



Minutes

Ordinary Council Meeting

Thursday 27 August 2020

Ordinary Council – 27 August 2020
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Minutes of the Ordinary Meeting of Council held at the Murray Shire Council, 1915 Pinjarra Road, Pinjarra on Thursday 27 August 2020.

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

Cr D Bolt	President
Cr D McLarty	Deputy President
Cr A Rogers	Councillor
Cr C Rose	Councillor
Cr S Lee	Councillor
Cr B Cardilini	Councillor
Cr G Black	Councillor
Cr S Kirkham	Councillor
Mr D Unsworth	Chief Executive Officer
Mr M Harrop	Acting Director Infrastructure Services
Mr R Peake	Director Planning and Sustainability
Mrs M Renton	Coordinator Sport and Recreation, Place & Community Development
Mrs T Unsworth	Director Corporate Services
Mrs A Wakeford	Executive Assistant Director Infrastructure Services

There were eighteen (18) members of the public, one (1) member of the press and five (5) members of staff in attendance at this time.

APOLOGIES

Cr B Beacham – Apology due to illness

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. PETITIONS AND APPROVED DEPUTATIONS

5. 31pm **Mr Noel Nancarrow and Mr Joe Dailly**, property owner Lot 11 (783) Greenlands Road, West Pinjarra and Applicant provided a deputation to Council – Item 11.1 Application for Development Approval for Dog Kennel-Lot 11 (783) Greenlands Road, West Pinjarra refers.

5.49pm **Mr Steve Jelf**, property owner 39 Fauntleroy Street, West Pinjarra provided a deputation to Council – Item 11.1 Application for Development Approval for Dog Kennel-Lot 11 (783) Greenlands Road, West Pinjarra refers.

Cr D Bolt, thanked the above mentioned for their deputations which concluded at 5.59pm

6. CONFIRMATION OF MINUTES

6.1 Ordinary Council Meeting – 23 July 2020

Recommendation/Council Decision

OCM20/146

Moved: Cr A Rogers

Seconded: Cr S Lee

That the Minutes of the Ordinary Council Meeting held on 23 July 2020 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY 8:0

6.2 Special Council Meeting – 6 August 2020

Recommendation/Council Decision

OCM20/147

Moved: Cr D McLarty

Seconded: Cr C Rose

That the Minutes of the Special Council Meeting held on 6 August 2020 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY 8:0

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

On Friday 24 July, I attended a WALGA webinar hosted by the Hon. Mark Coulton, Federal Minister for Regional Health, Regional Communications and Local Government.

On Sunday 27 July, I attended a meeting with residents to discuss a noise complaint and related issues in South Yunderup.

On Tuesday 28 July the CEO, Director Infrastructure Services, Director Planning and Sustainability and I attended a meeting with a local business owner to discuss carparking options and upgrades around the town center and foreshore developments. Later that day I attended a meeting with Andrew Hastie, Federal Member for Canning where we discussed regional projects and priorities.

On Wednesday 29 July, the CEO and I attended a presentation announcing \$10M funding for a Performing Arts Centre and Gymnasium at the Pinjarra Senior High School with Hon. Premier Mark McGowan and Robyn Clarke MLA Member for Murray Wellington.

On Friday 31 July, I attended a WALGA presentation meeting via webinar with the WA State Government Valuer General.

On Saturday 1 August, The CEO and I attended the Official Renaming of the Peel Zoo to Redz Zoo. Hon David Templeman, Minister for Local Government; Heritage; Culture and the Arts, Robyn Clarke MLA Member for Murray Wellington and Andrew Hastie, Federal Member for Canning were also in attendance.

On Murray 3 August, I attended a Murray Arts and Crafts meeting regarding their new branding and online web system.

On Thursday 6 August, Councillors and I attended a Special Council Meeting held in Council Chambers. Later that day I had a review and catch-up meeting with the CEO. This was followed by a meeting with the Executive Director and with the Chair of the Peel Regional Leaders Forum to discuss regional projects and the 2020/21 Peel Alliance business plans.

On Tuesday 11 August, I attended the South Yunderup Resident and Ratepayers Association Meeting.

On Wednesday 12 August, I attended a briefing with The Honourable Kim Beazley AC, Governor of Western Australia at the Bushfire Centre of Excellence's interim facility in Pinjarra along with the CEO and Executives from DFES. This was followed by a visit to the construction site for the new WA Bush Fire Centre of Excellence in Nambeelup. Later that day I met with the CEO to discuss the Murray Waroona Alliance project

On Friday 14 August, I attended a WALGA State Briefing via webinar to discuss the new Local Government Reform Part 2 working party recommendations and their final report. Later that afternoon I attended a farewell presentation for Shire of Murray for a staff member, the Manager Planning, who was an employee of the Shire for almost 10 years.

On Tuesday 18 August, Deputy Shire President, Cr Douglas McLarty, and I attended the Commemorative Service for Vietnam Veterans Day and laid a wreath on behalf of the Shire of Murray and Councillors.

On Wednesday 19 August, the Director Planning and Sustainability and I met with Shire of Murray resident to discuss a land use planning application.

On Thursday 20 August, I Chaired the Rivers Regional Council meeting via video conference. Cr Lee was also in attendance.

On Friday 21 August, The Director Planning and Sustainability and I attended a Coastal Erosion Grants Announcement and photo opportunity with Robyn Clarke MLA Member for Murray Wellington.

On Monday 24 August, the Director Planning and Sustainability and I met with project developers to discuss a planning application within the Shire of Murray. Later that afternoon the CEO, Councillors and I attended a joint Murray/Waroona Councillor Workshop held at the Shire of Waroona.

On Tuesday 25 August, the Director Planning and Sustainability, Councillors Kirkham, McLarty, Rogers, and I attended a site visit at a property on Greenlands Road, West Pinjarra to discuss a land use planning application.

On Wednesday 26 August, the CEO and I made a presentation to the Peel Development Commission Board meeting held at the Shire of Murray. Following this meeting the PDC Board members were taken on a bus tour highlighting Regional Development Projects within the Shire of Murray.

On Thursday 27 August, the CEO and I attended the Peel Regional Leaders Forum General Meeting at the City of Mandurah. I then attended the WALGA Peel Zone meeting held at the City of Mandurah along with the Deputy Shire President, Cr McLarty. Later that day Councillors and I attended a presentation regarding Point Grey Activity Centre Plan project update. Later that evening I presided at the Shire of Murray Ordinary Council Meeting held in Council Chambers.

8. ANNOUNCEMENTS BY ELECTED MEMBERS

Cr Douglas McLarty, Deputy Shire President

On Tuesday 18 August, the Shire President and I attended the Commemorative Service for Vietnam Veterans Day and placed a wreath on behalf of the Shire of Murray.

On Monday 24 August, I attended a joint Murray/Waroona Councillor Workshop held at the Shire of Waroona.

On Tuesday 25 August, the Director Planning and Sustainability, Councillors Bolt, Kirkham, Rogers and I attended a site visit at Lot 11 (783) Greenlands Road, West Pinjarra to discuss a land use planning application.

On Thursday 27 August, I attended the WALGA Peel Zone meeting held at the City of Mandurah. Later that day Councillors and I attended a presentation regarding the Point Grey update and Activity Centre Plan. Later that evening I attended the Shire of Murray Ordinary Council Meeting held in Council Chambers.

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

Cr C Rose declared an Impartiality Interest in Item 11.1 Application for Development Approval for Dog Kennel Lot 11 (783) Greenlands Road, West Pinjarra as she is a licenced freelance track work rider and is contracted by various race horse trainers in the area. A non-owner occupier she has ridden for was within the 2km consultation area.

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

10.1 Local Emergency Management Committee Meeting Wednesday 5 August 2020 – Items to be dealt with separately

10.1.1 Beach Emergency Number (BEN) Signs – R Porter

File Ref:	7206
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Ron Porter, Manager Ranger and Emergency Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

Appendix 1

Recommendation/Council Decision

OCM20/148

Moved: Cr S Lee

Seconded: Cr D McLarty

That Council supports:

- 1. suitable locations being identified adjacent to the Peel Inlet and along the Murray and Serpentine Rivers, in consultation with stakeholders, for the potential installation of Beach Emergency Number (BEN) signs;**
- 2. investigations be made into additional Beach Emergency Number (BEN) sign locations at approved and dedicated mountain bike and 4WD trail heads in the Dwellingup region;**
- 3. correspondence be sent to the Director General of the Department of Biodiversity Conservation and Attractions seeking support for the installation of Beach Emergency Number (BEN) signs at suitable locations within the Lane Poole Reserve, Dwellingup;**
- 4. grant funding options be investigated to offset the costs associated with the installation of Beach Emergency Number (BEN) signs within the district: and**
- 5. a further report to be presented to Council to consider costs should grant funding not be secured.**

CARRIED UNANIMOUSLY 8:0

In Brief

- Council is requested to support the investigation of suitable locations for the potential installation of Beach Emergency Number ('**BEN**') signs within the district.
- Correspondence be sent to the Department of Biodiversity Conservation and Attractions seeking their support in installing BEN signs at suitable locations within the Lane Poole Reserve, Dwellingup.
- Exploration of possible grant funding opportunities to offset the costs associated with the installation of BEN signs.

10.1.2 Amalgamation of Shire of Murray and Shire of Waroona Local Emergency Management Committees - R Porter

File Ref: 7206
 Previous Items: LEMC. 5 Feb 20 Item 5.2 (LEMC20/002)
 OCM. 26 Mar 20 Item 10.1.1 (OCM20/027)
 Applicant: Nil
 Author and Title: Ron Porter, Manager Ranger and Emergency Services
 Declaration of Interest: Nil
 Voting Requirements: Simple Majority

Appendix 1

Recommendation/Council Decision

OCM20/149

Moved: Cr C Rose

Seconded: Cr S Kirkham

That Council supports:

1. **the amalgamation of the Shire of Murray and Shire of Waroona Local Emergency Management Committees; and**
2. **the Chief Executive Officer overseeing the formation of a Working Group to establish the administration arrangements of the combined Local Emergency Management Committee and then seek final endorsement from the State Emergency Management Committee.**

CARRIED UNANIMOUSLY 8:0

In Brief

- At the Ordinary Council Meeting on the 26 March 2020, Council provided in principle support for the amalgamation of the Shire of Murray and Shire of Waroona Local Emergency Management Committees subject to consultation with stakeholders.
- The Shire of Waroona Council endorsed an identical recommendation at its Ordinary Council Meeting on the 26 May 2020.
- Internal analysis and stakeholder consultation haven't uncovered any issues that would prevent the amalgamation from proceeding.
- Council is requested to support the finalisation of the amalgamation of the Shire of Murray and the Shire of Waroona Local Emergency Management Committees.

10.2 Local Emergency Management Committee Meeting – Wednesday 5 August 2020

File Ref: 1/2246
 Author and Title: Ron Porter, Manager Ranger and Emergency Services
 Voting Requirements: Simple Majority

Appendix 1

Recommendation/Council Decision

OCM20/150

Moved: Cr G Black

Seconded: Cr D McLarty

That Council receives and notes the Minutes of the Local Emergency Management Committee Meeting held on Wednesday 5 August 2020.

CARRIED UNANIMOUSLY 8:0

11. REPORTS OF CHIEF EXECUTIVE OFFICER AND OFFICERS**Planning and Sustainability****11.1 Application for Development Approval for Dog Kennel – Lot 11 (783) Greenlands Road, West Pinjarra**

File Ref: GR11/11-01
 Applicant: Joseph Dailly
 Author and Title: Rhys Bloxsidge, Manager Planning
 Declaration of Interest: Nil
 Voting Requirements: Simple Majority

Cr C Rose declared an Impartiality Interest in Item 11.1 Application for Development Approval for Dog Kennel Lot 11 (783) Greenlands Road, West Pinjarra as she is a licenced freelance track work rider and is contracted by various race horse trainers in the area. A non-owner occupier that she has ridden for was within the 2km consultation area.

Cr C Rose advised that she would consider the matter on its merits and vote accordingly.

Cr D Bolt, asked the Councillors if there were any objections to Cr C Rose remaining in the meeting. There were no opposing Councillors.

Cr C Rose remained in the meeting.

Appendices 2, 3, 4, 5 and 6

Recommendation/Council Decision

OCM20/151

Moved: Cr C Rose

Seconded: Cr A Rogers

That Council:

1. **refuses the development application under the Shire of Murray Town Planning Scheme No. 4 for a dog kennel at Lot 11 (783) Greenlands Road, West Pinjarra, due to the following reasons:**
 - a. **the noise associated with the use of the dog kennel would adversely impact the rural amenity afforded to the area; and**
 - b. **the dog kennel is considered incompatible with the established land uses in area, with particular reference to the existing cattle, sheep and equestrian hobby farms and operations on nearby properties.**

CARRIED 6:2

Following the result of voting, names were recorded as follows:

For: Cr D Bolt, Cr D McLarty, Cr C Rose, Cr A Rogers, Cr B Cardilini, Cr S Kirkham
 Against: Cr S Lee and Cr G Black

In Brief

- The proposal entails the change of use of an existing outbuilding on the property to a dog kennel and the construction of four outdoor exercise runs 100 metres in length.
- The kennel building entails 12 individual pens, a food preparation area and a waste drain to ensure dog faeces and urine can be treated by a suitable effluent disposal system.
- The primary planning matters to consider are the impact of noise from barking dogs and the compatibility of the use with the area.

- Nine submissions on the proposal were received of which eight were objections and one was in support.

Background

Lot 11 (783) Greenlands Road, West Pinjarra (the site) is 27.3 hectares in area and contains a dwelling and outbuildings. The land has historically been used for broad acre agriculture and a small number of cattle still run on the land today.

The site is zoned 'Rural' under the Shire of Murray Town Planning Scheme No. 4 (the Scheme) and is surrounded by properties of the same zoning. The site has frontage to Greenlands Road and abuts a drainage reserve to the east. A location plan is shown below.



The existing lot sizes in the immediate area are relatively small for an area traditionally used for broad acre farming. The adjacent two lots to the east are 15 hectares and 20 hectares in area; the adjacent two lots to the north are 12 hectares; 8.5 hectares in area; the adjacent two lots to the west are 34 hectares and 40 hectares in area; and the adjacent three lots to the south are 13.5 hectares, 59 hectares and 0.5 hectares in area. The existing lot mix in the area is conducive to hobby farms or specialised operations that require space such as harness training, rather than traditional broad acre farming.

An inspection of the Shire's aerial photography has revealed there are five existing dwellings within 1.5 kilometres of the proposed kennel. Three of those dwellings are within 1 kilometre, with the closest being 480 metres away. Further, the adjoining owner to the east has verbally indicated that it is her family's intention to build a new dwelling on the property, with the most logical location being at the high point on the property. This location is about 180m from the proposed exercise runs. An aerial photograph depicting the existing dwellings and the potential future dwelling location is at **Appendix 2**.

The proposal entails the refitting of an existing outbuilding on the property for the use of a kennel and the construction of four exercise runs 100 metres in length. The kennel building is proposed to have 12 individual dog pens, a food preparation area a waste drain to direct wastewater to a suitable effluent disposal system. The submitted site plan, elevation plan and floor plan are at **Appendix 3**.

In regard to the operation of the kennel, the applicant has indicated the following:

- A maximum of 12 racing greyhounds will be on site any one time.

- The greyhounds will be housed inside the kennel building when not being exercised or taken off site to race.
- The greyhounds are fed twice a day, once in the morning and once in the afternoon.
- The greyhounds will be let out twice a day for exercise in groups of four for 10 to 15 minutes each time. In total, there will be up to 45 minutes of continuous greyhound exercise in the morning and again in the afternoon.
- The greyhounds will be encouraged to exercise by the trainer driving a motorbike alongside the runs.

To support the proposal, the applicant submitted a noise impact assessment prepared by an acoustic consultant. A copy of the noise impact assessment is at **Appendix 4**. The Shire also had the noise assessment peer reviewed by another noise consultant. The peer review is at **Appendix 5**.

In regard to land use permissibility, the Zoning Table of the Scheme lists a kennel as an 'AA' land use in the 'Rural' zone, therefore Council may at its discretion permit the use provided it is satisfied that such use would not be contrary to the orderly and proper planning of the area.

Report Detail

The *Planning and Development (Local Planning Schemes) Regulations 2015* list a number of matters that a local government ought to consider in its assessment of a development applications. The primary planning matters associated with the proposal are:

- Whether the proposed dog kennel is consistent with the Environmental Protection Authority's *Separation Distances between Industrial and Sensitive Land Uses*;
- Whether the proposed dog kennel would adversely impact the amenity of the area by way of noise;
- Whether the proposed dog kennel is compatible with its setting, including the relationship of the dog kennel to land uses on adjacent properties;
- The content of the submissions received.

Each of these matters has been discussed below.

Whether the Proposed Dog Kennel is Consistent with the Environmental Protection Authority's Separation Distances Between Industrial and Sensitive Land Uses (EPA Separation Distances Policy)

The EPA Separation Distances Policy sets out recommended generic buffer distances between industrial/commercial land uses and sensitive land uses. In cases where site specific analysis has not been undertaken, the EPA Separation Distances Policy recommends that a buffer of 500 metres is applied between a kennel and a sensitive land use such as a dwelling. Whilst there is one dwelling and potentially a future dwelling within 500 metres of the proposed kennel, the applicant submitted a site specific noise impact assessment with the application, therefore the generic 500 metre buffer is not particularly relevant to the proposal. In lieu of this, the content of the noise impact assessment (and the peer review) ought to be given more weight than the recommended buffer. The content of these documents is discussed further below.

Whether the Proposed Dog Kennel Would Adversely Impact the Amenity of the Area by Way of Noise

It is the existing dwelling and potential future dwelling within 500 metres of the proposed dog kennel that are most at risk to noise impact.

The noise impact assessment submitted by the applicant models two scenarios for barking noise – noise from within the kennel building and noise from the exercise runs. The modelling is based upon the operational information provided by the applicant.

In regard to the kennel building, the noise impact assessment reports that barking noise inside the building will not meet the statutory noise requirements at the two nearest sensitive land uses unless the kennel building is upgraded to include additional foil insulation, doors are closed while the greyhounds are inside and any openings or penetrations are treated/sealed to stop noise from escaping. The exceedance of the noise requirements is not substantial. In regard to the exercise runs, the noise impact assessment reports that barking will comfortably achieve the noise requirement.

It should be noted that the noise impact assessment incorrectly identifies the sheds on the adjoining property to the east as being noise-sensitive, however the dwelling 480m to the east as shown on the aerial photograph at **Appendix 2** is correctly identified as a noise-sensitive land use. Further, it should be noted that the noise impact assessment does not consider the potential for a new dwelling to be built on the adjoining vacant property to the east.

The peer review identifies some issues in the noise impact assessment and highlights differences in the way dog noise can be measured and calculated. In regard to noise from the kennel building, the peer review reports that barking noise will be one to three decibels higher at the nearest (incorrectly assumed) sensitive land use used in the noise impact assessment, therefore increasing the level of non-compliance against the noise requirements. Regardless, the peer review maintains that improvements to the kennel building will reduce barking noise to a compliant level.

In regard to noise from the exercise runs, the peer review states that barking noise will be 10 to 12 decibels higher than reported in the noise impact assessment, however compliance will be still be achieved, particularly if a barking dog is removed from the run and put back inside the kennel building as soon as possible.

Additionally, the peer review modelled noise impact on the potential location of a dwelling on the adjoining property to the east. The location used is the most logical site for a future dwelling, being the high point of the property. In this scenario, noise from within the kennel building is expected to exceed the noise requirements by nine decibels (day time) and 11 decibels (night time). Further, noise from the exercise runs would only marginally comply with the noise requirements. In this scenario, the peer review reported that the kennel building could still comply with the noise requirements with improvements, however consideration ought to be given to changing the location of the exercise runs to increase the distance between them and the adjoining property to the east.

In light of the noise impact assessment and peer review, it is unlikely that barking noise from the proposed dog kennel and exercise runs will adversely impact the occupants of the nearest sensitive dwelling that lies 480m to the east, provided that improvements and management is undertaken. However, given the noise levels expected to be received at the adjoining property to the east, it is considered that barking dogs would cause a nuisance to an unacceptable level. There are four factors that contribute to this view point:

- the strong likelihood of a dwelling being constructed on the adjoining lot to the east;
- the strong likelihood that barking dogs will be significantly audible;
- the type of noise produced from barking dogs and the tolerance levels of such noise; and
- the open nature of the locality.

The factors are discussed in detail below.

Whilst it is acknowledged that there is no dwelling on the adjoining property to the east, it is almost certain that a dwelling will be constructed on the property at some point in time in the future. Firstly, the property is not part of a working farm that incorporates numerous properties and secondly it is small in size for a rural property, making it an attractive proposition for a

rural lifestyle seeker should the current owner not ultimately build a dwelling. In this regard, a significant amount of weight ought to be given to the impact of barking noise on the future occupant(s) of the property. Further, the term ‘amenity’ as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015* means “all those factors which combine to form the character of an area and include the present and likely future amenity”. In this case, the likely future amenity of the area is near certain to include a dwelling on the adjoining property to the east. Further, it is likely that a dwelling would be constructed in the central part (high point) of the property, somewhere between 180 metres and 250 metres from the exercise runs and kennel building.

Whilst the peer review reports that noise levels from barking dogs will meet the noise requirements at the likely future location of a dwelling on the adjoining property, this does not mean that barking dogs will not be heard and not impact on the amenity of the locality. In fact, noise from within the kennel and in the exercise runs would only marginally meet the noise requirements with management in place, therefore it is considered a certainty that barking greyhounds will be heard from the adjoining property to the east. A dog’s bark is frequently noted as being annoying. Whilst the proposal only entails 12 greyhounds, dogs tend to bark when they respond to movement or hear a familiar sound. For example, greyhound trainers often return from the race track late at night and the sound of the car approaching can trigger the greyhounds in the kennel to bark. Further, greyhounds are often encouraged to run up and down the exercise runs by the trainer on a motorbike. The sound of a motorbike on another property can excite greyhounds through noise association and cause them to bark. Greyhounds also bark at feeding times. These sporadic episodes of barking, even if they only occurred several times a day, will be heard from the adjoining property and will be enough to cause a noise nuisance in the view of the author of this report.

Finally, the area between the proposed dog kennel and the likely location of the dwelling on the adjoining property to the east is open in nature and devoid of vegetation and buildings. There is nothing to muffle the sound of barking greyhounds. The author of this report stood in the middle of the adjoining property to east and could easily hear cars travelling on the Forrest Highway some 800 metres away. Given that cars can be heard from this distance, it is considered certain that on a still evening or night where there is no background noise or wind, the sound of barking dogs would be audible to a degree that would cause a nuisance, especially given that the kennel would only be between 180 metres and 250 metres from the future dwelling.

Whether the Proposed Dog Kennel is Compatible with its Setting, Including the Relationship of the Dog Kennel to Land Uses on Adjacent Properties

It is considered the proposed dog kennel is incompatible with its setting and the existing types of land uses in the immediate area. The author of this report noticed cattle, sheep and horses on properties in the area. There is also a harness training operation on a nearby property to the east. Whilst some noise is associated with such uses, the regular sound of multiple dogs barking is not a common feature of such a setting given the relatively small lot sizes and use of nearby land and would be considered incompatible.

Content of Submissions

The objections raised 11 different matters, some of which were common themes. The supporting submission raised two matters. These matters are discussed below from a planning context.

Objection Matters

1. Noise / Peace and quiet being impacted

The issue of noise from the dog kennel was raised in all the objections. This matter has been thoroughly examined under the ‘Report Detail’ section of this report. It is considered noise

levels would adversely impact the amenity of the area, particularly in relation to the adjoining property to the east.

2. Approval of the kennel attracting other kennel operators to the area

This is not a planning consideration. It is not known whether the approval of the kennel will attract similar types of operations to the area. Any proposed kennel in the area still needs to go through the proper planning process in any case.

3. The proponent should operate in the Nambeelup kennel zones

The Zoning Table of the Scheme lists a kennel as a discretionary land use in the 'Rural' zone, therefore the proposal must be assessed on its merits. It is irrelevant that there are two specific zones for kennels elsewhere in the Shire.

4. The kennel will devalue properties in the area

This is not a planning consideration. It cannot be proven that the kennel would devalue surrounding land.

5. The visual impact of the kennel will be unacceptable

The proposal entails the use of an existing outbuilding and the construction of new exercise runs. The exercise runs would consist of long rows of fencing, but given the setbacks of the fencing from the boundaries, the fencing would not look unsightly.

6. Greyhounds not being compatible with sheep, cattle and horse farms in the area

This matter has been thoroughly examined under the 'Report Detail' section of this report. It is considered greyhound kennels and hobby farms are incompatible land uses.

7. The kennel being managed and operated poorly

This is not a matter that can be considered as part of the assessment of the proposal. It cannot be proven that the kennel would be operated poorly and in fact the kennel could be managed very well. If approved the landowner would need to manage the facility in accordance with the Shire's conditions of approval and local laws.

8. Odour

It is not expected that odour from the kennel would adversely impact the amenity of the area. Only 12 dogs would be on site. The kennel would also be required to be connected to a nutrient-retentive effluent disposal system.

9. Environmental harm

The kennel would be required to be connected to a nutrient-retentive effluent disposal system. These types of systems treat wastewater by removing nutrients before they enter the groundwater and are the most effective way of treating wastewater today. It is not expected that the kennel would cause environmental harm, especially with only 12 dogs. Cleaning chemicals used in the operation would need to be chosen carefully by the operator so as not to affect the function of the effluent disposal system. Dog faeces in the exercise runs would also need to be collected and disposed of.

10. The application being misleading

This is not supported. The application included a site plan and elevation plans of the proposal and also a drone photo to indicate the outbuilding proposed to be used as the kennel. The application also included a noise report carried out by an acoustic professional.

11. Moral issues

One of the submissions raised the moral issues associated with the greyhound industry. This is not a planning consideration and cannot be taken into account in the assessment of the proposal.

Support Matters

1. Environmental impact of dog kennels being less than that of horse stabling operations

Whilst the proposed kennel would be required to be connected to a nutrient-retentive effluent disposal system, the comparison of the proposal against other land uses in the area is not a planning consideration related to the proposal.

2. Lot mix in the area being conducive to rural lifestyle development rather than broadacre farming

This is noted and agreed with, however the smaller lot sizes mean that dog noise can reach more properties.

Murray 2030 Strategic Community Plan

There are no Strategic Community Plan objectives or strategies relevant to the proposed dog kennel. Regardless, development applications must be assessed against the planning framework rather than against any aspirations, goals or strategies contained in the adopted Strategic Community Plan.

Other Strategic Links

Nil

Statutory Environment

- *Shire of Murray Local Planning Scheme No. 4*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Environmental Protection Authority Separation Distances between Industrial and Sensitive Land Uses*

Sustainability & Risk Considerations

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

Nil

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

As noted under the 'Report Detail' section of this report, it is the author's view that the proposal would have an adverse impact on the amenity of area by way of noise.

Environment – (Impact on environment's sustainability)

As noted under the 'Report Detail' section of this report, the proposal would not have a negative impact on the natural environment given that the kennel could easily be connected to a suitable wastewater treatment unit.

Policy Implications

Nil

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
High	It is difficult to assess the risk to Council, regardless of whether Council approve or refuse the proposal. Depending on the noise tolerance levels of occupants of existing or future dwellings in the area, Council may receive complaints if the proposal goes ahead. If complaints are numerous, staff resource levels will be impacted. If Council refuse the proposal, the applicant may decide to appeal the decision at the State Administrative Tribunal and this could incur a financial cost to Council.

Consultation

The *Planning and Development (Local Planning Schemes) 2015* set out the consultation requirements for development applications. In this case, all owners of land within a two kilometre radius of the subject site were notified of the proposal and invited to make a submission. Further, a notification was taken out in the Mandurah Mail, alerting the wider community to the proposal and inviting submissions.

Six separate submissions were received. Five of those submissions were objections and the other was in support. One of the submissions objecting to the proposal contained the signatures of six different landowners, however one of those landowners provided another separate submission. In total, eight different landowners objected to the proposal.

Copies of the submissions are at **Appendix 6**.

The issues raised in the objections related to:

- Noise;
- Approval of the kennel attracting other kennel operators to the area;
- The existing kennel zones in Nambeelup;
- Property devaluation;
- Visual impact;
- Greyhounds not being compatible with sheep, cattle and horse farms in the area;
- The kennel being managed and operated poorly;
- Odour;
- Environmental harm;
- The application being misleading; and
- Moral issues

The issues raised in the supporting submission related to:

- Environment impact of dog kennels being less than that of horse stabling facilities; and
- Lot mix in the area being conducive to rural lifestyle developments rather than broadacre farming.

These issues have been discussed in the 'Report Detail' section of this report.

Resource Implications*Financial*

Council has temporarily waived development application fees for small business proposals due to the COVID-19 pandemic. This proposal is considered to fall into this category, however the applicant is required to pay the consulting costs for the peer review of the noise assessment.

Workforce

Assessment of the development application has generally been accommodated within existing staff resource levels. The peer review of the submitted noise impact assessment was undertaken by another acoustic consultant. These consultant costs have been passed on to the applicant.

Options

Council has the option of:

1. Granting development approval with or without conditions.
2. Refusing to grant development approval.

Conclusion

The proposal is not considered to meet the planning framework in that the noise produced from the kennel would adversely impact the amenity of the adjoining property to the east. Further, a kennel is not considered to be compatible with the existing land uses in the area. In light of this, the proposal is recommended to be refused.

11.2 Draft Shire of Murray Public Health Plan 2021-25

File Ref: 3000-06
 Previous Items: OCM. 11 Feb 16 Item 12.1 (OCM16/004)
 Author and Title: Phil Steven, Manager Environmental Health
 Declaration of Interest: Nil
 Voting Requirements: Simple Majority

Appendix 7

Recommendation/Council Decision

OCM20/152

Moved: Cr C Rose

Seconded: Cr A Rogers

That Council:

1. proceeds to advertise the draft Shire of Murray Public Health Plan 2021-25 as set out in Appendix 7; and
2. forwards a copy of the draft Shire of Murray Public Health Plan 2021-25 to adjoining local governments, requesting comments be made during the public consultation period.

CARRIED UNANIMOUSLY 8:0

In Brief

- The Shire of Murray Public Health Plan 2016-20 will expire at the end of this calendar year and a new Shire of Murray Public Health Plan has been drafted for introduction in 2021.
- It is recommended that the draft Public Health Plan 2021-25 be publicly advertised before being considered for adoption.

Background

Local governments are required by the Public Health Act 2016 to have a public health plan when stage 5 of its implementation comes into effect at a future proclamation date, anticipated to be in 2021. Many proactive local governments, including the Shire of Murray have adopted, or are adopting, a public health plan in preparation for this requirement becoming mandatory.

Public Health Plans should be consistent with the State Public Health Plan which was released in 2019.

Western Australia (WA) has a high standard of health. Life expectancy is increasing, infant mortality is low, and there have been sustained declines in the prevalence of smoking over the past decade. However, the Shire of Murray is relatively disadvantaged in its health status, having the second lowest score in the South Metropolitan Health region, and for example Pinjarra was named in 2016 as Australia's fattest town.

Report Detail

The Shire of Murray shares many common health problems with the rest of the State and accordingly the draft Shire of Murray Public Health Plan proposes:

- Part 1: A health status report for the Shire of Murray; and
- Part 2: Objectives and policy priorities in 2021-25 to address the issues in Part 1.

The purpose of the draft Shire of Murray Public Health Plan 2021-25 is to enhance the health, wellbeing and quality of life of the community by focussing on three key areas:

1. Healthy people & community
“To guide and encourage our community to lead healthier lifestyles through the provision of lifestyle and educational opportunities.”
2. Healthy places and spaces
“To provide healthy places and spaces to encourage and support healthy lifestyle opportunities.”
3. Healthy partnerships
“To develop collaborative partnerships with community, business, government, non-government and key stakeholders to improve health and wellbeing.”

In developing the plan, staff have placed a ‘health lens’ across all departments to identify the Shire’s existing contribution and commitment towards improving the health and wellbeing of our community. The draft Public Health Plan has been developed to include strategies over the next five years.

Implementation of the Plan will be assessed and evaluated as part of the Shire’s annual reporting process, and will help inform future revisions of the Shire of Murray Corporate Business Plan and future budgets.

Murray 2030 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	Actively take opportunities to enhance public health.

Focus Area	Environment, Character and Heritage
Aspiration	To be effective stewards of our environment, history, heritage, natural landscape and rural character.
Strategy	Continue to develop partnerships with state departments and stakeholders.

Focus Area	Connected and Accessible
Aspiration	To enhance our transport linkages and opportunities to share information using a variety of travel and technology options.
Strategy	Improve the share pathway linkages within and between towns.

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

Murray 2020- 2024 Corporate Business Plan

Focus Area	Places for People
Objective	Encourage an active and healthy community.
Strategy	Actively take opportunities to enhance public health.
Project and Actions	Review the Public Health Plan.

Other Strategic Links

The draft Shire of Murray Public Health Plan is consistent with the State Public Health Plan 2019.

Statutory Environment

Public Health Plans will be required to be adopted by local governments when stage 5 of the Public Health Act 2016 is proclaimed, likely to be in 2021.

Sustainability & Risk Considerations

Economic - (Financial impact to the community)

The Public Health Plan will be implemented within existing resources.

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

The Public Health Plan will improve the quality of life for residents.

Environment – (Impact on environment’s sustainability)

A number of environmental targets will also improve community health.

Policy Implications

The Public Health Plan complements the Strategic Community and Corporate Business Plans.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	Adoption of a Public Health Plan will reduce the risk of non-compliance with State Government requirements that are expected to come into effect in 2021.

Consultation

The draft Shire of Murray Public Health Plan has been developed with assistance from the South Metropolitan Public Health Unit, to ensure that it is consistent with the State Public Health Plan and other local governments in the region.

Consultation with Council staff, including staff from the Place and Community Development Directorate, Planning & Sustainability, Infrastructure and Corporate Services has been undertaken over the last few weeks.

It is proposed that the draft Public Health Plan is advertised for public comment, before considering comments, and presenting the final draft to Council for adoption.

Resource Implications

Financial

The proposed Public Health Plan has been prepared within existing budget funding. The adopted plan will be used to inform future budget priorities.

Workforce

The proposed Public Health Plan can generally be implemented within existing staff resource levels.

Options

Council has the options of:

1. Advertising the draft Public Health Plan as presented.
2. Advertising the draft Public Health Plan with changes.
3. Deferring the adoption of the Public Health Plan until stage 5 of the Public Health Act 2016 is proclaimed, likely to be in 2021.

Conclusion

It is recommended that Council approve the draft Shire of Murray Public Health Plan 2021-2025 for public advertising.

11.3 Trading in Public Places Policy 2020

File Ref:	3702-02
Previous Items:	OCM. 25 Jun 20 Item 11.5 (OCM20/105)
Author and Title:	Phil Steven, Manager Environmental Health
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

Appendices 8 and 9

Recommendation/Council Decision

OCM20/153

Moved: Cr G Black

Seconded: Cr C Rose

That Council adopts the Trading in Public Places Policy as set out in Appendix 8.

CARRIED UNANIMOUSLY 8:0

In Brief

- The Trading in Public Places Policy has been reviewed, advertised for public comment, and is now being considered for adoption.
- As part of the review, the Shire is being asked to consider the renewal of a current trading permit.

Background

At Council's Meeting on 25 June 2020, Council agreed to advertise for local public comment the draft Trading in Public Places Policy. The advertising period closed on 6 August 2020.

There are eight mobile traders licensed to operate in the Shire of Murray (outside of events). Permit holders consist of three ice-cream vans, three hot food vans and two coffee vans.

Report Detail

The draft Shire of Murray Trading Policy that was advertised, rather than prescribing the criteria for where food vans can operate, provided a more qualitative approach so that each trading proposal could be judged on its individual merit against the policy objectives and established qualitative criteria.

Feedback from the consultation process undertaken in July 2020 has provided the following views in relation to the policy:

- Most submitters were supportive of mobile trading;
- Mobile traders at events should be considered on an event by event basis;
- Concerns about the distance that mobile traders should be from fixed businesses; and
- Concerns about the extent of consultation with nearby businesses;
- Concerns about unfair competition from mobile traders.

In response to the feedback, consideration has been given to the above issues.

In relation to the comments suggesting that mobile traders at events should only be granted permits for the particular event, this request can be accommodated within the existing events process. That is, the trading policy is only intended for the approval of trading permits that are issued outside of events.

With regards to the consultation process for trading permits, one submission suggested that any trading application should be advertised to any established business within 300m of the

proposed mobile trader. However there may be cases where the mobile trader is not selling the same product as the established business. Therefore it would be more appropriate to only advertise where necessary, for example when the established business is expected to be affected by a proposed mobile trader selling the same kind of product as a nearby established business.

The minimum distance from a mobile trader to an established business is proposed to be decreased from 300m (the existing policy) to 200m to make it consistent with the Shire's consolidated local law on trading. Two submissions objected to this reduction, with one suggesting it should remain at 300m and the other suggesting that the distance should be increased to 300m plus a percentage of 300m that the business would be affected. ie If the whole of a business would potentially be affected by a nearby mobile food van, then it should be located 300m plus 100% of 300m away, and therefore the trader should be 600m away.

There would be difficulties determining the percentage that a business is affected by a mobile trader, because the assessment would have to consider issues such as economic conditions, market catchment, menu, access and customer service. Assessing these issues may be subjective and complicated, and so it is suggested that the single distance as per the existing Shire Local Laws should remain, rather than a formula and that the qualitative criteria in the policy be used to assess proposals on an individual basis.

Given that the amended policy provides ten matters that will be considered in determining a trading application, compared to the local law that only provides five matters, it is believed that this will allow for a more comprehensive assessment of the potential impact of a proposed mobile trader on surrounding businesses.

There are pros and cons for whether businesses choose to be a fixed business or mobile business, often with different rates, fees, stability and market for each. For example, mobile traders can more easily enter the market, but they are also subject to 12 month trading permits, which does not provide certainty of long-term tenure. Coffee vans are also currently limited to weekday mornings only. The main reason for the success of any business often lies with the business itself rather than the impacts of other businesses. This includes the level of customer service, quality of product and marketing, which can have more of a bearing on customer loyalty, rather than whether a business is fixed or mobile.

It is believed the Shire's proposed policy is sufficient to limit the number of mobile traders in the Shire of Murray, whilst still allowing the presence of mobile traders to provide a variation of service that would not otherwise be as accessible to Shire residents.

Murray 2030 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 2019- 2023 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.
Project and Actions	Support community-led events that bring people together to celebrate community or meet neighbours.

Focus Area	Thriving Economy
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 the inherent economic opportunities in the Mandurah Murray functional economic region.
Project and Actions	Implement initiatives that support and enhance capacity of the local business, tourism and innovation/entrepreneurial sectors.

Other Strategic Links

The Shire of Murray Local Community Plans contains proposals for additional shopping opportunities ie shops, to be provided in the towns of Dwellingup and North Dandalup. Retail options can also be provided by food vans.

Statutory Environment

Trading in Public Places is managed under Part 12 of the Shire of Murray Consolidated Local Laws. Public Places include areas the public are allowed to use which includes private property that is open to the public.

Sustainability & Risk Considerations

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

Adoption of the revised Trading in Public Places Policy will provide guidance for mobile vans to operate in the Shire of Murray, which will provide an employment opportunity for those traders. The revised Policy requires as one of the criteria to consider the existing provision of similar services in proximity to the proposed location of the food van. An increased number of approvals of local food vans may bring additional expenditure into the local economy and activate and add vibrancy to an area.

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

There are a range of provisions in the policy and local law to ensure that the operation of food vans would be appropriate in an area and would not result in issues of safety or nuisance.

Environment – (Impact on environment's sustainability)

Mobile vans tend to operate using fossil fuels (eg diesel generator), but may save customer travel by trading in accessible locations.

Policy Implications

Trading in Public Places Policy

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	The level of risk can be managed by adoption of a clear and balanced policy.

Consultation

The draft policy was advertised in the local newspaper on 9 July 2020, with the comment period closing on 6 August 2020.

Notification was also given to the Peel Chamber of Commerce, two local businesses, and two mobile traders. Local progress associations in the Shire were also notified, including in North Dandalup and Dwellingup. A media release was also issued, which resulted in an article being published in the Mandurah Mail on 23 July 2020.

At the close of the advertising period eight submissions were received. One submission was received outside of the advertised comment period; however, this has been considered within the review process. A table summarising the issues raised in the submissions with an officer comment on each is included as **Appendix 9**.

Resource Implications*Financial*

The cost of processing 'Trading in Public Places' applications has been factored into the Shire of Murray annual budget. Fees are applicable to trading applications of up to \$1,000 per annum.

Workforce

Applications for Trading in Public Places can be undertaken within existing staff resource levels.

Options

Council has the option of:

1. Endorsing the proposed Policy, as proposed.
2. Endorsing the proposed Policy, with minor amendments.
3. Making major amendments, and re-advertising the Policy if it wishes.

Conclusion

The key issue for trading policies is balancing the interests of mobile traders, established businesses and the community. The revised policy seeks to effectively balance the various interests and it is believed the revised policy will achieve this balance.

Corporate Governance

11.4 Application for Rating Exemption – Access Housing Australia Ltd

File Ref:	8904-03		
Previous Items:	OCM. Jul 2019	Item 11.7	(OCM19/145)
	OCM. Apr 2020	Item 11.6	(OCM20/058)
	OCM. June 2020	Item 11.8	(OCM20/108)
Applicant:	Access Housing Australia Ltd		
Author and Title:	Tracie Unsworth, Director Corporate Services		
Declaration of Interest:	Nil		
Voting Requirements:	Absolute Majority		

Recommendation

Moved: Cr B Cardilini
 Seconded: Cr S Kirkham

That Council grants the applicant, Access Housing Australia Ltd, full exemption of rates on the residential properties as tabled in this report for the period 1 July 2018 to 30 June 2019.

The Recommendation moved by Cr B Cardilini and seconded by Cr S Kirkham was PUT and was

LOST 8:0

Reason for Change:

Access Housing has not yet provided the Shire with the proposal they advised they would following a meeting between the CEO, Shire President and Access Housing. Without this proposal Council is unable to consider this exemption for the 2018/19 financial year at this time.

In Brief

Following further communication received from Access Housing Australia Ltd and their legal representatives, Council is requested to reconsider the applicant's exemption request for properties in their control for the financial year 1 July 2018 to 30 June 2019.

Background

Access Housing Australia (AHA) is a non-government social and affordable housing tenancy / property manager, with about 1,800 properties across the Perth metropolitan area, Peel and the South West. It is a not-for-profit organisation that is also a registered charity and public benevolent institution, and provides community housing to tenants including families, singles, seniors and people living with a disability or mental health. Properties are leased to tenants deemed eligible by the Housing Authority, and lease payments are calculated based on 25% market rental values.

The Shire of Murray received an application from Access Housing Australia Ltd in 2018 for an exemption of annual rates for nine residential properties used for what is classified as 'Community Housing', with effect from 1 July 2018.

Following receipt of further information from the applicant, the application for exemption of rates was presented to Council 25 July 2019. The request was declined as per officer recommendations – OCM19/145.

Subsequently, the Shire of Murray received correspondence from Jackson McDonald, legal representatives acting for the applicant, in relation to this exemption and a further item was presented to Council on 23 April 2020 to reconsider the application. Council approved the exemption commencing 1 July 2019 but refused the exemption on the year commencing 1 July 2018 – OCM 20/058.

Following the April 2020 resolution, further correspondence was received from Jackson McDonald once again requesting Council reconsider their stance on the 2018/19 rates exemption. Council once again rejected the applicant's request – OCM 20/108.

Section 6.26(2)(g) of the Local Government Act 1995 states that land used exclusively for charitable purposes is not rateable land. The Department of Local Government and Communities provides the land will be exempt from rates if a council is satisfied that it is used exclusively for a charitable purpose. Historically, there are four categories of charitable purpose:

- The relief of poverty;
- The advancement of education;
- The advancement of religion; and
- Other purposes considered beneficial to the community.

To meet the criteria for a rates exemption, the land must be used exclusively for charitable purposes. If land is used for a dual purpose it is not exclusively used for a charitable purpose, even though one of the purposes may be charitable. Nor will land be used exclusively for a charitable purpose where the land is used for the purpose of a business enterprise which is raising funds to be used for charitable purposes. However, the use of land for a charitable purpose may produce a 'profit' which is incidental to its charitable purpose. In this case the land may still be considered as 'exclusively used' for a charitable purpose.

In the instance where a local government refuses a rates exemption application, the applicant can challenge this decision in the State Administrative Tribunal (SAT). If approval is subsequently granted, the Council must apply a non-rateable status for that property, to the extent of the decision.

Report Detail

Following Council's decision at the 25 June Ordinary Council Meeting to disallow the 2018/19 exemption, contact was made by the applicant requesting a meeting with Shire officers to discuss the matter and make application for Council to again reconsider its decision.

The Shire President, Chief Executive Officer and Director Corporate Services met with the applicant's general manager, Mr Duane Moroney, and their legal representative from Jackson McDonald on 14 July 2020.

During this meeting the applicant made it clear that their position regarding their entitlement to a full exemption for the period in question would not change and that they were committed to take all recourse open to them to obtain their desired outcome. This included referring the matter to the State Administrative Tribunal.

A survey of local governments within Western Australia has revealed that councils which have previously declined the exemption have since either approved, or are in the process of approving the applications, due to the applicant reserving their right to take the decision to the State Administrative Tribunal to be reviewed. Legal advice sought by a number of other local governments suggests the exercise of challenging the request at the Tribunal would be both costly and unsuccessful.

The table below shows a list of the properties relevant to this application, as well as the rates for the 2018/19 financial year.

Property Address	Owner	Status	Type	18/19 Rates
5 Longo Avenue, Pinjarra	Access Housing Australia Ltd	Owned	7 Group Dwellings	6,880.35
51 Forrest Street, Pinjarra	Access Housing Australia Ltd	Owned	7 Group Dwellings	7,620.17
57 Congdon Avenue, Pinjarra	Access Housing Australia Ltd	Owned	5 Group Dwellings	5,400.70
6 Camp Road, Pinjarra	Access Housing Australia Ltd	Owned	3 Group Dwellings	3,378.52
3 Gowman Way, Ravenswood	Department of Housing	Leased	Single Dwelling	1,331.68
63 Hampton Road, Pinjarra	Department of Housing	Leased	Single Dwelling	1,356.34
65A/B Wilson Road, Pinjarra	Department of Housing	Leased (half)	2 Dwellings (only applying for 1)	811.23
7 Osmunda Place, Pinjarra	Department of Housing	Leased	Single Dwelling	1,183.72
U 2/4 Havil Street, Pinjarra	Department of Housing	Leased	5 Group Dwellings (unit 2 only)	1,121.00

29,083.71

Murray 2030 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 2019- 2023 Corporate Business Plan

Focus Area	Capable and Accountable
Objective	Murray has a sustainable future.
Strategy	Maintain Long-Term financial sustainability.
Project and Actions	Develop a Rating Strategy.

Other Strategic Links

Nil

Statutory Environment

Section 6.26(2)(g) of the *Local Government Act 1995* states that land used exclusively for charitable purposes is not rateable land.

The *Charities Act 2013* sets out a list of 'charitable purposes'.

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

Increased impost on the community to cover the reduction in rates if exemption is granted.

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	There is a risk that if Council does not approve this exemption, the applicant will take the matter to the State Administrative Tribunal and apply to have Council's decision overturned. Advice from other local governments has indicated that this would be the likely outcome and could prove costly to the Shire.

Consultation

Nil

Resource Implications*Financial*

Decrease in the Shire's surplus of \$29,083.71 resulting from the refund of the 2018/19 financial year rates should the exemption be granted.

Workforce

Nil

Options

Council has the option of:

1. Granting the applicant full exemption of rates on the residential properties tabled above for the period 1 July 2018 to 30 June 2019.
2. Refusing the applicant's request for an exemption in annual rates.

Conclusion

There has been substantial dialogue in the local government sector regarding the exemption status of Access Housing Australia Ltd and whether they should be entitled to a full rates exemption and not make a monetary contribution to the communities their clients reside in.

Regardless of any perceived moral obligation it appears likely that Section 6.26(2)(g) of the Local Government Act 1995 will be interpreted in their favour should this matter be referred to the State Administrative Tribunal.

11.5 Nomination of Voting Delegates - 2020 WALGA Annual General Meeting

File Ref: 1409
 Previous Items: OCM 23 May 2019 Item 11.4 (OCM 19/074)
 Author and Title: Dean Unsworth, Chief Executive Officer
 Voting Requirement: Simple Majority

Council Decision

OCM20/154

Moved: Cr C Rose

Seconded: Cr S Lee

That the Shire President and Deputy Shire President be nominated as the Shire of Murray's voting delegates at the WALGA 2020 Annual General Meeting, with Cr S Lee nominated as first proxy and Cr B Cardilini nominated as second proxy.

CARRIED UNANIMOUSLY 8:0

In Brief

- Proxy nominations are required for the Shire President and Deputy Shire President for the WALGA 2020 Annual General Meeting.

Background

Due to the cancellation of the WA Local Government Convention and Trade Exhibition, WALGA will be holding a number of events alongside this year's AGM including a breakfast event with special guest speaker, a political forum available to Mayors, Presidents and CEOs and a sundowner at the end of the day's proceedings. A special lunch for WALGA award recipients will also be held by invitation only.

Report Detail

All Member Councils are entitled to be represented by two (2) voting delegates at the Annual General Meeting of the WA Local Government Association to be held on Friday 25 September at Crown Towers Perth.

In the event that a Voting Delegate is unable to attend, provision is made for proxy delegates to be registered.

Murray 2030 Strategic Community Plan

Focus Area	Capable and Accountable
Aspiration	To develop strong leadership through good governance and effective communication.
Strategy	Strong and collaborative leadership which engages in effective partnerships and reflects the aspirations of our community.

Other Strategic Links

Not Applicable

Statutory Environment

Nil

Sustainability and Risk Considerations

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

Not Applicable

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

Not Applicable

Environment – (Impact on environment's sustainability)

Not Applicable

Policy Implications

Nil

Consultation

Not Applicable

Resource Implications

Financial

There is no cost to register voting delegates for the 2020 WALGA Annual General Meeting.

Workforce

Not Applicable

Options

It is the decision of Council to nominate Voting Delegates and proxies for the 2020 WALGA Annual General Meeting.

Conclusion

Council is requested to provide Voting Delegates and if there are insufficient Councillors attending, Council can delegate to the CEO to vote on Council's behalf.

11.6 Payments from Municipal and Trust Funds – July 2020

File Ref: 8013-01
 Author and Title: Nicole Bryant, Manager Finance
 Voting Requirements: Simple Majority

Appendix 10

Recommendation/Council Decision

OCM20/155

Moved: Cr A Rogers

Seconded: Cr G Black

That Council receives the Payments from Municipal and Trust Funds report for July 2020 as presented.

CARRIED UNANIMOUSLY 8:0

In Brief

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

Background

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

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

Report Detail

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

The information report contains the list of payments made from the Shire of Murray's Municipal and Trust bank accounts for the month of July 2020.

This list includes details for each payment made, incorporating:

- The payees name
- The description of the payment
- The date of the payment
- The amount 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 2030 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 Local Government (Financial Management) Regulations 1996, which may result in a qualified audit.

Consultation

Nil

Resource Implications*Financial*

Nil

Workforce

Nil

Options

Council has the option of:

1. Receiving the Payments from Municipal and Trust Funds report for July 2020.
2. Not receiving the Payments from Municipal and Trust Funds report for July 2020.

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.

11.7 Monthly Financial Report – July 2020

File Ref: 8013-01
Author and Title: Nicole Bryant, Manager Finance
Voting Requirements: Simple Majority

Appendix 11

Recommendation/Council Decision

OCM20/156

Moved: Cr S Lee

Seconded: Cr B Cardilini

That Council receives the July 2020 Monthly Financial Report as presented.

CARRIED UNANIMOUSLY 8:0

In Brief

This 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:

- a. 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*;
- b. Budget estimates to the end of the month to which the statement relates;
- c. Actual amounts of expenditure, revenue and income to the end of the month to which these statements relate;
- d. The material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- e. The net current assets at the end of the month to which the statement relates.

Report Detail

The monthly financial report for July 2020 identifies the financial position of Council as at the reporting date and consists 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
 - * Disposal of Assets
 - * Capital Acquisitions
 - * Operating Grants and Contributions
 - * Non-Operating Grants and Contributions
 - * Cash Backed Reserves

Murray 2030 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

The Shire of Murray 2020/2021 Annual Budget.

Statutory Environment

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

Sustainability & Risk Considerations

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

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

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

Nil

Environment – (Impact on environment's sustainability)

Nil

Policy Implications

Nil

Risk Management Implications

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

Consultation

Nil

Resource Implications

Financial

Nil

Workforce

Nil

Options

Council has the option of:

1. Receiving the monthly financial report for July 2020.
2. Not receiving the monthly financial report for July 2020.

Conclusion

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

Recreation, Economic & Community Development

11.8 The Exchange - Covid-19 Recovery Project

File Ref: GE02/85-03
 Previous Items: OCM. 24 Oct 19 Item 15.3 (OCM19/200)
 Author and Title: Dean Unsworth, Chief Executive Officer
 Declaration of Interest: Nil
 Voting Requirements: Absolute Majority

Appendix 12

Recommendation/Council Decision

OCM20/157

Moved: Cr G Black

Seconded: Cr D McLarty

That Council:

1. supports the development of a detailed plan, feasibility and designs for the Shire of Murray to undertake the redevelopment of the Exchange Hotel in the theme presented at Appendix 12, that includes:

- a Microbrewery/Tavern;
- a Producers & Makers Co-operative Space; and
- a pop-up Alfresco Space;

that will create a multi-faceted and integrated economic and social precinct that will provide a varying range of experiences to invigorate the town of Pinjarra;

2. supports officers undertaking further detailed investigations associated with implementation of the Exchange Hotel Micro-brewery and Co-Op Initiative, including but not limited to preliminary engagement with local producers and potential stakeholders / lessees to gauge level of interest in proposal;

3. allocates \$50,000 from the Asset Enhancement Reserve to undertake:

- detailed plans and costs associated with development including a quantity surveyor report;
- cost estimates of internal and external fit-out required for implementation of the proposal as proposed;
- an economic impact assessment and Business Case; and
- a draft Business Plan that meets the statutory requirements of the Local Government Act;

4. supports in principle the funding model to redevelop the Exchange Hotel precinct as follows:

Estimated cost of redevelopment (up to)	(\$4,000,000)
<i>Less</i>	
Allocation from the Waste Reserve	\$1,000,000
Funding from the Asset Enhancement Reserve	\$ 500,000
Total estimated funds required to develop	(\$2,500,000)*

* Funding from the Waste Reserve would be replaced upon outright sale of the property or replenished over time as these funds are not required in the short term.

* Any grant funds secured would reduce the loan amount accordingly.

Option 1 – Short Term Lending Facility

- Drawn down at 3 monthly intervals: \$250,000 first two and \$500,000 thereafter
- Interest at 2% and paid quarterly
- Principal rolled over
- Total interest over the 22 month development phase - \$38,782
- Annual interest thereafter for the remaining 3 years - \$50,412
- Project closure being either:
 - a) outright sale of property; or
 - b) lease to operator;

5. notes that the funding model in recommendation 4 is not a formal allocation at this point, but that this is the preferred model if Council do progress to redeveloping the Exchange Hotel precinct; and
6. instructs the Chief Executive Officer to provide to Council for consideration, plans, findings and further recommendations from the detailed investigations undertaken.

CARRIED UNANIMOUSLY 8:0

In Brief

- Since 2014 Council has been seeking proponents to redevelop the Exchange Hotel site into a food and beverage facility.
- Since that time there have been four (4) serious development proposals entertained by Council, however each of these have not resulted in a development agreement being executed due to various reasons where these final proposals were not in the long-term interests of the Shire of Murray.
- The most recent proposal was dealt with in October 2019, where Council resolved to enter in a conditional contract of sale with the Strzelecki Group company, Exchange Pinjarra Pty Ltd, to purchase an approximate 3,300m² portion of the Exchange Hotel site.
- In April 2020 the Strzelecki Group submitted a revised offer arising due to COVID-19 restrictions suggesting that the risks were too high with proceeding under the previously accepted terms. At the 23 April 2020 OCM Council resolved not to accept the revised offer for the sale of a portion of the Exchange Hotel site.
- Since Council's April 2020 resolution, the economic climate has been further weakened by the COVID-19 pandemic and it is likely that economic recovery and improved investment confidence will remain challenging in the foreseeable future, without significant intervention and funding from all levels of Government.
- Whilst Council had decided not to actively market the site until market confidence returned there has been some interest expressed, although no formal proposals received. This has demonstrated the difficulty in attracting significant investment in this project and the need to investigate opportunities in relation to alternative land tenure arrangements and investment options and uses.
- The current unoccupied Exchange Hotel site has created an opportunity for the Shire to demonstrate strategic leadership and commitment to enable economic recovery within the Shire through diversified commercial opportunities that will support existing and attract new business to Pinjarra.
- A more diversified approach to the development and mix of uses currently contemplated for the Exchange site is proposed.

- Given the potential of the project to support strategic economic outcomes for the Shire, there is strong potential for some or all of the works needed to implement the proposal outlined, to be funded through State and Federal funding opportunities. The balance of funds required for delivery of project could be secured through loan funds.

Background

The Shire finalised the acquisition of the Exchange Hotel site located at Lots 85-88 George Street, Pinjarra in May 2012. This acquisition added significantly towards the continuous public river foreshore within the Pinjarra Town Centre and secured the public ownership of the northern portion of the Murray River square which was previously on private property.

Importantly, the acquisition also provided an opportunity for the Shire to assist in facilitating the renovation and re-establishment of a suitable business or businesses to operate from the Exchange Hotel building, which has been closed to trade since 2008.

In recent times, an amount of approximately \$625,000 has been expended undertaking significant restoration works. This not only ensured the historic elements of this building, but also aimed to be used to somewhat de-risk the proposal as a going concern.

Since the Shire acquired the building and adjacent public open space, Council has seriously entertained four (4) formal proposals. Three of these were prior to the restoration works being undertaken, and the fourth was post those works. Council supported a proposal by the Strezlecki Group in October 2019 to submit a detailed proposal and formal cash offer for the site.

Soon after the Covid-19 pandemic had significant impact on the economy, in April 2020 the Strezlecki Group submitted a revised offer due to increased risks in undertaking the project. Council did not accept this revised offer and formally rejected the proposal.

While the economic climate has been further weakened since that time, the Shire of Murray is expected to experience a period of significant growth with several major projects already underway that will shape the economic future of the area.

A holistic and sustained effort is needed to diversify the local economy and enable an environment that de-risks investment and encourages economic opportunity. As the Shire's primary centre for retail and commercial activity, it is critical that a range of interventions are implemented that will position Pinjarra and strengthen it as a town with a strong local economy and a prosperous and sustainable place.

A key action of the Shire's Pinjarra Town Centre Revitalisation Strategy is to build on the community's aspirations to strengthen and concentrate activity nodes within the Town Centre. The Strategy also seeks to promote adaptive re-use of heritage buildings and provide vibrant, inclusive and intergenerational spaces that enhance the sense of place and strengthen Pinjarra as a destination.

Economic opportunities exist that will enable Pinjarra to benefit from the strategic economic activity that will soon be realised through the Western Australian Food Innovation Precinct (WAFIP). On completion, the WAFIP will include university-based research, business incubation space, food laboratories, kitchen facilities, warehousing, cold storage and primary food production that will catalyse the positioning of Murray and the Peel Region as the State's Food Bowl.

Pinjarra is perfectly placed to support and benefit from, the range of activities undertaken at the WAFIP. This includes providing WAFIP tenants with a main street retail 'shop front' which in turn, will strengthen Pinjarra's identity as an innovative and unique food and cultural destination. This would be a significant value-add to those small to medium enterprises that will be seeking space at the WAFIC.

Whilst the current economic climate and previous expressions of interest processes have created challenges in successful activation of the Exchange Hotel, it has also created an opportunity to rethink Council’s approach to potential uses and commercial opportunities associated with the site.

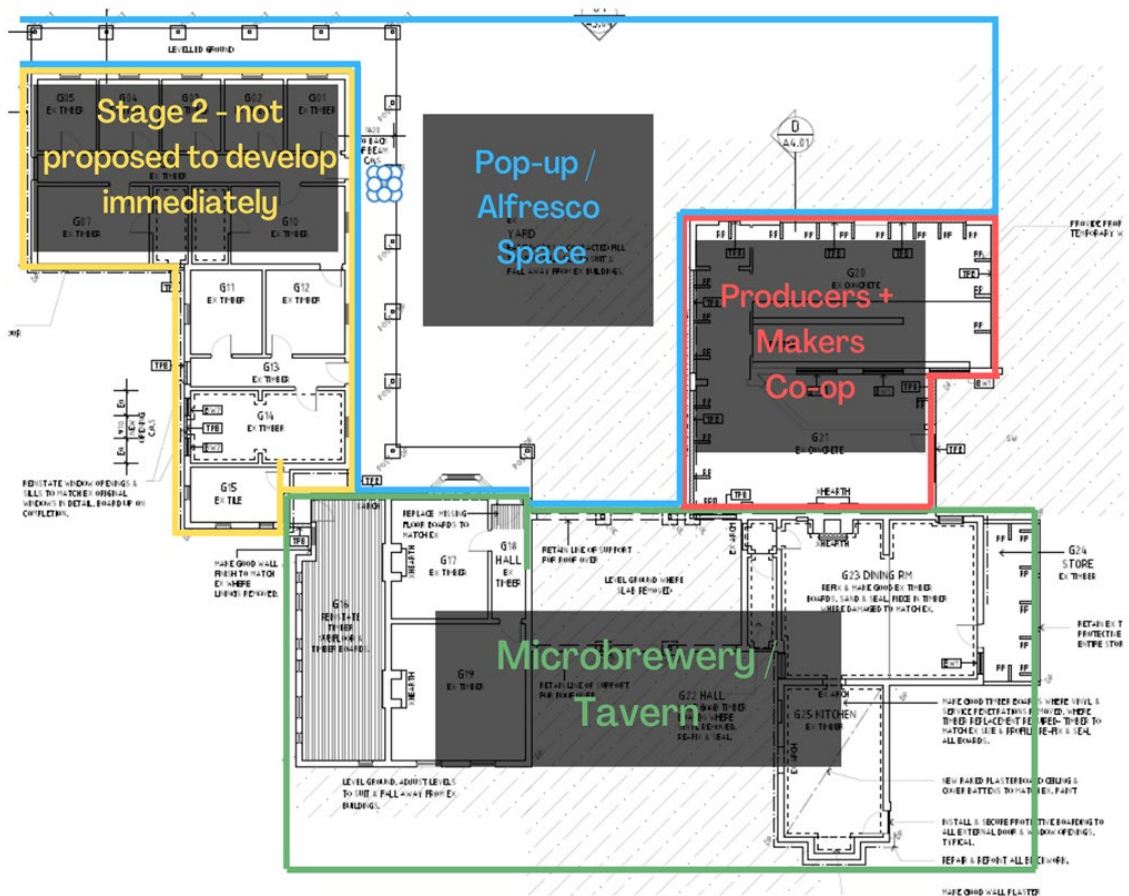
As a landmark heritage site that encompasses a collection of significant historic buildings, spaces and outdoor areas, the Exchange has the potential to become an iconic food, beverage and fresh produce destination.

Report Detail

A more diverse approach to the development and mix of uses currently contemplated for the Exchange site is proposed. The proposed approach will require a level of investment up front that will de-risk the site further from a commercial point of view, through a collection of leased spaces across the site for the purposes of a boutique scale microbrewery, supported by an eclectic mix of short to longer term leased spaces for start-up and small to medium size enterprises in the emerging food and creative sector.

Leveraging its distinct name ‘The Exchange’ and with the collection of uses contemplated, the site has the potential to become an iconic destination for the exchange of locally sourced foods, goods, services and experiences that offer a food, beverage and cultural experience not offered anywhere else in the Peel or South-West Regions.

The following site plan and a brief description of the uses and potential economic considerations associated with key elements of the proposal are provided below.



Microbrewery / Tavern

The proposed microbrewery is ideally located towards the riverside (rear) of the existing building, which will provide patrons with quality views across the river, new amphitheatre and Murray River Square whilst enjoying a drink and great food experience.

Maintaining unique heritage features and authentic and rustic feel will be important, involving both permanent fit-out and fixtures, along with pop-up elements that reflect Pinjarra's rich local character and also create a contemporary look and feel to the space.

The boutique brewery would provide a distinct food and beverage experience where local produce features and beer is crafted locally for the specific visitor target markets identified under the Shire's endorsed Tourism Marketing & Communications Plan.

Food and Makers Co-op

Operating from the former 'front bar' area of the Exchange, the 'Co-Op' will provide a space for local businesses to collectively operate on a short to longer term pop-up lease arrangement. This space will enable local producers, makers and creators to show case and sell their products, test and launch a product, try a new concept, network with other producers and/or test the viability of operating a small business within Pinjarra with minimal investment. The co-op could ultimately be undertaken in two stages and incorporate (be expanding into) the former accommodation wing on the western side of the pop-up alfresco space (see indicative plan above).

With a direct and highly visible interface with George Street, and adjacent to the north facing outdoor alfresco areas will not only provide the 'Co-Op' enterprises with great exposure but also provide patrons with an opportunity to buy, taste and interact with the Shire's unique local producers and enterprises whilst watching activity along George Street.

Pop-up Alfresco Space

Importantly, the activation created by the Exchange 'Co-Op' and associated patrons enjoying the outdoor alfresco experience will contribute to the activated transformation of the site and streetscape and contribute to the level of activation already created through the redeveloped Town Square and Amphitheatre.

Murray 2030 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	Upgrade the amenity of the Murray River Square, foreshore reserve and Glebe Land. Implement the Pinjarra Town Centre Revitalisation Strategy.

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

Murray 2019- 2023 Corporate Business Plan

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

Other Strategic Links

- Local Business Strategic Plan 2016 – 2020
- Local Government Heritage Survey and draft Scheme Heritage List

Statutory Environment

- *Local Government Act (1995)*
- *Local Government (Functions and General) Regulations*

The *Local Government Act 1995 Part 6 Division 4 x 6.8 (1)* requires the local government not to incur expenditure from its Municipal Fund for an additional purpose except where the expenditure

(b) is authorised in advance by resolution*

“additional purpose” means a purpose for which no expenditure estimate is included in the local government’s annual budget.

Sustainability & Risk Considerations

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

In order to adequately understand the economic implications of implementation of the proposal it is recommended that Council endorse the allocation of funds for engagement of consultants. The findings of these investigations and associated recommendations will be presented to Council for consideration in due course.

A previous economic impact assessment suggested between 20-25 jobs would be created with an expected turnover of between \$3 - \$4.5 million per annum.

The construction phase is expected to support the following economic activity:

- \$2.4M in additional economic output, including \$1.3M directly;
- \$1.1M in gross value-add to the Shire, including \$500,000 directly;
- \$600,000 income and salaries paid to households, including \$300,000 directly;
- Six full-time equivalent jobs, including two FTE direct construction jobs.

The officer recommendation has an eye on State and Commonwealth grants that are imminent. These include the Peel Development Commission’s Regional Economic Development grant round as well as the Commonwealth’s Building Better Regions Fund. A number of other COVID-19 economic recovery grants are expected. Further, a state election will be held in March 2021 so this proposal should be high on the list for election project to be funded.

Consistent branding of locally sourced produce and products available through businesses operating from the Exchange site will provide a significant opportunity to strengthen the emerging ‘Made in Murray’ brand. This brand was established as a COVID-19 initiative to support and assist local producers to work collectively in enhancing awareness of local producers and providing a platform for businesses to collaborate and diversify product offerings. The Exchange Hotel has the potential to become the ‘shop front’ of this brand and

encourage patrons and visitors to share their experiences through social media, expanding the marketing reach intrastate, interstate and internationally.

Providing the emerging brand with a main street presence and the subsequent social media promotion that is likely to be created will showcase and promote our Region's products, ultimately contribute to the local economy and reinforce Pinjarra's identity as the place for agri-food innovation and entrepreneurialism.

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

The retention of the key heritage elements of the Exchange Hotel site will contribute toward the character and distinctiveness of the town and strengthen the distinct identity and sense of place created by the adjacent revitalisation of the Town Square and river foreshore.

The uses proposed will immerse locals and visitors in a unique and authentic Pinjarra, food, beverage and cultural experience. The experiences on offer will provide patrons and local producers and enterprise the opportunity to build relationships that ultimately reinforce the importance of supporting local business and building a more cohesive, inclusive and educated community.

Environment – (Impact on environment's sustainability)

The retention and adaptive reuse of the key heritage elements of the Exchange Hotel site will reduce the consumption of building materials for this site and the embodied energy required to manufacture them.

Policy Implications

The Exchange Hotel Local Planning Policy, which is based on the endorsed Conservation Management Strategy, provides clear direction on desired development and land use outcomes for the Shire. The proposal being considered by Council (the subject of this report) is considered consistent with the intent of the Policy.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	<p>The risk associated with implementation of the recommendation is considered low, as proposed investigations will ensure Council is well informed of risks and considerations prior to progressing with the proposal.</p> <p>It is relevant to highlight that should Council not proceed with investigating opportunities, the Exchange is likely to remain unoccupied over an extended period which may result in economic and reputational risk for Council.</p>

Consultation

Should Council endorse the recommendations of this report, subsequent engagement will need to be undertaken with

- relevant consultant(s) / third parties with expertise to ascertain requirements and costs associated with establishment of internal and external fit-out required for the uses proposed;
- potential lessees of the microbrewery;
- local producers to gauge interest in being part of the 'Co-Op' element of the proposal and to understand the preferred lease arrangements that will maximise activation and ensure the economic sustainability of the project;
- State and Commonwealth funding agencies;
- Peel Development Commission; and
- The community.

Resource Implications

Financial

Given the potential of the project to support strategic economic outcomes for the Shire, there is strong potential for some or all of the works needed to be funded through State and Federal funding opportunities. The balance of funds required for delivery of project can be secured through loan funds.

There are two funding sources required if Council support the officer recommendation.

1. Planning

A budget reallocation is required to provide sufficient funding to engage necessary expertise to undertake further detailed investigations.

The estimated balance of the Asset Enhancement Reserve, excluding items within this Council agenda to 30 June 2020 is \$1,957,175. This figure excludes this current request.

2. Capital works

Early estimations see the redevelopment at approximately \$3,500,000. These funds could be sourced by one or a number of funding streams as below:

- Council funds from internal sources and a loan
- State Government grant opportunities
- Upcoming Peel Development Commission Regional Economic Development grants
- Upcoming Australian Government Building Better Regions Fund grant
- Lotterywest - Covid-19 recovery grants towards food hub
- Sale of Land – however this is not recommended given the unprecedented low interest on loans and the depressed land market.
- Private capital opportunity that might arise for funding all or part of the proposed facilities, and that might seek full or partial ownership of the proposed facilities.

It should be noted that Council has already expended approximately \$600,000 in works to date to protect the heritage components of the precinct and to remove the unsightly exterior.

Below is a proposed funding model that is presented for Council's consideration.

Estimated cost of redevelopment (up to)	(\$4,000,000)
<i>Less</i>	
Allocation from the Waste Reserve	\$1,000,000
<u>Funding from the Asset Enhancement Reserve</u>	<u>\$ 500,000</u>
Total estimated funds required to develop	(\$2,500,000)*

**Any grant funds secured would reduce the loan amount accordingly.*

Option 1 – Short Term Lending Facility

- Drawn down at 3 monthly intervals: \$250,000 first 2 and \$500,000 thereafter
- Interest at 2% and paid quarterly
- Principal rolled over
- Total interest over the 22 month development phase - \$38,782
- Annual interest thereafter for the remaining 3 years - \$50,412
- Project closure being either:
 - a) outright sale of property; or
 - b) lease to operator.

Option 2 – Interest Only Loan

- \$2.5 million interest only loan taken over 5 years
- 2% interest rate
- Total interest per annum (average) - \$50,000
- \$2.5 million principal can be converted to long-term borrowings that can be based on:
 - a) repayments matching lease payments per annum; or
 - b) loan paid out on outright sale of property.

Option 3 – 5 Year Fixed Term Loan

- \$2.5 million loan taken over 5 years
- 1.5% interest rate
- Annual repayments - \$520,856
- Total interest - \$104,281
- Loan could be paid out on outright sale of property.

Option 4 – 10 Year Fixed Term Loan

- \$2.5 million loan taken over 10 years
- 2% interest rate
- Annual repayments - \$277,076
- Total interest - \$270,766
- Loan could be paid out upon outright sale of property.

Conclusions

Option 1 – recommended option

- Funds are only being drawn down as required therefore interest is not being paid unnecessarily.
- Allows for flexibility at the end of the development phase depending on outcome of project.
- Allows for flexibility regarding interest payments depending on overall cashflows of the Shire

Option 2 – second best option

- Modelled in LTFP - interest repayments were within sustainable limits.
- \$2.5m principal could be refinanced at end of term depending on outcome of project.

Option 3 – not viable

- Modelled in LTFP loan repayments were unachievable.

Option 4 – not viable

- Modelled in LTFP loan repayments were unachievable
- If property was sold following development potential for debt to remain on an asset not held

Any loan borrowings would be subject to approval by the WATC and require a business case.

Workforce

Whilst much of the preliminary investigations required to implement the proposal outlined can be achieved through existing resources, it is likely that additional project management resources will be needed. This will be incorporated within the overall (up to) \$4 million project cost estimate.

Options

Council has the option of:

1. Supporting or not supporting further detailed investigations being undertaken to confirm works and costs required to implement the proposal.
2. Supporting or not supporting the reallocation of budget expenditure as recommended.

Conclusion

The Exchange Hotel is a landmark, highly valued historic building, that with the right development and use, will make a significant contribution to the transformation and revitalisation of Pinjarra.

Significant commitment, time and resources has been expended to date on seeking to secure private commercial investment in the site in a way that will maximise economic and social outcomes for the Shire and community, without success.

Council is requested to consider a proposed shift in approach to development, land tenure and mix of uses in relation to the Exchange Hotel site and support further investigations and due diligence being undertaken to understand the costs and benefits associated with the proposal outlined.

With the linkages to the Western Australian Food Innovation Centre, the Covid-19 economic crisis and subsequent local opportunities for businesses to collaborate in the vein of 'Made in Murray' the imminent State and Commonwealth grant opportunities and a State election in March 2021, it is recommended that planning commence immediately to develop concepts, an economic business case, and a compliant business plan to then consider the possibility of Council providing the leadership that is needed to, finally, after four previous 'false starts', to progress this vitally important economic and social asset.

To adequately understand the economic implications of implementation of the proposal, it is recommended that Council endorse the allocation of funds for engagement of consultants. The findings of these investigations and associated recommendations will be presented to Council for consideration in due course if the officers' recommendation is supported.

11.9 Lease Request – Dwellingup Hall – Dwellingup Community Compact Incorporated

File Ref:	4211-03
Previous Items:	Nil.
Applicant:	Dwellingup Community Compact Incorporated
Author and Title:	Krystal Dawe, Coordinator of Place and Community
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

Appendix 13

Recommendation/Council Decision

OCM20/158

Moved: Cr B Cardilini

Seconded: Cr A Rogers

That Council:

1. supports a lease agreement being entered into with the Dwellingup Community Compact Inc group, on behalf of the Dwellingup Teenz, for the portion of the Dwellingup Community Hall on Reserve 20198, identified in Appendix 13 for a period of one year with a similar option period, subject to the consent of the Minister for Lands being obtained; and
2. authorises the Chief Executive Officer to negotiate and endorse a lease agreement with the annual rent being \$100 (ex GST) and a \$100 (ex GST) per annum administration fee.

CARRIED UNANIMOUSLY 8:0

In Brief

Council is requested to consider a proposal presented by the Dwellingup Community Compact Incorporated to lease a portion of the Dwellingup Community Hall, being Reserve 20198, on behalf of the Dwellingup Teenz for use as community youth space.

Background

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

The Dwellingup Community Compact Incorporated group has requested Council to consider leasing a portion of the Dwellingup Community Hall on behalf of the Dwellingup Teenz for use as a community youth space. The Dwellingup Teenz is an unincorporated community group who auspice under the Dwellingup Community Compact Incorporated and who presently have informal use of the portion of the building proposed under the lease.

A site plan of the Dwellingup Community Hall is attached at **Appendix 13** with the portion of the building proposed to be leased highlighted.

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

Dwellingup Teenz commenced by operating on Monday and Tuesday evenings and on the first Friday of every month as a safe venue to hang out, make dinner together, play video and board games or other interactive activities targeted at the youth. The Shire of Murray supported this initiative initially by providing the venue on a fee-waiver basis and has since supported it on an informal basis.

Since the inception of the Dwellingup Teenz, its scope has evolved from just providing a drop-in youth space to delivering a number of initiatives including drama, dance and softball classes and improving the facilities by installing wall mounted shelving units and storage and providing audio visual equipment in the portion of the building that Dwellingup Community Compact is seeking a lease over.

The Dwellingup Teenz are seeking to formalise an agreement for exclusive use of the space identified in **Appendix 13**.

Report Detail

Council is requested to consider the granting of one a year lease, with a similar option period, over the portion of the Dwellingup Community Hall identified in **Appendix 13** for exclusive use of the room by the Dwellingup Teenz.

The one-year lease with the potential for an option term can be used as a trial period to ensure that there is minimum impact on other users of the Dwellingup Community Hall. Following the one year lease period, Shire officers will consider any impacts and level of use of the portion of the building by the Dwellingup Teenz.

The lease to be offered is at a rental of one hundred dollars (\$100), plus GST, per annum with a one hundred dollars (\$100), plus GST, per annum administration fee. The rental amount includes an annual contribution towards utility costs, which will not be billed separately or in addition to this amount.

Murray 2030 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.

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	Become a youth focused and supportive community.

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	Foster and value our volunteers

Focus Area	Capable and Accountable
Aspiration	To develop strong leadership through good governance, effective communication and ensuring value for money.
Strategy	A participatory community to engage with the Shire to build better places.

Murray 2020-2024 Corporate Business Plan

Focus Area	Places for People
Objective	Socially connected, safe and cohesive community.
Strategy	Become a youth focused and supportive community.
Project and Actions	Deliver initiatives that meet the aims and outcomes of the Shire's Youth Strategy.

Objective	Encourage an active and healthy community.
Strategy	Foster and value our volunteers.
Project and Actions	Celebrate the contribution of volunteers and encourage increased volunteerism within the community.

Other Strategic Links

Shire of Murray Youth Strategy 2016-2020.

Statutory Environment

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

Sustainability & Risk Considerations

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

The financial aspects of providing a nominal lease to the Dwellingup Community Compact is unlikely to have an significant impact on the wider community with the Dwellingup Teenz already having exclusive use of the space under an informal arrangement.

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

Activities delivered by the Dwellingup Teenz provide benefits to the Dwellingup community, in particular its youth, and encourage activation, social interaction and personal development. By supporting the Dwellingup Teenz, the Shire of Murray is able to acknowledge the group's work in developing the space and its value to the community.

Environment – (Impact on environment's sustainability)

Nil

Policy Implications

Policy C6- Leasing Freehold and Reserve Land to Community Groups, Sporting Clubs and Other Non-Profit Organisations provides that a standard lease term for an exempt body leasing land vested in or owned by the Shire of Murray is up to a maximum of 10 years with a similar option period.

In this instance, offering a one year lease with a similar term is proposed and provides Council with the opportunity to review should impacts to other users of the space occur or circumstances of the Dwellingup Teenz change.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	By providing exclusive use of the proposed leased area to the Dwellingup Teenz provides some risk in that other users are not able to utilise the space for venue bookings. This may particularly cause concern to any theatre production in the space with the proposed leased area generally acting as the changing room. This has been considered with the use of the Dwellingup Community Hall by other user groups being low and theatre productions rare. The Dwellingup Community Group have agreed to consider any third-party requests for the use of the proposed leased area fairly on its merits for any major events or theatre productions.

Consultation

Consultation with the Dwellingup Community Compact and the Dwellingup Teenz with both groups being supportive of the proposed lease and its terms.

Resource Implications*Financial*

At present, the proposed leased area does not form part of the Shire of Murray's fees and charges with the Dwellingup Teenz having exclusive use of the space on an informal basis since 2017. Therefore, there is no anticipated financial impacts to Council.

Workforce

Nil

Options

Council has the option of:

1. Supporting the lease proposal as presented.
2. Determining an alternate lease proposal.
3. Not supporting a lease arrangement of any portion of the Dwellingup Community Hall.

Conclusion

The Dwellingup Teenz have demonstrated its commitment to youth community engagement in the town of Dwellingup for the past 3 years and its benefits can be observed through its different initiatives that encourage activation, social interaction and personal development.

The Dwellingup Teenz have had exclusive use of the proposed leased area since 2017 on an informal basis and in formalising this use for a one-year trial is not anticipated to cause any unreasonable impacts to other users of the Dwellingup Community Hall or financially impact to Council.

11.10 Sir Ross McLarty Pavilion and South Yunderup Pavilion Concept Design Report and Funding

File Ref: R5170-08, 7/8448, R40736-03 & 7/8447
 Previous Items: OCM. Mar 20 Item 11.11 (OCM20/040)
 Applicant: Nil
 Author and Title: Marlene Renton, Coordinator Sport and Recreation
 Declaration of Interest: Nil
 Voting Requirements: Absolute Majority

Appendices 14 & 15

Recommendation/Council Decision

OCM20/159

Moved: Cr S Lee

Seconded: Cr G Black

That Council:

1. endorse the 'Concept Design Report for Shire of Murray Changerooms' by Site Architecture Studio;
2. endorse the prioritisation of construction of the South Yunderup Pavilion, including the covered spectator area, for a total project cost of \$1,537,000 ex GST, and should the Shire be successful in achieving CSRFF funding in the 2020/21 round;
 - a. approve the additional commitment of \$467,300 for a total of \$1,030,000 ex GST; of which \$103,000 will be funded from the Asset Enhancement Reserve in 2020/21 for detailed design and tender documentation, with the remaining \$927,000 provided through loan funds in the 2021/22 financial year for construction and delivery of the Pavilion.
3. endorse an application to the Department of Local Government Sport and Cultural Industries 'Community Sport and Recreation Facility Fund' for \$507,000 for the construction of the South Yunderup Pavilion and rank the project 1 from 1; and
4. endorse the review of the Sir Ross McLarty Sports Precinct (SRMSP) Masterplan (2014) in the 2020/21 financial year, through the reallocation of committed funds in the 20/21 budget (previously identified for detailed design of pavilions) to clarify the facilities required at Sir Ross McLarty Oval 3 in the context of the broader SRMSP.

CARRIED UNANIMOUSLY 8:0

In Brief

- In March 2020, Council endorsed the 'Sir Ross McLarty Oval 3 and the South Yunderup Oval Changerooms Needs and Feasibility Report (the Report)'.
 - The Report considered by Council provided an 'Order of Probable Cost' for each facility which came to \$797,935 ex GST.
 - Based on the Order of Probable Cost, Council committed \$562,700 for construction of each facility, with Sir Ross McLarty Oval 3 facility scheduled for 2021/22 financial year and South Yunderup 2023/24, subject to successful funding submissions for the balance.
 - The Report further stated that in order to obtain more accurate total project costs, the Shire would need to engage a qualified designer or architect to undertake site specific service investigations.

- Council committed the sum of up to \$30,000 for facility design and site investigation into each of the locations, namely Sir Ross McLarty Sports Precinct and South Yunderup Sports Precinct.
- The resultant facility design and site investigation (herein referred to as the 'Concept Design and Costing Report') confirmed the costs associated with each facility to be significantly higher than the Order of Probable Costs considered by Council in March. A copy of the Concept Design and Costings Report' is attached (**Appendix 14**).
- Council is requested to consider the Concept Report and approve the additional funding required in order to proceed with a Community Sport and Recreation Facility Fund (CSRFF) application to the Department of Local Government, Sport and Cultural Industries in September 2020 for the South Yunderup Oval Pavilion.
- Council is also requested to reconsider its previous resolution in relation to the Sir Ross McLarty Oval 3 facility and not proceed with a CSRFF application until such time as a review of the Sir Ross McLarty Sport Precinct Master Plan has been undertaken.

Background

The 'Sir Ross McLarty Oval 3 and the South Yunderup Oval Changerooms Needs and Feasibility Report (the Report)' confirmed that there was a need for a basic facility comprising changerooms, public toilets, club storage, kiosk and shelter at both Sir Ross McLarty Oval 3 and South Yunderup Oval, to service the needs of the clubs and community. The Report determined that these facilities would ideally be built as soon as possible and when funding allowed.

Having established demand, the Report then explored design and construction options based upon major sporting codes community facility guidelines (AFL, cricket and soccer) and considered both modular steel frame construction (pre-fabricated), and brick/steel frame and metal roof construction.

An Order of Probable Cost (a very high-level estimate) was provided as part of the Report, based upon modular pre-fabricated steel frame construction which came to \$797,935 ex GST. Notably, the Report did not include site servicing costs such as sewer connection, incoming power capacity, stormwater disposal and geotechnical survey. The Report therefore recommended that the Shire engage a designer or architect to undertake site specific investigations and develop a detailed concept design in order to obtain a total project cost.

Report Detail

In May 2020 the Shire contracted Site Architecture Studio (SAS) to complete the 'Concept Design and Cost Estimates for Oval Changerooms at Sir Ross McLarty Oval 3 and South Yunderup Oval (the Concept Report)'.

The objectives of the Concept Report were:

- (a) the design of a standard changeroom and kiosk facility to meet national sporting code facility guidelines for AFL, cricket and soccer, and sporting club needs;
- (b) the provision of a total project cost estimate to build the Facility at two locations namely;
 - Sir Ross McLarty Oval 3 and
 - South Yunderup Oval;
- (c) determine if there were cost savings associated with constructing both facilities concurrently.

The brief included the requirement to allow for the addition of a future clubroom space of between 120 and 150m² in the design and on the site layout footprint.

Shire officers requested that only brick and metal roof construction be considered, given that the Needs and Feasibility Report provided an estimate for a pre-fabricated building.

The Concept Report deliverables included the provision of a total project cost estimate for each facility, prepared by a qualified Quantity Surveyor, incorporating design and site service investigation outcomes. The Quantity Surveyor's Report was required to include estimated and itemised costs for:

- Construction
- Fit out
- Site development (including headworks or service upgrades for sewer or power)
- Design contingency
- Recommended construction contingency.

Draft Concept Report

The draft Concept Report provided a facility design with 3D renders and included quantity survey (QS) cost estimates for the building, external works and services, and contingencies.

The QS provided two total project cost estimates for each facility, now named the Sir Ross McLarty Pavilion and the South Yunderup Pavilion, one with a covered spectator area and one without (noted in the floor plan as '*future function space*'). There are two options for this space:

- a) build at a later date when the need for a function / meeting room is demonstrated, or
- b) build the frame and roof now so it can perform the function of a multi-use undercover area that can be enclosed at a later date to form a function / meeting space should the demand arise.

The Concept Report also provided the opinion that there would be negligible cost advantages associated with the projects being built concurrently.

Table 1: Draft Concept Design Cost Estimates

SHIRE OF MURRAY - NEW CHANGEROOMS				
Schematic design cost estimate				
	SRMO 1	SRMO 2	SYO 1	SYO 2
Changerooms building	\$ 950,000.00	\$ 860,000.00	\$ 950,000.00	\$ 860,000.00
External works and services	\$ 295,000.00	\$ 285,000.00	\$ 320,000.00	\$ 310,000.00
Construction Cost (excl GST)	\$ 1,245,000.00	\$ 1,145,000.00	\$ 1,270,000.00	\$ 1,170,000.00
Design and construction contingency (10%)	\$ 125,000.00	\$ 115,000.00	\$ 127,000.00	\$ 117,000.00
Construction Cost + Contingency (excl GST)	\$ 1,370,000.00	\$ 1,260,000.00	\$ 1,397,000.00	\$ 1,287,000.00
Consultant fees (10%)	\$ 137,000.00	\$ 126,000.00	\$ 140,000.00	\$ 129,000.00
Loose furniture and equipment	excluded	excluded	excluded	excluded
Council fees and charges	excluded	excluded	excluded	excluded
ESD initiatives (solar, greywater, etc.)	excluded	excluded	excluded	excluded
Cost escalation to tender (beyond 2020)	excluded	excluded	excluded	excluded
Total Project Cost (excl GST)	\$ 1,507,000.00	\$ 1,386,000.00	\$ 1,537,000.00	\$ 1,416,000.00

Projects

SRMO 1 - with covered spectator

SRMO 2 - without covered spectator

SYO 1 - with covered spectator

SYO 2 - without covered spectator

Explanation of cost estimates

- a) External works and services: Includes connection to sewer, incoming power capacity and site drainage / stormwater disposal. At both locations there is a requirement to connect to sewer due to proximity to a sewer main line. There is also the need to significantly upgrade the incoming power at both sites. The reports from each specialist sub-consultant form part of the Concept Report.
- b) Design and construction contingency: Accommodates design and construction risk not identifiable at this early stage. Design contingency allows for design elements that may be required in the detailed design phase and not currently allowed for. Construction contingency allows for any unknown latent site conditions.
- c) Consultant Fees: Includes completion of detailed design and tender documentation, and the administration of the construction contract by an architect or project manager with the Shire as the Principal.

The total project cost estimates provided by the Concept Report were higher than the Order of Probable Cost by at least \$588,000. SAS identified the following key factors for the difference in cost:

- The previous estimate was based upon a pre-fabricated building with a number of exclusions (eg kiosk fit out);
- Site service cost requirements have been clarified and are considerably higher than previously estimated (refer Table 1 – External works and services line item);
- Detailed requirements are more clearly known and have been captured in the updated estimate; and
- A design and construct contingency of 10% has been added.

Options to Reduce Total Project Cost of SAS Design

SAS and officers agreed that there were minimal opportunities to reduce costs, as the site servicing estimate is fixed (albeit an Estimated Order of Costs) and the building materials and design are already streamlined. However, officers identified two options for investigation.

1. Reduction of Facility Footprint

The Shire requested SAS explore opportunities to decrease the cost estimate through a reduction in the footprint. The agreed opportunities for reduced floor space, without compromising functionality, were:

- a) Decrease kitchen size from 30m² to 25m²
- b) Decrease Store from 15m² to 10m²
- c) Decrease Stores A and B from 34m² to 25m²
- d) Remove 1 x shower from the Umpires Changeroom
- e) Change 1 x Universal Access Toilet to a single ambulant toilet.

The revised floorplan can be viewed in the Total Project Cost Estimate – Options for Cost Reductions (**Appendix 15**) and the Concept Report Page 30.

This resulted in a saving of \$75,000 on the cost of the building, which is identified in the QS as 'SYO3' at the line item 'Changerooms building'. These costings can be viewed at Table 1 of **Appendix 15**.

2. Project Construction Costs

The Shire explored opportunities to reduce costs through removing or reducing project allowances itemised in the QS. The items are provided in Table 2 of **Appendix 15** and came to \$56,000 ex GST.

Overall, two cost reduction options were considered:

- Option 1: Reduced footprint (-\$75,000)
 Option 2: Reduced footprint (-\$75,000) + construction reductions (-\$56,000)

Table 3 in Appendix 15 provides a summary of the cost reduction options. The total project cost savings have been calculated by applying the Option 1 or 2 savings then applying the 10% contingencies.

The table below compares an estimated total project cost of a pre-fabricated building, the Concept Report brick/metal roof building, and cost reduction SRMO2 Option 2 (refer Table 3 Appendix 15). The External works and the contingencies have been applied to the original prefabricated costs as these were not included in the Needs and Feasibility Report.

Table 4: Comparison: Prefabricated v Brick/metal facility (based on SRMO2 from Table 3)

	Prefabricated	Concept (no covered area)	Concept (no covered area) Option 2 reductions
Building	670,000**	860,000	729,000
External works and services	285,000	285,000	280,000
Construction cost (ex GST)	955,000	1,145,000	1,014,000
Design & construction contingency (10%)	95,500	115,000	101,000
Construction cost + contingency ex GST)	\$1,050,500	1,260,000	1,115,000
Consultant fees (10%)	105,000	126,000	111,000
Total Project Cost (ex GST)	\$1,155,500	1,386,000	1,226,000

** The quote for the prefabricated building did not include kitchen fit out (plumbing, sinks, benches, shelving, cabinets, appliances, tiling), and floor treatments beyond sealing. Based on the QS it is estimated these works would be approximately \$63,000 and have been added to the prefabricated estimate.

When the external works and services from the Concept Report and the contingency fees are applied, the total project cost difference between the prefabricated and the brick/metal roof original QS is:

- \$230,500 ex GST with no covered area; and
- \$70,500 ex GST using the Option 2 reductions (reduced footprint and selected build items).

Analysis of Options

When analysing the options and information provided in the Final Concept Report there are two critical decisions to be made. These are a) construction method, and b) covered area or no covered area. The pros and cons for these items are outlined below.

a) Construction

The two options explored were the prefabricated building consisting of steel frame and colorbond steel cladding on concrete pad or steel chassis, and the concept design building of brick, metal frame and roof. Officers recommend the latter for the following reasons:

- Proven longer lifespan of 40 to 50 years as opposed to 30 to 40 years. (The Shire has buildings based on this construction method over 40 years old that are structurally sound);
- Allows for more design flexibility and future additions (eg function / meeting space). The modular construction is confined by pre-defined modules;
- The brick structure is considered better suited to the heavy use that is expected from the user demographic;
- The pre-fabricated suppliers provide a supply and install service but are unlikely to undertake site service upgrades so this would have to be sub-contracted and managed separately;
- Aesthetically compliments existing buildings at the sports precincts; and
- When excluded costs are added to the prefabricated total project cost to allow for a 'like for like' comparison, the difference, depending upon the Option considered, is \$70,500.

b) Covered or no covered area

The Concept Report provided two design options, one with a covered area under the main roof and the other with no covered area. The covered area has the following advantages:

- The foundations are laid for a future function / meeting space which can be enclosed at a later date if demand is proven.
- Provides much needed shelter from rain and sun for the players, administrators, spectators and school students;
- Can be used as an outdoor multi-purpose area for post-match presentations, BBQ fundraisers, social events, school carnivals and warm ups.

Officer Recommendations

a) South Yunderup Oval

The South Yunderup Sporting Precinct consists of one sports oval that services the entire South Yunderup population. Despite a recent upturn in land sales at Austin Cove, there are no plans for an additional oval in the foreseeable future. There are limited opportunities for oval expansion at the current site as the only available land, to the east, is zoned for a public primary school.

Therefore, the oval and the proposed pavilion will be the only facility servicing the South Yunderup community for the next 10 years. It will become the 'home' of the Murray District Rangers Soccer Club and it is likely that a function/meeting room space will be required in the future. Based upon all information presented, the recommended option for the South Yunderup Pavilion is:

Design SYO1 Original QS (with covered area) for a total project cost of \$1,537,000.

b) Sir Ross McLarty Oval 3

In 2008, the 'Sir Ross McLarty Complex Sport and Recreation Facilities Master Plan' was completed by 'A Balanced View Leisure Consultancy Services' and included a comprehensive community consultation process and needs assessment. The master plan was reviewed in 2014 and updated to reflect the new developments at the Precinct. However, this process did not include community consultation or a review of needs.

The Precinct has facilities ranging from 5 years to over 40 years old, some of which have remained unused for many years (eg the old Horse and Pony Clubrooms). Recent discussions with the Pinjarra Cricket Club in regards to their lease renewal at George Beacham Pavilion has identified a need to undertake further detailed investigations regarding the building and the long term needs of the club. Additionally, supporting

infrastructure within the Precinct such as internal roads, car parks, power and sewer services require significant upgrades that will require further investigations.

It is now 12 years since a formal needs analysis has been undertaken. Prior to committing to significant funding of a new pavilion at SRMO3, it is considered appropriate to conduct a full and comprehensive review of the master plan to ensure facilities meet current and future community and stakeholder needs and reflect modern facility planning principles of shared use, co-location and multi-purpose design.

Consequently, the recommendation in relation to Sir Ross McLarty Pavilion is to defer any decisions regarding the project until the completion of a review of the Precinct master plan.

Murray 2030 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	Plan community facilities for future generations.

Murray 2019- 2023 Corporate Business Plan

Focus Area	Places for People
Objective	Encourage an active and healthy community.
Strategy	Actively take opportunities to enhance public health.
Project and Actions	Support the development, growth and sustainability of sport and recreation clubs.

Focus Area	Places for People
Objective	Encourage an active and healthy community
Strategy	Plan community facilities for future generations
Project and Actions	Prepare a needs assessment and concept plan for changeroom/clubroom facilities in South Yunderup and Dwellingup.

Other Strategic Links

- Needs and Feasibility Report for Changeroom Facility Construction at Sir Ross McLarty Oval 3 and South Yunderup Oval, March 2020
- Sir Ross McLarty Sports Precinct Master Plan, 2014
- South Yunderup Sports Precinct Master Plan, 2019

Statutory Environment

Nil

Sustainability & Risk Considerations

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

Provision of basic amenities at SYOSP will provide the clubs with facilities that will assist them to grow membership and expand the number of teams and therefore visitors to the area. This could potentially increase club revenue through membership fees, kiosk sales and sponsorship. The Precinct is also located within walking distance of shops and cafes, potentially increasing visits and spend to local business.

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

Since the first sport and recreation study was completed in 1989 for the Shire, there has been progressive development of clubs and infrastructure at the SYO Sporting Precinct, which has resulted in the precinct evolving into a focal centre for sport competitions, formal and informal recreation pursuits, social activities, neighbourhood meetings and school programs. The resident clubs have over 30 volunteers which build capacity within the community, create a sense of belonging and place, and contribute to the social capital of the Shire and the place they live in. The range of physical activities open to children and adults of all ages provide the community with options to lead healthy and connected lives.

SYO provides valuable public open space for the surrounding neighbourhood creating more opportunities for residents to lead physically active lifestyles and improve their wellbeing.

Environment – (Impact on environment’s sustainability)

Nil

Policy Implications

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

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Moderate	<p>The risks below have been identified if the facility at SYO is not supported.</p> <ol style="list-style-type: none"> 1. Community infrastructure needs are not met - basic facilities are not provided when demand becomes evident . 2. Clubs are not able to maximise opportunities for growth in players, volunteers and regional profile. 3. Decrease club membership, volunteers and pride.

Consultation

The following clubs have been consulted throughout the process and have provided feedback on the concept designs and site layout.

- Pinjarra Junior Football Club
- Pinjarra Cricket Club
- Murray District Rangers Soccer Club
- Pinjarra Football and Netball Club

Resource Implications*Financial*

In March 2020, Council committed \$562,700 in loan funds towards the Sir Ross McLarty Pavilion in the 2021/22 financial year, and the same for the South Yunderup Pavilion in the 2023/24 financial year.

If the recommended options are approved, and the CSRFF funding application is successful, the total investment by Council for the South Yunderup Pavilion will be \$1,030,000 as per the funding table below.

Funding

Funding Source	Amount ex GST	Year
Department of Local Government, Sport and Cultural Industries – Community Sport and Recreation Facility Fund (CSRFF)	\$507,000	2021/22 – 2022/23
Shire of Murray – Loan	\$927,000	2021/22
Shire of Murray – Municipal Funds (Asset Enhancement Fund)	\$103,000	2020/21
Total ex GST	\$1,537,000	

Council also approved \$20,000 in the 2020/21 budget for the purposes of detailed design. The cost for these services was under-estimated and did not include development of tender documentation. The Concept Report QS included an allowance for these works in the Consultant Fees.

It is therefore recommended that the previously committed \$20,000 funds in the 20/21 budget be reallocated towards the review of the Sir Ross McLarty Sports Precinct Master Plan. It is relevant to highlight that additional funding may be required for completion of the Master Plan review.

The previous committed amount of \$562,700 for construction of the SRMO3 pavilion remains in the forward financial plan for 2023/24.

Workforce

Nil

Options

Council has the option of:

1. Approving or not approving the recommendations presented.
2. Providing an alternative proposal on the Pavilion building options (covered area, no covered area, reduced footprint) and/or the construction years.
3. Providing an alternative recommendation on the CSRFF application year and/or rankings.
4. Approving or not approving the review of the Sir Ross McLarty Sports Precinct Master Plan and associated deferral of the construction of the Sir Ross McLarty Pavilion

Conclusion

The purpose of the Concept Report was to build upon the findings of the Needs and Feasibility Report and provide the Shire with more detailed project information in order to make evidence-based decisions that decrease project risk, supports the financial commitment required, and delivers community infrastructure that is fit for purpose, meets future needs, and is considered in the broader precinct context.

The planning for the projects has taken a year to complete and has resulted in a robust process providing a high level of confidence that all information has been provided in order to develop a range of options.

Council is requested to consider all information provided and endorse the recommendations or make alternate recommendations.

Infrastructure Services

Nil

Items for Information

11.11 Council Resolution/Outstanding Items

Resolution Register is attached for information.

Appendix 16

11.12 Delegated Decisions – July 2020

Delegated Decisions is attached for information.

Appendix 17

12. BUSINESS LEFT OVER FROM THE PREVIOUS MEETING

Nil

13. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

14. NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil

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

Nil

16. MEETING CLOSED TO THE PUBLIC (CONFIDENTIAL BUSINESS)

Nil

17. CLOSURE OF MEETING

There being no further business the Presiding Member declared the meeting closed the time being 6.29pm.

I confirm that these minutes were confirmed at the Ordinary Council Meeting held on 24 September 2020 as being a true and correct record.



.....
Presiding Member

24 September 2020

.....
Date