on 24 November 2022 in accordance with the *Local Government (Administration) Regulations 1996* (Regulations) to enable a new determination to be made about leasing a portion of Lot 190 (6) George Street, Pinjarra to Regional Development Peel Inc for a term expiring on 30 June 2025, with an option term of a further three years being made available

**Report Detail**

Council at the briefing session on 8 December 2022 were presented a request by the Chief Executive Officer to consider offering a further 3 year lease option term to Regional Development Peel Inc, as part of a lease proposal. Revoking or varying Council decisions requires compliance with Reg 10 of the Regulations. This report satisfies that requirement.

**12.10.1 Lease Proposal - Portion of Lot 190 (6) George Street, Pinjarra - Regional Development Australia Peel Inc**

File Ref:	D22/42328
Previous Items:	OCM Oct 2019 Item 19.1 OCM19/243 OCM Nov 2019 Item 15.2 OCM19/258 OCM Nov 2019 Item 15.3 OCM19/259 OCM Nov 2022 Item 12.6 OCM22/148
Applicant:	Regional Development Australia Peel Inc
Author and Title:	Robert Marlborough, Manager Governance
Declaration of Interest:	Nil.
Voting Requirements:	<b>Simple Majority</b>
Appendices:	Nil.

**Recommendation/Council Decision OCM22/176****Moved: Cr D McLarty****Seconded: Cr S Carter****That Council supports:**

- 1. A new lease arrangement being entered into with Regional Development Australia Peel Inc (RDA Peel) for a portion of Lot 190 (6) George Street, Pinjarra commencing 1 December 2022 and expiring on 30 June 2025, with further option term of 3 years being available, with the Chief Executive Officer approved to negotiate the general lease terms and obligations.**
- 2. The rent payable commencing at \$2005.50 (plus GST), per calendar month which is to be reviewed annually in accordance with the September Perth, All Groups Consumer Price Index, and all normal outgoings, general maintenance and repairs being the lessee's responsibility.**
- 3. The Shire President and Chief Executive Officer signing and sealing the Lease Agreement.**

**CARRIED UNANIMOUSLY 8:0****In Brief**

To consider a new lease with Regional Development Australia Peel Inc (RDA Peel) on a portion of Lot 190 (6) George Street, Pinjarra, commencing 1 December 2022.

**Background**

The Shire are the owner of (Lot 190) 6 George Street, Pinjarra (Miss Adams House) in fee simple. This property has a land area of 1512m<sup>2</sup> and the land is adjacent to Cantwell Park. Park infrastructure is constructed on the rear portion of the property.

Past occupancy of this property by way of lease has been with by Agriculture WA, a local travel agent and with 360 Health and Community, until 30 July 2019. Following the expiry of the lease with 360 Health and Community, an Expression of Interest (EOI) was advertised in August 2019, inviting submissions to lease the premises on the basis of hospitality, tourism or other types of use to add value and vibrancy to Pinjarra and that could integrate the site with the redevelopment of the foreshore reserve and the activation of the main street.

RDA Peel submitted the only proposal to use the premises by the EOI closing date. In November 2019 Council formally supported a lease with RDA Peel for a portion of the property.

The recommendation subsequently adopted following the EOI was, that Council supported:



- a lease being entered into with *Regional Development Australia Peel Inc. (RDA Peel)* for a portion of (Lot 190) 6 George Street, Pinjarra from 1 December 2019 to 30 November 2020 at \$1.00, plus GST and normal outgoings subject to:
  - *RDA Peel, completing at its own cost (by November 2020) (to the satisfaction of the Chief Executive Officer) the following property improvements, being new window treatments, floor coverings, a ducted air-conditioning system, external landscaping and electrical upgrades.*
- a further lease for a period of two years to 30 November 2022 being entered into with *Regional Development Australia Peel Inc.* for the same premises at an annual rental of \$22,000 plus GST, with provision for a CPI review, plus normal outgoings.
- the Chief Executive Officer was approved to negotiate and determine the broad terms, conditions, outgoings that would apply and the general obligations of any lease arrangement.

The leasable portion of the premises is outlined red on the following plan:



Part of the original recommendation supported a reduced annual rent for the first year, subject to RDA Peel undertaking various property improvements. Works completed, as agreed by RDA Peel included new window treatments, replacing floor coverings, upgrading air-conditioning, landscaping and driveway work, new front fencing and electrical upgrades. The value of the improvement completed exceeded 66K.

Council considered a prior report in November 2022 that supported a new lease with RDA Peel for the subject premises. However, an option term for a further three years was not considered when that report was prepared. Council considered this situation at its briefing session on 8 December 2022, and agreement was reached to support an option term.

### Report Detail

In July this year a written request was lodged by RDA Peel for a new lease for a portion of 6 George Street for the period from 1 December 2022 to 30 June 2025. This period aligns with the end of the current lease, and further aligns with the Commonwealth funding arrangements for RDA Peel's operations.

Following this request, a formal valuation was obtained on 10 October 2022 from Acumentis Mandurah, a licenced valuer to ascertain the market rent that could be expected for the portion of the property to be leased, using the principles of a willing lessor and a willing lessee, in an arm's length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.



The valuation received indicates a market rent value of \$26,250 per annum or \$2,187,50 per month, plus GST, exclusive of outgoings. Further information is provided in the financial section of this report.

RDA Peel and other RDA Committees, work with all levels of government and the private sector to facilitate regional economic development outcomes, investment, local procurement and jobs. Promote greater regional awareness, support grant program’s and research, improve Commonwealth regional policy making by providing intelligence and evidence-based advice to the Australian Government on regional development issues and coordinate the development of strategic regional plans, or work with suitable existing regional plans to align with the Commonwealth’s regional priorities.

As outlined RDA Peel have occupied this property by way of lease since 2019 and substantive self-funded property improvements have been made over their current tenure to support the ongoing use, make the property functional and improve the value of this Shire asset.

It is recommended to Council to support a new lease with RDA Peel to retain local services and support and ensure local linkages to higher level economic development regional framework remain in place, with the initial term being until 30 June 2025 as requested, plus a further 3 year option period being available.

**Murray 2031 Strategic Community Plan**

<b>Focus Area</b>	Environment, Character and Heritage
<b>Objective</b>	Proactively manage resources and reduce our carbon footprint through responsible management of water, energy, fire management and waste.
<b>Strategy</b>	Continue to develop partnerships with environmental groups, state departments and stakeholders.

<b>Focus Area</b>	Thriving Economy
<b>Objective</b>	An economy that is focused on key success factors for growth: knowledge and innovation: export income and investment; infrastructure and local capacity.
<b>Strategy</b>	Build and maintain the Transform Peel initiative.

**Murray 2022 – 2026 Corporate Business Plan**

<b>Focus Area</b>	Thriving Economy
<b>Objective</b>	An economy that is focused on key success factors for growth: knowledge and innovation: export income and investment; infrastructure and local capacity.
<b>Strategy</b>	Maximise inherent Regional economic opportunities.

**Other Strategic Links**

Nil.

**Statutory Environment**

*Local Government Act (1995) – s 3.58 Disposing of Property*

(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; and
    - (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; and
  - (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) as declared by a resolution of the local government on the basis of a valuation 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.
- (5) This section does not apply to —
- (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
  - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
  - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
  - (d) any other disposition that is excluded by regulations from the application of this section.

The lease with RDA Peel presented for determination is considered to be an excluded disposition of property under either Regulation 30(2)(b)(i) or 30(2)(c)(ii) of the *Local Government (Functions and General) Regulations 1996* given that RDA Peel members do not make a pecuniary profit from the body's transactions or that RDA Peel is an agency of the Commonwealth, as follows:

- (2) A disposition of land is an exempt disposition if —
- (a) the land is disposed of to an owner of adjoining land (in this paragraph called the transferee) and —
    - (i) its market value is less than \$5 000; and
    - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee; or

- (b) the land is disposed of to a body, whether incorporated or not —
  - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
  - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body’s transactions;

or

- (c) the land is disposed of to —
  - (i) the Crown in right of the State or the Commonwealth; or
  - (ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or
  - (iii) another local government or a regional local government;

**Sustainability & Risk Considerations**

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

The proposal to enter into the new lease arrangement with RDA Peel as proposed is not expected to disadvantage the community and linked support agencies to Peel RDA will continue to provide positive economic benefits and improvements in service provision both locally and regionally.

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

The use proposed by RDA Peel is not inconsistent with the previous use of the premises. The lease itself and the proposed ongoing uses are not likely to directly affect other adjoining landowners.

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

Nil.

*Policy Implications*

The *Local Government Act 1995* provides for the disposition of property, which includes by way of a lease.

In this case the lease proposed is exempt under 30(2)(b)(i) or 30(2)(c)(ii) of the *Local Government (Functions and General) Regulations 1996*, as it is with an agency of the Commonwealth given that Regional Development Australia (RDA) is an Australian Government initiative that brings together all levels of government to enhance the development of Australia's regions. A national network of RDA committees has been established to achieve this objective.

Therefore, prior advertising and a formal market valuation are not required for the lease proposed.

For Council’s information the prior market rental valuation this property, dated 16 September 2016 determined that the annual rental value was \$25,000, plus GST, exclusive of outgoings.

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Low	Working towards a new lease with RDA Peel for the premises is permitted under the <i>Local Government Act 1995</i> and the process proposed is compliant. No change of use is proposed so the likelihood of negative community feedback is limited.

**Consultation**

Nil.

**Resource Implications***Financial*

The recent valuation received indicates an annual market rental value of \$26,250 per annum or \$2,187.50 per month, plus GST, exclusive of outgoings. Continuing the monthly rent from the current lease at \$2,005.50 (inclusive of September 2022 CPI), plus GST is equitable and provides continuity to the lessee.

Normal outgoings in respect to lease arrangements generally include, but are not limited to power consumption and supply charges, water rates consumption and service charges, gas consumption and service charges, annual rubbish services charges, all statutory duties & levies, property insurance charges, general pest control, safety and emergency equipment servicing and inspections, air conditioning servicing and inspection, security alarm monitoring and response, and general internal and external cleaning, maintenance upkeep and general repair.

Periodic gutter cleaning and preventative pest (termite) inspections normally remains the Lessors responsibility as water ingress or termite infestations can cause significant damage in short periods of time.

*Workforce*

Limited impact, other than the time necessary to prepare a lease and for ongoing administration.

**Options**

1. Support the proposed new lease arrangement with RDA Peel, as recommended.
2. Determine an alternate lease term and financial structure.
3. Reject the lease proposal and explore other opportunities for the property.

**Conclusion**

The new lease proposal with RDA Peel, if supported, ensures continuing local and regional services as provided by RDA's, and further supports capacity for office (hot desk) space for other organisations to deliver aligned outreach programs.

Retaining RDA Peel in Pinjarra increases business activity in the town centre, which supports other broader economic benefits, job opportunities and maintains the opportunity for continuing long-lasting partner arrangements.

**12.11 Adoption of 2021/2022 Annual Report**

File Ref: D22/41855  
 Previous Items: OCM 24 Feb 2022 Item 12.5 (OCM22/006)  
 Applicant: Nil.  
 Author and Title: Dean Unsworth, Chief Executive Officer  
 Declaration of Interest: Nil.  
 Voting Requirements: Absolute Majority  
 Appendices: Item 12.11 App 1 - Shire of Murray Annual Report with Financials

**Recommendation/Council Decision OCM22/177**

**Moved: Cr A Rogers**  
**Seconded: Cr D McLarty**

**That Council:**

1. **Receives the Shire of Murray Annual Report for the financial year ending 30 June 2022 and gives local public notice of its availability.**
2. **Receives the Shire of Murray Annual Financial Report and Auditor’s Report for the financial year ending 30 June 2022 as contained in the Annual Report.**
3. **Resolves to hold the Annual Electors’ Meeting for the financial year ending 30 June 2022 on Thursday 9 February 2023 in the Council Chambers commencing at 5.00pm.**
4. **Gives local public notice of the Annual Electors’ Meeting in accordance with Section 5.29 of the *Local Government Act 1995*.**

**CARRIED UNANIMOUSLY 8:0**

**In Brief**

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

**Background**

Section 5.54(1) and Section 5.27(2) of the *Local Government Act 1995* requires the Local Government to receive the Annual Report for the year ending 30 June 2022 and set a date for the Annual Electors’ Meeting.

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

**Report Detail**

In accordance with the *Local Government Act 1995* and its subsidiary regulations the Annual Report, which includes the Annual Financial Report and Auditor’s Report for the year ending 30 June 2021, has been prepared and is circulated to Councillors under separate cover.

**Murray 2031 Strategic Community Plan**

<b>Focus Area</b>	Places for People
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<b>Aspiration</b>	Murray has a sustainable future.
<b>Strategy</b>	Establish a strong corporate governance framework to ensure high standards of integrity, ethics and accountability.

**Other Strategic Links**

Not applicable

**Statutory Environment**

*Local Government Act 1995 Sections:*

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

**Sustainability & Risk Considerations**

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

The Shire’s Annual Report demonstrates to the Community sound management of the Shire’s finances during 2020/2021.

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

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

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

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

*Policy Implications*

Nil.

*Risk Management Implications*

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

**Consultation**

- Council’s auditors
- Office of the Auditor General
- Senior management

**Resource Implications**

*Financial*

The Shire is required to meet the cost of preparing the Annual Report and advertising the Annual Electors’ Meeting. Funds have been allocated in the 2021/2022 budget for these purposes.

**Workforce**

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

**Options**

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

**Conclusion**

Council has a statutory obligation to produce an Annual Report for the preceding financial year. Following adoption of the 2021/2022 Annual Report, Council is required to hold an Annual Electors' Meeting with 56 days of acceptance of the report. Therefore, it is proposed to hold the Annual Electors' Meeting on Thursday 9 February 2023 5.00pm. This date falls within the scope of the *Local Government Act 1995* where 14 days local public notice is required.

**13 RECREATION, ECONOMIC & COMMUNITY DEVELOPMENT****13.1 Food Innovation Precinct Western Australia (FIPWA) Production Warehouse/Brewery Fit Out -**

File Ref:	D22/41818
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Dean Unsworth, Chief Executive Officer
Declaration of Interest:	Nil.
Voting Requirements:	Absolute Majority
Appendices:	Item 13.1 App 1 - Quotation 1 (Confidential) (under separate cover) Item 13.1 App 2 - Quotation 2 (Confidential) (under separate cover)

**Recommendation/Council Decision OCM22/178****Moved: Cr D McLarty****Seconded: Cr G Black****That Council, by ABSOLUTE MAJORITY:**

- 1. Approves quotation provided by Tricon as per confidential Appendix 1.**
- 2. Approves the following funding structure to undertake the fit-out works for the Food Innovation Centre Western Australia (FIPWA) Production/Brewery building:**
  - i. \$88,161 from the Shire of Murray's Enterprise Support Programme budget;**
  - ii. \$80,000 from the Warehouse/Brewery budget that is already included within the FIPWA Capital Budget; and**
  - iii. The remaining \$50,000 be provided by Spinifex Brewery Pty Ltd.**
- 3. Supports the ESP allocation to be replenished from the FIPWA Operational Budgets between 2023-2027, but only if it is from that budget and not from the Shire of Murray municipal funds.**

**CARRIED UNANIMOUSLY 8:0****In Brief**

The FIPWA construction program commenced in April 2021 and has achieved Practical Completion. The Research and Development, Innovation and Production – Food Technology Facility premises have been handed over to anchor tenants.

The FIPWA Production Warehouse-Brewery has also achieved Practical Completion. However, further works are still required to be undertaken to achieve a Certificate of Occupancy for the tenant.

**Background**

Lease agreement with Spinifex Brewery was signed on 4 May 2022 noting the commencement date of the lease would be agreed upon once Practical Completion of the FIPWA construction was achieved.

Further to Spinifex being an anchor tenant in the FIPWA, it is worth noting that Spinifex Brewery received \$150,000 from the McGowan Government in December 2021 through the Regional Economic Development (RED) program funding to increase its packaged beer sales in the Australian domestic market and export the "Taste of Australia" range by installing a canning line in the Spinifex production brewery within the FIPWA.



## Report Detail

The necessary works were put to the market via a Request for Quote (RFQ).

Given the current state of the construction industry, the quotes received have been in excess of the RGF funding budget by \$138,161 due to the significantly current overheated construction market. The original allocation in the building budget was \$80,000.

The works required to achieve Certificate of Occupancy is as follows:

- Supply of light fittings, power outlets etc
- Mechanical requirements
- Toilet and basins
- General building works

The two (2) quotes obtained are provided under confidential cover due to the commercial-in-confidence nature (attachments 1 & 2).

To resolve the funding gap, the CEO and FIPWA General Manager have worked in collaboration with Spinifex Brewery, anchor tenant to the FIPWA Production Warehouse-Brewery, to identify a solution that will achieve a positive outcome to the complete the build but will also deliver a multiplier effect to wider beverage businesses and activate the FIPWA.

### Murray 2031 Strategic Community Plan

<b>Focus Area</b>	Thriving Economy
<b>Aspiration</b>	To create diverse and prosperous economy that supports innovation, training opportunities and provides a variety of business, tourism and employment opportunities.
<b>Strategy</b>	Build and maintain the Transform Peel initiative.

### Murray 2021 – 2025 Corporate Business Plan

<b>Focus Area</b>	Thriving Economy
<b>Objective</b>	An economy that is focused on key success factors for growth; knowledge and innovation; export income and investment; infrastructure and local capacity.
<b>Strategy</b>	Build and maintain the Transform Peel initiative.
<b>Actions</b>	Deliver the Western Australia Food Innovation Precinct

### Other Strategic Links

Nil.

### Statutory Environment

Nil.

### Sustainability & Risk Considerations

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

There are significant long-term economic benefits to the Shire and the region with the FIPWA Production – Warehouse/Brewery program progressing. It is imperative that the program is underway at the earliest to take advantage of brewing equipment that will be housed in the FIPWA to aid the significant growth being witnessed in the brewing segment of the F&B industry.

*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>
High	Further budget blow-outs to fit out works can be expected if decisions are not made quickly. Spinifex Brewery have agreed to manage the costs closely with the preferred vendor and I2C architects.

**Consultation**

Spinifex Brewery Senior Management

**Resource Implications**

The amount of \$88,161 is recommended to be funded from the FIPWA Enterprise Support Program and that there will be no financial effect on the Shire’s financial position. The total budget of the ESP is \$3.8 million, with \$700,000 of that amount already allocated in previous funding rounds.

The earlier the tenant can obtain its Certificate of Occupancy, the sooner rent will be received.

**Options**

1. Consider the information contained herewith and support the officer recommendations.
2. Consider an alternative amount from the ESP.
3. Reject the funding request.

**Conclusion**

The FIPWA Production – Warehouse / Brewery is an important component of FIPWA. Completion of the pending fit out works is essential to commence the brewing program for the company as well as extend manufacturing support to other beverage businesses.

**14 INFRASTRUCTURE SERVICES**

**14.1 Tender T22/06 - Construction of Lovegrove Sports Pavilion**

File Ref: D22/41143  
 Previous Items: OCM 27 Oct 22 Item 13.3 OCM22/  
 OCM 27 Aug 20 Item 11.10 OCM20/159  
 OCM 26 Mar 20 Item 11.11 OCM  
 Applicant: Nil.  
 Author and Title: Alan Smith, Director Infrastructure Services  
 Declaration of Interest: Nil.  
 Voting Requirements: Simple Majority  
 Appendices: Item 14.1 App 1 - Confidential Assessment Report - T22/6 Construction of Lovegrove Sports Pavilion - Confidential (under separate cover)

**Recommendation/Council Decision OCM22/179**

**Moved: Cr S Lee**  
**Seconded: Cr S Carter**

**That Council accepts the recommendation in the Confidential Assessment Report.**

**CARRIED UNANIMOUSLY 8:0**

**In Brief**

Council are requested to endorse the preferred tenderer for the construction of Lovegrove Sports Pavilion.

**Background**

The Lovegrove Sports Pavilion is a project that has been considered to improve facilities within Pinjarra which encourages an increased activation in sport. A feasibility report was commissioned to review both Sir Ross McLarty Oval and the South Yunderup Oval with a view of establishing changeroom facilities at both locations. Works at the South Yunderup Oval were completed early 2022.

**Report Detail**

The Confidential Assessment Report contains a detailed evaluation report.

**Murray 2031 Strategic Community Plan**

<b>Focus Area</b>	Places for People
<b>Aspiration</b>	Encourage an active and healthy community.
<b>Strategy</b>	Plan community facilities for future generations.

**Murray 2021 – 2025 Corporate Business Plan**

<b>Focus Area</b>	Places for People
<b>Objective</b>	Encourage an active and healthy community.
<b>Strategy</b>	Plan community facilities for future generations.
<b>Actions</b>	Update the Community Infrastructure Plan to identify sport, recreation and community facility requirements for the future.

**Other Strategic Links**

Nil.

**Statutory Environment**

Local Government Act 1995

Local Government Act (Functions and General) Regulation 1996

**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 A15 – Asset Management: new infrastructure assets provide the desired level of service to meet the community’s needs and expectation in a financially sustainable manner.

Policy G11 – Purchasing: The Shire of Murray is committed to delivering best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance and that comply with the *Local Government Act 1995* (the ‘Act’) and Part 4 of the *Local Government (Functions and General) Regulations 1996*, (the ‘Regulations’).

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Low	The project has undertaken ongoing financial review to best manage project delivery within the budget framework.

**Consultation**

H+H Architects

The tender was advertised in the West Australian newspaper – Wednesday 9 November 2022.

**Resource Implications**

*Financial*

All details are contained within the Confidential Assessment Report.

*Workforce*

The project is being coordinated within existing staff resources.

**Options**

1. Accept the recommended tenderer.
2. Accept an alternative tenderer.
3. Reject all tenders.

**Conclusion**

All details are contained within the Confidential Assessment Report.

**15 ITEMS FOR INFORMATION**

**15.1 Delegated Development Application Decisions – November 2022**

File Ref: D22/41223

Author and Title: Pauline Wood, Executive Assistant Director Planning and Sustainability

Appendices: Item 15.1 App 1 - Delegated Development Application Decisions – November 2022

**In Brief**

Delegated Decisions are attached for information.

**15.2 Outstanding Council Resolutions - December 2022**

File Ref: D22/41501

Author and Title: Denise Garner, CEO Executive Support Officer

Appendices: Item 15.2 App 1 - Outstanding Council Resolutions December 2022

**In Brief**

The Outstanding Council Resolution Register 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**

Nil.

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

Nil.

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

**20.1 Go behind closed doors**

**Recommendation/Council Decision OCM22/180**

**Moved: Cr A Rogers**

**Seconded: Cr S Kirkham**

**To go behind closed doors to discuss confidential item at 6.00pm.**

**CARRIED UNANIMOUSLY 8:0**

**20.2 Suspension of Standing Orders**

**Recommendation/Council Decision OCM22/181**

**Moved: Cr A Rogers**

**Seconded: Cr S Kirkham**

**That Council suspend Meeting Procedures (as per Shire of Murray Meeting Procedures Local Law 2015 Clause 12.1) to allow open discussion on Confidential item 20.4.1, the time being 6.00pm.**

**CARRIED UNANIMOUSLY 8:0**

**20.3 Resumption of Standing Orders**

**Recommendation/Council Decision OCM22/182**

**Moved: Cr A Rogers**

**Seconded: Cr D McLarty**

**Resumption of Meeting Procedures**

**That Council resume Meeting Procedures (as per Shire of Murray Meeting Procedures Local Law Clause 12.1) the time being 6.13pm.**

**CARRIED UNANIMOUSLY 8:0**

**20.5 Out of behind closed doors**

**Recommendation/Council Decision OCM22/1834**

**Moved: Cr A Rogers**

**Seconded: Cr D McLarty**

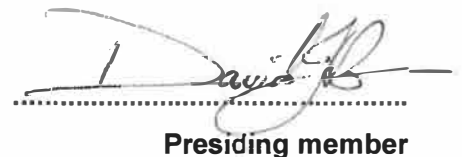
**To come back from behind closed doors at 6.14pm.**

**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 23 February 2023.**



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**Presiding member**