



Agenda

Ordinary Council Meeting

Thursday 26 September 2019

Question Time

Rules

Please note that the following rules apply to Question Time:

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

**Ordinary Council – 26 September 2019
Table of Contents**

1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	1
2.	ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE	1
3.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	1
4.	PUBLIC QUESTION TIME.....	1
5.	PETITIONS AND APPROVED DEPUTATIONS.....	1
6.	CONFIRMATION OF MINUTES	1
6.1	Ordinary Council Meeting – 22 August 2019.....	1
7.	ANNOUNCEMENTS BY THE PRESIDING MEMBER.....	1
8.	ANNOUNCEMENTS BY ELECTED MEMBERS.....	1
9.	ACKNOWLEDGEMENT OF RECEIPT OF DISCLOSURE OF INTERESTS (BY PRESIDING MEMBER).....	2
10.	RECEPTION OF MINUTES AND RECOMMENDATIONS OF COMMITTEES HELD SINCE PREVIOUS MEETING OF COUNCIL	2
10.1	Local Emergency Management Committee Meeting Wednesday 7 August 2019.....	2
11.	REPORTS OF CHIEF EXECUTIVE OFFICER AND OFFICERS.....	3
	Planning and Sustainability.....	3
11.1	Proposed Amendment No 310 to Town Planning Scheme No 4 to Rezone Lot 2557 Woodview Way, Barragup from Public Recreation/Conservation to Special Rural.....	3
11.2	Ravenswood Regional Sport and Recreation Facility – Final Feasibility Study and Needs Assessment	8
	Corporate Governance	17
11.3	Establishment of CEO Resource Sharing Agreement Committee.....	17
11.4	Long-Term Peel Chamber of Commerce & Industry Membership Agreement & Kwinana Freeway Billboard Ownership	20
11.5	Licence Proposal – Pinjarra Senior High School – Shared Use - Portion of Murray Aquatic and Leisure Centre – Reserve 44445	25
11.6	Lease Proposal – Ramms Pty Ltd, as trustee for The Hill Family Trust – Reserve 8900.....	30
11.7	Delegation Amendment – 3.2 Power to Write off Debts.....	36
11.8	In Principle Support – Lease Arrangements – Agri Innovation Precinct, Nambeelup	40
11.9	Payments from Municipal and Trust Funds – August 2019.....	45
11.10	Monthly Financial Report – August 2019.....	48
	Recreation, Economic & Community Development.....	50
11.11	Tender T18/11-Dwellingup National Trails Hub Building	50
11.12	Dwellingup Trails and Visitor Centre Fit Out	54
	Infrastructure Services	65
11.13	Proclamation of West Pinjarra Service Centre Ramps H385 to H388 - Forrest Highway H057	65
11.14	Disposal of the Current Volvo Articulated Front End Loader including the purchase of a new Articulated Front End Loader	68
11.15	Dedication of Second Street Road Reserve and Various Right of Ways, Pinjarra.....	71
11.16	Disposal of the Current Iveco 6 Wheel Rigid Tipper including the purchase of a new 6 Wheel Rigid Tipper.....	76
	Items for Information	79

11.17	Council Resolution/Outstanding Items.....	79
11.18	Delegated Decisions – August 2019.....	79
12.	BUSINESS LEFT OVER FROM THE PREVIOUS MEETING.....	79
13.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.	79
14.	NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING	79
15.	NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION OF THE MEETING	79
16.	MEETING CLOSED TO THE PUBLIC (CONFIDENTIAL BUSINESS).....	79
17.	CLOSURE OF MEETING.....	79



Notice of Meeting

Notice is hereby given that the Ordinary Meeting of Council will be held at the Murray Shire Council, 1915 Pinjarra Road, Pinjarra on Thursday 26 September 2019 commencing at 5.30pm.

Dean Unsworth
Chief Executive Officer

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2. ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

APOLOGIES

Cr D Bolt – apology (personal)

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

5. PETITIONS AND APPROVED DEPUTATIONS

6. CONFIRMATION OF MINUTES

6.1 Ordinary Council Meeting – 22 August 2019

Recommendation

That the Minutes of the Ordinary Council Meeting held on Thursday 22 August 2019 be confirmed as a true and correct record.

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

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

8. ANNOUNCEMENTS BY ELECTED MEMBERS

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

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

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

10.1 Local Emergency Management Committee Meeting Wednesday 7 August 2019

File Ref: 7/8103
Author and Title: Ron Porter, Manager Ranger and Emergency Services
Voting Requirements: Simple Majority

Appendices 1 and 2

Recommendation

That Council receives and notes the Minutes and Appendices of the Local Emergency Management Committee Meeting held on Wednesday 7 August 2019.

11. REPORTS OF CHIEF EXECUTIVE OFFICER AND OFFICERS

Planning and Sustainability

11.1 Proposed Amendment No 310 to Town Planning Scheme No 4 to Rezone Lot 2557 Woodview Way, Barragup from Public Recreation/Conservation to Special Rural

File Ref: DSA 310
Author and Title: Cherryll Oldham, Senior Planning Officer
Voting Requirements: Simple Majority

Recommendation

That Council:

1. pursuant to Section 75 of the Planning and Development Act 2005, resolves to prepare Amendment No. 310 to the Shire of Murray Town Planning Scheme No. 4 to rezone Lot 2557 Woodview Way, Barragup from Public Recreation/Conservation to Special Rural and to incorporate the lot into the boundary of Special Rural Zone 2 under Appendix 5-1 of the Scheme;
2. pursuant to Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, specifies that the Amendment is a standard amendment as it is consistent with the zoning under the Peel Region Scheme, it does not comfortably fall within either the complex or basic amendment categories and will not result in any significant environmental, social, economic or governance impacts on land within the Scheme area;
3. authorises the Shire President and Chief Executive Officer to sign and seal the scheme amendment documents once prepared to the satisfaction of the Director Planning and Sustainability;
4. authorises the amendment to be forwarded to the Environmental Protection Authority for consideration of environmental assessment in accordance with section 81 of the *Planning and Development Act*; and
5. following compliance with sections 81 and 82 of the Act, proceeds to advertise the amendment for a period of at least 42 days.

In Brief

- Lot 2557 Woodview Way, Barragup was formally Reserve 35786, set aside for recreation purposes as part of the subdivision of the surrounding area.
- The Reserve was closed and then purchased by the Shire under its Land Asset Strategy with the intent that it be on-sold to generate funds for community infrastructure.
- Council is now requested to consider rezoning the site from Public Recreation/Conservation to Special Rural to assist facilitate its sale.
- The proposed Special Rural zoning is consistent with surrounding lots in the area.

Background

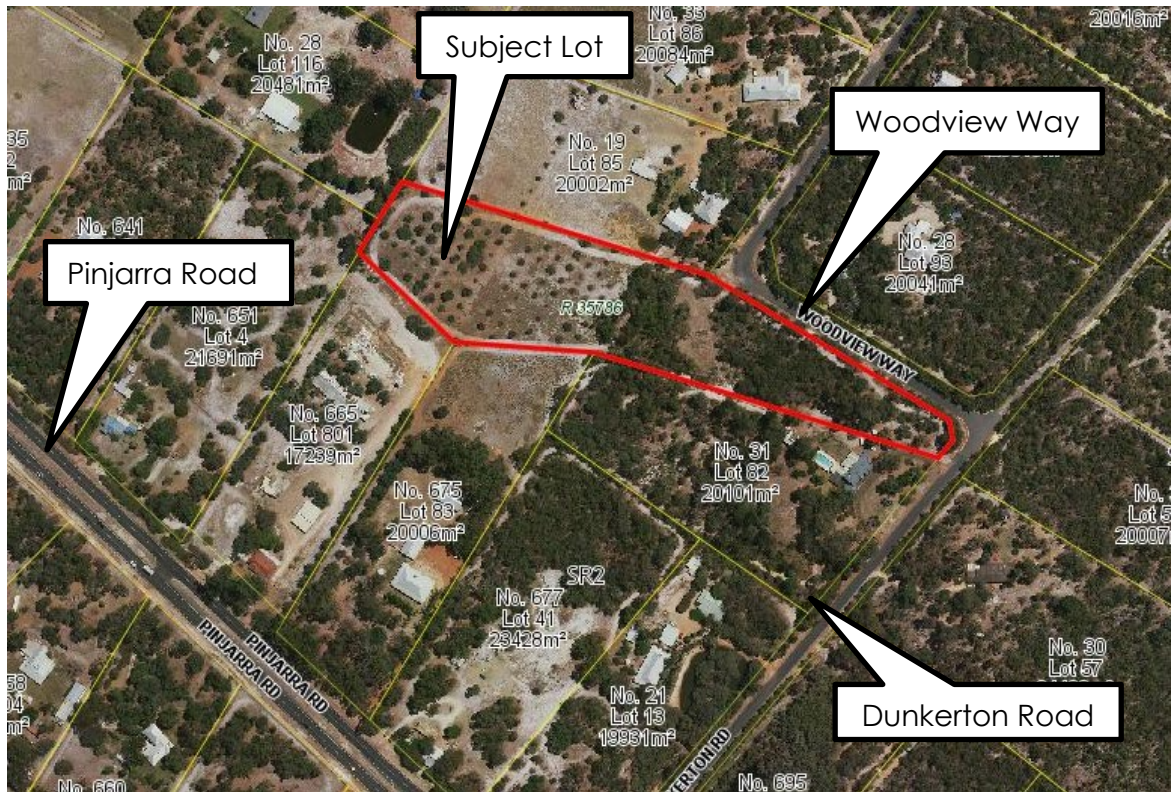
The lot is bounded by Special Rural lots to the south, west and a portion of its northern boundary. The lot abuts Woodview Way and Dunkerton Road to both the eastern and remaining portion of its northern boundary.

The lot has an area of approximately 2.4 hectares and a ground level that falls slightly toward the centre of the lot. The western portion of the lot contains remnants of a former orchard

and the eastern portion contains remnant native vegetation. The lot does not contain any buildings or other improvements.

The lot is currently zoned Rural under the Peel Region Scheme and Public Recreation/Conservation under the Town Planning Scheme No.4.

The location of the lot is shown on the plan below.



The former Reserve was identified in the Shire’s Land Asset Strategy as being excess to needs and therefore identified for closure and acquisition from the State government. The intent was that the site then be on-sold to assist with funding new community infrastructure. At the time it was envisaged that the funds raised from the sale would contribute towards the future North Yunderup Boating Facility, however it was later determined that sale of this lot would contribute to community facilities in the locality.

Report Detail

The proposal seeks to rezone Lot 2557 Woodview Way, Barragup from Public Recreation/Conservation to Special Rural. The intent is to facilitate the sale of the land for Special Rural purposes consistent with that of the surrounding land.

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

Murray 2019-2023 Corporate Business Plan

Focus Area	Places for People
Objective	Ensure quality, diverse and innovative planning outcomes that meet community aspirations.
Strategy	Ensure our Town Planning Scheme and Local Planning Strategy facilitates quality and diverse planning outcomes.
Project and Actions	Nil

Other Strategic Links

The Western Australian Planning Commission’s South Metropolitan Peel Sub-regional Planning Framework shows the lot as Rural.

Statutory Environment

Planning 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

Regulation 35 (2) of the *Planning and Development (Local Planning Schemes) Regulations* (Regulations) require that a resolution to prepare an amendment must:

1. specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment; and
2. include an explanation of the reason for the local government forming that opinion.

Regulation 34 sets out the criteria for each amendment category and in particular specifies that a Standard Amendment is:

- an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
- an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
- an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; or
- any other amendment that is not a complex or basic amendment.

The Scheme Amendment is considered to meet the requirements of the Standard category in this case.

Sustainability & Risk Considerations

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

The lot will add to the stock of Special Rural lots on the market which will assist with affordability.

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

The lot will add to the availability of Special Rural lifestyle lots for the Murray community.

Environment – (Impact on environment's sustainability)

A building envelope should be assigned to the lot to protect the native vegetation. A 2000m² building envelope can be located to avoid most vegetation. This can be implemented as a separate process to the scheme amendment prior to the sale of the lot.

The lot is located within a bushfire prone area. This may mean a bushfire attack level assessment will need to be provided on the construction of a dwelling on the lot.

The lot is located within 1km of known mosquito breeding areas. Many species of mosquitoes in the Shire of Murray have the potential to transmit Ross River and Barmah-Forest Virus. Prospective purchasers of the lots should be made aware impact of mosquitos and therefore the Shire should ensure a notification advising of the risk of mosquitos is included on the title prior to the sale of the lot.

Policy Implications

Nil

Risk Management Implications

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

Consultation

Upon a local government resolving to prepare an amendment to a local planning scheme, section 81 of the Act requires it to refer the amendment to the Environmental Protection Authority (EPA) for consideration as to whether an environmental assessment is necessary under the *Environmental Protection Act*.

Following advice from the EPA that a standard scheme amendment does not require formal environmental assessment, Regulation 47 of the Regulations requires the local government to arrange advertising for a period of at least 42 days, by the following means:

1. notice in a newspaper circulating in the scheme area;
2. notice in the offices of the local government;
3. notice to each public authority that the local government considers is likely to be affected by the amendment;
4. notice on the local government's website; and
5. as otherwise directed by the WAPC and in any other way considered appropriate by the local government.

Resource Implications*Financial*

The costs associated with this scheme amendment can be accommodated within the current operational budget.

Upon the sale of the lot the Shire will be able to levy a Shire rate. Funding realised from the sale can be used to contribute toward community infrastructure.

Workforce

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

Options

Council has the option of:

1. Preparing and proceeding to advertise the scheme amendment as recommended.
2. Preparing and proceeding to advertise the scheme amendment with an alternative zone, consist with the Peel Region Scheme rural zone.
3. Not supporting the preparation of the scheme amendment.

Conclusion

The proposed scheme amendment will help facilitate the sale of the lot consistent with the Shire's Land Asset Strategy. The proposed Special Rural zone is consistent with the Peel Region Scheme Rural zoning and the local planning scheme Special Rural zoning of surrounding lots.

11.2 Ravenswood Regional Sport and Recreation Facility – Final Feasibility Study and Needs Assessment

File Ref: 7/8123
Previous Items: OCM 8 Oct 15 Item 12.4 (OCM15/252)
Author and Title: Brett Flugge, Executive Manager Strategic Development
Voting Requirements: Simple Majority

Appendix 3

Recommendation

That Council:

1. **Notes the findings and key recommendations outlined in the final Feasibility Study and Needs Assessment for the Ravenswood Regional Sport and Recreation Facility as set out in Appendix 3.**
2. **Notifies the City of Mandurah that in light of the lack of urgency to provide grass pitch sports provision servicing the Mandurah district and the adjustment in population growth forecasts from State Government, there is not the previous anticipated demand for regional recreation space to warrant the Ravenswood Regional Sporting complex to be developed in the short term.**
3. **Advises the Project Steering Group members from City of Mandurah, Peel Development Commission, Department of Planning Lands and Heritage and Department of Local Government, Sport and Cultural Industries that further site planning and needs analysis for the Ravenswood Regional Sporting Complex is to be revisited in the next ten years.**

In Brief

- In November 2016, Dave Lanfear Consulting was engaged by the Shire of Murray to undertake a Feasibility Study and Needs Assessment for the Ravenswood Regional Sport and Recreation Facility.
- A copy of the final Feasibility Study and Needs Assessment report as per **Appendix 3** and associated technical studies is now available for consideration by Council.
- The Project Steering Group has recommended that the report findings be noted at this stage, pending a review of Planning Investigations of the surrounding urban catchment, examination of any site development constraints and service infrastructure provision, and for both Local Government's to then review future recreation needs within the next five years.

Background

Lot 334 Pinjarra Road (formally Fiegert Road) was acquired by the Western Australian Planning Commission for Regional Open space and Freeway interchange reserve in 2006. The subject land has been consistently identified in a number of regional planning studies over the last 15-20 years as a site to accommodate regional sporting and recreation facilities to support the emerging population growth in Shire of Murray, City of Mandurah and the broader Peel region.

In October 2015 Council endorsed a draft Memorandum of Understanding between the Shire of Murray and City of Mandurah that was intended to guide the process in developing the Ravenswood Regional Sporting precinct.

A feasibility study and needs assessment was commissioned and funded by the Shire of Murray in partnership with City of Mandurah, Peel Development Commission, Department of Planning Lands and Heritage and Department of Local Government, Sport and Cultural

Industries in order to determine the need for a regional sporting and recreation facility and examine potential cost implications, infrastructure requirements and socio-economic return on investment and concept planning for the site.

A Request for Quotation process was undertaken by the Shire in late September 2016 and following evaluation of a number of submissions received, Dave Lanfear Consulting was appointed in November 2016 as the preferred consultant to undertake the feasibility study and needs assessment report.

Report Detail

The purpose of the study was to determine the need for a regional level sporting and recreation facility in the Peel region and to gain an understanding of the land constraints and potential facility planning implications. The study also included an assessment of the potential economic impact of development of the site, examination of the social return on investment and clarifying cost implications including servicing, environmental and transport implications.

An analysis of industry trends and regional facility development benchmarking identified a number of critical success factors which need to be considered in any development of regional sport and recreation infrastructure:

- The focus purely on sport and sports clubs in delivering both a social and economic return through the development of a regional sport and recreation facility is not realistic. Fitness, health and social interaction are the main considerations for adult users.
- Shared use, co-location and multi-functional opportunities are consistent themes emerging in the development of new infrastructure and the retro-fitting of existing facilities.
- The management and governance of a site and associated facilities is critical if suitable control is to be exercised and financial resources managed effectively.

To gain an understanding of potential short, medium and long-term need, a stakeholder consultation process with project partners, nominated organisations and associations was undertaken. This consultation exercise identified the following:

The current demand for sporting infrastructure is experienced from within the City of Mandurah. At present, the Shire of Murray has sufficient capacity to cater for the sporting needs of its residents. This is likely to be the case for the next decade or more. The primary reason for the City of Mandurah support and involvement in the project is that there are and will continue to be a number of specific sports where their long term options remain a concern in particular for netball, cycling and BMX, in addition to activities where mass green space is required.

The needs analysis factored in a variety of assessment models including an assessment and mapping of current infrastructure to identify gaps in provision; modelling the demand for open space against a recognised capacity model; an assessment against adopted community facility guidelines; an assessment based on current participation rates (AusPlay 2017) and facility benchmarking.

Based on the analysis the following facility components were identified as priorities for development:

- 0-10 years: Netball (hard outdoor courts), grass pitch provision (rectangular initially and then oval – combined based on shared use) with associated clubhouse infrastructure together with trails/tracks, mountain bike track and BMX pump track as the initial development.
- 5-15 years: Synthetic hockey pitch provision, diamond pitch and additional hard-court infrastructure.

- 10-20 years: Little athletics (grass) and tennis (subject to rationalising existing tennis infrastructure).
- 2036 to 2051: Indoor courts/basketball
- 2051 and beyond: Synthetic track and aquatic infrastructure

The key recommendations arising from the various technical studies include:

Transport

- A perimeter access road should facilitate the ingress, egress to and circulation around the site.
- A Transport Impact Assessment for the development is needed when the detailed design is developed.
- A minimum of 135 to 195 bicycle parking areas are needed on site with appropriate end of trip facilities.
- The Public Transport Authority should be engaged at the earliest stage to determine the public transport strategy to support the development of the site.
- Provide/improve the shared path network on Pinjarra Road, Old Mandurah Road and the perimeter road.
- Develop a wayfinding and crossing strategy for the site to encourage free and safe movement of vehicles, pedestrians and cyclists.
- Reduce speed limits close to the site to improve traffic safety.

Environment

- An application to the Department of Biodiversity Conservation and Attractions is recommended to downgrade the site resource enhancement wetland to multiple use.
- An investigation of Acid Sulphate Soils (ASS) and potentially a subsequent ASS management plan should be developed.
- An application for a dewatering licence will be required.
- Depending on fill requirements, the use of sub-soil drainage may be appropriate to provide adequate protection to site infrastructure.
- The retention of mature Eucalypt trees and use of native plants is recommended to reduce irrigation and nutrient requirements.
- Securing a water allocation from the Leederville aquifer is likely to be the most cost effective option for irrigation.
- A permit for the clearing of native vegetation is likely to be required.
- A licence to extract groundwater will need to be granted if groundwater is identified as a preferred source of water for irrigation.

Civil Works

- There will be a requirement to import approximately 0.9m of clean fill across the entire development site.
- Sports pitches playing surfaces are to be laid at a minimum of 1% grade to allow suitable surface water drainage.
- Installation of a 150mm diameter subsoil drainage system underneath the sports playing fields will be required to drain the sport pitches adequately and to protect site infrastructure and this will need to be connected to the stormwater drainage system.
- Installation of a 2MVA transformer, switchboard and HV feeder cable on the site boundary will be necessary to provide power supply to the development.
- The provision of sewerage infrastructure is a major constraint for the development and four options should be considered, ranging from investigating the possible connection to Nancarrow Way Waste Water Pump Station to the construction of a phosphorus retentive effluent disposal system on site.
- Installation of a 100mm domestic water reticulation service off the proposed subdivision development to the south of the site is needed.

- A water service application through Water Corporation's Building Services department will be necessary.
- An application to Department of Water and Environment Regulation will be needed to ascertain if bore water is suitable for irrigation purposes.

Full copies of the specialist technical reports can be made available for Councillors on request.

Development Concept Plans

Based on the recommendations contained in the technical reports a series of concept plans were developed for the site. The concept plans have been developed to provide three development zones reflecting the potential full build out of the site having regard to the identified need:

- **Zone 1:** Active Sport – A combination of multi-purpose sports complex with netball and tennis, support facilities such as parking, landscaping, drainage, play space being incorporated within the space.
- **Zone 2:** Active Sport - Based around a district complex with similar support facilities to that contained in Zone 1 and landscaping.
- **Zone 3:** Active and Passive Sport - This area incorporates the additional active sports and the primary sports facility. This will also serve the primary function for passive recreation to align with drainage channels as identified through the technical studies. A high level shared path and a regional play space is envisaged to encourage the passive activation that aligns to a landscape/drainage buffer along the western boundary.

Overall Site Development Costs

To gain an understanding of the anticipated costs associated with the development of the complex a high-level cost assessment was undertaken with the overall development cost being estimated at approximately \$160M based on current day costs. These costs have been broken down into zone cost estimates as follows:

- **Zone 1:** \$39,481,700
- **Zone 2:** \$29,501,164
- **Zone 3:** \$91,050,514

Economic Benefit Assessment

To support the assessment process an economic assessment was undertaken to ascertain the economic value of the development of the site within the locality and broader catchment.

The economic benefit analysis for the full build out indicated that within the immediate catchment the economic benefit is limited. However, within a broader regional catchment it could equate to an injection of an additional \$8 million in expenditure per annum (\$2018) within Ravenswood economy.

The conclusion from the Economic benefit assessment indicates:

- There is a strong argument that investment in the regional facility will likely deliver strong economic benefits to the Ravenswood and wider Shire of Murray economies.
- Realisation of these benefits however relies on the capture of expenditure from participants and spectators from outside of the Shire. This will require strong relationships between the facility and adjacent commercial activities to ensure that competitive offer is easily accessed by visitors to the facility.
- Financial contributions to the capital costs of infrastructure will make a significant difference to the overall viability of the project, and the relative appeal of the project to local decision-makers.

Management Options

The ongoing management of the Ravenswood Regional Sporting Complex will require a number of different approaches to both the site and facility management. Whilst there is currently a Memorandum of Understanding between the Shire of Murray and City of Mandurah, if the project is to progress, over time it will require the Shire of Murray and City of Mandurah to enter into a more formalised shared funding agreement which can be expanded to service the requirements of other funding partners as they emerge.

The funding agreement will be required to break down the fundamental needs of each local government and their obligations in respect of the development of the Ravenswood site. The principles of this agreement must be based on the creation of benefit and sharing of risks.

A series of management options were identified for the future development of the site. Invariably, the facilities and the users are too diverse to be managed within one management agreement. The following management approaches should be considered:

- When major facilities in the complex are developed, this could justify a professional contract management arrangement.
- Lease or license arrangements could be allocated for the earlier phased development of the outdoor/pitch/court sports facilities. This would involve separate agreements for each sport and the potential combining of groups through a lease agreement.
- A Joint Management/Shared Use Agreement is likely to be required if education use is to be allocated within the complex as the adjacent land is developed.
- The regional tennis facility identified within the complex may justify its own management agreement.

Implementation

A Project Phasing and Implementation Plan listing key tasks and deliverables has been prepared and is included in Section 12 of the feasibility report.

As a means of de-risking the subject land, the Project Steering Group has agreed for the consultant to progress with an Environmental consultant to request reclassification of a 'Resource Enhancement' wetland on Lot 334 to 'Multiple Use' classification. Department of Biodiversity Conservation and Attractions has now accepted this wetland downgrading and changed its wetland mapping data base accordingly.

An application has also been made to Department of Water and Environment Regulation seeking approval for a License to extract groundwater as a source of water for irrigation of the sporting grounds and a decision is still pending.

Murray 2030 Strategic Community Plan

Focus Area	Places for People
Aspiration	To create great places for the people through strong partnerships with the community; innovative urban design; and improve the well-being and quality of life for residents.
Strategy	Actively take opportunities to enhance public health.

Focus Area	Environment, Character and Heritage
Aspiration	To be effective stewards of our environment, history, heritage, natural landscape and rural character.
Strategy	Secure water resources to ensure water sustainability for economic and recreational needs.

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

Murray 2019- 2023 Corporate Business Plan

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

Focus Area	Environment, Character and Heritage
Objective	Proactively manage resources and reduce our carbon footprint by responsible management of water, energy, fire management and waste.
Strategy	Responsibly manage Council and community water and energy use.
Project and Actions	Develop a strategy for future water management at managed public open spaces and sporting precincts.

Focus Area	Connected and Accessible
Objective	Promote an efficient and accessible local and regional transport network.
Strategy	Develop a transport plan that considers the wider Peel region.
Project and Actions	Align with Main Roads WA to review the Pinjarra Road Access Strategy.

Other Strategic Links

Shire of Murray Community Infrastructure Plan 2013
Perth and Peel at 3.5million
South Metropolitan Peel Sub-regional Planning Framework 2018
Perth Transport Plan 2031
City of Mandurah Active Recreation Strategy

Statutory Environment

A list of all statutory approvals required across the life cycle of the project is to be compiled in Phase 3 of the Implementation Plan.

Sustainability & Risk Considerations

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

To support the assessment process an economic assessment was undertaken to ascertain the economic value of the development of the site within the locality and broader catchment. The economic benefit analysis identified consumption expenditure for each potential phase of development.

The economic benefit analysis for the full build out indicated that within the immediate catchment the economic benefit is limited. However, within a broader regional catchment it could equate to an injection of an additional \$8 million in expenditure per annum (\$2018) within Ravenswood economy.

The difference in anticipated expenditure realised from different catchments is due to:

- Larger populations in the 20km catchment contributing to participation.
- A larger assumed expenditure per visit for participants and spectators travelling to the site to participate in regional competitions and events.
- Avoidance in double counting local expenditure from the 2km and 5km catchments.

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

A focus purely on sport and sporting clubs in delivering both a social and economic return through development of a regional sport and recreation facility is not realistic. Outcomes from the feasibility research indicates that whilst sports clubs provide a valuable resource for children and young people, as people age, there is less propensity to take part in organised sports club activity. Fitness, health and social interaction are the main considerations for adult users.

Environment – (Impact on environment's sustainability)

A range of environmental issues will need to be effectively managed as part of the planning and development of the site, including:

- Investigation of ASS at the site, and depending on the results of these investigations, preparation and implementation of an ASS Management Plan.
- Application for a dewatering licence. Pre-development groundwater monitoring will be beneficial in understanding whether dewatering will be required during construction, as well as providing a baseline assessment of conditions against which future monitoring can be compared.
- Due to likely shallow groundwater conditions and presence of soils with low permeability, future development will require the use of imported fill. Depending on fill requirements, the use of sub-soil drainage may be appropriate to provide adequate protection to site infrastructure. Depending on local groundwater quality, groundwater captured by sub-soil drains may require treatment prior to release to the environment.
- The implementation of water sensitive urban design principles and practices will be necessary. The use of living streams or vegetated swales may be suitable for the site.

The retention of mature Eucalypt trees and use of native plants is recommended to reduce irrigation and nutrient requirements.

- The management of the turf areas should be undertaken in accordance with Swan River Trust (2014) Western Australian Environmental Guidelines for the Establishment and Maintenance of Turf Grass Areas.
- Securing a water allocation from the Leederville aquifer is likely to be the most cost-effective option for irrigation. Alternatively, the development of non-potable sources (i.e. recycled wastewater) may be suitable. The development of non-potable sources will need to demonstrate that a high level of treatment can be achieved from a public health perspective as well as being able to achieve the target nutrient rates for the Peel-Harvey catchment.
- There will be a requirement to demonstrate that sufficient land has been provided for the detention of stormwater generated on the site as well as providing treatment to improve the water quality of surface runoff.
- Under the *Environmental Protection Act* clearing of native vegetation requires a permit from the DWER unless there is a valid exemption under the *Environmental Protection (Clearing of Native Vegetation) Regulations*.
- Under the *Rights in Water and Irrigation Act* a license to extract groundwater will need to be granted if groundwater is identified as a preferred source of water for irrigation.

Policy Implications

Nil

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Moderate	A workshop was organised by the consultant to identify the key risks and a full risk assessment carried out with mitigation (treatment) measures detailed.

Consultation

The consultant has carried out extensive stakeholder engagement including liaison with sporting clubs, State sporting associations, local sporting bodies, community groups, schools, private land owners, Peel local governments, and State agencies.

Resource Implications

Financial

A high level cost assessment has been undertaken for the overall development which is estimated to cost approximately \$160M, based on current day costs. These costs were then broken down into zone cost estimates as follows:

- Zone 1 - \$39,481,700
- Zone 2 - \$29,501,164
- Zone 3 - \$91,050,514

Workforce

The Project Implementation Plan makes provision for appointment of a Project Control Group to take carriage of development of the site, as well as appointing a Project Manager with this position either being administered internally with funding from both local governments.

Options

Council has the option of:

1. Noting the feasibility report findings and not proceed with more detailed site planning at this stage pending a review of Planning Investigations of the surrounding urban catchment capacity and service infrastructure provision, along with both local governments then reviewing future recreation and sport facility needs within the next 5 years.
2. Endorsing the report findings and key recommendations and progressing to a more detailed regional cooperation funding model and advocate to Government the importance of the Ravenswood regional sporting site.

Conclusion

The Project Steering Group has reviewed the feasibility report findings and discussed the next phase of work. City of Mandurah has advised that there was no longer an urgency for the City to access additional recreation space over the next 5-10 years due to the downturn in population and jobs growth. Population projections for the Shire of Murray have also been reduced under WA Tomorrow population forecasts, consistent with reduced State forecasts.

There was general consensus by the Project Steering Group that the feasibility report should combine the time frames (0-10 years; 5-15 years; 10-20 years) into a more condensed period of 10-20 years and for both local governments to review sport and recreation planning of the Ravenswood site within the next 5 years.

Department of Planning Lands and Heritage are currently undertaking a review of adjoining landholdings in North Ravenswood identified as 'Planning Investigation' in the final Sub-regional Planning Framework. The outcome of these investigations and completion of District structure planning will determine the emerging growth in and around Ravenswood urban catchment.

Corporate Governance

11.3 Establishment of CEO Resource Sharing Agreement Committee

File Ref:	1403-01
Previous Items:	SCM 13 August 2019 Item 7.1 (SCM19/162)
Applicant:	Nil
Author and Title:	Dean Unsworth, Chief Executive Officer
Voting Requirements:	Simple Majority

Recommendation

That Council:

1. endorses Cr _____ to join the Shire President and Deputy Shire President in forming the CEO Resource Sharing Committee; and
2. reconsiders the membership of the Committee at the October 2019 Council meeting following the Local Government elections.

In Brief

- Under the Resource Sharing Agreement that was endorsed on 13 August 2019, under Section 9, there is a requirement to form a CEO Resource Sharing Committee (CEORSC) with the Shire of Waroona.
- This report is presented to establish this Committee as a matter of priority to establish the CEO resource sharing agreement with the Shire of Murray and to discuss the setting of broad strategic direction and Key Performance Indicators.

Background

The Resource Sharing Agreement terms state that the Shire President and Deputy Shire President from both Waroona and Murray are members, and that a third Councillor from each Council also be a member.

The purpose of the CEORSC will be to –

- regularly review the operation of the Resource Sharing Arrangement;
- regularly review the performance of the CEO in implementing the Resource Sharing Arrangement;
- provide advice and guidance to the CEO on implementing the Resource Sharing Arrangement; and
- refer any requests or requirements for mediation to the mediation committee.

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	Maintain long-term financial sustainability

Other Strategic Links

CEO Resource Sharing Agreement

Statutory Environment

Nil

Sustainability & Risk Considerations

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

There is no impact on the community in forming this Committee.

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

Nil

Environment – (Impact on environment's sustainability)

Nil

Policy Implications

There are no policy implications in forming this Committee.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	There is low reputational risk in forming this Committee.

Consultation

- Shire of Waroona
- McLeods Solicitors
- Department of Local Government, Sport and Cultural Industries

Resource Implications

Financial

The Resource Sharing Agreement will save Council significant funds, directly through the sharing of the CEO but also potentially in other service areas over time.

Workforce

Nil

Options

Council are required to establish the Committee otherwise it is in breach of the Resource Sharing Agreement.

Conclusion

While the 2019 Local Government Election will be held on 19 October 2019 and that members may change, it is recommended that a CEORSC be established as soon as possible. The resource sharing agreement commenced on 12 September, so if the Committee was not formed until the end of October it would be at least 6 weeks between the commencement of the CEO and the first Committee meeting. A meeting as soon as practicable would provide the Chief Executive Officer the early strategic direction that will be a critical component of measuring the success of the agreement.

Further, this item will be brought back to Council following the October Local Government elections which will provide the opportunity for any potential new Councillors to nominate themselves.

11.4 Long-Term Peel Chamber of Commerce & Industry Membership Agreement & Kwinana Freeway Billboard Ownership

File Ref: 6308-10
 Previous Items: OCM. Dec 2014 Item 12.1.1 (OCM14/159)
 OCM June 2015 Item 12.10 (OCM15/138)
 Applicant: Peel Chamber of Commerce & Industries Inc.
 Author and Title: Dean Unsworth, Chief Executive Officer
 Voting Requirements: Absolute Majority

Appendices 4 & 5

Recommendation

That Council:

1. **agrees to sign a ten-year funding agreement with the Peel Chamber of Commerce & Industry, from the 2019/2020 financial year, with the following conditions:**
 - a. **that the amount provided will be \$15,500 per annum (exc. GST) and that this will represent a “Platinum Membership’ agreement for those ten-years;**
 - b. **the amount of \$15,500 will increase at the rate of the Perth March Consumer Price Index per annum;**
 - c. **that the Peel Chamber of Commerce and Industry Inc. advise in writing that it formally extinguishes any ownership of Intellectual Property of the Kwinana Freeway billboards, and that the billboards will remain in the ownership of the Shire of Murray; and**
 - d. **requests that the Peel Chamber of Commerce and Industries Inc. advises in writing that it supports a new Memorandum of Understanding to be prepared between the Shire of Murray and Main Roads, WA; and**
2. **commits to the Peel Chamber of Commerce and Industry Inc. that the billboards will be managed and maintained in a professional and responsible way to promote the Shire of Murray; and**
3. **requests that the Chief Executive arrange to have the current advertising on the billboards replaced with new and fresh promotional campaigns as soon as possible.**

In Brief

- There has been ongoing ambiguity in regards to the ownership of Intellectual Property of the Kwinana Freeway billboards.
- Prior to the Mandurah and Peel Tourism Organisation restructuring and focusing on Mandurah as a destination, there was an agreement between them, the Shire and the Chamber. When MAPTO made the decision to focus predominantly on Mandurah, the previous agreement between the three organisations became void, and that the ownership of the signs again was discussed.
- The Chamber presented a proposal to the Shire of Murray for the billboards to be hired from the Chamber by the Shire of Murray.
- An alternative proposal was then presented back to the Chamber for the ownership to be in the hands of the Shire of Murray permanently in return for a long-term financial commitment back to the Chamber.

Background

The Shire of Murray has been a Platinum Member of the Peel Chamber of Commerce and Industry (the Chamber) for the past three years, at a membership amount of \$10,000 per annum (exc. GST). The Shire also sponsors the annual Peel Business Awards evening.

This item is closely linked with the ownership of the Kwinana Freeway Promotional Billboards, which will become evident through the reading of this report.

When the Kwinana Freeway extension was completed in 2009, there was a significant drop in visitors to both the Murray and Pinjarra town centres. Because of this, the Peel Chamber of Commerce and Industry was very active in lobbying for, and securing funding to have six (6) promotional billboards erected on the road reserves of the Kwinana Freeway, approximately 3 kilometres off freeway ramps into Serpentine Jarrahdale, Mandurah and Murray.

In 2012, funding was obtained to erect these billboards.

In discussions with Main Roads Western Australia, advice was given that the billboards must be owned, managed and maintained by the local government and not the Chamber.

The intent of the billboards was to promote the then “Discover Peel” tourism promotion of the PCCI, which included promoting their tourism website and regional maps, which in turn generated some revenue for the Chamber. However, as Main Roads WA did not permit this, the three local governments signed a Memorandum of Understanding (MOU) to maintain the billboards. The Shire of Murray/Main Roads WA MOU is seen at **Appendix 4**.

At the time of billboard installation, a body responsible for the coordination of regional tourism promotion did not exist, and hence, the Chamber filled this void.

Soon after the billboards were installed, the City of Mandurah was proactive in creating and funding the Mandurah and Peel Tourism Organisation (MAPTO), which filled the previous void of regional tourism promotion. The Shire of Murray allocated \$25,000 per annum to MAPTO, with Mandurah allocating in excess of \$750,000 per annum.

An agreement was reached between the City of Mandurah and the Chamber that MAPTO would manage and maintain all six billboards, and for this received a fee in lieu of income that was potentially lost to the Chamber with the eventual cessation of the “Discover Peel” maps.

In June 2014, Council formally permitted MAPTO using the billboards for regional tourism purposes, and that this be reviewed twelve months later.

In June 2015, Council then resolved:

That Council:

1. *supports MAPTO’s request to use the Shire of Murray’s two (2) billboards for the purpose of Peel regional promotion for a period of three years from the time of placement on the conditions that:*
 - a) *The Shire of Murray reserves the right to place its own skins on the billboards to promote local events; and that*
 - b) *MAPTO obtains written approval from the Shire of Murray prior to placing any skins on the billboards and that Murray has input into the content; and*

2. *reviews the use of MAPTO using the billboards after three years.*

At the completion of these three years, the City of Mandurah made the decision to fund MAPTO on the following conditional basis:

- *MAPTO to exclusively focus on the development of the visitor economy in Mandurah.*
- *Within their scope of services, there is a focus on product development, investment attraction and destination branding, including working with the City of Mandurah on the development of a new Mandurah destination brand.*

In a media statement, MAPTO stated that “recent consumer research revealed Mandurah was the sole Peel destination mentioned by respondents on an unprompted basis as a WA short break destination”.

This research is relevant on a local basis and has merit. MAPTO were promoting Mandurah and the Peel, however there was very little branding being done for the Shire’s main tourism towns, being mainly Pinjarra and Dwellingup. It was this research that led the Shire of Murray to develop branding logos for Pinjarra and Dwellingup, and a renewed focus to commence promoting these two towns as destinations in their own right.

Council has now endorsed these logos, and the Shire is now developing strategies to promote our tourism towns as destinations, as opposed to being part of a wider regional “Discover Peel” campaign.

The issue that was never fully resolved was the ownership of the Intellectual Property (IP) of the billboards. The original MOU state that the billboards be used “*appropriately to achieve Royalty for Regions-funded Discover Peel project objectives*”. Under that objective, it stated that the billboards must “*maximise the marketing collateral developed through the Discover Peel Project owned by Peel Chamber of Commerce and Industry Inc. to ensure the ongoing sustainability of all marketing collateral*”.

The MOU specifically stated that it must maximise the Chamber’s “Discover Peel” project. However, this project was now superseded by MAPTO’s branding. With MAPTO changing their focus in September 2018 to be Mandurah focused, the Chamber contacted the Shire of Murray on 13 February 2019 to consider providing funding to the Chamber for the use of the IP component of the billboards now that the previous MAPTO-Chamber agreement was now obsolete. The Chamber was requesting that the Shire provide an amount of \$22,000 (Including GST) to hire both billboards, and \$24,150 to hire the billboards and have them reskinned by the Chamber (**appendix 5 (2)**).

An alternative proposal was put back (subject to Council resolution) to the Chamber in a letter dated 22 March 2019 from the CEO Shire of Murray. The letter aimed to remove the ambiguity of the ownership of the IP and use of the billboards so the issue of ownership would not occur into the future and allow the Shire of Murray to have full control over the use of the asset.

Report Detail

The alternative proposal put forward to the Chamber is one that looks to remove any ambiguity about the ownership of the signs and the Intellectual Property.

Up until now, the Shire has been including \$10,000 in its annual budget to allocate towards the Chamber in return for a Platinum membership. This is an important income stream for the Chamber and for the Murray Business Support Group who have become much more active in the past two years.

The proposal is for the Chamber to relinquish any ownership of the freeway billboards and IP in return for the Shire to commit to a 10-year Platinum sponsorship package at an annual amount of \$15,500 (ex GST). This figure is approximately halfway between the current \$10,000 sponsorship and the \$21,000 it would have cost the Shire to “hire” the billboards (\$11,000 p.a.) and the current \$10,000 agreement.

Murray 2030 Strategic Community Plan

Focus Area	Thriving Economy
Aspiration	To create diverse and prosperous economy that supports innovation, training opportunities and provides a variety of business, tourism and employment opportunities.
Strategy	Develop key sectors of the tourism economy where Murray has a competitive advantage

Murray 2019- 2023 Corporate Business Plan

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

Other Strategic Links

Nil

Statutory Environment

Nil

Sustainability & Risk Considerations

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

Building the economy and fostering job and tourism growth is a key objective of Council in its *Murray 2030 Strategic Community Plan*. This proposal provides support to this vision through a long-term commitment to the Peel Chamber of Commerce and Industry, and secondly, removes finally any lingering issues of doubt regarding the ownership of the Kwinana Freeway billboards.

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

Not applicable

Environment – (Impact on environment’s sustainability)

Not applicable

Policy Implications

There are no policy implications with this proposal.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
High	There is high reputational risk to Council if it does not use the Kwinana Freeway billboards to better use in promoting the Murray region.

Consultation

- Peel Chamber of Commerce and Industries Inc.
- City of Mandurah

Resource Implications*Financial*

There will be an increase of \$5,500 per annum to Council for the next ten years if this proposal is supported.

Workforce

There are no workforce impacts with this proposal.

Options

Council has the following options:

1. Supporting the officer recommendation.
2. Amending the officer recommendation to terms it sees fit.
3. Not supporting the recommendation to clarify the ownership of the Kwinana Freeway billboards and in turn not supporting a long-term funding arrangement with the Peel Chamber of Commerce and Industries Inc.

Conclusion

This proposal will remove any ambiguity that currently remains due to the wording and previous understandings in regards to the ownership of the Kwinana Freeway billboards. For a relatively small increase to the annual platinum membership amount, this issue can be resolved. It will also provide a guaranteed income stream for the Chamber that will assist in its long-term sustainability.

11.5 Licence Proposal – Pinjarra Senior High School – Shared Use - Portion of Murray Aquatic and Leisure Centre – Reserve 44445

File Ref: R44445
 Previous Items: AFPRC 18 Sep 95 Item 4.7
 OCM. 28 Sept 95 Item 8.1.1
 Applicant: Department of Education
 Author and Title: Robert Marlborough, Manager Governance
 Voting Requirements: Simple Majority

Recommendation

That Council:

1. **subject to the Minister for Lands prior written consent, supports the Chief Executive Officer negotiating and endorsing a licence agreement with the Department of Education for the Pinjarra Senior High Schools Shared Use of portions of the dry areas within the Murray Aquatic and Leisure Centre for a period of 12 months commencing on 1 January 2020, with two further option terms of 12 months;**
 - a. **with the annual contribution payable under the licence being \$125,000, exc. GST, until such time as State Government confirms support of a business case by the allocation of funds within the adopted State budget for the Department of Education to construct its own standalone facilities to cater for the needs within Pinjarra Senior High School grounds;**
 - b. **with the contribution payable for the licence, per annum being reduced to \$78,303.03, exc. GST from confirmation being received that the State Government have allocated full budget funding to the Department of Education to construct its own standalone facilities to cater for its needs within Pinjarra Senior High School grounds; and**
2. **with CPI increases being applicable annually to the licence fee contribution payable at the time.**

In Brief

- To consider supporting a new licence with the Department of Education for the Pinjarra Senior High School's shared use of portions of the dry areas of the Murray Aquatic and Leisure Centre to cater for the school's educational needs.

Background

The Pinjarra Senior High School has had access to portions of the Murray Aquatic and Leisure Centre during school hours by way of a licence arrangement with the Department of Education since 1 July 1997. The original licence was for a term of 21 years with a similar option period.

This licence arrangement supported the Pinjarra Senior High School (PSHS) by providing access to Shire owned facilities for sports, assemblies and drama and performing arts that were lacking on the PSHS own premises.

In 2015, as part of a review it was found that the original licence was invalid due to a number of compliance issues associated with Ministerial consent, the power to lease or licence not being approved under the relevant management order at the time, and the length of the licence arrangement enacted.

Notwithstanding the validity of the historic licence the initial term expired on 30 June 2018 and the option term was not formally supported, given the outcomes of the prior review. Since that time, to support the PSHS the licence has been held-over on a 6 monthly basis, with the annual contribution continuing from the original licence, plus CPI applications.

The Management Order for Reserve 44445 where the Murray Aquatic and Leisure Centre is located was amended in 2006 to provide the power to licence only, subject to the prior consent of the Minister for land for a period not exceeding 5 years.

During the period the licence has been held over, Shire Officers have met with representatives from the Department of Education and the Pinjarra Senior High School to work towards a new short term license to support the Pinjarra Senior High School's shared use of portions of the Murray Aquatic and Leisure Centre during school hours.

The discussions that have occurred have been positive with agreement being reached, subject to Council support for a short term licence, which encourages the School to actively develop and present a business case to progress the acquisition of funds through the State budgetary process to construct standalone facilities to cater for their own educational requirements within the PSHS own grounds.

Report Detail

Supporting a short term licence with the Department of Education for portions of the Murray Aquatic and Leisure Centre as outlined in the recommendation presented will support the Pinjarra Senior High School by providing much needed facilities to cater for the school's current needs.

Limiting the licence period encourages strong advocacy to the State for funding to construct standalone facilities within the School's own grounds in the longer term, which will enable the facilities used by the school within the Centre to be used for other community purposes.

Access to the wet areas within the Murray Aquatic and Leisure Centre by the PSHS will not form part of the shared use agreement and causal hire rates will apply for the use of the aquatic facilities.

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

Murray 2019- 2023 Corporate Business Plan

Nil

Other Strategic Links

Nil

Statutory Environment

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

(1) In this section —

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

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

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

The licence proposal with the Department of Education presented for consideration is an excluded disposition of property under Regulation 30(2)(c) of the *Local Government (Functions and General) Regulations 1996*, as follows:

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

- (c) the land is disposed of to —
- (i) the Crown in right of the State or the Commonwealth; or
 - (ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or
 - (iii) another local government or a regional local government;
- or
- (d) it is the leasing of land to an employee of the local government for use as the employee's residence; or
 - (e) it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land; or
 - (f) it is the leasing of land to a person registered under the Health Practitioner Regulation National Law (Western Australia) in the medical profession to be used for carrying on his or her medical practice; or
 - (g) it is the leasing of residential property to a person.

Sustainability & Risk Considerations

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

The proposal to enter a short-term licence arrangement with the Department of Education as proposed, is not expected to directly disadvantage the community as the facilities to be used within the Murray Aquatic and Leisure Centre have been used by the Pinjarra Senior High School during school hours for many years and no change of use is anticipated.

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

The use proposed by Pinjarra Senior High School is not different to the historic use that has occurred.

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 or licence. In this case the licence arrangement proposed is exempt under Regulation 30(2)(c) of the *Local Government (Functions and General) Regulations 1996*, as it is with an agency of the State. Therefore prior advertising and a formal market valuation are not required in this instance.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	The short term use by way of a licence for portions of the Murray Aquatic and Leisure Centre by the Pinjarra Senior High School for educational based activities is not likely to result in negative community feedback, as the use to occur is consistent with previous arrangement. The School, as part of the licence, will indemnify both the Minister for Lands and the Shire against potential risk outside the Shire's control.

Consultation

- Department of Education
- Pinjarra Senior High School

Resource Implications

Financial

The funds to be realised under the proposed licence arrangement support the operation of the Murray Aquatic and Leisure Centre. The annual contribution payable enables the Pinjarra Senior High School to access the following dry areas of the Centre during school hours only for sport activities, assemblies and performing arts and drama and other curriculum (Court 3 and the Performing Arts area) and Courts 1 and 2 by prior booking.

Workforce

Limited officer time is required to progress the licence arrangement. The Department of Education, through the State Solicitors office, is responsible for the cost of preparing the licence and any other legal costs.

Options

Council has the option of:

1. Supporting a short term licence proposal (12 months with two further 12 month option periods) for the use of portions of the Murray Aquatic and Leisure Centre use by the Pinjarra Senior High School during school hours, as recommended.
2. Supporting a licence arrangement for an alternate timeframe for the Pinjarra Senior High School use of portions of the Murray Aquatic and Leisure Centre, during school hours.
3. Rejecting any licence proposal, with the School finding alternate facilities to use.

Conclusion

The short term licence proposed supports the Pinjarra Senior High School by providing facilities to meet their curriculum needs. Limiting the term and imposing linked financial parameters actively encourages funding to be sourced for the construction of their own standalone facilities on the schools premises.

11.6 Lease Proposal – Ramms Pty Ltd, as trustee for The Hill Family Trust – Reserve 8900

File Ref:	R8900		
Previous Items:	CCS Oct 09	Item 5.4	(CCS09/197)
	OCM Oct 09	Item 10.8.2	(OCM09/250)
	PPS Feb 14	Item 8.5	(PPS14/014)
	OCM Feb 14	Item 11.5	(OCM14/019)
Applicant:	Ramms Pty Ltd, as trustee for The Hill Family Trust, T/A Mandurah Houseboats		
Author and Title:	Robert Marlborough, Manager Governance		
Voting Requirements:	Simple Majority		

Appendix 6**Recommendation****That Council:**

1. **subject to the Minister for Lands prior written consent, supports the Chief Executive Officer negotiating and endorsing a lease with Ramms Pty Ltd, as trustee for The Hill Family Trust for a portion of Reserve 8900 (Lot 1810 Pinjarra Road, Ravenswood) for a period of 5 years with a similar option period, with the rental commencing at \$2,874.00 per annum, plus GST and an annual administration fee \$100.00, plus GST, with an annual review of the rental amount being applied in accordance with the (Perth All Groups) Consumer Price Index;**
2. **accepts the market valuation for Reserve 8900, as provided by First Choice Valuation Services dated 15 August 2019, as being \$2,874.00 per annum, plus GST and outgoings;**
3. **approves for the Chief Executive Officer to –**
 - a. **publish a local public notice in accordance with Section 3.58 of the *Local Government Act 1995* inviting written submissions on the proposal to lease, to be received for at least 14 days; and**
 - b. **subject to no submissions being received by the closing date and the consent of the Minister for Lands being obtained enter into a lease with Ramms Pty Ltd, as trustee for The Hill Family Trust, Trading as Mandurah Houseboats, as outlined; and**
4. **if adverse submissions on the proposal to lease are received, a further report is to be prepared and presented to Council to review the submissions and determine a position on the proposal to lease.**

In Brief

To consider a new lease arrangement for Reserve 8900 for the operation of a Houseboat Hire business by Ramms Pty Ltd, as trustee for The Hill Family Trust, T/A Mandurah Houseboats.

Background

Reserve 8900 is set aside for the purpose of “Jetty Facilities, Parking and Boat Hire” and it is managed by the Shire under a management order that provides the power to lease or licence for twenty one (21) years, with the prior written consent of the Minister for Lands. The Reserve is identified as Regional Open Space and approval for any development is required under the Peel Region Scheme. The following map details the location of the Reserve.



In 1998 Council entered into the initial lease of this Reserve with Fairpoint Investments Pty Ltd for the purpose of houseboat hire. In December 1999 Council supported the initial lease being reassigned to Ocean View Enterprises Pty Ltd on the same terms as the original lease, by a formal instrument of transfer.

In July 2006 Council approved the re-assignment of the initial lease to Dolphin Houseboats Holidays (Christopher R Cole & Noleen J Cole). Following legal advice in 2009 Council supported the surrender of this lease and the implementation of a new lease for 5 years (expiring in November 2014) under an alternate business name of Christopher R Cole and Noleen J Cole as Trustee for the CR and NJ Cole Family Trust No 2 Trading as Murray River Houseboat Holidays)

In February 2014 Council considered the formal assignment of the lease for the Reserve from Christopher R Cole and Noleen J Cole as Trustee for the CR and NJ Cole Family Trust No 2 Trading as Murray River Houseboat Holidays to Ramms Pty Ltd, as trustee for The Hill Family Trust and the following recommendation was adopted. That Council –

1. *subject to the prior approval of the Minister for Lands, supports the assignment of the current lease for Reserve 8900 (Lot 1810 Pinjarra Road, Ravenswood) to Ramms Pty Ltd, as trustee for The Hill Family Trust, and;*
2. *subject to a written request being lodged by the lessee at least 3 months prior to the expiry of the current lease term, the Chief Executive Officer is to endorse a further 5 year lease term expiring on 30 November 2019 at an annual rental amount that is based on the outcome of a market rent review by a licenced property valuer.*

Following this Council recommendation the lease for the Reserve was formally reassigned to Ramms Pty Ltd, as trustee for The Hill Family Trust. This current lease agreement is due to expire on 30 November 2019

Report Detail

As outlined the current lease of the Reserve with Ramms Pty Ltd, as trustee for The Hill Family Trust is due to expire on 30 November 2019. The lessee has requested a new lease arrangement for the Reserve to continue the Houseboat Hire business, with the preference being for a 10 year lease with a similar option term to enable business growth by providing a longer tenure term.

The lessee has recently applied for a Regional Economic Development Grant through the Peel Development Commission to fund a permanent site office on the Reserve, with facilities to cater for large groups, including school study groups and overseas tourists to promote traditional culture and local flora and fauna. If the grant is successful it will provide capacity for the above capital improvements to further develop the business and increase local tourism.

The lessee is aware that any form of development on the Reserve will require the appropriate prior statutory approvals and formal consent under any lease arrangement negotiated.

Houseboat businesses have successfully operated from the Reserve for more than 20 years. Over this period the various operators have worked very cooperatively with the Shire and no adverse site impacts have occurred. It is suggested that Council support a new lease arrangement of 5 years with a similar option period, as outlined in the recommendation.

A longer term lease of 10 years with a similar option period certainly improves overall tenure for the lessee. However it does create a situation where Council's opportunity to consider alternative options for the Reserve in the medium term are reduced and it also enables more frequent periodic reviews.

Murray 2030 Strategic Community Plan

Focus Area	Thriving Economy
Aspiration	A diverse and prosperous economy that supports innovation, training opportunities and provides a variety of business, tourism and employment opportunities.
Strategy	Develop key sectors of the tourism economy where Murray has a competitive advantage.

Murray 2019- 2023 Corporate Business Plan

Focus Area	Thriving Economy
Objective	An economy that is focused on key success factors for growth; knowledge and innovation; export income and investment; infrastructure and local capacity
Strategy	Maximise the inherent economic opportunities in the Mandurah Murray functional economic region.

Focus Area	Thriving Economy
Objective	Maximise Murray's natural assets and heritage as a driver for tourism development.
Strategy	Maximise the inherent economic opportunities in the Mandurah Murray functional economic region.

Other Strategic Links

Nil

Statutory Environment

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

- (1) In this section —
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
 - (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition—
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

The lease proposal presented for consideration is not an excluded disposition under the *Local Government (Functions and General) Regulations 1996* and advertising is required.

Sustainability & Risk Considerations

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

Supporting the lease proposal provides the opportunity for the lessee to develop and grow the business, which may result in increased tourism and employment growth.

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

The use proposed on the Reserve for the operation of hire houseboats is not inconsistent with the historic use that has occurred and adjoining landowners or the broader community should not be adversely impacted.

Environment – (Impact on environment's sustainability)

Effluent disposal facilities are already installed on the Reserve and no adverse environmental impact is probable.

Policy Implications

Council Policy C6 – Leasing Freehold and Reserve Land to Community Groups, Sporting Clubs and Other Non Profit Organisations does not apply to the lease proposal presented, in respect to the standard tenure being 10 years with a similar option period and other relevant factors, as the applicant is not an exempt body or non-profit group.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	The likelihood of negative community feedback is limited as no change of use is proposed and leasing to the proponent if supported will be in accordance with the requirements of the <i>Local Government Act 1995</i> .

Consultation

Nil

Resource Implications*Financial*

The annual rental (lease fee) paid by the proponent under the existing lease for the period 1 December 2018 to 30 November 2019 was \$2,723.86, plus GST. The annual rental as established by the market valuation obtained on 15 August 2019 is \$2,874.00 per annum, plus GST which is slightly higher than the existing per annum cost. Applying a \$100 per annum administration fee, plus GST is consistent with other lease arrangements and it provides an ability to offset for annual administration costs.

For Council's information a copy of the Market Valuation report provided by First Choice Valuation Services is provided at **Appendix 6**.

The proponent is responsible for the cost of the market valuation already obtained and all costs associated with advertising, and any other statutorily requirements and lease registration costs.

Workforce

Limited officer time is required to progress and finalise a suitable lease arrangement.

Options

Council has the option of:

1. Approving the lease, as proposed in the recommendation.
2. Approving a lease on either a shorter or longer timeframe or at an alternate per annum amount.
3. Rejecting the lease proposal.

Conclusion

Hire houseboats have operated from the Reserve for a considerable period of time and entering into a new lease arrangement with the proponent is not inconsistent with the historic use. Potentially the hire business may continue to grow and develop which supports increased local and regional tourism.

11.7 Delegation Amendment – 3.2 Power to Write off Debts

File Ref:	1157		
Previous Items:	OCM Jul 13	Item 11.2.1.1	(OCM12/148)
	PPS Aug 14	Item 8.5	(PPS14/095)
	OCM Aug 14	Item 12.3.2	(OCM14/110)
	OCM July 15	Item 12.3	(OCM15/174)
	OCM Dec 16	Item 11.9	(OCM16/297)
	OCM Jun 18	Item 11.7	(OCM18/121)
Applicant:	Nil		
Author and Title:	Robert Marlborough, Manager Governance		
Voting Requirements:	Absolute Majority		

Appendix 7**Recommendation**

That Council accepts by Absolute Majority the minor amendments to Delegation 3.2 – Power to Write off Debts to increase the amount from \$200 to \$1,000 and to also provide for recording decisions, as detailed at Appendix 7.

In Brief

To consider a minor amendment to Delegation 3.2 – Power to Write off Debts.

Background

Delegation 3.2 was last reviewed during the full review of the Shire of Murray Delegation of Authority Register on 28 June 2018.

Report Detail

It is proposed, subject to Council's support to provide the Chief Executive Officer in circumstances that arise from time to time to support the community, greater capacity and improved flexibility to grant a concession or a waiver, or write off any amount of money owed to the local government by increasing the approved amount from \$200 to \$1000 in Delegation 3.2.

To ensure transparency, further amendment has been provided for adequate record keeping relating to decisions made, by requiring a documented rationale.

Murray 2030 Strategic Community Plan

Nil

Murray 2019- 2023 Corporate Business Plan

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

Other Strategic Links

Nil

Statutory Environment

Local Government Act 1995 – Sections 5.42, 5.44, 5.45. and 5.46

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
 - (a) this Act other than those referred to in section 5.43; or
 - (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

* Absolute majority required.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
 - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.

- (5) In subsections (3) and (4) —
conditions includes qualifications, limitations or exceptions.
- 5.45. Other matters relevant to delegations under this Division
- (1) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
- (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
- (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
- (a) a local government from performing any of its functions by acting through a person other than the CEO; or
- (b) a CEO from performing any of his or her functions by acting through another person.
- 5.46. Register of, and records relevant to, delegations to CEO and employees
- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Other legislation that provides delegated functions includes but is not limited to the *Building Act 2011*, *Cat Act 2011*, *Dog Act 1976*, *Bush Fires Act 1954*.

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)

Nil

Environment – (Impact on environment's sustainability)

Nil

Policy Implications

Policy A2 provides the periodic framework for the review of the Shire of Murray Delegation of Authority Register once annually and any Sub Delegations to employees. The next full comprehensive review of the Shire of Murray Delegation of Authority Register is planned for December 2019.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	The likelihood of negative community feedback is limited as process will be applied when decisions are made in respect to Delegation 3.2. Applying the requirement for documenting the rationale for decisions provides openness and transparency.

Consultation

Nil

Resource Implications

Financial

Nil

Workforce

Nil

Options

Council has the option of:

1. Approving the amendment, as proposed in the recommendation.
2. Approving the proposed amendments at the increased amount or at an alternative amount.
3. Rejecting the proposed amendment.

Conclusion

From time to time it is necessary for the Chief Executive Officer to grant waivers or concessions for activities that occur in support of good community outcomes. Similar applies to the write off of small debts where the likelihood of recovery is cost prohibitive or where the community benefits outweigh payment or recovery.

11.8 In Principle Support – Lease Arrangements – Agri Innovation Precinct, Nambeelup

File Ref: 8/9414
Previous Items: OCM July19 Item 11.5 (CCS09/197)
Applicant: Nil
Author and Title: Robert Marlborough
Voting Requirements: Simple Majority

Recommendation

That Council:

1. **in principle, and subject to compliance with requirements of Section 3.58 of the Local Government Act 1995, acknowledges that lease arrangements for the Agri Innovation Precinct within the Peel Business Park in Nambeelup, are broadly supported, with prospective tenants being ManukaLife, Fund Singapore and Murdoch University, initially; and**
2. **supports the Chief Executive Officer formally confirming that lease arrangements for the Agri Innovation Precinct will be progressed with ManukaLife, Fund Singapore and Murdoch University, initially, pending a further report being presented to Council prior to the construction of the Agri Innovation Precinct to consider leasing arrangements, and for acceptance of a formal market rental valuation.**

In Brief

To provide in-principle recognition that lease opportunities with ManukaLife, Fund Singapore and Murdoch University (entities) initially will be considered within the Agri Innovation Precinct in Nambeelup, prior to the completion of construction, subject to compliance with the provisions of the Local Government Act 1995 in respect to disposing of property by way of lease

Background

As Council would be aware the Agri Innovation Precinct within the Peel Business Park in Nambeelup, adjacent to the Western Australian Bushfire Centre of Excellence is a project of high importance.

The Agri Innovation Precinct's focus is to grow sustainable enterprise and enhance economic opportunities using cooperative research and product development to contribute towards sustainable enterprise, job growth and broaden economic opportunities for both the domestic and export markets. \$21.75 million for this project has been provided under the Regional Growth Fund by the Australian Government

At the Ordinary Council Meeting in July 2019 Council resolved to support an invitation to Tender (T19/09) for Architectural Consultancy Services to enable the design phase of the Agri Innovation Precinct to proceed. This tender closed at 2pm on 28 August 2019 and the formal engagement for the consultancy services is pending under delegated authority.

Construction of the Agri Innovation Precinct is planned to commence in early 2020, with completion now planned for late 2021 or early 2022.

Report Detail

Leasing space and facilities to appropriately skilled, resourced and committed external organisations, business, individuals and or groups within the Agri Innovation Precinct will be pivotal to achieving the Precinct's core focus of sustainable enterprise, enhance economic outcomes, cooperative research, product development and job growth

The Shire’s Manager Investment Attraction and the appointed Project Manager have been working with the identified entities to formulate broad options for lease occupancy arrangements within the Agri Innovation Precinct.

The entities, through the officers involved, have sought a formal commitment from the Shire in respect to leasing arrangements to support the development of their respective business arrangements planned for the Precinct.

Given the legislative requirements under the *Local Government Act 1995* in respect to disposing of property, in this case by way of proposed lease arrangements it is difficult at this point to provide absolute confirmation that leases will be entered into with the entities identified.

The factors that create significant and insurmountable difficulties to absolutely confirmation leasing to the entities are –

- The premises comprising the Agri Innovation Precinct are still to be designed and constructed.
- Determining the market valuation for any lease disposition and Council formally accepting a valuation by resolution, is not possible for the reasons outlined above.
- Advertising and public submissions are required prior to disposing of property by way of a lease, unless an excluded disposition under the *Local Government (Functions and General) Regulations 1996*. This is not the case in the circumstances presented.
- The formal determination of the consideration (rental) to be received to lease premises within the Precinct, has not been determined and it cannot therefore be formally publicly advertised.

These factors outlined limit the capacity to formally agree to lease arrangements with the entities, at this time.

However it would be advantageous for all parties involved, and it is recommended that Council support limited in-principle written surety to the entities about future leasing arrangements within the Precinct, pending full compliance with the requirements of the *Local Government Act 1995 (the Act)*, when required.

McLeods Barristers and Solicitors have been approached to consider the form of in-principle support that could be provided and not obfuscate the requirements of the Act.

Murray 2030 Strategic Community Plan

Focus Area	Thriving Economy
Aspiration	A diverse and prosperous economy that supports innovation, training opportunities and provides a variety of business, tourism and employment opportunities.
Strategy	Develop key sectors of the tourism economy where Murray has a competitive advantage.

Murray 2019- 2023 Corporate Business Plan

Focus Area	Thriving Economy
Objective 2.1	An economy that is focused on key success factors for growth; knowledge and innovation; export income and investment; infrastructure and local capacity.
Strategy 2.1.1	Maximise the inherent economic opportunities in the Mandurah Murray functional economic region.

Focus Area	Thriving Economy
Objective 2.2	Maximise Murray’s natural assets and heritage as a driver for tourism development.
Strategy 2.2.1	Maximise the inherent economic opportunities in the Mandurah Murray functional economic region.

Other Strategic Links

Nil

Statutory Environment

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

- (1) In this section —
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
 - (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition—

- (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
- (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

The lease proposal presented for consideration is not an excluded disposition under the *Local Government (Functions and General) Regulations 1996* and advertising is required.

Sustainability & Risk Considerations

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

Providing in-principle support to the entities at this early stage on future leasing arrangements within the Precinct will work towards achieving the Precincts core focus in the longer term.

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

Nil

Environment – (Impact on environment’s sustainability)

Nil

Policy Implications

Council Policy C6 – Leasing Freehold and Reserve Land to Community Groups, Sporting Clubs and Other Non Profit Organisations does not apply to the in-principle lease consideration presented for support, as the identified entities are not exempt body or non-profit group.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	Ensuring that the Shires Solicitors consider and prepare the proposed in principle support correspondence will ensure compliance with the relevant legislation and therefore potential risk will be minimised.

Consultation

Nil

Resource Implications

Financial

Project funds already allocated in the 2019/2020 budget are available for the cost of preparing documentation to provide in-principle surety for future lease opportunities.

Workforce

Limited officer time will be required and internal resources are available.

Options

Council has the option of:

1. Agreeing to in-principle support for the entities in respect to future lease arrangements within the Agi Innovation Precinct.
2. Rejecting the provision of in-principle support.

Conclusion

Actively working towards future leasing opportunities for the Precinct is advantageous for all parties involved as it will enable adequate pre-planning, business development and marketing. However care must be applied to ensure the legislative responsibilities are met.

11.9 Payments from Municipal and Trust Funds – August 2019

File Ref: 8013-01
Author and Title: Tracie Unsworth, Director Corporate Services
Voting Requirements: Simple Majority

Appendix 8

Recommendation

That Council receives the Payments from Municipal and Trust Funds report for August 2019 as presented.

In Brief

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

Background

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

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

Report Detail

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

The information report contains the list of payments made from the Shire of Murray's Municipal and Trust bank accounts for the month of August 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 August 2019.
2. Not receiving the Payments from Municipal and Trust Funds report for August 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.

11.10 Monthly Financial Report – August 2019

File Ref: 8013-01
 Author and Title: Tracie Unsworth, Director Corporate Services
 Voting Requirements: Simple Majority

Appendix 9**Recommendation**

That Council receives the August 2019 Monthly Financial Report as presented.

In Brief

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

Background

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

- a. Annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c) of the *Local Government Act 1995*;
- b. Budget estimates to the end of the month to which the statement relates;
- c. Actual amounts of expenditure, revenue and income to the end of the month to which these statements relate;
- d. The material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- e. The net current assets at the end of the month to which the statement relates.

Report Detail

The monthly financial report for August 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 August 2019.
2. Not receiving the monthly financial report for August 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*.

Recreation, Economic & Community Development

11.11 Tender T18/11-Dwellingup National Trails Hub Building

File Ref:	T18/11		
Previous Items:	OCM 23 Feb 2017	Item 11.7	OCM17/024
	OCM 27 April 2017	Item 11.10	OCM17/062
	OCM 25 May 2017	Item 11.11	OCM17/099
	OCM 26 July 2018	Item 11.2	OCM18/149
	OCM 26 Nov 2018	Item 11.10	OCM18/243
	SCM 11 April 2019	Item 7.2	SCM19/052
Author and Title:	Alan Smith, Director Infrastructure Services		
Voting Requirements:	Simple Majority		

Appendix 10 under Separate Confidential Cover

Recommendation

That Council:

1. **endorse Firm Construction as the preferred tenderer for the Dwellingup Trails Centre Building for works within Separable Portion 3 (SP3);**
2. **undertake essential works within Separable Portion 3 (SP3) to enable the activation of the Visitor Centre and external cladding of the Dwellingup National Trails Hub Building;**
3. **negotiate the reduction of works with Firm Construction for Separable Portion 4A (SP4A) to align to the essential works required within SP3; and**
4. **Provide additional funding of \$105,000 from the Asset Enhancement Reserve and unspent Grant Fund account.**

In Brief

- Base works are required within Separable Portion 3 to achieve the required outcomes for the overall Trails Building.
- Cost saving have been identified within SP4A to offset part of the additional expenditure.
- Allocate the additional funding through the Asset Enhancement Reserve.

The current allocation within the 2019/2020 budget for the trails building is \$1,879,928 with a further allocation of \$105,000 to finalise the current building works.

Background

The Shire of Murray invited suitably qualified and experienced contractors to tender for the construction of the Dwellingup Trails Centre Building. The works were broken into Separable Portions to enable ease of assessment.

Separable Portion 1 (SP1)	-	Building Extension
Separable Portion 2 (SP2)	-	Amenities Building
Separable Portion 3 (SP3)	-	Existing Building Renovations
Separable Portion 4 (SP4)	-	Landscape Works (Both Arbor Structures)
Separable Portion 4A (SP4A)	-	Landscape Works (Central Arbor Only)

Firm Construction were contracted to undertake SP1, SP2 and SP4A as part of the original Council resolution.

At the Special Council Meeting held on 11 April 2019 Council resolved:

“That Council:

1. *accepts the Confidential Assessment Report by the evaluation panel;*
2. *endorses Firm Construction as the preferred tenderer for the Dwellingup Trails Centre Building*
 - a) *to undertake SP1, SP2 and SP4a at a combined amount of \$1,960,068 (GST exc.); and*
 - b) *keeps the current the estimated budget of paths and landscape at \$788,289 to undertake an amount of works that are within the overall project budget of \$2,748,357 (GST exc.), in accordance with the specification and tender rates in the “Schedule of Prices” for Tender T18/11; and*
3. *acknowledges that up to \$194,692 of funds is required, and the funding source will be considered as part of the 2019/20 budget considerations.”*

Since the start of construction, it has been identified that works are required within SP3 to construct an internal firewall plus the required internal works; this creates the base area for the new Visitor Centre and enables the Heritage Fire Truck to be maintained at the site. The further option of providing new external cladding of the existing Visitors Centre Building to add value to the overall delivery of the project should also be considered to ensure a consistent building outcome in accord with the original architectural representations.

Report Detail

The original Confidential Assessment Report (**Appendix 10**) contains a detailed evaluation report and consideration, the most advantageous tenderer was appointed on the understanding that whether the project was undertaken as a complete build or under separable portions, to maintain budget control it was determined to align the contract to separable portions and not progressing with SP3. Following works commencing on the site it was identified that to achieve SP1 there were essential works required within SP3 that needed to be undertaken, therefore a reconsideration of the work outcomes was warranted.

Through discussion with the Dwellingup Trails Working Group the detail required to finalise the extension to the Visitor Centre building were obtained through Firm Construction and presented to the Working Group to validate the essential components of the build.

Further contingency has been placed within the project to enable increased contract management with the outcome being to reduce the level of landscaping works within SP4A and the need to request additional funding to complete the project.

Murray 2030 Strategic Community Plan

Focus Area	Thriving Economy
Aspiration	To create diverse and prosperous economy that supports innovation, training opportunities and provides a variety of business, tourism and employment opportunities.
Strategy	Develop Dwellingup into a nationally recognised trails town.

Other Strategic Links

Nil

Statutory Environment

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

Sustainability & Risk Considerations

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

The tender process has been undertaken to ensure competitive pricing to minimise any financial impacts. The project has the ability to provide tourism outcomes that add significant value to the economic opportunities within Dwellingup.

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

The provision of high quality tourism and trail initiatives will improve the activity opportunities for the local community and attract visitors to the region.

Environment – (Impact on environment's sustainability)

Nil

Policy Implications

The Regional Price Preference is reviewed to ensure compliance.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Moderate	The primary risk revolves around financial risk and to ensure that project management and financial controls are in place to manage the project within the current budget allocation.

Consultation

Nil

Resource Implications

Financial

The financial implications through the tender submission are provided in the Confidential Report. Any additional funding warranted for the project is being sourced through the Asset Enhancement Reserve and unspent Grant Fund account to a value of \$142,625.

Workforce

Nil

Options

The works required within SP3 are essential to the finalisation of the project, the internal works for SP3 were the initial priority with the external cladding ensuring a consistent overall building outcome. There was consideration to minimise the external cladding on the existing building to manage funding and this was dismissed through the working group as the overall delivery of the building was seen as the priority for the project.

Conclusion

There is a requirement to extend the current contract to include the existing Visitor Centre Building being SP3 to enable internal works to be completed. These works will add required outcomes for the overall trails building project, in addition the upgrade to the external cladding of the existing building to better align to the overall delivery of the building works was seen as essential.

Cost savings have been identified within the current SP4A with additional funding being required to fund the overall project delivery. Through these savings and funding through the Asset Enhancement Reserve and unspent Grant Fund account, works within the SP3 can be progressed.

SP3 was not part of the original award of contract and needs to be incorporated and approved by Council to enable the progression of any works within SP3 to be coordinated.

11.12 Dwellingup Trails and Visitor Centre Fit Out

File Ref: 7/7698
 Previous Items: SCM 11 Apr 19 Item 7.1 (SCM19/51)
 Author and Title: Susan Allan, Tourism Officer
 Leanne McGuirk, Director Place and Community Development
 Dean Unsworth, Chief Executive Officer
 Voting Requirements: Absolute Majority

Appendices 11,12,13,14 & 15

Recommendation

That Council:

1. endorse Fit Out Option 2 up to a total cost of \$395,248 (exc. GST) to enable the funding of all necessary infrastructure and services required for the effective function of the Centre and to ensure Dwellingup and the broader region's rich and unique tourism experiences and heritage are promoted; and
2. delegates responsibility to the Chief Executive Officer to project manage and coordinate the tender selection criteria and tender selection to enable completion of the fit-out of the Dwellingup Trails and Visitor Centre.

In Brief

- Through a 2017/18 injection of \$4.5 million (Federal, State, Local and Private into the Dwellingup National Trails Centre, and a very recent further \$8.7 million (Commonwealth and State) into the Adventure Trails development, Dwellingup is soon to become Western Australia's first 'Trails Town'.
- At a Special Meeting in April 2019, Council resolved to defer consideration of the proposed fit-out of the Dwellingup Trails and Visitor Centre, pending further investigation as to the 'best value for money products and the ongoing running costs' of the items proposed.
- In response to Council's April resolution, a review of the proposed fit-out was undertaken by Pro AV Solutions (consultants). The review recommended minor changes to the full fit-out previously proposed, which has resulted in a reduced total fit-out cost of \$460,658, being \$17,918 less than the cost presented to Council in April 2019 (ie. \$478,576). Notably however, a 10% contingency has been added to this cost, which brings the total cost for full-fit to \$506,724.
- Council is requested to determine the level of fit-out and associated costs to be allocated for internal fit-out of the Dwellingup Trails and Visitor Centre (DTVC), a key component of the Dwellingup National Trails Centre (DNTC) project.
- Council has allocated \$480,000 in the 19/20 budget, based on \$380,000 new loan funds and \$100,000 contribution from Alcoa (yet to be confirmed).
- Due to the tight timeframes involved in ensuring completion of the endorsed fit-out to enable the planned opening of the Centre to occur in March 2020, Council is requested to consider delegating responsibility for ascertaining the responsibility of tender specification and selection criteria to the Chief Executive Officer. This will give flexibility to call for tenders and undertake tender evaluation without the need to report back to Council regarding the tender evaluation and appointment.

Background

Building Better Regions Funding

The BBRF Agreement states that the Dwellingup National Trails and Visitor Centre project will be a significant component to transforming Dwellingup into a National Trails Town by

providing all of the facilities required to be provided for to meet the demand of this tourism segment.

The BBRF Round 1 Grant application, merit criterion one, cites the following economic benefit:

The project(s) will increase the profile of Dwellingup and the Peel region as an outdoor activity destination and adventure tourism destination. It will increase the use of the trails network, enable longer stays and increase tourist numbers in the region.

The trails centre will:

- Provide a wide range of high quality trail user, services and facilities that are currently not available anywhere in the local or regional tourism area.
- Create valuable tourism infrastructure with the capacity to promote, complement and support the local and regional (Peel) tourism industry.
- Provide educational opportunities to a wide audience through active and passive interpretation tools amongst trail users and visitors to the DNTC, which will promote conservation ethics and generate appreciation of the local and regional environmental and heritage value offering.
- Create a platform for the promotion of linkages with other tourism products and operators in the area to encourage visitors to extend their stay.
- Put Dwellingup on the map as a place that is synonymous with great outdoor trail experiences and adventure.

It is a Commonwealth requirement and a community expectation that the Shire will deliver the outcomes defined under the funding agreement and ensure adequate funding is allocated to the fit-out of the Centre to ensure a high quality experience for visitors.

Fit-Out Requirements for the Centre

The Shire of Murray engaged Common Ground Trails, (a trails town industry expert) to provide the Dwellingup History and Visitor Information Centre (DHVIC) Review in 2018 (refer **Appendix 11**). The aim of Common Grounds report was to provide recommendations in providing a visitor-servicing model to complement the DNTC whilst developing and increasing visitor experiences in the region. Feedback from Common Ground highlighted the importance of visitor servicing and interactive experiences as an essential component.

“The Shire of Murray must address the new operations of the DHVIC beyond just visitor servicing in order to ensure that the end experience of visitors doesn’t fall short of expectations, especially when the centre will be located within an innovative and contemporary centre which promises so much more. It is vital for the Shire to take a lead role in the development of regional product and industry to ensure that all visitor touch points convey the same messaging and commitment to delivering excellent visitor experiences to an ever-increasing global audience” (D18/32097 Visitor Servicing Review feedback, page 5).

The report further recommends the vital importance for contemporary visitor centres to diversify their offerings with services that must be interactive and informative, utilising technology to provide sustainability and exceed the evolving visitor servicing expectations.

“As the booking and travel behaviour of visitors has changed, visitor centres have had to adapt, with the key focus now being on providing dynamic interpretation and upselling the benefits of a personalised, informed and knowledgeable service”. (D18/32097 Visitor Servicing Review feedback, page 9).

In addition to seeking expert consultant advice, Officers have undertaken detailed investigation into layouts and offerings of visitor centres across the state. These visitor

centres include: Mandurah, Denmark, Margaret River, Busselton, Collie, Bridgetown, Manjimup, Kalbarri, Exmouth and tourism or trail iconic locations such as the Hairy Marron in Margaret River, Blue Derby and Maydena in Tasmania, Esperance foreshore redevelopment and Albany, including the National Anzac Centre and the Historic Whaling Station.

Analysis of information from the investigation of the above locations and the recommendations of Terrific Trading (retail sales experts, highly regarded by Visitor Centres WA), formed the basis of the proposed lay out and fit-out for the Dwellingup Trails Information and Visitor Servicing area. The research provided the evidence to develop the highest standard of visitor servicing while providing a diverse, informative interpretation tools providing educational opportunities through active and passive offerings, with the aim to encourage repeat visitation, longer visitor stays and the potential to upsell retail and local tourism products. This research confirmed that given a positive service experience, visitors become advocates by advising other travellers of 'must visit' destinations, organically assisting in an increase of visitation and providing a positive on-flow economic effect to the area.

Review of Proposed Fit-Out by IT/AV Consultants

In response to Council's April resolution, IT Consultants ProAV Solutions were engaged to review the IT /audio visual component of the proposed fit-out. The consultant's brief (refer **Appendix 12**) was prepared in response to discussions with the Dwellingup Trails Development Steering Committee and through a joint meeting held between the Shire, the Shire President and ProAV Solutions.

With the above engagement informing ProAV's review, the following amendments are recommended to the fit-out previously considered by Council (April 2019):

- Expansion of the screen display in Area 1 from a single screen to nine (9) screens totalling 3.65m x 2.06m.
- Removal of the projectors in Areas 1 and 3 in the overhead gable space area.
- Replacement of Information Kiosk in Area 3 for an alternative item, due to safety issues.
- Inclusion of the External Information Kiosk in Area 4.
- Removal of the Memory Cube in Area 5.
- Removal of the second interactive screen in Area 6.
- Additional software technology that enables the map tables to "push" and share to large screen displays.
- Addition of overhead directional speakers in Area 2 and Area 4 to reduce noise spill.

The modifications proposed are visually reflected within **Appendix 13 - DTVC Main Features** and the itemised quotation from ProAV is located in **Appendix 14 – ProAV Quotation**.

It is relevant to highlight that in ProAV's Design Brief (**Appendix 11**) that the preferred software and some hardware supplier was OneLan. Upon quotation (**Appendix 14**), an alternative supplier was recommended (ie. Cruiser), as they were considered by the consultant to be more suitable for this project.

Alternative Funding Sources

The Shire is currently undertaking discussions with Alcoa and preparing a Regional Economic Development (RED) grant application to seek financial support towards funding of the fit-out costs.

Discussions with Alcoa are progressing well in seeking funding of \$100,000 (subject to agreed outcomes), however no formal agreement has been signed.

Preparation of an application under the Round 2 Regional Economic Development (RED) Grants for \$150,000 is currently underway. Applications close September 2019, with successful applicants announced in December 2019 to January 2020.

Information has been provided under each fit-out option provided within this report to enable Council to consider the budgetary implications as a result of successful and/or unsuccessful external funding being achieved.

Report Detail

Based on the research and engagement undertaken and the subsequent recommendations of consultants involved in the project, eight (8) key focus areas are proposed for the Dwellingup Trail and Visitor Servicing area. In order of importance these are:

1. Visitor servicing: visitors seek out local knowledge and expect a friendly experience.
2. Area information and activities: accommodation options, brochures, maps etc.
3. Good quality amenities: including toilets and shower facilities.
4. Hotham Valley Heritage train: information and ticketing.
5. Up to date trails information and adventure experience offerings: MTB trails, Bibbulmun and Munda Biddi tracks/trails, Captain Fawcett Track, white water rafting etc.
6. Heritage, cultural and natural environment interpretation: visual displays and information technology, including:
 - Trails and eco-tourism information: Lane Poole Reserve, nature based visual displays and information.
 - Mack Truck, POW Camp, Saw Mill, Holyoake, Marrinup, early settlers and families, artefacts, 1961 Dwellingup Fire.
 - Indigenous and culturally relevant information.
7. Interactive activities: touch screens to access information, video, virtual reality.
8. Seating area: free wi-fi, recharge phone/devices, quiet spaces to rest in a comfortable, cool or warm space / area to escape the elements.

A critical component for consideration in the fit-out and completion of a highly effective Trails and Visitor Centre is the need for a dedicated Shire managed Tourism Website (refer Area 1 – Visitor Servicing of). The Tourism website will be the basis of linking all trail and tourism-based information for the interpretive Information Technology (IT) requested in this report.

The website, along with supporting interpretive IT, will provide:

- the platform to support local business and tourism based activities;
- provide links for visitors to book accommodation;
- source frequently updated event information;
- current trail brochures and information;
- videos, branding, images and area information;
- social media linkages; and
- enable highly responsive visitor servicing enquiries.

Proposed Options for Consideration

Option 1: Basic Fit-Out (essential requirements)

Option 1 will ensure that the centre is equipped with all necessary infrastructure and furnishings required for day to day operational needs. Notably however whilst the Centre will effectively function with the reduced fit-out, the outcome is likely to have a reduced 'wow' factor for visitors than would otherwise have been achieved with full-fit (Option 3), particularly in regards to experiential / sensory experiences and interactive opportunities. This includes deletion of the following items from the previously proposed fit-out considered by Council in April 2019:

- Area 1: Removal of Video Wall behind service counter
- Area 2: Removal of Virtual Reality (VR) Hardware and Software
- Area 3: Removal of information kiosk;
- Area 4: Removal of exterior information kiosk and Cross Cut Saw feature;
- Area 5: Removal of interactive floor projection technology in entry;
- Area 6: Removal of projection and audio technology; and

A summary of the costs associated with Option 1 are provided in the table below.

Area	Fit Out	
Area 1	\$76,334	
Area 2	\$72,950	
Area 3	\$11,802	
Area 4	\$0	
Area 5	\$12,805	
Area 6	\$13,457	
Area 7	\$3,000	
Additional	\$82, 815	
	\$273, 163	Total cost ex GST
	\$300, 480	Plus 10% contingency

Appendix 13 describes in more visual format the specific outcomes sought for respective areas. **Appendix 15 – Fit Out Costs** provides a more detailed breakdown of specific items and all estimated costs.

Key factors to consider with Option 1 are:

- the expectations of the community, business sector, visitors and funding bodies may not be met, which may result in some reputational risk, reduced visitor numbers and potentially reduced exposure and awareness of the range of visitor experiences in Dwellingup and the broader region;
- as a consequence of the above there may be reduced economic benefits to local businesses and the tourism sector than may otherwise have been achieved with a full-fit out option (Option 3); and
- any future retrofitting of fit-out in the future (ie. in order to achieve full fit-out at a later stage) can and most likely will incur additional costs, with the potential for a fluctuation in hardware and software installation costs and compatibility issues.

The estimated cost for Option 1 is \$300,480 (incl. a 10% contingency). The budgetary implications in implementing this option with or without external funding are summarised in the table below.

No external funding	With \$100K Alcoa Funding	With RED Grant & \$100K Alcoa Funding
\$300,480	\$200,480	\$50,480 Shire of Murray \$150,000 RED Grant Funding \$100,000 Alcoa Aust.

Option 2: Basic Fit-Out (essential requirements) + ‘Add-On’ Priority Items

Over and above the basic fit-out, there are a further range of fit-out items that would enhance the sensory experiences of visitor and enable greater promotion of Dwellingup and the broader regions’ heritage, natural assets, tourism offerings and products.

The recommended fit-out items in the table below are prioritised in order of importance:

Priority	Item	Estimated Cost (incl. 10% contingency)
1	Video wall (Area 1 – Welcome Desk)	\$83,926
2	Cross Cut Saw Feature (Area 4 – Alcoa Display / Main Entry)	\$10,842
3	Mobile Information Kiosk (Area 3 – Trails and Business Focus)	\$9,915
4	Interactive Floor Projection (Area 5 – Main Entry)	\$18,689
5	Projection Experience (Area 6 – Mack Truck)	\$44,647
6	Exterior Information Kiosk (Area 4 – Alcoa Display / Main Entry)	\$15,160
7	VR Headset & Hardware (Area 2 – Trails and Business Focus)	\$16,500
	Total Cost	\$199,679

Appendix 14 – DTVC Main Features describes in a more visual format the specific outcomes sought for items listed above. **Appendix 15 – Fit Out Costs** includes a more detailed breakdown of specific items and associated costs.

Whilst all items above will enhance the user experience, it is recommended that only Items 1 and 2 be considered for inclusion in the fit-out at this time (at a cost of \$82,815 + 10% contingency), in addition to the items included within Option1. These two additional items identified are considered particularly important to ensuring opportunities to promote the town and broader region’s tourism experiences and rich heritage are realised as part of the opening fit-out of the Centre. It’s also relevant to highlight that the video wall also forms part of the desired sponsorship agreement with Alcoa for the purposes of displaying logos, short videos and potential for promotion / education during corporate functions.

A summary of the costs associated with Option 2 are provided in the table below

	Fit Out	
Area 1	\$152,630	
Area 2	\$72,950	
Area 3	\$11,802	
Area 4	\$9,856	
Area 5	\$12,805	
Area 6	\$13,457	
Area 7	\$3,000	
Additional	\$82,815	
	\$359,315	Total cost ex GST
	\$395,248	Plus 10% contingency

As reflected above, the cost for implementation of Option 2 is \$395,248 (incl. 10% contingency). The budgetary implications in implementing this option with or without external funding is summarised in the table below.

No external funding	With \$100K Alcoa Funding	With RED Grant & \$100K Alcoa Funding
\$395,248	\$295,248	\$145,248 Shire of Murray \$150,000 RED Grant Funding \$100,000 Alcoa Aust.

Option 3: Full Fit-Out

A summary of the costs associated with Option 3 are provided in the table below:

Area	Fit Out	
Area 1	\$152,630	
Area 2	\$87,950	
Area 3	\$20,816	
Area 4	\$23,637	
Area 5	\$29,795	
Area 6	\$54,045	
Area 7	\$3,000	
Additional	\$88,785	
	\$460,658	Complete Fit Out
	\$506,724	Including 10% Contingency

Appendix 14 – DTVC Main Features describes in a more visual format the specific outcomes sought for respective areas. **Appendix 15 – Fit Out Costs** provides a more detailed breakdown of specific items and all estimated costs.

Full fit-out as proposed under Option 3, will achieve the following outcomes:

- The expectations of the local community and the local and regional tourism sector will be met, along with the BBRF Grant funding obligations;
- The fit-out will demonstrate to the local and wider community that the Shire of Murray is leading by example in its commitment and dedication to ensuring quality tourism and trail development within the region in the short term; and

- Immediate visitor impact and recognition that Dwellingup is open for business as a trail town of significance that also offers an exceptional visitor experience and a varied range of tourism experiences, products and services.

The cost for implementation of Option 3 is \$506,724 (incl. 10% contingency). The budgetary implications in implementing this option with or without external funding are summarised in the table below.

No external funding	With \$100K Alcoa Funding	With RED Grant & \$100K Alcoa Funding
\$506,724	\$406,724	\$256,724 Shire of Murray \$150,000 RED Grant Funding \$100,000 Alcoa Australia

Murray 2030 Strategic Community Plan

Focus Area	Places for People
Aspiration	To create great places for the people through strong partnerships with the community; innovative urban design; and improve the well-being and quality of life for residents.
Strategy	Plan community facilities for future generations.

Focus Area	Environment, Character and Heritage
Aspiration	To be effective stewards of our environment, history, heritage, natural landscape and rural character.
Strategy	Develop Dwellingup into a nationally recognised trails town.

Focus Area	Connected and Accessible
Aspiration	To enhance our transport linkages and opportunities to share information using a variety of travel and technology options.
Strategy	Identify and implement technologies and strategies to transform services and public access.

Focus Area	Capable and Accountable
Aspiration	To develop strong leadership through good governance, effective communication and ensuring value for money.
Strategy	Establish and maintain a user focussed communication approach throughout which the community is informed, engaged and empowered.

Murray 2019 - 2023 Corporate Business Plan

Focus Area	Thriving Economy
Objective	Maximise Murray's natural assets and heritage as a driver for tourism development.
Strategy	Develop Dwellingup into a nationally recognised trails town.
Project and Actions	Transform Dwellingup into a National Trails Town.

Other Strategic Links

- *Peel Regional Blueprint 2050*

Objective: Potential Investment Opportunities That Will Contribute to the Peel's Transformation

Strategy: Peel Regional Mountain Bike/Walking/Horse Trails and Hubs

- *Peel Tourism Economic Development Infrastructure Strategy 2016-2020*

Theme 1: Trails Hub

Strategy: Develop a stronger trail focus, immersing visitors in natural settings, including new trails, extensions and upgrades to existing trails and providing connections to amenities in towns and hubs.

Priority 1: Dwellingup Trails and Adventure Hub.

Statutory Environment

Nil

Sustainability & Risk Considerations

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

Delivery of the fit-out proposed should encourage increased visitation to Dwellingup and longer 'stay's which will assist in promoting local business and tourism-based activity.

Successful execution of a large state and federally funded project is also likely to assist the Shire in demonstrating capacity to deliver large scale projects when seeking funding opportunities in the future.

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

Delivery of a high quality, functional Trails Centre is likely to result in increased community pride and encourage increased visitation and activity within town. The centre will provide a meeting place for trail users and visitors, promote healthier lifestyles and an appreciation of the natural assets of Dwellingup and the Shire. The centre will also contribute to preserving and sharing the town's rich heritage and local culture.

Environment – (Impact on environment's sustainability)

Nil

Policy Implications

Nil

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
High	The purpose of the BBRF grant agreement (in part) was to “Enhance community facilities” and “transform Dwellingup into a National Trails Town by providing all of the facilities required to be provided for to meet the demand of this tourism segment”. There is a HIGH likelihood that the local Dwellingup community, the Shire of Murray community and State and Federal Governments will be disappointed and/or respond negatively if the building is not fully functioning on completion of the DTVC project (as per the Grant agreement details) or the high expectations for the Centre are not met. Ensuring the Shire delivers an impressive, functional centre that exceeds expectations will be important to ensuring the Shire’s reputation to deliver quality projects and outcomes.

Consultation

- Common Ground Trails
- Terrific Trading
- Visitor Centres WA
- Dwellingup Trails Development Steering Committee
- ProAV Consultants
- Mandurah and Peel Tourism Organisation
- Members of the Dwellingup Trails Development Steering Committee

Resource Implications*Financial*

The financial implications associated with each of the Options proposed are outlined within the report.

Council has allocated \$480,000 in the 19/20 budget, based on \$380,000 new loan funds and an anticipated \$100,000 contribution from Alcoa (which is yet to be confirmed). Notably should Council support recommended Option 2 and Alcoa funding and the RED Grant application are both successful only \$145,248 will be required as new loan funds.

Workforce

Implementation of either Option will be achievable with the Shire’s existing workforce resources and the non-discretionary budgets allocated for the respective financial years.

Options

Council has the option of:

1. Support: Basic Fit Out (essential requirements);
2. Support: Basic Fit Out (essential requirements) + ‘Add on’ Priority Items;
3. Support: Full Fit Out; or
4. Supporting an alternative approach to Options 1 through to 3.

Conclusion

Completion of the DNTC project is one of the highest strategic priority projects the Shire of Murray is undergoing at this time, with significant funding and resources being invested in creating Dwellingup as a tourism and trails destination of national and international significance.

It is therefore necessary for the Shire to develop a centre that meets the expectations of trail users, visitors, the community, business and funding agencies.

To achieve this outcome, it is recommended that Council resolve to endorse Option 2 at a total cost of \$395,248 (incl. 10% contingency), acknowledging that if external funding opportunities are not realised, any shortfall in funding will need to be met under the current 2019/20 budget.

Infrastructure Services

11.13 Proclamation of West Pinjarra Service Centre Ramps H385 to H388 - Forrest Highway H057

File Ref:	0579
Previous Items:	Nil
Applicant:	Main Roads Western Australia
Author and Title:	Alan Smith, Director Infrastructure Services
Voting Requirements:	Simple Majority

Appendix 16, 17 and 18

Recommendation

That Council approves that proclamation of the West Pinjarra Service Centre Ramps H385 to H388 - Forrest Highway H057 and authorises the Shire President and Chief Executive Officer to endorse and affix the Shire seal on each copy of plans 201021-0195-02 and 201821-0009-00.

In Brief

In accordance with Section 13 of the Main Roads Act, the Commissioner of Main Roads intends making a recommendation to the Hon. Minister for Transport to proclaim the new ramps at West Pinjarra Service Centre as shown on Drawings 201021-0195-02 and 201821-2009-00 as 'highways'.

Background

A letter has been received from Main Roads Western Australia (**Appendix 16**) that it is proposing to declare the new ramps at the West Pinjarra Service Centres as highways. Footpaths will be excluded from the proclamation. Such paths, if any, will therefore be the responsibility of the Shire of Murray.

Report Detail

Under Section 13 of the Main Roads Act 1930 it states:

(1) *“On the recommendation of the Commissioner the Governor may by proclamation declare that nay section or part of a road shall be-*

- (a) A highway; or*
- (b) A main road,*

Or shall cease so to be and may be the same or a subsequent proclamation declare that the footpath of any such road shall, or shall not, be excluded from the road.

Under Section 13A of the Main Roads Act 1930 it states:

- (1) The Commissioner shall cause the local government of each district in which the road is situated to be notified in writing of the details of any proposed permanent improvements to any highway or main road before commencing the improvements.*
- (2) Before making any recommendation to the Governor-*
 - (a) That nay road be declared to be a highway or main road; or*
 - (b) That the plans of any proposed new highway or main road or deviation from an existing highway or main road be approved,*

the Commissioner shall cause a notification to be given in writing to the Local Government of each district in which the road so be declared is situated or the new road or deviation is proposed to be made of his intention to make the recommendation and shall inform the local government of a date, being not less than 30 days from the date of the notification, before which any objections by that local government may be made, and nay such objection shall be considered by the Commissioner and responded to by him before making his recommendation.

- (3) *Any local government that feels aggrieved by any recommendation may, within 30 days after notification of the response of the Commissioner following his consideration of that local government’s objections, appeal to the Minister, who may vary or disallow that proposed recommendation.”*

Plans detailing the proclamation (**Appendices 17 and 18**) highlight the relevant ramps to the West Pinjarra Service Centre being considered.

Murray 2030 Strategic Community Plan

Focus Area	Connected and Accessible
Aspiration	To enhance our transport linkages and opportunities to share information using a variety of travel and technology options.
Strategy	Develop a Transport Plan that considers the wider Peel region.

Other Strategic Links

Nil

Statutory Environment

Main Roads Act 1930

Sustainability & Risk Considerations

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

Nil

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

Nil

Environment – (Impact on environment’s sustainability)

Nil

Policy Implications

Nil

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	The Management of the Freeway/Highway network falls under the control of Main Roads Western Australia. It is imperative that a consistent approach to traffic management and controlled access to roads and service facilities is managed to ensure traffic carrying capacity.

Consultation

- Main Roads Western Australia
- Western Australian Consolidated Acts

Resource Implications*Financial*

Nil

Workforce

Nil

Options

Council has the option of:

1. Approving the proclamation of the West Pinjarra Service Centre Ramps H385 to H388-Forrest Highway H057.
2. Not approving the proclamation of the West Pinjarra Service Centre Ramps H385-H388-Forrest Highway H057.

Conclusion

The proclamation of the West Pinjarra Service Centre Ramps will enable a consistent approach to traffic management and ensure controlled access to these facilities is managed ensuring traffic carrying capacity. Management of these access ramps falls under the control of Main Roads Western Australia and in consultation with the Shire of Murray prioritise and operates an efficient overarching road network.

11.14 Disposal of the Current Volvo Articulated Front End Loader including the purchase of a new Articulated Front End Loader

File Ref: 6101-07
 Previous Items: Nil
 Author and Title: Chris Pretorius, Manager Operations
 Voting Requirements: Simple Majority

Appendix 19 under Separate Confidential Cover

Recommendation

That Council:

1. approves the Confidential Assessment Report by the evaluation panel for the Replacement and Disposal of the current Volvo L70F Articulated Front End Loader; and
2. accepts the offer submitted by CJD Equipment Pty Ltd under the WALGA Preferred Supplier Contract NPN 2.15 to supply a Volvo Articulated Front End Loader.

In Brief

To progress the approved 10 year plant replacement program invitations under the Western Australian Local Government Associations (WALGA) Preferred Supplier purchasing process a Tender was invited for the supply of a new Articulated Front End Loader and to dispose of the current Volvo L70F Articulated Front End Loader (Plant Number P4052.)

The current Volvo L70F Articulated Front End Loader is part of the Civil Construction and Drainage section within the Shire of Murray.

Background

The Shire of Murray operates two Volvo L70F Articulated Front End Loaders within the Civil Construction and Maintenance section. The primary function of the loaders is to load Shire of Murray trucks with road construction and maintenance materials. These loaders are also used to assist during storm and emergency events to remove trees/debris from roads and to assist during bush fire events.

Report Detail

The report details are provided in the Confidential Assessment Report.

Murray 2030 Strategic Community Plan

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

Murray 2019- 2023 Corporate Business Plan

Nil

Other Strategic Links

Nil

Statutory Environment

The WALGA preferred supplier process used to consider purchasing the new Front End Loader is exempt from the tender requirements of the section 3.57 of the *Local Government Act 1995* and the *Local Government Functions and General Regulations 1996*. Regulation 11 (2) provides the following:

Tenders do not have to be publicly invited according to the requirements of this Division if —

- (b) the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA.

Section 3.58 (2) of the Act deals with the disposal of property, other than by way of local public notice requirements. 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.

Section 3.58 (5) (d) states that this section does not apply to any other disposition that is excluded by regulations from the application of this section.

Regulation 30 (2a) of the Local Government Functions and General Regulations 1996 states —

A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been —

- (b) the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable.

Sustainability & Risk Considerations

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

The purchasing services of WALGA (Preferred Supplier) and a formal Tender process have been used to ensure competitive pricing to minimise any financial impacts.

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

The replacement of the current Volvo L70F Articulated Front End Loader is considered to have a low to negligible impact on the community.

Environment – (Impact on environment's sustainability)

The replacement of the current Volvo L70F Articulated Front End Loader is considered to have minimal impact on the environment and newer technology may create less harmful emissions.

Policy Implications

The proposal is within budget and supports the 10 year plant replacement program. Council Policies implications have been assessed and there is minimal risk of negative community feedback and the proposal presented is in accordance with the relevant legislation and Council Policy No G11 - Purchasing.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	Financial, Operational and Reputational risk is low in considering the replacement of the current Volvo Front End Loader.

Consultation

In considering the proposal an evaluation panel was establish consisting of the Manager Operations, Workshop Supervisor, Operators of our current Articulated Front End Loaders and the Technical Officer Operations.

Resource Implications*Financial*

The financial implications are provided in the Confidential Assessment Report to Council.

Workforce

The replacement of the Volvo L70F Articulated Front End Loader is considered to have no impact on the current workforce requirements

Options

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

Conclusion

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

11.15 Dedication of Second Street Road Reserve and Various Right of Ways, Pinjarra

File Ref:	0030-01, 0035-01, 0034-01
Previous Items:	OCM.11.15 May 19 Item 11.15 (OCM19/085) OCM.11.16 May 19 Item 11.16 (OCM19/086) OCM.11.17 May 19 Item 11.17 (OCM19/187)
Author and Title:	Alan Smith, Director Infrastructure Services
Voting Requirements:	Simple Majority

Recommendation**That Council:**

1. **approves advertising the intention and inviting public submissions (for a period of 30 days) on proposals to –**
 - a. **acquire Lot 155 on DP2624 (408/459) being Second Street, Pinjarra, as Crown Land under Section 52 of the *Land Administration Act 1997* for the purpose of formal dedication as a public road; and**
 - b. **Lot 33 on DP14029 (1038/946) and Lot 166 on DP2624 (408/459) as Crown Land under the *Land Administration Act 1997* for the purpose of public Right of Ways managed by the Shire;**
2. **following the close of the submission period, should no adverse comments be received, delegates the authority to the Chief Executive Officer to formally request the Minister for Lands to acquire Lot 155 on DP2624 (408/459) as Crown Land with this land being dedicated as a public road and that Lot 33 on DP14029 (1038/946) and Lot 166 on DP2624 (408/459) be acquired by the Crown for the purpose of Public Right of Ways to be managed by the Shire; and**
3. **if any negative submissions are received on the proposals a report to be presented back to Council to consider the submissions received and determine an outcome in relation to the identified land.**

In Brief

- The identified laneways are not formally dedicated as Right of Ways and they are currently held in freehold title. Similar applies to the existing portion of Second Street, Pinjarra as this land is also held in freehold title, despite being used as a public road for many years.
- Crown acquisition of the identified land and then formal dedication for the uses detailed is required under the *Land Administration Act 1997*

Background

In May this year Council were requested to dedicate Lot 33 on DP14029 (1038/946), Lot 166 on DP2624 (408/459) and Lot 155 on DP2624 (408/459) being Second Street and at the May 2019 Ordinary Council Meeting, the following recommendations were endorsed in relation to Second Street and Right of Ways:

“That Council:

1. *requests the Minister for Lands to dedicate the Right of Way pursuant to Section 56 of the *Land Administration Act 1997*; and*
2. *indemnifies the Minister for Lands against any claim for compensation arising from this dedication.”*

“That Council:

1. requests the Minister for Lands to dedicate the laneways as Right of Ways pursuant to Section 56 of the Land Administration Act 1997; and
2. indemnifies the Minister for Lands against any claim for compensation arising from this dedication.”

“That Council:

1. requests the Minister for Lands to dedicate Second Street as a road pursuant to Section 56 of the Land Administration Act 1997; and
2. indemnifies the Minister for Lands against any claim for compensation arising from this dedication.”

Following Council determinations in May, the Department of Planning Lands and Heritage provided feedback that Second Street, Pinjarra is held on freehold title and considered a private road. To progress the land acquisition to enable Second Street to be dedicated as a road, the Shire must now request that the Minister acquire this portion of land under Section 52 of the *Land Administration Act 1997 (the Act)*, rather than by the process required by section 56 of the Act.

This involves advertising this intention for intentions for a period of 30 days seeking objections to the Minister acquiring this land as crown land and then dedicating it as Road Reserve. Similar advertising is required to dedicate the identified laneways as Right of Ways pursuant. However Section 56 of the Land Administration Act 1997 applies in this case; and

For Councils information the following are the details of the three land parcels in question.

Right of Way - Lot 33 on DP14029 (1038/946)



Right of Way - 166 on DP2624 (408/459)



Second Street - Lot 155 on DP2624 (408/459)



Report Detail

The recommendation presented for consideration supports the advice received from the Department of Planning, Lands and Heritage to deal with the acquisition and subsequent dealings with the land identified for the purposes outlined.

Murray 2030 Strategic Community Plan

Focus Area	Connected and Accessible
Aspiration	To enhance our transport linkages and opportunities to share information using a variety of travel and technology options.
Strategy	Improve the amenity and functionality of the street network and town entrances.

Other Strategic Links

Nil

Statutory Environment

- Section 56 (1) (a) and (2) of the *Land Administration Act 1997*.
- Regulation 8 of the *Land Administration Regulations 1998*.
- Section 52 of the *Land Administration Act 1997*.

Sustainability & Risk Considerations

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

There is a minor cost implication to implement the dedication process that will be managed with existing resources.

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

The acquisition of the lands identified for the purposes outlined will not affect adjoining landowners and no change use is envisaged.

Environment – (Impact on environment's sustainability)

Nil

Policy Implications

Nil

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	Should the process not be progressed the ROW, Second Street will remain within freehold property, potentially limiting the future property access and adjacent development and not reflect the Shire of Murray in the care, control and management of infrastructure within the road reserves.

Consultation

Department of Planning, Lands and Heritage

Resource Implications

Financial

Costs to be managed within existing resources.

Workforce

With the scope of the Infrastructure Services Department provision of services.

Options

Council has the option of:

1. Supporting the advertising of the intention of the Crown acquiring –
 - Lot 155 on DP2624 (408/459) being Second Street, Pinjarra, as Crown Land under Section 52 of the *Land Administration Act 1997* for the purpose of formal dedication as a public road managed by the Shire; and,
 - Lot 33 on DP14029 (1038/946) and Lot 166 on DP2624 (408/459) as Crown Land under the *Land Administration Act 1997* for the purpose of public Right of Ways managed by the Shire.
2. Not supporting the proposal presented and retain the status quo of Second Street and the existing laneways as identified being private property.

Conclusion

Resolving the historic situation with the land identified, as outlined will result in formalisation and ensure effective care, control and management by the Shire.

11.16 Disposal of the Current Iveco 6 Wheel Rigid Tipper including the purchase of a new 6 Wheel Rigid Tipper

File Ref: 6101-07
 Previous Items: Nil
 Author and Title: Chris Pretorius, Manager Operations
 Voting Requirements: Simple Majority

Appendix 20 under Separate Confidential Cover

Recommendation

That Council:

1. approves the Confidential Assessment Report by the evaluation panel for the Replacement and Disposal of the current Iveco 6 wheel rigid tipper truck; and
2. accepts the offer submitted by Truck Centre WA under the WALGA Preferred Supplier Contract NPN 04.13 to supply a Volvo FM500 6 Wheel Rigid Tipper.

In Brief

To progress the approved 10 year plant replacement program invitations under the Western Australian Local Government Associations (WALGA) Preferred Supplier purchasing process a Tender was recently invited for the supply of a new 6 Wheel Rigid Tipper Truck and to dispose of the current Iveco 6 Wheel Rigid Tipper Truck (Plant Number P4042).

Background

The Shire of Murray operates two 6 Wheel Rigid Tipper Trucks within the Civil Construction and Maintenance section. The Shire of Murray currently have an Iveco 6 Wheel Rigid Tipper and a Volvo 6 Wheel Tipper as part of the Civil Construction section and primarily is utilised in carting road building material for construction and carting of materials for maintenance projects within the Shire of Murray.

Report Detail

The report details are provided in the Confidential Assessment Report.

Murray 2030 Strategic Community Plan

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

Murray 2019- 2023 Corporate Business Plan

Nil

Other Strategic Links

Nil

Statutory Environment

The WALGA preferred supplier process used to consider purchasing the new 6 Wheel Rigid Tipper Truck is exempt from the tender requirements of the section 3.57 of the *Local Government Act 1995* and the *Local Government Functions and General Regulations 1996*. Regulation 11 (2) provides the following:

Tenders do not have to be publicly invited according to the requirements of this Division if —

- (b) the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA.

Section 3.58 (2) of the Act deals with the disposal of property, other than by way of local public notice requirements. 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.

Section 3.58 (5) (d) states that this section does not apply to any other disposition that is excluded by regulations from the application of this section.

Regulation 30 (2a) of the *Local Government Functions and General Regulations 1996* states —

A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been —

- (b) the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable.

Sustainability & Risk Considerations

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

The purchasing services of WALGA (Preferred Supplier) and a formal Tender process have been used to ensure competitive pricing to minimise any financial impacts.

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

The replacement of the current Iveco 6 Wheel Rigid Tipper Truck is considered to have a low to negligible impact on the community.

Environment – (Impact on environment's sustainability)

The replacement of the current Iveco 6 Wheel Rigid Tipper Truck is considered to have minimal impact on the environment and newer technology may create less harmful emissions.

Policy Implications

The proposal is within budget and supports the 10 year plant replacement program. Council Policies implications have been assessed and there is minimal risk of negative community feedback and the proposal presented is in accordance with the relevant legislation and Council Policy No G11 - Purchasing.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	Financial, Operational and Reputational risk is low in considering the replacement of the current Iveco 6 Wheel Rigid Tipper Truck.

Consultation

In considering the proposal an evaluation panel was establish consisting of the Manager Operations, Civil Supervisor, Workshop Supervisor, Operators of our current Articulated Front End Loaders and the Technical Officer Operations.

Resource Implications*Financial*

The financial implications are provided in the Confidential Assessment Report to Council.

Workforce

The replacement of the Iveco 6 Wheel Rigid Tipper Truck is considered to have no impact on the current workforce requirements

Options

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

Conclusion

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

Items for Information

11.17 Council Resolution/Outstanding Items

Resolution Register is attached for information.

Appendix 21

11.18 Delegated Decisions – August 2019

Delegated Decisions is attached for information.

Appendix 22

12. BUSINESS LEFT OVER FROM THE PREVIOUS MEETING

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

14. NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING

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

16. MEETING CLOSED TO THE PUBLIC (CONFIDENTIAL BUSINESS)

17. CLOSURE OF MEETING