



Minutes

Ordinary Council Meeting

Thursday 28 November 2019

**Ordinary Council – 28 November 2019
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Minutes of the Ordinary Meeting of Council held at the Murray Shire Council, 1915 Pinjarra Road, Pinjarra on Thursday 28 November 2019.

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 (via teleconference) (as previously approved at Council meeting 24.10.19)	Deputy President
Cr S Lee	Councillor
Cr A Rogers	Councillor
Cr C Rose	Councillor
Cr G Black	Councillor
Cr B Cardilini	Councillor
Cr B Beacham	Councillor
Cr S Kirkham	Councillor
Mr D Unsworth	Chief Executive Officer
Mr A Smith	Director Infrastructure Services
Mr R Peake	Director Planning and Sustainability
Mrs L McGuirk	Director Place and Community Development
Mrs T Unsworth	Director Corporate Services
Mrs A Wakeford	Executive Assistant Infrastructure Services

There were five (5) members of the public, two (2) members of staff and no members of the press in attendance at this time.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. PETITIONS AND APPROVED DEPUTATIONS

Nil

6. CONFIRMATION OF MINUTES

6.1 Special Council Meeting – 24 October 2019

Recommendation/Council Decision

OCM19/242

Moved: Cr B Beacham

Seconded: Cr G Black

That the Minutes of the Special Council Meeting held on Thursday 24 October 2019 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY 9:0

6.2 Ordinary Council Meeting – 24 October 2019

Recommendation/Council Decision

OCM19/243

Moved: Cr A Rogers

Seconded: Cr S Lee

That the Minutes of the Ordinary Council Meeting held on Thursday 24 October 2019 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY 9:0

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

On Friday 25 October, I took part in an ABC Radio Interview regarding the Pinjarra Massacre Memorial Project and the Back to Pinjarra Day event. In the evening, I attended the Pinjarra Senior High School Year 12 Presentation and Awards Ceremony at the Mandurah Baptist College in Lakelands.

On Saturday 26 October, the Deputy Shire President, Cr McLarty and I attended and laid a wreath at the Back to Pinjarra Day event at the Pinjarra Massacre Site in Pinjarra.

On Sunday 27 October, I officially opened the Pinjarra Garden Day event in Pinjarra.

On Tuesday 29 October, I attended the annual Senior's Morning Tea at St Joseph's Catholic Primary School, Pinjarra.

On Wednesday 30 November, I attended my regular catch-up with the Executive Director, Peel Regional Leaders Forum at the Shire of Murray. Following this the CEO and I met for our regular review meeting.

On Thursday 31 October, Councillor Steve Lee and I attended the Rivers Regional Council Meeting at the City of Armadale Council Chambers.

On Friday 1 November, I attended a review meeting with the Shire of Murray Deputy President, Councillor Douglas McLarty. In the afternoon I gave a speech at the Pinjarra Men's Shed Opening event in Pinjarra.

On Monday 4 November, I attended a community meeting with Senator Louise Pratt.

On Tuesday 5 November, I attended the Murray Community Food Drive handover at the Pinjarra Community kitchen.

On Wednesday 6 November, I attended a meeting with the Waroona Shire President, following which I took part in an ABC TV Interview regarding the Point Grey SAT decision. In the afternoon I did a live interview on the ABC Drive Radio show with Geoff Hutchison.

On Friday 8 November, I attended a meeting with Robyn Clarke MLA in Pinjarra followed by the North Dandalup Primary School 30 Year Celebrations. In the evening, I attended and opened the 'Two Birds with a Passion' Art Exhibition by Vanessa Black and Eileen MacPherson at the Pinjarra Courthouse.

On Monday 11 November, I attended the Pinjarra Remembrance Day Service where I laid a wreath on behalf of the Shire of Murray. Following the service, I attended the Dwellingup Futures Stakeholder Working Group meeting at the Shire of Murray Administration Office.

On Wednesday 13 November, I attended my regular catch-up review meeting with the Executive Director, Peel Regional Leaders Forum at the Shire of Murray Administration Office.

On Thursday 14 November, I attended the Shire of Murray Councillor and Executive Officers Strategy Planning Day followed by a tour of the Alcoa Refinery. In the afternoon, I attended an informal networking event with the new Bushfire Centre of Excellence staff at the Pinjarra Heritage Rail Station.

On Saturday 16 November, I attended and spoke at the Pinjarra RSL Sub-Branch 100-year celebration event. In the afternoon I opened the Art Exhibit called 6 Seasons in Dwellingup for the local Aboriginal artist Maitland Hill.

On Monday 18 November, the CEO and I attended a meeting with Senator Louise Pratt at the Shire of Murray Administration Office.

On Tuesday 19 November, I attended a Parliament House Art exhibit for local Dwellingup Artist Monique Tippett.

On Wednesday 20 November, The CEO and I met with the executives from the CYO Research Centre at the Shire of Murray Administration Office. In the afternoon I took part in an ABC South West Radio Interview regarding the RWWA purchase of a North Dandalup Property.

On Thursday 21 November, I met with Shire of Murray staff and the Lions Club to discuss the 2020 Australia Day celebrations event at Edenvale followed by a photoshoot at the Pinjarra Community Garden in relation to their new solar panels and off grid power supply system. In the afternoon, I attended the official opening of the Pinjarra Rotary Club's new Bicycle Shed Project at Fairbridge Village, Pinjarra.

On Friday 22 November, I had a meeting with the Director of Planning and leaders of a local Not for Profit Organisation to discuss a planning application matter.

On Tuesday 26 November, I attended and Chaired the Murray/Waroona Resource Sharing Committee. In the evening, I attended the CHRMAP Community Information Session.

On Wednesday 27 November, I attended the St Joseph's Pinjarra Primary School - Blessing of their new Nature Playground. I then attended the Pinjarra Heritage Rail precinct planning workshop. This was followed by my regular review meeting with the Executive Director, Peel Regional Leaders Forum at the Shire of Murray Administration Office.

On Thursday 28 Nov I attended a working breakfast meeting with executives from Fund Singapore to discuss and review the new Agri Innovation Centre plans at Nambeelup. Following this meeting I had a regular review meeting with the CEO for Murray and Waroona. This meeting was followed by the Peel WALGA Zone meeting at the Shire of Murray Council Chambers.

8. ANNOUNCEMENTS BY ELECTED MEMBERS

Councillor D McLarty

On Saturday 26 October 2019 I attended the Back to Pinjarra day Wreath Laying at the Pinjarra Massacre Site.

On Saturday 2 November 2019 I attended the Opening of the Pinjarra Men's Shed.

On Friday 8 November 2019 I attended the Peron Naturalist Partnership Board Meeting in Waroona.

On Tuesday 12 November 2019 I attended the Rates Incentive Scheme Cheque Presentation at the Pinjarra Bendigo Bank.

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

Cr C Rose declared an Impartiality Interest in Item 16.1 - Australia Day Community Citizen Awards 2020 in that she is a member of the general Coolup Fire Brigade, yet not closely associated with any Coolup Cadets.

Cr A Rogers declared an Impartiality Interest in Item 16.1 - Australia Day Community Citizen Awards 2020 in that she is the President of the Coolup Progress Association, who have made a nomination in the Active Citizenship Award Category.

Cr S Kirkham declared an Impartiality Interest in Item 16.1 - Australia Day Community Citizen Awards 2020 in that two (2) of his children are members of the Coolup Bushfire Cadets and his wife is a Cadet leader.

Cr D McLarty declared an Impartiality Interest in Item 16.1 - Australia Day Community Citizen Awards 2020 in that two (2) of his children are members of the Coolup Bushfire Brigade Cadets.

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

10.1 Local Emergency Management Committee Meeting Wednesday 6 November 2019 – Items to be dealt with separately

10.1.1 Structure of the Local Emergency Management Committee

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

Recommendation/Council Decision

OCM19/244

Moved: Cr S Lee

Seconded: Cr B Beacham

That Council endorses a second representative from Alcoa Australia being appointed to the Local Emergency Management Committee (LEMC) as an ex-officio member.

CARRIED UNANIMOUSLY 9:0

10.2 Local Emergency Management Committee Meeting – 6 November 2019

File Ref: 1/2253

Appendix 1

Recommendation/Council Decision

OCM19/245

Moved: Cr B Cardilini

Seconded: Cr S Kirkham

That Council receives and notes the Minutes of the Local Emergency Management Committee Meeting held on Wednesday 6 November 2019 (appendix 1).

CARRIED UNANIMOUSLY 9:0

10.3 Audit Committee Meeting – 14 November 2019

File Ref: 1/2253
Appendix 2

Recommendation/Council Decision

OCM19/246

Moved: Cr B Beacham

Seconded: Cr S Lee

That Council receives and notes the Minutes of the Audit Committee Meeting held on Thursday 14 November 2019 (appendix 2).

CARRIED UNANIMOUSLY 9:0

11. REPORTS OF CHIEF EXECUTIVE OFFICER AND OFFICERS

Planning and Sustainability

11.1 Cities Power Partnership

File Ref: 3610-02
Author and Title: Gemma Iseppi – Project Officer Strategic Development
Voting Requirements: Simple Majority

Recommendation/Council Decision

OCM19/247

Moved: Cr G Black

Seconded: Cr A Rogers

That Council endorse joining the Cities Power Partnership Program.

CARRIED UNANIMOUSLY 9:0

In Brief

- The Cities Power Partnership is a National program set up to assist Local Government to address the impacts of climate change through the sustainable use of energy.
- The program provides for responsible management of Council and community energy use, improving the ability to adapt to climate change with economic, social and environmental outcomes.
- The program is free to join.

Background

The Climate Council's Cities Power Partnership (CPP) is a National program to assist Local Government in addressing the impacts of climate change through the sustainable use of energy. In working towards emission reduction through improvements in energy efficiency and by switching to renewable energy, the Shire can build a greener, efficient and more resilient community, which in turn will be in a better position to cope with changes to climate.

Report Detail

Climate change poses many challenges for our environment, infrastructure, economy and way of life. However along with these challenges also come opportunities to change the way we do things. Local Government has the responsibility to sustainably manage Council and community, water and energy use.

Some of the impacts of climate change will likely include:

- Hotter suburbs (health impacts)
- Increased energy costs (power bills)
- Reduced rainfall
- Increased water costs
- Increased risk of extreme weather events such as bushfires, storms, flooding and drought (increased demand on emergency services)
- Impacts on the biodiversity and health of our natural environment
- Sea level rise

The Climate Council's Cities Power Partnership (CPP) program aims to connect, support and motivate Local Governments in reducing energy emissions. The CPP program is free to join and will connect the Shire to a national network of Local Governments working towards emission reduction. This would provide valuable support to officers and assist the Shire in

managing energy use within our operations, as well as assisting us to support community and business energy initiatives.

With the assistance of this program, the Shire can provide leadership to our community and do our bit to address the impacts of climate change. Reducing emissions, often results in economic savings. For example, the City of Vincent recently installed solar panels on a number of buildings at an initial outlay of \$321,000, to be paid back in reduced power bills within four years. They have calculated a saving of \$90,000 in energy costs in the first year, with savings expected to increase as the cost of power goes up. This will reduce their energy emissions by the equivalent of 286 tonnes of CO₂ per annum. A great example of a win – win project.

The Shire has installed solar panels on the Administration building, Murray Aquatic and Leisure Centre, Dwellingup History & Visitor Information Centre and Operations Centre.

Joining the CPP program will assist the Shire to be motivated and accountable in taking steps to towards further reducing our energy emissions. In addition, our successes will be publicly recognised and celebrated.

Over 100 Local Government areas across Australia are members of the CPP program. By joining, the Shire of Murray will be able to learn from the successes and challenges faced by others.

Membership of the CPP includes:

- Access to an online Knowledge Hub
- Monthly webinars
- Access to Azility – a web based project analytical tool – enable tracking of dollars, Energy & Carbon savings
- Summit and awards program
- Media profiling of success

Within 6 months, the Shire will be required to identify 5 key actions from the following Cities Power Partnership Pledge areas:

- renewable energy
- energy efficiency
- sustainable transport
- community advocacy

Examples of action pledges include:

- Installing renewable energy (solar PV and battery storage) on Council buildings.
- Power Council operations by renewable energy and set a target to increase the level of renewable energy.
- Create a revolving energy fund to finance renewable energy and energy efficiency projects.
- Adopt best practice energy efficiency measures across all Council buildings and support community facilities to adopt these.
- Ensure Council fleet purchases meet strict greenhouse gas emissions requirements and support the uptake of electric vehicles. Joint fleet procurement of electric vehicles with other WA CPP Local Governments may be possible, leading to better prices and model selection.
- Provide fast-charging infrastructure at key locations for electric vehicles.
- Support cycling through the provision of cycle pathways and bike parking.
- Set Shire level renewable energy or emissions reduction targets.
- Develop education and behaviour-change programmes to support local residents and businesses to tackle climate change through clean energy, energy efficiency and sustainable transport.

Following this, completion of a 6-monthly online survey, outlining progress towards our five action pledges, will be required.

Along with the challenges, climate change brings opportunities for attracting investment into local renewable energy projects bringing jobs and investment into the Shire.

Murray 2030 Strategic Community Plan

Focus Area	Environment, Character and Heritage
Aspiration	To be effective stewards of our environment, history, heritage, natural landscape and rural character.
Strategy	Responsibly manage Council and community water and energy use.

Other Strategic Links

Climate Change in Western Australia – Issues Paper (Department of Water and Environmental Regulation, 1999), which includes a target to reduce net emissions to zero by 2050.

Statutory Environment

Nil

Sustainability & Risk Considerations

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

Climate change poses many risks to our economy, especially in the traditional resource based industries. According to the 2016 Census, 35.7% of employment in Shire of Murray is in the Manufacturing and Mining industry sector. As the world transitions to a low-carbon economy these industries face challenges in changing processes to reduce emissions with potential flow on to local employment.

Another area of risk is in the area of transport – transport emissions contribute to 17% of WA's total greenhouse gas emissions. The Shire of Murray is highly dependent on private vehicles for transport and faces risks in this area as the transport sector undergoes transformation to reduce emissions, such as electrification and low-emission vehicles. This potentially poses economic and social risks.

In a drying climate water security, including water sources but also water efficiency will be critical for the economy (as well as the community and natural environment).

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

The impacts of climate change will be felt across society, however it is well documented that the more vulnerable groups in our community (including the elderly, Aboriginal, homeless and lower socio-economic groups) are at a greater risk.

There will also likely be increased demand on emergency services to deal with increased fire season, heatwaves, increased flooding/storm surge and increased frequency of extreme events.

Environment – (Impact on environment's sustainability)

Our natural environment is part of what makes Murray an attractive place. We are part of the internationally recognised South-West global biodiversity hotspot (there only 34 of these in the world) but our natural environment is particularly susceptible to climate change due to changes in temperatures, water availability, habitat loss and more frequent bushfires. Some of the results of this include extinction of species, increased algal blooms and more frequent fish kills.

Policy Implications

Nil

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	<p>There are minimal risks associated with joining the program. It is free and the Shire chooses which actions we are going to pursue.</p> <p>The greater risk is if we choose to take no action towards reducing emissions and moving towards a low-carbon economy.</p>

Consultation

Initial discussions have been undertaken with Cities Climate Protection officers.

Resource Implications*Financial*

There is no cost to join the program or to develop the action pledges. Depending on the actions chosen, there will be some upfront financial costs. Some of these initial costs are likely to be recouped through savings in energy costs (power bills) over time.

Other Local Governments have set up revolving funds, where the dollar savings realised through the introduction of projects is used to fund future projects. The Shire could consider a similar model.

Workforce

Current staff will administer the program.

Options

Council has the option of:

1. Joining the Cities Power Partnership Program and proceeding to develop suitable action pledges to improve energy efficiency in the Shire of Murray.
2. Not joining the program with rationale provided.

Conclusion

Climate change is expected to bring many challenges. Joining the CPP program is an opportunity for the Shire to show leadership. In acting to reduce emissions we can help build a more resilient community which is able to adapt to climate change and take advantage of new opportunities.

11.2 Proposed Amendment No 309 to Town Planning Scheme No 4 to Rezone Lot 13 (22) Husband Road from Public Purpose to Service Commercial

File Ref: DSA309
 Previous Items: OCM. 25 Jul 19 Item 11.2 (OCM19/138)
 Applicant: Western Power
 Author and Title: Cherryll Oldham, Senior Planning Officer
 Voting Requirements: Simple Majority

Appendix 3

Recommendation/Council Decision

OCM19/248

Moved: Cr S Lee

Seconded: Cr G Black

That Council:

1. pursuant to Regulation 50(3) of the Planning and Development (Local Planning Schemes) Regulations 2015, support with modification, Amendment No 309 to Town Planning Scheme No 4 to rezone Lot 13 (22) Husband Road, Barragup from Public Purpose Reserve to Service Commercial;
2. endorse the comments made in Appendix 3 regarding the submissions received on the scheme amendment for inclusion in the schedule of submissions to be forwarded to the Western Australian Planning Commission; and
3. pursuant to Regulation 53(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, provides the advertised Amendment and associated documentation to the Western Australian Planning Commission for its consideration.

CARRIED UNANIMOUSLY 9:0

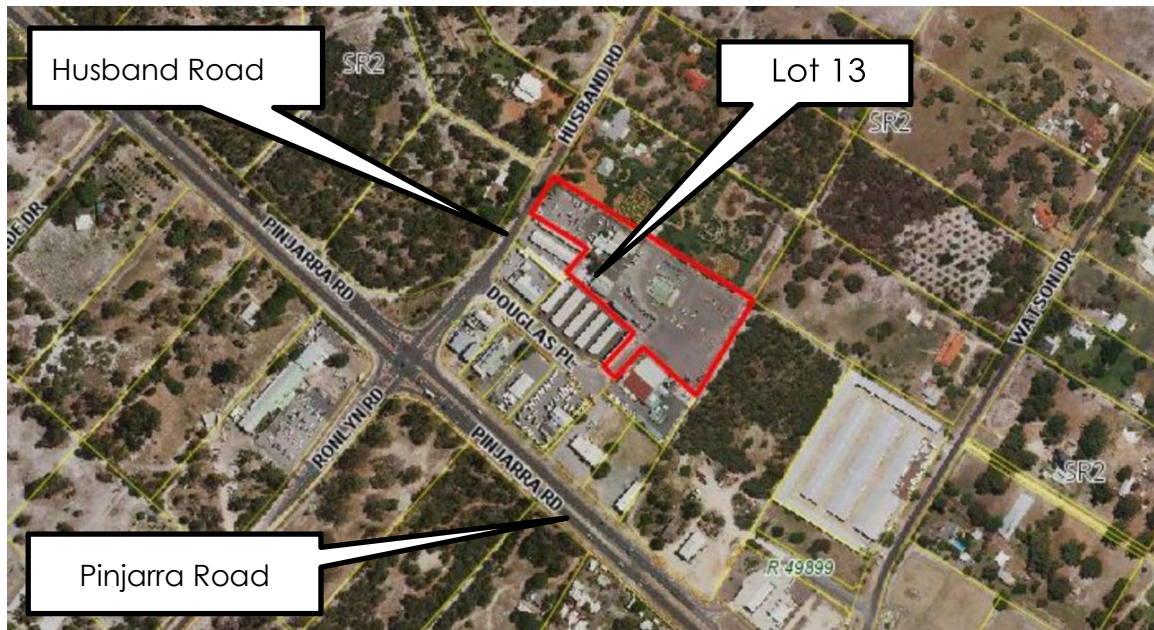
In Brief

- Western Power's Land Rationalisation and Depot Modernisation Strategy has determined a new depot is required in the Peel region to strengthen the reliability and efficiency of its network operations.
- A new depot will be constructed in the Pinjarra Industrial Area in place of two existing depots at Barragup and Waroona.
- The existing Barragup Depot will become redundant and Western Power has requested the Council rezone Lot 13 (22) Husband Road, Barragup, from Public Purpose to Service Commercial, which will help facilitate its sale.
- Council resolved to prepare Amendment No. 309 to Town Planning Scheme No. 4 to rezone the site in July 2019. The Amendment has since been advertised with seven (7) submissions being received from state agencies and service authorities.
- Council is now requested to consider the submissions and support the Amendment.

Background

Lot 13 (22) Husband Road is located approximately 170 metres north of the intersection of the Husband and Pinjarra Road intersection on the eastern side of Husband Road. The lot forms part of the Barragup Furnissdale Activity Centre and is located immediately south of the Amaze Miniature Park.

The lot has access to both Douglas Place and Husband Road and has an area of approximately 1.7 hectares. Western Power has owned the lot since 1993 and currently uses it as a depot. The lot is currently a Local Scheme Reserve for Public Purposes – SEC Depot.



Western Power's Depot Modernisation Strategy has determined a new depot is required in the Peel region to strengthen the reliability and efficiency of its network operations. The new depot will be constructed in the Pinjarra Industrial Area in place of two existing depots at Barragup and Waroona, making the existing depot sites redundant.

The Joint Development Assessment Panel has approved the new Western Power Depot in the Pinjarra Industrial Area and subsequently a building permit has been issued. Earthworks are expected to commence this month.

On 25 July 2019, Council resolved to prepare Amendment 309 to the Scheme.

Report Detail

The proposal seeks to zone Lot 13 (22) Husband Road from Local Scheme Reserve - Public Purposes Reserve to Service Commercial.

The intention of the Service Commercial zone is to encourage a range of non-retail commercial uses to service the community in planned and fully integrated locations. Lot 13 Husband Road directly abuts an existing Service Commercial area.

Key issues raised during the consultation process were as follows:

Department Fire Emergency Services – Requirement for Bushfire Hazard Level Assessment:

DFES

The Department Fire Emergency Services (DFES) has recommended that the Amendment document be supported by a bushfire management plan as Lot 13 is located within a bushfire prone area as shown on DFES' mapping. In DFES's opinion the proposed Amendment is not exempt from requiring a bushfire management plan. DFES acknowledged however that a decision as to whether the Amendment to the Scheme is exempt from requiring a bushfire management plan rests with the decision makers (i.e. the Shire of Murray and the Western Australian Planning Commission). Further discussions with DFES revealed its opinion was based on the fact that Lot 13 had been developed well before the introduction of State Planning Policy 3.7 *Planning in bushfire prone areas* (SPP3.7) and that no previous consideration had been given as to whether future development on the lot could comply with the requirements of this policy. In light of this, DFES advised that higher level planning

processes, which includes proposed scheme amendments, should determine that future development is acceptable in regard to bushfire risk.

Western Power

Western Power were provided the opportunity to comment on DFES' advice and provided the following comments:

“The rezoning is consistent with State government policy (DPLH) when divesting land assets. The current reservation ‘Public Purpose (SEC)’ is based on the landholder being a government entity not the existing land use. For context, Western Power could currently increase the intensity of development on the site under the current reserve without input from DFES. This scheme amendment is not an intensification of land use as purported by DFES and therefore does not require a BMP at the scheme amendment stage. If future subdivision or future development is proposed, there is scope in the SPP for bushfire assessment and management at those phases of the process’.

Department of Planning, Lands and Heritage

Shire officers sought the advice of the Department of Planning, Lands and Heritage (DPLH) as to whether the development could be considered exempt from requiring an appropriate bushfire risk assessment. DPLH's initial response was that the scheme amendment may be exempt, however the DPLH further advised that should the Shire consider the amendment to be exempt then the Shire must provide sufficient justification as to the reasons why the exemption should apply including:

- consideration of the nature and scale of the proposed land use with reference to the exemption provisions;
- how the policy intent and objectives are able to be achieved in subsequent stages of the planning process; and
- the comprehensive consideration of any concerns raised by submitters in relation to bushfire risk.

SPP3.7 generally requires bushfire risk to be assessed as part of a proposed amendment to a Scheme. However, in certain circumstances exemptions may be given. Planning Bulletin 111/2016 provides for exemptions from the requirements of the Policy for proposals that do not:

- result in the intensification of land use,
- result in an increase of residents or employees, or
- result in the occupation of employees on site for any considerable time

Officer Comment

The Western Power Depot is a fully developed site with access to Husband Road and to Douglas Place. Western Power has advised that there are no proposals to intensify the use of the land or change the manner in which the site is already being operated. The proposal is simply to rezone the site from Public Purpose to Service Commercial. The new zoning does not specifically increase or decrease the development potential of the site or contemplate its subdivision.

Should Western Power determine to sell the lot in the future, the Service Commercial zone may allow an intensification of land uses, however any subdivision or development application including a change of land use will require the submission of a bushfire risk assessment as the lot is located within a bushfire prone area.

Further, the proposal is consistent with the four key principles that are required to be addressed by a bushfire management plan.

In regard to Element 1 (Location), the intent is to ensure that strategic planning proposals are located in areas with the least possible risk of bushfire to facilitate the protection of people, property and infrastructure. The site exists and is not proposed to be subdivided or redeveloped. The infrastructure is already in place and its unlikely that the site will be redeveloped as a result of the rezoning.

In regard to Element 2 (Siting and Design of Development), the intent is to ensure that the siting and design of development minimises the level of bushfire impact. The infrastructure has already been designed and sited and has been in place for decades.

In regard to Element 3 (Vehicular Access), the intent is to ensure vehicular access serving a development is available and safe during a bushfire event. As mentioned, the site can be accessed by two roads and there are several directions in which a vehicle can travel to flee in case of a bushfire emergency.

In regard to Element 4 (Water), the intent is to ensure that the water is available to the development or land use to enable people, property and infrastructure to be defended from bushfire. The site is connected to the reticulated water network.

Recommendation:

Advise the Western Australian Planning Commission that an exemption to the requirements of SPP3.7 is sought as the rezoning does not change the operation of the Western Power depot, nor increase the number of employees attending the site and therefore the intensify the land use of the site is not increased. It is considered the most appropriate time to request a bushfire risk assessment of the site would be at the stage of development application.

Main Roads WA – Modification to the Scheme Amendment text to include provision to require a contribution towards the existing traffic lights:

Main Roads WA has recommended that a provision be included in the proposed scheme amendment to require the landowner to provide a 10% contribution to Main Roads WA at the development approval stage for the recently completed upgrading of the intersection of Husband Road, Ronlyn Road and Pinjarra Road.

Western Power are strongly opposed to Main Roads WA's recommendation, and argue there is no need or nexus associated with the scheme amendment and that Main Roads has assumed there will be increased traffic volumes to the current levels accessing an established fully operational depot.

Officer Comment

Correspondence from Main Roads WA to the Shire in March 2010 (D10/7979) in relation to a request to the Shire to cede Lot 20 to contribute to funding traffic lights on the corner of Pinjarra Road and Husband Road advised 'Black Spot' funding had been received in 2009/10 which allowed preconstruction activities including design and land acquisition and that they were expecting addition funding in 2010/11 State Blackspot Program will enable actual intersection upgrade works including the installation of traffic signals.

Council resolved in November 2010 '*to support the dedication of land be acquired for the Pinjarra, Ronlyn and Husband intersection from Lot 152 Ronlyn Road, Pt Lot 20 Husband Road and Lot 153 Ronlyn and Lot 3 Husband Road for road purposes pursuant to Section 56 of the land administration Act 1997 as shown on Main Roads drawing 201002-0108*'.

The Shire considers the cost contribution towards existing traffic lights that were mostly funded through 'Black Spot' grants to be unreasonable and therefore Main Roads WA's comments are not supported.

Recommendation

That the recommendation of Main Roads not be supported and no changes should be made to the Amendment document.

Further to the above, Husband Road and Douglas Place are required to be upgraded in the future. Husband Road requires upgrading in relation to dual use paths and Douglas Place in relation to being resealed. These matters are to be addressed with the progression of DSA 303 - Developer Contribution Barragup/Furnissdale .

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 Town Planning Scheme and Local Planning Strategy facilitates quality and diverse planning outcomes.

Other Strategic Links

The Western Australian Planning Commission's South Metropolitan and Peel Sub-regional Planning Framework shows the land as 'Urban'.

Statutory EnvironmentPlanning and Development Act

Section 75 of the Planning and Development Act (Act) provides that a Local Government may amend its local planning scheme by an amendment that is either:

1. prepared by the Local Government, approved by the Minister and published in the Gazette; or
2. proposed by all or any of the owners of land in the scheme area, adopted with or without modification by the Local Government, approved by the Minister and published in the Gazette.

Planning and Development (Local Planning Schemes) Regulations 2015

Section 50(3) and 51 of the Planning and Development (Local Planning Schemes) Regulations 2015 requires that within 60 days of the close of the submission period for a Scheme Amendment the Council must pass a resolution:

1. To support the amendment without modification.
2. To support the amendment with proposed modifications to address issues raised in the submissions.
3. To advertise a proposed modification to the amendment, provided the modification is proposed to address issues raised in submissions and it is considered to be significant.
4. Not to support the amendment.

Peel Region Scheme

The subject land is zoned 'Urban' under the Peel Region Scheme. The proposed Service Commercial zone is consistent with the 'Urban' zoning.

Sustainability & Risk Considerations

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

A rezoning from Public Purpose Reserve to Service Commercial would increase the range of uses that could be accommodated on the lot and therefore potentially increase the value of the lot and make it more attractive to prospective purchasers.

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

Land rationalisation and depot modernisation will strengthen the reliability and efficiency of Western Power's network operations for the benefit of the community.

Environment – (Impact on environment's sustainability)

The site is wholly cleared. Under the Scheme new development in the Service Commercial zone will generally be required to provide landscaping and to prepare and implement stormwater disposal and drainage plans.

No reticulated sewer is available to the site or to the other existing Service Commercial lots in the area. The Scheme advises any effluent discharge other than sewerage disposal created as a result of commercial operations shall only be permitted when Council is satisfied that excessive nutrients would not be discharged to the groundwater or off-site.

Policy Implications

The site is located within the area covered by the Barragup Furnissdale Activity Centre Local Panning Policy.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	There are no significant risks in supporting the proposed Scheme Amendment.

Consultation

The amendment was referred to the Environmental Protection Authority for consideration as to whether an assessment is required in accordance with section 81 of the Planning and Development Act. The Shire received advice from the Environmental Protection Authority that the Amendment did not warrant an environmental assessment and it was not necessary to provide advice or recommendations.

A 42-day public advertising period was subsequently carried out in accordance with Regulation 47 of the Planning and Development (Local Planning Schemes) Regulations 2015 by the following means:

- (a) Notices in a newspaper circulating in the Scheme area;
- (b) Notices at the Shire administration office and library;
- (c) Notice on the Shire's website;
- (d) Notices to adjoining and nearby landowners; and
- (e) Notices to relevant public authorities and service agencies

At the conclusion of the submission period on 13 November 2019, seven (7) submissions were received from state agencies and service authorities. The Shire also sought the advice of the Department Planning Lands and Heritage in relation to the provision of a bushfire hazard level assessment being provided with the Scheme Amendment. A schedule

summarising the submissions received and outlining an officer recommendation on each can be found at **Appendix 3**.

The key issues raised by state agencies are listed below and discussed in the Report Detail section above.

- Department Fire Emergency Services in relation to the provisions of a Bushfire Management Plan; and
- Main Roads WA who seek a modification to the Amendment to insert a provision that at the time of further development of Lot 13 (22) Husband Road, that a contribution to the Pinjarra Road/Husband Road/ Ronlyn Road traffic lights be imposed.

Resource Implications

Financial

An administration fee is payable by the applicant to cover staff time and other direct costs associated with the amendment process. The administration fee has been paid in this instance.

Workforce

The assessment and reporting of the amendment can be accommodated within the scope of the existing workforce level.

Options

Council has the option to either:

1. Support the amendment without modification.
2. Support the amendment with modifications to address issues raised in the submissions.
3. Advertise a proposed modification to the amendment, provided the modification is proposed to address issues raised in submissions and it is considered to be significant.
4. Not to support the amendment.

Conclusion

The proposed Scheme Amendment is consistent with the South Metropolitan Peel Sub-regional Planning Framework and the Peel Region Scheme Urban zoning. Service Commercial is considered consistent with the existing adjacent service commercial zoned lots within the Barragup Furnissdale Activity Centre. The existing Amaze Miniature Park provides an effective transition between the proposed Service Commercial zone and the Rural Residential properties to the north.

Having considered the submissions it is recommended that Council support the amendment for final approval with minor modifications as described in the Schedule of Submissions and in the Report section above.

11.3 Waterwise Verge Guideline

File Ref: 5412-02
Author and Title: Gemma Iseppi, Project Officer Strategic Development
Voting Requirements: Simple Majority

Appendix 4

Recommendation/Council Decision

OCM19/249

Moved: Cr B Beacham

Seconded: Cr A Rogers

That Council:

- 1. endorse the Waterwise Verge Guidelines and implementation of the Waterwise Verge Rebate Program; and**
- 2. authorise officers to assess and approve applications for the waterwise verge rebate.**

CARRIED UNANIMOUSLY 9:0

In Brief

- A funding opportunity has arisen through the Water Corporation's Waterwise Greening Scheme for waterwise verge gardens.
- It is proposed that the Shire introduce a Waterwise Verge Incentive Program to promote sustainable water and fertiliser use.

Background

An opportunity has arisen to access funding assistance to support waterwise greening initiatives in our community, through the Water Corporation's Waterwise Greening Scheme.

This report outlines a proposal to implement a 'Waterwise Verge Incentive Program' to encourage and enable interested residents to adopt their verge and install a waterwise garden. 'Waterwise Verge Guidelines' have been developed for the proposed program (**refer appendix 4**).

Report Detail

We live in a drying climate where water is a valuable resource. As a community leader, the Shire of Murray is committed to sustainable water management both within our operations and in the community. Through our participation in the Water Corporation's Waterwise Council Program, the Shire has been an endorsed 'Waterwise Council' since 2015. As part of this program, the Shire is committed to reducing its own water use. Significant water savings have been made at the Murray Aquatic and Leisure Centre where a leak was detected, resulting in cost and water savings. Other water efficiency measures adopted include hydro zoning in parks, the use of native plant species and use of soil amendments and mulch for our gardens.

As part of the Waterwise Council program, the Shire has also committed to educating and enabling the community to manage their water more sustainably. The introduction of a 'Waterwise Verge Incentive Program' will assist with this commitment. Through the Water Corporation's Waterwise Greening Scheme, the Shire will be able to apply for up to \$10,000 funding for a number of initiatives including:

- providing waterwise verge subsidies for residents; and
- holding waterwise garden and verge workshops

To be eligible, the Shire is required to be a Waterwise Council and to promote a waterwise verge policy.

'Waterwise Verge Guidelines' have been written (see **Appendix 4**) to assist interested members of the community to 'adopt their verge' and transform it into a waterwise verge garden. As an incentive, and to assist in the cost of the verge makeover, it is intended to introduce a 'Waterwise Verge Rebate'. This rebate will match the resident's contribution up to a maximum of \$500.

The rebate will be subject to an application process and the verge will be required to meet certain criteria, including;

- predominantly native plants (local natives preferred)
- garden has been mulched
- meets all the Shire requirements
- provision of receipts (only soft landscaping will be included for the rebate); and
- before and after photos.

Applications for the rebate will be assessed after the verge works have been completed. If approved, the Shire will pay the rebate and then apply for funding under the Waterwise Greening Scheme. We are able to claim 50% of what we have spent up to a maximum of \$10,000 per annum.

The Shire has recently undertaken waterwise verge makeovers in front of the Court House on George Street, and beside the Telstra Exchange building on James Street, in Pinjarra. These gardens provide an example to the community on what a waterwise verge garden can look like. In addition, they contribute to the amenity of these streets.

There are many benefits associated with adopting a verge and creating a waterwise garden. These include:

- Minimising water use (compared with watering lawn).
- Greener streets and improved streetscapes.
- Increasing and fostering local biodiversity (habitat for birds, lizards and insects).
- Improved air quality.
- Create a cooling effect and reduce the 'heat island effect' during summer.
- Contributing to neighbourhood character and connecting to the local community – by spending time gardening in the verge, residents have increased opportunity to meet and connect with their neighbours.
- Connecting people to nature.
- Developed social capital and civic engagement.

In addition to the above, research suggests that street vegetation has the potential to promote safer and more comfortable walking environments and improve mental health and wellbeing.

To launch the Shire of Murray's Waterwise Verge Program we intend to hold a public waterwise gardening workshop (in early 2020). This will help get the word out in the community and assist in generating some interest in the program. This will also allow time for interested residents to plan and apply to adopt their verge before planting in autumn and winter.

Connecting with nature is crucial to health and wellbeing. By encouraging and assisting our community to adopt their verge and create a waterwise garden we are providing an opportunity for a daily connection to nature for everyone who uses the street while also promoting wise water use.

Murray 2030 Strategic Community Plan

Focus Area	Environment, Character and Heritage
Aspiration	Proactively manage resources and reduce our carbon footprint through responsible management of water, energy, fire management and waste.
Strategy	Secure water resources to ensure water sustainability for economic and recreational needs.
Corporate Business Plan	Implement the waterwise verge program.

Other Strategic Links

Nil

Statutory Environment

Local Government Act, 1995

Sustainability & Risk Considerations

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

Attractive streetscapes contribute to the attractiveness of the Shire of Murray.

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

Waterwise verge gardens will improved streetscapes and provide an opportunity for community members to interact and get to know their neighbours.

Green streets help to reduce the heat island effect in built up areas. In addition, these streets are more comfortable and attractive to walk along in summer.

A daily connection to nature has health and wellbeing benefits.

Environment – (Impact on environment's sustainability)

Native gardens contribute to the conservation of biodiversity in our suburbs. Native gardens provide habitat (food and shelter) for our native birds, lizards, insects and small animals.

Local native plants are suited to our local conditions and so require less water and fertiliser. Excess nutrients from fertilisers end up in our ground water and waterways and contribute to algal blooms and declining water quality.

Policy Implications

The draft 'Waterwise Verge Guidelines' have been reviewed by the Water Corporation and are consistent with their waterwise verge best practice guidelines.

The Shire of Murray Infrastructure Services 'Verge Landscape Treatment (Urban) – Standard Guidelines and Application Form' document will require updating. Point 11 which refers to vegetation height is to be updated to allow vegetation to a height of 750mm (currently 500mm), ensuring consistency across Shire documentation including Local Law 6.3(g) and the new draft 'Waterwise Verge Guidelines'.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	Compliance and maintenance of the verge. Residents will apply to take part in the program and will have invested time and money into their verge, giving them a vested interest in maintaining their garden to a high standard.

	A register will be set up to record inspections and ensure compliance.
Moderate	<p>Shire has ultimate ownership, control and responsibility for the verge. The main risk with this program relates to liability should someone be injured due to the verge garden (during installation and once completed).</p> <p>The proposed verge gardens will be primarily shrubs and groundcovers (<750mm in height) and will pose limited risk to pedestrians. The Guidelines outline the installation requirements including, dial before you dig.</p> <p>Each verge proposal will require approval from the Shire and this process will assist in controlling for risk. The Guidelines clearly state that the Shire can remove the garden at any time should it fall into disrepair or be inconsistent with our policies.</p>

Consultation

Internal consultation on the policy involving Infrastructure Services and Environmental Services.

Externally consultation has been undertaken with Water Corporation who has reviewed the policy to ensure consistency with their Waterwise verge best practice guidelines and has provided additional support.

Resource Implications

Financial

The 2019/20 budget allocates \$5,000 for this program.

Under the Water Corporation's Waterwise Greening Scheme, we can apply to claim back 50% of what we have spent on supporting residents to install a waterwise verge, including the provision of a workshop.

Workforce

Current staff will administer the program.

Options

Council has the option of:

1. Endorsing the Guidelines and the implementation of the waterwise verge incentive program.
2. Not endorsing the guidelines or program with rationale provided.

Conclusion

Introducing a program to encourage the installation of waterwise verge gardens within the Shire of Murray will have many community and environmental benefits. By endorsing the guidelines and supporting implementation of a waterwise verge rebate, the Shire can take advantage of the opportunity to access external funding to achieve wise water use in the community.

Corporate Governance

11.4 Peel Development Commission Board Nominations

File Ref: 1628
Applicant: Peel Development Commission
Author and Title: Dean Unsworth, Chief Executive Officer
Voting Requirements: Simple Majority

Appendix 5

Recommendation/Council Decision

OCM19/250

Moved: Cr D McLarty

Seconded: Cr C Rose

That Council endorses the nomination of Cr Bolt and Cr A Rogers to the Peel Development Commission Board.

CARRIED UNANIMOUSLY 9:0

In Brief

- Council has been invited to support a Councillor nomination to join the Peel Development Commission Board.

Background

The Peel Development Commission is seeking nominations for one Local Government representative vacancy on its Board due to one member's term expiring on 31/12/19.

All local governments in the Peel region are invited to nominate up to two Councillors, who are willing and able to be candidates, for appointment.

Applicants should be experienced in economic development and investment attraction. Other qualities should include decision making abilities, business acumen, an ability to work cooperatively within a team environment and interests relevant to the Peel community.

The length of term is for a maximum three years.

Meetings are held approximately bi-monthly and held at various locations within the Peel region. Duration of meetings are from 3 – 7 hours. Meeting fees are \$403 for a half-day and \$622 for a full day.

There are approximately 5 meetings held per year.

Report Detail

The objectives of the Commission are to:

- Maximise job creation and economic diversification within the region;
- Develop and broaden the economic base of the region;
- Identify infrastructure services to promote economic and social development within the region;
- Provide information and advice to promote business development within the region;
- Seek to ensure that the general standard of government services and access to those services in the region is comparable to that which applies in the metropolitan area; and

- Generally, take steps to encourage, promote, facilitate and monitor the economic development in the region.

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

Consultation

Peel Development Commission

Resource Implications

Financial

There are no financial implications to the Shire of Murray.

Workforce

There are no workforce implications to the Shire of Murray.

Options

Council has the option of:

1. Endorsing a Shire of Murray representatives to join the Peel Development Board for the next three (3) years.
2. Not endorsing a nomination.

Conclusion

As contained with this report.

11.5 Adoption of 2018/2019 Annual Report

File Ref: 8011
 Author and Title: Dean Unsworth, Chief Executive Officer
 Voting Requirements: Absolute Majority

Appendix 6**Recommendation/Council Decision****OCM19/251****Moved: Cr B Beacham****Seconded: Cr A Rogers****That Council:**

- 1. receives the Shire of Murray Annual Report for the financial year ending 30 June 2019 and gives local public notice of its availability;**
- 2. receives the Shire of Murray Annual Financial Report and Auditors Report for the financial year ending 30 June 2019 as contained in the Annual Report;**
- 3. resolves to hold the Annual Electors Meeting for the financial year ending 30 June 2019 on Thursday 19 December 2019 in the Council Chambers commencing at 5.00 pm; and**
- 4. advertises the holding of the Annual Electors Meeting in accordance with Section 5.29 of the *Local Government Act 1995*.**

CARRIED UNANIMOUSLY 9:0**In Brief**

Section 5.54(1) of the *Local Government Act 1995* requires Council to receive the Annual Report no later than 31 December 2019 and Section 5.27(2) requires Council to set a date for the Annual Electors' Meeting to be held no later than fifty-six (56) days after receiving the Annual Report.

Background

Section 5.54(1) and Section 5.27(2) of the *Local Government Act* requires the Local Government to receive the Annual Report for the year ending 30 June 2019 and set a date for the Annual Electors' Meeting.

The date of the Annual Electors' Meeting must be held by giving at least 14 days local public notice and up to 56 days after the Annual Report is accepted.

Report Detail

In accordance with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*, the Annual Report which includes the Annual Financial Report and Audit Report for the year ending 30 June 2019 has been prepared and is circulated to Councillors under separate cover.

Murray 2030 Strategic Community Plan

Focus Area	Capable and Accountable
Aspiration	Murray has a sustainable future.
Strategy	Establish a strong corporate governance framework to ensure high standards of integrity, ethics and accountability.

Other Strategic Links

Not Applicable

Statutory Environment

Local Government Act 1995 Sections:

5.27(2) – Calling of Annual General Meeting of Electors

5.53 – Contents of Annual Report

5.54 – Acceptance of Annual Report

5.55 – Notice of Annual Report

5.55A – Publication of Annual Reports

Sustainability & Risk Considerations

Economic - (Financial impact to the community)

The Shire's Annual Report demonstrates to the Community sound management of the Shire's finances during 2018/2019.

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

Achievements outlined in the Shire's Annual Report demonstrate the Shire's commitment to improving the quality of life of the Community.

Environment – (Impact on environment's sustainability)

Included in the Annual Report are details of projects and planning initiatives which ensure environmental sustainability.

Governance – (Policy implications)

Nil

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Moderate	The Annual Report provides a mechanism of communicating with the Community and key stakeholders in an open and accountable way, which reduces risk to Council's reputation.

Consultation

Council's Auditors

Resource Implications

Financial

Council is required to meet the cost of preparing the Annual Report and advertising the Annual Electors Meeting. Funds have been allocated in the 2019/2020 Budget for these purposes.

Workforce

No impact to the Shire of Murray workforce to adopt the Annual Report.

Options

Council is required by legislation to adopt the Annual Report on an annual basis.

Conclusion

Council has a statutory obligation to produce an Annual Report for the preceding financial year. Following adoption of the 2018/2019 Annual Report Council is required to hold an Annual Electors Meeting within 56 days of acceptance of the report. Therefore, it is proposed to hold the Annual Electors Meeting on Thursday 19 December 2019 at 5.00pm. This date falls within the scope of the *Local Government Act* where 14 days local public notice is required.

11.6 Ordinary Council Meeting Dates 2020

File Ref: 1158
Author and Title: Dean Unsworth, Chief Executive Officer
Voting Requirements: Simple Majority

Recommendation/Council Decision

OCM19/252

Moved: Cr A Rogers

Seconded: Cr G Black

That Council adopts and advertises the dates for the 2020 Ordinary Council meetings as follows, commencing at 5.30pm:

February	Thursday 27 February
March	Thursday 26 March
April	Thursday 23 April
May	Thursday 28 May
June	Thursday 25 June
July	Thursday 23 July
August	Thursday 27 August
September	Thursday 24 September
October	Thursday 22 October
November	Thursday 26 November
December	Thursday 17 December

CARRIED UNANIMOUSLY 9:0

In Brief

- This report is presented to Council to consider the Ordinary Council meeting dates for 2020.

Background

Local Governments at least once each year are required to give local public notice of the dates on which and the time and place at which the Ordinary Council meetings are to be held in the next 12 months.

Report Detail

Council meeting dates are currently scheduled on the 4th Thursday of each month.

Council has in the past varied the December round of meetings to meet the needs of Christmas and New Year where necessary. The meeting dates for 2020 do not coincide with any scheduled public holidays.

Murray 2030 Strategic Community Plan

Not Applicable

Murray 2019- 2023 Corporate Business Plan

Not Applicable

Other Strategic Links

Not Applicable

Statutory Environment

Local Government (Administration) Regulations Clause 12 requires local governments to give public notice of its meetings.

Sustainability & Risk Considerations

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

Not Applicable

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

Not Applicable

Environment – (Impact on environment's sustainability)

Not Applicable

Policy Implications

Not Applicable

Risk Management Implications

Not Applicable

Consultation

Not Applicable

Resource Implications

Financial

The cost of advertising the meeting details of Council is included in the current budget.

Workforce

Not Applicable

Options

Council has the option of:

1. Advertising its meeting details to the public as recommended.
2. Varying the dates being recommended for advertising.

Conclusion

It is recommended that Council adopts the meeting dates for 2020 as detailed which is in line with the current structure.

11.7 Payments from Municipal and Trust Funds – October 2019

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

Appendix 7

Recommendation/Council Decision

OCM19/253

Moved: Cr S Lee

Seconded: Cr G Black

That Council receives the Payments from Municipal and Trust Funds report for October 2019 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 October 2019.

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 October 2019.
2. Not receiving the Payments from Municipal and Trust Funds report for October 2019.

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.

11.8 Monthly Financial Report – October 2019

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

Appendix 8**Recommendation/Council Decision****OCM19/254****Moved: Cr B Beacham****Seconded: Cr S Lee**

That Council receives the October 2019 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 October 2019 identifies the financial position of Council as at the reporting date and consists of:

- Statement of Financial Activity
- Notes to Statement of Financial Activity:
 - * Note 1 Net Current Funding Position
 - * Note 2 Cash and Investments
 - * Note 3 Budget Amendments
 - * Note 4 Receivables
 - * Note 5 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 2019/20 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 October 2019.
2. Not receiving the monthly financial report for October 2019.

Conclusion

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

11.9 Auditors Report 2018/19 Significant Adverse Trends - Operating Surplus Ratio

File Ref: 8010
 Author and Title: Nicole Bryant, Manager Finance
 Voting Requirements: Simple Majority

Appendix 9**Recommendation/Council Decision****OCM19/255****Moved: Cr B Beacham****Seconded: Cr S Lee****That Council:**

1. receive the Significant Adverse Trend Report detailing findings in respect to the Operating Surplus Ratio for the 2018/19 Financial Year, as detailed in Appendix 9;
2. in accepting the Report, authorise the Chief Executive Officer to forward a copy of the Report to the Minister in Accordance with section 7.12A(4)(b) of the Local Government Act 1995; and
3. authorises the CEO to publish a copy of this Report on its website in accordance with the provisions of section 7.12A(5).

CARRIED UNANIMOUSLY 9:0**In Brief**

As part of the Statutory Audit process of the Annual Financial Statements, the requirement of section 7.12A to produce a report addressing the issues raised by the auditor were introduced by amendment in 2017. Due to this change Council is required to consider the significant adverse trend in the ratio identified in the 2018/19 Audit Report issued by AMD Chartered Accountants for the 2018/19 Annual Financial Report.

Background

Under the Local Government Act 1995 the Shire of Murray is required to prepare an audited Annual Financial Report each financial year. Further to this report a local government must determine if any matters raised require action and ensure appropriate action is taken on those matters.

Report Detail

For the 30 June 2019 year, AMD Chartered Accountants has identified that the Shire of Murray meets five of the seven minimum standards for financial ratios as set by the Department of Local Government, Sport and Cultural Industries, with the Operating Surplus ratio showing a significant adverse trend.

Detail on the Significant Adverse Trends is shown in the report attached in **Appendix 9**

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.
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Murray 2019- 2023 Corporate Business Plan

Focus Area	Capable and Accountable
Objective	Murray has a sustainable future.
Strategy	Maintain Long-Term Financial Sustainability.

Other Strategic Links

The Shire of Murray 2019/20 Annual Budget.
The Shire of Murray Long Term Financial Plan.

Statutory Environment

Local Government Act 1995

7.12A. Duties of local government with respect to audits

- 3) A local government must —
 - (aa) examine an audit report received by the local government; and
 - (a) determine if any matters raised by the audit report, require action to be taken by the local government; and
 - (b) ensure that appropriate action is taken in respect of those matters.
- 4) A local government must —
 - (a) prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and
 - (b) give a copy of that report to the Minister within 3 months after the audit report is received by the local government.
- 5) Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government's official website.

Sustainability & Risk Considerations

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

Sound management of the Shire's finances is critical to ensure funding is available for the ongoing provision of services to the Community.

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	The audited Annual Financial Report is a key control measure used to report to Council and its stakeholders to provide assurance that all systems, processes and controls are in place to minimise the risk of any material misstatement or loss caused by fraud or error. The regular audit of financial matters and associated controls minimises risk exposure for Council both in operational, reputational and compliance areas.

Consultation

Nil

Resource Implications*Financial*

Nil

Workforce

Nil

Options

Council has the option of:

1. Receiving the Significant Adverse Trend Report.
2. Not receiving the Significant Adverse Trend Report.

Conclusion

As detailed in the Significant Adverse Trend Report, there are some significant flaws in the composition of the mandated ratios contained in the Annual Financial Report. Unless this matter is rectified by the Department of Local Government, Sport and Cultural Industries it is likely, in order for the Shire to meet its legislative requirements, that this report will be an annual process for the Shire of Murray, at least in the short term.

11.10 Review of Risk Management Strategy

File Ref: 8040
Previous Items: OCM. 8 Oct 15 Item 12.5 (OCM22/25)
Author and Title: Nicole Wilson, Coordinator Integrated Planning
Voting Requirements: Simple Majority

Appendix 10

Recommendation/Council Decision

OCM19/256

Moved: Cr B Beacham

Seconded: Cr A Rogers

That Council adopts the amended Risk Management Strategy as contained in Appendix 10.

CARRIED UNANIMOUSLY 9:0

In Brief

The Risk Management Strategy sets out the Shire of Murray's risk management framework.

Following a review of the Risk Management Strategy, the main changes proposed are to amend the financial consequence ratings, in an aim to better reflect the Shire's ability to tolerate financial risks.

Other amendments include:

- Project risk consequence explanations now detail the level of approval required in order to proceed with a project when it has deviated from scope, schedule or budget.
- Strategic alignment updated to match the Shire of Murray 2030 Strategic Community Plan; and
- Risk Management Priorities and Integration updated

Background

Risk management is a central part of an organisation's strategic management and integral to effective corporate governance. The primary objective of having a risk management framework is to ensure all outcomes are considered as part of decision-making processes which results in the effective management of threats and maximisation of opportunities.

Management of risks includes identification, evaluation and enacting appropriate treatments or strategies to manage operations and achievement of objectives. It encompasses both disadvantageous effects and also opportunities to improve and sustain the organisations performance. The existence of a risk management framework assists this by:

- Ensuring resources and operational capacities are identified and deployed responsibly and effectively.
- Demonstrating transparent and responsible risk management processes, which align with best practice.
- Establishing clear roles and responsibilities and reporting lines within Council for risk management.
- Incorporating risk management in the Council's decision-making, business planning and performance management processes.
- Establishing procedures for the monitoring of risk management on a regular basis.

The Risk Management Strategy, which was endorsed in 2011, aligns effective risk management practices across the Shire within a common framework. A key focus of the Risk Management Strategy is to further position risk management as a critical driver of process

within the organisation, and one that is supported by a framework of values that are practiced by all staff. The Strategy is applicable to staff, elected members, volunteers, contractors and is relevant to all activities undertaken on behalf of the Shire of Murray.

Report Detail

The primary amendment to the Risk Management Strategy is the revised financial risk consequence ratings. These proposed ratings aim to better reflect the Shire of Murray's ability to tolerate risks within this area. A comparison of the current and proposed ratings are summarised below:

Description	Current	Proposed
Insignificant	Less than \$5 000	Less than \$10 000
Minor	\$5 000 to \$10 000	\$10 000 to \$50 000
Moderate	\$10 000 to \$100 000	\$50 000 to \$250 000
Major	\$100 000 to \$500 000	\$250 000 to 1 million
Catastrophic	More than \$500 000	More than 1 million

Other amendments include:

- Project risk consequence explanations now detail the level of approval required in order to proceed with a project when it has deviated from scope, schedule or budget.
- Strategic alignment updated to match the Shire of Murray 2030 Strategic Community Plan; and
- Risk Management Priorities and Integration updated

Murray 2030 Strategic Community Plan

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

Murray 2019- 2023 Corporate Business Plan

Focus Area	Capable and Accountable
Objective	Murray has a sustainable future
Strategy	Establish a strong corporate governance framework to ensure high standards of integrity, ethics and accountability
Project and Actions	Review and Implement the Risk Management Strategy

Other Strategic Links

Not Applicable.

Statutory Environment

The Risk Management Strategy is aligned to the International Standard for Risk Management, ISO 31000:2018.

There are references within the Local Government Act 1995 that require Councils to adopt appropriate policies, practices and procedures to effectively manage risks. In addition, the Chief Executive Officer, or his nominee, is responsible for reporting to the Audit Committee and Council, at least once every two years, on the appropriateness and effectiveness of risk management systems and procedures. This is in accordance with the Local Government (Audit) Regulations 1996.

Local Government also has risk management obligations under other legislation, such as the:

- Occupational Safety and Health Act 1984;
- Environmental Protection Act 1986;
- Health Act 1911; and
- Emergency Management Act 2005.

Sustainability & Risk Considerations

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

The Strategy provides the foundation to ensure that strategic, operational and project planning is carried out in a way that will minimise risk and maximise opportunity. This will enhance the ability to provide cost effective services.

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

The Risk Management Strategy assists Council to meet its objectives in the delivery of services to the community through the deliberate consideration of all impacts in relation to business objectives.

Environment – (Impact on environment's sustainability)

Not Applicable

Policy Implications

The Strategy supports Council's Risk Management Policy through the development of a consistent framework that is prepared in accordance with the international standard for risk management.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	<p>It is important to have a risk framework that accurately reflects the Shire's ability to tolerate risks, as this forms the basis for which decisions are made.</p> <p>Council may choose to reject the changes to the Risk Management Strategy, including the revised financial consequence ratings, if they believe the proposed ratings do not accurately reflect the Shire's financial risk tolerances.</p>

Consultation

The Risk Management Strategy has been amended in consultation with the Corporate Risk Team.

Resource Implications

Financial

No financial impacts apply to the proposed Strategy amendments. The amended financial consequence ratings reflect the Shire's current ability to tolerate financial risks.

Workforce

No significant impact.

Options

Council has the option of:

1. Endorsing the proposed Strategy amendments.
2. Making changes to the Strategy.
3. Not endorsing the proposed Strategy amendments.

Conclusion

The reviewed Risk Management Strategy continues to provide an overview of the framework, arrangements and responsibilities for risk management within the Shire. It provides the mechanism to integrate all of the previously developed tools and provide a strategy that is of relevance to Elected Members with responsibility for overseeing the Shire's risk management arrangements. It is also of relevance to members of the officer body charged with co-ordinating and facilitating development of the Shire's risk management arrangements.

The Shire of Murray's reviewed Risk Management Strategy also continues to set the risk management direction for all service areas operating within the Shire. It provides a holistic, strategic and comprehensive approach to risk management that integrates the risk management activities across the Shire, and further positions risk management as a critical governance mechanism within our internal processes.

Recreation, Economic & Community Development

Nil

Infrastructure Services

Nil

Items for Information**11.11 Council Resolution/Outstanding Items**

Resolution Register is attached for information.

Appendix 11

11.12 Delegated Decisions – October 2019

Delegated Decisions is attached for information.

Appendix 12

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**15.1 New Business of an Urgent Nature (Late Items)**

File Ref: GE02/190
Previous Items: OCM Oct 2019 Item 19.1 OCM19/240 & OCM19/243
Applicant: Nil
Author and Title: Robert Marlborough, Manager Governance

In Brief

To enable consideration of the late Items 15.2 and 15.3 below, relating to a previously adopted resolution of Council (OCM19/243) and to support further consideration of the proposed lease arrangement with Regional Development Australia Peel Inc (RDA Peel) for a portion of the premises at 6 George Street, Pinjarra, following further information being received.

Recommendation/Council Decision

OCM19/257

Moved: Cr A Rogers

Seconded: Cr C Rose

That Council accepts items 15.2 and 15.3 as new business of an urgent nature, as per Council's Meeting Procedure Local Law, Clause 2.5.

CARRIED UNANIMOUSLY 9:0

15.2 Revocation of Previous Recommendation – Lease Proposal – 6 George Street, Pinjarra – Regional Development Australia Peel Inc

File Ref: GE02/190
 Previous Items: OCM Oct 2019 Item 19.1 OCM19/243
 Applicant: Nil
 Author and Title: Robert Marlborough, Manager Governance
 Voting Requirements: Absolute Majority

Recommendation/Council Decision

OCM19/258

Moved: Cr B Beacham

Seconded: Cr C Rose

Third Support: Cr S Lee

That Council following a Notice of Motion pursuant to the *Local Government (Administration) Regulations 1996*, by Absolute Majority, supports the revocation of the following recommendation (OCM 19/243) (Item 19.1) adopted at the Ordinary Council Meeting on 24 October 2019.

That Council:

1. **support a lease being entered into with Regional Development Australia Peel Inc for 6 (Lot 190) George Street, Pinjarra from 1 November 2019 to 30 June 2020 at a rental of \$2,083 per calendar month, plus GST and all outgoings;**
2. **subject to Commonwealth or other operational grant funding being approved for Regional Development Australia's Peel's operations for a period of 3 years, from 1 July 2020 support a further three year lease being entered into with Regional Development Australia Peel Inc for the premises at an annual rental of \$25,000, plus GST and CPI reviews annually and outgoings; and**
3. **approves for the Chief Executive Officer to negotiate and determine the broad terms, conditions, outgoings to apply and the general obligations of the lease arrangements.**

CARRIED UNANIMOUSLY 9:0

In Brief

The revocation of the previous recommendation enables the lease arrangement with RDA Peel for a portion (Lot 190) 6George Street, Pinjarra to be reconsidered following ongoing discussion that have occurred and further information being received.

Statutory

Local Government Act 1995 – Section 5.25 (1)(e)

5.25. Regulations about council and committee meetings and committees

- (1) Without limiting the generality of section 9.59, regulations may make provision in relation to —
 - (e) the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made).

Local Government (Administration) Regulations 1996

Regulation 10 provides the following –

10. Revoking or changing decisions (Act s. 5.25(1)(e))

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —
 - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
 - (b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (1a) Notice of a motion to revoke or change a decision referred to in sub-regulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —
 - (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
 - (b) in any other case, by an absolute majority.
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

15.3 Late Item – Lease Arrangement – 6 George Street, Pinjarra – Regional Development Australia Peel Inc

File Ref: GE02/190
 Previous Items: OCM Oct 2019 Item 19.1 OCM19/243
 Applicant: Regional Development Australia Peel Inc
 Author and Title: Robert Marlborough, Manager Governance
 Voting Requirements: Simple Majority

Recommendation/Council Decision

OCM19/259

Moved: Cr A Rogers

Seconded: Cr C Rose

That Council supports:

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; and
3. the Chief Executive Officer negotiating and determining the broad terms, conditions and outgoings to apply and the general obligations of the lease arrangements.

CARRIED UNANIMOUSLY 9:0

In Brief

To consider leasing a portion of (Lot 190) 6 George Street, Pinjarra to Regional Development Australia Peel Inc (RDA Peel) for the period 1 December 2019 to 30 November 2022.

Background

Council considered leasing a portion of (Lot 190) 6 George Street, Pinjarra (Miss Adams House) to RDA Peel at its Ordinary Meeting on 24 October 2019. The basis of the lease proposal approved at this meeting was –

from 1 November 2019 to 30 June 2020 at a rental of \$2,083 per calendar month, plus GST and all outgoings.

subject to Commonwealth or other operational grant funding being sourced a lease was approved for a period of 3 years, from 1 July 2020 at an annual rental of \$25,000, plus GST and CPI reviews annually and outgoings

the Chief Executive Officer was approved to negotiate and determine the broad terms, conditions, outgoings that would apply and the general obligations of any lease arrangement.

As Council are aware (Lot 190) 6 George Street is a freehold owned with a total land size of 1512m². This property has been previously occupied by way of as office space by Agriculture WA, a local travel agent and most recently until 30 July 2019 to 360 Health and Community for the provision of local health services.

Following the expiry of the most recent lease an Expression of Interest (EOI) was advertised in August 2019, inviting submissions to lease the premises on the basis of hospitality, tourism or other types of use to add value and vibrancy to Pinjarra and that could integrate the site with the redevelopment of the foreshore reserve and the activation of the main street.

The submission period for the EOI advertised closed on 11 October 2019. RDA Peel submitted the only proposal to occupy the premises by the closing date which was outlined as follows:

Project Vision:

To provide office accommodation for RDA Peel;

To provide “hot desk” facilities and meeting room to attract and service organisations delivering outreach programs to the Shires of Murray/Waroona from Mandurah and outside the Peel region

To attract other development related agencies to Pinjarra.

Delivery structure:

Through the existing Committee structure of Regional Development Australia Peel Inc.

Profile of the proponent, experience, technical capacity and expertise in undertaking similar projects:

RDA Peel has extensive experience in the delivery of economic development and other programs. Recent initiatives developed include Peel Bright Minds, Peel Economic Development Officers Network.

RDA Peel has experience in undertaking a similar project through the development of Make Place in Mandurah in partnership with The Makers Community Development Inc.

Financial backing and capacity to undertake the project:

RDA Peel receives ongoing operational funding from the Australian Government in rolling 3 year contracts.

The extent to which the proposal will activate the town and improve the usage of the adjacent public spaces:

The proposal will not activate the adjacent public spaces. Residents of the Shires of Waroona and Murray will have improved access to services.

The extent to which the proposal recognises and enhances the heritage significance of the site:

The proposal will not recognise or enhance the heritage significance of the site.

Proposed term of the lease/occupation:

Due to RDA Peel's operational funding arrangements an initial lease would be to 30th June 2020, followed by 3 year leases.

Proposed rent per annum:

Proposed rent payable by RDA Peel is \$25,000 p.a. (including outgoings) + GST.

The portion of the premises proposed to be leased is highlighted on the following map, as the rear portion of the property forms part of Cantwell Park recreational area.



Report Detail

Following the initial consideration at the October 2019 Ordinary Council meeting to lease a portion of the premises to RDA Peel, discussions occurred between the Chief Executive Officer and representatives from Peel RDA to look at options to reduce the rental amount during the first year, in lieu of RDA Peel undertaking various property improvements.

RDA Peel propose (over the period to 30 November 2020) to fund the full cost of the following improvements at the premises, in return for a rental reduction:

Window Treatments	\$2,536.36
Floor Coverings	\$5,281.82
Air Conditioning	\$16,512.00
Landscaping	\$29,728.60
Electrical	Value to be advised

The overall value of improvements indicated will be in the order of \$60,000. With all new assets and improvements being the Shires on termination of the proposed lease, at no cost.

The proposal by RDA Peel was presented to Councillors at the briefing session earlier this month.

RDA Peel's original submission suggested a total per annum rent of \$25,000 per annum, inclusive of all outgoings, plus GST.

Whilst there will be limited rental return in the first year the value of the improvements, when offset against the original rental of \$2,083 per month, plus GST will mean a reduced income of \$24,996 plus GST. The value of the improvements substantial and significantly offset, the first years reduced rental income.

As Council are aware lease arrangements are generally based on an agreed annual rental, plus GST with periodic reviews by CPI or market rental valuations. Lessees are generally responsible for normal outgoings and property maintenance and upkeep.

The financial aspects relating to this lease proposal as presented are provided in the financial section of the report.

Murray 2030 Strategic Community Plan

Focus Area	Environment, Character and Heritage
Aspirations	Be effective stewards of our environment, history, heritage, natural landscape and rural character.
Strategies	Continue to develop partnerships with environmental groups, state departments and stakeholders.

Focus Area	Thriving Economy
Aspirations	To create diverse and prosperous economy that supports innovation, training opportunities and provides a variety of business, tourism and employment opportunities.
Strategies	Build and maintain the Transform Peel initiative.

Other Strategic Links

Nil

Statutory Environment

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

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

- (5) This section does not apply to —
- (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

The lease with RDA Peel presented for determination is considered to be an excluded disposition of property under either Regulation 30(2)(b)(i) or 30(2)(c)(ii) of the *Local Government (Functions and General) Regulations 1996* given that RDA Peel members do not make a pecuniary profit from the body's transactions or that RDA Peel is an agency of the Commonwealth, as follows:

- (2) A disposition of land is an exempt disposition if —
- (a) the land is disposed of to an owner of adjoining land (in this paragraph called the transferee) and —
 - (i) its market value is less than \$5 000; and
 - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee; or
 - (b) the land is disposed of to a body, whether incorporated or not —
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;
 or
 - (c) the land is disposed of to —
 - (i) the Crown in right of the State or the Commonwealth; or
 - (ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or
 - (iii) another local government or a regional local government;

Sustainability & Risk Considerations

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

The proposal to enter into the reviewed lease arrangement with RDA Peel as proposed is not expected to disadvantage the community and the additional staff and linked support agencies to Peel RDA may provide positive economic benefits and improvements in service provision both locally and regionally.

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

The use proposed by RDA Peel is not inconsistent with the previous use of the premises. The lease itself and the proposed uses are not likely to directly affect other adjoining landowners.

Environment – (Impact on environment's sustainability)

Nil

Policy Implications

The *Local Government Act 1995* provides for the disposition of property, which includes by way of a lease.

In this case the lease proposed is exempt under 30(2)(b)(i) or 30(2)(c)(ii) of the *Local Government (Functions and General) Regulations 1996*, as it is with an agency of the Commonwealth given that Regional Development Australia (RDA) is an Australian Government initiative that brings together all levels of government to enhance the development of Australia's regions. A national network of RDA committees has been established to achieve this objective.

Therefore, prior advertising and a formal market valuation are not required for the lease proposed.

For Council's information the last market rental valuation for 6 George Street, dated 16 September 2016 by LMW Mandurah determined that the annual rental value of the premises was \$25,000, plus GST, exclusive of outgoings.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	The use and occupancy of 6 George Street, Pinjarra by RDA Peel for office space is not likely to result in negative community feedback, as the use intended is consistent with the previous use of the property.

Consultation

- Council Briefing
- Discussion with RDA Peel

Resource Implications

Financial

The lease arrangement proposed is \$1.00 per annum in the first 12 months to 30 November 2020, in lieu of RDA Peel undertaking the specified property improvements.

Following the reduced rent period (year 1) the rent per calendar month rent is to commence at \$1,833.33, plus GST (\$22,000 (rounded) per year, plus GST) and normal outgoings are to apply. In year 3 of the lease, rent is to be reviewed in accordance with CPI.

Normal outgoings in respect to lease arrangements generally include, but are not limited to power consumption and supply charges, water rates consumption and service charges, gas consumption and service charges, annual rubbish services charges, all statutory duties & levies, property insurance charges, general pest control, safety and emergency equipment servicing and inspections, air conditioning servicing and inspection, security alarm monitoring and response, and general internal and external cleaning, maintenance upkeep and general repair.

Periodic gutter cleaning and preventative pest (termite) inspections normally remains the Lessors responsibility as water ingress or termite infestations can cause significant damage in short periods of time.

Works are planned at the property to remediate issues with the verandah subsidence, the repair of downpipes and the improved direction of storm water. Building Services are in the process of commencing these works at the Shires cost.

Workforce

Limited impact, other than the time necessary to prepare a lease and for ongoing administration.

Options

Council has the option of:

Supporting the proposed lease arrangement with RDA Peel, as recommended.

Determining an alternate lease term and financial structure.

Rejecting the lease proposal.

Conclusion

The amended lease proposal with RDA Peel, if supported could further improve services to Pinjarra and the local region by providing capacity for office (hot desk) space and for other organisations to deliver outreach programs.

Attracting and retaining RDA Peel in Pinjarra increases business activities in the town centre, which may also result in other economic benefits and be a catalyst to attract other high-level development related agencies and it provides the opportunity for real long-lasting partnerships to be developed.

16. MEETING CLOSED TO THE PUBLIC (CONFIDENTIAL BUSINESS)**16.1 Australia Day Community Citizen of the Year Awards 2020**

File Ref: 7/8116
Author and Title: Fayhe Hide, Coordinator Executive Services
Voting requirements: Simple Majority

Appendix Under Separate Confidential Cover

Cr C Rose declared an Impartiality Interest in Item 16.1-Australia Day Community Citizen Awards 2020 in that she is a member of the general Coolup Fire Brigade, yet not closely associated with any Coolup Cadets.

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

Cr C Rose remained in the meeting.

Cr A Rogers declared an Impartiality Interest in Item 16.1-Australia Day Community Citizen Awards 2020 in that she is the President of the Coolup Progress Association, who have made a nomination in the Active Citizenship Award Category.

Cr A Rogers advised that she would consider the matter on its merits and vote accordingly.

Cr A Rogers remained in the meeting.

Cr S Kirkham declared an Impartiality Interest in Item 16.1-Australia Day Community Citizen Awards 2020 in that two (2) of his children are members of the Coolup Bushfire Cadets and his wife is a Cadet leader.

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 McLarty declared an Impartiality Interest in Item 16.1-Australia Day Community Citizen Awards in that two (2) of his children are members of the Coolup Bushfire Brigade.

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

Cr D McLarty remained in the meeting.

Recommendation/Council Decision

OCM19/260

Moved: Cr A Rogers

Seconded: Cr B Cardilini

That Council proceeds behind closed doors the time being 5.52pm as per Section 5.23(2) of the Local Government Act for the purpose of considering confidential items 16.1 Australia Day Community Citizen Awards 2019.

CARRIED UNANIMOUSLY 9:0

Recommendation/Council Decision**OCM19/261****Moved: Cr S Lee****Seconded: Cr B Beacham**

That Council endorses the Selection Panel’s Recommendation included in the report for Item 16.1 Australia Day Community Citizen Awards 2020 provided under confidential cover.

CARRIED UNANIMOUSLY 9:0**Purpose**

Council is requested to support the recognition of worthy persons and groups through the Community Citizen of the Year Awards 2020.

Background

In October 2019, the Shire of Murray called for nominations for the 2020 Australia Day Community Citizen of the Year Awards. The Australia Day Council of Western Australia provides four awards each year for presentation in each local government area. These awards are a means of recognising the individuals and groups making outstanding contributions to the local community through their inspiring actions and dedicated services. The recognition of these people is integral to fostering community pride and positive Australian characteristics.

Proposal

In accordance with Council’s Policy G4, nominations were called for in the four (4) categories for the 2020 Community Citizen of the Year Awards.

The four categories are:

- Community Citizen of the Year Award
- Senior Community Citizen of the Year Award
- Young Community Citizen of the Year Award
- Active Citizenship Award (Group or Event)

Copies of the nominations are distributed to Councillors under separate confidential cover for their consideration and decision. Council is required to forward the nominations to the Australia Day Council of Western Australia by Friday 7 December 2019.

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 opportunities for connectivity between the Council and the community.

Other Strategic Links

Nil

Statutory Environment

Not Applicable

Policy Implications

Council's Policy G4 – Civic Awards and Commendations – President's Award refers.

Sustainability and Risk Considerations*Economic - (Financial Impact to the Community)*

There is no direct financial impact to the community as the awards are promoted through media avenues that are already in existence.

The awards are designed to foster, recognise and celebrate significant contributions to the community through active citizenship.

Environment – (Impact on environment's sustainability)

Not Applicable

Governance (Policy Implications)

Policy No G4 of Council's Policy, Standard Operating Procedures and Delegated Authority Manual refers.

Overall Risk Management Consideration

Not applicable

Consultation

The Australia Day Council of Western Australia provides information to all local government authorities across Western Australia about the awards and processes and provides application forms and posters to assist with the publicity.

Resource Implications

Financial

Incorporated within the Shire of Murray's administration budget.

Workforce

Incorporated within the scope of the Administration officer roles.

Options

Council is requested to consider the nominations received and select nominations to be forwarded to the Australia Day Council of Western Australia.

Conclusion

Nominations for the following will be considered by the Australia Day Awards selection panel and recommendations will be made to Council for consideration.

Australia Day Community Citizen of the Year Award**Australia Day Senior Community Citizen of the Year Award****Australia Day Young Community Citizen of the Year Award****Australia Day Community Active Citizenship Award (Group or Event)**

Recommendation/Council Decision

OCM19/262

Moved: Cr B Cardilini

Seconded: Cr S Lee

That Council proceeds with open doors the time being 6.02pm

CARRIED UNANIMOUSLY 9:0

17. CLOSURE OF MEETING

There being no further business the Presiding Member declared the meeting closed the time being 6.03pm.

I confirm that these minutes were confirmed at the Ordinary Council Meeting held on 19 December 2019 as being a true and correct record.



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Presiding Member

19 December 2019

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Date