



Shire of Murray

Minutes

Ordinary Council Meeting

Thursday 27 October 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, 27 October 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), Pauline Wood (Minute Taker)

APOLOGIES

Nil.

LEAVE OF ABSENCE

There were 2 members of the public and 7 members of staff in attendance at this time.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4 PUBLIC QUESTION TIME

Nil.

5 PETITIONS AND APPROVED DEPUTATIONS

5.31pm **Mr John Righetti** – Item 11.1, Proposed Retrospective Extension to Kennels - Lot 3 (34) Hill Road, West Coolup.

Cr D Bolt thanked Mr Righetti for his deputation which concluded at 5.50pm.

6 CONFIRMATION OF MINUTES

6.1 Ordinary Council Meeting – 29 September 2022

Recommendation/Council Decision OCM22/123

Moved: Cr A Rogers

Seconded: Cr S Kirkham

That the Minutes of the Ordinary Council Meeting held on Thursday 29 September 2022 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY 8:0

7 ANNOUNCEMENTS BY THE PRESIDING MEMBER

On Monday 2 October, I attended the Western Australian Local Government Association (WALGA) Mayor and Presidents Forum held at the Crown Hotel, Perth. I then attended the Conference welcome reception with Councillors from around the state.

On Monday 3rd and Tuesday 4th October, I attended the WALGA Convention and AGM held at Crown, Perth with Cr Rogers, Cr McLarty, and Cr Kirkham.

On Wednesday 5 October, I attended the funeral of Local Aboriginal Elder, Harry Nannup. I then attended a meeting at Murrayfield Airport with representatives from Peel Development Commission, Royal Aero Club of WA, and the Shire of Murray.

On Saturday 8 October, I attended the Royal Aero Club WA Open Day which was held at Murrayfield Aerodrome and helped launch Western Australia's first all-electric aviation charge network regional node charging station.

On Tuesday 11 October, I presided over the Shire of Murray Citizenship Ceremony where 5 new Australian Citizens were welcomed to the Shire of Murray. Cr Rogers also assisted at the ceremony.

On Thursday 13 October, I attended the Councillor Briefing and Strategy Planning Day held at the Shire of Murray.

On Friday 14 October, I attended the WA Mountain Bike Strategy Launch and Industry MTB Day held at the Dwellingup Trails and Visitors Centre. That afternoon I was invited to judge the garden competition at Belswan Lifestyle Village, Pinjarra.

On Sunday 16 October, I attended the Pinjarra Garden Day, which was held at Edenvale, Pinjarra.

On Monday 17 October, I attended a catch-up meeting with the Shire CEO. That afternoon I participated in a radio interview with Triple M Perth regarding the Mountain Bike World Championships coming to Dwellingup in 2023.

On 19 October I attended a Peel Development Commission Board Meeting in Mandurah

On Thursday 20 October, I participated online and chaired the Rivers Regional Council Ordinary Council meeting along with Cr Lee and other representatives from the 6 member Councils.

On Friday 21 October, I attended a meeting with Development WA General Manager of Regional regarding Industrial Land in the Shire of Murray. That afternoon I attended and spoke at the Queens Platinum Jubilee Tree Planting Event at the Pinjarra War Memorial. The event was also attended by Hon Andrew Hastie MP, Robyn Clarke MLA and Les Giles President of Pinjarra RSL Subbranch along with Shire Staff, members of the Pinjarra RSL and the General Public.

On Saturday 22 October, I attended the Shire's Strategic Plan Community Workshop, which was held at the Coolup Hall, Coolup.

On Sunday 23 October, I attended the Bushfire Community Day which was held by the Department of Fire and Emergency Services at the Bushfire Centre of Excellence, Nambelup.

On Monday 24 October, I presented at the Opening of the Pinjarra Womens Centre. In the afternoon I attended the opening of the Bush Tucker Trail at Cantwell Park, Pinjarra where I spoke on behalf of the Shire. I then attended a meeting with the CEO between the Shire of Murray and the Chair of Peel Alliance regarding Dwellingup Futures.

On Tuesday 25 October, I participated in the online discussion regarding the Expansion of Extractive Industries in the Peel region along with other stakeholders including the Shires of Boddington, Waroona and Serpentine-Jarrahdale, the City of Mandurah, and Peel Harvey Catchment Council. That evening I attended the Pinjarra Senior High School Presentation and Awards Ceremony which was held at the Murray Aquatic and Leisure Centre and presented the Shire of Murray Vet Dux Award.

On Wednesday 26 October, I attended a public meeting regarding dust issues and concerns in Pinjarra which was held at the Pinjarra Civic Centre.

On Thursday 27 October, I presided at the Shire of Murray October Ordinary Council Meeting held at the Council Chambers.

8 ANNOUNCEMENTS BY ELECTED MEMBERS

Cr Douglas McLarty, Deputy Shire President

On Monday 3 October and Tuesday 4 October, I attended the Western Australian Local Government Association Convention held at Crown, Perth.

On Thursday 13 October, I attended the Councillor Briefing and Strategy Planning Day held at the Shire of Murray offices.

On Friday 14 October, I attended the Mandurah Police District, National Police Remembrance Day Ceremony which was held at the Mandurah Bowling Club, Mandurah and I laid a wreath on behalf of the Shire of Murray.

On Thursday 27 October, I attended the Shire of Murray October Ordinary Council Meeting held at the Council Chambers.

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

Cr D McLarty declared an Impartiality Interest in Item 11.2, Proposed Amendment No. 318 to Town Planning Scheme No. 4 to Rezone various Lots in North Yunderup to Special Development and to include Special Provisions within Schedule 7 in that one of the land holdings in the proposal is owned by a friend of his father.

Cr D Bolt declared an Financial Interest in Item 14.1, Pinjarra Senior High School - Parking and Path Contribution in that he is a board member at Pinjarra Senior High School.

Cr D Bolt declared an Impartiality Interest in Item 12.3, Local Government Reform – Ward and Representation Review in that as Shire President there may be a perception that he would be impartial when considering the Direct Election of the Shire President's Position.

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

Nil.

REPORTS OF CHIEF EXECUTIVE OFFICER AND OFFICERS**11 PLANNING AND SUSTAINABILITY****11.1 Proposed Retrospective Extension to Kennels - Lot 3 (34) Hill Road, West Coolup**

File Ref: D22/30901
Previous Items: PPS 17 Jul 12 Item 14.1 (PPS12/103)
Applicant: John Righetti
Author and Title: Rod Peake, Director Planning & Sustainability
Declaration of Interest: Nil.
Voting Requirements: Simple Majority
Appendices: Item 11.1 App 1 - Development Plans
Item 11.1 App 2 - Acoustic Report
Item 11.1 App 3 - Submissions

Recommendation/Council Decision OCM22/124**Moved: Cr A Rogers****Seconded: Cr S Carter****That Council:**

1. **Refuses the application submitted by Mr John Righetti for the retrospective extension to Kennels on Lot 3 (No. 34) Hill Road, West Coolup, for the following reasons:**
 - a) **the proposal is considered contrary to the purpose and objectives of the Rural area as set out in the Peel Region Scheme and Shire of Murray Southern Palusplain Strategy;**
 - b) **approval of the proposal will adversely impact the character and amenity of the area; and**
 - c) **approval of the proposal will create an undesirable precedent, which will further adversely impact the character and amenity of the area.**
2. **Undertakes compliance action in respect to the existing kennels to ensure that they are being operated consistent with the current Development Approval and Kennel Licence.**

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

Against: Cr David Pike

CARRIED 7:1**In Brief**

- A retrospective application for an additional 17 kennels within an existing kennel building has been received for consideration. If approved this would bring the number of kennels and therefore dogs on the property to 32.
- The application was advertised to land owners in the vicinity and two objections were received relating to potential noise impacts.
- The additional kennels and dogs will likely impact on the character and amenity of the area and it is therefore recommended that the application be refused.

Background

In 2011 the Shire received a complaint relating to an unauthorised kennel establishment at the subject lot. A retrospective planning application was lodged, with the initial proposal being refused by Council in April 2012. The applicant subsequently lodged an application for review of Council's decision with the State Administrative Tribunal (SAT), with the issue being mediated. SAT made an order inviting Council to reconsider its decision in light of mediation proceedings. In July 2012, Council determined to support the proposal subject to conditions.

In 2017 a kennel audit was completed by the Shire where it was noted that the development was not operating in compliance with the conditions of approval, including failure to repair the roof of the kennel building and failure to connect to an approved and suitable effluent disposal system. It appears that the majority of issues were addressed at this time.

In 2021 Shire officers attended the subject property and noted that the approved kennel was not operating in compliance with the conditions of approval. The initial approval allowed for the keeping of 15 dogs. During the inspection it was noted that there were an additional 15 or more dogs, and that there were multiple dogs being kept within individual kennel pens.

A number of issues relating to management, as per the requirements of the Dog Local Laws, were noted, however those issues, being related to the kennel licence, are in the process of being dealt with by Ranger Services.

Subsequently, the landowner was advised to submit a retrospective development application if it was intended to retain more than the approved 15 dogs.

The subject property is located approximately 1.8km from the Forrest Highway. The property is dissected by an unmade portion of the Richter Road reserve.

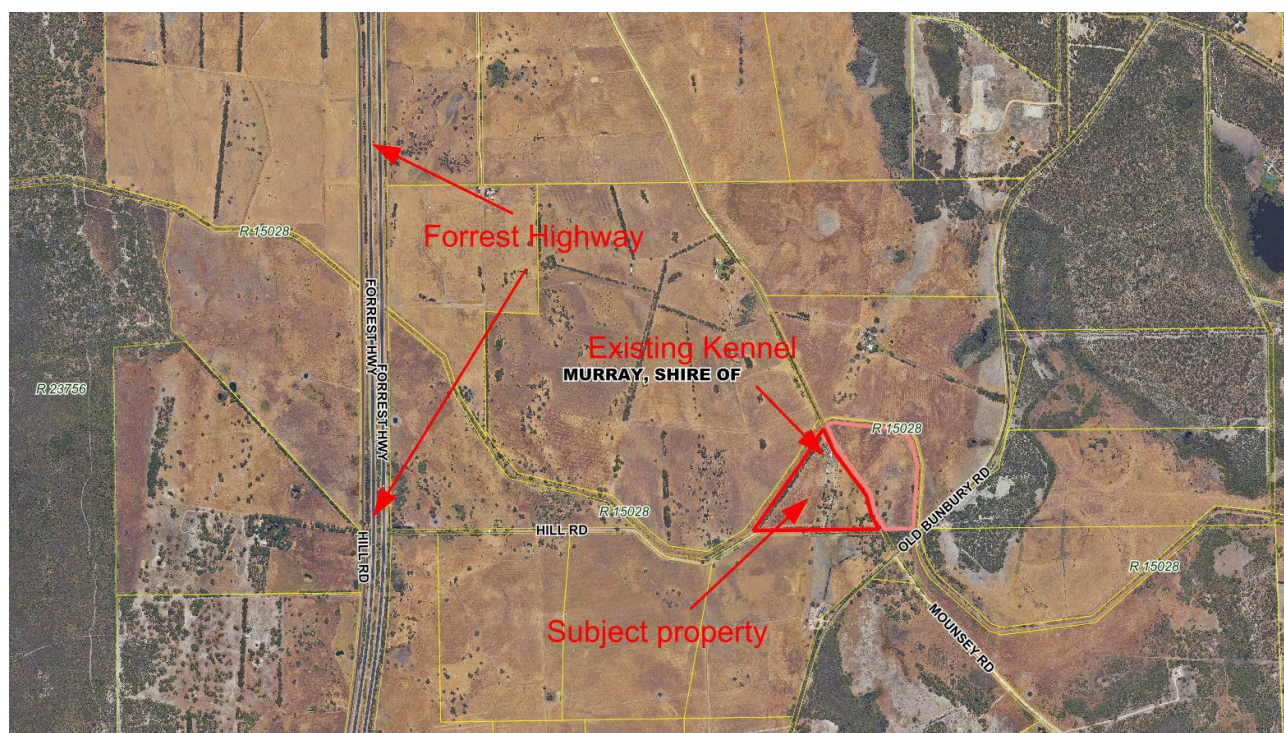


Figure 1 – Location Plan

Report Detail

The application is for retrospective development approval for the keeping of an additional 17 dogs within the existing Kennel building on the subject property. A copy of the development plans can be found at **Appendix 1**.

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.

Other Strategic LinksSouthern Palusplain Strategy

The purpose of the Rural zone under the Southern Palusplain Strategy is to protect and support the area for agricultural activities into the future, consider the potential for diversified innovative farming and food production pursuits, support the area for equine activities such as horse agistment, breeding and training and to maintain the rural landscape character of the area.

The objectives of the Rural zone under the Strategy are:

- To protect the rural area, and encourage continued operation of agricultural activities including extensive agriculture, intensive agriculture and basic raw material extraction, to ensure the best prospects for continued or expanded productive use.
- To provide for a sustainable agricultural industry that is sufficiently flexible in response to changing industry circumstances by protecting the long term availability of suitable land for a diverse range of innovative agricultural and food production purposes.
- To recognise the importance of the Equine industry to the regional economy and the Shire of Murray and to accommodate the continuing demand for land suitable for horses and equine related activities in the Peel Region.
- To encourage value-adding opportunities for agricultural production and provide for low impact tourist development where this is incidental to the primary agricultural use of the land and where such uses will not conflict with agricultural objectives of the land.
- To ensure agricultural development and equine activities do not have an adverse impact on the environmental values of the area.

In particular the noise associated with dogs is considered to be contrary to the purpose and objectives of the Rural zone under the Strategy.

Statutory EnvironmentPeel Region Scheme (PRS)

The subject site is zoned Rural under the PRS. The purpose of the Rural zone under the PRS is “to provide for the sustainable use of land for agriculture, assist in the conservation and wise use of natural resources including water, flora, fauna and minerals, provide a distinctive rural landscape setting for the urban areas and accommodate carefully planned rural living developments”. In particular the noise associated with dogs is considered to be contrary to the purpose of the Rural zone under the Scheme.

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

Under LPS4, the subject lot 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. The key matter for a development of this nature is any impact it may have on the amenity of the locality. This is discussed below.

(n) The amenity of the locality

Potential noise impacts are considered to be the main issue that the Kennel development may pose to the adjacent rural amenity.

The submitted acoustic report (see **Appendix 2**) notes the following:

- The greyhound kennels will operate 24 hours a day and 7 days a week.
- 32 greyhounds are proposed.
- Greyhounds play outdoors during the day-time between 9am and 5pm. During the outdoor playing periods, the greyhounds are attended by trained staff to minimise dog barks.
- Greyhounds will be kept inside the shed for the other times when the shed doors are fully closed.
- New dogs will be trained on the designed track (west of the shed), twice a week (Monday to Saturday excluding public holidays) between 10pm and 4pm. Each training may last for one hour for no more than 4 dogs at one time.
- No other noise sources operate on site.

The nearest dwelling is approximately 450m away, with the next closest dwelling being approximately 890m away. Surrounding properties are used for rural grazing.

The acoustic report indicates that dog barking will not exceed the assigned noise limits in the *Environmental Protection (Noise) Regulations* (Regulations). Barking will still be audible however and it therefore the report recommended that a solid barrier fence be installed along the northern boundary of the exercise yard. It is noted that the closest neighbour did not submit an objection to the proposal. Whilst the current occupiers are perhaps more tolerant of barking, future occupiers may not be.

An examination of the acoustic report raises various potential concerns, including:

- The modelling only considered one third of the dogs as barking at a time and the sound power levels of a barking dog was based on only 15 dogs rather than the 32 dogs as proposed.
- The conclusion reached that the proposal will comply with the assigned levels in the Regulations is based on the higher noise level applicable to barking at only 1% of the time. There is no evidence to suggest dogs will not bark more than 1% of the time, meaning that lower assigned noise levels would likely be applicable that those used for the conclusions in the report.
- The acoustic report results show that, notwithstanding the assumptions in the report, the proposal would still be result in noise levels that are close to the maximum at two and perhaps three nearby dwellings, depending on assumptions used.
- At the noise levels stated in the report the noise from the barking dogs would still be audible from adjacent properties and dwellings. The kennel building is open at the bottom on the west and south sides. It also contains doors on the north and eastern sides which have been modelled as being closed however this will introduce a problematic management requirement which means the noise modelling potentially under reported.

It is questionable given the above concerns whether the proposal would in fact meet the assigned noise levels in the Regulations. Even if the results in the report were to be accepted, these levels are very close to the maximum for day time levels for Sundays and public holidays, and if dogs do bark more that 1% of the time, during evenings.

This is a planning application however which must be considered against the impacts on character and amenity grounds and consistency with the established planning framework. Even if the proposal was to meet the assigned noise levels in the Regulations, this does not mean that the proposal would be acceptable on planning/amenity grounds. Whilst it is considered that compliance with the

Regulations would be a minimum standard to be achieved, dog barking is a well-known nuisance, the levels outlined in the acoustic report will still be audible and are close to the maximum under the Regulations even if the assumptions in the acoustic report were to be accepted. The stated purpose of the Rural zone under the Southern Palusplain Strategy is for agriculture, equine and tourism based uses and noise from multiple dogs is considered to be inconsistent with these.

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.

Sustainability & Risk Considerations

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

Nil.

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

The biggest potential social issue associated within the application is noise from barking dogs.

Environment – (Impact on environment’s sustainability)

An alternative effluent disposal system is needed for the exclusive use of the kennels.

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Moderate	There are risks of noise related amenity impacts to the local area should an approval be granted.

Consultation

The proposal was advertised in accordance with Clause 64 of the Deemed Provisions of the Regulations and included letters mailed to landowners within one kilometre of the site. Landowners were given 14 days to submit comments. At the close of the advertising period, one submission was received. A second submission was received seven days after the close of the advertising period. A copy of the submissions can be found at **Appendix 3**. The key issues raised by the submissions are discussed in the table below:

Issue	Response
Noise	See noise related comments above.
The kennels are not regularly inspected by the Shire to ensure that they are compliant with standards.	The kennels are inspected annually by Shire officers. It is acknowledged that there are compliance issues and these will need to be addressed regardless of the decision on the current application.
Notes that there are zones in Nambeelup that are specifically zoned for kennelling purposes, and therefore kennels should not be permitted within a rural/ agricultural area.	Whilst there are Special Use: Kennel zones within the Nambeelup locality, LPS4 does not limit Kennels to this zone. There is discretion for Council to consider kennels in the Rural zone and any application must be considered on its individual merit.
Plan is not professionally drawn.	The plan is sufficiently clear and provides dimension information needed to appropriately assess the proposal.

<p>Hygiene and welfare of animals.</p>	<p>Waste management is controlled by the Dog Local Laws with waste having to be collected daily and wet waste collected into an approved effluent disposal system.</p> <p>The Shire can only administer statutes under its control. Animal welfare is a matter dealt with by RSPCA.</p>
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Resource Implications

Financial

The applicable Shire administration fees have been paid for the development application.

Workforce

Assessment of the development application has been undertaken within existing staff resource levels.

Options

1. Approve the application with or without conditions.
2. Refuse to grant approval to the application for stated reasons.

Conclusion

Under LPS4 a Kennel is a discretionary land use, subject to advertising within the Rural zone. There are however concerns with the additional kennels and dogs that the resultant noise will impact on the character and amenity of the area.

Should the application be refused then the number of dogs will need to be reduced in line with the previous approval.

11.2 Proposed Amendment No. 318 to Town Planning Scheme No. 4 to Rezone various Lots in North Yunderup to Special Development and to include Special Provisions within Schedule 7

File Ref:	D22/33911
Previous Items:	OCM 23 Jun 22 Item 11.3 (OCM22/065) OCM 24 Feb 22 Item 11.1 (OCM22/02)
Applicant:	Nil.
Author and Title:	Cherryll Oldham, Senior Planning Officer
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 11.2 App 1 - DSA 318 Advertised Document Item 11.2 App 2 - Environmental Protection Authority Notice of Decision and Advice Item 11.2 App 3 - Schedule of Submissions

Cr D McLarty declared an Impartiality Interest in Item 11.2, Proposed Amendment No. 318 to Town Planning Scheme No. 4 to Rezone various Lots in North Yunderup to Special Development and to include Special Provisions within Schedule 7 in that one of the land holdings in the proposal is owned by a friend of his fathers.

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

Cr D McLarty remained in the meeting.

Recommendation/Council Decision OCM22/125

Moved: Cr S Lee

Seconded: Cr D Pike

That Council:

1. Pursuant to Regulation 50(2) consider the submissions received in relation to proposed Amendment No. 318 to the Shire of Murray Local Planning Scheme No. 4 and endorses the comments made in Appendix 3 regarding submissions received for inclusion in the schedule of submissions to be forwarded to the Western Australian Planning Commission.
2. Pursuant to Regulation 50(3) of the Planning and Development (Local Planning Schemes) Regulations 2015 support without modification the advertised version of Amendment No. 318 to Local Planning Scheme No 4 to:
 - a) rezone portion of Lots 19-23 Pinjarra Road, Lots 122, 124, 2521 and portion of Lot 127 Tonkin Drive, Lots 125, 126 and 128-130 Walter Road and Lot 120 North Yunderup Road, the road reserve of Walter Road and portion of the road reserve of Towera Road from Special Rural, Public Recreation/Conservation Reserve, Major Highway Reserve and no zone to Special Development to the Shire of Murray Local Planning Scheme No. 4; and
 - b) add Special Provisions relating to the above land and Lot 123 Tonkin Drive, Portions of Lot 185 North Yunderup Road, portion of Lot 205 Walter Road, Lot 304 and portion of Lot 650 Towera Road, North Yunderup in Schedule 7 of the Scheme text to address specific matters relevant to the planning and development of the land, generally in accordance with that set out in Appendix 1.
3. Authorises the Shire President and Chief Executive Officer to sign and seal the scheme amendment documents.
4. Pursuant to Regulations 53(1) of the Planning and Development (Local Planning Schemes) Regulations 2015 provides the advertised Scheme Amendment and

associated documentation to the Western Australian Planning Commission for its consideration and recommendations to the Minister for Planning.

CARRIED UNANIMOUSLY 8:0

In Brief

- The Amendment proposes to rezone the subject land from Special Rural, Public Recreation/Conservation Reserve, Major Highways Reserve and no zone to Special Development and to include special provisions in Schedule 7 of the Local Planning Scheme No.4 (LPS4) text to guide to coordinated development of the land. The special provisions will be applicable to the land being rezoned as well as the broader undeveloped North Yunderup urban cell.
- Council initiated the Amendment in June 2022 for the purpose of public advertising.
- The Amendment has now been advertised. 11 submissions were received with no objections raised.
- It is recommended that Council gives final approval to the amendment.

Background

The subject land is bounded by North Yunderup Road to the west, Tonkin Drive to the north, Pinjarra Road to the north east, and private land zoned Special Development to the south and east. The land includes the unconstructed road reserves of Walter Road and portion of Towera Road. It also includes Lot 2521 on the corner of Tonkin Drive and North Yunderup Road which is owned by the Shire of Murray and is a former recreation reserve that was closed and purchased by the Shire as part of its Land Asset Strategy as the land was considered excess to requirements.

The land proposed to be rezoned has been zoned Urban Deferred under the Peel Region Scheme (PRS) for a number of years and Special Rural, Public Recreation/Conservation Reserve, Major Highway Reserve and no zone under LPS4. It was transferred from Urban Deferred to Urban by the Western Australian Planning Commission (WAPC) in December 2021.

As part of its consideration the WAPC advised that the land is to be included in a broader District Structure Plan (DSP) for the locality. This will enable the orderly and proper consideration of provision for community facilities, appropriate commercial centre, school provision and transport connections and infrastructure.



Figure 1 – TPS4 Map showing Land to be Rezoned to Special Development and Land to be subject to the Schedule 7 Special Provisions

In February 2022 Council resolved to prepare the amendment to LPS4 and in June 2022 Council resolved to add Special Provisions relating to the land and to also include Lot 123 Tonkin Drive,

Portions of Lot 185 North Yunderup Road, portion of Lot 205 Walter Road, Lot 304 and portion of Lot 650 Towera Road, North Yunderup in Schedule 7 of the Scheme text to address specific matters relevant to the planning and development of the land.

Report Detail

The lifting of the Urban Deferment has resulted in an inconsistency between the PRS and the LPS4. Where such an inconsistency arises, the Shire is required under section 124 of the *Planning and Development Act* to resolve to prepare an amendment to TPS4 within 90 days of the change to the PRS taking effect which will render LPS4 consistent with the PRS.

Adjacent PRS Urban zoned land to the south and east is already zoned Special Development under LPS4. The Special Development zone is a flexible zone that requires subdivision and development to be in accordance with an approved structure plan. A structure plan has not been prepared to date.

The WAPC has advised that as part of its consideration of the lifting of the Urban Deferment, that the subject land would need to be included in a broader DSP for the area and the DSP should consider provisions for future community facilities, appropriate commercial centre, school provisions and transport connections. It is envisaged the DSP area will at least include the subject land, all adjacent Urban zoned land generally southwards to Wilgie Creek. For this reason, these lots have also been referenced with the Special Provisions.

The adjacent land to the north west is included in the North Yunderup Planning Investigation Area under the South Metropolitan Peel Sub-regional Planning Framework (Framework) may also be included in the future. The WAPC has recently included this land within the Urban Expansion classification under the Framework.

Council is required to consider the submissions received through the advertising process and to resolve whether to support Amendment without modification, with modifications to address submissions or not to support the amendment.

A copy of the scheme amendment report which includes proposed special provisions is included in **Appendix 1**.

Murray 2031 Strategic Community Plan

Focus Area	Places for People
Aspiration	To create great places for the people through strong partnerships with the community; innovative urban design; and improve the well-being and quality of life for residents.
Strategy	Ensure the Town Planning Scheme and Local Planning Strategy facilitates quality and diverse planning outcomes.

Other Strategic Links

South Metropolitan and Peel Sub-regional Planning Framework shows the subject land as 'Urban Deferred' reflecting the PRS zoning at the time the Framework was published. The proposed Special Development zone is consistent with the intent to urbanise the land under the Framework.

Statutory Environment

Planning and Development Act 2005 (Act)

Section 124 (2) of the Act provides that a local government must resolve to prepare an amendment to a local planning scheme within 90 days of a region planning scheme coming into effect, where the region planning scheme creates an inconsistency with the local planning scheme.

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

Regulation 50(2) outlines a local government must consider all submissions received through the advertising period.

Regulation (50)(3) outlines a local government must pass a resolution:

- (a) to support the amendment without modification; or
- (b) to support the amendment with proposed modifications to address issues raised in the submissions; or
- (c) not to support the amendment.

Regulation 53(1) outlines that the local government must provide the advertised document to the WAPC along with associated documents.

Peel Region Scheme (PRS)

The subject land is now zoned Urban under the PRS. The proposed Special Development zone is consistent with the Urban zone under the PRS.

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

LPS4 states that Council may support, with or without modifications a LPS amendment proposed by all or any of the owners of the land to include the land within the Special Development zone provided it has adopted an outline development plan (structure plan) that indicates the manner of subdivision and development of the land. These are now quite dated provisions and it is not considered necessary or indeed practical to require a structure plan in the absence of the broader DSP. This would pre-empt and prejudice the orderly and proper planning of the overall North Yunderup urban precinct.

Sustainability & Risk Considerations

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

Rezoning the land will add to the Shire’s available residential land supply and therefore contribute towards maintaining residential land affordability in the region.

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

The Amendment will facilitate the development of additional urban land. Special Development zone will require further structure planning and will need to show a range of housing options that will extend the range of lifestyle choices available within the Shire.

Environment – (Impact on environment’s sustainability)

Environmental impacts and management will need to be resolved through the structure planning processes. Key environmental issues relate to drainage, stormwater, flooding, ground water, wetlands and the protection of nearby wetlands and Wilgie Creek, mosquito management, acid sulphate soils management and importation of fill.

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	Recognising that the Shire must now bring its LPS4 into consistency with the PRS, there are no significant risks associated with the proposed Amendment. The Special Development zone will ensure a comprehensive

	structure planning is prepared to enable orderly and proper planning and development outcome for the land.
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Consultation

Environmental Protection Authority

As per Section 81 of the Act, the Amendment was referred to the Environmental Protection Authority (EPA). The EPA concluded the scheme amendment can be managed to meet the EPA's environmental objectives through existing scheme provisions and future planning processes and decided not to formally assess the Amendment.

Consequently, the EPA's advice does not impact the Amendment to rezone the land, however, the it will need to be taken into consideration at future planning stages, such as district and local structure planning. The EPA's advice is attached at **Appendix 2**.

Public Advertising

As per the requirements of the Regulations, the Amendment was publicly advertised for a period of 42 days. Advertising consisted of referral to state agencies and service authorities and all land owners within a 500m radius. At the close of advertising 11 submissions were received, nine from state agencies and two from landowners. There were no objections raised, although comments were included in some of the submissions.

Department Biodiversity Conservation and Attractions are concerned in relation to the wetlands, Wilgie Creek Foreshore, Fauna habitat and relocation and threatened fauna which is not impacted by the Amendment, but will need to be addressed at subsequent stages of the planning process.

Department Water Environmental Regulation (DWER) identified the Scheme Amendment to 'Special Development' has the potential to impact on the environment and water resource values and management, though in principle did not object to the proposal. DWER recommended the advice of the EPA be adhered to and to be included in the Special Provisions table of this Amendment. The matters raised by the EPA include Wetland Management Plan, Local Water Management Strategy and acid sulfate soil and dewatering management requirements. Shire officers do not support the inclusion of the EPA requirements into the Special Provisions table as the Special Provisions table advise of higher order requirements such as district structure planning and local structure planning. Environmental matters such as those raised by the EPA and DWER will be managed under the structure planning process.

A summary of all the submissions and an officer comment and recommendation in respect to each is included in the Schedule of Submissions at **Appendix 3**.

Resource Implications

Financial

Council is required to resolve to prepare an amendment to its LPS4 that will render it consistent with the PRS within 90 days of the gazettal of the PRS amendment. The costs associated with the Amendment will therefore need to be met by the Shire. Sufficient funding is included in the operational budget to cover the costs that arose from advertising of the Amendment.

Workforce

The preparation and reporting of the amendment has been accommodated within the existing workforce level.

Options

1. To support the amendment without modification.

2. To support the amendment with proposed modifications to address issues raised in the submissions.
3. Not to support the amendment.

Conclusion

The proposed Scheme Amendment is necessary to make LPS4 consistent with the PRS Urban zoning of the subject land. The proposed Special Development zone requires the preparation of a structure plan prior to the subdivision or development of land, however, the WAPC requires that a DSP be prepared across the entire urban precinct prior to local structure planning. This structure planning will enable the planning and development of the overall North Yunderup urban precinct to be undertaken in an orderly and proper manner. Council has included funding in the 2022-23 budget to commence the preparation of the DSP. This is expected to commence in the second quarter of 2023.

12 CORPORATE GOVERNANCE

12.1 Payments from Municipal and Trust Funds - September 2022

File Ref:	D22/33248
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Tamara Tabor, Finance Coordinator
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 12.1 App 1 - Payments from Municipal and Trust Funds September 2022

Recommendation/Council Decision OCM22/126

Moved: Cr D McLarty

Seconded: Cr S Kirkham

That Council receives the Payments from Municipal and Trust Funds Report September 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 September 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.
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Consultation

Nil.

Resource Implications*Financial*

Nil.

Workforce

Nil.

Options

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

12.2 Monthly Financial Report - September 2022

File Ref:	D22/33256
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 - Monthly Financial Report - September 2022

Recommendation/Council Decision OCM22/127

Moved: Cr S Carter

Seconded: Cr G Black

That Council receives the September 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 September 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

- Operating Grants and Contributions
- Non-Operating Grants and Contributions
- Cash Backed Reserves
- Budget Amendments
- 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

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

Conclusion

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

12.3 Local Government Reform - Ward and Representation Review

File Ref:	D22/34360
Previous Items:	OCM 10/200 26 August 2010 OCM10/285 16 December 2010 OCM 13/240 28 November 2013
Applicant:	Department of Local Government, Sport and Culture
Author and Title:	Dean Unsworth, Chief Executive Officer
Declaration of Interest:	Nil.
Voting Requirements:	Absolute Majority
Appendices:	Item 12.3 App 1 - Letter from the Minister - Local Government Reforms Item 12.3 App 2 - Draft Representation Discussion Paper

Cr D Bolt declared an Impartiality Interest in Item 12.3, Local Government Reform – Ward and Representation Review in that as Shire President there may be a perception that he would be impartial when considering the Direct Election of the Shire President’s Position.

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

Cr D Bolt remained in the meeting.

Recommendation/Council Decision OCM22/128

Moved: Cr D McLarty

Seconded: Cr D Pike

That Council:

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

CARRIED UNANIMOUSLY 8:0

In Brief

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

Background

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

- The introduction of optional preferential voting;

- Directly elected Mayors and Presidents for band 1 and 2 local governments;
- Councillor numbers based on population; and
- The removal of wards for band 3 and 4 local governments.

The Bill also will force Councils that have Wards to undertake a Ward review.

Council has previously undertaken a Ward and Representation Review in 2010 and 2013. At the August 2010 Council meeting, it was Resolved to undertake a review of its Elected member numbers and a Ward Review:

OCM10/200

That Council undertakes a public consultation process in accordance with the Local Government Act to consider:-

- 1) reducing its number of Elected Members from twelve (12) to nine (9); and***
- 2) discontinuing its Ward system, effective from the Local Government Elections in October 2011.***

CARRIED 7:2

At the December 2010 Council meeting it was Resolved:

OCM10/285

That Council:

- 1) acknowledges that no submissions were received for the advertised intention to consider the proposal for nine (9) councillors and no wards for the Shire of Murray;***
- 2) recommends to the Local Government Advisory Board that an order be made under section 2.2 (1) (d) of the Local Government Act 1995 that the Governor, on the recommendation of the Minister, make an order abolishing any or all of the wards into which the Shire of Murray is divided;***
- 3) recommends to the Local Government Advisory Board that an order be made under section 2.18 (3) of the Local Government Act 1995 to reduce the number of councillors in the Shire of Murray from 12 to 9;***
- 4) recommends to the Local Government Advisory Board that the proposed changes are to be effective from the bi-annual Local Government Elections to be conducted in October 2011; and***
- 5) seeks the Local Government Advisory Board's support for the six (6) councillors who will have two (2) years of their term remaining at the conducting of the 2011 Council Elections be allowed to serve out their remaining term of office to the 2013 Ordinary Elections. Therefore, there would be three (3) vacancies being created at the October 2011 elections. Council would also support that at the conducting of the 2013 Elections the last filled position being the sixth councillor would only be for a two (2) year term to balance the representation on Council over the next four (4) year period.***

CARRIED 7:4

In November 2013 Council formally reviewed the Ward system. It was resolved:

OCM13/240

That Council continues to support the status quo whereas the Shire does not have a ward structure.

CARRIED UNANIMOUSLY 8:0

Report Detail

The Amendment Act will have a significant effect on the Shire of Murray; specifically:

- The introduction of preferential voting;
- The change in method of selecting a Shire President, from this position being elected from the elected members to being elected by the public;
- Requirement to undertake a Representation Review; and
- But only if Council wishes to reintroduce Wards, a full Ward Review.

Due to the Shire President being directly-elected, The Department of Local Government, Sport & Cultural Industries (DLGSC) has advised that Council will need to consider reducing the size of the elected council by one to account for the President being directly elected. This should be implemented for the October 2023 ordinary elections.

The Act already provides that local governments may resolve to change the method of electing a Shire President to a directly-elected one via a Ward and Representation Review.

The Minister has formally advised of two pathways to implement these arrangements, either voluntarily or await the Bill to become law in early 2023. The purpose of offering a 'voluntary' pathway to allow the Council to implement these changes and meet strict timelines that have been placed before the sector.

Voluntary Pathway

This pathway requires Council to make the steps outlined below and provides the greatest possible lead time to plan for next year's ordinary elections.

By 28 October 2022 Council must:

- (1) Advise the DLGSC of its intention to undertake a voluntary process. This advice should include a high-level plan outlining the potential changes to be implemented for the ordinary elections in 2023;
- (2) Pass a resolution to change the method of electing the President to a vote by the electors; and
- (3) Council is to initiate a Ward and Representation Review to determine the specific consequential changes to the structure of the Council to accommodate (2) (above) and have this completed and formally resolved by **14 February 2023**.

Reform Election Pathway

Council could resolve to not follow the voluntary pathway and await for the Amendment Act to be implemented through State Parliament in early 2023. The Minister has advised that the Amendment Act will contain provisions for the Reform Election Pathway to apply if a local government:

- Does not advise of an intention to follow the Voluntary Pathway; or
- Decided to follow the Voluntary Pathway, but does not suitably complete a Ward and Representation Review by 14 February 2023.

At the Western Australian Local Government Association Annual General Meeting held 3 October 2022, the Minister stated that if local governments do not undertake the Voluntary Pathway, that all council member positions would be spilled and all councillors would then be required to re-nominate for Council even if they were elected in 2021.

Statutory Environment

The following is the timeline and steps to complete the ward and representation review.

Due date (no extensions possible)	Requirements/actions	Officer comment
27 October 2022	<ul style="list-style-type: none"> • Council resolved to undertake a ward and representation review. • A comprehensive discussion paper is developed. 	<ul style="list-style-type: none"> • To be considered at this Council meeting. • This discussion paper is Attached at Appendix 1.
8 December 2022	Completion of a six week consultation period.	If Council supports a voluntary process and releases the consultation discussion paper on 28 October (a day after this Council meeting), the six week consultation period would conclude on 9 December. A report to consider submissions could then be considered by Council at the 15 December Council meeting and meet the required deadlines. Note however, that the final report would have to be by way of a

		late item as agendas will be distributed on 8 December.
14 February 2023	Formal review report is submitted to the Advisory Board.	This must be submitted to the Advisory Board by no later than 14 February 2023. By following the table above there would be no need for a Council meeting in January 2023.

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>
High	There is high risk that all council positions become vacant in October 2023 if Council does not select the Voluntary Pathway.

Consultation

- Department of Local Government, Sport & Culture
- Minister for Local Government address at WALGA Annual General Meeting 3 October 2022

Resource Implications

Financial

All costs to undertake public consultation can be absorbed within the 2022/23 budget.

Workforce

Nil.

Options

1. Supporting the Voluntary Pathway.
2. Not supporting the Voluntary Pathway and await the Amendment Bill in early 2023 and awaiting instruction from the Minister for Local Government.

Conclusion

It appears certain that the Minister is fully committed to having legislated that all Band 1 and Band 2 Councils will have Mayors and Presidents directly elected. By choosing the Voluntary Pathway, a Ward and Representation review can be completed by the statutory timeframes and that there isn't a full spill of council positions. If the Voluntary Pathway is not chosen, there is not the time available

to have a Ward and Representation Review completed and therefore, it is likely all Council positions become vacant on election day on 21 October 2023.

12.4 Elected Member Superannuation - Request for Feedback

File Ref:	D22/34627
Previous Items:	OCM 25 Nov 21 Item 11.11 (OCM21/190)
Applicant:	Western Australian Local Government Association
Author and Title:	Dean Unsworth, Chief Executive Officer
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 12.4 App 1 - 20221007 InfoPage EM Super Policy Paper

Recommendation

Moved: Cr S Lee

Seconded: Cr S Kirkham

1. That Council advises WALGA that it does not support compulsory payment of superannuation to elected members and awaits the Minister's reform legislation in 2023.
2. That WALGA Peel Zone representatives raises at the next meeting that, if superannuation is being used to bridge a perceived gap in what elected members should be paid, that a submission to the Salaries and Allowances Tribunal be considered.

Recommendation/Council Decision OCM22/129

Moved: Cr S Lee

Seconded: Cr S Kirkham

1. That Council advises WALGA that it supports compulsory payment of superannuation to elected members for Tier 1 and Tier 2 Councils.
2. That WALGA Peel Zone representatives raises at the next meeting that, if superannuation is being used to bridge a perceived gap in what elected members should be paid, that a submission to the Salaries and Allowances Tribunal be considered.

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

Against: Crs Stuart Kirkham and David Pike

CARRIED 6:2

Reason – Council supports a consistent approach towards superannuation across all tiers of government.

In Brief

- Compulsory superannuation was first mooted in November 2021 by the Minister for Local Government.
- At that time Council did not support the proposal (and hence the officer recommendation).
- Compulsory superannuation for Bands 1 and 2 was discussed at the recent Western Australian Local Government Association (WALGA) Annual General Meeting (AGM) seeking feedback from the sector.
- Feedback is requested by WALGA by 2 November 2022.

Background

Council first considered whether it supported compulsory superannuation for Elected Members as part of its Local Government Reform submission at the November 2021 Ordinary Council meeting.

The discussion paper presented by the Department of Local Government, Sport and Culture (DLGSC) proposed that Elected members should be eligible for this benefit. The paper stated that:

- Local governments should be able to decide, through a vote of council, to pay superannuation contributions for elected members. These contributions would be additional to existing allowances.
- Superannuation is widely recognised as an important entitlement to provide long term financial security.
- Other states have already moved to allow councils to make superannuation contributions for councillors.
- Allowing council to provide superannuation is important part of encouraging equality for people represented on council – particularly for women and younger people.
- Providing superannuation to councillors recognises that the commitment to elected office can reduce a person's opportunity to undertake employment and earn superannuation contributions.

At present, councillors can divert part of their allowances to a superannuation fund.

At this meeting it was resolved within that submission that it does not support a superannuation payment for Elected Members.

Feedback from the sector was mixed.

Report Detail

At the recent WALGA Annual General Meeting, a motion supporting compulsory superannuation for Elected Members in Band 1 and Band 2 Local Governments was supported. The Shire of Murray is a Band 2 local government.

At this meeting it was resolved:

That this meeting supports requesting WALGA to advocate for the Local Government reforms to include mandatory superannuation for elected members of Band 1 and Band 2 Councils and supports the optional payment of superannuation for Band 3 and 4 Councils.

Council feedback is sought on the AGM motion. The feedback is sought on the following question:

Does Council support the position carried at the WALGA Annual General Meeting: that superannuation should be mandatory for Elected Members of Band 1 and Band 2 Councils and optional for Band 3 and Band 4 Councils?

Feedback to WALGA is required by Wednesday 2 November.

Murray 2031 Strategic Community Plan

This item is not included within the Shire of Murray Strategic Community Plan.

Other Strategic Links

Nil.

Statutory Environment

While compulsory payments of superannuation for elected members is not currently legislated, the Minister for Local Government, Hon. John Carey MLA stated in his reform proposals that it was proposed to be put before Parliament in 2023.

Sustainability & Risk Considerations

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

There will be minimal impact on the economy.

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

Nil.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

There is no legislative power to currently make the compulsory payment of superannuation to elected members a Council policy.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	There is low risk with this decision as it is an item to provide feedback.

Consultation

- Department of Local Government, Sport and Culture
- Western Australian Local Government Association.

Resource Implications

Financial

If superannuation is legislated, the per annum amount based on current amounts paid to elected members would be \$19,445.70.

Workforce

Nil.

Options

1. Supporting the proposal for all Band 1 and 2 elected members to be paid compulsory superannuation.
2. Does not support the proposal for all Band 1 and 2 elected members to be paid compulsory superannuation.

Conclusion

It appears that compulsory superannuation will be mandated in 2023 as part of the Ministers reform legislation. The WALGA AGM proposal is looking to have a split where smaller local governments are not legislated to make this payment.

If the issue is that elected members are not being remunerated adequately, having a compulsory superannuation payment is not truly addressing the issue. WALGA may be better suited to considering whether a submission should be made to the Salaries and Allowances Tribunal to review the remuneration currently being paid to elected members.

Given that the current position of Council is not to support compulsory payment of superannuation and that new information has not been provided, the officer recommendation is provided that supports Councils current position.

13 RECREATION, ECONOMIC & COMMUNITY DEVELOPMENT**13.1 Business Plan - Major Land Transaction - The Exchange Hotel - Portion of Lots 85, 86, 87 & 88 on Deposited Plan 223049 and located at 12-18 George Street, Pinjarra**

File Ref: D22/33868
Previous Items: SCM 11 Aug 22 Item 6.1 (SCM22/090)
OCM 26 May 22 Item 20.1 (OCM22/052)
OCM 28 Apr 22 Item 20.2 (OCM22/040)
Applicant: Nil.
Author and Title: Krystal Dawe, Manager Place and Economic Development
Declaration of Interest: Nil.
Voting Requirements: Absolute Majority
Appendices: Item 13.1 App 1 - Major Land Transaction - Business Plan - The Exchange Hotel
Item 13.1 App 2 - Rental Market Valuation

Recommendation/Council Decision OCM22/130**Moved: Cr G Black****Seconded: Cr S Lee****That Council:**

- 1. Notes that the Business Plan for a Major Land Transaction - The Exchange Hotel - Portion of Lots 85, 86, 87 & 88 on Deposited Plan 223049 and located at 12-18 George Street, Pinjarra has been advertised in accordance with sections 3.58 and 3.59 of the *Local Government Act 1995*.**
- 2. Adopts the Business Plan for a Major Land Transaction - The Exchange Hotel - Portion of Lots 85, 86, 87 & 88 on Deposited Plan 223049 and located at 12-18 George Street, Pinjarra and proceeds to implement the Business Plan.**
- 3. Accepts the rental market valuation dated 24 August 2022 which considers an applicable rental sum to be in the order of \$150,000 to \$200,000 pa net exclusive of GST for The Exchange Hotel - Portion of Lots 85, 86, 87 & 88 on Deposited Plan 223049 and located at 12-18 George Street, Pinjarra as a true indication of the value of the proposed disposition.**
- 4. Authorises the Chief Executive Officer and Shire President to negotiate and enter into an Agreement for Lease and Lease (in due course) with Pinjarra Exchange Pty Ltd (ACN 661 723 771) based on the key agreement terms as set out in the Business Plan.**

CARRIED UNANIMOUSLY 8:0**In Brief**

- Council is requested to consider adopting the Business Plan for the Exchange Hotel following its public advertisement; and
- Implement the major land transaction by accepting the rental market valuation and authorising the Chief Executive Officer and Shire President to negotiate and enter into an Agreement for Lease and Lease (in due course) with Pinjarra Exchange Pty Ltd (ACN 661 723 771) based on the key agreement terms as set out in the Business Plan.

Background

- In February 2022, the Shire commenced advertisement of a two-stage Expression of Interest (EOI) process and sought EOIs from experienced and innovative parties interested in becoming the operator/s of the redeveloped Exchange Hotel and assisting with the detailed design works that will inform the operational site.

- In June 2022, the Shire shortlisted proponents who were invited to Stage 2 of the EOI process which involved the submissions of detailed proposals required to meet an evaluation criteria.
- At a Special Council Meeting in August 2022, Council determined preferred proponent status and delegated authority to the Chief Executive Officer to negotiate key commercial terms of the transaction to be presented to Council following advertisement to the community under a business plan as required under the Local Government Act 1995.

Report Detail

In accordance with section 3.59 of the *Local Government Act 1995*, before a Local Government enters into a Major Land Transaction, or enters into a land transaction that is preparatory to entry into a Major Land Transaction, it is required to prepare a Business Plan. A Major Land Transaction means the acquisition, disposal (sell, lease or otherwise dispose of, whether absolutely or not) or the development of land that is not exempt under the Act.

The Business Plan is to include an overall assessment of the transaction and is to include details of:

- Expected effect on the provision of services of facilities and services by the Shire of Murray;
- Expected effect on other persons providing facilities and services in the Shire of Murray;
- Expected financial effect on the Shire of Murray;
- Expected effect on matters referred to in the Shire of Murray Strategic Community Plan;
- Ability of the Shire of Murray to manage the undertaking or the performance of the transaction;
- Any other matter prescribed for the purposes of the subsection.

A copy of the Business Plan can be found at **Appendix 1**.

As required under section 3.58 of the *Local Government Act 1995* and to assist in negotiating the major land transaction terms, rental market valuation advice was received on 24 August 2022.

Industry benchmarks for trading hotels and taverns are generally in the order of 5% to 10% of turnover depending upon the annual turnover and range of trade. The Australian Taxation Office publishes benchmarks by industry category providing a very broad guide as to rent as a percentage of turnover as follows:

Annual turnover range	\$100,000 - \$750,000	\$750,000 - \$2,500,000	More than \$2,500,000
Percentage of turnover	8% to 13%	6% to 9%	6% to 9%

A current valuation of the lease area of the Site has been received which considers an applicable rental sum to be in the order of \$150,000 to \$200,000 pa net exclusive of GST.

A copy of the valuation can be found at **Appendix 2**.

In accordance with sections 3.58 and 3.59 of the *Local Government Act*, state-wide public consultation was undertaken for a six-week period commencing on 13 September 2022 and closing on 25 October 2022 inviting the public to make submissions.

At the time that the agenda item was prepared, no submissions had been received from the community in relation to the Business Plan. Should a submission be received prior to the closure of the submission period, Council will be provided with this late information.

Should no submission/s be received, it is recommended that the advertised Business Plan be adopted and implemented.

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	Position Pinjarra as a key regional centre through the Pinjarra Revitalisation Strategy.

Murray 2021 – 2025 Corporate Business Plan

Focus Area	Places for People
Objective	Ensure quality, diverse and innovative planning outcomes that meet community aspirations.
Strategy	Implement the Pinjarra Revitalisation Strategy.
Actions	Facilitate the restoration and re-use of the former Exchange Hotel.

Focus Area	Thriving Economy
Objective	Maximise Murray’s natural assets and heritage as a driver for tourism development.
Strategy	Develop key sectors of the tourism economy where Murray has competitive advantage.
Actions	Promote awareness of investment and business opportunities in Murray.

Other Strategic Links

- Exchange Hotel – Conservation Management Strategy 2014
- Pinjarra Town Centre Revitalisation Strategy 2017
- Exchange Hotel – Local Planning Policy 2018
- Shire of Murray Economic Development Strategy 2018-2022

Statutory Environment

- Sections 3.58 and 3.59 of the *Local Government Act 1995*
- Regulation 8A of the *Local Government (Functions and General) Regulations 1996*

Sustainability & Risk Considerations

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

Based on the redevelopment proposal, economic modelling indicates potential for the project to deliver \$57.5m of new economic output in the first five years of operation to the local economy. This translates to \$11.54m of new economic output annually, calculated as follows:

- Creation of 67 direct, indirect and induced FTE jobs;
- Demand to service approximately 20 local food enterprises;
- 38,850 new visitors to the Shire of Murray per annum; and
- \$1.57m of new visitor expenditure per annum.

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

Cultural infrastructure plays a key role in creating great places that bring people together, attract visitors, support innovation and have the potential to drive revitalisation projects. The Exchange Hotel is a highly valued site with the community invested in the redevelopment outcome. With the proponent’s proposal for events and activations, the redeveloped site will add quality of life to the local community by providing local dining and entertainment experiences.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
High	Should Council not adopt the Business Plan, or require a major variation to the proposed key commercial terms (ie. option for the Tenant to purchase the Site after 5 years of operations and at market value), it may risk the proponent deciding not to proceed with the transaction (and becoming the operator of the Exchange Hotel).

Consultation

In accordance with sections 3.58 and 3.59 of the *Local Government Act*, state-wide public consultation was undertaken for a six-week period commencing on 13 September 2022 and closed on 25 October 2022 inviting the public to make submissions.

The Business Plan was advertised in the West Australian on 16 September 2022 and available on the Shire’s website. The opportunity to provide feedback was provided through either the Shire’s Have Your Say engagement platform or via email to mailbag@murray.wa.gov.au. In addition, hard copies of the Business Plan were available to view during business hours at the Shire’s Admin Building.

Resource Implications

Financial

Council’s contribution towards the project has been planned for in its Corporate Business Plan and there will be no operational effect on the Shire of Murray. High level cost estimates for the redevelopment are estimated at \$6,388,000 (excluding fit-out).

The following budget model to meet the build cost was adopted by Council as part of its annual budget on 28 July 2022:

BBRF	\$2,335,257
Loan Funds	\$1,700,000
Asset Enhancement Reserve	\$867,228
Municipal Funds	\$1,485,515
TOTAL	\$6,388,000.00

Please note, fit-out costs of the hospitality venue, including kitchen and plant equipment, will be the responsibility of the incoming operator.

The annual return received by the Shire under the proposed Lease Terms commences at \$200,000 per annum + GST + Outgoings. As outlined in the Business Plan, the Tenant is proposed to be provided with a Rent-Free Period with the Tenant to be paying 100% of the Rent from Year 5. This will have a market review in Year 6. By Year 6, the expected consideration received under the Lease will be approximately \$450,000. Should the Tenant not exercise the option under the Lease to purchase the Site after 5 years of operations or agreement cannot be reached on a sale price, the expected consideration by Year 11 will be approximately \$1.450M.

Should the Tenant exercise its option to purchase the site after 5 years of operations and at market value, the sale will enable the Shire to direct funds to other important community services and facilities. The sale will also result in an obligation to pay annual Shire rates.

Workforce

Any workforce implications can be managed through existing resources.

Options

1. Adopting the Business Plan for a Major Land Transaction - The Exchange Hotel and proceeds to implement the Business Plan by delegating authority to the Chief Executive Officer and Shire President to enter into an Agreement for Lease and Lease (in due course) with Pinjarra Exchange Pty Ltd based on the key agreement terms as set out in the Business Plan.
2. Not adopting the Business Plan for a Major Land Transaction - The Exchange Hotel.
3. An alternative course of action.

Conclusion

The Exchange Hotel is a landmark site within Pinjarra, with redevelopment of the site having potential to catalyse private investment and revitalisation of the Town Centre.

To realise the economic potential of the site, it is critical for a redevelopment outcome that is aligned to Council's vision for the site to be transformed into a 'Regional Icon' food and beverage destination.

The Director of the proponent, Pinjarra Exchange Pty Ltd, has a wide range of experience in operating and renovating heritage hospitality venues in Western Australia and the proposal demonstrates alignment with Council's vision for the site to be a 'Regional Icon' supporting local producers and delivering products and experiences designed to appeal to a wide audience.

The rental figure is consistent with the rental market valuation advice and the lease term is consistent with commercial tenures of this nature. Providing a rent-free period and a discounted rent period is consistent with commercial proposals Council has considered in the past as a way to incentivise the transaction and assist a business in establishing itself within first few years of operations.

The option for the tenant to purchase the site after five years of operations had made the commercial opportunity more attractive to industry and is consistent with Council's previous position to sell the site, noting that the Building Better Regions Funding agreement requires the Shire to retain the asset for a minimum of five years.

13.2 Community Facility Fund 2022/2023

File Ref:	D22/34221
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Michelle Francis, Sport and Recreation Officer
Declaration of Interest:	Nil.
Voting Requirements:	Absolute Majority
Appendices:	Item 13.2 App 1 - Combined Applications Community Facility Fund 2022 Item 13.2 App 2 - Community Facility Fund - Application Assessments

Recommendation/Council Decision OCM22/131**Moved: Cr S Kirkham****Seconded: Cr A Rogers****That Council:**

- 1. Considers the Community Facility Fund (CCF) 2022/2023 officer assessments and supports the total allocation of \$41,106 ex GST to the following successful applicants:**
 - a. Murray House Resource Centre for \$7,029 ex GST to engage Shire approved contractors to replace vinyl flooring.**
 - b. North Yunderup Community Association (NYCA) for \$17,802 ex GST to engage Shire approved contractors to supply and install fencing, storage shed, steps, pergola and upgrade exterior lighting and interior windows at the North Yunderup Hall. Shire Officers are to advise the Club that equipment is ineligible for funding under the CFF Guidelines.**
 - c. Pinjarra Bowling and Recreation Club for \$16,275 ex GST to engage Shire approved contractors to supply and construct a limestone wall for Bowling Green B.**
- 2. Advises the Yunderup Sport and Recreation Club the application for playground equipment was unsuccessful as the proposed equipment is for domestic use only and not suitable for installation at a public facility. Shire Officers are to work with the Club to provide advice on the type of equipment that would be suitable for a Shire facility and assist in investigating alternate funding opportunities (if required).**
- 3. Advises the Murray District Rangers Soccer Club that the application for lighting poles was unsuccessful as the facility has insufficient power supply to enable the installation of the proposed lighting solution to Shire required standards. Shire Officers are to work with the Club to investigate potential alternative short-term lighting solutions that meet public sporting facility requirements and alternate funding opportunities (if required).**

CARRIED UNANIMOUSLY 8:0**In Brief**

- Council is requested to consider the applications received in the 2022 / 2023 round of the Community Facility Fund (CFF), review the assessment outcomes and endorse or amend officer recommendations.
- \$50,000 is allocated in the annual budget for the CFF.
- Five applications were received this round and three are recommended for funding to the value of \$41,106 ex GST.

Background

The purpose of the CFF is to:

- (a) maximise the opportunity for sport, recreation and community organisations to leverage additional funding for projects from state government, industry, and business;
- (b) encourage small, local community-led infrastructure projects that benefit the community; and
- (c) respond to the needs of the community.

Broadly, the CFF assists incorporated not-for-profit organisations within the Shire to deliver well-planned sport, recreation, and community infrastructure projects.

The Shire budgets \$50,000 each year for CFF projects. Applications are open once per year and assessed by officers using CFF criteria outlined within the guidelines. The applications and officer recommendations are then considered by Council for final endorsement.

Applicants can apply for up to 70% of the total project cost (eligible items only), to a maximum of \$20,000.

Report Detail

A total of 5 applications have been received for the 2022/23 funding round with a combined project value of \$83,514.88 excluding GST and a total funding request of \$57,804.40 ex GST.

Applications have been assessed using the CFF Assessment Matrix which is based upon the Assessment Criteria under the Community Facility Fund Guidelines. A panel of three officers assessed each application. Technical Officers from across the organisation have also provided comment as to the suitability of applications received relevant to their areas of expertise.

Community Facility Fund Combined Applications is located in **Appendix 1**. The summary of the Community Facility Fund Application Assessments is located in **Appendix 2**.

A brief summary of each application and associated assessment is provided below. Note that all costs are ex GST.

Replace Vinyl Flooring, Murray House Resource Centre

Total Project Cost: \$10,042

CFF Funding Request: \$7,732

The project is to replace the current vinyl flooring throughout the building. The flooring has been identified as a safety risk by community members and staff. As a public community centre, the health and safety of staff and patrons is a high priority. The hazard can be rectified by replacement of the existing vinyl flooring.

Assessment score: 32/60

Officer comments:

The application lacked detail and provided anecdotal evidence that the floor was non-compliant however no specific reference was made to the relevant standards to which the floor is not considered to comply.

Officers viewed the flooring and confirmed areas of vinyl were bubbling and creating a trip hazard, and given the high usage of the building by a variety of community groups and residents, replacement of the flooring was needed.

The sum requested in the application did not equate to 70% of the project cost and therefore an adjustment has been made to the amount recommended for funding in line with Policy and guidelines.

Recommendation: Approve funding of \$7,209 plus GST.

Improvements to North Yunderup Hall, North Yunderup Community Association

Total Project Cost: \$26,643

CFF Funding Request: \$18,000

The project seeks to undertake improvements to the North Yunderup Hall which includes:

- installation of fencing to side and rear of the site;
- additional storage shed behind the hall for use by regular hall hirers;
- installation of steps from the front access ramp to allow direct access to the side yard;
- installation of a freestanding pergola in the side yard of the hall alongside east fence;
- upgrade the exterior lighting;
- upgrade window locks; and
- installation of an internal drop-down projector screen.

The upgrades to the window locks is intended to provide additional security for the premises.

The installation of the steps and a pergola will provide a more attractive and usable outside area for functions, with outdoor lighting upgrades enhancing and increasing outdoor areas for evening functions. The additional shed storage will provide room for regular users' equipment that presently clutters storage in the hall.

The proposed internal drop-down projector screen is intended to enhance current facilities available and increase the types of activities undertaken at the hall, including presentations and film nights.

Assessment score: 38/60

Officer comments:

The application is well written and supported by multiple quotes to identify the scope and costing of the project. The justification of the need for the facility upgrades was clearly articulated.

The Community Facility Fund Guidelines however state equipment is ineligible for funding. Consequently, the assessment panel recommend that the drop-down internal screen be excluded for CFF funding.

Notably, the applicant's funding contribution towards the project is entirely based on in-kind works. Following discussions with relevant Officers and in light of the new Work and Health Safety regulations, the use of volunteers to undertake works on Shire premises has been identified as an unacceptable risk and as such, Officers are of the view Shire endorsed contractors should be engaged to carry out the works. Given this risk, the assessment panel's recommendation is to support the proposal subject to the works being undertaken by Shire approved contractors. It is relevant to highlight however that without the Association's ability to provide in-kind works the application does not meet the minimum 1/3 contribution towards funding of the project, as required under the current Guidelines.

Recommendation: Approve funding of \$17,802 ex GST.

Children's Play Space, Yunderup Sport and Recreation Club

Total Project Cost: \$15,000

CFF Funding Request: \$10,500

The project proposes the installation of children's play equipment to expand the current offering, as well as modifying the access to the play area by installing a sliding glass door. The current space is sparse and includes a fence, shade sail and sand pit. South Yunderup has an influx of young families in the area and joining the club. The aim is to provide a safe play area for the members children as currently the closest playground is across the road of Delta Drive which is at times extremely busy with traffic. This has become a safety issue with children crossing the road.

The Club has approximately 30 children who attend an Early Learning program every Tuesday during the school term, and new play equipment will provide permanent equipment for imaginative play. The Club has indicated feedback has been received from parents requesting more playground equipment.

Assessment score: 26/60

Officer comments:

Shire technical Officers have advised that the equipment proposed and quoted is not suitable to be installed in a Shire owned public facility as it is manufactured for domestic use only and does not meet the required standards.

It is therefore proposed that Officers continue to work with the group to provide advice on the type of equipment that would be suitable for installation at the premises and assist the Club in investigating alternate funding opportunities.

Recommendation: Advise the Yunderup Sport and Recreation Club that the application was unsuccessful as the items quoted are not suitable for installation in a public facility.

Construction of a Limestone Wall, Pinjarra Bowling and Recreation Club

Total Project Cost: \$23,250

CFF Funding Request: \$16,275

The Club is currently building its second 'all abilities' synthetic sand infill green, a significant further step in achieving the goal to enable people of all physical abilities to access social and bowling facilities. This limestone wall will allow players to place their heavy bowls bags at a level that supports safer access when removing bowls, and will clear the pathway of trip hazards. The wall will be sited at one end of the new B green (44 metres), immediately adjacent to the existing fence line. It is intended to mirror the limestone wall erected near A green which was completed in 2021.

Many bowling clubs fail to provide a space for bowls bags around the greens, therefore players place their bags on the paving bricks near the rink in which they are playing. They then squat or bend down to open their bags and lift their heavy bowls out ready for play. This action is difficult for many people who have balance and mobility limitations and are therefore at risk of falling or dropping their bowls.

The design of the limestone wall provides a shelf down its full length. It is set back from the main walkway thereby clearing access, removing trip hazards and providing a safe height on which to place and access bowls bags.

Assessment score: 43/60

Officer Comments:

The application for funding in the 2022/23 round is well written and clearly articulates the need, justification and community benefit of the project. All mandatory documents were supplied, including the minimum requirement for quotes, resulting in a well-rounded and strong application.

The Club currently has an outstanding grant acquittal with the Shire from the last round of CFF funding. This is due to issues uncovered by an engineer's report, which are currently being rectified, causing a delay to the original timeline of the project and leaving the Club unable to acquit the funds to date. Although the CFF guidelines advise that this should make the current application ineligible, Officers recommend that Council consider the current application for funding as the delay was due to extenuating, unexpected issues unforeseen by the Club.

Recommendation: Approve funding of \$16,275 ex GST.

Installation of Floodlighting at South Yunderup Oval, Murray District Rangers Soccer Club

Total Project Cost: \$8,580

CFF Funding Request: \$6,000

The project is to install 2 x 12m break-back poles with LED light fixtures including concrete plinth foundations at South Yunderup Oval.

The Club are requesting the installation of two light poles to illuminate the main playing field and be used for winter training nights and small-sided community soccer games in the summer.

The Club have indicated that the installation of lights will enable a broader community demographic to make use of the pavilion.

Assessment score: 29/60

Officer Comments:

The Club have expressed a need for oval lighting, particularly during the winter when daylight is scarce by the late afternoon.

Prior to receipt of this grant application, in response to the Clubs request for installation of lights outside of the CFF grant application process, Shire Officers had communicated to the Club that short-term temporary lighting options such as low voltage lights mounted on the changerooms would be more appropriate and would enable the club to train for longer, particularly during winter months. No correspondence has been received from the Club regarding this approach.

Shire technical officers have reviewed the grant application received and advised that the provision of Australian Standard lighting at a level suitable for training and amateur level night games would require appropriate project management and a capital works budget to facilitate correct installation by Shire contractors.

At present, the new changeroom facility at South Yunderup Oval does not currently have the capacity to meet the power requirements of permanent lighting solutions as requested in the grant application. The initial oval floodlighting plan was removed during the master planning process for the site due to financial constraints and consequently, there is currently no planned permanent lighting solution for the facility.

It is anticipated that the Shire’s Sport and Recreation Plan which is currently being prepared will identify and plan for a permanent lighting solution at the Oval.

Recommendation: Advise the Club the application is not successful as there is insufficient power supply at the facility to enable the installation of the proposed lighting solution to Shire required standards.

Murray 2031 Strategic Community Plan

Focus Area	Places for People
Aspiration	To create great places for the people through strong partnerships with the community; innovative urban design; and improve the well-being and quality of life for residents.
Strategy	In partnership with communities, identify and prioritise community-led projects and initiatives.

Murray 2021 – 2025 Corporate Business Plan

Focus Area	Places for People
Objective	Socially connected, safe and cohesive community.
Strategy	In partnership with communities, identify and prioritise community-led projects and initiatives.
Actions	Administer the Community Facility Fund.

Other Strategic Links

Nil.

Statutory Environment

Policy C9 – Community Facility Fund

Sustainability & Risk Considerations

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

There is a growing expectation for Local Government to enable greater autonomy and activation of their places by the community and for sufficient community infrastructure to support a diverse range of uses, including the Shire’s growing number of sporting organisations and need to provide suitable community, sport and recreation infrastructure. The collaborative approach to projects will develop greater capacity building in our volunteer, community and sporting organisations.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	<p>Risk: Funded projects do not go ahead due to poor planning.</p> <p>Mitigation: The process is in line with Policy C9 Community Facility Fund which requires a sound level of planning for all projects with supply of evidence.</p> <p>Risk: Unfunded projects are contested.</p> <p>Mitigation: The assessment process is robust and transparent with clear criteria and guidelines.</p>
Medium	<p>Risk: Applicants undertaking funded project that may result in injury or works that are not of a standard required for local government facilities/infrastructure.</p> <p>Mitigation: Where appropriate, require that all supported project works are undertaken by Shire approved contractors.</p>

Consultation

Nil.

Resource Implications

Financial

Nil.

Workforce

Nil.

Conclusion

The Community Facility Fund is one of the avenues through which the Shire can support a range of sport, recreation and community organisations to deliver community-led projects that create vibrant, active and inclusive communities which improve the wellbeing of its residents.

While in principle all of the projects have potential to provide community benefits, some of the applications proposed a standard of infrastructure/works either inadequate for public facilities or in excess of current capacity of facilities, which resulted in two of the five applications not being recommended for support.

Officers intend to work closely with those unsuccessful Clubs to enable stronger applications that address standard infrastructure requirements and project risk through sound planning and community infrastructure principles.

13.3 Lovegrove Sports Pavillion - Tender Selection Criteria

File Ref: D22/34752
 Previous Items: OCM 27 Aug 20 Item 11.10 (OCM20/159)
 OCM 26 Mar 20 Item 11.11 (OCM20/040)
 Applicant: Nil.
 Author and Title: Alan Smith, Director Infrastructure Services
 Declaration of Interest: Nil.
 Voting Requirements: Simple Majority
 Appendices: Nil.

Recommendation/Council Decision OCM22/132

Moved: Cr D Pike
Seconded: Cr S Carter

That Council:

1. **Endorses the tender selection criteria for Tender T22/06 as provided in the body of this report for the Design and Construction of the Lovegrove Sports Pavilion.**
2. **Approves for the Chief Executive Officer to publicity invite Tender T22/06 state-wide for the scope of work in accordance with the provisions of the Local Government Act 1995.**

CARRIED UNANIMOUSLY 8:0

In Brief

- The Masterplan for the Sir Ross McLarty Oval has been completed and approved through Council.
- George Beacham Pavilion is no longer fit for purpose for the Pinjarra Cricket Club.
- The proposed Lovegrove Sports Pavilion has been identified as the future home for both Cricket and Hockey within the Sir Ross McLarty Oval sporting precinct
- Funding has been secured for the Lovegrove Sports Pavilion.
- Project Architects have been appointed to design the facility and design plans are nearing completion.
- The Tender is proposed to be advertised in November 2022.

Background

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

Report Detail

To progress the facilities at the Sir Ross McLarty Oval it is necessary to invite a tender for the Design and Construction of the Lovegrove Sports Pavilion. The construction is planned to commence by February 2023.

The following table details the selection criteria proposed for Tender T22/06:

	Description	Weighting
Experience	Demonstrated successful experience in supplying similar works and services.	15%

Technical and Physical Capacity	Respondents Resources.	25%
Demonstrated Understanding & Methodology	Clearly articulate the methodology to be implemented in the construction process.	20%
Tendered Fees	Clearly outline the pricing differences between alternative designs.	40%
Total Weighting		100%

Murray 2031 Strategic Community Plan

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

Murray 2021 – 2025 Corporate Business Plan

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

Other Strategic Links

Nil.

Statutory Environment

Tendering is dealt with in Section 3.57 of the *Local Government Act 1995* (Tenders for providing goods or services) and Part 4, Division 2 of the *Local Government (Functions and General) Regulations 1996*.

Sustainability & Risk Considerations

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

Nil.

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

Nil.

Policy Implications

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

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	The framework for this invitation to tender and consider the outcome is in accordance with the <i>Local Government Act 1995</i> and Council Policy. The risk implications are considered low.

Consultation

Nil.

Resource Implications*Financial*

Advertising of the tenders will be within the existing budget resources, once the tenders have been advertised and tenders have closed a report will be presented to Council detailing the full extent of costs for the proposed new building for a formal decision.

Workforce

The management of the tender and contract supervision for the proposed works will be undertaken utilising existing staff resources.

Options

1. Supporting the invitation of Tender T22/06 and accepting the selection criteria and the associated weightings, as outlined in the report above.
2. Not supporting the invitation of Tender T22/06 nor the selection criteria and the associated weightings, as outlined in the report above.

Conclusion

The recommendation presented for Council's consideration will progress the tender phase and work toward the formal construction of the Lovegrove Sports Pavilion.

13.4 Construction of the Exchange Hotel Tender - Specification Criteria

File Ref:	D22/35408
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Jenni Brown, Project Manager
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Nil.

Recommendation/Council Decision OCM22/133

Moved: Cr S Lee

Seconded: Cr D McLarty

That Council:

- 1. Endorses the selection criteria for Tender T22/05 as provided in the body of this report for the Construction of the Exchange Hotel.**
- 2. Approves the Chief Executive Officer to publicly invite tender T22/05, State and Australian wide for the construction of the Exchange Hotel in accordance with the provisions in the Local government Act and adopted budget.**

CARRIED UNANIMOUSLY 8:0

In Brief

To progress the Exchange Hotel project the first stage is to invite a Tender for its construction.

Background

- In May 2012, Council purchased the Exchange Hotel site located at Lots 85-88 George Street, Pinjarra.
- Following four (4) redevelopment proposals for the site not proceeding due to COVID-19 pandemic, at its Ordinary Council Meeting in August 2020, Council supported Shire officers initiating a redevelopment concept supported by a business case to assist with investment attraction or securing grant funding to realise the redevelopment outcome.
- At its Special Council Meeting in March 2021, Council endorsed a redevelopment and design proposal that supported its vision for the Exchange Hotel to be redeveloped into a 'Regional Icon' and its associated business case and redevelopment cost estimates.
- At its Special Council Meeting in March 2021, Council also endorsed a financial commitment of \$2,854,202 and the submission of a Building Better Regions Fund application seeking \$2,335,257, towards a total cost of \$5,189,459, for redevelopment of the Exchange Hotel site to attract a suitable and experienced operator.
- Following notification that the Building Better Regions Funding application was successful in October 2021, the Shire issued a tender for architectural services for the design and construction of the Exchange Hotel. At its Ordinary Council Meeting in December 2021, Council appointed Hunt Architects to the project.
- The Shire is currently in the process of engaging an operator for the Exchange Hotel, having undertaking a two stage Expression of Interest process.

Report Detail

To progress the Exchange Hotel Project it is necessary to invite a tender for the Construction works. The construction is planned to commence in January 2023.

The appointed project manager has prepared the tender documentation for the Construction of the Exchange Hotel, and the specification has been prepared by the appointed architect and consultant team.

The following table details the selection criteria proposed for Tender T22/05.

Description	Weighting
a. Demonstrate your organisations experience in supplying similar works and services.	15%
b. Technical and Physical Capacity – Respondents Resources.	25%
c. Demonstrated Understanding: Provide an outline of the methodology to be used in supplying the requirements/specification.	20%
d. Tendered Price.	40%
Total Weighting	100%

It is recommended that Council formally support the selection criteria and the associated weightings, as outlined above.

Murray 2031 Strategic Community Plan

Focus Area	Places for People
Aspiration	To create great spaces for the people through strong partnerships with the community; innovative urban design; and improve the well-being and quality of life for residents.
Strategy	Ensure Town Planning Scheme and Local Planning Strategy facilitates quality and diverse planning outcomes.

Focus Area	Thriving Economy
Aspiration	To create diverse and prosperous economy that supports innovation, training opportunities and provides a variety of business, tourism and employment opportunities.
Strategy	An economy that is focused on key success factors for growth; knowledge and innovation; export income and investment; infrastructure and local capacity.

Focus Area	Thriving Economy
Aspiration	To create diverse and prosperous economy that supports innovation, training opportunities and provides a variety of business, tourism and employment opportunities.
Strategy	Maximise Murray’s natural assets and heritage as a driver for tourism development.

Murray 2021 – 2025 Corporate Business Plan

Focus Area	Places for People
Objective	Ensure quality, diverse and innovative planning outcomes that meet community aspirations.
Strategy	Implement the Pinjarra Revitalisation Strategy.
Actions	Facilitate the restoration and re-use of the former Exchange Hotel.

Focus Area	Thriving Economy
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Objective	An economy that is focused on key success factors for growth; knowledge and innovation; export income and investment; infrastructure and local capacity.
Strategy	Maximise inherent regional economic opportunities.
Actions	Prepare a number of long-term key infrastructure projects to be considered for State and Federal Funding.

Other Strategic Links

Nil.

Statutory Environment

Tendering is dealt with in Section 3.57 of the Local Government Act 1995 (Tenders for providing goods or services) and Part 4, Division 2 of the Local Government (Functions and General) Regulations 1996.

Sustainability & Risk Considerations

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

Based on the redevelopment proposal, economic modelling indicates potential for the project to deliver \$57.5M of new economic output in the first five years of operation to the local economy.

This translates to \$11.54M of new economic output annually, calculated as follows:

- 38,850 new visitors to the Shire of Murray per annum
- \$1.57M of new visitor expenditure per annum
- Creation of 67 direct, indirect and induced FTE jobs
- Demand to service approximately 20 local food enterprises

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

There is a direct correlation between driving a strong traded economy and the ability of an economy to improve the quality of life of its citizens.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Council Policy G11 - Purchasing deals with Tendering and purchasing generally. This proposal complies with the policy requirements and the general statutory obligations within the Local Government Act 1995 in respect to tenders and delegations.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	The framework for this invitation to tender and consider the outcome is in accordance with the Local Government Act 1995 and Council Policy. The risk implications are low.

Consultation

A Project Working Group has been established for this project, inclusive of Council and Community Representatives. The project design phases have included consultation with this group.

Resource Implications*Financial*

The project spans over two financial years, with funding as follows:

- \$2,335,257 BBRF Grant
- \$1,700,000 Loan Funds
- \$867,228 Reserve Funds
- \$1,485,515 Municipal Funds

Costs associated with the tender are included in the overall project budget.

Workforce

Workforce commitments to drive and progress the Exchange Hotel project to completion are provided for in the project budget framework.

Options

1. Supporting the selection criteria and the associated weightings, as outlined in the report above.
2. Not supporting the selection criteria and the associated weightings, as outlined in the report above.

Conclusion

The recommendation presented for Council's consideration will minimise possible delays in the commencement of the construction of the Exchange Hotel and will allow the Shire to meet its grant funded milestones for the completion of the Exchange Hotel Project.

14 INFRASTRUCTURE SERVICES

14.1 Pinjarra Senior High School - Parking and Path Contribution

File Ref:	D22/34473
Previous Items:	Nil.
Applicant:	Department of Education
Author and Title:	Alan Smith, Director Infrastructure Services
Declaration of Interest:	Nil.
Voting Requirements:	Absolute Majority
Appendices:	Nil.

Cr David Bolt declared a Financial Interest in Item 14.1 Pinjarra Senior High School - Parking and Path Contribution in that he is a Board member of the Pinjarra Senior High School.

Cr David Bolt withdrew from the meeting the time being 6.16pm.

Cr McLarty assumed the chair at 6.15pm.

Cr David Bolt re-joined the meeting and resumed the chair, the time being 6.18pm.

Recommendation/Council Decision OCM22/134

Moved: Cr S Kirkham

Seconded: Cr G Black

That Council:

- 1. Approve entering into an agreement with the Department of Education to deliver a consolidated parking and path plan for the Pinjarra Senior High School.**
- 2. Support the apportioned costs with the Shire of Murray contributing budget funds to the value of \$136,825.**
- 3. Endorses the following budget as follows:**
 - \$100,000 from account IP9010 (Paths)**
 - \$30,000 from account RD9006 (Traffic Management)**
 - \$6,825 from account ID0001 (Kerbing)**
 - \$198,425 from Department of Education (Income)**

CARRIED UNANIMOUSLY 7:0

In Brief

- There has been ongoing discussion with the Department of Education to improve parking and paths networks surrounding Pinjarra Senior High School.
- There is a benefit for the community with a funding partnership with the Department of Education to enable the parking and paths surrounding the school site to be undertaken.
- Ongoing communication has been received for improved path networks and parking conflicts from the adjacent community.
- This proposal will improve pedestrian and parking options while improving safety.
- The Department of Education has accepted a higher degree of funding contribution to ensure an improved parking outcome while meeting required safety outcomes.
- Works include the completion of a shared path network to surround the school site, parallel parking within Clifton Crescent and Russell Street and the extension of the bus parking with Camp Road.

Background

There has been ongoing discussion around the need for development within the Pinjarra Senior High School site to enable improved on-site facilities. Through engagement and support through the State

Government the Department of Education are progressing with the development of the new performing arts centre and sports hall that is due for completion in 2023.

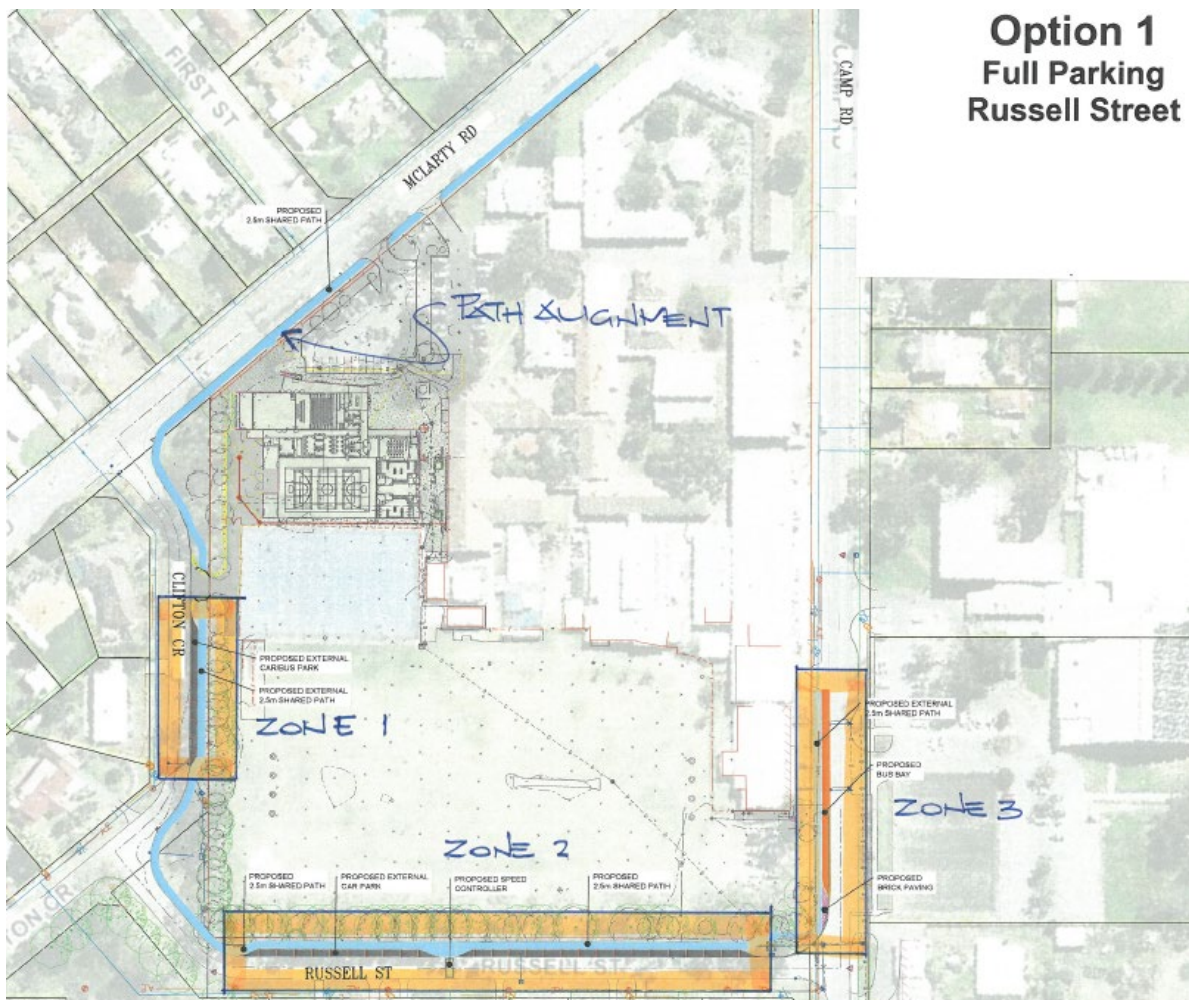
In parallel with these works there is a growing need to further enhance the path and parking requirements surrounding the school. From a local government perspective, we have received requests from adjacent properties to undertake path and parking improvements for the community benefit to give better path access while managing peak morning and afternoon school access.

Ongoing discussion with the Department of Education has realised that a consolidated approach to best manage the morning and afternoon peak times, improve access and parking for bus services and provide an integrated path network.

The design proposes to place a series of parallel parking bays within Clifton Crescent and Russell Street to enable both parking for the school at peak times and localised parking. The Shire has received ongoing concerns around adhoc parking in Russell Street and the need for an improved path network.

Report Detail

In consultation with the Department of Education the Shire of Murray have completed a preliminary design of the proposed improvements, detailed below:



**Option 1
Full Parking
Russell Street**

The works are based within the surrounding verge areas of the Pinjarra Senior High School site and will add considerably to coordinated and safe access for the school and community. Independent costs were sought through civil contractors to help establish the cost contributions, detailed below:

Area	Option 1 Scope of Works
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	Total Costs	Dept of Education	Shire of Murray
Zone 1 (7 Bays)	\$33,600	\$16,800	\$16,800
Zone 2 (24 Bays)	\$113,600	\$87,600	\$26,000
Zone 3 Bus Bay	\$56,400	\$28,200	\$28,200
Pathways	\$131,650	\$65,825	\$65,825
Totals	\$335,250	\$198,425	\$136,825

The Department of Education have been very proactive and are seeking an alliance with the Shire of Murray to improve parking and path facilities around the school site. The Department will be confirming their support for the project toward the end of October to align with a formal position from Council.

Costs within our current budget can be utilised to enable the works to progress, the budget was structured on the understanding that this alliance may come into play. Funding within the path, kerbing, drainage and traffic budgets have been aligned to this project.

Prior to the Department of Education making contact with respect to the proposed improvements, we were considering within our program improvements to these path networks surrounding the school. This outcome will also see both the delivery of increased parking and path networks to ensure a more wholistic outcome.

Murray 2031 Strategic Community Plan

Focus Area	Connected and Accessible
Aspiration	Improve the amenity and functionality of the street network and town entrances.
Strategy	Identify and implement initiatives that improve traffic safely within the road network.

Murray 2021 – 2025 Corporate Business Plan

Focus Area	Connected and Accessible
Objective	Promote an efficient and accessible local and regional transport network.
Strategy	Improve the shared pathway linkages within and between towns.
Actions	Construct and make improvements to the local path network.

Other Strategic Links

Nil.

Statutory Environment

Nil.

Sustainability & Risk Considerations

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

Funding is incorporated within our budget to support improvements to paths, kerbing and drainage. Therefore, existing funds within the 2022/23 budget can be utilised to support the project.

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

The project will provide improved safety and activation for the community, the investment in path networks around the school site is well overdue and this project will provide considerable benefit.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	Cost escalation - Independent cost estimates have been undertaken, these have been cross checked against our own construction outcomes and negligible risk against cost escalation for the project.
Moderate	Community Consultation – Part of the project will ensure consultation with adjacent properties to manage expectation and outcomes for the community.

Consultation

Department of Education

Resource Implications

Financial

Funding that is available within the existing budget is as follows:

Paths \$100,000

Kerbing Renewal \$51,807

Drainage Renewal \$109,786

Traffic Management \$35,000

Workforce

The project will be managed within Infrastructure Services utilising existing resources.

Options

1. Support the apportioned funding contribution toward the parking and path improvements at the Pinjarra Senior High School.
2. Not support the apportioned funding contribution toward the parking and path improvements at the Pinjarra Senior High School.

Conclusion

The Pinjarra Senior High School has a lack of path networks surrounding the school, the addition of new paths would not only add value for the school but also enable improved path links and activation for the community. The opportunity to align with the Department of Education gives the ability to not only improve the path network but also improve vehicle and bus parking to better manage school activities while providing increased community parking while also improving safety.

15 ITEMS FOR INFORMATION

15.1 Delegated Development Application Decisions – September 2022

File Ref: D22/33837

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

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

In Brief

Delegated Decisions are attached for information.

15.2 Outstanding Council Resolutions - October 2022

File Ref: D22/34720

Author and Title: Denise Garner, CEO Executive Support Officer

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

In Brief

The Outstand Council Resolution Register is attached for your information.

15.3 Corporate Business Plan 2022 - 2026 - Progress Report

File Ref: D22/34819

Author and Title: Rikki Gardiner, Senior Corporate Support Officer

Appendices: Item 15.3 App 1 - Corporate Business Plan - Progress Report as at 30 September 2022

In Brief

The Corporate Business Plan Progress Report as at 30 September 2022 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

18.1 Request to attend meeting via Teleconference - Crs McLarty and Carter

Recommendation/Council Decision OCM22/135

Moved: Cr S Kirkham

Seconded: Cr S Lee

That Council approves Cr D McLarty attending the 24 November Ordinary Council Meeting via teleconference at West Point Caravan Park, Walpole.

CARRIED UNANIMOUSLY 8:0

Recommendation/Council Decision OCM22/136

Moved: Cr D McLarty

Seconded: Cr S Lee

That Council approves Cr S Carter leave of absence 13 July 2023 to 15 September 2023 and will attend the Ordinary Council Meeting via teleconference if viable. Location to be advised.

CARRIED UNANIMOUSLY 8:0

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

20 MEETING CLOSED TO THE PUBLIC (CONFIDENTIAL BUSINESS)**Recommendation/Council Decision OCM22/137****Moved: Cr D McLarty****Seconded: Cr A Rogers**

That Council proceeds behind closed doors the time being 6.25pm as per Section 5.23(2)(c) of the *Local Government Act 1995* for the purpose of considering the following confidential item/s:

CARRIED UNANIMOUSLY 8:0**20.1 Submission - Expression of Interest - Edenvale Homestead****Recommendation/Council Decision OCM22/138****Moved: Cr S Carter****Seconded: Cr A Rogers****That Council:**

- 1. Accepts Item 20.1 – Submission – Expression of Interest Edenvale Homestead as Business of an Urgent Nature.**
- 2. Delegates to the Chief Executive Officer to negotiate and endorse a lease arrangement with simply Rustic Café & Catering to operate a food and beverage venue at the Edenvale Homestead being a portion of Lot 316 (Reserve 36703) Henry Street, Pinjarra on the following key terms;**
 - a) engaging professional services to determine current market rental valuation of the Edenvale Homestead and accepting it as the true market rental value;**
 - b) entering into a five year term which may be a combination of an initial term and options to extend the lease;**
 - c) granting a three year rent free period to assist the business in establishing itself at the premises;**
 - d) supporting a rent reduction of 50% of market annual rent for years 4 and 5 with an annual review being applied in accordance with the (Perth All Groups) Consumer Price Index and a further review should a liquor licence be granted;**
 - e) requiring the lessee to be responsible for all normal outgoings and the maintenance and repair of all equipment and chattels provided to operate the premises; and**
 - f) inclusion of appropriate Key Performance Indicators.**
- 3. Notes that prior to entering into any commercial agreement, the proposed disposal of land will be subject to advertising in accordance with the Local Government Act 1995.**
- 4. Notes that any lease over the Edenvale Homestead is subject to the Minister for Lands prior written consent.**

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

Against: Cr Steve Lee

CARRIED 7:1

Recommendation/Council Decision OCM22/139

Moved: Cr A Rogers

Seconded: Cr S Kirkham

That Council proceeds with open doors the time being 6.36pm.

CARRIED UNANIMOUSLY 8:0

21 CLOSURE OF MEETING

There being no further business the Presiding Member declared the meeting closed the time being 6.36pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 24 November 2022.



DAVID A. H.
CHAIRPERSON