



Shire of Murray

Minutes

Ordinary Council Meeting

Thursday 25 August 2022

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Minutes of Shire of Murray Ordinary Council Meeting held at the Murray Shire Council, 1915 Pinjarra Road, Pinjarra on Thursday, 25 August 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 twelve (12) members of the public and two (2) members of staff.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4 PUBLIC QUESTION TIME

Mr Roger Millichamp – 3A Humphrey Street, Pinjarra WA 6208

Question:

1. Will the proposed development be required to provide a recreation/parkland? And if so, where will that be?

Response by Director Planning & Sustainability: There is no parkland being proposed for this particular development site. The parkland will be about 200m north along Cornish Road. The developer will have to provide a contribution in lieu of providing parkland which will be used to fund improvements to the park.

Question:

2. Will the surrounding developed properties flood in the future due to the amount of fill which is being used? Will we be compensated should this happen?

Response by Director Planning & Sustainability: There has been a drainage design prepared for the development. The Shire is aware there have been some recent drainage issues that may be associated with the current works on an adjacent development site and the Shire of Murray Engineers are looking at how the drainage can be improved. The proposed development at Lot 51 will manage its own drainage on the site and this is expected to be directed to a drainage site at the rear of the property that will be designed in a way that won't affect the blocks nearby.

Mr Gavin Harrison – 14 Eureka Court, Pinjarra WA 6208

Question:

How does the proposed development of Lot 51 align with the Shire's vision of what the town of Pinjarra is meant to be?

Response by Director Planning & Sustainability: The population projection for Pinjarra town and surrounding developments is anticipated to be approximately 50,000 people by 2040-2050. There is the expectation that there is a certain base level of density and a range of housing types that will be needed to suit the needs of the growing population.

Ms Alice Mol – 1 Cornish Way, Pinjarra WA 6208

Question:

Has the Shire of Murray taken into account the sewer line that is that will be required to take on the extra load due to the new development? Also concerned about privacy and security and would like a 2.7m high wall put up?

Response by Director Planning & Sustainability: The sewer will need to be designed to the requirements of the Water Corporation and this will need to be approved by Water Corporation prior to construction. A Local Development Plan is proposed to be put in place which will introduce design guidelines for future development on the new lot next to your property. This could include fencing requirements.

Ms Debbie Brown – 18 Cornish Way, Pinjarra WA 6208

Question: What is going to be done regarding the flooding with this new development?

Response by Director Planning & Sustainability: The Shire of Murray is aware of recent drainage issues in this area and Shire engineers are in consultation with the developers of the adjacent land to discuss options for resolving this issue.

Wayne Cowcher – 1 Humphrey Street, Pinjarra WA 6208

Question: When raising the level of the land for the development, will it cause floods to existing housing?

Response by Director Planning & Sustainability: The Shire of Murray is aware of the flooding issues that have happened recently and Shire engineers are in consultation with the developers of the adjacent land to discuss options for resolving this issue.

5 PETITIONS AND APPROVED DEPUTATIONS

5.50pm **Tim Newick & Kristine Bell** – Item 11.2 Proposed Structure Plan – Lot 51 McLarty Road, Pinjarra.

Cr D Bolt, thanked Mr Newick and Ms Bell for their deputation which concluded at 5.59pm

6.01pm **Lorraine Elliott** – Item 11.2 Proposed Structure Plan – Lot 51 McLarty Road, Pinjarra.

Cr D Bolt, thanked Ms Elliott for her deputation which concluded at 6.08pm

6 CONFIRMATION OF MINUTES**6.1 Ordinary Council Meeting – 28 July 2022**

Recommendation/Council Decision OCM22/093

Moved: Cr D Pike

Seconded: Cr D McLarty

That the Minutes of the Ordinary Council Meeting held on Thursday 28 July 2022 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY 8:0

6.2 Special Council Meeting – 11 August 2022**Recommendation/Council Decision OCM22/094****Moved: Cr S Lee****Seconded: Cr D Pike****That the Minutes of the Special Council Meeting held on Thursday 11 August 2022 be confirmed as a true and correct record.****CARRIED UNANIMOUSLY 8:0****7 ANNOUNCEMENTS BY THE PRESIDING MEMBER****Cr David Bolt, Shire President**

On Friday 29 July, I conducted an interview with ABC Radio regarding the Nanga Bridge closure.

On Tuesday 2 August, I attended a meeting with Peel Development Commission Chair, regarding the PDC Strategic Plan.

On Wednesday 3 August, I attended the Pinjarra Heritage Railway Precinct – Working Group meeting update held at the Shire of Murray along with Cr McLarty, Cr Lee and Cr Kirkham. That afternoon I attended a meeting with representatives from Hotham Valley Rail, Cr McLarty, and Shire officers.

On Thursday 4 August, I attended a Book Launch event for a local author at Mandurah Arts and Performing Centre, Mandurah.

On Saturday 6 August, I attended the Memorial for former Shire of Murray President Wally Barrett OAM, which was hosted by the Shire of Murray at the Pinjarra Heritage Railway Building, Pinjarra.

On Monday 8 August, I attended a meeting with the CEO and Alcoa Senior Management at the Alcoa Bindjareb Office, Pinjarra. That afternoon I conducted an interview with Coast FM Radio regarding the Nanga Bridge closure.

On Tuesday 9 August I attended the Peel Development Commission Strategic Plan Workshop Day.

On Wednesday 10 August, I attended a catch-up meeting with the CEO Dean Unsworth at the Shire of Murray offices.

On Thursday 11 August, I presided over the Special Council meeting regarding the Exchange Hotel operations EOI and attended the Councillor Briefing and Planning Day which was held at the Shire of Murray offices.

On Friday 12 August, I attended a meeting with the Australian High Commissioner to Singapore with Shire of Murray CEO in Perth.

On Monday 25 August, I attended a meeting with CEO, Robyn Clarke MLA, Cr McLarty, and Shire officers to discuss local issues and projects in the Shire of Murray.

On Wednesday 17 August, I attended the PDC Board meeting that was hosted by the Shire of Murray. This was followed by a tour of the Shire and local projects, the FIPWA and Manufacturing Businesses.

On Thursday 18 August, I attended the Vietnam Veterans Day Service with Cr McLarty which was held at the Mandurah RSL. Cr McLarty and I laid a wreath on behalf of the Shire of Murray. That evening I chaired the online Rivers Regional Council meeting.

On Friday 19 August, I participated in the Environmental Protection Agency Board tour of the Estuary and Waterways hosted by the Peel Harvey Catchment Council.

On Saturday 20 August, I attended the Strategic Community Plan Workshop which was held by the Shire of Murray at the Pinjarra Civic Hall.

On Wednesday 24 August, I attended the farewell luncheon for Gail Jez who has worked for the Shire of Murray for 11 years.

On Thursday 25 August, I attended the meeting of the Peel Regional Leaders Forum (PRLF) which was held at the City of Mandurah. I then attended the WALGA Peel Country Zone Meeting also held at the City of Mandurah. That evening I presided at the Shire of Murray August Ordinary Council Meeting held at the Council Chambers.

8 ANNOUNCEMENTS BY ELECTED MEMBERS

Cr Douglas McLarty, Deputy Shire President

On Wednesday 3 August, I attended the Pinjarra Heritage Railway Precinct Working Group Update meeting which was held at the Shire of Murray offices.

On Thursday 11 August, I attended the Special Council Meeting which was held in Council Chambers and this was followed by the Councillor Briefing and Planning Day which was held at the Shire of Murray offices.

On Monday 25 August, I attended a meeting with CEO Dean Unsworth, Robyn Clarke MLA, Cr David Bolt and Shire of Murray officers to discuss Alcoa issues at the Shire of Murray offices.

On Thursday 18 August, I attended the Vietnam Veterans Day Service with Cr David Bolt which was held at the Mandurah RSL. Cr Bolt and I laid a wreath on behalf of the Shire of Murray.

On Saturday 20 August, I attended the Community Reference Group Workshop which was held by the Shire of Murray at the Pinjarra Civic Hall.

On Thursday 25 August, I attended the WALGA Peel Country Zone Meeting which was held at the City of Mandurah. That evening I attended the Shire of Murray August Ordinary Council Meeting held at the Council Chambers.

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

Nil.

10 RECEPTION OF MINUTES AND RECOMMENDATIONS OF COMMITTEES HELD SINCE PREVIOUS MEETING OF COUNCIL**10.1 Minutes of the Local Emergency Management Committee Meeting held on 8 August 2022**

File Ref: D22/26209

Author and Title: Chantelle Goff, Ranger and Emergency Services Support Officer

Appendices: Item 10.1 App 1 - Shire of Murray and Shire of Waroona Local Emergency Management Committee (LEMC) Meeting - Unconfirmed Minutes - 8 August 2022
Item 10.1 App 2 - Shire of Murray and Shire of Waroona Local Emergency Management Committee (LEMC) Meeting - Appendices (Redacted) - 8 August 2022

Recommendation/Council Decision OCM22/095**Moved: Cr D McLarty****Seconded: Cr A Rogers****That Council receives and notes the Minutes of the Local Emergency Management Committee Meeting held on Monday 8 August 2022.****CARRIED UNANIMOUSLY 8:0****Recommendation/Council Decision OCM22/096****Moved: Cr D McLarty****Seconded: Cr S Kirkham****Items to be Dealt with Separately –****10.1.1 Shire of Murray and Shire of Waroona Local Emergency Management Arrangements (LEMA) as per Appendix 2.****Recommendation****That Council adopts Local Emergency Management Committee recommendation LEMC22/004 to:**

- 1. adopt the Local Emergency Management Arrangements inclusive of the Local Recovery Plan, Local Recovery Resource Manual, Emergency Evacuation Plan and the Animal Welfare Plan, as tabled at the meeting;**
- 2. submit copies of the endorsed Local Emergency Management Arrangements to the State Emergency Management Committee (SEMC) and District Emergency Management Committee (DEMC) – South Metropolitan; and,**
- 3. notes that the Local Emergency Management Arrangements inclusive of the Local Recovery Plan, Local Recovery Resource Manual, Emergency Evacuation Plan, Animal Welfare Plan are live documents that are subject to regular review and amendment in accordance with the requirements of State Emergency Management Policy to ensure effectiveness and currency.**

CARRIED UNANIMOUSLY 8:0**In Brief****To endorse the Shire of Murray and Shire of Waroona Local Emergency Management Arrangements ('LEMA'), inclusive of the Local Recovery Plan ('LRP'), Local Recovery Resource Manual ('LRRM'),**

Emergency Evacuation Plan ('EEP') and Animal Welfare Plan ('AWP') as part of the 'All West Australian's Reducing Emergencies' ('AWARE') Project.

Background

The State Emergency Management Committee ('SEMC') provides the AWARE grant funding program, to enhance the capability and knowledge of emergency management agencies across Western Australia.

In December 2020 the Shire of Murray applied for AWARE grant funding following the amalgamation of the Shire of Murray and Waroona Local Emergency Management Committee's ('LEMC'). The proposal was to develop a single comprehensive LEMA, LRP and LRRM utilising the Shire of Murray's existing documents as a base template. It would also include the creation of an EEP, AWP and a Communications Plan ('CP').

The comprehensive arrangements once developed would provide all stakeholders with clear guidance when responding to, and recovering from emergencies. It will also assist both Shires' to better manage and coordinate local emergency and recovery activities, independently and collectively.

On the 8 March 2021 the SoM was informed by the SEMC Secretariat that it had been successful in obtaining \$30,000 to complete the project. The project commenced on 12 April 2021. An application was submitted in June 2022 to extend the grant funded project until 30 August 2022. This application was supported.

The draft LEMA documents prepared were sent to the District Emergency Management Advisor ('DEMA') on 25 March 2022. Following DEMA feedback, requested changes were made and then the amended documents were sent to Shire of Waroona in April 2022 to review and provide feedback.

Changes identified by Shire of Waroona were included in the draft documents and then another copy was sent to the DEMA and the Shire of Waroona in May 2022 for a subsequent review.

In May 2022 the LEMA documents prepared were distributed to the LEMC membership requesting feedback. In early July 2022 the Department of Primary Industries and Regional Development representative provided feedback and minor changes were requested to the LEMA and the AWP. C Shenton the AWARE Project Officer updated the draft documents to reflect the changes sought, and amended them to include the latest Australian Bureau of Statistics census data.

Following this consultation, the new LEMA suite of documents was sent to SEMC for noting and distribution to the District Emergency Management Committee - South Metro for consideration and final review.

The Communications Plan is currently in draft. This plan has been provided to DEMC for initial review. Once feedback is received the final draft will be presented at the next LEMC meeting to progress the review process, prior to formal adoption.

Report Detail

Following the Local Emergency Management Committee meeting on 8 August 2022, it is proposed to seek Council formal endorsement of the Shire of Murray and the Shire of Waroona Local Emergency Management Arrangements, inclusive of the Local Recovery Plan, Local Recovery Resource Manual, Emergency Evacuation Plan and the Animal Welfare Plan as provided, pursuant to Section 41(1) of the *Emergency Management Act 2005*.

If the documents are endorsed copies will be submitted to the State Emergency Management Committee (SEMC) pursuant to section 41(5) of the *Emergency Management Act 2005* and to the District Emergency Management Committee - South Metropolitan (DEMC – South Metro).

Murray 2031 Strategic Community Plan

Focus Area	Capable and Accountable
Aspiration	Respond efficiently and effectively to the evolving needs of the community.
Strategy	Deliver efficient and effective Council services to the community.

Murray 2021 - 2025 Corporate Business Plan

Nil.

Other Strategic Links

Nil.

Statutory Environment

Local government emergency management responsibilities are set out under the *Emergency Management Act 2005*, the relevant sections are outlined below;

36. Functions of local government

It is a function of a local government —

- (a) subject to this Act, to ensure that effective local emergency management arrangements are prepared and maintained for its district; and
- (b) to manage recovery following an emergency affecting the community in its district; and
- (c) to perform other functions given to the local government under this Act.

39. Functions of local emergency management committees

The functions of a local emergency management committee are, in relation to its district or the area for which it is established —

- (a) to advise and assist the local government in ensuring that local emergency management arrangements are established for its district; and
- (b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and
- (c) to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.

41. Emergency management arrangements in local government district

- (1) A local government is to ensure that arrangements (***local emergency management arrangements***) for emergency management in the local government's district are prepared.
- (2) The local emergency management arrangements are to set out —
 - (a) the local government's policies for emergency management; and
 - (b) the roles and responsibilities of public authorities and other persons involved in emergency management in the local government district; and
 - (c) provisions about the coordination of emergency operations and activities relating to emergency management performed by the persons mentioned in paragraph (b); and
 - (d) a description of emergencies that are likely to occur in the local government district; and
 - (e) strategies and priorities for emergency management in the local government district; and
 - (f) other matters about emergency management in the local government district prescribed by the regulations; and
 - (g) other matters about emergency management in the local government district the local government considers appropriate.
- (3) Local emergency management arrangements are to be consistent with the State emergency management policies and State emergency management plans.

- (4) Local emergency management arrangements are to include a recovery plan and the nomination of a local recovery coordinator.
- (5) A local government is to deliver a copy of its local emergency management arrangements, and any amendment to the arrangements, to the SEMC as soon as is practicable after they are prepared.

42. Reviewing and renewing local emergency management arrangements

- (1) A local government is to ensure that its local emergency management arrangements are reviewed in accordance with the procedures established by the SEMC.
- (2) Local emergency management arrangements may be amended or replaced whenever the local government considers it appropriate.

Sustainability & Risk Considerations

Economic - (Financial impact to the community)

There are no economic impacts on the community.

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

The review of the LEMA inclusive of sub-plans and the subsequent improvement in emergency management planning will have a positive impact on the community.

Environment – (Impact on environment’s sustainability)

There is no negative impact on the natural or built environment.

Governance – (Policy implications)

SEMC has a number of arrangements in place including the ‘State Emergency Management Policy 2.5 and 6.3’, ‘State Emergency Management Plan 2.1.3, 5.3.2, 6.3 and 6.5’, ‘Local Emergency Management Arrangements Guideline and Model’, ‘Local Recovery Guideline’ and ‘WA Community Evacuation in Emergencies Guideline’ that sets out local government responsibilities for emergency management.

Overall Risk Management Consideration

Risk Level	Comment
Low	The comprehensive review of the Local Emergency Management Arrangements and sub-plans will reduce the Shire’s risk exposure through the development of associated plans, structures and training to effectively coordinate local emergency management activities.

Consultation

Emergency Management Act 2005
Local Government Act 1995
 State Emergency Management Committee
 Local Emergency Management Committee and,
 Relevant internal staff

Resource Implications

Financial

The costs associated with the AWARE Project was funded from the AWARE grant funding.

Workforce

Involvement on the AWARE Project was incorporated into the scope of the relevant AWARE Officer’s role.

Options

Council has the option of:

1. supporting the recommendation, as provided
2. supporting the recommendation with amendments or,
3. rejecting the proposal

Conclusion

Council is urged to support the recommendation presented to ensure that adequate Emergency Management plans and structures are in place in the district, to support emergency management functions and responsibilities.

10.2 Minutes of the Local Emergency Management Committee Meeting held on 8 August 2022

File Ref: D22/26756
Author and Title: Chantelle Goff, Ranger and Emergency Services Support Officer
Appendices: Item 10.2 App 1 - LEMC Terms of Reference - DRAFT

Recommendation/Council Decision OCM22/097

Moved: Cr D McLarty

Seconded: Cr S Kirkham

That Council adopts Local Emergency Management Committee recommendation LEMC22/005 to adopt the Shire of Murray and Shire of Waroona Local Emergency Committee (LEMC) Terms of Reference, as attached at Appendix 1.

CARRIED UNANIMOUSLY 8:0

In Brief

To endorse the amended Shire of Murray & Waroona Local Emergency Management Committee ('LEMC') Terms of Reference ('ToR') that details the purpose, scope, functions, authority, roles and responsibilities of the Committee.

Background

The Shire of Murray & Waroona LEMC brings together key stakeholders in emergency management within its boundaries to plan and prepare for emergency management incidents and to meet the requirements of relevant legislation, policy statements and other emergency management related standards.

On 17 February 2021 the Shire of Murray & Waroona LEMC recommended that the original Terms of Reference be adopted. LEMC recommendation LEMC21/003 was carried by the Shire of Murray Council at the 22 April 2021 Ordinary Council Meeting as per resolution OCM21/058 and the Shire of Waroona Council at the 27 April 2021 Ordinary Council Meeting as per resolution OCM21/04/038. Since then there has been a number of new stakeholders that have been invited to attend the LEMC meetings. However, the new stakeholders aren't included in the original ToR and therefore aren't listed as voting members or as ex-officio members.

Subsequently, Department of Fire and Emergency Services ('DFES') have also requested the voting arrangements be modified for DFES representation. Currently the three DFES District Officers (one representative per meeting) are listed as Ex-Officio and the District Emergency Management Advisor ('DEMA') is listed as a Voting Member. The request was to reverse this arrangement as the DEMA role should be impartial providing advice and support.

Therefore, the LEMC ToR has been amended to reflect these changes and is identified in **Appendix 1**.

Report Detail

Following the Local Emergency Management Committee meeting on 8 August 2022, it is proposed to seek Councils formal endorsement of the amended Terms of Reference as provided, to ensure the LEMC has adequate plans and structures established to effectively coordinate emergency management planning.

Murray 2031 Strategic Community Plan

Focus Area	Capable and Accountable
Aspiration	Respond efficiently and effectively to the evolving needs of the community.
Strategy	Deliver efficient and effective Council services to the community.

Murray 2021 – 2025 Corporate Business Plan

Nil.

Other Strategic Links

Nil.

Statutory Environment

Local government emergency management responsibilities are set out under the *Emergency Management Act 2005*, the relevant sections are outlined below;

Local government emergency management responsibilities are set out under the *Emergency Management Act 2005*, the relevant sections are outlined below;

36. Functions of local government

It is a function of a local government —

- (a) subject to this Act, to ensure that effective local emergency management arrangements are prepared and maintained for its district; and
- (b) to manage recovery following an emergency affecting the community in its district; and
- (c) to perform other functions given to the local government under this Act.

39. Functions of local emergency management committees

The functions of a local emergency management committee are, in relation to its district or the area for which it is established —

- (a) to advise and assist the local government in ensuring that local emergency management arrangements are established for its district; and
- (b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and
- (c) to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.

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

There are no economic impacts on the community.

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

The LEMC ToR and the subsequent improvement in emergency management planning will have a positive impact on the community.

Environment – (Impact on environment's sustainability)

There is no negative impact on the natural or built environment.

Governance – (Policy Implications)

Council Policies are not impacted by this proposal.

Overall Risk Management Consideration

Risk Level	Comment
Low	<p>The amended LEMC ToR details the purpose, scope, functions, authority, roles and responsibilities of the committee.</p> <p>This ensures that the LEMC has adequate plans and structures established to effectively coordinate emergency management planning.</p>

Consultation

Emergency Management Act 2005
Local Government Act 1995
 State Emergency Management Committee
 Local Emergency Management Committee and,
 Relevant internal staff

Resource Implications

Financial

Nil.

Workforce

Nil.

Options

Council has the option of:

1. supporting the recommendation as provided
2. supporting the recommendation with amendments or,
3. rejecting the proposal

Conclusion/Justification of Committee Recommendation

Council is urged to adopt the amended Terms of Reference to ensure the Local Emergency Management Committee have adequate plans and structures established to effectively coordinate emergency management planning in the district.

REPORTS OF CHIEF EXECUTIVE OFFICER AND OFFICERS**11 PLANNING AND SUSTAINABILITY****11.1 Proposed Structure Plan - Lot 1221 Lakes Road and Lot 1400 Paterson Road, Nambeelup**

File Ref:	D22/23979
Previous Items:	Nil.
Applicant:	CLE Town Planning and Design
Author and Title:	Gregory Delahunty, Manager Planning
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 11.1 App 1 - Proposed Structure Plan Item 11.1 App 2 - Nambeelup Industrial Area District Structure Plan Item 11.1 App 3 - Schedule of Modifications Item 11.1 App 4 - Schedule of Submissions

Recommendation/Council Decision OCM22/098**Moved: Cr S Lee****Seconded: Cr D Pike**

That Council resolves to defer consideration of the proposed structure plan for Lot 1221 Lakes Road and Lot 1400 Paterson Road, Nambeelup, until its September 2022 meeting as per the applicant's request.

CARRIED UNANIMOUSLY 8:0**Recommendation**

That Council resolves to recommend to the Western Australian Planning Commission that the proposed Structure Plan as set out in Appendix 1 should be approved, subject to the following:

1. Recommendations 1 - 9 set out in this text of this report.
2. The Local Government's Schedule of Modifications contained at Appendix 3.
3. The Public Agencies' requested modifications contained within the Schedule of Submissions at Appendix 4.

REASON FOR CHANGE: The item was deferred due to a request from the proponent.

In Brief

- The proposed Structure Plan covers approximately 201 hectares of land within the Nambeelup Industrial Area.
- The proposed Structure Plan is broadly consistent with the Nambeelup Industrial Area District Structure Plan.
- It is recommended that Council recommend approval of the proposed Structure Plan to the Western Australian Planning Commission (WAPC), subject to a number of modifications.

Background

Land within Nambeelup has been identified for a major industrial area in endorsed strategic planning documents over a long period. This planning framework includes the Inner Peel Region Structure Plan (1997), the Economic and Employment Lands Strategy (2012) and the South Metropolitan Peel Sub-regional Planning Framework (2018).

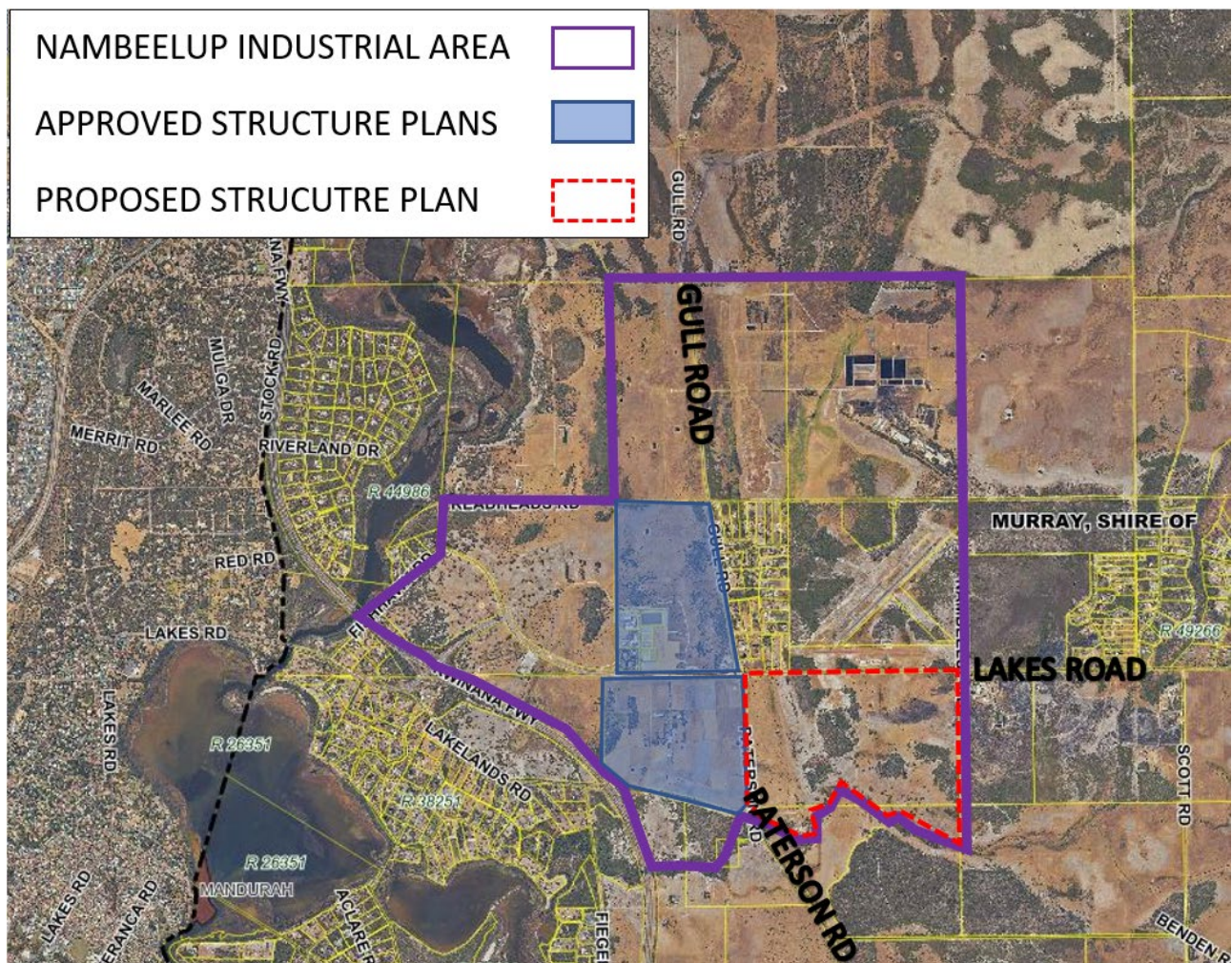
Establishment of an industrial area at Nambeelup has also been identified as a key transformational project under the Peel Regional Investment Blueprint (2015). This blueprint document envisages the Nambeelup Industrial Area as a project that will stimulate industrial related job and economic growth for the Peel region.

In December 2015, the WAPC endorsed the Nambeelup Industrial Area District Structure Plan, which identified around 1,000 hectares of land for future industrial purposes. Preparation of the District Structure Plan involved planning, environmental, drainage and infrastructure investigations and two phases of public consultation in 2012 and 2014. The District Structure Plan provides guidance for the detailed planning and development of the industrial area and broadly addresses land requirements for regional roads, provision of open space and drainage requirements.

In April 2016, the District Structure Plan was formally released. At the same time, the State Government announced \$45.2 million in Royalties for Regions funding for the Transform Peel Initiative which included amongst other things the planning, design and construction of headworks infrastructure to support the development of the first 290 hectares of land in the Nambeelup Industrial Area.

Amendment No. 311 to the Shire’s Local Planning Scheme No.4 (LPS4), which rezoned the subject land from Rural to Industrial Development – Nambeelup, was gazetted in November 2020.

Two existing Structure Plans covering around 228Ha have already been approved within the Nambeelup Industrial Area (NIA) west of the proposed Structure Plan area. A first stage of subdivision was released north of Lakes Road in 2019 which comprises nine industrial lots together with associated local roads and servicing.



1. Aerial Photo

Report Detail

The proposed Structure Plan proposes the following key elements:

- 19.89 ha of Service Commercial zoned land.
- 87.12 ha of Nambeelup Industrial zoned land.
- 38.69 ha of reserves including recreation / conservation reserves, drainage reserves and road reserves.

A copy of the proposed Structure Plan is included at **Appendix 1**.

Murray 2031 Strategic Community Plan

Focus Area	Thriving Economy
Aspiration	An economy that is focused on key success factors for growth; knowledge and innovation; export income and investment; infrastructure and local capacity.
Strategy	Build and maintain the Transform Peel Initiative.

Focus Area	Places for People
Aspiration	Ensure quality, diverse and innovative planning outcomes that meet community aspirations.
Strategy	Ensure Town Planning Scheme and Local Planning Strategy facilitates quality and diverse planning outcomes.

Murray 2021 – 2025 Corporate Business Plan

Nil.

Other Strategic Links

South Metropolitan Peel Sub-regional Planning Framework

The South Metropolitan Peel Sub-regional Planning Framework identifies the subject land as Industrial Expansion.

Nambeelup Industrial Area District Structure Plan (DSP)

The DSP sets the vision that the NIA will be a modern well-planned industrial business park designed to protect and benefit from the area's environmental features and provide a major new focus of economic activity, employment growth and service delivery for the Peel region. A copy of the DSP is contained at **Appendix 2**.

Service Commercial Zone

The DSP provides the option for either Service Commercial or Light Industrial zoned land fronting Lakes Road and Paterson Road, terminating to the west of the proposed central open space reserve. This is different to the proposed Structure Plan which proposes a Service Commercial Zone for the full Lakes Road frontage.

As a Light Industry Zone does not exist within LPS4, only Service Commercial land has been provided in the proposed Structure Plan and the other approved Structure Plans within the NIA. Therefore, the inclusion of additional Service Commercial land, above what was identified in the DSP is not supported, as it may impact the opportunity to maximise industrial land uses within the NIA. The land uses permissible in the Service Commercial Zone are less compatible with Industrial land uses than what could be expected to be found in a light industry zone. Therefore, an oversupply of Service Commercial land should be avoided in order to reduce the risk of land use conflicts. The extension of the Service Commercial area to the south of Paterson Road is relatively minor and is supported.



2. Comparison Between Service Commercial Land in the DSP (left) and proposed Structure Plan (right)

Recommendation 1:

Modify the Structure Plan Map to replace the Service Commercial zoned land east of the central Public Open Space with Nambeelup Industrial zoned land and modify the resultant areas of each zone in Table 1: Land Use Summary.

Design Guidelines

The DSP identifies that local Structure Plans will need to be supported by specific design guidelines and policy measures approved by the Council prior to any subdivision or development. This approach has been followed with other Structure Plans approved in the area. It is recommended that the part one section of the proposed Structure Plan be updated to reflect this.

Recommendation 2:

Modify section 7.1 to read – 7.1 Design Guidelines

Modify the text to the following:

Design Guidelines are to be prepared as a precursor to development. Conditions will be applied to future planning stages (i.e. subdivision) that require the preparation of Design Guidelines that will address matters, including, but not limited to:

- (i) vehicular access restrictions and parking;
- (ii) interface with Lakes / Paterson Road;
- (iii) Site Layout and Building Orientation;
- (iv) Setbacks;
- (v) Built form, materials and articulation;
- (vi) Landscaping;
- (vii) Signage;
- (viii) Fencing;
- (ix) Site coverage;
- (x) Environmentally sustainable design;
- (xi) Lots with direct boundary frontage (primary or secondary) to an area of a Public Purpose reservation.

<u>Recommendation 3:</u>		
Modify Section 8.0 – Other Requirements as follows:		
ADDITIONAL INFORMATION	APPROVAL STAGE	CONSULTATION REQUIRED
Design Guidelines	Subdivision Approval Condition	Shire of Murray

Development Contributions

The DSP acknowledges that a development contribution plan (DCP) or alternative mechanism for the equitable provision of infrastructure will be required to deliver development contributions for shared road, drainage and other infrastructure to service the DSP area. Funding provided by the Royalties for Regions scheme has already provided some of this infrastructure. There is a recognition across the Nambeelup Industrial Area landowners that the shared infrastructure identified in the DSP (generally) will need to be provided by the landowners as development proceeds and that an equitable mechanism is needed to share the costs of this infrastructure. The model to be used is currently being developed in collaboration with the landowners, Shire and the Department of planning Lands and Heritage. The proposed Structure Plan should be amended to require a DCP or alternative mechanism for equitable provision of shared infrastructure contemplated by the DSP

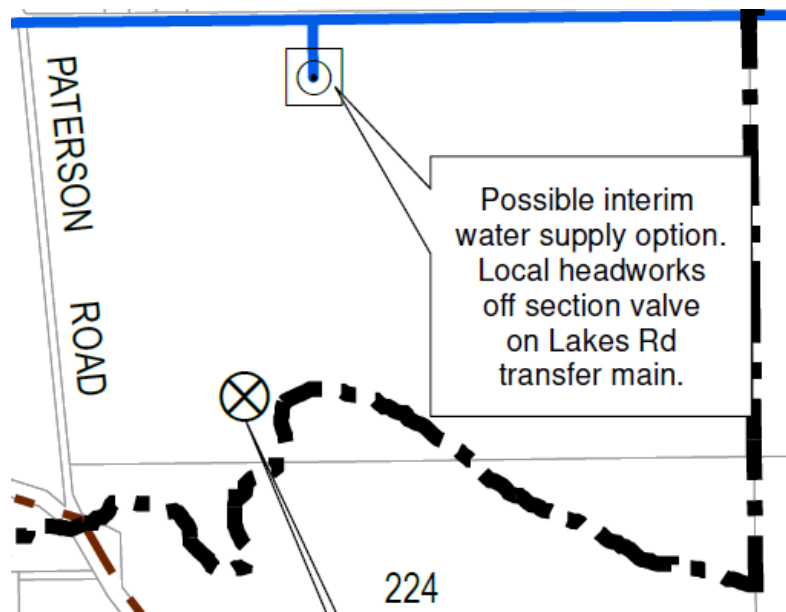
<u>Recommendation 4:</u>
Include new section 7.3 – Development Contributions that states the following:
A Development Contribution Plan or alternative mechanism for the equitable provision of shared infrastructure will be required to enable the coordinated delivery of shared infrastructure across the wider Nambeelup Industrial Area as identified in the Nambeelup Industrial Area District Structure Plan. In addition to the items identified in the District Structure Plan, a contribution will be required for the upgrade of the Paterson Road traffic bridge located to the south west of this Structure Plan.

Infrastructure Services

It is noted that no staging plan has been included as part of the proposed Structure Plan. Given the lack of a DCP and the lack of a staging plan, it is therefore recommended that an Infrastructure Services Staging Plan needs to be provided prior to subdivision. This plan will show the proposed subdivision staging and infrastructure deliverables listed at each stage of development for clarity.

<u>Recommendation 5:</u>		
Modify Section 8.0 – Other Requirements as follows:		
ADDITIONAL INFORMATION	APPROVAL STAGE	CONSULTATION REQUIRED
Infrastructure Services Staging Plan	Prior to Subdivision Application	Shire of Murray

The Water Corporation has identified that in order to ensure that there is an interim water supply to the proposed Structure Plan area, a site of approximately 2,000m² for a water storage tank and an access track should be identified on the proposed Structure Plan. The approximate location is depicted on the DSP.



3. Proposed Interim Water Supply Option.

Recommendation 6:
Modify Structure Plan Map to identify land a suitable site for an interim water supply.

Road Network

The proposed vehicular access at subdivision stage will require an independent Road Safety Design Audit of the proposed intersection geometry with Lakes Road and Paterson Road. This is required in order to demonstrate, depending the road operating conditions, that the proposed access strategy has accommodated the road and intersection geometry standards, is reflected in the proposed subdivision road reservation and the lot layout.

The complete subdivision of land is contingent on the forward planning and staged construction of the ultimate Lakes Road and Paterson Road network. At subdivision application stage the road network design will be subject to an independent Road Safety Design Audit and a Pre-Opening Audit with Shire of Murray representation. The submitted Traffic Impact Assessment (Transcore April 2022) did not resolve road hierarchy adequately to service the development and assumptions at this point in time do not adequately address the design requirements of Lakes Road and Paterson Road. This will be resolved with subdivision application conditions for the access and intersections being put through an independent Road Safety Design Audit process with the Shire of Murray consulted.

Recommendation 7:
Modify Section 8.0 – Other Requirements as follows:

ADDITIONAL INFORMATION	APPROVAL STAGE	CONSULTATION REQUIRED
Independent Road Safety Design Audit	Prior to Subdivision Application	Shire of Murray

Statutory Environment

Planning and Development (Local Planning Schemes) Regulations 2015

The Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations) advises 'a *standard structure plan means a plan for the coordination of future subdivision and zone of an area of land.*'

The Regulations also advise 'a *structure plan in respect of an area of land in the Scheme are may be prepared if*

(a) *the area is*

- (i) *all or part of a zone identified in the Scheme as an area suitable for urban or industrial development and*
- (ii) *identified in this Scheme as an area requiring a structure plan to be prepared before any future subdivision or development is undertaken.'*

Shire of Murray Local Planning Scheme No.4 (LPS4)

The subject land is zoned Industrial Development – Nambeelup under the provisions of LPS4. Subdivision or development should not be commenced or carried out on land within this zone until a structure plan has been prepared and approved by the Western Australian Planning Commission.

Sustainability & Risk Considerations

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

This structure plan progresses the NIA which is a key driver of the future employment growth for the Peel Region.

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

The structure plan is a continuation of the NIA which is a key driver of the future employment growth with a large labour force. Increased business and educational opportunities will provide increased employment positions for the residents of the Shire of Murray and the Peel Region which in turn will provide a better quality of life for local residents.

Environment – (Impact on environment's sustainability)

Public Open Space Linkages

The site contains a portion of banksia woodland in good condition as well as four hectares of bushland to the south-west of this section (mapped as good to degraded).

Linkage

The Shire's Local Biodiversity Strategy (LBS) states as target Ecological Connectivity Number 3 (EC3, linkage):

"where rezoning and development of structure plans is proposed, protect all other local natural areas"

The LBS states that when EC3 cannot be achieved (as is the case with the majority of bushland remaining on the site to be removed). Proponents are to demonstrate how ecological connectivity can be maintained.

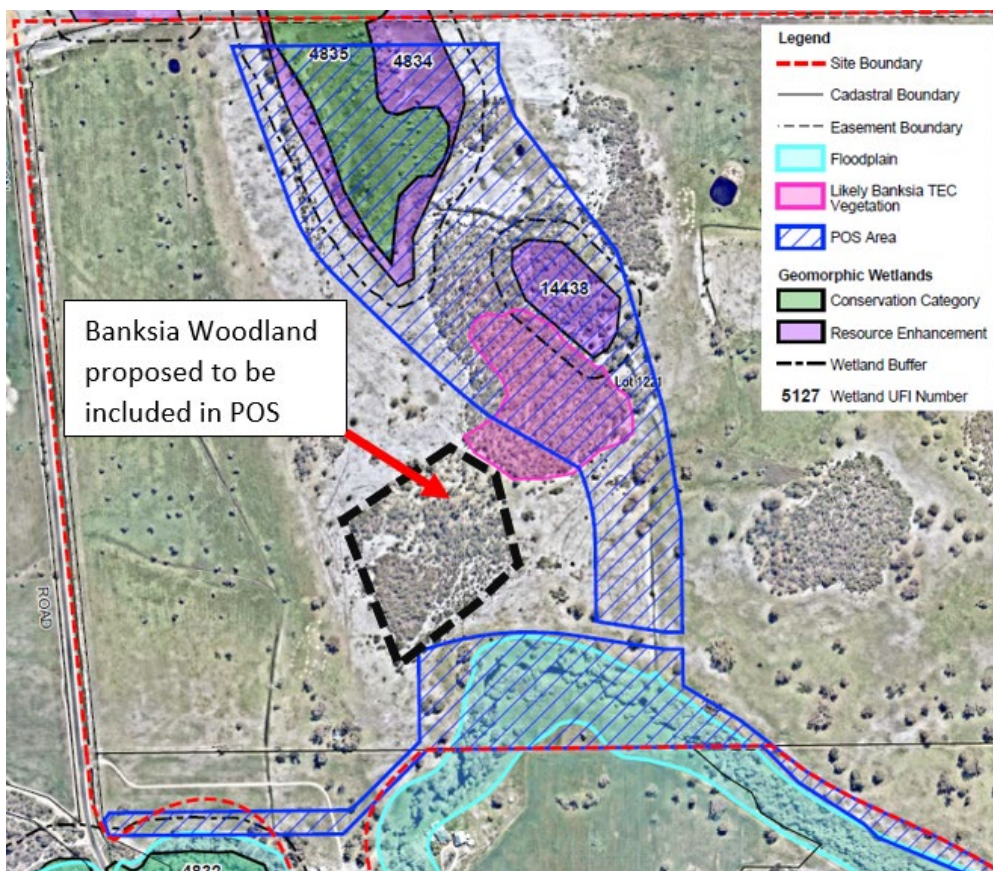
A four-hectare patch of upland bush in degraded to good condition already in-situ providing this linkage is ideally placed to fulfil this criterion and therefore should be retained.

Vegetation Protection by Complex

All of the vegetation on site is mapped as Bassendean Central and South of which around 20% remains from pre-European times making it a propriety for protection (the threshold is dropping below 30%).

The Shire's targets for this vegetation type in this area include the protection at least 50% of the occurrences on urban or industrial zoned lands with the highest priority is to be given to occurrences in good or better condition and those serving an ecological corridor function.

It is recommended that this bushland be included within an expanded public open space area to maintain an appropriate north south ecological linkage through the structure plan area as shown below:



4. Area proposed to be included ion POS

Recommendation 8:

Modify the Structure Plan Map to expand the Central Public Open Space to maintain an appropriate north south ecological linkage through the structure plan area including the area of Banksia woodland to the west of the proposed central open space corridor.

Nambeelup Brook

The LBS identifies Nambeelup Brook as a significant ecological corridor for protection and rehabilitation. Consequently, a Foreshore Management Plan (FMP) will be required to inform future subdivisions. The key purposes of which would be to:

- bring it back to the state of a self-perpetuating eco-system;
- maintain pre-development water flows;
- manage nutrients from the upper catchment; and
- maintain an east west ecological corridor.

The actual footprint of the Foreshore reserve should be based on these biophysical criteria and informed by the FMP.

Recommendation 9:		
Modify Section 8.0 – Other Requirements as follows:		
ADDITIONAL INFORMATION	APPROVAL STAGE	CONSULTATION REQUIRED
Foreshore Management Plan	Prior to Subdivision Application	Shire of Murray

Summary:

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	There are no significant risks associated with the proposed Structure Plan incorporating the recommended amendments.

Consultation

Public Consultation

The proposed Structure Plan was advertised for a period of 42 days with a closing date for submissions being 27 July. Advertising was undertaken by way of an onsite sign, notice in the local newspaper and on the Shire’s website as well as letters to nearby landowners.

At the close of advertising two submissions were received supporting the proposal. This included a submission from the owner of Lot 1400 Paterson Road which affirmed their desire to include their land in the proposed Structure Plan.

Agency Consultation

The proposed Structure Plan was referred to relevant public agencies / service providers. A submission schedule which sets out a summary of each submission and a comment and recommendation on each is included at **Appendix 4**. Matters which require modification to the Structure Plan have been identified in this Schedule.

Resource Implications

Financial

The relevant administration fee to cover Shire officer time and direct costs associated with the assessment of the structure plan has been paid.

Workforce

The assessment and reporting of the structure plan have been accommodated within the existing Planning and Sustainability workforce level.

Options

Council has the option of:

1. Recommending the proposed Structure Plan be approved by the Western Australian Planning Commission with or without modifications.
2. Recommending the proposed Structure Plan not be approved by the Western Australian Planning Commission.

Conclusion

The proposed Structure Plan will guide the development of industrial land within the NIA and is broadly consistent with the applicable DSP. As such, it is recommended for approval subject to the modifications discussed throughout this report.

11.2 Proposed Structure Plan - Lot 51 McLarty Road, Pinjarra

File Ref:	D22/24468
Previous Items:	Nil.
Applicant:	Lorraine Elliott Planning Services
Author and Title:	Cherryll Oldham, Senior Planning Officer
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 11.2 App 1 - Proposed Structure Plan Item 11.2 App 2 - Submission Schedule Item 11.2 App 3 - Schedule of Modifications

Recommendation/Council Decision OCM22/099**Moved: Cr S Lee****Seconded: Cr A Rogers**

That officers liaise with local adjacent landowners and Lorraine Elliott Planning Services to further review the draft Structure Plan. A report is to come back to the September Council Meeting that includes optimum lot sizes, and further comment on sewerage, water, appropriate level of density and other relevant issues.

CARRIED UNANIMOUSLY 8:0**Recommendation**

That Council resolves to accept the submissions received and to recommend to the Western Australian Planning Commission that the Lot 51 McLarty Road Structure Plan as set out in Appendix 1 be approved subject to following:

1. Recommendations 1 – 3 set out in this text of this report.
2. The Recommendations set out in the Schedule of Submission at Appendix 2
3. The Local Government's Schedule of Modifications contained at Appendix 3.

REASON FOR CHANGE: To allow further discussions to occur to enable Council to make a more informed decision.

In Brief

- The Lot 51 McLarty Road Structure Plan, cover the entirety of Lot 51 McLarty Road, Pinjarra being an area of 2.04ha which is zoned Residential Development under the Shire's Local Planning Scheme No. 4 (LPS4);
- LPS4 provides that development of land (including subdivision) may only take place on land zoned Residential Development after comprehensive planning via an Outline Development Plan (Structure Plan);
- The Lot 51 McLarty Road Structure Plan does not propose densities consistent with the Pinjarra Town Centre Revitalisation Strategy and Activity Centre Plan, adopted by the Council on 25 May 2017 and requires various modifications to the design;
- It is recommended that Council recommends approval of the Lot 51 McLarty Road Structure Plan to the Western Australian Planning Commission (WAPC), subject to a number of modifications.

Background

Lot 51 (61) McLarty Road, Pinjarra is located approximately 1km south of the centre of the Pinjarra town. The lot fronts McLarty Road to the east, is bounded by Eureka Court to the south, directly

abuts Lot 42 Hampton Road to the west (currently being developed for residential purposes) and directly abuts the rear of the lots fronting Cornish Way to the north.

The Pinjarra Town Centre Revitalisation Strategy and draft Activity Centre Plan, endorsed by the Council on 8 June 2017, identified Lot 51 (61) McLarty Road in the 'Residential Precinct' and assigned a density of R60 (medium density). Medium density was assigned to this lot due to the lot's proximity to Pinjarra Town Centre and the proposed Health Precinct, including the Murray Hospital on the eastern side of McLarty Road.

A single dwelling was located on the property but was removed around 2015. The site is generally cleared though contains several exotic trees along with up to ten mature native trees, including Marri trees and two very old Jarrah trees along the northern boundary.



Site Plan

Report Detail

The proposed Structure Plan includes the following key elements:

- A range of low (R25) to medium density (R60) residential lots to accommodate a future population of around 125 people (at 2.5 people for dwelling), including provision for 35 low density lots having average lot sizes between 350m2 (R25) and 300m2 (R30), eight low to medium density lots fronting McLarty Road, having average lot sizes between 260m2 (R35) and 220m2 (R40) along with one grouped housing lot at a medium density with average lots sizes between 220m2 (R40) and 150m2 (R60).
- Filling of the site by between 500mm to one metre to raise the lots to the Eureka Court road level.

- New local road reserves, a drainage reserve and a proposal to for cash payment in lieu of the normal public open space contribution.

A copy of the proposed Structure Plan is included at **Appendix 1**.

There are a number of modifications recommended for the Proposed Structure Plan. These are contained within the Schedule of Submissions at **Appendix 2** or the Schedule of Modifications at **Appendix 3**. The more significant modifications are explained within the body of this report.

Murray 2031 Strategic Community Plan

Focus Area	Places for People
Aspiration	Ensure quality, diverse and innovative planning outcomes that meet community aspirations.
Strategy	Ensure Town Planning Scheme and Local Planning Strategy facilitates quality and diverse planning outcomes.

Murray 2021-2025 Corporate Business Plan

Nil.

Other Strategic Links

The South Metropolitan Peel Sub-regional Planning Framework

The South Metropolitan Peel Sub-regional Planning Framework (2018) identifies the subject land as Urban. The Planning Framework seeks to enable the creation of liveable and vibrant communities - suburbs, spaces and places where people want to live, work and socialise for a population of 3.5 million people by 2050. The document forecasts that the population for Shire of Murray will be around 164,250 by 2050 and the Shire would need around 65,700 homes to accommodate the population increase (@ 2.5 people per home). Table 2.4 Urban infill dwelling targets indicate 630 dwellings will be needed by 2031 and an additional 450 lots by 2050.

Residential Density Targets established by Directions 2031 provide for new urban areas to achieve an average target density of 15 dwelling units per gross hectare of Urban zoned land with Residential site density at 26 dwellings per residential site hectare. This equates to around 53 dwellings for Lot 51.

The Pinjarra Town Centre Revitalisation Strategy and Activity Centre Plan

The Pinjarra Town Centre Revitalisation Strategy and draft Activity Centre Plan adopted by Council on 8 June 2017 (although not yet endorsed by the WAPC) in consideration of the population growth forecast determined that 'medium to high density' in the form of diverse housing types including grouped and multiple dwellings, town houses, units and studio apartments within walking distance of employment services and amenities would be essential to accommodate the housing needs for a diverse and maturing population. A medium density of R60 was applied across the subject site. An R60 density on this site (2.04ha) at an average lot size of 150m² allowing for 30% of the site for roads and drainage could provide for up to around 90 dwellings.

State Planning Policy 4.2 – Activity Centres & Draft Planning Policy 4.2

State Planning Policy 4.2 – Activity Centres (SPP4.2)

This policy guides the preparation of planning documents including structure plans and provides a development control objective to increase the density and diversity of housing in and around activity centres to improve land efficiency, housing variety and support centre facilities.

SPP4.2 provides that Pinjarra is a Secondary Centre and with a walkable catchment of around 400m should provide a residential density target at a minimum of 25 lots per gross hectare though a desirable target of 35 lots per gross hectare. This equates to a minimum of 51 dwellings and a desirable yield of 71 dwellings.

Draft State Planning Policy 4.2 – Activity Centres

Draft SPP4.2 also advises that a Secondary Centre (Pinjarra) should provide a minimum of 25 lots per gross hectare and a desirable target of 35 per gross hectare, however advises that development rarely meets the density targets that are set, and that a housing density of 40+ per gross hectare should be provided. This density equates to around 81 dwellings for Lot 51.

Liveable Neighbourhoods (2009 & 2015)

Liveable Neighbourhoods is the WAPC's primary policy for the design and assessment of structure plans (regional, district and local) and subdivision for new urban (predominantly residential) areas in Perth metropolitan and Peel regions on greenfield and large infill sites.

Liveable Neighbourhoods (2009)

Liveable Neighbourhoods (2009) provides that "in strategic areas close to higher order centres and railway stations, significantly higher residential densities will usually be expected, with 30-40 dwellings per site hectare within 400 m, and sometimes 800 m, of major nodes being appropriate." This equates to around 58 – 77 lots.

Draft Liveable Neighbourhoods (2015)

Draft Liveable Neighbourhoods (2015) provides in part "As a guide, the dwellings per hectare and relevant R-Code (site area density) surrounding centres and high-frequency public transport routes within 800 metres of a secondary centre and railway stations to be 50 to 80 lots per hectare (R50 to R80)". This equates to around 96 lots at R50 and 155 lots at R80.

Proposal

The Structure Plan makes provision for the subdivision of 43 residential lots and one grouped dwelling site for an estimated 50 dwellings to accommodate 125 people at 2.5 people per dwelling;

Structure Plan Density Justification

The Structure Plan report argues that a density of R60 across the site as required under the Pinjarra Town Centre Revitalisation and draft Activity Centre Plan is too high as the site is located on the outer edge of the Pinjarra townsite, that a density range of R25-R35 would be a more appropriate supported by a grouped dwelling site and some R35-R40. The Structure Plan report also outlines the lower density is more in keeping with the density of the surrounding properties (R15 to the north and R20 to the south and west) and more in keeping with Liveable Neighbourhoods and South Metropolitan and Peel Sub-regional Planning Framework requirements.

Public submissions

Public submissions, however suggest the lot sizes as shown on the Structure Plan are not in keeping with the surrounding area.

Current Population Forecasts

Whilst the South Metropolitan and Peel Sub-regional Planning framework provides the population growth to 2050 for Murray is likely to be around 164,000, more recent population projections indicate a population for Murray of around 70,913 by 2051 an increase of 280.83% (Forecast ID), substantially less than the 164,000 projected by the South Metropolitan and Peel Sub-regional Planning Framework, though still a substantial increase on today's population of around 18,621 and increase in population of 52,292. This equates to around 20,917 new homes being required by 2051 and means around 721 lots must be developed each year for the next 29 years to meet the accommodation needs for 2051.

Conclusion

Balancing the location of the subject site within the Pinjarra Town Centre adjacent to the health precinct, the various planning framework documents, the proposed Structure Plan and the submissions as well as the need to provide for a more diverse range of housing types to suit the existing and projected population makeup it is recommended that the higher ranges of the Planning suite of documents or medium density (R40-R60) be applied across the site.

Recommendation 1:

To require the Structure Plan to be modified to show medium density range (R40-60) across the site with the portion of the site fronting McLarty Road to be coded R60 and the remaining portion of the site coded R40.

Statutory EnvironmentPlanning and Development (Local Planning Schemes) Regulations 2015

The Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations) provides that *'a standard structure plan means a plan for the coordination of future subdivision and zoning of an area of land.'*

The Regulations also advise *'a structure plan in respect of an area of land in the Scheme are may be prepared if:*

- (a) *the area is*
- (i) *all or part of a zone identified in the Scheme as an area suitable for urban or industrial development and*
 - (ii) *identified in this Scheme as an area requiring a structure plan to be prepared before any future subdivision or development is undertaken.'*

Shire of Murray Local Planning Scheme No.4

Clause 6.5 Residential Development of the Shire of Murray LPS4 provides that *'it is the intention of the Council to ensure that subdivision and development of land within the Residential Development Zone takes place only after comprehensive planning ensures the maximum possible benefits of urban design and servicing.'*

Clause 6.5 of the Scheme also provides that *'the Council before supporting or approval any proposal for subdivision of the land within the zone, may require the preparation of an Outline Development Plan (now Structure Plan) for the whole or the zone or for any particular part or parts as considered appropriate for the Council with regard to the primary intent of the zone.'*

Natural Landscape in Urban Areas Local Planning Policy

The Natural Landscape in Urban Areas Local Planning Policy makes provision for the protection of existing trees and native vegetation in urban areas and seeks to discourage the removal of significant trees and native vegetation as a result of infill development.

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

The proposed Structure Plan will guide the subdivision of an additional supply of residential land to contribute towards housing affordability in the area. An increase in population in close proximity to the Pinjarra Town Centre will also contribute to greater economic activity in the area.

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

The proposed Structure Plan will facilitate the development of additional urban based land for the future growth of the Shire and add to the diversity of lifestyle choice and housing types available in the Shire.

Environment – (Impact on environment's sustainability)

Groundwater drainage generally flows south east over the site. The site is required to be raised above the Eureka Road surface and the drainage must be re-routed towards a proposed drainage swale in the south west corner of the lot. The drainage swale will connect to an existing drainage swale developed for the adjacent Lot 42 Hampton Road. It has been estimated that between 500mm and 1m of fill will be needed to raise the level of the site.

Drainage

The Local Water Management Strategy, Staging and Earthworks Strategy and Geotechnical report all endorse the use of soak wells for stormwater dispersal on individual lots. Soak wells allow stormwater to be retained on site and to soak into the ground. The porous nature of the fill and higher land, however has the potential to impact the direction of stormwater i.e. generally towards lower laying land. The Department of Water and Environment Regulation has recommended the Local Water Management Strategy investigate whether the use of soak wells is suitable for the site however the Shire’s Technical Services have required a piped stormwater system be provided to the individual lots. The piped stormwater system will be directed to the road drainage system and ultimately to the drainage swale proposed in the south western part of the lot.

Recommendation 2:
The Local Water Management Strategy, the Staging and Earthworks Strategy and Geotechnical report be updated to acknowledge the requirement for a stormwater drainage system be constructed to allow development on each lot to be directly connected to the piped stormwater network.

Existing Vegetation

The site contains exotic vegetation, several Marri trees towards the front of the lot and very old Jarrah trees along northern boundary. All vegetation will be required to be cleared from the lot due to the requirement to fill the land. The flora and vegetation survey provided with the proposed Structure Plan has not identified the old Jarrah trees nor considered an alternative for their retention. The flora and vegetation survey has not considered the requirements of the Shire’s Natural Landscape in Urban Areas Local Planning Policy to identify and protect significant vegetation.

Recommendation 3:
Consider whether it is reasonably possible to retain any of the existing mature trees on the site with a particular focus on the old jarrah trees along the northern boundary accordance with the Shire’s Natural Landscape in Urban Areas Local Planning Policy and if possible amended the proposed Structure Plan to achieve this. In addition include a requirement for the provision of street trees to be installed in the road reserves serving the proposed new residential lots.

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	There is low risk associated with the proposed Structure Plan as the issues raise have been addressed through required modifications.

Consultation

The proposed Structure Plan was advertised for 42 days with a closing date for submissions being 27 July 2022. Advertising was undertaken by way of an onsite sign, notice in local newspaper and on the Shire’s website as well as letters to landowners and occupiers of nearby residences.

At the close of the advertising period twelve agency submissions were received and 44 submissions received from landowner/residents most objecting to the development by way of a signed submission form and community template.

The main concerns raised by landowner/residents are:

- Retention of the existing trees on the site and concern for wildlife utilising the area;
- Fill impacting adjoining properties in relation to privacy and stormwater;
- Increased traffic impacting local amenity and safety;

- Small lot sizes not consistent with the surrounding area.

The Schedule of Submissions contained at **Appendix 2** outlined further details on the submissions received together with an officer comment and recommendation.

Resource Implications

Financial

An administrative fee is required for the Council's consideration of a structure plan. In this case the fee has been paid.

Workforce

The assessment and reporting of the proposed Structure Plan has been undertaken within the existing staff resource levels.

Options

Council has the option of:

1. Recommending the Structure Plan be approved by the WAPC either with or without modifications.
2. Recommending that the proposed Structure plan not be approved by the WAPC.

Conclusion

The proposed Structure Plan proposes to guide the subdivision of residential land, and is generally considered suitable. As such it is recommended for approval subject to the modifications contained within this report, the Schedule of Submissions and the Schedule of Modifications.

11.3 Proposed Kennels - Lot 603 (4) Fishhawk Drive, Stake Hill

File Ref:	D22/26363
Previous Items:	Nil.
Applicant:	David Robartson
Author and Title:	John Garbin, Planning Officer
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 11.3 App 1 - Kennel Plans and Acoustic Report Item 11.3 App 2 - Schedule of Submissions

Recommendation/Council Decision OCM22/100**Moved: Cr G Black****Seconded: Cr D Pike****That Council:**

1. Consider the submissions received in relation to the proposed Kennels and endorse the officer comments made in the Schedule of Submissions at Appendix 2; and
2. Approve the application for a Kennels on Lot 603 (4) Fishhawk Road, Stake Hill, subject to the following conditions:
 - a. Each kennel shall have a floor area of not less than 2.5m² per dog.
 - b. The attached exercise yard shall be a minimum of 247m², being two times the area of the kennel building.
 - c. All kennels and enclosures and all associated feeding and drinking vessels shall be maintained to the satisfaction of the Local Government.
 - d. No person shall keep or permit dogs to be kept, unless a person responsible for the dogs is a resident on the land.
 - e. Prior to commencing the use, the kennel shall be connected to a suitable nutrient retentive effluent disposal system, separate from any effluent disposal system associated with the single house.
 - f. A maximum of 18 dogs are permitted to be kept in the approved kennel building.
 - g. All dogs are to be confined within the kennel building between sunset and sunrise.
 - h. The concrete pad within the kennel building is to be a minimum height of 100mm and finished to a surface having a fall of not less than 1 in 100 to a spoon drain which in turn must lead to a suitably sized diameter sewerage pipe which must be properly laid, ventilated and trapped.
 - i. All dog carcasses and other putrescible organic refuse shall be disposed offsite at an approved landfill.
 - j. The minimum height of the kennel building is to be 2.4m above finished floor level.
 - k. The minimum height of the individual kennels is to be 2.0m above finished floor level.
 - l. The noise control measures listed as section 1.2 in the Acoustic Report "4 Fishhawk Road, Stake Hill" dated 11 May 2022 prepared by Acoustic Engineering Solutions, must be implemented at all times.

Advice to Applicant:

The applicant currently has an exemption for six (6) dogs under the Shire’s Dogs Local Law. The subject site is secluded and the final property at the western end of Fishhawk Drive. The subject site is surrounded by vegetation and not visible from neighbouring properties. The closest dwelling to the site, located on the eastern side of the Freeway, approximately 472m away. See image below.



2. Closest Dwelling

Report Detail

The application is seeking approval for the keeping and training of eighteen (18) greyhounds. The outbuilding will contain eighteen (18) separate kennels with twenty (20) yards abutting the exercise yard. There are exercise yards with a total area of 3,477.5m². The yards are setback 5m from the eastern side boundary. The kennel building is setback 10.5m from the dwelling and 6.8m from the eastern side boundary. See **Appendix 1** for application plans.

Murray 2031 Strategic Community Plan

Focus Area	Places for People
Aspiration	Ensure Local Planning Strategies and Town Planning Scheme facilitates quality and diverse planning outcomes.
Strategy	Ensure Town Planning Scheme and Local Planning Strategy facilitates quality and diverse planning outcomes.

Other Strategic Links

Nil.

Statutory Environment

Shire of Murray Local Planning Scheme No.4 (LPS4)

Under LPS4, Lot 603 (4) Fishhawk Drive, Stake Hill is zoned Rural. The proposed development is defined as a Kennel which is an ‘SA’ discretionary use in the Rural zone. Council may exercise

discretion to permit such a use, provided the proposal has been advertised, and that it is satisfied that such a use would not be contrary to the amenity of the area.

Under LPS4 a 'Kennel' means *'land and buildings used for the purpose of keeping, breeding, training, rearing and/or boarding of dogs and does not include the keeping of dogs by a landowner as domestic pets'*.

Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)

Under Clause 67 (2) of the Regulations the local government must have due regards to certain matters when considering an application for development approval. Key matters have been discussed below.

(m) Compatibility of the development with its setting

Given its positioning at the end of Fishhawk Road, the subject site is relatively secluded and not visible from any neighbouring residences. The site also directly abuts the Kwinana Freeway which generates a degree of background noise and also contains a large noise wall on the boundary. The Kennels will be located within a repurposed existing outbuilding and the proposed exercise yards are open in nature with permeable fencing. As discussed below, the development will have limited amenity impacts on the locality and is therefore considered to be compatible with its setting.

(n) The amenity of the locality

It is considered that the main amenity impact that a Kennel could have on a location would be unreasonable noise. It is noted that there is a house located approximately 170m from away from the proposed Kennels on the opposite side of the Kwinana Freeway. Any potential noise impacts on this property are, however, greatly reduced by the presence of two freeway acoustic walls between the two properties.

Given that the proposed development is located at the western end of Fishhawk Drive, hard against the freeway and more than 450m from the nearest house on the eastern side of the freeway, the opportunity for noise impacts are significantly mitigated.

The applicant provided an acoustic report in support of the development that demonstrates that the kennels will meet the assigned levels under the *Environmental (Noise) Protection Regulations 1997* under a number of scenarios. The report also contained some noise control measures that will be required as a condition of approval.

An effluent disposal system will be installed, this will mitigate against odour concerns and allow for all effluent to be disposed of correctly.

Shire of Murray Dog's Local Laws

In addition to a development approval, the proposed Kennels will require a licence under the Shire's Dog's Local Law. An initial assessment of the application has been undertaken by relevant officers who have found that the proposal is largely compliant with the Local Law, except for some minor variations to setback distances. However, given the specific circumstances of the site, these variations do not pose any adverse risks or impacts to the amenity of the area or neighbouring properties.

Sustainability & Risk Considerations

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

The proposed Kennel does not have any economic risks. It offers potential employment opportunities, and business opportunities.

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

As discussed in the amenity section, the proposed Kennel will not have any social impacts.

Environment – (Impact on environment's sustainability)

There are no environmental impacts envisaged for this proposal. The Kennel will be connected to an effluent disposal system and ongoing management conditions will also be in place to minimise impacts.

Policy Implications

Nil.

Risk Management Implications

Risk Level	Comment
Low	Through the application of a conditional approval it is considered that there are no significant risks associated with the proposed Kennels.

Consultation

The Kennels proposal was advertised publicly through the Shire’s website for a period of 21 days with referral letters sent to all properties within 500m.

At the close of advertising six submissions were received, including five objections focusing on potential noise impacts and one from Main Roads Western Australia with no objection. The location of the objections can be seen on the plan below:



3. Location of Objections

As discussed earlier in this report, given the separation to the closest residences and the noise control measures that will be implemented on site, noise impacts can be appropriately managed.

A copy of the schedule of submissions can be found in **Appendix 2**.

Resource Implications

Financial

The relevant administration fee to cover Shire officer time and direct costs associated with the assessment of the application has been paid.

Workforce

The assessment and reporting of the application has been accommodated within the existing workforce level.

Options

Council has the option of:

1. Grant development approval with or without conditions.
2. Refuse development approval for stated reasons.

Conclusion

As demonstrated in this report the proposed development is compatible with its setting and will not have a detrimental impact in the amenity of the location within which it is located. The application is therefore recommended for approval subject to conditions.

12 CORPORATE GOVERNANCE

12.1 Infrastructure Asset Management Plan

File Ref:	D22/25527
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Nicole Wilson, Manager Integrated Planning
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 12.1 App 1 - Infrastructure Asset Management Plan

Recommendation/Council Decision OCM22/101

Moved: Cr S Carter

Seconded: Cr G Black

That Council adopts the reviewed Infrastructure Asset Management Plan at Appendix 12.1 App 1.

CARRIED UNANIMOUSLY 8:0

In Brief

- The Infrastructure Asset Management Plan (IAMP) and supporting Appendix C – Bridges Asset Management Plan and Appendix D – Footpaths Asset Management Plan have been reviewed.
- The IAMP uses the predicted useful life of an asset based on its actual performance and informed by industry standards, to model financial reporting requirements of renewal. These requirements are then incorporated into the Long Term Financial Plan at the agreed funding value.
- The renewal requirement for Traffic Bridges is funded by Main Roads WA. The renewal requirement for Shire controlled bridges over a 10 year period is \$763,418, which equates to an average of \$76,342 per annum.
- The renewal requirement for footpaths over a 10 year period is \$1,825,323, which equates to an average of \$182,532 per annum.
- Where it is not possible to fully fund the renewal requirements in the Long Term Financial Plan, the renewal requirements will be prioritised based on risk, service levels and building hierarchy.

Background

As part of the Integrated Planning and Reporting Framework introduced to Local Government in 2011, there is a requirement to develop Asset Management Plans. This requirement was introduced to enhance the sustainable management of assets by encouraging 'whole of life' and 'whole of organisation' approaches, and the effective identification and management of risks associated with the use of assets. The Framework has been developed to assist Local Governments in planning, and managing their assets so that the long-term aspirations of their communities can be reached. It highlights the fundamental link between Asset Management, Long-Term Financial Planning and Strategic Planning.

The Shire of Murray commenced formal asset management planning in accordance with the current framework in 2008. This has placed Council in an excellent position to adopt meaningful Asset Management Plans (AMP).

The Infrastructure Asset Management Plan (IAMP) is the overarching document and is supported by the relevant asset classes listed as appendices. These appendices are reviewed on a four or five-year rolling cycle, with the IAMP reviewed annually.

The IAMP, Appendix C – Bridges Asset Management Plan and Appendix D - Footpaths Asset Management Plan have recently been reviewed and are attached for consideration. The other appendices relevant to the IAMP have not been attached, as they remain unchanged and will be reviewed in accordance with the timeframes set out below:

Plan	Last Reviewed	Next Review
Appendix A – Buildings Asset Management Plan	August 2021	August 2026
Appendix B – Roads and Kerbs Asset Management Plan	May 2020	August 2024
Appendix E – Drainage Asset Management Plan	May 2018	August 2023
Appendix F – Parks and Reserves Asset Management Plan	May 2018	August 2023
Appendix G – Waterways Asset ManagementPlan	May 2018	August 2023

Appendix C – Bridges Asset Management Plan and Appendix D - Footpaths Asset Management Plan will be reviewed again in August 2026.

Report Detail

The IAMP is an important document that explains:

- The assets owned (inventory)
- The agreed level of service or minimum required standards of the asset
- Anticipated future demand for the services provided for the asset including identifying desired increases in the services
- Risks associated with the asset
- Operation and maintenance of the network and associated costs
- Renewal costs for the network over the next ten years
- Upgrade costs for the network over the next ten years
- Lifecycle costs and Long-Term Financial Plan (LTFP) for the network
- Improvement Plan

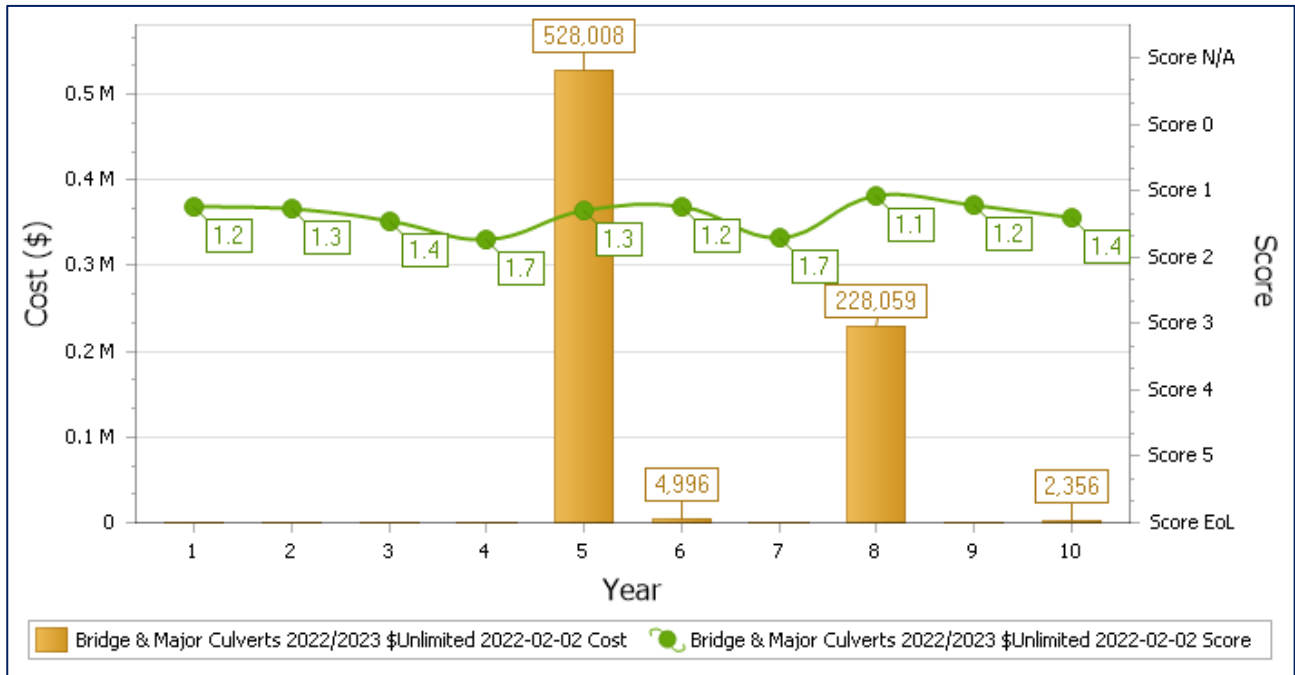
The IAMP has a "core" level status, which reflects the Shire's current level of maturity in asset management planning.

The following table represents a summary of the assets covered by Appendix C – Bridges Asset Management Plan:

Asset Category	Quantity	Replacement Value
Traffic Bridges	17	\$57,872,000
Pedestrian Bridges	10	\$3,529,000
Major Culverts	3	\$1,180,000

The following graph summarise the renewal requirement for Shire controlled bridges based on like for like replacement using an unlimited budget allocation (i.e. funding 100% of renewal). The renewal

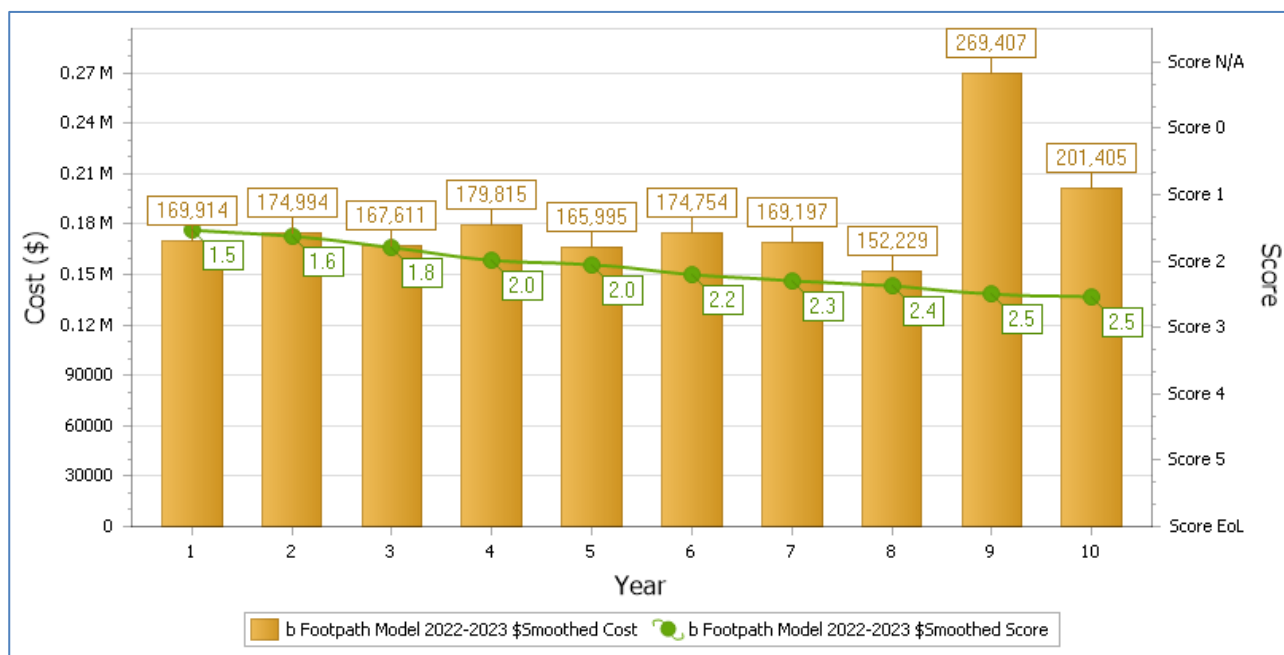
requirement over a 10 year period is \$763,418. The condition index for bridges is very good, with the service level remaining steady in overall condition index at the end of 10 years if the proposed funding is able to be achieved.



The following table represents a summary of the assets covered by Appendix D – Footpaths Asset Management Plan:

Asset Type	Material Type	Area (sqm) / *Quantity	Length (m)	Replacement Value
Footpaths	Asphalt	21,656	9,083	\$1,407,213
	Bituminous Seal	51	40	\$3,314
	Brick Paved	13,277	4,576	\$855,007
	Concrete	175,826	88,116	\$12,189,982
	Concrete Exposed Aggregate	2,538	745	\$277,277
	Concrete Slab	382	172	\$26,498
	Limestone (Steps)	13	10	\$4,818
	Timber (Boardwalk)	156	91	\$39,000
Pram Ramps	Concrete	*848		\$326,708

The following graph summarise the renewal requirement for footpath infrastructure based on like for like replacement using a smoothed unlimited budget allocation (i.e. funding 100% of renewal). The renewal requirement over a 10 year period is \$1,825,323, which equates to an average of \$182,532 per annum. The condition index for footpaths is good, with the service level only falling slightly in overall condition index at the end of 10 years if the proposed funding is able to be achieved.



Where it is not possible to fully fund the renewal requirements for bridges and footpaths in the Long Term Financial Plan, the renewal requirements will be prioritised based on risk, service levels and hierarchy.

Murray 2031 Strategic Community Plan

Focus Area	Capable and Accountable
Aspiration	Murray has a sustainable future.
Strategy	Maintain long-term financial sustainability.

Murray 2021 – 2025 Corporate Business Plan

Focus Area	Capable and Accountable
Objective	Murray has a sustainable future.
Strategy	Maintain long-term financial sustainability.
Actions	Review the Infrastructure Asset Management Plan.

Other Strategic Links

Nil.

Statutory Environment

Asset Management is a core function of managing the District’s infrastructure assets, which meets the objectives of the *Local Government Act 1995*, Section 2.7.

Sustainability & Risk Considerations

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

Infrastructure owned and operated by the Shire contributes to the economic success of the community. The road, drainage and footpath network provide a diverse and safe transport and stormwater system, which balances the needs of all users including pedestrians, cyclists, private vehicles, public transport and freight. Buildings and public open spaces provide access to retail, community, educational and recreational facilities and are seen as essential infrastructure.

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

The IAMP defines agreed renewal, upgrade, operations and maintenance levels of service. Hierarchies and intervention levels are also defined, which determine at what condition infrastructure will be listed for renewal.

Environment – (Impact on environment's sustainability)

Nil.

Policy Implications

The IAMP supports Council's Policy A15 - Asset Management, through the development of AMP's aligned to the Institute of Public Works Engineering Australia and the International Infrastructure Management Manual's core asset management planning specifications.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Moderate	Grant applications for capital items are often assessed on the ability of a Local Government to demonstrate adequate provision for renewal. If no asset management plan exists, this requirement is difficult to evidence.
High	Not considering the financial requirements for input into the LTFP may result in infrastructure deteriorating to a poor condition leading to heightened community concern where assets become non-functional. It will also require an increase in financial allocations required to restore the asset due to the higher rate of deterioration near the end of an assets life.

Consultation

The departments responsible for overseeing the relevant assets have provided input into the review of these Asset Management Plans.

Resource Implications*Financial*

Asset renewal figures are updated annually as a component of the LTFP. The final level of resources allocated to renewal is determined through the budget process each year.

Workforce

No additional workforce implications arise from the adoption of this Plan.

Options

Council has the option of:

1. Adopting the IAMP as presented.
2. Choosing to amend the agreed level of service that the community receives by way of infrastructure provision. Any amendment will reflect in both the service derived from the assets as well as the level of financial allocation.

Conclusion

The IAMP is a culmination of data and strategies, which together define future management and financial practices required for the Shire of Murray's infrastructure assets. Adoption of the IAMP and supporting appendices will assist in ensuring that assets are used most effectively and efficiently to support the delivery of Murray 2031.

The IAMP uses the predicted useful life of an asset based on its actual performance and informed by industry standards, to model financial requirements of renewal. These requirements are then incorporated into the LTFP at the agreed funding level. Condition assessments of assets are completed regularly to ensure the integrity of the data within the Plan.

Murray 2031 identifies that one of the key criteria of a sustainable organisation is long-term infrastructure and asset management. It is also recognised that managing and improving Council's assets is required for Council to achieve its vision for the community. As such, to achieve this aim, Council is required to have an endorsed Infrastructure Asset Management Plan for all asset categories.

12.2 Payments from Municipal and Trust Funds - July 2022

File Ref:	D22/26135
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Tamara Tabor, Finance Coordinator
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 12.2 App 1 - Payments from Municipal and Trust Funds July 2022

Recommendation/Council Decision OCM22/102**Moved: Cr A Rogers****Seconded: Cr S Lee**

That Council receives the Payments from Municipal and Trust Funds Report July 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 July 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

Focus Area	Capable and Accountable
Aspiration	To develop strong leadership through good governance, effective communication and ensuring value for money.
Strategy	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

Council has the option of:

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

12.3 Monthly Financial Report - July 2022

File Ref:	D22/26142
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Tamara Tabor, Finance Coordinator
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 12.3 App 1 - Monthly Financial Report - July 2022

Recommendation/Council Decision OCM22/103

Moved: Cr G Black

Seconded: Cr D McLarty

That Council receives the July 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 July 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

- Cash Backed Reserves
- Variances

Murray 2031 Strategic Community Plan

Focus Area	Capable and Accountable
Aspiration	To develop strong leadership through good governance, effective communication and ensuring value for money.
Strategy	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

Council has the option of:

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

13 RECREATION, ECONOMIC & COMMUNITY DEVELOPMENT

Nil.

14 INFRASTRUCTURE SERVICES

14.1 Amendment to the Dedication of Second Street, Pinjarra

File Ref:	D22/25932
Previous Items:	OCM May 2019 Item 11.17 (OCM19/087)
Applicant:	Nil.
Author and Title:	Sarah Garbin, Executive Support Infrastructure Services
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Nil.

Recommendation/Council Decision OCM22/104

Moved: Cr D Pike

Seconded: Cr S Lee

That Council:

- 1. Requests the Minister of Planning, Lands and Heritage to dedicate Second Street as a road pursuant to *Section 52 (Acquisition)* and *Section 56* of the *Land Administration Act 1997*.**
- 2. Indemnifies the Minister of Planning, Lands and Heritage against any claim for compensation arising from this dedication.**

CARRIED UNANIMOUSLY 8:0

In Brief

- Second Street is not formally dedicated as a road.
- Need to progress through the Department of Planning, Lands and Heritage.
- Dedication is through the *Land Administration Act 1997*.

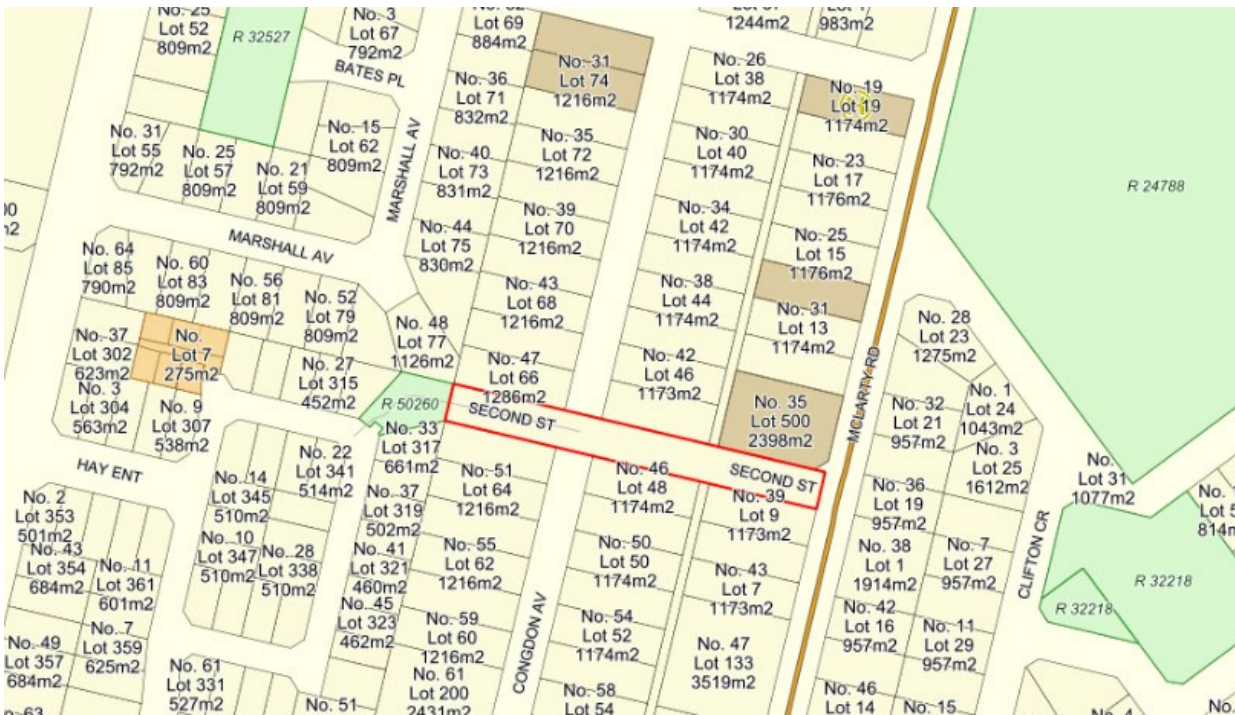
Background

At the Ordinary Council Meeting on the 23 May 2018 Council approved (OCM19/087) the dedication of Second Street, Pinjarra. The Department of Planning, Lands and Heritage have requested that Council approve an amendment to the item, stating this request of dedication will also be in accordance with Section 52 (*Acquisition*) of the *Land Administration Act 1997*.

Through a previous review it was identified that Second Street is not dedicated as a road reserve and there is a need to dedicate in accord with both Section 52 and Section 56 of the *Land Administration Act 1997*.

Report Detail

It has been identified that Second Street is not formally dedicated as a road reserve and it is proposed that the Shire of Murray formalise the dedication of Second Street, Pinjarra under the *Land Administration Act 1997*. This will enable Second Street to become legally recognised as a road for public access under the care, control and management of the Shire of Murray as per the plan below:



Murray 2031 Strategic Community Plan

Focus Area	Connected and Accessible
Aspiration	Promote an efficient and accessible local and regional transport network.
Strategy	Improve the amenity and functionality of the street network and town entrances.

Other Strategic Links

Nil.

Statutory Environment

Section 52 of the *Land Administration Act 1997*.

Section 56 of the *Land Administration Act 1997*.

Regulation 8 of the *Land Administration Regulation 1998*.

Sustainability & Risk Considerations

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

There is minor cost implication to implement the dedication [process that will be managed within existing resources.

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	Should the process not be progressed the road want be dedicated and potentially limit property access and future adjacent development and not reflect the Shire of Murray care, control and management of infrastructure within the road reserve.

Consultation

Department of Planning, Lands and Heritage.

Resource Implications*Financial*

Costs to be managed within existing resources.

Workforce

Within the scope of the Infrastructure Services department provision of services.

Options

Council has the option of:

1. Supporting the dedication of Second Street.
2. Not supporting the dedication of Second Street.

Conclusion

It is recommended the Shire formally request the Minister of Planning, Lands and Heritage dedicate Second Street in Pinjarra as public road to formalise the infrastructure being under the care, control and management of the Shire of Murray, with the process then formally administering the legal recognition of Second Street.

14.2 Future Extractive Industry - Road Materials

File Ref:	D22/26060
Previous Items:	OCM 24 Sept 20 Item 11.13 (OCM20/180)
Applicant:	Nil.
Author and Title:	Alan Smith, Director Infrastructure Services
Declaration of Interest:	Nil.
Voting Requirements:	Absolute Majority
Appendices:	Nil.

Recommendation/Council Decision OCM22/105

Moved: Cr S Kirkham

Seconded: Cr S Carter

That Council:

- 1. authorise the Chief Executive Officer to negotiate and endorse long term lease agreements with land owners/Agencies for the purpose of road materials for Public Purposes;**
- 2. maintains an Infrastructure Account to enable investigation, development and management of extractive industry sites for future infrastructure provision; and**
- 3. where a long-term site is proposed a Business Plan be developed.**

CARRIED UNANIMOUSLY 8:0

In Brief

Opportunities are continually being explored to source appropriate gravel materials for both construction and maintenance needs, these can be within both private and public areas. The ability to be proactive when liaising with both private property owners and other State agencies gives way to opportunities.

- Engage with property owner or State Agency where gravel material is located.
- Enable suitable investigation into the site with respect to environmental considerations.
- Undertake necessary excavation and testing of the material.
- Develop Business Plan for the site.
- Develop a lease agreement.
- Obtain necessary approvals.
- Manage the site to the required standards.

Background

The Shire is continually looking toward opportunities to primarily locate and secure longer term gravel extraction sites to suit our construction and maintenance needs. From time to time we will negotiate with private landowners for short term options, yet there is a need to secure longer term material supply.

In recent times there has been a lack of locally sourced materials with the Shire entering into contracts for the supply of gravel materials from private sources, therefore continuity of supply for infrastructure provision. Typically, where you can locate and operate an extraction site there are associated cost efficiencies.

The Shire has recently been liaising with Alcoa regarding a site in Waroona where the following recommendation was resolved through Council in September 2020:

That Council:

1. *authorise the Chief Executive Officer to negotiate and endorse a long-term lease agreement with Alcoa for the purpose of gravel extraction for public purposes;*
2. *establishes an Infrastructure Account of \$300,000 from the Asset Enhancement Reserve to develop and manage the extractive Industry site at Lot 1261 Willowdale Road for future infrastructure provision; and*
3. *develop a Business Plan for the proposed Extractive Industry at Lot 1261 Willowdale Road.*

Initial environmental investigation has been completed with further negotiation with Alcoa regarding the progression of the site. In the meantime, other opportunities have presented with Alcoa and there is a need to enable quick and concise decisions to progress these opportunities, in many cases a licence to access the land is needed to be approved through legal agreements.

A change has been made to support future gravel extraction with funding being provided through the road draining and pathway reserve.

Report Detail

Current discussion through Alcoa is looking at joint outcomes that support our gravel supply outcome while meeting the needs of Alcoa through rehabilitation works. These opportunities need to be prioritised with the option to undertake necessary investigation very quickly, hence having the ability for the Chief Executive Officer to negotiate with associated funding enabling the necessary tools to engage and investigate.

Those initial steps are critical, once the initial agreement is in place then formal Business Planning is undertaken with ongoing communication through Council.

At this stage we are considering a new site that could have considerable long term benefits, there is significant investigation required to ensure the site access, gravel quantity and quality, associated rehabilitation and agreed site management. The opportunity to engage and secure these sites in the shorter term is critical, therefore requiring the need for the Chief Executive Officer to have a level of delegation.

Once extractive sites are established they are self-managing, whereby every tonne of material extracted from the site is funded through the construction and maintenance program. The need for the current fund is to enable in initial investigation with the option to secure a long term agreement.

Murray 2031 Strategic Community Plan

Focus Area	Connected and Accessible
Aspiration	Promote an efficient and accessible local and regional transport network.
Strategy	Improve the amenity and functionality of the street network and town entrances.

Focus Area	Capable and Accountable
Aspiration	Respond efficiently and effectively to the evolving needs of the community.
Strategy	Deliver efficient and effective Council services to the community.

Other Strategic Links

Nil.

Statutory Environment

Nil.

Sustainability & Risk Considerations

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

The ability for the Shire to source and manage its own materials through local extraction enables cost efficiencies for future construction and maintenance works.

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

Nil.

Environment – (Impact on environment’s sustainability)

Ensure all required environmental approvals are in place to manage any new extraction site, typically these sites will require various studies undertaken to support any new works.

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	There is a requirement to ensure the management of the site is managed within required environmental constraints, these constraints are explored during the initial investigation stage to ensure systems are in place to manage the site holistically.

Consultation

Nil.

Resource Implications

Financial

Funding has previously been set aside for infrastructure development and planning with respect to the Willowdale site, it would be proposed to maintain the current funding to extend to other areas.

Workforce

Any planning, environmental and development will be managed by existing staff resources.

Options

Council has the option of:

1. Enabling the Chief Executive Officer to negotiate and endorse long term lease options for construction and maintenance materials.
2. Limiting or not supporting the Chief Executive Officer to negotiate and endorse long term lease options for construction and maintenance materials.

Conclusion

From time to time opportunities arise where positive decisions and negotiations need to be undertaken to support effective infrastructure provision. The ability for the Chief Executive Office to engage within this space will assist to ensure when opportunities arise positive engagement can be progressed.

15 ITEMS FOR INFORMATION

15.1 Delegated Development Application Decisions – July 2022

File Ref: D22/25808

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

Appendices: Item 15.1 App 1 - Delegated Decisions for Development Approvals - July 2022

In Brief

Delegated Decisions are attached for information.

15.2 Outstanding Council Resolutions- August 2022

File Ref: D22/26674

Author and Title: Denise Garner, CEO Executive Support Officer

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

In Brief

Resolution Register is attached for information.

16 BUSINESS LEFT OVER FROM PREVIOUS MEETING

Nil.

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

Nil.

18 NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil.

19 NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION OF THE MEETING**19.1 Resignation - Cr Casey Rose**

File Ref: D22/27756
Previous Items: Nil.
Applicant: Cr Casey Rose
Author and Title: Dean Unsworth, Chief Executive Officer
Declaration of Interest: Nil.
Voting Requirements: Absolute Majority
Appendices: Nil.

Recommendation/Council Decision OCM22/106**Moved: Cr D McLarty****Seconded: Cr S Kirkham****That Council:**

- 1. Accepts this report as Business of an Urgent nature.**
- 2. Regretfully notes and accepts the resignation from Ms Casey Rose effective immediately and thanks her for seven years of service to Council.**
- 3. Resolves via ABSOLUTE MAJORITY that the vacancy that has been created by the resignation of Ms Rose remain vacant until the next Local Government elections, due 21 October 2023.**
- 4. Instructs the Chief Executive Officer to request the Commissioner – Australian Electoral Commission to approve the request as per the recommendation 3 (above).**

CARRIED UNANIMOUSLY 8:0**Recommendation/Council Decision OCM22/107****Moved: Cr D McLarty****Seconded: Cr G Black****To replace Cr Rose in the following committee meetings:****Dwellingup Community Village Management Committee – Cr D McLarty (proxy only)****Outer Metropolitan Joint Development Assessment Panel – new Member Cr A Rogers and new Alternate Member Cr D McLarty.****Murray Aged Access & Inclusion Working Group – Cr S Lee & Cr S Carter****Local Planning Strategy Reference Group – Cr D Pike****Community Assistance Partnership Funds – Cr D McLarty & Cr G Black****CARRIED UNANIMOUSLY 8:0****In Brief**

- Ms Casey Rose formally resigned on 18 August 2022 effective immediately.
- This report requests that Council consider not to call an extra-ordinary election to fill this position.
- An Absolute Majority decision as well as approval from the Commissioner – Australian Electoral Commission is required to avoid an extra-ordinary election.

Background

As per ‘In Brief’.

Report Detail

Council are requested to consider whether it wishes to hold an extra-ordinary election to replace the recently resigned Ms Casey Rose.

Under the *Local Government Act*, as long as at least 80% of the offices of Council is filled, that an extra-ordinary election is an option to Council rather than a requirement. The other requirement is formal support from the Electoral Commissioner.

By supporting the officer recommendation, Council can then formally request the Commissioner to keep this vacant position unfilled until the next election in October 2023. Alternatively, Council will be required to find an unbudgeted amount of \$42,000 (exc. GST).

Statutory Environment

Local Government Act (1995) (as amended)

4.17. Cases in which vacant offices can remain unfilled

(3) If a councillor’s office becomes vacant under section 2.32 (resigns) and under subsection (4A) this subsection applies, the council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.*

Absolute majority required.

(4A) Subsection (3) applies —

(a) if —

(i) the office is for a district that has no wards; and

(ii) at least 80% of the number of offices of member of the council in the district are still filled.

Sustainability & Risk Considerations

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

N/A

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

N/A

Environment – (Impact on environment’s sustainability)

N/A

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	There is little risk to Council if there is one position unfilled until October 2023.

Consultation

Australian Electoral Commission.

Resource Implications*Financial*

A cost estimate for an extra-ordinary election from the Australian Electoral Commission is \$42,000 (exc. GST).

Workforce

Nil.

Options

Council has the option of:

1. Holding an extra-ordinary election to fill the current vacancy created by Ms Casey Rose.
2. Resolve that the position remains unfilled and requests the AEC Commissioner to formally support this.

Conclusion

The Act allows for this vacant position to remain unfilled as per Section 4.17 of the Local Government Act. With such a high amount of unbudgeted funding required to hold an extra-ordinary election, it is recommended that Council do not call an extra-ordinary election.

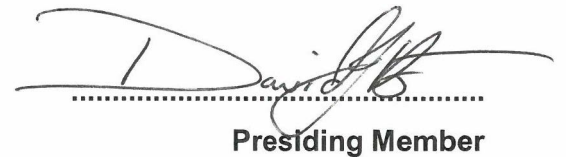
20 MEETING CLOSED TO THE PUBLIC (CONFIDENTIAL BUSINESS)

Nil.

21 CLOSURE OF MEETING

There being no further business the Presiding Member declared the meeting closed the time being 6.41pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 22 September 2022.



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Presiding Member