



Minutes

Ordinary Council Meeting

Thursday 24 September 2020

**Ordinary Council – 24 September 2020
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Minutes of the Ordinary Meeting of Council will be held at the Murray Shire Council, 1915 Pinjarra Road, Pinjarra on Thursday 24 September 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
Cr B Beacham	Councillor
Mr D Unsworth	Chief Executive Officer
Mr A Smith	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 M Toner	Coordinator Planning Administration

There were two (2) members of the public, one (1) member of the press and four (4) members of staff in attendance at this time.

APOLOGIES

Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. PETITIONS AND APPROVED DEPUTATIONS

Nil

6. CONFIRMATION OF MINUTES

6.1 Ordinary Council Meeting – 27 August 2020

Recommendation/Council Decision

OCM20/165

Moved: Cr B Cardilini

Seconded: Cr S Kirkham

That the Minutes of the Ordinary Council Meeting held on 27 August 2020 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY 9:0

6.2 Special Council Meeting – 10 September 2020

Recommendation/Council Decision

OCM20/166

Moved: Cr B Beacham

Seconded: Cr S Lee

That the Minutes of the Special Council Meeting held on 10 September 2020 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY 9:0

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

On Sunday 30 August, I attended and spoke at the Yunderup Sport and Recreation Club Open Day and official opening of the resurfaced Bowling "B" Green along with the Minister for Sport and Recreation Hon. Mick Murray MLA.

On Monday 31 August, the CEO and myself attended a meeting with the Hon. Liza Harvey, MLA Leader of the WA Liberal Party at the Shire of Waroona offices.

On Tuesday 1 September, I attended the George Brook signage installation at George Brook with Shire of Murray staff members, Greening Australia, an Aboriginal Leader and Alcoa Executives.

On Thursday 3 September, I attended the PSI Audio Studios to record a virtual presentation on behalf of the Shire of Murray for the Alcoa Peel Business Excellence Awards.

On Friday 4 September, myself and several Councillors attended the Dwellingup Trails and Visitor Centre 'Community Sneak Peak' in Dwellingup.

On Monday 7 September, I undertook the WALGA Conflict of Interest E-Learning Training.

On Tuesday 8 September, I undertook the WALGA Meeting Procedures E-Learning Training. I also took part in an interview with ABC Radio in relation to the Exchange Hotel, Pinjarra.

On Wed 9 September, I undertook the WALGA Understanding Local Government E-Learning Training.

On Thursday 10 September, I attended the Shire of Murray Strategy Planning Day at the Shire offices. Following the meeting, myself, the CEO, the Councillors and Executive staff attended a morning tea to celebrate the Shire of Murray's Order of Australia Medal recipients; Mr Noel Nancarrow OAM, Mr Walter Barrett OAM, Mrs Christine Thompson OAM JP and Mr Donald McClements OAM. Following the morning tea, I attended a follow up Murray/Waroona Workshop with the CEO, and several Councilors from the Shire of Murray and Shire of Waroona. Following the meeting, myself, and other Councillors attended the Opening of the

Dwellingup Trails and Visitor Centre along with many dignitaries from the Federal and State Governments, State Government Agencies along with Leaders from LGAs, key businesses and important stakeholders from WA and within the Peel Region.

On Friday 11 September, I undertook WALGA Financial Reports and Budgets Training.

On 15 September, the CEO and I met with senior management from the Alcoa Pinjarra Alumina Refinery to discuss and review the Shire of Murray and Alcoa Partnership and project funding considerations for the 2020/21 period. Later that day several Councillors and I along with the Director of Planning and Sports & Recreation Officer, met with the board and members of the management team at the Pinjarra Cricket Club to receive a briefing from the Club on their future plans and discussed facility requirements and options for the club rooms.

On Saturday 19 September, I presented the medals to the winners of the Dwellingup 100km mountain bike race and the 12k and 21km Mighty Jarrah run.

On Monday 21 September, I met with the CEO, and CEO of the Peel Development Commission to discuss and consider plans for the WAFIP (Western Australian Food Innovation Precinct.)

On Tuesday 22 September I attended a photo shoot at the Adventurescape play park in Austin Lakes in South Yunderup, for the new Shire of Murray health plan and no smoking policy signage for children's playgrounds. This was followed by a photo shoot at the Edendale Homestead to help promote the reopening of the Edenvale Heritage Tea Rooms in Pinjarra with Fairbridge.

On Wednesday 23 September, I attended the Alcoa Environmental Assessment Community Information Session at the Dwellingup Trails and Visitor Centre. Later in the evening I attended the Murray Business Sundowner event at the Pinjarra Paceway.

On Thursday 24 September, I attended a Long Table Breakfast at Edenvale Homestead hosted by Fairbridge. Later that day I attended and laid a wreath on behalf of the Shire at the National Police Remembrance Day Service in Mandurah. In the evening, I attended the Ordinary Council Meeting followed by a briefing session held in the Council Chambers at the Shire of Murray.

8. ANNOUNCEMENTS BY ELECTED MEMBERS

Nil

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

Cr S Kirkham declared an Impartiality Interest in Item 11.9 Pinjarra Cricket Club Incorporated – Holding Over of Lease Arrangement – George Beacham Pavilion in that his wife Lynda Kirkham and the Treasurer of the Pinjarra Cricket Club Ben Burley are first cousins.

Cr D Bolt declared a Financial Interest in Item 11.9 Pinjarra Cricket Club Incorporated – Holding Over of Lease Arrangement – George Beacham Pavilion in that he has an indirect financial interest as the President of the Cricket Club owns a business which is a customer of my IT services company.

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

Nil

11. REPORTS OF CHIEF EXECUTIVE OFFICER AND OFFICERS

Planning and Sustainability

11.1 Town Centre Façade Refurbishment Proposal at Lot 216 (20) George Street, Pinjarra

File Ref:	5002-04
Previous Items:	Nil
Applicant:	Terpou Corporation Pty Ltd
Author and Title:	Krystal Dawe, Coordinator of Place and Community
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

Appendices 1 and 2

Recommendation/Council Decision

OCM20/167

Moved: Cr A Rogers

Seconded: Cr D McLarty

That Council endorse a funding contribution of \$20,000 for the proposed works at the former Pinjarra Post Office building located at Lot 216 (20) George Street, Pinjarra, subject to the applicant entering into an agreement with the Shire of Murray which sets out the agreed schedule of works, agreed materials and colours, timeline, contribution amount, payment arrangements and any other conditions deemed necessary by the Director of Planning and Sustainability.

CARRIED UNANIMOUSLY 9:0

In Brief

- Council is requested to consider an application under the Shire's Façade Refurbishment Subsidy Program (Program) to upgrade the street and side elevations of the former Pinjarra Post Office building located at Lot 216 (20) George Street, Pinjarra.
- The proposed works include the repointing of the brick mortar joints, replacement of the fretting and cracked bricks and painting of doors, windows, rendered areas, gables, rafters and gutters. The works are proposed on the street façade and the facades facing the Murray River Square and the Court House forecourt.
- The total cost to undertake these works is \$44,140 and the subsidy sought is \$20,000.
- The application meets the Program's objectives and guidelines and Council is requested to determine the application.

Background

Council initiated the Program for the main street of the Pinjarra Town Centre at its meeting in November 2015.

The objectives of the Program are to:

- Assist in beautifying and activating town centres by improving the streetscapes;
- Encourage the activation and orientation of development facing public places;
- Enhance the physical quality and established character of the towns' built environment through sensitive and innovative design of buildings and spaces;
- Improve the experience of pedestrians to encourage more people to live, work, play and do business in the respective places;

- Reinforce and build upon the town centres as the major retail, social and cultural hubs of the respective places; and
- Support landowners and local business owners to improve the visual presentation and public impression of their buildings and businesses.

The Program acts as an attractive incentive program as it provides landowners with the opportunity to receive a matched contribution with a maximum amount of \$20,000 to carry out upgrades to improve the visual and architectural elements of town centre facades. Since the adoption of the Program, it has expanded to include the main streets of the Dwellingup Town Centre and Council has supported a number of façade upgrades in each town resulting in positive revitalisation outcomes.

A copy of the full Program guidelines is included at **Appendix 1**.

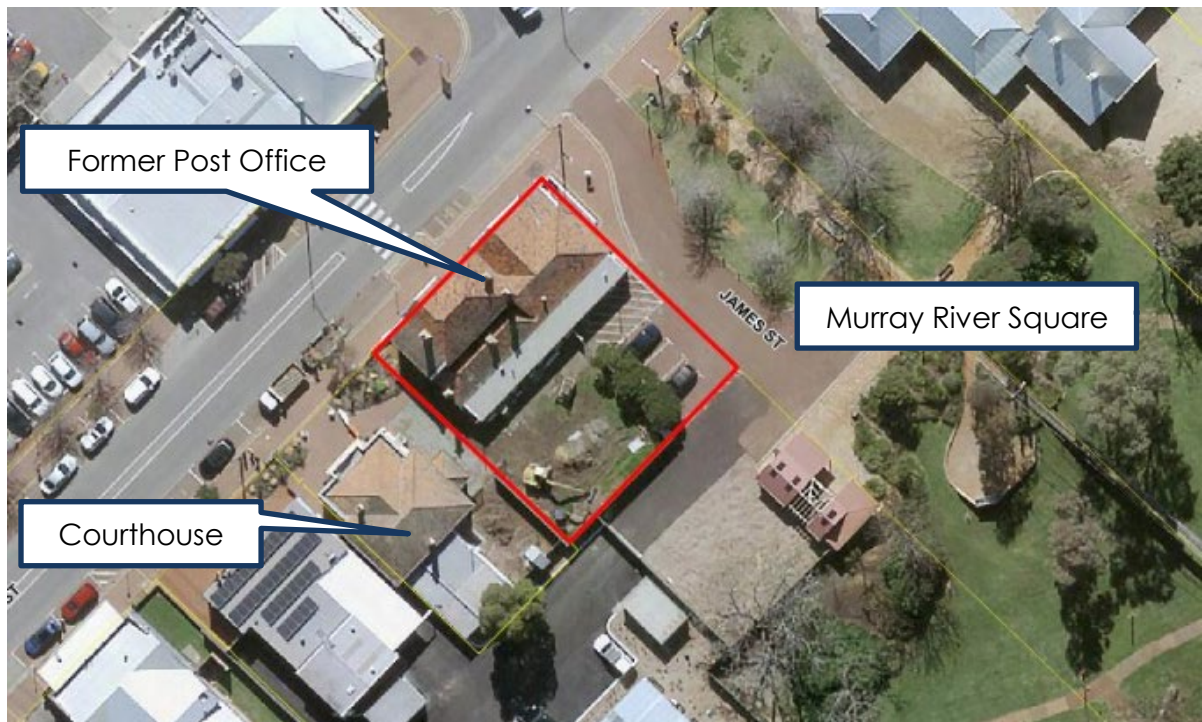
Report Detail

An application has been submitted under the Program by Terpou Corporation Pty Ltd, the landowner of the former Pinjarra Post Office building, located on the main street of the Pinjarra Town Centre. The site is located between the newly redeveloped Murray River Square and the Pinjarra Courthouse.

The subject site is zoned 'Town Centre' under the Shire's Town Planning Scheme No. 4 and is suited to commercial type uses. In the past, since its operation as a post office ceased, the building has been leased for retail and non-medical health services uses. At present, the building is vacant, with the landowner currently looking to attract commercial tenancy(s) to activate the building and its adjacent spaces.

Additionally, the building is identified as having exceptional heritage significance under the Shire's Local Heritage Survey and is included on the State Heritage list. The building is considered a fine example of the public architecture of George Temple-Poole, one of Western Australia's most prominent past architects. The building today contributes to Pinjarra's place character reinforcing its heritage values and distinct features. The external brickwork, joinery and roof plumbing are starting to deteriorate and there is a definite need for the restoration works.

A plan showing the subject site is shown below.



The application seeks a 50% subsidy from the Shire up to the \$20,000 maximum to carry out the repointing of the external brick mortar joints, replacement of fretting and cracked bricks and the painting of doors, windows, rendered areas, gables, rafters and gutters. The works are proposed on the street façade and the facades facing the Murray River Square and the Court House forecourt.

A copy of the preferred quotes for the works is included at **Appendix 2**. The full cost associated with the proposed is \$44,140, plus GST.

The application meets many of the Program’s objectives and includes the following eligible works prescribed under the Program’s guidelines:

- Restoration of facades facing a street or public space; and
- Design works to facades facing the street or public space which will improve the architectural standard or interest of the façade, improve the level of surveillance between the public realm or will improve interaction between the internal area of the building and adjoining public space.

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	Ensure quality, diverse and innovative planning outcomes that meet community aspirations. Encourage an active and healthy community.

Focus Area	Thriving Economy
Aspiration	To have a diverse and prosperous economy that supports innovation, training opportunities and provides a variety of business, tourism and employment opportunities.

Strategy	An economy that is focused on key success factors for growth; knowledge and innovation; export income and investment; infrastructure and local capacity. Maximise Murray's natural assets and heritage as driver for tourism development.
Focus Area	Environment, Character and Heritage
Aspiration	To be effective stewards of our environment, history, heritage, natural landscape and rural character.
Strategy	Value, protect and celebrate the Shire's rich Aboriginal and colonial history.

Murray 2020-2024 Corporate Business Plan

Focus Area	Places for People
Objective	Ensure quality, diverse and innovative planning outcomes that meet community aspirations.
Strategy	Implement the Pinjarra Revitalisation Strategy.
Project and Actions	Continue the Pinjarra and Dwellingup Town Centre Façade Refurbishment Subsidy Program.

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	Position Pinjarra as a key regional centre through the Pinjarra Revitalisation Strategy.
Project and Actions	Implement initiatives that support and enhance capacity of local business, tourism and innovation/entrepreneurial sectors.
Objective	Maximise Murray's natural assets and heritage as a driver for tourism development.
Strategy	Develop key sectors of the tourism economy where Murray has competitive advantage.
Project and Actions	Implement recommendations of the Murray Tourism Marketing and Communications Plan.

Other Strategic Links

- Pinjarra Revitalisation Strategy
- Shire of Murray Tourism Marketing and Communications Plan 2020-2023

Statutory Environment

- Shire of Murray Town Planning Scheme No. 4
- *Heritage Act 2018*

Sustainability & Risk Considerations

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

Improving the façades of such an iconic building in Pinjarra that is also adjacent to the newly redeveloped Murray River Square will help with revitalisation and activation efforts of the Pinjarra Town Centre and assist in creating a vibrant town attracting more visitors to the place. Improving the façade of the building may also assist in making it more attractive to a potential commercial tenant increasing economic activity in the Pinjarra Town Centre.

Additionally, the works will help protect, conserve and enhance an important building that has significance heritage value noting that the Shire's Tourism Marketing and Communication Plan 2020-2023 identifies Pinjarra's heritage character as a significant contributor the place's character and a tourism market for the town.

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

The proposed works will be highly visible to traffic and pedestrians travelling along the main street of Pinjarra or those enjoying the public space available at Murray River Square. The works will make this building more attractive for commercial use has the potential to increase activation efforts on the main street and Murray River Square increasing the quality of life of the community.

Environment – (Impact on environment's sustainability)

Nil

Policy Implications

The building has a Management Category A under the Shire's Heritage Places Local Planning Policy, which is described as those places which have exceptional significance, essential to the heritage of the locality. A rare or outstanding example.

The policy outlines the following desired outcomes for buildings with a Management Category A:

- The place should be retained and conserved unless there is no feasible and prudent alternative to doing otherwise.
- Any alterations or extensions should be sympathetic to the heritage values of the place and in accordance with a Conservation Plan (if one exists for the place).

The works are consistent with these desired outcomes.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	Nil

Consultation

Nil

Resource Implications

Financial

In the 2020/21 budget there is at present \$21,325 available under the Façade Refurbishment Subsidy Program. Should Council support the application and provide contribution of \$20,000 there will be \$1,325 available for other proposals should they be received this financial year.

Workforce

Nil

Options

Council has the option of:

1. Supporting the full 50% contribution toward the proposed works.
2. Supporting a lesser contribution toward the proposed works.
3. Not supporting a contribution toward the proposed works.

Conclusion

The proposed works are consistent with the Program objectives and guidelines. The works will not only have a positive and beneficial impact to the site and surrounding area, but will assist with the revitalisation efforts of the Pinjarra Town Centre, they will also assist in conserving Pinjarra's heritage character which is considered a major tourism attraction for the town.

The Program was intended for reasonably substantial works and this proposal fits well within this intent. A very similar scope of works was recently completed for the Dwellingup Community Hotel.

The Program stipulates that the Shire may consider providing a contribution of up to 50% of the cost of eligible works (excluding GST) to a maximum contribution of \$20,000. There is \$21,325 remaining for expenditure for the Program in the 2020/21 budget. Endorsing the full 50% contribution will leave \$1,325 available to implement the program for this financial year. Whilst future proposals in this financial year are not guaranteed, should additional applications be received that are consistent with the Program objectives then Council will still have the opportunity to consider supporting the proposals, although it will also need to consider allocating additional funding if it exceeds the remaining funds, or deferring consideration to next financial year.

It is considered that the proposal is well aligned to the Program objectives and ought to be granted the full subsidy.

Corporate Governance

11.2 Response to the Local Government Review Panel Final Report – Recommendations for A New Local Government Act

File Ref:	1106-02
Previous Items:	Nil
Applicant:	Not Applicable
Author and Title:	Dean Unsworth, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

Appendices 3 and 4

Recommendation/Council Decision

OCM20/168

Moved: Cr B Beacham

Seconded: Cr S Lee

That Council adopts the submission provided within this report (with any amendments clarified at this meeting) and provides urgently to:

- **The Minister for Local Government;**
- **Department of Local Government, Sport & Cultural Industries;**
- **Candidates to the seat of Murray-Wellington;**
- **All South West Upper House members; and**
- **Western Australian Local Government Association.**

CARRIED UNANIMOUSLY 9:0

In Brief

- A report from the Local Government Review Panel has been released, recommending that the 65 recommendations be endorsed by the State Government.
- There has not been, or does there appear to be any scope for consultation with the local government sector on the recommendations.
- Given that some of the recommendations will have a significant effect on the sector, it is recommended that a formal position be made in terms of the recommendations by Council.

Background

As was reported in the introduction section of the Local Government Review Panel Final Report – Recommendations for a new Local Government Act:

In 2017 the McGowan Government announced a review of the Local Government Act 1995. This is the most significant and comprehensive reform of local government legislation conducted in more than two decades. The objective is for Western Australia to have a new, modern Act that empowers local governments to better deliver for the community. The vision is for local governments to be agile, smart and inclusive.

Given the breadth of matters covered by the Local Government Act, a staged approach to the review has been adopted:

- *Stage one: priority reforms*
- *Stage two: wide ranging reforms*

The majority of the stage one priority reforms are now in place following the passage of the Local Government Legislation Amendment Act 2019. These reforms include:

- *A new gift framework for elected members;*
- *A mandatory online induction for all candidates;*
- *Universal training for elected members;*

- *Changes to the Standards Panel; and*
- *Easier access to information to provide greater transparency to the community.*

The remaining priority reforms which are expected to be implemented later this year include:

- *New mandatory code of conduct for elected members, committee members and candidates;*
- *Best practice standards for Chief Executive Officer (CEO) recruitment, performance review and early termination; and*
- *Further transparency measures.*

Extensive community consultation was conducted on stage two topics between September 2018 and March 2019 by the Department of Local Government, Sport and Cultural Industries (the Department) with the input of a stakeholder reference group. More than 3,000 survey responses and written submissions were received from community members, ratepayer associations, industry groups, local governments, elected members, and peak bodies.

After this significant community and sector consultation to better understand the issues confronting local government, the areas in need of reform and possible options for reform, a panel of experts was formed to provide more detailed consideration and to develop policy responses to guide the development of the new Act. The role of the Panel was to guide the review's strategic direction and to consider and recommend high level guiding principles of the new Act.

The Minister for Local Government has not considered the Panel's recommendations; however, it has been reported that he has not requested a consultation process on these recommendations. This approach is of concern to the sector as there are many recommendations that have not been presented previously, and will significantly affect the mechanics of the local government sector.

The Final Report from the Panel is attached (**Appendix 3**).

Report Detail

Feedback that the Minister would not seek the views of local government on such significant changes to the Local Government Act naturally caused concerns throughout the sector. To bring the matter to the fore, officers from WALGA prepared a report that was distributed to all Zones for consideration at their bi-monthly meetings and prior to the State Council meeting which was held on 3 September. This officer report can be viewed at **Appendix 4**.

The officer report itself caused significant discussion at WALGA Zone meetings. However, it did bring attention of the issue to local governments and to the State Council. The State Council resolved at their 2 September meeting:

That WALGA:

1. *Acknowledges the panel report and the recommendations received from Zones and continue to work with the Government to undertake further consultation on the recommendations contained therein;*
2. *Requests a formal commitment from the Minister for Local Government that the Local Government Sector be consulted on the Draft Local Government Bill in line with the State / Local Government Partnership Agreement and that WALGA actively participates in the legislative drafting process to develop the new Local Government Act; and*
3. *Strongly encourages individual Local Governments to consider responding to the recommendations of the panel report and advise WALGA of their submissions by 31 October 2020.*

Below is a proposed submission for the Shires of Murray to consider on each of the 65 recommendations proposed by the Local Government Review Panel. While many of the WALGA officer recommendations are supported, some are not. These WALGA officer recommendations have been included as they could become the formal position of the WALGA State Council, as that Council has only moved to defer these recommendations and will likely be reconsidered at their next meeting.

Number	Recommendation	WALGA (not endorsed) Officer Report Position	Proposed Shire position
1	The Panel recommends that the new Act be structured and drafted in such a way as to highlight the key strategic elements set out in Part A of this report, and that further consideration be given to the 'two Acts' options presented in Part A, at least as a transitional measure.	Support	Support
2	The Panel recommends the following statement of intent (vision) for a new Act: An Act to provide for a system of local government relevant to Western Australia that develops and supports sustainable, accountable, collaborative and capable local governments through democratic representation, the provision of services, opportunities and enhanced well-being for each and every community.	Support	Support
3	The Panel recommends the adoption of the following objectives for a new Act: a. Democratic and accountable local government that recognises the diversity of and within Western Australia's communities. b. Recognition of the specific needs and culture of Western Australia's Aboriginal people. c. Promotion and improvement of the community's economic, social and environmental well-being. d. An adaptive and forward-looking legislative framework, which supports and enables councils to provide local leadership for the whole community, and to collaborate with each other and with other key stakeholders at a regional level.	Support	Support

	<p>e. Open and transparent community participation in the decisions and affairs of local governments.</p> <p>f. Enhanced capability of the local government sector, with a focus on continuous improvement and sustainability.</p> <p>g. Efficient and effective service delivery and regulation that is responsive to current and future community needs.</p> <p>h. Informed decision-making by local governments which is in the interest of their communities, within a legislative framework that supports balance and certainty in relation to the different interests of their communities.</p> <p>i. Accountability of local governments to their communities through processes that demonstrate good governance.</p> <p>j. Support for approaches and opportunities which foster collaboration and cooperation both within the local government sector and across all levels of Government.</p>		
	<p>The Panel recommends an Act that is considerably shorter, less prescriptive and minimises the use of regulations by establishing clear principles, robust processes, model charters, guidelines and templates.</p>	<p>Support</p>	<p>While it may be shorter, it appears costlier for local government to administer a number of the recommendations. It appears to erode even further local government's autonomy.</p>
<p>5</p>	<p>The Panel recognises the diversity of local governments in Western Australia and supports a new Act which is responsive to this but does not recommend the adoption of a multi-tiered legislative framework.</p>	<p>Opposes</p>	<p>Opposes. The multi-tiered legislative framework that has been campaigned for by WALGA and LG Pro has been rejected.</p>
<p>6</p>	<p>The Panel recommends the inclusion of a statement of the role and principal functions of local governments that makes it clear their basic statutory responsibilities, retaining the overall power of general</p>	<p>Supports</p>	<p>Supports</p>

	competency in the current Local Government Act.		
7	<p>The Panel recommends that the following overarching guiding principles are included in the new Act:</p> <p>To ensure the system of local government is sustainable, accountable, collaborative and capable, councils should:</p> <ul style="list-style-type: none"> a. Provide democratic and effective representation, leadership, planning and decision making; b. Be transparent and accountable for decisions and omissions; c. Be flexible, adaptive and responsive to the diverse interests and needs of their local communities, including the traditional owners of the land; d. Consider the long term and cumulative effects of actions on future generations; e. Ensure that, as a general rule, all relevant information is released publicly, readily available and easy to understand; f. Provide services in an equitable manner that is responsive and accessible to the diverse needs of the community; g. Seek to continuously improve service delivery to the community in response to performance monitoring; h. Collaborate and form partnerships with other councils and regional bodies for the purposes of delivering cost-effective services and integrated planning, while maintaining local representation of communities and facilitating community benefit; and i. Participate with other councils and with the State and Federal government in planning and 	Supports	Supports

	<p>delivery of services, setting public policy and achieving regional, State and Federal objectives.</p>		
<p>8</p>	<p>The Panel recommends:</p> <p>a. The Local Government Grants Commission and the Local Government Advisory Board should be combined into a single body responsible to the Minister and named the Local Government Commission, and including the functions of the Grants Commission in accordance with Commonwealth legislation.</p> <p>b. The role of the Local Government Commission should be to:</p> <p>(i) Provide recommendations on major local government boundary changes, amalgamations and other necessary reforms;</p> <p>(ii) Manage the distribution of Commonwealth grant funding to local governments in WA; and</p> <p>(iii) Monitor the overall health and performance of the local government sector by identifying key issues and trends, and advise the Government and sector peak bodies accordingly.</p> <p>c. Members should be appointed to the Local Government Commission on the basis of their skills rather than as representatives.</p> <p>d. The Local Government Commission should consider the financial viability of local governments in making recommendations to the Minister.</p> <p>e. The Minister and sector peak bodies should have the power to refer matters to the Commission for assessment and advice.</p> <p>f. The Commission should play an independent role in monitoring the capacity and the financial health of the sector in collaboration with the Auditor General.</p> <p>g. Minor boundary adjustments where both local governments</p>	<p>Supports</p>	<p>Supports</p>

	agree should be handled by the department.		
9	The Panel supports a legislative framework for a system of local government which promotes local democracy and has the in-built flexibility to enable different models of governance which facilitate community participation, provide for representation of the whole community, and for efficient and effective service-delivery for the community.	Conditionally support but opposes any proposal to remove the poll provisions (Dadour provisions) in Schedule 2.1, Clause 8 of the Local Government Act.	While the recommendation makes no specific proposals for changes to facilitate amalgamations, this could be implied. Further clarification of the intention of this recommendation is required, given that structural reform was beyond the Panel's terms of reference.
10	<p>The Panel recommends that through their Partnership Agreement and the proposed Local Government Commission, State and local government consider options to facilitate structural reform that will strengthen the capacity and resilience of the local government system. Those options should include:</p> <p>a. Revised processes for boundary changes and mergers.</p> <p>b. Substantially increased cooperation between local governments through an enhanced model of joint subsidiaries.</p> <p>c. Provision for the establishment of community boards within local government areas.</p>	Conditionally support but oppose any proposal to remove the poll provisions (Dadour provisions) in Schedule 2.1, Clause 8 of the Local Government Act;	<p>While the recommendation makes no specific proposals for changes to facilitate amalgamations, this could be implied.</p> <p>Further clarification of the intention of this recommendation is required, given that structural reform was beyond the Panel's terms of reference.</p>
11	The Panel recommends an additional legislative option for local governments to establish community boards.	Supported.	Supported on the condition that it remains optional as there could be significant increases in officers' workloads and increased complexity for officers who have to deal with two distinct bodies.
12	The Panel recommends that the new Act should promote and mandate expanded regional cooperation between local governments by:	Supported.	Opposed. Making regional collaboration mandatory will force some local governments who do not wish to collaborate

	<p>a. Making increased collaboration a specific objective and principle.</p> <p>b. Providing an improved model of joint (regional) subsidiaries that can be used for strategic planning, resource sharing, shared services delivery and commercial enterprises (see also Recommendations 14 and 39).</p> <p>c. Requiring regional cooperation as part of IPR (see also Recommendation 35).</p>		to do so. Not one size fits all.
13	The Panel recommends that consideration also be given to the potential need for a new form of 'regional authority' to enable collaboration on specific issues between governments and with other key stakeholders.	Supported.	Opposed. A <i>forced</i> 'regional authority' will most likely slow down local governments that have a clear strategic plan and are getting on with their projects.
14	<p>The Panel recommends:</p> <p>a. The regional council model is discontinued.</p> <p>b. A flexible model of joint (regional) and single (local) subsidiaries be introduced in order to enable:</p> <p>(i) collaboration between local governments; and/or</p> <p>(ii) involvement of local government in economic development including commercial activities.</p>	Supported	Opposed. This should be the decision of relevant councils.
15	The Panel recommends that the new Act include a set of principles for intergovernmental relations that make clear local government's role and obligations as part of the broader system of government, and that underpin a range of ongoing arrangements such as the State Local Government Partnership.	Supported	A clarification of roles and obligations could either be beneficial or negative depending on what is contained in the clarification. Will State Government also ensure State departments are also committed to this? The recommendation is not explained.
16	The Panel recommends that the new Act recognises the unique status of Aboriginal people as traditional owners of the land and ensures that they are empowered to engage in decision-making in their local communities.	Supported	Opposed. Having rules based on race is unworkable.
17	The Panel recommends that further consideration is given to the manner of recognition, and the options for inclusion, engagement	Supported	Opposed. Forcing groups to work together through

	and shared decision making between local governments and Aboriginal communities, through consultation with the Department of Premier and Cabinet and the Aboriginal Advisory Council of Western Australia, and with reference to practice's in other states, the Northern Territory and New Zealand.		legislation is the wrong model.
18	The Panel recommends further consideration is given to the issue of service delivery by local governments in remote communities, and appropriate adjustments to Integrated Planning and Reporting requirements.	Conditionally supported on the basis there is adequate funding.	Conditionally supported on the basis there is adequate funding.
19	Optional preferential voting be adopted in place of the current first past the post system.	Opposed.	Opposed. One system is the practical system for local government.
20	The principle of one vote per person be included in the legislation, subject to Recommendation 21 below.	Conditionally support based on the need for a broad review of the property franchise including a community consultation process.	Support.
21	Property franchise voting should be replaced with the requirement for local governments to introduce mechanisms for regular and effective consultation with the business community.	Conditionally support based on the need for a broad review of the property franchise including a community consultation process.	Not supported. Leave this to individual local governments and restore autonomy.
22	Local government elections are held once every four years, two years after but to otherwise accord with the timing of the State election.	Requires further consultation.	Strongly oppose.
23	All local government elections should be overseen by the Western Australian Electoral Commissioner.	Oppose	Oppose
24	Provision in the new Act for electronic/online voting to be introduced in the future once the integrity of the process can be assured (including allowing for a pilot).	Support	Opposed until the system is mature enough to allow its introduction.
25	The Panel makes the following further recommendations in relation to elections:	Oppose (a)	Support 25 (a)

	<p>a. Postal voting be required, with lodgement of these votes to be allowed in person on and before election day.</p> <p>b. The election process extended to provide more time for the issuing and receipt of postal votes.</p> <p>c. The information local government candidates must provide at nomination should be expanded to ensure that adequate information is given for voters to make an informed decision. Candidate nomination forms should also include declaration of membership of a political party and these forms should be published and available during the election period.</p> <p>d. A caretaker policy should be introduced barring elected members up for re-election from representing the council at events, handing out council grants or donations and moving substantive notices of motion in the period before the election, and a requirement to comply with this policy should be included in the Code of Conduct.</p> <p>e. The donor and the candidate should co-sign each declaration of a gift made.</p> <p>f. Donations via crowd funding platforms should be regulated so far as possible.</p>	<p>Supports (b) to (f)</p>	<p>Support 25 (b)</p> <p>Supports 25 (c)</p> <p>Oppose 25 (d) – As penalties are not attached to breaches, it is difficult to see how the caretaker policy proposal will be effective. Also, additional pressure is likely to be placed on local government officers.</p> <p>Oppose 25 (e).</p> <p>Support 25 (f)</p>
<p>26</p>	<p>In respect to elected member representation, the Panel recommends:</p> <p>a. Population should be used to determine the number of elected member positions:</p> <p>(i) Population of up to 5,000 – 5 councillors (including President).</p> <p>(ii) Population of between 5,000 and 75,000 – 5 to 9 councillors (including Mayor/President).</p> <p>(iii) Population of above 75,000 – 9 to 15 councillors (including Mayor).</p>	<p>Conditionally supports 26 (a) upon a review of the relative benefits and merits of changing the numbers of elected members on the following basis:</p> <ul style="list-style-type: none"> - Populations up to 5,000 – 5 to 7 Councillors - Populations between 5,000 and 75,000 – 5 to 9 Councillors. - Populations 75,000 and 	<p>Strongly oppose 26 (a).</p> <p>Conditionally support 26 (b), but every 8 years would be preferred.</p>

	<p>b. Ward boundary reviews, to ensure equitable representation is maintained, should be conducted every four years by the Office of the Electoral Distribution Commissioners, with the support of the WAEC and should be conducted using similar processes and principles that are in place for state electoral boundaries as contained in the Electoral Act 1907.</p> <p>c. Current classification bands 3 and 4 should not have multiple wards unless the Local Government Commission permits it in the interests of ensuring local democracy is enabled in certain communities.</p> <p>d. The changes to wards and elected member numbers due to the above recommendations should be phased in.</p> <p>e. With the introduction of four-year elections, council elected mayors/presidents should be elected for two-year terms.</p> <p>f. No restriction should be placed on the number of terms an elected member or mayor/president can serve.</p>	<p>above – up to 15 Councillors.</p> <p>Supports 26 (b) Opposes 26 (c)</p> <p>Supports 26 (d) to (f)</p>	<p>Opposes 26 (c)</p> <p>Supports 26 (d) if the above is passed.</p> <p>Supports 26 (e)</p> <p>Supports 26 (f)</p>
27	<p>The Panel recommends further consideration should be given to strengthening the provisions of the City of Perth Act to reflect the unique role the City of Perth plays in the development of the State economy. In addition, consultation should be undertaken with the City of Perth and other relevant stakeholders.</p>	<p>Conditionally support</p>	<p>Oppose</p>
28	<p>The Panel recommends significant changes in the Act to the current statements of roles and responsibilities for mayors/presidents, councillors and CEOs and that the Act should include a new statement of responsibilities for the 'council' which captures the roles and responsibilities of all councillors acting collectively as the council.</p>	<p>Supports</p>	<p>Opposed. These changes could have a very significant impact on local government officers. Any significant change requires further explanation about what is intended.</p>

<p>29</p>	<p>The Panel recommends the following as the role of council: The council —</p> <p>(a) considers the diversity of interests and needs of the local community;</p> <p>(b) is accountable to the community for the local government’s performance;</p> <p>(c) ensures adequate opportunities and mechanisms for engagement with the local community;</p> <p>(d) ensures the timely development and adoption of the strategic plans, programs and policies of the council and promotes the effective and consistent implementation of these;</p> <p>(e) develops and adopts strategic plans and a budget for the local government;</p> <p>(f) keeps the local government’s resource allocation, expenditure and activities and the efficiency and effectiveness of its service delivery, under review;</p> <p>(g) provides strategic direction to the CEO in order to achieve high-quality administration and performance of the local government’s functions in accordance with the Local Government Act and local government’s policies;</p> <p>(h) carries out an annual performance review of the CEO and in agreement with the CEO adopts Key Performance Targets for the following year;</p> <p>(i) provides a safe working environment for the CEO, officers and councillors;</p> <p>(j) reviews annually the delegations of the council; and</p>	<p>Supports</p>	<p>Supports</p>
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	(k) performs such other functions as are given to a council by this Act or any other written law.		
30	<p>The Panel recommends the following as the role of councillors: A councillor —</p> <p>(a) without bias represents the current and future interests of all people who live, work and visit the district;</p> <p>(b) provides leadership and guidance to the community in the district;</p> <p>(c) facilitates communication between the community and the council;</p> <p>(d) accurately represents to the community the policies and decisions of the council;</p> <p>(e) participates in the development of strategic plans;</p> <p>(f) must be prepared to –</p> <p>(i) participate with an open mind in the local government’s decision-making processes;</p> <p>(ii) be an active and contributing member of the council; and</p> <p>(iii) make considered and well-informed decisions;</p> <p>(g) makes all reasonable efforts to acquire and maintain the skills necessary to perform the role of councillor; and</p> <p>(h) performs such other functions as are given to a councillor by this Act or any other written law.</p>	Supports	Supports
31	<p>The Panel recommends the following as the role of the mayor/president: In addition to the responsibilities of a councillor, the mayor or president —</p> <p>(a) provides leadership and guidance to the community in the whole district;</p> <p>(b) carries out civic and ceremonial duties on behalf of the local government;</p>	Supports	Supports

	<p>(c) acts as the principal spokesperson on behalf of the council and explains and upholds the decisions of the local government;</p> <p>(d) encourages good working relations between councillors, and between the council and the CEO;</p> <p>(e) provides guidance to councillors about what is expected of a councillor including in relation to:</p> <ul style="list-style-type: none"> (i) the role of a councillor; (ii) the councillor code of conduct; and (iii) standing orders <p>(f) liaises with the CEO on the local government’s affairs and the performance of its functions;</p> <p>(g) presides at meetings in accordance with this Act;</p> <p>(h) leads the development of strategic plans;</p> <p>(i) promotes partnerships between the council and key stakeholders;</p> <p>(j) leads and facilitates the presentation of the annual Council budget;</p> <p>(k) initiates the annual performance appraisal of the CEO; and</p> <p>(l) performs such other functions as are given to the mayor or president by this Act or any other written law.</p>		
<p>32</p>	<p>The Panel recommends the following as the functions of the CEO:</p> <p>(1) The CEO’s functions are to —</p> <ul style="list-style-type: none"> (a) advise and assist the council in relation to the functions of a local government under this Act and other written laws; (b) ensure that timely and accurate advice and information is available to the council so that informed decisions can be made; (c) ensure that the mayor and other councillors are given the administrative and professional 	<p>Supports 32 (1) (a) to (0).</p>	<p>Supports</p>

<p>support necessary to effectively discharge their role;</p> <p>(d) advise the council on appropriate forms of community engagement;</p> <p>(e) advise and consult the mayor and council on the development and implementation of the strategic plans, programs, strategies and policies of the council;</p> <p>(f) prepare, in consultation with the mayor and council, the draft budget;</p> <p>(g) ensure that the policies and lawful decisions of the council are implemented in a timely and efficient manner;</p> <p>(h) conduct the day-to-day management of the local government in accordance with the strategic plans, programs, strategies and policies of the council;</p> <p>(i) ensure the effective and efficient management of the local government in a way that promotes —</p> <p>(i) the effective, efficient and economical management of public resources;</p> <p>(ii) excellence in service delivery; and</p> <p>(iii) continual improvement;</p> <p>(j) maintain systems to enable effective planning and accurate reporting of the financial and service performance of the local government to the council and community;</p> <p>(k) speak publicly on behalf of the local government when approved by the mayor or president to do so;</p> <p>(l) be responsible for the employment and management of local government employees, except with respect to the position of CEO, through management practices that —</p> <p>(i) promote equal employment opportunities;</p> <p>(ii) are responsive to the local government's policies and priorities; and</p> <p>(iii) provide a safe working environment;</p>		
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	<p>(m) ensure the local government complies with this Act and any other written law; (n) ensure that records, proceedings and documents of the local government are properly kept for the purposes of this Act and any other written law; and (o) perform any other function specified or delegated by the council or imposed under this Act or any other written law as a function to be performed by the CEO.</p> <p>(2) The CEO must inform and consult the council when determining, or making, significant changes to – (a) the organisational structure for the staff of the local government; or (b) the processes, terms or conditions that are to apply to the appointment of senior executive officers; or (c) the appraisal scheme that is to apply to senior executive officers.</p>	<p>Supports 32 (2) (a)</p> <p>Opposes 32 (b) and (c)</p>	<p>Opposes 32 (b) and (c) as it would blur the line between the role of council and administration.</p>
<p>33</p>	<p>The Panel recommends that the following community engagement principles should be included in the new Act:</p> <ul style="list-style-type: none"> a. Councils actively engage with their local communities; b. Councils are responsive to the needs, interests and aspirations of individuals and groups within its community; c. Community engagement processes have clearly defined objectives and scope; d. Participants in community engagement have access to objective, relevant and timely information to inform their participation; e. Participants in community engagement are representative of the persons and groups affected by the matter that is the subject of the community engagement; f. Participants in community engagement are entitled to reasonable support to enable meaningful and informed engagement; and 	<p>Supports</p>	<p>Supports</p>

	g. Participants in community engagement are informed of the ways in which the community engagement process will influence council decision-making.		
34	The Panel recommends a Community Engagement Charter be required as a mechanism for guiding and enhancing community participation in local decision-making, and that a model charter be prepared to set parameters and provide guidance on mechanisms to be used.	Supports	Supports
35	<p>The Panel recommends the Annual Electors' Meeting is replaced by an Annual Community Meeting whereby:</p> <p>a. As a minimum, councils provide information on their achievements and future prospects;</p> <p>b. Councils report on the local government's financial performance and performance against relevant Council Plans;</p> <p>c. Both the mayor/president and the Chair of the Audit Committee address the meeting;</p> <p>d. There is ample time for questions; and</p> <p>e. Wider community participation is encouraged through different delivery mechanisms.</p>	Opposed	Opposed
36	<p>The Panel recommends the following IPR Principles are included in the new Act:</p> <p>a. Councils plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services to meet the diverse needs of the local community;</p> <p>b. Strategic planning identifies and incorporates, where appropriate, regional, State and Federal objectives and strategies concerning the economic, social, physical and environmental development and management of the community;</p>	Supports	Supports

	<p>c. Strategic planning addresses the community’s vision;</p> <p>d. Strategic planning takes into account the resources needed for effective implementation;</p> <p>e. Strategic planning identifies and addresses the risks to effective implementation; and</p> <p>f. Strategic planning is a key accountability tool that provides for ongoing monitoring of progress and regular reviews to identify and address changing circumstances.</p>		
<p>37</p>	<p>The Panel recommends:</p> <p>a. IPR be given greater prominence in the new Act as the centrepiece of ‘smart’ planning and service delivery.</p> <p>b. The new Local Government Commission and the department should take steps to improve understanding and skills across the sector to ensure consistent implementation of IPR requirements.</p> <p>c. IPR provisions in the Act should be expanded to include the issues currently covered in the regulations (suitably updated in accordance with these recommendations).</p> <p>d. IPR provisions and guidelines should be amended to, amongst other things –</p> <p>(i) Highlight the central goal of advancing community well-being (economic, social, cultural and environmental).</p> <p>(ii) Replace the current requirement for a Strategic Community Plan with a more flexible framework for ‘Community Strategies’.</p> <p>(iii) Reframe Corporate Business Plans as broader ‘Council Plans’ prepared by each incoming council.</p> <p>(iv) Mandate deliberative community engagement in the preparation of both Community Strategies and Council Plans.</p>	<p>Supports</p>	<p>Supports</p>

	<p>(v) Require a 'regional issues and priorities' section within Council Plans, to be prepared in consultation with neighbouring/nearby local governments.</p> <p>e. Provision should be made for a baseline reporting system as part of the IPR framework, and local governments should be required over time to report against a wider range of performance measures covering financial management, service delivery, governance and community wellbeing.</p> <p>f. Annual reports should include a statement of performance against the objectives, programs and projects set out in Community Strategies and Council Plans.</p> <p>g. The Audit, Risk and Improvement Committee (see Recommendations 53 and 54) should monitor the local government's performance in implementing the IPR framework, including compliance with relevant statutory obligations, and report its assessment to the community (for example, as an addendum to the council's annual report and/or as a statement to the Annual Community Meeting proposed in Recommendation 35).</p> <p>h. That all IPR plans be reviewed every four years (to align with the new election cycle), two years or one year depending on the plan.</p>		
38	<p>The Panel recommends:</p> <p>a. As a minimum, local governments must seek to identify and provide, or offer, to all its citizens, a minimum level of services to meet statutory obligations.</p> <p>b. The Minister should have the power to direct a local government if it fails to provide or offer these services.</p>	<p>Opposes 38 (a) and (b)</p> <p>Supports 38 (c) to (e)</p>	<p>Opposes 38 (a) and (b)</p> <p>Supports 38 (c) to (e)</p>

	<p>c. The new Act should incorporate financial sustainability principles which also link to the IPR framework.</p> <p>d. Local government services and programs should be aligned to the IPR framework.</p> <p>e. Local governments conduct regular reviews of services and service levels including community consultation.</p>		
39	The Panel recommends local governments should continue to play an active role in economic development at both local and regional levels. The IPR framework should encourage local governments to be cognisant of State Government plans when developing strategies for economic development.	Supports	Supports
40	The Panel recommends that the new Act should provide the freedom for local governments to be involved in commercial activities where it is in the public interest and subject to competitive neutrality principles.	Supports	Supports
41	<p>The Panel recommends that 'beneficial enterprises' not be introduced as a new mechanism for local government commercial activities, but that instead an updated and more flexible subsidiary model should provide for the following:</p> <p>a. Local government autonomy to establish a single or joint subsidiary to:</p> <p>(i) Carry out any scheme, work or undertaking on behalf of the council;</p> <p>(ii) Manage or administer any property or facilities on behalf of the council;</p> <p>(iii) Provide facilities or services on behalf of the council; and/or</p> <p>(iv) Carry out any other functions on behalf of the council.</p> <p>b. The subsidiary to be established through a charter.</p> <p>c. The charter to be certified by an independent and suitably experienced legal practitioner as</p>	Supports 41 (a) to (g)	Opposes. The Act should be amended to allow councils to establish bodies corporate for commercial activities. The recommendation rejects the idea.

	<p>within power and National Competition Policy.</p> <p>d. Public notice of the proposal to establish the subsidiary to ensure that there are no private operators that would be significantly disadvantaged.</p> <p>e. The subsidiary to be able to undertake commercial activities (within the limits of competitive neutrality and a thorough risk assessment).</p> <p>f. The subsidiary to have the ability to acquire, hold, dispose of or otherwise deal with property.</p> <p>g. Dividends able to be paid to member local governments.</p> <p>h. The requirement for employees of the subsidiary to be employed under the same award or agreement conditions as the relevant local government/s and within the jurisdiction of the Western Australian Industrial Relations Commission.</p> <p>i. No requirement for ministerial approval at the outset, but reserve powers for the Minister for Local Government to intervene if issues arise should be included.</p>	<p>Opposes 41 (h)</p> <p>Supports 41 (i)</p>	
42	<p>The Panel recommends local governments should utilise the subsidiary models and, as a general rule, should not form entities outside this, such as under the Associations Incorporation Act, except as a means of establishing or maintaining partnerships with other local or regional organisations in those instances where the local government is not the dominant party.</p>	Supports	Supports
43	<p>The Panel recommends the following financial management principles be included in the new Act:</p> <p>a. Councils should have regard to achieving intergenerational equity, including ensuring the following:</p>	Supports	Supports

	<p>(i) Policy decisions are made after considering their financial effects on future generations; (ii) The current generation funds the cost of its services; and (iii) Long life infrastructure may appropriately be funded by borrowings.</p> <p>b. Revenue, expenses, assets, liabilities, investments and financial transactions are managed in accordance with the council's financial policies and strategic plans;</p> <p>c. Financial risks are monitored and managed prudently having regard to economic circumstances;</p> <p>d. Financial policies and strategic plans, including the Revenue and Rating Strategy and Investment policy, seek to provide stability and predictability in the financial impact on the community; and</p> <p>e. Accounts and records that explain the financial operations and financial position of the council are kept.</p>		
<p>44</p>	<p>Having regard to the need for sound financial decision-making and accountability, the Panel recommends the following:</p> <p>a. Local governments should be required to adopt or justify departures from a model investment policy to the Audit, Risk and Improvement Committee and relevant State Government Agency.</p> <p>b. Local governments should be able to use freehold land to secure debt.</p> <p>c. Debt should not be used for recurrent expenditure except in an emergency situation.</p> <p>d. Notice should continue to be required to be given for borrowings not included in the local government's annual budget.</p> <p>e. Building upgrade finance is permitted for specific purposes</p>	<p>Supports</p>	<p>Supports</p>

	<p>such as cladding, heritage and green improvements.</p> <p>f. Local governments should adopt program budgeting to more clearly show the actual cost of delivering a service or undertaking an activity.</p> <p>g. Local governments should report on the percentage of their expenditure spent on local businesses in their annual report.</p>		
45	<p>The Panel recommends that local government procurement thresholds, rules and policies are, where applicable, aligned with the State Government, including (but not limited to):</p> <p>a. Tender threshold (currently \$250,000);</p> <p>b. Procurement rules and methods for goods and services under the tender threshold;</p> <p>c. Procurement policies, including sustainable procurement, procuring from disability enterprises, buy local (where 'local' refers to Western Australia or a specific region of the state determined by the local government) and Aboriginal businesses; and</p> <p>d. Using TendersWA as the primary tender platform.</p>	Supports	Supports
46	<p>The Panel recommends the development of a model procurement policy for all local governments. If a local government chooses to deviate from the policy it should to be required to explain its reasoning to the responsible State Government agency.</p>	Supports	Supports
47	<p>The Panel recommends enhancing legislation to regulate and guide the establishment and management of panel contracts.</p>	Supports	Supports
48	<p>The Panel recommends a requirement for local governments to have an open register of local businesses with local governments determining what is considered 'local' to their community.</p>	Supports	Supports
49	<p>The Panel recommends breaches of the local government procurement rules to be referred to</p>	Supports	Supports

	the Office of the Independent Assessor to use the appropriate powers under the new Local Government Act.		
50	<p>The Panel recommends:</p> <p>a. Rate capping should not be introduced.</p> <p>b. Local governments should be required to develop and publish a rates and revenue strategy, that would amongst other things replace the need to have fees and charges set in the annual budget.</p> <p>c. The Economic Regulatory Authority (ERA) should be asked to undertake a review of the rating system, including a thorough examination of the case for the current wide range of exemptions.</p> <p>d. The current rates exemptions should be retained until after the ERA review.</p> <p>e. Property owners seeking an exemption should be regularly required to prove they meet the criteria for an exemption.</p> <p>f. Local governments should charge a separate waste charge applying to all properties which have a waste service, including exempt properties.</p> <p>g. The Valuer General should be asked to undertake a review of the rating methodology with the aim of smoothing out significant fluctuations in valuations.</p>	Supports	<p>Supports 50 (a) and (b)</p> <p>Opposes 50 (c) as it will likely become costlier, over bureaucratic and does not have the local knowledge needed to undertake this effectively.</p> <p>Strongly opposes 50 (d) and the Shires should be disappointed in WALGA for this position.</p> <p>Supports 50 (e) to (g)</p>
51	The Panel recommends that local governments should be able to set reasonable fees and charges according to a rating and revenue strategy, with the oversight of the Audit, Risk and Improvement Committee.	Supports	Supports
52	The Panel recommends that local governments and State Government apply cost recovery principles when setting fees and charges.	Supports	Strongly opposes. This should be up to individual local governments. It is impractical to recover fees and charges for Recreation Centres for

			example. Costs would increase dramatically.
53	<p>The Panel recommends the role of audit committees be expanded to become Internal Audit, Risk and Improvement Committees and:</p> <p>a. The majority of the Committee members, including the Chair, should be independent of the local government and should be drawn from a suitably qualified panel.</p> <p>b. To address the impost on small local governments, the committee could be established on a regional basis.</p>	Opposes	Opposes
54	<p>The Panel recommends the main roles of the Audit, Risk and Improvement Committee should include:</p> <p>a. Developing an audit plan which focuses on compliance, risk (including procurement), financial management, fraud control, governance and delivery of the Council Plans;</p> <p>b. Identifying continuous improvement opportunities and monitoring programs and projects in this area;</p> <p>c. Conducting the mandatory internal audits as outlined in the audit plan; and</p> <p>d. Providing advice to the council in relation to these matters.</p>	Supports	<p>Supports 54 (a) (b) and (d)</p> <p>Opposes 53 (c) as it is unclear how a committee will actually conduct the audit. These internal audits are normally conducted by officers or consultants that report to a committee.</p>
55	<p>In relation to governance, the Panel recommends:</p> <p>a. Meeting procedures are standardised across all local governments, allowing for both a committee system and a public briefing system.</p> <p>b. Elected members should be required to lodge a declaration of interest as well as a confirmation of impartiality prior to meetings.</p> <p>c. Elected members who believe that they are unable to maintain impartiality on a particular matter</p>	<p>Supports 55 (a) (b) (d) (e) (f) (h) and (i)</p> <p>Opposes 55 (c)</p>	Supports 55 (a) (b) (c) (d)

	<p>should be permitted to withdraw from that part of the meeting provided a quorum is maintained.</p> <p>d. All votes should be recorded in the minutes on each motion with details of how each councillor voted.</p> <p>e. As a minimum, audio recordings of public parts of council meetings should be available on the local government’s website when the minutes become available, with livestreaming to be encouraged.</p> <p>f. CEO contracts should be standardised and consistent with the Public Sector Commission’s policy and relevant conditions for public sector employees.</p> <p>g. CEO contracts should be no more than five years and after two terms the local government must readvertise the position.</p> <p>h. The department should facilitate additional oversight in the recruitment and management processes of CEOs. This could include representation on the selection panel and/or screening of applicants.</p> <p>i. Primary and Annual Returns should include disclosure of membership of political parties and associations likely to be seen as exerting an influence on decision making.</p>	<p>Opposes 55 (g)</p>	<p>Opposes 55 (e) as it should be up to that local government</p> <p>Opposes 55 (f) as there is already a standard model of contract</p> <p>Opposes 55 (g) as this should be up to the individual Council and will add to cost unnecessarily in some circumstances.</p> <p>Opposes 55 (h)</p> <p>Supports 55 (i)</p>
<p>56</p>	<p>The Panel recommends the following in relation to training:</p> <p>a. New CEOs (including CEOs moving to a substantially larger local government) should be required to undertake training and ongoing professional development as recommended by the selection panel.</p> <p>b. There should be compulsory induction training and ongoing professional development for all councillors, including specific programs for mayors and</p>	<p>Supports</p>	<p>Supports</p>

	<p>presidents.</p> <p>c. Training modules for all councillors should include in-depth material on IPR and land use planning.</p> <p>d. The Minister should have discretion to exempt completion of training within the stipulated time on compelling grounds.</p> <p>e. Expanded use of peer review and support should be encouraged both to help improve the performance of individuals and local governments.</p>		
57	The Panel recommends that there should be an early intervention framework of monitoring to support local governments. The department should have additional powers to appoint and support the monitor with councils responsible for the direct costs of the monitor.	Supports	Supports
58	The Panel recommends the Minister should have the power to direct local governments and make declarations in respect to the Local Government Act during a declared state of emergency.	Opposes	Opposes
59	<p>The Panel recommends establishing an Office of the Independent Assessor that should:</p> <p>a. Be an independent body to receive, investigate and assess complaints against elected members and undertake inquiries. This removes the CEO from being involved in processing and determining complaints.</p> <p>b. Be a statutory appointment by the Governor.</p> <p>c. Upon assessment, refer the complaint back to the council (behaviour-related), the State Administrative Tribunal (SAT) (serious breaches), or to another appropriate body (such as, Corruption and Crime Commission, Public Sector Commission, Ombudsman) according to the subject of the complaint.</p>	Supports	Supports. The Standards Panel has not worked well and, consequently, a new approach is welcomed.

	<p>d. Replace the Standards Panel by investigating and making determinations on Rules of Conduct breaches. SAT will determine the penalties.</p> <p>e. Amongst other powers, have the power to investigate, to order compulsory mediation and to deal with abuses of process.</p> <p>f. Be required to notify the CEO and council of any matters on a confidential basis.</p>		
60	The Panel recommends consideration should be given to the appropriate recognition and management of complaints by an elected member against a CEO or other senior officer, with one option for these to be investigated by the Office of the Independent Assessor.	Opposes	Supports.
61	<p>The Panel recommends:</p> <p>a. The new Act should set principles for determining classification bands for local governments.</p> <p>b. These classification bands should be used by the Salaries and Allowances Tribunal for determining councillor and CEO payments, as well as providing a framework for distinguishing between local governments in relation to other matters.</p>	Opposes	Supports
62	The Panel recommends the increased harmonisation of local laws through the development of model local laws and deemed provisions.	Supports	Supports, however This recommendation does not consider LG Pro's two requests in this area. The first was to eliminate the requirement to consult on model local laws and the second was to eliminate the need to periodically review model local laws adopted.
63	The Panel recommends requiring local governments to justify to the Joint Standing Committee on Delegated Legislation any variation from the model or deemed provisions.	Supports	Opposes. This provision reduces local government autonomy and will make it more difficult to introduce local laws which are not model laws.

64	<p>In relation to WALGA, the Panel recommends:</p> <p>a. WALGA not be constituted under the new Act;</p> <p>b. A transition period is provided to ensure continuity in operations of WALGA while it is re-formed under other legislation; and</p> <p>c. Recognition of WALGA's Preferred Supplier Program and mutual insurance coverage in the legislation should be accompanied by appropriate oversight measures, including auditing.</p>	<p>Conditionally support (a) and (b) seeking feedback from local governments.</p> <p>Supports 64 (c)</p>	<p>Supports 64 (a)</p> <p>Opposes 64 (b)</p> <p>Supports 64 (c)</p>
65	<p>The Panel also identified the following operational matters to be considered when drafting the new Act:</p> <p>a. The powers of entry in the current Local Government Act should be retained.</p> <p>b. The current evidence requirements in legal proceedings should be retained, however the requirement for the CEO to certify the documents should be removed. This should be delegated and the range of items that can be certified expanded after consultation with local governments.</p> <p>c. The new Act should be updated to reflect the modern signing of contracts.</p> <p>d. A more streamlined ability to dispose of impounded goods needs to be developed for the new Act.</p> <p>e. The new Act should enable councillors and members of the community (in the case of public questions and deputations) to remotely participate in council and committee meetings.</p> <p>f. Employment entitlements for local government employees should be transferrable across all three levels of Government.</p>	<p>Supports 65 (a) to (e)</p> <p>Conditionally supports 65 (f) subject to consultation with local governments</p>	<p>Supports</p>

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.

Other Strategic Links

Nil

Statutory Environment

The current Local Government Act (1995) is still in force, however the report identifies that a new Act will be implemented in the short to medium term.

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

Some recommendations within the Panel report has the objective to increase the economic viability of communities.

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

Nil

Environment – (Impact on environment’s sustainability)

Nil

Policy Implications

There are no Policy implications.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Moderate	A failure to respond to the 65 recommendations does pose some risk to Council within some of the recommendations, namely a reduction of only 5 elected members on Council.

Consultation

Western Australian Local Government Association.

Resource Implications*Financial*

Nil

Workforce

Nil

Options

Council has the option of:

1. Accepting the officer submission.
2. Amending the officer submission.
3. Not accepting the provided submission and not providing a response.

Conclusion

A number of the recommendations put forward by the Panel has significant impact on the local government sector. It is recommended that Council forms a position on the 65 recommendations and submits a submission to the Minister, state lower house and upper house representatives, WALGA and the Department of Local Government, Sport & Cultural Industries.

11.3 Suspension of Lease Rental Payments – Lot 190 (6) George Street, Pinjarra – Regional Development Australia Peel Inc

File Ref: GE02/190
 Previous Items: OCM.24 Oct 19 Item 19.1 (OCM 19/240)
 OCM.28 Nov 19 Item 15.3 (OCM 19/259)
 Applicant: Regional Development Australia Peel Inc
 Declaration of Interests: Nil
 Author and Title: Robert Marlborough, Manager Governance
 Voting Requirements: Simple Majority

Recommendation/Council Decision

OCM20/169

Moved: Cr B Cardilini

Seconded: Cr A Rogers

That Council supports the request by Regional Development Australia Peel Inc to suspend (cancel) rental payments of \$1,833.33 per calendar month, for a period of four (4) months commencing 1 December 2020 for the leased premises at 6 George Street, Pinjarra on a month by month basis for the period defined, where it can be demonstrated to the satisfaction of the Chief Executive Officer that hardship from COVID-19 continues.

CARRIED 8:1

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

For: Councillors D Bolt, B Beacham, A Rogers, D McLarty, G Black, S Kirkham, B Cardilini, C Rose

Against: Cr S Lee

In Brief

To consider a request by Regional Development Australia Peel Inc (RDA Peel) to suspend (cancel) rental payments for the period 1 December 2030 to 30 June 2021 for the leased premises at 6 George Street, Pinjarra due to the negative impact of Covid-19 on capacity to generate hire income.

Background

At the Ordinary Council Meeting on 28 November 2019 the following recommendation regarding RDA Peel leasing 6 George Street, Pinjarra was supported:

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

Following this recommendation, a three-year lease was endorsed with RDA Peel on 29 November 2019, with the first years rent being \$1.00, in recognition of the planned upgrades and improvements to the premises, at no cost to the Shire.

After the first year (from 1 December 2020), the rent payable for the premises was to commence at \$1,833.33, plus GST, per calendar month, which equates to \$22,000 per annum, plus GST.

Peel RDA have formally requested Council to consider suspending rental payments as outlined in the following correspondence –

“Regional Development Australia Peel Inc. (RDA) formally requests a suspension of rental payments for the premises at 6 George Street Pinjarra for the period 1st December 2020 to 30th June 2021.

As you are aware Council resolved at its Special Council Meeting of 9th April 2020 “That Council:

- 6. endorses a suspension of Shire lease and rental payments between 1 March and 31 August 2020 to all Shire business tenants and leases, excluding Regional Development Australia, with a further review being undertaken prior to 31 August 2020;”*

RDA has been negatively impacted by the COVID-19 pandemic in that the planned income from hiring of meeting rooms has not been possible due to the restrictions put in place by Australian and State Governments.

Since taking up the lease on these premises on 1st December 2019 RDA has expended a total of \$36,187 and works to finalise landscaping will commence at the end of July with an estimated cost of \$9,396. These expenses have had a positive impact not only on the appearance of the premises but its value.

To support Council's efforts to alleviate impacts of the pandemic RDA also decided to suspend the payment by Council of \$7,000 to support delivery of the Peel Bright Minds program”.

On 9 April 2020 at a Special Council Meeting (SCM) a recommendation was supported to suspend Shire lease and rental payments between 1 March and 31 August 2020 to all Shire business tenants and leases, excluding Regional Development Australia, with a further review being undertaken prior to 31 August 2020. RDA Peel were not included in the Council determination at the SCM, as the rent payable during the period prescribed was \$1.00 per annum.

RDA Peel have continued to progress the planned improvements at the premises at their own cost, with the driveway upgrade being completed in late July 2020. The final phase of landscaping upgrades to the rear of the property and the driveway are still to be completed.

Following the Covid-19 Coronavirus pandemic the Western Australian State Government introduced broad legislation and a Code of Conduct (Code) to ensure adequate support was available for both residential and commercial tenants during the emergency period (six months from 30 March 2020, with the possibility of extension). The emergency period is still in effect with both emergency and health declarations continuing to be extended.

The associated Code's purpose is to ensure negotiations between landlords and tenants are carried out in good faith, so agreements can be reached on temporary changes to small commercial leases taking into considerations impacts on tenants including revenue, expenses and profitability, during any negotiations to determine what temporary changes are appropriate, such as deferrals and/or reductions in rent payments.

RDA Peel enquired about eligibility for the Jobseeker payments under the Commonwealth Coronavirus Economic Response Packages (Payments and Benefits) Rules 2020, However RDA Peel do not meet the requirements, which are based on reduced GST turnover, due to the bulk of income being GST Free. Similarly, under the *Commercial Tenancies (COVID-19 Response) Act 2020*, RDA Peel, as an incorporated association, is an eligible organisation, however due to ineligibility for the Jobseeker scheme they were deemed ineligible for assistance under that legislation.

Report Detail

Part of RDA Peel's business plan provided during the initial submission process to lease 6 George Street, was to:

- provide "hot desk" facilities and meeting room to attract and service organisations delivering outreach programs to the Shire's of Murray/Waroona from Mandurah and outside the Peel region, and;
- to attract other development related agencies to Pinjarra.

Given RDA Peel's advice, it appears anecdotally that Covid-19 has negatively impacted their capacity to generate income the planned hire arrangements with external agencies and other service providers. The real likelihood of this situation continuing for some time is high given the lingering effects from the COVID health crisis, with emergency and health declarations continuing to be extended.

RDA Peel have indicated reasonable inquiries about state-based relief under Jobseeker and the *Commercial Tenancies (COVID-19 Response) Act 2020*. However, as outlined they were deemed ineligible for direct support.

Notwithstanding the current economic climate and the impact of Covid-19, RDA Peel have continued to progress the agreed property improvements since the leased commenced, at their own cost.

Supporting RDA Peel's request to suspend (cancel) rent payments for the period requested (1 December 2020 to 30 June 2021) will amount to loss of rental income of \$12,833, plus GST. Reducing the period to 4 months will amount to a rental loss of \$7,333 plus GST.

Murray 2030 Strategic Community Plan

Nil

Murray 2020-2024 Corporate Business Plan

Nil

Other Strategic Links

Nil

Statutory Environment

Commercial Tenancies (COVID-19 Response) Act 2020 and Commercial Tenancies (COVID-19 Response) Regulations 2020.

A small commercial lease is a:

- retail shop lease as defined in the Commercial Tenancy (Retail Shops) Agreements Act 1985 (CTA Act); or
- lease where the tenant is a small business as defined in the Small Business Development Corporation Act 1983 (SBDC Act);

- lease where the tenant is an incorporated association as defined in Associations Incorporation Act 2015 (AI Act); or
- another type of lease prescribed in the regulation.

Western Australia's Code clearly outlines that landlords and tenants to act reasonably and in good faith with openness, honesty and transparency.

The Code guides commercial tenants and landlords to provide each other with sufficient and accurate information for the purposes of negotiations and not to make onerous demands of one another.

The Code outlines a process for tenants to request rent relief and landlords are required to:

- offer relief at least proportionate to the reduction in turnover that the business has suffered; and
- provide at least half of that rent relief as a waiver, with the rest to be either deferred or waived.
- The code also deals with recovery of outgoings and expenses and confidentiality obligations.

Sustainability & Risk Considerations

Economic – (Financial impact to the community)

The rental amount sought to be suspended was \$12,833 reducing the suspended rent for a period of only 4 months equates to a loss of \$7,333, plus GST. The loss of this income will have an impact on overall rental income in the 2020/201 financial year. However, this situation it is not likely to seriously disadvantage the broader community.

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

Nil

Environment – (Impact on environment's sustainability)

Nil

Governance – (Policy implications)

Council policies are not impacted.

Overall Risk Management Consideration

Based on the premise of good faith and openness and in support of RDA Peel's ongoing commitment to continue with the planned property improvements at their own cost, there is some merit in recognising the COVID-19 impact on their planned business model and operations and agreeing to suspend rental payment, as requested. However, doing so may set a pattern which could significantly affect income derived from leased premises.

Consultation

Nil

Resource Implications

Financial

The rental income from 6 George Street, Pinjarra for the 2020/2021 financial year based on the current lease with RDA Peel is \$22,000, plus GST. Supporting rent being suspended (cancelled) for the four (4) month period commencing 1 December 2020 as proposed in the recommendation, equates to an amount of \$7,333, plus GST.

Normal outgoings and other payables under the lease arrangement with RDA Peel are not proposed to be affected by the request presented.

Workforce

Nil

Options

Council has the option of:

1. Supporting the request to suspend (cancel) the monthly rent payments under the lease of \$1833.33, plus GST for the period of seven (7) months commencing 1 December 2020 as requested.
2. Alternatively suspending the monthly rent payments under the lease of \$1833.33, plus GST for the period of four (4) months commencing 1 December 2020 as recommended.
3. Further shortening the period, that the rent could be suspended.
4. Declining to support rent payments being cancelled and/or reduced with the terms of the current lease arrangement continuing to apply.

Conclusion/Justification of Officer Recommendation

RDA Peel have continued to progress the planned improvements to the property as agreed during the development of the lease arrangement, which has resulted in the appearance of the property being improved significantly.

Working effectively with lessees during COVID-19 situation is critical to ensuring positive long term outcomes.

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)
 OCM August 2020 Item 11.4
 Applicant: Access Housing Australia Ltd
 Author and Title: Tracie Unsworth, Director Corporate Services
 Declaration of Interest: Nil
 Voting Requirements: Absolute Majority

Appendix 5

Recommendation/Council Decision

OCM20/170

Moved: Cr B Beacham

Seconded: Cr S Lee

That Council:

- 1. 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; and**
- 2 accepts Access Housing Australia Ltd's offered repayment proposal as presented at Appendix 5.**

CARRIED UNANIMOUSLY 9:0

11.4.1 Matter Arising - Application for Rating Exemption – Access Housing Australia Ltd

File Ref: 8904-03

Council Decision

OCM20/171

Moved: Cr B Beacham

Seconded: Cr S Lee

That Council:

- 1. continues to lobby through WALGA to remove any ambiguity in the Act that grants exemptions to charitable organisations such as Access Housing and thereby removing the impost to the general rate payer; and**
- 2 officers investigate an appropriate mechanism through rate payer notices in the future to identify the cost subsidy borne by the rate payer.**

CARRIED UNANIMOUSLY 9:0

In Brief

- Access Housing Australia Ltd (AHA) applied for rates exemption on their owned and managed properties in 2018, to take effect from the financial year commencing 1 July 2018.
- At the Ordinary Council Meeting 23 April 2020 Council granted the exemption from 1 July 2019, but refused the exemption for the 2018/19 financial year.

- Council representatives met with representatives from AHA on 14 July 2020, whereat AHA offered to submit a proposal to allow the Shire to repay the 2018/19 rates over a period of 2 years should the exemption be granted.
- At the Ordinary Council Meeting 27 August 2020 Council was declined to reconsider the rates exemption on the basis that the proposal had not been received from AHA.
- AHA submitted a repayment proposal to the Shire on 7 September 2020.
- Based on the proposal, 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 issues. 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: That Council, in accordance with section 6.26(2)(g) of the Local Government Act 1995, declines the application from Access Housing for an exemption for rates in relation to 9 properties in the Shire of Murray.

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: That Council:

- 1. grants the applicant, Access Housing Australia Ltd, full exemption of rates on the residential properties as tabled in this report from 1 July 2019 whilst the properties are considered exempt under the Local Government Act 1995; and***
- 2. lobbies the State Government and WALGA to gain support to amend the Local Government Act 1995 to exclude residential properties that are leased for a financial benefit from exemption and/or to seek ex-gratia compensation from the Department of Housing.***

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 again declined the applicant's request:

OCM 20/108: That Council decline Access Housing Australia Ltd's request to apply the rates exemption on their owned and leased properties retrospectively to the financial year ended 30 June 2019.

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. They did however concede that the refund of rates paid for the 2018/19 financial year would potentially have a negative financial impact on the Shire and offered to forward a proposal to enable the Shire to make reimbursement over two years.

A further report was presented to Council at the 27 August 2020 Ordinary Council Meeting to reconsider the exemption. This motion was lost; the reason for change being:

“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.”

Report Detail

Following Council's decision at the 27 August Ordinary Council Meeting that they were unable to consider the rates exemption on the basis that the applicant had not submitted the repayment proposal as discussed with the Shire President and CEO on 14 July, Shire officers contacted Mr Duane Moroney to advise him of the decision. Mr Moroney advised that this was an oversight on their behalf and that a proposal would be forwarded in due course. Subsequently Access Housing's proposal was received on 7 September 2020. (Attached at **Appendix 5**)

The proposal allows for the Shire to reimburse Access Housing Australia Ltd in two equal instalments on or before 30 September 2021 and 30 September 2022.

The table below shows a list of the properties relevant to this application, as well as the rates paid 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

Property Address	Owner	Status	Type	18/19 Rates
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 2020-2024 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. Accepting Access Housing Australia Ltd's repayment proposal and grant 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 on the annual rates for the 2018/19 financial year, noting that legal costs of approximately \$10,000 may be required should the decision be referred to the State Administrative Tribunal. Should this occur it would be advantageous for a Councillor to be nominated as the Council representative to appear at the Tribunal hearing.

Conclusion

The issue around rating exemptions applied under Section 6.26(2)(g) of the Local Government Act 1995 is a contentious one and has solicited substantial discussion in the local government sector. Regardless of any perceived moral obligation it appears likely, should the applicant refer the matter to the State Administrative Tribunal, Section 6.26(2)(g) of the Local Government Act 1995 would be interpreted in their favour.

Access Housing Australia Ltd have indicated they are conscious of the fact that the repayment of the 2018/19 rates will have a financial impost on the Shire and have therefore proposed a repayment plan over a two-year period.

11.5 Payments from Municipal and Trust Funds – August 2020

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

Appendix 6

Recommendation/Council Decision

OCM20/172

Moved: Cr A Rogers

Seconded: Cr D McLarty

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

CARRIED UNANIMOUSLY 9:0

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 August 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 August 2020.
2. Not receiving the Payments from Municipal and Trust Funds report for August 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.

11.6 Monthly Financial Report – August 2020

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

Appendix 7

Recommendation/Council Decision

OCM20/173

Moved: Cr D McLarty

Seconded: Cr G Black

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

CARRIED UNANIMOUSLY 9:0

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 August 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 August 2020.
2. Not receiving the monthly financial report for August 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

11.7 Reviving the Harvest Highway Concept Feasibility Study

File Ref:	7/8451
Previous Items:	Reviving the Harvest Highway concept
Applicant:	
Author and Title:	David Arkwright, Manager Investment Attraction
Declaration of Interest:	Nil
Requirements:	Simple Majority

Appendix 8

Recommendation/Council Decision

OCM20/174

Moved: Cr S Lee

Seconded: Cr C Rose

That Council approves:

1. the report “Feasibility Study to determine the prospects for, and implications of, reviving the Harvest Highway concept, along the South West Highway (State Route 20) linking the Shires of Serpentine and Jarrahdale, Murray, Waroona and Harvey: August 2020” attached as Appendix 8;
2. that the project be deferred due to the high cost of implementation, with remaining funds to be disbursed back to the initial contributors; and
3. that the Shire of Murray, together with the other participating local governments and the Peel Development Commission revisit the initiative in two years.

CARRIED UNANIMOUSLY 9:0

In Brief

- At its February 2020 meeting Council resolved as follows:
 - ✓ Approves that the Shire of Murray joins with the Shires of Waroona, Harvey and Serpentine and Jarrahdale, and the Peel and Southwest Development Commissions to investigate the feasibility of reviving the Harvest Highway concept.
 - ✓ Approves that a sum of \$10k be allocated to a fund held by the Shire, with similar contributions being made by the other parties mentioned above;
 - ✓ Notes that the initiative may expand to include the Shires of Collie and Dardanup, and potentially others.
 - ✓ Approves that the Shire of Murray be part of a working group to oversee the initiative.
- All parties made their contributions and consultants Savagely Creative was appointed to undertake the work. The feasibility was completed in August 2020 – copy attached as **Appendix 8**.
- The report concludes that the concept of using a long-distance route as a way of promoting a destination has been tested across the world and had been found to be very effective. The key to success is consistently funding and resourcing the project over a long period of time and delivering a consistent message. The LGAs involved in this project and Peel Development Commission must be willing and able to make a long-term commitment the funding and support of this project with an eye on the overall project objectives as the outcomes may not be equal for all LGAs. Having clear goals and regular monitoring will assist each partner in identifying the benefits they have received and the overall outcomes of the project.

- The initial costs of establishing the initiative have been estimated by Savagely Creative to be in the order of \$500k, with annual costs thereafter of approximately \$300k. The parties to the initiative concluded that the costs are beyond the financial capability of the group at this stage, and that the most appropriate way forward at this stage is to progress the building of tourism product at various places and then to review the opportunity of implementing a joint “route” initiative in two years.

Background

The "Harvest Highway" project was an initiative formulated by the Bunbury Wellington Economic Alliance in 2001 to market the South Western Highway using the produce, tourist attractions, unique communities and rural lifestyle as its focus.

The original geographical area of the "Harvest Highway" concept was from Byford in the North to Manjimup on the South and encompassed communities both on the highway (Byford, Mundijong, Pinjarra, Waroona, Harvey, Dardanup, Donnybrook, Balingup, Greenbushes, Bridgetown and Manjimup) as well as communities off but close to the highway, such as Jarrahdale, Collie, Boyup Brook, Dwellingup and Nannup. This original area encompassed twelve shires (Serpentine-Jarrahdale, Murray, Waroona, Harvey, Collie, Dardanup, Capel, Donnybrook/Balingup, Bridgetown/Greenbushes, Boyup Brook, Nannup and Manjimup) and approximately twenty-two communities of varying sizes and a number of localities.

The project was funded in its first year of operation (and subsequently for a second year), by the Australian Department of Transport and Regional Services through its Dairy RAP program, and run and managed by the Bunbury Wellington Economic Alliance, the Warren Blackwood Economic Alliance and the WA Department of Training.

The Vision of the original Harvest Highway was “Local Communities working together to develop and market the South West Highway as an alternative inland visitor route, showcasing local produce.”

The Mission of the original Harvest Highway was for it to be “the catalyst for the development of an alternative visitor route through the inland areas of the Peel and South West regions. Creating opportunities in the business, marketing and training arenas, the project will facilitate local communities in their endeavours to develop visitor experiences and increase employment in a collaborative environment”.

The Harvest Highway initiative developed membership amongst tourism, food and other enterprise, marketed the Harvest Highway, undertook training for business, and ran and marketed a schedule of major events and activities. The initiative developed a dedicated website and produced a monthly printed newsletter

When funding ceased at the end of 2005, the initiative scaled back, but has recently been revived in the Warren Blackwood Alliance area, encompassing the communities of Donnybrook, Balingup, Greenbushes, Bridgetown, Manjimup and Nannup.

In late 2019, the Shires of Serpentine and Jarrahdale, Murray, Waroona and Harvey, along with the Peel Development Commission, decided to explore the potential of reviving a similar initiative for the Serpentine and Jarrahdale to Harvey complex, and appointed Savagely Creative to explore the feasibility of doing so. The feasibility study has been completed.

Report Detail

The feasibility study reported as follows on key aspects:

Review of the Original Harvest Highway Concept

A review of the Harvest Highway concept was undertaken by examining the product offered and consulting with a range of key stakeholders involved in the original project. The general consensus was that the Harvest Highway project had merit but that it was probably ahead of its time in the promotion of food and agri-tourism experiences. It was initiated in 2001 and the WA Food Tourism Strategy was not produced until 2015 when food tourism was receiving a significant boost across the world.

There were a number of challenges associated with the Harvest Highway initiative:

- It was too long stretching from Armadale to Walpole. The destinations along the route did not work as part of a consolidated whole and so it was difficult to get consistency of experience or promotion along the route.
- The focus on food and agri-tourism was viewed as being too narrow as there was not a significant number of businesses that were open to the public or that wanted to create some kind of visitor experience.
- The project was developed from the top down and it was difficult to recruit businesses to be part of the product offering.
- There was insufficient funding to allow the promotion of the route. It was developed in the days before social media so access to cheap marketing channels was not available. The project officer was forced to spend considerable time and effort trying to attract additional funding to deliver the project.
- It is not recommended to re-establish the Harvest Highway. The recommendation is to explore the development of a new route that has a range of curated experiences aimed at specific marketing.

There is support for an initiative

A number of key stakeholders were interviewed as part of the project consultation. There was general agreement that the development of this kind of route would be an advantage to the region as it gives a reason for visitors to come and explore the region as well as building on the knowledge and available experiences that can then be promoted by the region and the other tourism marketing organisations in the state.

COVID-19 has change the tourism landscape worldwide and it likely to continue to have a significant impact on tourism into the future. The current focus is on the intrastate market and encouraging them to explore their own state. At some point interstate and international visitation may return and it is anticipated that the development of product over the next few years will assist in providing options for these visitors when border restrictions are eased.

Catering to an intrastate market provides a range of challenges including:

- Focus on weekend and school holiday periods with limited business in midweek periods;
- More day trip visitors and less overnight;
- Lower level of spending;
- More short breaks and less long holidays;
- May think they know a place and be unwilling to explore something new.

Highway 20 Concept

The Highway 20 route was developed some years ago with the same objectives. While it was a good concept and had support from the visitor centres it was not resourced by the LGAs and funding was only available to create and print a brochure. There were no marketing and project management funds available and officers had to incorporate work involved in the

developing and promoting the trail into their existing duties. Not surprisingly when the key driver left the project foundered and ultimately stopped.

It is recommended that the project be revisited but with a much more significant budget and dedicated project management resources.

Future Management of an initiative

The management of the project would be a joint effort between the LGAs with a high-level steering committee to set the strategic direction and champion the project through their own LGA structures. It would have a dedicated project manager, either in house or an external consultant. The project manager would have access to an advisory committee of key tourism, marketing and economic development people across the region to assist in developing the experiences and acting as ambassadors for the project. The project manager would also liaise with key external stakeholders to ensure that the project is aligned with tourism marketing and product development spend at a regional and state level.

Infrastructure that will be required

Digital infrastructure will be the most important thing to develop quickly including a web site, access to itinerary development software and digital assets to assist in the promotion of the route. In addition, branded signage should be developed to ensure that the visitor knows they are on the route, but this should be incorporated into existing signage infrastructure to reduce clutter and to make it easy to remove signage at the end of the project. It is not recommended to develop a visitor information centre in Serpentine Jarrahdale for a number of reasons:

- The use of visitor centres has been falling dramatically over the past few years making it difficult to generate income, as such they have become a financial drain on resources.
- Intrastate visitors are the least likely to use a visitor centre as they are seen as places for tourists and as such unless they have another purpose such as interpretive attraction or as in the case of Dwellingup a trail centre.
- Identifying a location for a centre is difficult as a new build may be prohibitively expensive and the refurbishment of an existing building will be hard to recoup.
- An alternative would be to use the visitor centre at Armadale as the physical starting point and install information panels at a suitable location that can cater for a range of markets including cars and caravans.
- Funding would be better spent on the development of digital assets and the ongoing
- promotion of the region and the route as this is going to have a better return on investment.

Investment required

The level of investment for this project is likely to be significant if it is to be done well. In addition to branding and marketing planning the main costs will be the development of a website which must be mobile friendly, digital assets, marketing campaigns and the employment of a project officer.

Conclusions

One of the major challenges for the tourism industry in the region is that there is a relatively small number of full-time professional tourism businesses and a need for a significant level of business and industry support. It is also unlikely that businesses will have funds in the short term to contribute towards marketing activities. In addition, many of the attractions are free natural experiences such as walking, mountain biking or spending time in nature. With this in mind the costs are going to fall to the LGA stakeholders unless sponsorship funds can be sourced. It is relatively easy to “create” a long-distance route as evidenced by the first iteration of the Highway 20 project, however, without consistent resourcing and support it cannot hope to have an impact.

Creating a long-distance trail requires clear goals, long-term commitment and consistent delivery. If this is not possible to lock in place at the beginning of the project, it is probably better not to start – at least not until there is a significant growth in tourism offering, sustainable tourism enterprise and high level of commitment to a “route” development .

Murray 2030 Strategic Community Plan

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

Murray 2020- 2024 Corporate Business Plan

Focus Area	Thriving Economy
Objective	Maximise Murray’s natural assets and heritage as a driver for tourism development.
Strategy	Develop key sectors of the tourism economy where Murray has competitive advantage.
Project and Actions	Implement recommendations of the Murray Tourism Strategy.

Other Strategic Links

Keeping the option and opportunity for the development of a “tourism route” open is considered important. An initiative such as this presents the opportunity to establish and grow cooperation and relationships across a number of adjacent local governments. The initiative is also highly connected to maintaining, culture and heritage as well as protecting the regions natural assets – a key priority for the communities in the participating local governments.

Statutory Environment

Not Applicable

Sustainability & Risk Considerations

Economic

Deferral of the initiative reduces financial risk and also gives the Shire a focus and set of goals for tourism development – build a strong tourism offering, build strong and sustainable tourism enterprises – and with adjacent Local Governments doing likewise, strengthening the demand for a future cooperative approach.

Social

The Shire of Murray can devote the short term to building a strong tourism offering and strong and sustainable enterprise. This will offer new employment opportunities to Murray, the Peel and the wider region - providing an increasing standard of living and quality of life for the communities.

Environment – (Impact on environment’s sustainability)

It remains essential that sustainable solutions be found for the future development of the communities along the Darling escarpment. Working towards a future “tourism route” initiative will encourage the retention of cultural and heritage, as well as the protection of the natural environment

Policy Implications

Not Applicable

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	Other local governments, and the Peel Development Commission lose interest in continuing with a future “tourism route” initiative.
Low	Private enterprise does not support the establishment of a future “tourism route” initiative

Consultation

The study will undertake substantial consultation with major stakeholders.

Resource Implications*Financial*

A saving of approximately \$4000 from the original cash contribution of \$10,000.

Workforce

A focused short-term effort to build new tourism product and sustainable tourism enterprise. The basis for this is in place in the Shire of Murray.

Options

Council has the option of:

1. Approving or not approving the feasibility report.
2. Approving or not approving that the “route” initiative be reviewed in two years time

Conclusion

Tourism development is crucial for the future of the Shire of Murray. Committing now to a substantial cross-regional and cross-local government “tourism route” initiative is considered premature, but nonetheless worthy of revisiting down the line. In the meantime, this presents the opportunity for the Shire of Murray and other local governments to focus their short term efforts on building tourism product, strong and sustainable tourism enterprise and building a clear market-driven need for a future cooperative “tourism route” initiative.

11.8 Lease and Management Order Request – North Yunderup Country Women’s Association Hall – North Yunderup Community Group

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

Recommendation/Council Decision

OCM20/175

Moved: Cr G Black

Seconded: Cr S Lee

That Council:

1. supports a lease agreement being entered into between the Shire of Murray and the Country Women’s Association of Western Australia (Inc) for the CWA Hall located at Lot 1 (45) Culeenup Road, North Yunderup for a period of one year with a similar option period;
2. authorises the Chief Executive Officer to negotiate and endorse a lease agreement with the Country Women’s Association of Western Australia (Inc) with the annual rent being five hundred dollars (\$500.00), plus GST;
3. supports a management agreement being entered into between the Shire of Murray and the North Yunderup Community Group for the CWA Hall located at Lot 1 (45) Culeenup Road, North Yunderup for a period of one year with a similar option period; and
4. authorises the Chief Executive Officer to negotiate and endorse a management agreement with the North Yunderup Community Group.

CARRIED UNANIMOUSLY 9:0

In Brief

Council is requested to consider a proposal presented by the Country Women’s Association of Western Australia (Inc) (**CWA of WA**) and the North Yunderup Community Group for:

- (a) The Shire of Murray to enter into a leasing agreement with the CWA of WA to lease the North Yunderup CWA Hall; and
- (b) The Shire of Murray to enter into a management agreement with the North Yunderup Community Group for the management of the North Yunderup CWA Hall (**CWA Hall**).

Background

The CWA Hall is located at Lot 1 (45) Culeenup Road, North Yunderup and is owned by the CWA of WA. The CWA Hall was originally built in 1955 and the community facility has served as the branch for the Yunderup Country Women’s Association (**Yunderup CWA**) as well as being available for use by other community groups, such as the North Yunderup Community Group, and for different events and activities.

In February 2020, Shire officers were contacted by the North Yunderup Community Group following the dissolution of the Yunderup CWA branch who were wanting assistance from the Shire in negotiating an arrangement with the CWA of WA to ensure that the community facility could still be available for use by the local community.

Shire officers have been in discussions with the CWA of WA regarding the CWA Hall to determine whether an arrangement with the North Yunderup Community Group could be considered. The advice that the Shire has received from the CWA of WA is that it will not consider leasing the facility to the North Yunderup Community Group, but it will enter into a leasing arrangement with the Shire.

Given the advice from the CWA of WA, Shire officers have carried out a site inspection of the community facility to better understand the building's condition. Shire officers are satisfied with the building's condition and note that in 2016, the community facility underwent substantial renovations that saw the building extended and the introduction of a commercial kitchen facility.

Additionally, costs associated with the community facility have been investigated with the CWA of WA indicating the following costs:

Rent	\$500 per annum
Building and Contents Insurance	\$631.74 per annum approximately
Power consumption	\$840 per annum approximately
Water	\$500 per annum approximately
Emergency Service	\$360 per annum approximately
Kleenheat Facility Fee	\$80 per annum approximately
Emergency Services Levy	\$84 per annum
Pest Inspection Termites	\$250 per annum approximately
TOTAL	\$3245.74

Report Detail

Council is requested to consider entering into a one year lease agreement with a similar option period with the CWA of WA as well as a management agreement with the North Yunderup Community Group to manage the facility under the auspices of the Shire.

The North Yunderup Community Group have indicated that they have the financial means to contribute towards the above outlined costs, though should Council support the officer recommendation, this will be negotiated further to ensure that a cost neutral outcome for both parties is achieved. Key performance measures, such a minimum number of community events or activations, will also be negotiated to ensure that there is adequate use of the community facility and benefit to the wider community to validate the arrangement.

The one-year lease with the potential for an option term can be used as a trial period to ensure that the arrangement is appropriate and working well for all parties.

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	<ul style="list-style-type: none"> • In partnership with communities, identify and prioritise community-led projects and initiatives. • Plan community facilities for future generations. • 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	<ul style="list-style-type: none"> • A participatory community to engage with the Shire to build better places. • Deliver efficient and effective Council services to the community. • Provide community focussed customer service and access to information.

Murray 2020-2024 Corporate Business Plan

Focus Area	Places for People
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

Nil

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 entering into a one year lease agreement with a similar option period with the CWA of WA as well as a management agreement with the North Yunderup Community Group to manage the facility is unlikely to have any significant impact on the wider community given the minimal costs, the community group's to be determined financial contribution and the agreement being only for one year at this time.

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

The CWA Hall is the only community facility in North Yunderup and therefore the space is of significant value to the community with the different events and activities delivered from the hall providing community benefits, such as having things to do locally and encouraging social interaction. There is risk that by in not supporting a leasing arrangement, the community will lose this community facility.

Environment – (Impact on environment's sustainability)

Nil

Policy Implications

Nil

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	<ol style="list-style-type: none"> 1. A lease is a legally binding agreement and with the Shire entering into such an arrangement with the CWA of WA, there is risk should the North Yunderup Community Group not ultimately honour its financial commitment, the Shire will be responsible for all costs under the lease. Based on the Shire's investigations, these costs would be \$3,245.74 with a one year commitment. 2. By providing management to the North Yunderup Community Group, there is risk that the community group will exercise exclusive use of the community facility. Based on the previous year's bookings, it appears the community group is the predominant user of the space and it is in the best interest of the community group to sub-hire the space to recover outgoing costs associated with management of the hall.

Consultation

Consultation with the CWA of WA and the North Yunderup Community Group has occurred. Should Council support the officer recommendation, further consultation will occur to negotiate and finalise the agreement documents. CWA of WA are aware of the proposed management arrangement and have no objections.

Resource Implications*Financial*

There is no anticipated financial impacts to Council other than the minimal financial risk described under 'Risk Management Implications'.

Workforce

Nil

Options

Council has the option of:

1. Supporting the lease and management arrangement proposal as present.
2. Determine an alternate proposal.
3. Not supporting the lease and management arrangement proposed.

Conclusion

The North Yunderup Community Group are eager for the CWA Hall to remain in use and accessible by the community noting that its benefits can be observed through its different initiatives that encourage activation, social interaction and personal development.

Entering into one year leasing arrangement (with a similar term) with the CWA of WA and a management arrangement with the North Yunderup Community Group will provide the Shire with the opportunity to determine the level of use of the facility to ensure that there is adequate use of the community facility and benefit to the wider community to validate the arrangement.

11.9 Pinjarra Cricket Club Incorporated – Holding Over of Lease Arrangement – George Beacham Pavilion

File Ref:	7012, R5170 & LD928		
Previous Items:	CCS.18 Mar 2010	Item 5.4	(CCS10/030)
	OCM.25 Mar 2010	Item 10.4.2	(OCM10/049)
	OCM. 27 Aug 2020	Item 11.10	(OCM20/159)
Applicant:	Nil		
Declaration of Interests	Nil		
Author and Title:	Robert Marlborough, Manager Governance Marlene Renton, Coordinator Sport and Recreation		
Voting Requirements:	Simple Majority		

Appendix 9 – Disability Access Review
Appendix 10 – Pinjarra Cricket Club Lease Expiry Notification Letter
Appendix 11 – George Beacham Pavilion Management Plan Draft
Appendix 12 LGIS Commentary

Cr S Kirkham declared an Impartiality Interest in Item 11.9 Pinjarra Cricket Club Incorporated – Holding Over of Lease Arrangement – George Beacham Pavilion, in that his wife Lynda Kirkham and the Treasurer of the Pinjarra Cricket Club Ben Burley are first cousins.

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

Cr S Kirkham remained in the meeting.

Cr D Bolt declared a Financial Interest in Item 11.9 Pinjarra Cricket Club Incorporated – Holding Over of Lease Arrangement – George Beacham Pavilion, in that he has an indirect financial interest as the President of the Cricket Club owns a business which is a customer of his IT services company.

Cr D Bolt vacated the Chair and withdrew from the meeting the time being 5.55pm.

Cr D McLarty assumed the Chair.

Recommendation/Council Decision**OCM20/176****Moved: Cr B Cardilini****Seconded: Cr A Rogers****That Council**

1. supports the lease agreement with the Pinjarra Cricket Club Incorporated (LD 928) that expired on 2 September 2020 for the portions of Reserve 5170 currently occupied and used by the Club being held over until 30 June 2021 on the same terms and conditions with the following additions to the Schedule;
 - only members of the Pinjarra Cricket Club (and families) are admitted to the leased premises,
 - the premises are not hired out to external parties, and
 - the premises are not used by Pinjarra Cricket Club members for any activities unrelated to cricket such as private celebrations;
2. requests officers form a Working Group to include representatives from the Shire and the Pinjarra Cricket Club to explore the options and costs associated with implementing the George Beacham Pavilion Management Plan and the recommendations of the Disability Access Review; and

- 3. requests officers work collaboratively with the Pinjarra Cricket Club to explore options for club premises as part of the Review of the Sir Ross McLarty Sports Precinct Master Plan, including the option of upgrading the George Beacham Pavilion to be compliant with the Building Code of Australia 2016.**

CARRIED UNANIMOUSLY 8:0

Cr D Bolt rejoined the meeting the time being 5.58pm and resumed the Chair.

In Brief

- To consider holding over the lease arrangement with the Pinjarra Cricket Club Inc (the Club) until 30 June 2021 for the portion of the George Beacham Pavilion at Sir Ross McLarty Oval that is occupied by the Club under a lease that expired on 2 September 2020.
- Council is requested to consider the above in context of the liability and advice provided by LGIS within the report.

Background

- On 5 January 2009 the Pinjarra Football Club Inc entered into a sublease arrangement with the Pinjarra Cricket Club Inc (the Club) for 90 square metre area of the upstairs portion of the George Beacham Pavilion, without Council's knowledge. This sub-lease agreement was subsequently formally supported by the Shire and endorsed by the Minister for Lands on 26 August 2009.
- The sub-lease arrangement was in effect until 29 August 2010.
- In March 2010 the Shire entered into discussion with the Club, prior to the expiry of the sublease agreement, to determine if occupancy of the upstairs area of the Pavilion, and associated cricket infrastructure on the Reserve, was still required by the Club.
- Following this, a lease arrangement with the Club for a term of 5 years with a similar option period was supported by Council in 2010. This lease commenced on 2 September 2010.
- In 2013 a lease addendum was supported by Council approving an extension to the leased area to enable the construction of a storage area by the Club in the downstairs portion of the George Beach Pavilion. The approved storage area was never constructed.
- On 10 December 2015 the available 5 year lease extension term with the Club was endorsed, with the lease extension period expiring in 2 September 2020.
- On 5 May 2017 the Club obtained Shire approval to construct a universal access toilet within the upstairs area of the George Beacham Pavilion. This addition triggered a requirement for the entire building to be compliant with the Disability Standard 2010 and the Building Code of Australia (BCA) 2016.

Report Detail

The George Beacham Pavilion (the Pavilion) is 47 years old. The Clubs lease over the second floor of the Pavilion is for the purpose of clubrooms that provide a social and meeting space for members, as well as a place to display club memorabilia that dates back to the early 1900's. Over the past 10 years, the club has added a bar, a small kitchen and completed other minor modifications. It should be noted that some of these works received retrospective approval.

In July 2016, the Club approached the Shire and requested permission to install a toilet in the clubrooms as members and guests were required to access the public toilets downstairs at the rear of the Pavilion. The Shire advised that the toilet would have to meet disability access requirements (ie a universal access toilet or UAT) and that installation of the UAT would then result in the entire building having to be fully compliant with current building legislation under the BCA. Therefore, the Shire did not approve the request.

The Club then contacted the Disability Commission who provided the advice that they could not endorse the upstairs UAT addition unless the ground floor public toilets were disabled compliant. Unfortunately, due to the age of the building, they are not compliant.

The Club continued to pursue their request to install toilets and the Shire worked with the Club to find a solution. In December 2016, the Club agreed to having a Disability Access Review of the building completed, and to share the costs of the review. Occupational Therapists and Disability Access Consultants, O'Brien Harrop Access, were engaged to complete the review. The Disability Access Review Report (the Review) was completed and provided to the Shire and the Club via email on 6 December 2016. The Review is attached at **Appendix 9**.

Disability Access Review

The Review assessed all areas of the Pavilion that are mandatory under legislation to meet the access requirements of people with disabilities including external access, car parking, entrances, internal accessways, doorways and circulation space, vertical access including stairs, lifts and ramps, statutory signage, application of tactile ground surface indicators, glazing and application of luminance contrast requirements and accessible sanitary facilities.

The Review concluded that 'there are no unisex accessible toilets, showers, or toilets suitable for people with ambulant disabilities' at the Pavilion. The Review provided 17 recommendations to enable the building to be compliant, including but not limited to the installation of ramps from the carpark to the building, replacement of the existing stairways to the first floor, and a lift for those people unable to navigate the stairway access.

It also noted that if the lift was installed, consideration should be given to upgrading the kitchen to provide an accessible facility as per the recommendations on page 7 of the Review.

Under legislation, the Pavilion does not need to meet the current BCA requirements as it was constructed prior to the new legislation being introduced, unless significant works are undertaken that necessitate a building approval. However, the addition of a disabled toilet upstairs would require the building to be upgraded to meet the Disability (Access to Premises – Buildings) Standard 2010.

The Club accepted the outcome and recommendations of the Review and agreed to work together with the Shire on progressing approval for the UAT and to undertake the works required to make the Pavilion compliant. The works were to be prioritised and costed through the development of a Management Plan agreed to by both Parties.

Management Plan (Draft)

The Management Plan (the Plan) framework was drafted and sent to the Club who provided in principle agreement subject to the final Plan being presented. The draft Plan allowed the Club to continue occupancy and provided a schedule of works identified in the Review and a timeline for completion by 2020. The final item, the installation of a lift, was scheduled for 2020 and subject to a review of the Sir Ross McLarty Sports Precinct Master Plan that would confirm the future of the Pavilion.

Based upon the agreement to finalise and implement the Plan, on 5 May 2017, the Shire provided the Club with approval to install a disabled toilet upstairs under the following conditions:

1. Works are restricted to the construction of an accessible toilet facility and store on the upper floor level of the George Beacham Pavilion.
2. All works are to be completed by suitably qualified tradespersons.
3. All work are to be finished to a tradesman like standard to the satisfaction of the Shire of Murray.
4. Proposed accessible toilet is to be fully compliant with the provisions of AS1428.
5. Works are to be completed at no cost to the Shire.

6. The Cricket Club continues in its agreement to the adoption of a management plan for the building that will see the building brought into compliance with the provisions of the “Premise Standards”.

This was agreed to by the Club and the toilet was installed.

However, the Plan remains in draft, was never costed, and was never ratified by either party. As a result, no remediation works have taken place and the Pavilion remains legally non-compliant under the Disability Standard and the BCA.

LGIS Advice

The Club was notified of the lease expiry by letter dated 29 July 2020 (**Appendix 10**). The letter highlighted the disability access issue and included a copy of the Review and the draft Management Plan.

On 30 July 2020 the Shire contacted our insurers, Local Government Insurance Services (LGIS) for advice regarding liability exposure in relation to the providing the Club with a further term (they were supplied with a copy of the clubs lease, the Review, and the draft Plan). A preliminary response indicated that both Council and Club could be exposed to reputational and financial risk in relation to the Human Rights Commission and the Disability Discrimination Act 1992, and / or a liability claim resulting from an accident. They advised further investigation would be required.

Officers attended the Clubs committee meeting on 18 August 2020 at the clubrooms to discuss the current status of the Pavilion and the preliminary advice received from LGIS. The Club was advised to make enquiries with their Insurers, Marsh Pty Ltd, who provide generic insurance packages for all cricket clubs through Cricket Australia. The committee was very concerned with this information and elected to cease use of the clubrooms until Marsh Pty Ltd provided clarity on the coverage and risk to the Club.

On 1 September 2020, Shire officers and a Club representative met with LGIS at the Pavilion to conduct a review of both the ground floor changerooms and the clubrooms upstairs. At the meeting, both the Club and the Shire expressed the preference for an arrangement whereby the Club could continue to operate from the premises for the upcoming season if the risk could be managed effectively.

On 8 September 2020, LGIS provided the following preliminary liability advice (the full email is at **Appendix 12**) and stressed that it is provided as commentary only and not intended to be legal advice:

- All occupiers of land/buildings have a duty of care to protect entrants against a foreseeable risk of harm. The Review does this by highlighting non-compliant structures that could give rise to foreseeable risk of harm to some classes of entrants.
- Broadly, the Human Rights Commission advises that there is an obligation (a test) on Council to make *‘reasonable adjustments in terms of ongoing access and continuation of service’*. The onus is placed on the Shire to demonstrate that it is actively, rather than passively, meeting this test when it comes to the provision of goods, services and facilities.
- There are exceptions to this test including *‘unjustifiable hardship’*. For example, the costs associated with the provision of a state of the art club building, cost of introducing reasonable adjustments, the installation of lifts, or compliance with all the recommendations of the Review.

LGIS concluded that:

‘if the Council and the Club agree to extend the lease until June 2021 and take ‘active’ steps to address the disability access requirements we would suggest this would constitute making ‘reasonable adjustments’ as envisioned by the Human Rights test. Managing risks (and including provisions in the lease) as outlined in Councils draft Management Plan may support the suggestion that the Shire are taking ‘reasonable’ measures to address the requirements of access by disabled persons’.

LGIS noted that the Clubs liability insurer views will need to be considered given that it is a requirement of the Lease that the Club must effect and maintain adequate public liability insurance for a sum not less than \$10,000,000 (ten million) in respect of any one claim. To date, the Club has not received any response from Marsh Pty Ltd to their enquiries.

Access to the Building

Currently people with a disability or who are mobility impaired cannot access the George Beacham Pavilion. This includes members and their families as well as guests and visitors.

The Shire of Murray Disability and Access Inclusion Plan states that people with a disability must have the same opportunities as other people to access the buildings and other facilities of the Shire of Murray, and that the Shire will continue to monitor and seek improvement to ensure universal accessibility for all Shire of Murray buildings and facilities.

Cricket Australia's 'Diversity and Inclusion Policy' aims to make cricket a sport for all Australians and has developed initiatives that ensure all Australians see themselves genuinely reflected in all aspects of the game. This includes on and off the field where players, coaches, employees, volunteers and administrators feel valued and able to contribute to their full potential.

The West Australian Cricket Association Strategic Infrastructure Framework Pillar 3, Flexible and Inclusive Facilities, has the strategic objective of 'Creating flexible and inclusive cricket environments that promote participant diversity and shared facility use'.

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	Foster and value our volunteers. Plan community facilities for future generations.

Murray 2020-2024 Corporate Business Plan

Focus Area	Places for People
Objective	Socially connected, safe and cohesive community.
Strategy	Support diverse, minority and cultural groups.
Project and Actions	Improve facilities and access throughout the Shire. Implement and report on the Access and Inclusion Plan.

Focus Area	Places for People
Objective	Encourage an active healthy community.
Strategy	Plan community facilities for future generations.
Project and Actions	Review the Sir Ross McLarty Sports Precinct Master Plan.

Other Strategic Links

Shire of Murray Disability and Access Inclusion Plan 2018 – 2022

Buildings, Facilities and Infrastructure

Outcome 2: People with a disability have the same opportunities as other people to access the buildings and other facilities of the Shire of Murray.

Activity 2.1: Continue to monitor and seek improvement to ensure universal accessibility for all Shire of Murray buildings and facilities

Cricket Australia Diversity and Inclusion Policy

Statutory Environment

- Disability (Access to Premises – Buildings) Standard 2010
- Building Code of Australia 2016 Class 2 to Class 9 Buildings (BCA 2016)
- Disability Discrimination Act 1992

Clause 27 of the lease arrangement with the Club provides the following provision in regard to holding over –

If the Lessee remains in possession of the Premises after the expiry of the Term with the consent of the Lessor, the Lessee will be a monthly tenant of the Lessor at a rent equivalent to one twelfth of the Rent for the period Immediately preceding expiry of the Term and otherwise on the same terms and conditions of this Lease provided that all consents required under this Lease or at law have been obtained to the Lessee being in possession of the Premises as a monthly tenant.

Section 3.58 of the *Local Government Act 1995* and Regulation 30 (2)(b) of the *Local Government (Functions and General) Regulations 1996* also relate to lease arrangements as a disposal of property.

Sustainability & Risk Considerations

Economic – (Financial impact to the community)

Holding over the lease will not financially impact the community as the expired leases obligations and financial responsibilities will continue.

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

Nil

Environment – (Impact on environment's sustainability)

Nil

Policy implications

The proposal to support the recently expired lease being held over has no direct policy risk and it will enable the Club to complete its obligations for the forthcoming cricket season and provide time to explore options with Council's support. These options may include;

- remaining at the George Beacham Pavilion, subject to significant works being undertaken to address the compliance matters and mitigate the potential liability and reputational risk that currently exists;
- co-locating within existing facilities such as those occupied by the Pinjarra Football and Netball Club or the Pinjarra Bowling and Recreation Club on a shared lease tenure basis or similar; or

- re-locating to another Shire facility which could be allocated to the Club by way of a short-term lease such as Lovegrove Street Hall (ex Pinjarra Tennis Club premises) on the same reserve land.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
High	Discrimination claim from club member or general public regarding accessibility to the first floor clubrooms. Mitigation: completion of the George Beacham Pavilion Management Plan and 'active' implementation.
Moderate	Club member or general public accident due to the Pavilion not meeting BCA 2016 or Disability Standard 2010 requirements. Mitigation: Implementation of policies as per Schedule: <ul style="list-style-type: none"> - only members of the Pinjarra Cricket Club are admitted to the leased premises; - the premises are not hired out to external parties; and - the premises are not used by Pinjarra Cricket Club members for any activities unrelated to cricket such as private celebrations. Mitigation: Large Club functions held at alternate venues.

Consultation

- Local Government Insurance Services (LGIS)
- Pinjarra Cricket Club

Resource Implications

Financial

At OCM 27 August 2020, Council endorsed the review of the Sir Ross McLarty Sports Precinct Master Plan in the 2020/21 financial year through the reallocation of funds in the 2020/21 budget of \$20,000 (previously identified for detailed design of the Sir Ross McLarty and the South Yunderup Pavilion) in order to clarify the facilities required at Sir Ross McLarty Oval 3 in the context of the broader Precinct. The review is now critical for the Pinjarra Cricket Pinjarra Club future.

It is possible that the review will require additional funds.

A high level costing (desktop exercise) of the Management Plan items has been completed by officers and can be viewed in the Draft Plan at **Appendix 11**. The high level costing for implementation of most items is \$300,000.

Workforce

Nil

Options

Council has the option of:

1. Supporting a holding over period to enable the Club to complete the 2020/2021 cricket season and provide time to explore all available longer term options.
2. Rejecting the holding over period and support a further lease on terms to be determined for the portions of the reserve currently occupied by the Club, noting that this is not supported under the commentary provided by LGIS for the following reasons; the Clubs insurance expires 30 June 2021 and no response has been provided by Marsh Pty Ltd;

and there remains a reputational (and financial) risk to both the Shire and Club under the Human Rights Commission with respect to access to the building.

Conclusion

Given the LGIS advice, a Holding Over Lease until 30 June 2021 to the Pinjarra Cricket Club can be offered with the understanding that the recommendations of the Review are actively progressed. This will involve updating, prioritising and costing the draft George Beacham Pavilion Management Plan with a view to implementing items.

It should be highlighted that people with a disability or who are mobility impaired cannot currently access the George Beacham Pavilion safely. This includes members and their families as well as guests and visitors.

The holding over lease is an interim solution, and the Shire will work with the Club on short term options post 30 June 2021, and the medium to longer term options with regard to the future of the Clubs home premises.

To assist, a full review of the Sir Ross McLarty Sports Precinct Master Plan will be undertaken this financial year as per Council Resolution OCM20/159. This process will include comprehensive consultation with resident clubs at the Precinct.

11.10 Western Australian Food Innovation Precinct Business Plan

File Ref: 5/6159
Previous Items: Nil
Applicant:
Author and Title: Dean Unsworth, Chief Executive Officer
Voting Requirements: Simple Majority

Appendix 13

Recommendation/Council Decision

OCM20/177

Moved: Cr S Lee

Seconded: Cr B Beacham

That Council endorses the Western Australian Food Innovation Precinct Business Plan and provides this to the Department of Primary Industries and Regional Development.

CARRIED UNANIMOUSLY 9:0

In Brief

- The Western Australian Food Innovation Precinct, the first in Western Australia is currently in design phase.
- The Precinct will be completed by April 2022.
- A Business Case is required to be submitted to the Department of Primary Industries and Regional Development by 30 September 2020.

Background

The Shire of Murray, as part of the State supported Transform Peel initiative and with the funding grant of \$21.75 million from the Australian Government, is currently designing the Western Australian Food Innovation Precinct (WAFIP) enabling a launch in early 2022.

The purpose of the WAFIP is to enable the socio-economic transformation in Western Australia by building a robust and vibrant agri-food sector. The WAFIP will be industry-led, creating opportunities to scale up agribusiness SMEs and making them export ready. WAFIP will adopt a commercial minded research and development and innovation approach to value-adding, differentiation and new product development.

The WAFIP will have three distinct facilities - Research and Development (R&D) (1620 m²), Innovation Centre (1831 m²) and a Production-Warehouse (1284 m²).

Report Detail

The Shire of Murray will play a vital role in the success of the WAFIP. It will lead the project as land-owner will work closely with GrowHub, Murdoch University and the Department of Primary Industry and Regional Development (DPIRD), guided by the Western Australian Food Innovation Precinct Business Plan which is attached at **Appendix 13**.

The Business Case is a requirement of DPIRD to receive the \$2.5 million Innovation Voucher Scheme grant which was approved in 2019.

The WAFIP Business Model is a critical component that aligns focus of the precinct with achieving the overall mission of scaling up WA agrifood businesses, deploying R&D and fostering industry innovation to drive growth/export orientation. Consequently, the Shire remains accountable for the overall success of WAFIP.

A key operating principle underpinning the WAFIP business model is that *the Shire does not play an operational role in WAFIP but instead it will provide a platform for its anchor tenants*

to operate and succeed. The Shire will manage the activation, organisation, engagement and sustainability of the platform ecosystem with the appointment of a Business Manager. This means the Shire will not operationalise the work programs of the R&D, Innovation and Production-Warehouse facilities.

It is important to recognise this key differentiator in the business model when compared to other national or international precincts. For instance, the Waikato Innovation Park operates as an independent organisation; POS in Saskatchewan operates as a joint venture between government and industry; the Ontario Agri-Food Venture Centre operates as a not-for-profit organisation and so on. Consequently, the role of the Shire is one of influencer, organiser and facilitator to ensure they are supported in meeting their (evolving) objectives.

KEY PARTNERS	KEY DAILY ACTIVITIES <i>(to deliver value proposition)</i>	VALUE PROPOSITION	CUSTOMER RELATIONSHIPS	CUSTOMER SEGMENTS
<p>Inner Core</p> <ol style="list-style-type: none"> Shire of Murray Peel Development Commission DPIRD, Canberra Transform Peel Strategic Advisory Committee <p>Layer 1 - Anchor Tenants</p> <ol style="list-style-type: none"> Murdoch University The GrowHub (Fund Asia Ventures) <p>Layer 2 - Grower Groups, Bunbury Farmers Market, Collaborators linked to MU and FAV who are to be likely occupants of the WAFIP, vendors - technology, supply chain etc</p> <p>Layer 3 – Community Stakeholders (including SMEs, training, local investors etc)</p> <p>Layer 4 – Collaborators (e.g. Waikato Innovation Park)</p>	<ul style="list-style-type: none"> Deliver the WAFIP Business Concierge Services (via the Business Manager) Facilities Management (via SoM) Marketing & Comms Industry Engagement Government Engagement Community and Stakeholder Engagement <p>KEY RESOURCES <i>(to deliver value proposition)</i></p> <ul style="list-style-type: none"> WAFIP Business Manager Supporting services from SoM Access to Enterprise Support Program (DPIRD & DevWA) WAFIP Innovation Centre – work program WAFIP Governance Committee WAFIP Enterprise Innovation Panel 	<ul style="list-style-type: none"> ✓ WA's Food Innovation Precinct; ✓ One-stop shop linking the "customer" with an ecosystem of collaborators and partners; ✓ WAFIP spans the upstream and downstream value chain – R&D, incubation, commercialisation, investor access, production, new product development (value added), market research, market access (local, national and intl); ✓ Digitally connected infrastructure to connect producers with consumers (Innovation Centre/ FoodTrust) ✓ WAFIP branding, accreditation standards and safety mark; ✓ For anchor tenants, access to competitive lease arrangements with SoM; 	<ul style="list-style-type: none"> Ongoing advice and support via the Business Manager Provide advice and access to Enterprise Support Program Provide access to anchor tenants – MU, FAV <p>Mode: Emails, telephone, site visits, briefings, seminars etc.</p> <p>CHANNELS <i>(how does WAFIP reach customer segments?)</i></p> <ul style="list-style-type: none"> Business Manager Anchor Tenants Website Social Media Industry Events 	<p>Universities, R&D</p> <p>Industry – producers, value adding firms, consumer facing (offtake)</p> <p>Industry support – incubation, commercialisation, investors, market research agencies, new product development</p> <p>International industry engagement</p> <p>Government – DPIRD, Canberra</p> <p>Labour force – school and VET institutions</p>
<p>COST STRUCTURE</p> <ul style="list-style-type: none"> Infrastructure funds to set up WAFIP (secured) Innovation funds to attract industry participation (secured) Cost to deliver the WAFIP Business Concierge Services 	<p>REVENUE STREAMS</p> <ul style="list-style-type: none"> Lease arrangements Services fee from tenants Branding & Trademark revenues, Digital SME FoodTrust – to be set aside for ongoing SoM Enterprise Support Program 			

The WAFIP Business Model identifies the following key elements:

- WAFIP will eventually become the one-stop shop for the agri-food community in WA. It will operate on a hub and spoke model using digital infrastructure to connect and engage with other agri-food regions.

- WAFIP will offer an ecosystem of:
 - advice to anchor tenants;
 - engagement with government and industry;
 - access to the Enterprise Support Program; and
 - Marketing and outreach.
- Oversight of the work programmes of the anchor tenants to ensure alignment of strategy.
- Development of a brand, trademark and industry-led certification to create a ‘premium’ brands and products.

Murray 2030 Strategic Community Plan

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.
Strategies	<ul style="list-style-type: none"> • Maximise the inherent economic opportunities in the Mandurah-Murray functional economic region. • Build and maintain the Transform Peel Initiative. • Position Pinjarra as a key regional centre through the Pinjarra Revitalisation Strategy.

Other Strategic Links

The development of the PBP aligns with the State Government Peel Regional Blueprint, specifically: specifically, the ‘Thriving Industries’ and ‘Agricultural and Food Innovation’ objectives and regional priorities through:

- Regional jobs growth and local contracting opportunities
- Economic diversification and transition (e.g. population driven to a traded economy)
- Increased export impact and international engagement
- Strong higher education links
- Up-scale tech-innovation and start-up enterprises

Statutory Environment

Nil

Sustainability & Risk Considerations

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

The WAFIP will

- Provide over 80 full-time positions.
- The project will support uptake of the 1,000 Ha Peel Business Park, with a capacity of 33,000 jobs to 2050.

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

The Transform Peel project is an economic transformation which in turn will significantly improve the quality of life in Murray and the Peel region.

Environment – (Impact on environment’s sustainability)

Environmental issues have been addressed through the planning stage of Transform Peel.

Policy Implications

Nil

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Extreme	Failure to prepare a Business Plan will result in the loss of \$2.5 million of funding for Innovation Vouchers, as well as risk the financial success of the \$2.175 million project.

Consultation

- Peel Development Commission
- Department of Primary Industries and Regional Development
- GrowHub
- Murdoch University

Resource Implications*Financial*

The Business Plan identifies that \$140,000 is required from the Shire of Murray in 2020/21, and a further \$50,000 in 2021/22. These funds have been provided to the Shire of Murray by the Peel Development Commission. No funding from the Shire's operational budget is required.

The Asset Management Plan prepared as part of the funding submission indicated that an annual lease fee of \$200,000 is \$300,000 is reasonable. Tenants will be responsible for all outgoings. Accordingly, budget scenarios have been prepared which are outlined further in the document. Relevant asset management plans have been attached in the Appendix section of this document.

Workforce

A Business Manager is to be appointed in November 2020. Funding for this role is within the funding already secured.

Options

Council has the option of:

1. Adopting the WAFIC Business Plan.
2. Amending the WAFIC Business Plan.

Conclusion

The purpose of the Western Australian Food Innovation Precinct (WAFIP), as an applied centre of excellence, is to catalyse socio-economic transformation in Western Australia through the scaling up of WA agri-food businesses, commercialising research and development (R&D), strengthening the domestic supply chain, developing new agri-food technology, industry innovation, growth and export orientation through value-added activities.

Its Mission is to

- Become the agri-food knowledge and enterprise activation hub in Western Australia;
- Scale up SMEs and create commercially focussed vertical integration opportunities;
- Digitally enable the supply chain boosting connectivity, trust, provenance and safety;
- Boost the agri-food production, value added and export-driven economy in WA; Research and collaborate to innovate the food ecosystem;
- Raise the brand and profile of WA food products; and
- Strengthen the domestic food supply chain.

The success of the WAFIP will be guided by the Business Plan.

Infrastructure Services

11.11 Tender T20/5-Supply and Laying of Hot Asphalt Road Surfacing

File Ref:	T20/5
Previous Items:	Nil
Author and Title:	Chris Pretorius, Manager Operations
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

Appendix 14 under Separate Confidential Cover

Recommendation/Council Decision

OCM20/178

Moved: Cr D McLarty

Seconded: Cr B Beacham

That Council approves KEE Surfacing Pty Ltd for the supply and Laying of Hot Asphalt Road Surfacing in accordance with the specifications and tender rates detailed in Tender T20/5 for a period of two (2) years commencing on 1 October 2020 with an option for an additional two extensions of one (1) year periods to 30 June 2024.

CARRIED UNANIMOUSLY 9:0

In Brief

Tenders have been called for the Supply and Laying of Hot Asphalt Road Surfacing which is an imperative material within the overall road surfacing renewal program and the Civil construction program. These tenders are called to ensure better management and availability of the product.

Background

As part of the Civil Construction and Reseal Program, the current tender had expired at the end of June 2020. There are various budget items within the Civil Construction and Reseal Program that utilise the supply and laying of hot asphalt road surfacing.

Tenders had been called during August 2020, three (3) suppliers responded with tender submissions.

Report Detail

The Confidential Assessment Report contains a detailed evaluation report.

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	Deliver efficient and effective Council services to the Community.

Murray 2019- 2023 Corporate Business Plan

Nil

Other Strategic Links

Nil

Statutory Environment

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

Sustainability & Risk Considerations

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

The tender process was undertaken to ensure competitive pricing to minimise any financial impacts.

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

To improve road networks for the community as a whole through improving the quality of life in allowing drivers safe passage.

Environment – (Impact on environment’s sustainability)

No negative environmental impact.

Policy Implications

G11 Purchasing Policy

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

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	The level of risk is considered low given that the proposed tenderer is an experienced supplier.

Consultation

The Tender was advertised in the West Australian Newspaper Saturday 1 August 2020.

Resource Implications

Financial

The cost of asphalt materials from the new tender will be incorporated in the annual budget as part of the Civil Construction and Renewal Budget.

Workforce

Nil

Options

The detail of the tender received and the overall assessment by the evaluation panel are contained in the Confidential Assessment Report.

Conclusion

The evaluation panel’s justifications and conclusions are contained within the Confidential Assessment Report.

11.12 Tender T20/6 – Pinjarra Suspension Bridge Renewal – Contractor & Tender Selection Criteria

File Ref:	T20/6 & 6502-03
Previous Items:	Nil
Applicant:	Not Applicable
Author and Title:	Martin Harrop, Manager Engineering
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

Recommendation/Council Decision

OCM20/179

Moved: Cr G Black

Seconded: Cr B Beacham

That Council:

1. endorse the tender selection criteria for Tender T20/6 – Pinjarra Suspension Bridge Renewal;

Criteria		Weighting
Experience	Demonstrated successful experience in major bridge design and refurbishment projects with related experience in the design and construction of similar bridges.	25%
Methodology	Clearly articulate the methodology to be implemented in the construction process.	10%
Capacity	Outline your capacity to undertake the appointment and the resources to be allocated.	20%
Demonstrated Understanding	Demonstrate your understanding of the project requirements.	10%
Tendered Fees	Clearly outline the pricing differences between alternative designs	35%

2. approves for the Chief Executive Officer to publicly invite Tender T20/6 – Pinjarra Suspension Bridge Renewal, State wide for the construction work in accordance with the provisions of the Local Government Act 1995 and in compliance with any of the funding partners requirements;
3. invite the tender under separable portions for two alternative bridge designs to address maintenance and bridge design code standards; and
4. undertakes public consultation on the two alternative bridge designs to determine the community and local business preferences to assist with the outcome of Tender T20/6 – Pinjarra Suspension Bridge Renewal.

CARRIED UNANIMOUSLY 9:0

In Brief

To progress the renewal of the Pinjarra suspension bridge as part of the Local Roads and Community Infrastructure program funding schedule.

Background

The Pinjarra Suspension Footbridge (MRWA no.9225) is located in the township of Pinjarra and provides a popular crossing of the Murray River. The bridge was designed and built by the 22nd Construction Squadron of the Australian Army in 1985. A detailed inspection and condition assessment report was undertaken by independent structural engineers that identified items for repair and maintenance. The report detail significant works required for the structural strengthening of the existing bridge masts to extend the useful life however did not specify the physical attributes of the bridge that required improvements to comply with current standards and bridge design codes.

Recently the Shire engaged engineering consultants to design two (2) alternative design options to refurbish or renew the bridge to achieve a minimum 50-year design life. The alternative options involved either maintaining the existing bridge deck width or upgrading to current bridge design code widths. Both design options did involve the renewal of primary components such as substructure (towers and cables) and superstructure (railings and decking) to achieve the useful life of the bridge structure.

Recently the Shire has redeveloped the Murray River Foreshore and Town Square within the precinct of the suspension bridge. The foreshore redevelopment has identified the need to elevate the existing bridge deck to better align with the Town Square works and reduce gradients, there is further interest in providing feature lighting for the bridge structure. Both design options have considered the elevation of the deck level and lighting design.

Report Detail

To progress the bridge renewal project, it is necessary to invite a tender for construction to confirm costing and engage contractors prior to end of the calendar year to ensure works can commence early 2021.

The project will result in improved accessibility for the disabled by elevating the deck level to match the adjoining path network. The refurbishment will improve bridge condition and enable upgrade to structures, fixings and enable the incorporation of lighting for enhanced safety and amenity. The bridge renewal will complement the investment in the Pinjarra Town Square and Murray River Foreshore.

The tender proposal is structured in separable portions to determine the costings of two (2) alternative design options differing in bridge deck width. In conjunction with the public tender the Shire will consult with the community and local business on the alternative bridge designs. This community consultation and public tender process will occur concurrently to enable the Shire to maintain the project schedule in accordance with the funding partner.

The engagement of a suitably qualified bridge contractor is essential and the following table details the selection criteria proposed for Tender T20/06. It is recommended that Council formally support the selection criteria and the associated weightings, as outlined below.

Criteria	Detail	Weighting
Experience	Demonstrated successful experience in major bridge and refurbishment projects with related experience in the renewal/construction of similar bridges.	25%
Methodology	Clearly articulate the methodology to be implemented in the construction process.	10%
Capacity	Outline your capacity to undertake the appointment and the resources to be allocated.	20%
Demonstrated Understanding	Demonstrate your understanding of the project requirements.	10%

Tendered Fees	Clearly outline the pricing differences between alternative designs.	35%
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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	Ensure the safety of our community.

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 shared pathway linkages within and between towns.

Murray 2020-2024 Corporate Business Plan

Focus Area	Connected and Accessible
Objective	Promote and efficient and accessible local and regional transport network.
Strategy	Improve the shared pathway linkages within and between town.
Project and Actions	Develop a Dual-Use Pathway Strategy to ensure all towns have effective linkages.

Other Strategic Links

Nil

Statutory Environment

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

Sustainability & Risk Considerations

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

Nil

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

Nil

Environment – (Impact on environment's sustainability)

Nil

Policy Implications

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

Risk Management Implications

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

Consultation

Nil

Resource Implications*Financial*

A significant contribution from the Department of Infrastructure, Transport, Regional Development and Communications via the Local Roads and Community Infrastructure exists with the Shire of Murray for the renewal of the Pinjarra Suspension Bridge.

Workforce

Workforce commitments to drive and progress the bridge renewal project to completion are provided in the project budget framework, as are external consultancy costs.

Options

Council has the option of:

1. Supporting the invitation of Tender T20/6 – Pinjarra Suspension Bridge Renewal and accepting the selection criteria as outlined.
2. Rejecting the proposal to invite for Tender T20/6 – Pinjarra Suspension Bridge Renewal.
3. Proposing changes to the proposed selection criteria and weighting.

Conclusion

The recommendations presented for Council's consideration will minimise possible delays in commencing construction of the suspension bridge, as planned in early 2021 and it will enable firm costs for the project to be developed in conjunction with the community consultation.

11.13 Proposed Extractive Industry – Lot 1261 Willowdale Road

File Ref:	1700-14
Previous Items:	Nil
Applicant:	Not Applicable
Author and Title:	Alan Smith, Director Infrastructure Services
Voting Requirements:	Absolute Majority

Recommendation/Council Decision**OCM20/180****Moved: Cr S Lee****Seconded: Cr S Kirkham****That Council:**

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

CARRIED UNANIMOUSLY 9:0**In Brief**

- The Shire of Murray has been liaising with Alcoa to find and develop a long term lease agreement for gravel extraction.
- A property has been identified in Willowdale Road that would support gravel extraction and is adjacent to a similar extractive industry.
- The site would be a combination of the removal of existing superficial gravel resources and undertaking a gravel crushing program.
- The pit has the capacity for a 20+ year timeframe.

Background

There is a requirement for the Shire of Murray to have a number of Gravel Pits that support the differing construction and maintenance projects, as gravel becomes harder to locate it is essential to establish long term sites within proximity of the Shire of Murray.

Through liaison with Alcoa a site has been located within the Shire of Waroona that would support long term gravel supplies. Environmental reviews are warranted to support any proposed extractive industry and these will be essential to Alcoa to ensure any lease agreement adheres to current environmental outcomes for the site located on Willowdale Road.

Discussion with Alcoa highlighted that the material extracted from the site would be for public purposes only and not provided to private contractors, this would enable liaison other local authorities that also have a need for a gravel resource.



Discussion with the Shire of Waroona highlighted they have no initial objections to the proposal and would be keen to further review their opportunities should or when the gravel supply is established.

Further site inspections were coordinated with environmental consultants to provide informed advice when liaising with Alcoa, the following outcomes are required:

- Flora and Fauna Survey
- Black Cockatoo Survey
- Dieback Survey

The site is approximately 65Ha and has not been accessed for some time, there has been previous gravel extraction of superficial gravel as required by Alcoa.

Report Detail

Any opportunity to establish long term gravel resources should be progressed to ensure local stocks of gravel can be maintained. At certain times when our own gravel resources have been unavailable we have been reliant on contract supply and this comes at a cost. Where the Shire can manage and operate our own extractive site there are considerable advantages and these can be further reviewed through the development of the Business Plan for the site.

To establish an extractive industry gravel pit of this size requires funding to support the environmental approvals, once achieved civil works will need to be undertaken to enable access roads to be established and a staged approach to the physical extraction of material. It is envisaged that up to \$300,000 would be required to set the foundation for the site, with ongoing investment to undertake the physical gravel harvesting and any rehabilitation all in accord with the approved business plan.

It is imperative that the gravel pit is self-managed, therefore for every tonne of material extracted from the site, there would be an investment in the original and ongoing development of the extractive program. Through liaison with Corporate Services the

development of a loan fund to support the infrastructure development of the gravel resource can be undertaken and then progressively repaid as the site progresses.

Murray 2030 Strategic Community Plan

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

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

Other Strategic Links

Nil

Statutory Environment

Nil

Sustainability & Risk Considerations

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

The priority is to establish an Extractive Industry for locally sourced gravel to minimise costs for future civil works programmes, whereby reducing future costs.

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

Nil

Environment – (Impact on environment's sustainability)

Ensuring all required environmental approvals are in place to manage the proposed site and ensure they adhere to required approval agencies. It is proposed to undertake Flora and Fauna survey, Black Cockatoo survey and Dieback survey to inform the Business Plan and enable the ongoing management for the site.

Policy Implications

Nil

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	There is the requirement to ensure the management of the site adheres to the required standards, it is proposed to engage independent environmental consultants to develop the required management approach for the site to meet the required environmental standards.

Consultation

- Alcoa
- Shire of Waroona

Resource Implications*Financial*

There will be a need to support the infrastructure development with initial planning and environmental approvals, business planning and physical development of the site. An initial budget of \$300,000 to support this approach through loan funds is recommended to best manage the approval and establishment phase with the proposed Business Plan to prioritise the repayment of these funds.

Workforce

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

Options

Council has the option of:

1. Progressing with the lease option with Alcoa for the site at Lot 1261 Willowdale Road and support loan funds for the development of road materials to enable future infrastructure provision.
2. Not progressing with the lease option with Alcoa for the site at Lot 1261 Willowdale Road.

Conclusion

The ability for a Local Government to establish and manage infrastructure resources is the key to cost effective infrastructure delivery. The Shire has consistently had a series of Extractive sites under our management that support the range of construction and maintenance activities. Generally, these sites have a limited life and alternative sites are always being investigated.

The development of a significant site at Willowdale Road will provide the opportunity for a consistent base product for 20+ years. Our Operations Team have tremendous experience in developing and managing extractive sites throughout the Shire of Murray and these have been overseen by a number of invested agencies including Alcoa, Water Corporation and Department of Water and Environmental Regulation.

11.14 Hamelin Road Extension: Avoca Retreat

File Ref:	0755
Previous Items:	Nil
Applicant:	Not Applicable
Author and Title:	Martin Harrop, Manager Engineering
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority

Recommendation/Council Decision**OCM20/181****Moved: Cr S Lee****Seconded: Cr A Rogers****That Council endorse:**

- 1. the request to add Hamelin Road extension to the road program; and**
- 2. the request to transfer \$43,000 from the General Development Contributions Reserve to the Hamelin Road Extension road project.**

CARRIED UNANIMOUSLY 9:0**In Brief**

A request to Council to make a budget allocation in the 2020-20201 road program for the Hamelin Road extension to manage the developer funded transaction for the partial construction of Hamelin Road via a rural residential subdivision application. The budget allocation required is \$43,000 and the revenue is held in the General Developers Reserve.

Background

The gradual subdivision of the larger parent lots within Avoca Retreat North Dandalup into hectare rural residential lots has necessitated the construction of internal road network connecting with the Dandalup Springs Estate. Some of the internal roads have extended across boundaries of larger parent lots making the construction not practical as minor road segments.

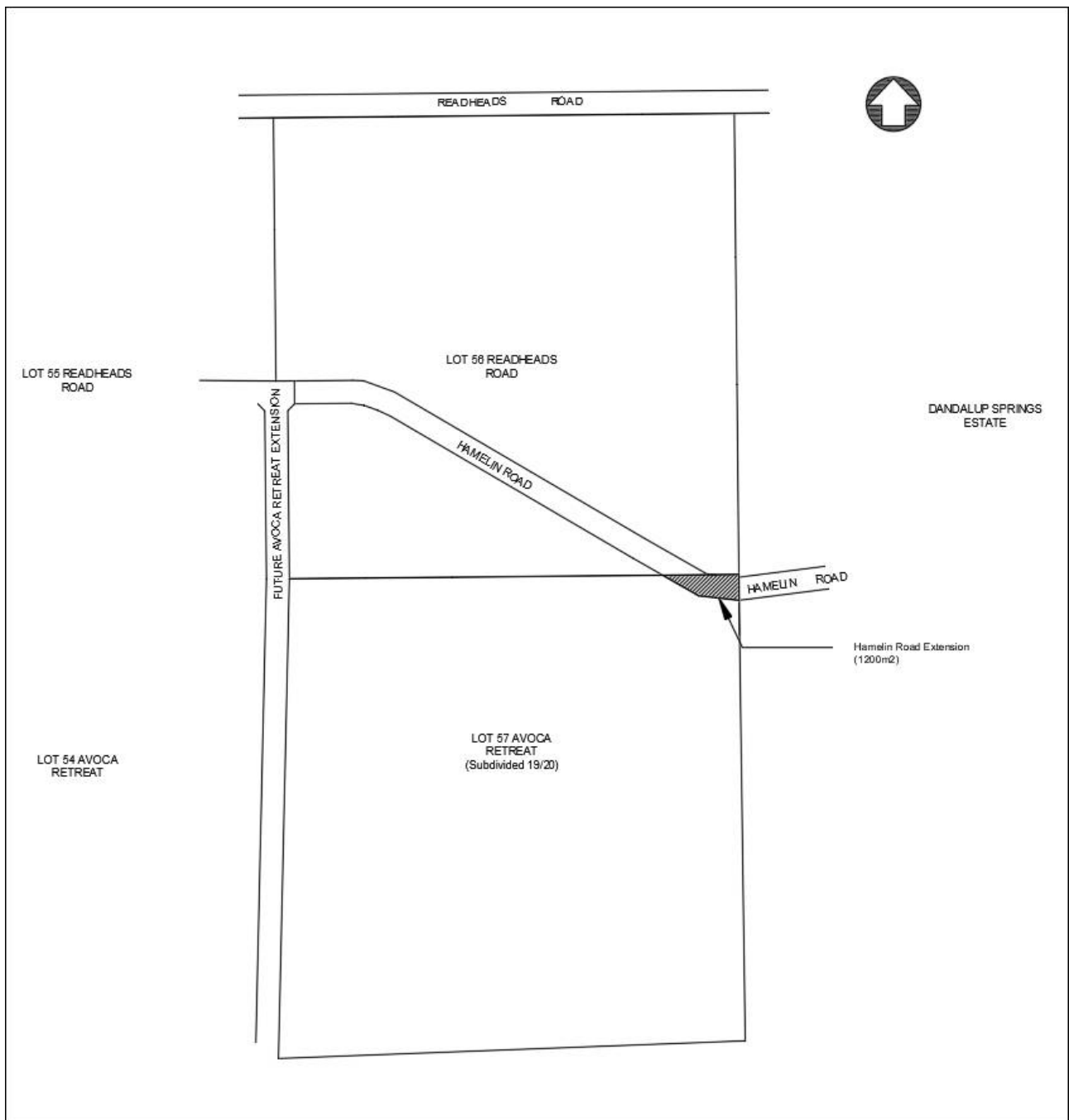
The subdivision of Lot 57 Avoca Retreat (Corrib Investments P/L) proceeded prior to the Subdivision of Lot 56 Readheads Road and a financial contribution was received in lieu of the physical road construction. The financial contribution enabled the subdivision of Lot 57 to be completed and enabled access for Lot 56 Readheads Road to progress the subdivision development.

The minor portion (1200m²) of the Hamelin Road extension was constructed by the developer of Lot 56 (Readvoca P/L) in conjunction with the balance of the subdivision roads. The developer (Readvoca P/L) is seeking reimbursement for the costs of the Hamelin Road construction which is funded by revenue obtained from Corrib Investments P/L and development contributions from Avoca Retreat

A request to Council is proposed to add Hamelin Road extension to the Shire 2020-2021 road program to facilitate the development of the interconnected road network between Avoca Retreat and Dandalup Springs.

The Shire received development contribution towards the Hamelin Road extension from Lot 57 Avoca Retreat for construction of unmade portion of Hamelin Road Reserve as part of subdivision development. A transfer request of \$43,000 from the General Developers

Reserve to a new project for the Hamelin Road extension is proposed to finalise the contribution.



Murray 2030 Strategic Community Plan

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

Murray 2020-2024 Corporate Business Plan

Focus Area	Connected and Accessible
Objective	Promote and efficient and accessible local and regional transport network.
Strategy	Develop a Transport Plan that considers the wider Peel Region.
Project and Actions	Improve the amenity and functionality of the street network and town entrances.

Other Strategic Links

Nil

Statutory Environment

Nil

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	The funding of the roadworks were coordinated in consultation with the associated development.

Consultation

Internal consultation with the Shire of Murray staff and private developers

Resource Implications

Financial

Nil

Workforce

Nil

Options

Council has the option of:

1. Supporting the requested changes to the 2012-2021 adopted budget road program.
2. Declining the requested changes to the 2012-2021 adopted budget road program

Conclusion

The purpose of the budget amendment is to facilitate the connection of internal subdivisional roads. The General Development Contribution Reserve transfer will be used to fund the exchange of developer contributions for the construction of new portion of Hamelin Road North Dandalup. The extension of Hamelin Road was considered a high priority to complete the road connection for the staged sub divisional development between Avoca Retreat and Dandalup Springs.

Items for Information

11.15 Council Resolution/Outstanding Items

Resolution Register is attached for information.

Appendix 15

11.16 Delegated Decisions – August 2020

Delegated Decisions is attached for information.

Appendix 16

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 6.06pm.

I confirm that these minutes were confirmed at the Ordinary Council Meeting held on 22 October 2020 as being a true and correct record.



.....
Presiding Member

22 October 2020

.....
Date