



Agenda

Ordinary Council Meeting

Thursday 28 July 2022

Question Time Rules

Please note that the following rules apply to Question Time:

- 1. The person asking the question is requested to complete a Public Question Time Form prior to asking a question at the Council meeting. This will assist in a more informed and detailed response being given at this meeting. This form is available on the Shire's website and on the desk in the gallery area of Council Chambers.**
- 2. Questions are to be directed through the Chair, with the Chairperson having the discretion of accepting or rejecting a question or taking it on notice.**
- 3. To enable all members of the public a fair and equal opportunity to participate in Question Time, each person shall, in the first instance, ask a maximum of Two Questions.**
- 4. If a question is taken on notice at the meeting, it will be answered in writing and included in the following meeting's Minutes.**

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Notice of Meeting

Notice is hereby given that the Ordinary Meeting of Council will be held at the Murray Shire Council, 1915 Pinjarra Road, Pinjarra on Thursday, 28 July 2022 commencing at 5.30pm.



Dean Unsworth
Chief Executive Officer

- 1 **DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
- 2 **ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE**
- 3 **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
- 4 **PUBLIC QUESTION TIME**
- 5 **PETITIONS AND APPROVED DEPUTATIONS**
- 6 **CONFIRMATION OF MINUTES**
- 6.1 **Ordinary Council Meeting – 23 June 2022**

Recommendation

That the Minutes of the Ordinary Council Meeting held on Thursday 23 June 2022 be confirmed as a true and correct record.

- 7 **ANNOUNCEMENTS BY THE PRESIDING MEMBER**

The Shire President's announcements will be provided as an attachment to the Minutes.

- 8 **ANNOUNCEMENTS BY ELECTED MEMBERS**

The Elected Members' announcements, as provided, will be attached to the Minutes.

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

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

Nil.

REPORTS OF CHIEF EXECUTIVE OFFICER AND OFFICERS

11 PLANNING AND SUSTAINABILITY

Nil.

12 CORPORATE GOVERNANCE

12.1 Corporate Business Plan 2022 - 2026

| | |
|--------------------------|---|
| File Ref: | D22/15316 |
| Previous Items: | Nil. |
| Applicant: | Nil. |
| Author and Title: | Rikki Gardiner, Senior Corporate Support Officer |
| Declaration of Interest: | Nil |
| Voting Requirements: | Absolute Majority |
| Appendices: | Item 12.1 App 1 - Corporate Business Plan 2022 - 2026 |

Recommendation

That Council adopts the 2022 – 2026 Shire of Murray Corporate Business Plan as contained in Appendix 1.

In Brief

- The Corporate Business Plan is an integral component of the Integrated Planning and Reporting Framework, and is required to be reviewed on an annual basis.
- The Corporate Business Plan contains specific actions to enable the delivery of the Strategic Community Plan objectives.

Background

In accordance with Section 5.56 of the *Local Government Act 1995* all local governments in Western Australia are required to effectively plan for the future as outlined in the Integrated Planning Framework. The intent of the framework is to ensure that priorities and services provided by local government are aligned with community needs and aspirations, and in doing so, facilitate a shift from a short-term resource focus to long-term value creation.

The Corporate Business Plan (CBP) is responsible for activating the strategic direction of the Shire, articulated within the Strategic Community Plan, into specific priorities and actions at an operational level to inform the annual budget. The CBP also draws together actions contained within the Long-Term Financial Plan, Asset Management Plans and the Community Infrastructure Plan.

The Corporate Business Plan maps the Shire's key priorities, projects, services and actions over four years. It provides the detail for the first years of the Strategic Community Plan 2031, as well as outlining business as usual service delivery. It is developed on a four yearly cycle and reviewed annually to re-prioritise projects and services.

Report Detail

The Corporate Business Plan was reviewed over the first half of 2022 in conjunction with the Strategic Community Plan. The process for review involved:

- Business Units assessing the current situation, the reviewed Strategic Community Plan 2031, and community feedback;
- Business Units reviewing, reprioritising, planning and extending the Corporate Business Plan to cover the next four years, considering the current situation, Council priorities, available resources and assessing risk; and
- The Executive Team evaluating and recommending the Corporate Business Plan for Council consideration and approval.

In preparing the timeline for all tasks, senior management has been careful to balance these across the four years, making sure there is an equal effort in the number of tasks to be achieved and workload of individual managers, over this timeframe.

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. |

Murray 2021 – 2025 Corporate Business Plan

| | |
|-------------------|---|
| Focus Area | Capable and Accountable |
| Objective | Murray has a sustainable future. |
| Strategy | Establish a strong corporate governance framework to ensure high standards of integrity, ethics and accountability. |
| Actions | Review the Corporate Business Plan. |

Other Strategic Links

- Strategic Community Plan 2031
- Long Term Financial Plan 2022
- Budget 2022/23

Statutory Environment

Section 5.56(1) and (2) of the *Act* requires that each local government is to plan for the future of the district, by developing plans in accordance with the Regulations. These Regulations specify what a ‘plan for the future’ should involve. In particular, local governments are required to develop and adopt a Strategic Community Plan and a Corporate Business Plan.

The Regulations also require each local government to include in its Annual Report any changes to either of the above plans.

Sustainability & Risk Considerations

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

The Plan is the key driver for the annual Budget and the Long Term Financial Plan. This linkage ensures that community priorities and projects are adequately funded, and that appropriate and endorsed rating strategies are in place to allow any financial impact on the community to be carefully considered.

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

The actions outline multiple projects that will increase alignment with the community needs and aspirations around the provision of services, and thereby contribute to quality of life.

Environment – (Impact on environment’s sustainability)

The Plan details the level of focus provided to environmental outcomes and projects.

Policy Implications

Nil.

Risk Management Implications

| <i>Risk Level</i> | <i>Comment</i> |
|-------------------|---|
| Moderate | The Corporate Business Plan interacts with informing strategies in the Long Term Financial Plan, Infrastructure Asset Management Plan and the |

| | |
|--|---|
| | <p>Workforce and Diversity Plan as part of the Integrated Planning and Reporting Framework. The CBP is a critical part of this framework and in itself mitigates business risk through links across Councils infrastructure, finances and workforce.</p> <p>As this Plan is a legislative requirement, failure to adopt a Corporate Business Plan would result in non-compliance with the Local Government Act. The alignment of the actions with the services levels expressed by the community reduces the risk of a perception of misalignment with desired service levels and associated rating strategies.</p> |
|--|---|

Consultation

The Corporate Business Plan actions have been based on the strategies outlined in the Strategic Community Plan, which was adopted in May 2021, following a review by Council, senior management and community consultation.

Resource Implications

Financial

Costs associated with implementing the strategies are incorporated within the draft 2022 Long Term Financial Plan and draft 2022/23 Budget.

Workforce

A majority of the actions within the plan will be completed within existing resources. Where additional resources are required, these costs have been factored into the Long Term Financial Plan.

Options

Council has the option of:

1. Amending any part of the Corporate Business Plan to reflect a change in priorities and associated resources.
2. Adopting the 2022 - 2026 Shire of Murray Corporate Business Plan as presented.

Conclusion

The Corporate Business Plan is used to drive the development of the Shire’s Annual Budget, and provides a link to existing service delivery that supports achieving the aspirations and outcomes set out in the Strategic Community Plan. It also aligns with financial and other resources outlined in the supporting plans.

The review of the Corporate Business Plan allows an assessment of all the existing Shire’s strategies. The linkages contained within the Plan ignite the relationships that exist between these strategies, as well as the workforce, infrastructure and financial plans that underpin them. This integrated approach will allow Council to achieve the community aspirations within a sustainable framework.

12.2 Long Term Financial Plan 2022-2032

| | |
|--------------------------|--|
| File Ref: | D22/15375 |
| Previous Items: | Nil. |
| Applicant: | Nil. |
| Author and Title: | Tracie Unsworth, Director Corporate Services |
| Declaration of Interest: | Nil |
| Voting Requirements: | Simple Majority |
| Appendices: | Item 12.2 App 1 - Long Term Financial Plan 2022-2032 |

Recommendation

That Council endorses the Long Term Financial Plan 2022-2032 as contained in Appendix 1.

In Brief

The Long Term Financial Plan (LTFP) covers the 2022/23 – 2031/32 period, and has been prepared in accordance with the Integrated Planning and Reporting framework guidelines. The LTFP is considered an informing document to the Strategic Community Plan and the Corporate Business Plan.

The LTFP analyses financial trends over a ten-year period on a range of assumptions, provides the Council with information to assess resourcing requirements to achieve its strategic objectives and to assist in ensuring future financial sustainability.

Background

The LTFP is a ten-year rolling plan that aligns with the Corporate Business Plan to activate Strategic Community Plan priorities. From these processes, annual budgets that are aligned with strategic objectives are developed.

The purpose of a LTFP is to guide the future direction of Council in a financially sustainable manner. It is designed as a 'high-level' summarised document focusing on the future planning of Council's financial operations, particularly in relation to key components such as rate increases, service levels to the community, asset renewal, financial reserves and loans.

The LTFP provides direction for both the Shire's long-term capital investment planning and its operating capacity, indicating long-term financial sustainability and allowing early identification of financial issues and their longer-term impacts. It also shows the linkages between specific plans and strategies and enhances the transparency and accountability of the Council to the community.

Forecasting a long-term financial position helps to quantify the future impacts of current decisions and identify the available options to close the gap between revenues and expenditure. It informs decision-making and priority setting and assists in the management of the local government's response to community growth. It also assists the management of cash flow and funding requirements, community assets and risk.

Report Detail

The LTFP relies on the most current information available for known revenues and expenditures. Future forecasting processes use estimates that are considered to be as accurate, reliable and easily understood as possible. The level of accuracy from assumptions within the LTFP is more likely in the first four years. Later years (5-10) will have higher reliance on assumptions and subjectivity to variables. The ability to accurately forecast over a long period is likely to be hampered by uncertainties such as the availability of grant funding, fluctuating interest rates, economic trends, as well as demographic and political change.

The following assumptions and key items are included within the Plan:

- Salaries and wages have been modelled with a 3% increase in 2022/23, the final year of the current Enterprise Bargaining Agreement. The indexation from Year 2 onwards increases slightly to cater for expected growth in the Wage Price Index.
- A rate increase of 4.5% is proposed for 2022/23. A rate of 3% is identified to be applied each year for the life of the Plan. This will however be reviewed each year as part of the annual budget workshops.
- One loan of \$1,700,000 is proposed over 20 years, with the continuation of low debt levels allowing further capacity to borrow in the medium to long term if necessary.

In addition to the details of assumptions and indexation on specific income and expenditure categories, the LTFP contains major capital works schedules, capacity of financial reserves and local government performance measures. The Plan demonstrates, that with prudent financial planning, monitoring of rating capacity and careful assessment of priorities, the Shire of Murray will be able to maintain a sound financial position in the long term.

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 | Maintain long term financial sustainability. |

Murray 2021 – 2025 Corporate Business Plan

| | |
|-------------------|--|
| Focus Area | Capable and Accountable |
| Objective | Murray has a sustainable future. |
| Strategy | Maintain long term financial sustainability. |
| Actions | Review the Long Term Financial Plan. |

Other Strategic Links

- 2022/23 Budget
- Corporate Business Plan 2021 – 2025
- Strategic Community Plan 2031

Statutory Environment

Section 5.56(1) and (2) of the *Local Government Act 1995* requires that each local government is to plan for the future of the district.

Sustainability & Risk Considerations

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

The Long Term Financial Plan provides funding for infrastructure and major projects that are key to the success of growing the economy of Murray.

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

The Long Term Financial Plan outlines the services that will be provided to the community to enhance the quality of living. It is crucial that the Plan aligns with the aspirations of the community to ensure financial strategies are in place to meet future demand.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Nil.

Risk Management Implications

| <i>Risk Level</i> | <i>Comment</i> |
|-------------------|--|
| Moderate | The annual review and update of the Long Term Financial Plan, along with the key underpinning assumptions, addresses the risk associated with changes to the Shire’s financial sustainability. This review considers changing external and internal impacts and enables Council to consider any changes necessary. |

Consultation

The development of the LTFP is in reference to the required community consultation undertaken through the establishment of the Shire’s Strategic Community Plan. The LTFP then aims to achieve funding which will activate the community’s identified aspirations and goals.

Resource Implications

Financial

The Plan outlines a clear approach for the delivery of services into the future. Year 1 of the Long Term Financial Plan provides the basis for the development of the draft 2022/23 Budget.

Workforce

The adoption of the Long Term Financial Plan does not have any workforce impact.

Options

Council has the option of:

1. Modifying the priorities contained within the draft Long Term Financial Plan.
2. Endorsing the Long Term Financial Plan 2022-2032 as presented.

Conclusion

Long term financial planning is the mechanism that enables local governments to determine their capability to sustainably deliver the assets and services required by the community. It allows the local government to set priorities, within its resourcing capabilities, to deliver short, medium and long-term community priorities.

The Long Term Financial Plan 2022 has been developed based on the historical and projected growth of the Shire, as well as the strategies identified in the Strategic Community Plan, Corporate Business Plan and other informing documents.

12.3 2022/23 Budget Adoption

File Ref: D22/23023
 Previous Items: Nil.
 Applicant: Nil.
 Author and Title: Tracie Unsworth, Director Corporate Services
 Declaration of Interest: Nil
 Voting Requirements: Absolute Majority
 Appendices: Item 12.3 App 1 - 2022-23 Statutory Budget
 Item 12.3 App 2 - 2022-23 Fees and Charges
 Item 12.3 App 3 - 2022-23 Rating Concessions - Confidential (under separate cover)

Recommendation

That Council adopts the 2022/23 Budget, consisting of:

1. 2022/23 Statutory Budget and Financial Statements

In accordance with the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* and having considered the Shire of Murray Corporate Business Plan, together with the impact of COVID-19 on the residents and ratepayers, adopt the 2022/23 Budget as presented in Appendix 1.

2. Rates

In accordance with Section 6.32(1)(a)(ii) of the *Local Government Act 1995*, imposes the following differential general rates applicable on all rateable properties within the district:

| Valuation Type | Minimum Rate | Rate in \$ |
|---------------------------|--------------|------------|
| GRV General | \$1,212 | 1.02290 |
| GRV General Storage Units | \$912 | 1.02290 |
| GRV Commercial | \$1,212 | 0.08183 |
| UV General | \$1,212 | 0.007042 |

3. Specified Area Rates

Imposes the following Specified Area Rates for the 2022/23 Financial Year:

| Specified Area Rate | Rate in \$ |
|----------------------------------|------------|
| Murray Lakes Canal Maintenance | 0.006846 |
| Willow Gardens Canal Maintenance | 0.006969 |
| Yunderup Canal Maintenance | 0.006774 |
| Yunderup Canal Entrance Dredging | 0.007273 |
| Austin Lakes Phase 2 Maintenance | 0.005649 |

4. Private Swimming Pool Barrier Inspection Fees

Imposes a pro rata annual private pool barrier inspection fee of \$37.90 per year in accordance with Section 53 of the *Building Regulations 2012*.

5. Due Dates for Payment of Rates and Instalments

Adopt the due dates for rate instalment payments for the Shire of Murray in the 2022/23 Budget as follows:

| | |
|--------------------------|--------------------------|
| Date of Issue | 19 August 2022 |
| First Instalment | 23 September 2022 |
| Second Instalment | 23 November 2022 |
| Third Instalment | 27 January 2023 |
| Fourth Instalment | 30 March 2023 |

6. Interest Rates and Administration Charges for Rate Instalment Payments

Applies an administration charge of \$30.00 and a maximum interest component of 5.5% in the 2022/23 Budget for rate instalment payments.

Interest on instalments will not apply to ratepayers considered an excluded person under the *Local Government (COVID-19 Response) Order 2020* and the Shire of Murray Policy F9 – COVID-19 Financial Hardship.

7. Rate of Interest on Overdue Rates and Service Charges

Imposes a maximum interest rate of seven percent (7%) on overdue rates for the 2022/23 Budget.

Interest on overdue rates will not apply to ratepayers considered an excluded person under the *Local Government (COVID-19 Response) Order 2020* and the Shire of Murray Policy F9 – COVID-19 Financial Hardship.

8. Fees and Charges

Adopts the Schedule of Fees and Charges for the 2022/23 financial year as presented in Appendix 2.

9. Rate of Interest on Overdue Accounts

Adopts a maximum interest charge of seven percent (7%) to be applied to any monies (other than rates or service charges) owing for a period of sixty (60) days or longer.

Interest on overdue accounts will not apply to ratepayers considered an excluded person under the *Local Government (COVID-19 Response) Order 2020* and the Shire of Murray Policy F9 – COVID-19 Financial Hardship.

10. Reserve Funds

In accordance with Section 6.11 of the *Local Government Act 1995* create Reserve Funds and allocate funds to and from the Reserve Funds for the financial year ending 30 June 2023 as specified in the 2022/23 Budget document as presented in Appendix 1.

11. Trust Fund

Adopts the Trust Fund Budget for the financial year ending 30 June 2023 as specified in the 2022/23 Budget document as presented in Appendix 1.

12. Loan Borrowings

Approves loan borrowings of \$1,700,000 for the redevelopment of The Exchange Hotel building.

13. Reporting of Variances in Monthly Financial Statements

Adopts the following material variance for reporting purposes:

Any year to date budget to actual variance at reporting level, as shown in the month statement of financial activity, exceeding \$75,000 (excluding GST).

14. Councillor Allowances and Expenses

The allowances and expenses to be paid to Members of Council in the 2022/23 Budget are:

| | |
|---|----------|
| a) President's Allowance | \$37,140 |
| b) Deputy President's Allowance | \$9,285 |
| c) Members' Annual Meeting Allowance (President) | \$16,448 |
| d) Members' Annual Meeting Allowance (per Councillor) | \$16,448 |
| e) Information, Communication & Technology Allowance | \$3,500 |
| f) Members' Travel Allowance | \$50 |

15. Rating Concessions – Other

In accordance with Section 6.47 of the Local Government Act 1995 and as presented in Appendix 3 (under confidential cover) grants the following rate concessions:

- Riverglades Complex – a concession of \$6.00 per strata title assessment be applied on all strata title lots within the Riverglades Complex.
- Wheeler Airfield – a concession of \$1,563 be applied to the property located at Lot 7 Mounsey Road, West Coolup.
- Pinjarra Paceway – a concession of \$5,461 be applied to the property located a 7 Paceway Court, Pinjarra.

16. Rating Concessions – Primary Producers

In accordance with Section 6.47 of the *Local Government Act 1995* and as presented in Appendix 3 (under confidential cover) grants the following rate concessions:

Bona-fide Primary Producers – a concession be applied to those properties where an application that meets the set criteria of the Policy F7 – Rating Concession – Bona-Fide Primary Producers has been received and approved.

In Brief

- Local governments are required to adopt an annual budget between 1 June and 31 August each year.
- The draft 2022/23 budget has been compiled based on the principles contained in the Long Term Financial Plan (LTFP), and contains provisions to achieve the outcomes detailed in the Strategic Community Plan and the Corporate Business Plan.
- In the preparation of the 2022/23 budget the impact and consequences of COVID-19 have also been taken into consideration.

Background

In accordance with the *Local Government Act 1995* and associated regulations, Council is required to adopt a budget on an annual basis.

Council's long-term planning strategy is aimed at creating a sustainable financial environment to enable the Shire to continue to provide the community with high quality services and infrastructure into the medium and long term. The budget is a continuation of Council's responsible financial program. It is a financial plan aimed at:

- Balancing the community's needs and ensuring that the Shire remains financially sustainable in the long term.
- Maintaining Council's commitment to sustainable asset renewal and maintenance of the community's assets.
- The maintenance of a strong cash position for financial security.

- Achieving efficiencies through targeted savings and an ongoing commitment to contain costs.
- Implementing rate and fee increases that are both manageable and sustainable.
- Providing a framework to deliver balanced budgets including sustainable underlying surpluses.

The draft 2022/23 budget has been prepared in accordance with presentations made to Councillors at a series of workshops.

Report Detail

The draft budget has been prepared with an emphasis in the coming year on a continuation of service delivery for the community, as well as providing consistency and clear outcomes for residents. The budget funds a range of community services including community safety, youth, recreation, maintenance of community facilities, parks, gardens, playgrounds, waste and recycling collection, and building and planning services. In addition, the capital works program provides for a sustainable level of funding for the renewal of the community's existing infrastructure and an investment in major community facilities.

The main features of the 2022/23 budget include:

- Significant investment in capital infrastructure, including:
 - Roads and Kerbing - \$5,821,275
 - Buildings - \$12,815,476
 - Bridges - \$240,042
 - Pathways - \$483,771
 - Drainage - \$109,786
 - Parks & Recreation - \$1,563,508
 - Waterways - \$609,048
- Key projects that are included within the draft budget:
 - The Exchange - \$4,262,055
 - McLarty South Pavilion - \$4,016,774
 - Completion of the Food Innovation Precinct WA - \$2,173,748
 - Ravenswood Community Centre - \$1,466,498
 - Cantwell Park Refurbishment - \$270,236
 - Refurbishment of MALC Pool & Flooring - \$210,000

Loan Borrowings

There is one new loan proposed for the 2022/23 financial year for \$1,700,000 to part fund the redevelopment of The Exchange Hotel building.

Fees and Charges

An increase of 2% to the fees and charges under the control of Council has been applied. A number of fees and charges are set by other levels of government regulation (statutory) and are not subject to discretionary change by Council.

Rates

An overall rating increase of 4.5% has been applied.

Rating Concessions and Lesser Minimums:

Four rating concessions are provided for in 2022/23 as follows:

1. Primary Producer Concessions have been included in accordance with Council Policy. The total provision for primary producer concessions granted in the 2022/23 budget is \$150,971.
2. Riverglades Complex – a concession of \$6.00 per strata title assessment is proposed to be applied to all strata title lots within the Riverglades Complex. This concession is applied in recognition that property owners are required to pay the mandated fee under the Caravan

Parks & Camping Regulations. The total provision for the Riverglades concession granted in the 2022/23 budget is \$1194.

3. Wheeler Airfield – a concession of \$1563 is applied in recognition of the community benefit afforded by the use of the private airfield in assisting with firefighting activities.
4. Pinjarra Paceway – a concession of \$5461 is applied to reduce rates on the property to a more equitable level in recognition of the importance of the equine industry to the district.

A lesser minimum of \$912 is proposed for private storage units in recognition of the significant variation in valuation in comparison to other properties within the Shire.

Councillor Allowances

Councillor allowances are proposed to increase by 3% in 2022/23.

Murray 2031 Strategic Community Plan

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

Other Strategic Links

- Strategic Community Plan 2021-2031
- Corporate Business Plan 2022-2026
- 2022-2032 Long Term Financial Plan

Statutory Environment

Section 6.2 of the *Local Government Act 1995* requires that not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt (by Absolute Majority) in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.

Division 5 and 6 of the *Local Government (Financial Management) Regulations 1996* details the form and the content of the budget.

Sustainability & Risk Considerations

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

This draft budget has been developed based on sound financial management and accountability principles and is considered to support activities that drive a sustainable economic outcome for the community.

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

The draft budget contains financial resourcing for a wide range of programs that deliver important community services to the Murray residents. It is based on the principle of maintaining all services that are presently available to the community with an increased focus on efficiency.

Environment – (Impact on environment’s sustainability)

The proposed budget recognises the leadership role Council has within the community to actively address the impacts of environmental sustainability and to facilitate other levels of government and the community to act in a similar manner.

Policy Implications

Adoption of an annual budget assists in the sound planning for the prudent allocation of Council resources and is required to meet legislative requirements.

Risk Management Implications

| <i>Risk Level</i> | <i>Comment</i> |
|-------------------|---|
| Moderate | The key risk around budget adoption is community acceptance of the projects within the budget and the overall level of income and expenditure. This risk is reduced through the consultation process during the development of the Strategic Community Plan. The annual rates publication will also outline the areas of local government expenditure, to ensure the community is aware of the expenditure allocation, including that assigned to major projects. |

Consultation

The key strategic priorities of the Shire of Murray have been developed in consultation with the community.

Resource Implications*Financial*

Nil.

Workforce

Nil.

Options

Council has the option of:

1. Adopting the budget as presented.
2. Amending the budget, noting that if there are amendments, the formal adoption of the budget will be delayed, affecting cash flows and the implementation of proposed services and initiatives.

Conclusion

The proposed budget forms an integral part of Council's overall strategic planning framework and endeavours to resource the direction and aspirations that have been established in the Strategic Community Plan and the Corporate Business Plan.

The 2022/23 budget presented for adoption is seen as a responsible balance of an equitable rating structure and the requirement to ensure the long-term sustainability of the Shire.

12.4 Payments from Municipal and Trust Funds - June 2022

| | |
|--------------------------|---|
| File Ref: | D22/22081 |
| Previous Items: | Nil. |
| Applicant: | Nil. |
| Author and Title: | Tamara Tabor, Finance Coordinator |
| Declaration of Interest: | Nil |
| Voting Requirements: | Simple Majority |
| Appendices: | Item 12.4 App 1 - Payments from Municipal and Trust Funds June 2022 |

Recommendation

That Council receives the Payments from Municipal and Trust Funds Report June 2022 contained in Appendix 1.

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 June 2022.

This list includes details for each payment made, incorporating:

- The payees name
- The description of the payment
- A certificate signed by the Chief Executive Officer, stating that all invoices and vouchers presented to Council have been certified as to the receipt of goods and the rendition of services and as to prices, computations and costing and that the amounts shown were due for payment.

Invoices supporting all payments are available for the inspection of Council.

Murray 2031 Strategic Community Plan

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

Other Strategic Links

Nil.

Statutory Environment

Section 6.4(1) of the *Local Government Act 1995* requires the Shire of Murray to prepare financial reports as prescribed. Regulation 13 of the *Local Government (Financial Management) Regulations 1996* governs the requirement to provide to Council a detailed listing of all payments made from the Municipal and Trust bank accounts and outlines the form, content and timing of this report.

Sustainability & Risk Considerations

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

Nil.

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

Nil.

Environment – (Impact on environment's sustainability)

Nil.

Policy Implications

Nil.

Risk Management Implications

| <i>Risk Level</i> | <i>Comment</i> |
|-------------------|---|
| Low | Failure to present a detailed listing of payments made from the Shire bank accounts in the prescribed form would result in non-compliance with the <i>Local Government (Financial Management) Regulations 1996</i> , which may result in a qualified audit. |

Consultation

Nil.

Resource Implications*Financial*

Nil.

Workforce

Nil.

Options

Council has the option of:

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

Conclusion

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

12.5 Monthly Financial Report - June 2022

| | |
|--------------------------|--|
| File Ref: | D22/22084 |
| Previous Items: | Nil. |
| Applicant: | Nil. |
| Author and Title: | Tamara Tabor, Finance Coordinator |
| Declaration of Interest: | Nil |
| Voting Requirements: | Simple Majority |
| Appendices: | Item 12.5 App 1 - Monthly Financial Report - June 2022 |

Recommendation

That Council receives the June 2022 Monthly Financial Report contained in Appendix 1.

In Brief

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

Background

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

- 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 June 2022 identifies the financial position of Council as at the reporting date and consist of:

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

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

Murray 2031 Strategic Community Plan

| | |
|-------------------|---|
| 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 2021/2022 Annual Budget

Statutory Environment

Section 6.4(1) of the *Local Government Act 1995* requires the Shire of Murray to prepare financial reports as prescribed. Regulation 34 of the *Local Government (Financial Management) Regulations 1996* outlines the form, content and timing of the monthly financial reports prepared for presentation to Council.

Sustainability & Risk Considerations

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

Timely submission of detailed monthly financial reports allows Council to monitor the financial performance of the Shire and review any adverse financial trends that may impact on the Shire’s financial sustainability.

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

Nil.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Nil.

Risk Management Implications

| <i>Risk Level</i> | <i>Comment</i> |
|-------------------|--|
| Moderate | Failure to monitor the Shire’s ongoing financial performance would increase the risk of a negative impact on the Shire’s financial position. |
| Low | Non-compliance with legislative requirements may result in a qualified audit. |

Consultation

Nil.

Resource Implications

Financial

Nil.

Workforce

Nil.

Options

Council has the option of:

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

Conclusion

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

12.6 CEO 2022/23 Key Performance Indicators Amendments

| | |
|--------------------------|--|
| File Ref: | D22/22442 |
| Previous Items: | OCM 28 April 22 Item 20.1 (OCM22/044) |
| Applicant: | Nil |
| Author and Title: | Dean Unsworth, Chief Executive Officer |
| Declaration of Interest: | Nil |
| Voting Requirements: | Simple Majority |
| Appendices: | Item 12.6 App 1 - CEO 2022/23 (Amended) KPIs - Confidential (under separate cover) |

Recommendation

That Council accepts the amended Chief Executive Officer Key Performance Indicators as provided under confidential attachment.

In Brief

- Discussion was held at the June 2022 Councillor Briefing Session to discuss some recommended amendments to the Key Performance Indicators (KPIs) that was formally endorsed at the 28 April 2022 Council meeting.
- The amended KPIs are provided under confidential cover.

Background

Due to the timing of some projects and other uncontrollable external factors, it is recommended that the current KPIs are amended to reflect those uncontrollable factors.

Report Detail

As explained within the confidential KPI document.

Murray 2031 Strategic Community Plan

Nil.

Other Strategic Links

Nil.

Statutory Environment

Nil.

Sustainability & Risk Considerations

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

N/A

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

N/A

Environment – (Impact on environment's sustainability)

N/A

Policy Implications

Nil.

Risk Management Implications

| <i>Risk Level</i> | <i>Comment</i> |
|-------------------|---|
| Low | There is very low risk associated with this report. |

Consultation

Informal workshop held with Councillors at the June 2022 Councillor Briefing Session.

Resource Implications*Financial*

Nil.

Workforce

Nil.

Options

Council has the option of:

1. Accepting the recommended changes.
2. Not accepting or further amending the KPIs.

Conclusion

As discussed within this report.

12.7 Lease Proposal - Murray Districts Pistol Club Incorporated - Reserve 6038

| | |
|--------------------------|---|
| File Ref: | D22/23057 |
| Previous Items: | CSC Dec 06 Item 4.2 (CS06/242) OCM Dec 06 Item 10.2.2 (OCM06/198) PPS Aug 12 Item 8.7 (PPS12/119) OCM Aug 12 Item 11.4.2 (OCM12/184) OCM Feb 2017 Item 11.3 (OCM17/020) |
| Applicant: | Murray Districts Pistol Club Incorporated |
| Author and Title: | Robert Marlborough, Manager Governance |
| Declaration of Interest: | Nil |
| Voting Requirements: | Simple Majority |
| Appendices: | Nil |

Recommendation

That Council, subject to the prior written consent of the Minister for Lands being obtained:

- 1. approves for a lease agreement to be entered into between the Shire of Murray and the Murray Districts Pistol Club Incorporated for a period of five (5) years, with a five (5) year option period for portions of Reserve 6038, being Lots 224 and 251 Old Bunbury Road, West Coolup;**
- 2. with the annual rent payable continuing from the current lease agreement, to be reviewed annually in accordance with the June Perth, All Groups Consumer Price Index, and including an annual Lease Administration Fee, all outgoings, maintenance and repairs, as per the current lease agreement; and**
- 3. authorises the Shire President and Chief Executive Officer to sign and seal the Lease Agreement.**

In Brief

To determine Council's position on entering into a new lease agreement with the Murray Districts Pistol Club Incorporated for portions of Reserve 6038, being Lots 224 and 251 Old Bunbury Road, West Coolup.

Background

The Murray Districts Pistol Club Incorporated (Club) are a registered Association (registered 18 June 1975, Association number A0740081A) and they are considered a not for profit entity.

Reserve 6038 is located on Old Bunbury Road West Coolup and the reserve comprises of four separate lots. The land area of the Reserve is approximately 34 hectares.

The Shire of Murray (Shire) is the management body under a Management Order. The power to lease is approved for any term not exceeding 21 years, subject to the consent of the Minister for Lands first being obtained.

In December 2006 Council originally supported a lease being entered into with the proponent on Lots 224 and 251 Old Bunbury Road, West Coolup. A lease was subsequently endorsed, which expired on September 2012.

The lots leased by the Club on Reserve 6038 are detailed on the following plan.



In August 2012 Council considered a further report to enter into a new lease agreement with the Club for a period of five (5) years with a similar extension option period.

A lease was subsequently negotiated and endorsed by the Chief Executive Officer with the Murray Districts Pistol Club Incorporated on 15 January 2014. That lease, including its extension term, is due to expire on 31 August 2022.

The Shire has received correspondence dated 2 June 2022 from the Club, expressing a wish to seek a new lease agreement with the Shire for portions of the Reserve land currently occupied.

Report Detail

The Club are a long-term occupant of the Reserve by way of lease. The infrastructure on the Reserve has been developed over time by the Club to specifically cater for pistol shooting and directly related club activities. The balance of the reserve is native vegetation.

It is suggested that Council, subject to the Minister for Lands prior consent, support a new lease arrangement with the Murray Districts Pistol Club Incorporated for Lots 224 and 251 (Reserve 6038) Old Bunbury Road, West Coolup for a term of 5 years with a similar option term commencing 1 September 2022.

Statutory advertising of the proposed lease (disposal of property) is not required as leasing to the Club is an excluded disposition of property under the Regulations.

Supporting a new lease will enable the Club to continue with its sporting and recreational activities.

Murray 2031 Strategic Community Plan

Nil.

Murray 2021 – 2025 Corporate Business Plan

Nil.

Other Strategic Links

Nil.

Statutory Environment

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

(1) *In this section —*

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

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

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

The lease proposal with the Murray Districts Pistol Club Incorporated presented for consideration is an excluded disposition of property under Regulation 30(2)(b) of the *Local Government (Functions and General) Regulations 1996*, as follows:

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if —
- (a) the land is disposed of to an owner of adjoining land (in this paragraph called the transferee) and —
 - (i) its market value is less than \$5 000; and
 - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee; or
 - (b) the land is disposed of to a body, whether incorporated or not —
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and

- (ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*

or

- (c) *the land is disposed of to —*

- (i) *the Crown in right of the State or the Commonwealth; or*
- (ii) *a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or*
- (iii) *another local government or a regional local government;*

or

- (d) *it is the leasing of land to an employee of the local government for use as the employee's residence; or*
- (e) *it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land; or*
- (f) *it is the leasing of land to a person registered under the Health Practitioner Regulation National Law (Western Australia) in the medical profession to be used for carrying on his or her medical practice; or*
- (g) *it is the leasing of residential property to a person.*

Sustainability & Risk Considerations

Economic – (Financial impact to the community)

Entering into a new lease arrangement with the Club (with the current terms and conditions continuing) will not financially impact the community, as no change of situation is proposed.

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

Nil, as no change of current use is proposed.

Environment – (Impact on environment's sustainability)

Nil, as no change of current use is proposed.

Governance – (Policy implications)

Nil, as no change of current use is proposed.

Risk Management Implications

| <i>Risk Level</i> | <i>Comment</i> |
|-------------------|--|
| Low | The lease proposed for the existing ongoing use of the Reserve should not negatively impact adjacent landowners or lease holders and the risk of negative comment is considered low. |

Consultation

Nil.

Resource Implications

Financial

The Club currently pay rent under the existing lease agreement and they are responsible for all outgoings, maintenance, upkeep and repairs. The proposal presented continues the existing situation and the annual lease additional administration charge is to minimally offset staff costs associated with site visits, inspections and annual correspondence.

Workforce

Internal capacity exists to prepare any necessary leasing documents.

Options

Council has the option of:

1. Supporting the recommendation, as provided for a new lease:
2. Rejecting the recommendation, and determine an alternate position.

Conclusion

The Club has a long association with the site and they provide sporting opportunities and a social outlet for the community. The proposal to enter into a new lease arrangement should be supported, subject to the requirements outlined.

12.8 Lease Proposal – The Peel and Districts Gun Club Incorporated – Reserve 6038

| | | |
|--------------------------|--|-------------------------|
| File Ref: | D22/23086 | |
| Previous Items: | CSC Dec 06 | Item 4.2 (CS06/242) |
| | OCM Dec 06 | Item 10.2.2 (OCM06/198) |
| | PPS Aug 12 | Item 8.7 (PPS12/119) |
| | OCM Aug 12 | Item 11.4.2 (OCM12/184) |
| | OCM Feb 17 | Item 11.3 (OCM17/020) |
| Applicant: | The Peel & Districts Gun Club Inc | |
| Author and Title: | Robert Marlborough, Manager Governance | |
| Declaration of Interest: | Nil | |
| Voting Requirements: | Simple Majority | |
| Appendices: | Nil | |

Recommendation

That Council, subject to the prior written consent of the Minister for Lands being obtained:

- 1. approves for a lease agreement to be entered into between the Shire of Murray and The Peel & Districts Gun Club (Inc), for a period of five (5) years, with the option of a further five (5) year term, for a portion of Reserve 6038 being Lot 82 Old Bunbury Road, West Coolup;**
- 2. with the annual rent payable continuing from the current lease agreement, to be reviewed annually in accordance with the June Perth, All Groups Consumer Price Index, and including an annual Lease Administration Fee, all outgoings, maintenance and repairs, as per the current lease agreement; and**
- 3. authorises the Shire President and Chief Executive Officer to sign and seal the Lease Agreement.**

In Brief

To determine Council's position on entering into a new lease agreement with The Peel & Districts Gun Club Inc for the portion of Reserve 6038, being Lot 82, Old Bunbury Road, West Coolup.

Background

The Peel & Districts Gun Club Inc (Club) are a registered Association (registered 24 May 1982, Association number (A0820052H) and they are considered a not for profit entity.

Reserve 6038 is located on Old Bunbury Road West Coolup and the reserve comprises of four separate lots. The land area totals approximately 34 hectares. The Shire of Murray is the management body of the Reserve by way of a Management Order.

The power to lease is approved for any term not exceeding 21 years, subject to the consent of the Ministers for Lands first being obtained.

In December 2006 Council supported a lease being entered into with the Club on Lot 82 Old Bunbury Road, West Coolup. This lot forms part of broader Reserve 6038. A lease was subsequently endorsed which expired on September 2012.

In August 2012 Council considered a report to enter into a new lease agreement with the Club for a period of five (5) years with a five (5) year extension term. A lease was subsequently negotiated and endorsed on 12 December 2012. That lease, including its available extension term is due to expire on 31 August 2022.

Correspondence was received from the Club on 9 November 2021 expressing an interest in a new lease arrangement with the Shire.

The location of the land proposed to be leased is detailed in the following plan.



Report Detail

The Club are a long-term occupant of the Reserve by way of lease. The infrastructure on the Reserve land leased has been developed over time by the Club to specifically cater for shooting and directly related club activities. The balance of the Reserve is native vegetation, excepting the other club facilities (Murray Districts Pistol Club Incorporated) on the adjoining lots, 224 and 251.

It is suggested that Council, subject to the Minister for Lands prior consent support a new lease arrangement with The Peel & Districts Gun Club Inc for Lot 82 (Reserve 6038) Old Bunbury Road, West Coolup for a term of 5 years with a similar option term commencing 1 September 2022.

Statutory advertising of the proposed lease (disposal of property) is not required as leasing to the Club is an excluded disposition of property under the Regulations.

Murray 2031 Strategic Community Plan

Nil.

Murray 2021 – 2025 Corporate Business Plan

Nil.

Other Strategic Links

Nil.

Statutory Environment

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

(1) *In this section —*

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

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

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

The lease proposal with the Murray Districts Pistol Club Incorporated presented for consideration is an excluded disposition of property under Regulation 30(2)(b) of the *Local Government (Functions and General) Regulations 1996*, as follows:

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if —
 - (a) the land is disposed of to an owner of adjoining land (in this paragraph called the transferee) and —
 - (i) its market value is less than \$5 000; and
 - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee; or
 - (b) the land is disposed of to a body, whether incorporated or not —
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and

(ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*

or

(c) *the land is disposed of to —*

(i) *the Crown in right of the State or the Commonwealth; or*

(ii) *a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or*

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

or

(d) *it is the leasing of land to an employee of the local government for use as the employee's residence; or*

(e) *it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land; or*

(f) *it is the leasing of land to a person registered under the Health Practitioner Regulation National Law (Western Australia) in the medical profession to be used for carrying on his or her medical practice; or*

(g) *it is the leasing of residential property to a person.*

Sustainability & Risk Considerations

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

Entering into a new lease arrangement with the Club (with the current terms and conditions continuing) will not financially impact the community, as no change of situation is proposed.

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

Nil, as no change of current use is proposed.

Environment – (Impact on environment's sustainability)

Nil, as no change of current use is proposed.

Policy Implications

Nil, as no change of current use is proposed.

Risk Management Implications

| <i>Risk Level</i> | <i>Comment</i> |
|-------------------|--|
| Low | The lease proposed for the existing ongoing use of the Reserve should not negatively impact adjacent landowners or lease holders and the risk of negative comment is considered low. |

Consultation

Nil.

Resource Implications

Financial

There are no direct financial implications to prepare a new lease arrangement with The Peel & Districts Gun Club Inc. The Club currently pay rent under the existing lease agreement and they are responsible for all outgoings, maintenance and repairs. The proposal presented continues the existing situation and the additional administration charge is to minimally offset staff costs associated with site visits, inspections and annual correspondence.

Workforce

Internal capacity exists to prepare any necessary leasing documents.

Options

Council has the option of:

1. Supporting the recommendation, as provided:
2. Rejecting the recommendation and determine an alternate position.

Conclusion

This Club and the Club on the adjoining land parcels, both have a long association with the Reserve land and they both provide sporting opportunities and a social outlet for the community. The proposal to enter into a new lease arrangement with The Peel & Districts Gun Club Inc should be supported, subject to the requirements specified to ensure manageable and equitable land use.

12.9 Elected Member Training Report - Year Ending 30 June 2022 and Delegation of Authority

| | |
|--------------------------|--|
| File Ref: | D22/23140 |
| Previous Items: | Nil. |
| Applicant: | Nil. |
| Author and Title: | Robert Marlborough, Manager Governance |
| Declaration of Interest: | Nil |
| Voting Requirements: | Absolute Majority |
| Appendices: | Item 12.9 App 1 - Elected Member Training Report |

Recommendation

That Council:

- 1. adopt the Elected Member Training Report as provided at Appendix 1 for the financial year ending 30 June 2022; and**
- 2. support the report being published on the Shire of Murray Website.**

Recommendation

That Council by Absolute Majority delegates authority to the Chief Executive Officer to prepare Elected Member Training Report/s at least once annually (in July each year) or as otherwise required, to enable reports on Elected Member Training for both mandatory and elective elements to be maintained; and for prepared reports to be published on the Shire of Murray website.

In Brief

To comply with s5.127 of the *Local Government Act 1995* where a report for each financial year on the training completed by council members in the financial year is to be prepared and subsequently published and to put in place a process to manage future reports by Delegated Authority.

Background

In September 2019 an amendment to the *Local Government Act 1995* and amendments to the *Local Government (Administration) Regulations 1996* (Regulation) relating to Council (Elected) members training came into effect with a new mandatory training course, titled "*Council Member Essentials*" being required to be completed within 12 months of being elected, unless an exemption applies pursuant to Regulation 36.

The Council Member Essentials course was developed to provide council members with the skills and knowledge to perform their roles, as leaders in their district. This course comprises the following five units:

- understanding local government;
- serving on council;
- meeting procedures;
- conflicts of interest; and
- understanding financial reports and budgets.

The Council Member Essential training course is only able to be completed through the following prescribed training providers:

- Western Australian Local Government Association (WALGA);
- South Metropolitan TAFE; and
- North Metropolitan TAFE.

Following the legislative enactment to achieve the implementation of the training formal requirements, Council adopted Policy M5 – Council Members Continuing Professional Development by absolute majority on 19 December 2019 (OCM19/269). This Policy is available on the Shire of Murray website.

Report Detail

The report provided at Appendix 1 is the current status of Elected Member Training both mandatory and elective, as of 30 June 2022.

It is recommended that Council adopts the Elected Members Training Report provided as an Appendix for the year ending 30 June 2022, and that this report be published on the Shire of Murray website.

Murray 2031 Strategic Community Plan

Nil.

Murray 2021 – 2025 Corporate Business Plan

Nil.

Other Strategic Links

Nil.

Statutory Environment

Local Government Act 1995

5.126. Training for council members

- (1) Each council member must complete training in accordance with regulations.
- (2) Regulations may —
 - (a) prescribe a course of training; and
 - (b) prescribe the period within which training must be completed; and
 - (c) prescribe circumstances in which a council member is exempt from the requirement in subsection (1); and
 - (d) provide that contravention of subsection (1) is an offence and prescribe a fine not exceeding \$5 000 for the offence.

5.127 Report on training

- (1) A local government must prepare a report for each financial year on the training completed by council members in the financial year.
- (2) The CEO must publish the report on the local government' official website within 1 month after the end of the financial year to which the report relates.

Local Government (Administration) Regulations 1996

35. Training for council members (Act s. 5.126(1))

- (1) A council member completes training for the purposes of section 5.126(1) if the council member passes the course of training specified in subregulation (2) within the period specified in subregulation (3).
- (2) The course of training is the course titled *Council Member Essentials* that —
 - (a) consists of the following modules —
 - (i) Understanding Local Government;

- (ii) Serving on Council;
 - (iii) Meeting Procedures;
 - (iv) Conflicts of Interest;
 - (v) Understanding Financial Reports and Budgets; and
- (b) is provided by any of the following bodies —
- (i) North Metropolitan TAFE;
 - (ii) South Metropolitan TAFE;
 - (iii) WALGA.
- (3) The period within which the course of training must be passed is the period of 12 months beginning on the day on which the council member is elected.
36. Exemption from Act s. 5.126(1) requirement
- (1) A council member is exempt from the requirement in section 5.126(1) if —
- (a) the council member passed either of the following courses within the period of 5 years ending immediately before the day on which the council member is elected —
 - (i) the course of training specified in regulation 35(2);
 - (ii) the course titled *52756WA — Diploma of Local Government (Elected Member)*;
- or
- (b) the council member passed the course titled *LGASS00002 Elected Member Skill Set* before 1 July 2019 and within the period of 5 years ending immediately before the day on which the council member is elected.
- (2) A person who is a council member on the day on which the *Local Government Regulations Amendment (Induction and Training) Regulations 2019* regulation 8 comes into operation is exempt from the requirement in section 5.126(1) until the end of their term of office.

[Regulation 36 inserted: Gazette 9 Aug 2019 p. 3023.]

Sustainability & Risk Considerations

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

Nil.

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

Nil.

Environment – (Impact on environment's sustainability)

Nil.

Policy Implications

Policy M5 - Council Members Continuing Professional Development was adopted to comply with the requirements of the *Local Government Act 1995* (the Act) on 19 December 2019. This Policy ensures that Council Members meet and comply with the prescribed professional development requirements under the Act and the *Local Government (Administration) Regulations 1996* and to further encourage participation in other conferences or training specifically designed to enhance skills and knowledge relating to roles and responsibilities as a Council Member of the district.

Risk Management Implications

| <i>Risk Level</i> | <i>Comment</i> |
|-------------------|---|
| Low | Non-compliance with the Council Member Essentials training requirements is a contravention of the Act and penalties can be applied. |

Consultation

Nil.

Resource Implications

Financial

Nil.

Workforce

Nil.

Options

Council has the option of:

1. Supporting the recommendation, as provided.
2. Rejecting the recommendation and determining an alternate position.

Conclusion

Supporting the recommendations ensures Council meet the statutory obligations under the Act relating to training completed by Council Members. Providing a delegation to the Chief Executive Officer by Absolute Majority enables reports to be prepared updated, endorsed and published in a timely and effective manner moving forward.

13 RECREATION, ECONOMIC & COMMUNITY DEVELOPMENT

Nil.

14 INFRASTRUCTURE SERVICES

Nil.

15 ITEMS FOR INFORMATION

15.1 Corporate Business Plan - Final Progress Report as at 30 June 2022

File Ref: D22/20491

Author and Title: Rikki Gardiner, Senior Corporate Support Officer

Appendices: Item 15.1 App 1 - Corporate Business Plan - Final Progress Report as at 30 June 2022

In Brief

The Corporate Business Plan Final Progress Report as at 30 June 2022 is attached for information.

15.2 Outstanding Council Resolutions

File Ref: D22/22916

Author and Title: Denise Garner, CEO Executive Support Officer

Appendices: Item 15.2 App 1 - Outstanding Council Resolutions - 28 July 2022

In Brief

Resolution Register is attached for information.

15.3 Delegated Development Application Decisions – June 2022

File Ref: D22/22924

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

Appendices: Item 15.3 App 1 - Delegated Development Application Decisions for June 2022

In Brief

Delegated Decisions are attached for information.

16 BUSINESS LEFT OVER FROM PREVIOUS MEETING

Nil.

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

Nil.

18 NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING

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

20 MEETING CLOSED TO THE PUBLIC (CONFIDENTIAL BUSINESS)

Nil.

21 CLOSURE OF MEETING