



# **Minutes**

**Ordinary Council Meeting**

**Thursday 12 November 2015**

**Ordinary Council – 12 November 2015  
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Minutes of the Ordinary Meeting of Council held at the Murray Shire Council, 1915 Pinjarra Road, Pinjarra on Thursday 12 November 2015.

The Presiding Member Cr M Reid declared the meeting open the time being 9.00am.

## 1. ATTENDANCES

Cr M Reid	Shire President
Cr S Lee	Deputy Shire President
Cr W Barrett	Councillor
Cr C Thompson	Councillor
Cr A Rogers	Councillor
Cr C Rose	Councillor
Cr P Briggs	Councillor
Cr D Bolt	Councillor
Mr D Unsworth	Chief Executive Officer
Mr R Peake	Director Planning and Sustainability
Mr A Smith	Director Technical Services
Ms J Spence	Administration Support Officer (Executive)

There were two members of the public, one member of staff and two members of the press in attendance at this time.

## 2. ABSENT

Mrs J Burton (Annual Leave) Director Corporate and Community Development

## 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

## 4. PUBLIC QUESTION TIME

Nil

## 5. CONFIRMATION OF MINUTES

### 5.1 Special Council Meeting – 22 October 2015

#### OFFICER RECOMMENDATION/COUNCIL DECISION:

OCM15/299

Moved: Cr C Thompson

Seconded: Cr P Briggs

That the Minutes of the Special Council Meeting held on Thursday 22 October 2015 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY 9:0

**5.2 Ordinary Council Meeting – 22 October 2015**

**OFFICER RECOMMENDATION/COUNCIL DECISION:**

**OCM15/300**

**Moved: Cr P Briggs**

**Seconded: Cr C Thompson**

**That the Minutes of the Ordinary Council Meeting held on Thursday 22 October 2015 be confirmed as a true and correct record.**

**CARRIED UNANIMOUSLY 9:0**

**6. DECLARATIONS OF INTEREST**

**Cr S Lee** declared an Impartiality Interest in Ordinary Council Meeting Item 12.5 - Community Assistance Fund as he is treasurer of the Peel Trails Group.

**Cr D Bolt** declared an Impartiality Interest in Ordinary Council Meeting Item 12.5 - Community Assistance Fund as he is the Director of Ripplevision and Dwellingup Community Compact are a customer.

**7. ANNOUNCEMENTS BY THE SHIRE PRESIDENT WITHOUT DISCUSSION**

Nil

**8. QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN WITHOUT DISCUSSION**

Nil

**9. CORRESPONDENCE**

Nil

**10. PETITIONS, MEMORIAL, DEPUTATIONS AND PRESENTATIONS**

Nil

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

Nil

## 12. REPORTS OF OFFICERS

### Planning and Sustainability

#### 12.1 Pinjarra Town Centre Precincts Local Planning Policy

File Ref: GE02/85  
Author and Title: Rod Peake, Director Planning and Sustainability

#### Appendix 1

##### Purpose

To consider preparation of a draft local planning policy which proposes to introduce planning precincts in the Pinjarra Town Centre to guide the location of development.

##### Background

Pinjarra has traditionally been a small contained town, servicing regional agricultural activities and has acted as the administrative hub for the Shire of Murray and its rural hinterland. Until relatively recently growth pressures in Pinjarra have been low, reflecting the declining prominence of the agricultural industry, and the high attraction of coastal towns with greater amenity. Population pressures are now driving the expansion of the town.

The successful transition of Pinjarra to a vibrant, diverse, and accessible Secondary Activity Centre as provided for under State Planning Policy 4.2 Activity Centres for Perth and Peel will make a major contribution toward the economic and social sustainability of the Shire into the future.

Key uses within Pinjarra are currently dispersed resulting in a relatively poor level of intensity compared to other Secondary centres within the Perth and Peel Regions. Pinjarra is also facing pressure like many towns and centres for commercial development to grow along the line of major roads.

Consolidation of a variety of uses within a defined town centre core will strengthen the traditional town centre, reduce the need for multiple vehicle trips, activate secondary businesses adjacent to major attractors, activate the centre beyond traditional retail hours, create a critical mass which would encourage walkability and contribute to the town's sense of place. Intensification of the centre therefore needs to be a focus of any growth strategy for the town.

There are various sites on the periphery of the town that are available and could potentially come under development pressure in the short term. It is important that these sites are not developed for high intensity uses such as shopping centres at the expense of the town core.

The Shire is currently preparing a Revitalisation Strategy for the Pinjarra Town Centre. Part of the Strategy will include an Activity Centre Structure Plan to set out the desired spatial vision and guidelines for the centre. In the interim and in order to provide clear direction, this policy proposes to designate a core and frame precinct for the town centre and set out the respective roles and suitable land uses in each.

##### Proposal

It is proposed to prepare a local planning policy to provide clear direction in the location where more intensive land uses ought to establish within the Pinjarra Town Centre.

A copy of the draft policy is attached at **Appendix 1**.

**Murray 2025 Strategic Community Plan**

<b>Objective: 2</b>	A progressive and diverse economy that maximises employment and business opportunities
<b>Outcome: 2.1</b>	Increased opportunities for responsible commercial, agricultural, industrial and residential development investment
<b>Strategy: 2.1.3</b>	Facilitate the revitalisation of the Pinjarra town centre as a vibrant destination to work, live and visit

<b>Objective: 4</b>	Well planned integrated and active places that embrace and respect our rural lifestyle, built and natural environment and heritage
<b>Outcome: 4.1</b>	Growth is managed in a sustainable and responsible way that protects our lifestyle and the natural environment
<b>Outcome 4.2</b>	Town centres are welcoming, well presented, and developed to enhance their character and value
<b>Strategy: 4.1.2</b>	Establish a comprehensive and sustainable local planning framework to guide the growth of our Shire
<b>Strategy: 4.2.5</b>	Enhance the distinctive qualities of our towns, streetscapes and urban areas to strengthen local character and identity

**Murray 2015-2019 Corporate Business Plan**

<b>Action 4.1.2.6</b>	Prepare and review a range of Local Planning Policies to support sustainable planning outcomes
<b>Action: 2.1.3.2</b>	Develop the Pinjarra Town Centre Revitalisation Plan

**Statutory Environment**

Local planning policies are adopted pursuant to the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations (Schedule 2, clauses 3 and 4). Policies are required to be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.

A local government may prepare a local planning policy in respect of any matter related to the planning and development of its Scheme area. A local planning policy:

1. may apply generally or in respect of a particular class or classes of matters specified in the policy; and
2. may apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy.

**Policy Implications**

A local planning policy is not part of the scheme and does not bind Council in respect of any application for planning approval. Council is however required to have due regard to the provisions of adopted local planning policies and the objectives which these policies are designed to achieve before making its determination on applications.

## **Sustainability and Risk Considerations**

### *Economic - (Financial impact to the community)*

Consolidation of higher intensity uses within the town core will ensure that activity is not misdirected away from the traditional town centre and will help to activate secondary businesses adjacent to major attractors.

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

Improving the intensity of development within the town centre core will help to add vibrancy to the town and activate the centre beyond traditional retail hours. It will also create a critical mass which would encourage walkability and contribute to the town's amenity and sense of place.

### *Environment – (Impact on environment's sustainability)*

Strengthening the core of the town centre will reduce help to facilitate a critical mass which would encourage walkability and enable users to more easily perform a variety of multiple purpose trips, encouraging more sustainable travel patterns including public transport, pedestrian access and multipurpose trips requiring only onetime parking.

### *Governance Implications*

Nil

### *Overall Risk Management Consideration*

The key risk if Council does not proceed with the policy at this time is that continuing pressure will be placed on the Shire to approve high intensity land uses such as shopping centre outside of the town core which if established will dilute the activity level in the town core for a substantial period.

Overall, because of the consequences of an adhoc high intensity land uses being established the level of risk of not proceeding with this policy is considered to be high.

## **Consultation**

The deemed provisions of the Planning and Development (Local Planning Schemes) Regulations require the Shire to place a notice advertising details of the proposed policy in a newspaper circulating in the Shire once a week for two consecutive weeks and also to give notice of the proposed policy in other ways considered appropriate by the local government. Notices are to seek submissions on the proposed policy and provide at least 21 days for this to occur.

## **Resource Implications**

### Financial

The costs associated with the preparation and advertising of the local planning policy can be absorbed within the 2015-16 Planning and Sustainability operational budget.

### Workforce

Nil

## Options

Council has the option of:

1. resolving to prepare and advertise a local planning policy either in the form recommended or another form; or
2. resolving not to prepare the policy.

## Conclusion/Justification of Officer Recommendation

There are various sites on the periphery of the Pinjarra town centre that are available and could potentially come under development pressure in the short term. It is important that these sites are not developed for high intensity uses such as shopping centres at the expense of the town core.

The Shire is currently preparing a Revitalisation Strategy for the Pinjarra Town Centre. Part of the Strategy will include an Activity Centre Structure Plan to set out the desired spatial vision and planning guidelines for the centre. It is likely that these plans will not be finalised until mid to late 2016. In the interim and in order to provide clear direction and reduce the risk of ad hoc development proceeding this policy will designate a core and frame area for the town centre and set out the respective roles as well as suitable and unsuitable land uses in each.

Following advertising of the draft policy a further report will be prepared for Council to consider the adoption of the policy.

## Voting Requirements

Simple Majority

### **OFFICER RECOMMENDATION/COUNCIL DECISION:**

**OCM15/301**

**Moved: Cr C Thompson**

**Seconded: Cr W Barrett**

**That Council, pursuant to the requirements of the deemed provisions set out in Schedule 2, clauses 3 and 4 of the Planning and Development (Local Planning Schemes) Regulations, prepares and advertises the draft Pinjarra Town Centre Precincts Local Planning Policy as set out in Appendix 1.**

**CARRIED UNANIMOUSLY 9:0**

## Corporate Governance

### 12.2 Shire of Murray Meeting Procedures Local Law 2015

File Ref:	1123		
Previous Items:	CCS May 10	Item 8.1	(CCS 10/072)
	OCM May 10	Item 10.5.1.3	(OCM10/102)
	CCS July 10	Item 5.8	(CCS10/139)
	OCM July 10	Item 10.5.1.6	(OCM10/160)
	CCD June 11	Item 6.2	(CCD11/080)
	OCM June 11	Item 10.5.2	(OCM11/099)
	CCD July 11	Item 6.1	(CCD11/102)
	OCM July 11	Item 10.2.2	(OCM 11/111)
	OCM June 15	Item 12.8	(OCM15/150)
Proponent	Council		
Author and Title:	Dean Unsworth, Chief Executive Officer Robert Marlborough, Manager Governance		

## Appendix 2

### Purpose

To consider the reviewed Shire of Murray Meeting Procedures Local Laws 2015 and progress the enactment in accordance with the requirements of the *Local Government Act 1995*.

### Background

The current Murray Council Standing Orders were reviewed for public comment in October 2007 and formally adopted in December 2007. Under the *Local Government Act (1995)*, Local Laws are required to be reviewed every eight (8) years.

A report was presented to Council in June and July 2011 to deal with a review of the 2007 Standing Orders. However it was resolved that the 2007 Standing Orders remain unchanged.

The current Standing Order Local Law was to be reviewed earlier in 2015. However, due to local government reform it was decided by the Local Implementation Committee to review Standing Orders once the boundary change occurred, which was to have been 1 July 2015. After the abandonment of local government reform Council were presented with a draft Meeting Procedures (Standing Orders) Local Law 2015 at the Ordinary Meeting on 25 June 2015 and the following recommendation was adopted (OCM15/150). That:

1. *the Shire President reads aloud the Notice of Purpose and Effect of the proposed Shire of Murray Meeting Procedures Local Law 2015, as printed on page 38 of this Agenda;*
2. *Council approves for the making of the proposed Shire of Murray Meeting Procedures Local Law 2015, as detailed at Appendix 14 in accordance with sections 3.12(3)(a)(b) and (3a) of the Local Government Act 1995; and*
3. *Council approves for the Chief Executive Officer to –*
  - a) *undertake Statewide advertising and arrange for the display of public notices relating to the proposed local law that invite public submissions for a minimum of 6 weeks;*
  - b) *make copies of the proposed local law available to the general public;*
  - c) *forward a copy of the proposed local law to the Minister for Local Government and prepare National Competition Policy after the close of submission period; and*

- d) *prepare a further report on the proposed local law for Council consideration after the closing date for submission.*

Subsequent to Council's decision the proposed Shire of Murray Meeting Procedures Local Law 2015 was advertised in the Pinjarra Murray Times newspaper on Wednesday 8 July 2015 and the West Australian newspaper on Wednesday Friday 10 July 2015. Copies of the public advertising were also displayed on public notice boards at the Shire Administration Office and Murray Library and on the Shire Website. Submissions closed at 2pm on 28 August 2015.

During the public consultation period the only one response on the proposed local law was received from the Department of Local Government and Communities (DLGC). The Department raised a number of drafting concerns with the proposed local law and suggested amendments were provided. The majority of the DLGC suggested changes related to minor amendments. However more significant concerns were raised with sections 3.4, 3.5 and 4.8 of the proposed local law due to matters previously considered, with other similar local laws by the Parliamentary Subsidiary Legislation Committee.

Further advice was sought from McLeod's Barristers and Solicitors on the major concerns raised by DLGC and attached for Council's consideration at **Appendix 2** is the redrafted Shire of Murray Meeting Procedures Local Law 2015 incorporating the DLGC suggested minor amendments and the legal advice from McLeod's to address matters within sections 2.4, 3.4, 3.5 and 4.8. Insertions proposed are in bold highlighted text and deletions have been struck through.

### Proposal

As the proposed amendments are not considered to be minor it will be necessary to recommence the local law making process required by the Act and the recommendation presented to Council is suggested to be supported.

### Murray 2025 Strategic Community Plan

<b>Objective 1:</b>	Strong and collaborative leadership which engages in effective partnerships and reflects the aspirations of the community.
<b>Outcome 1.4:</b>	Effective systems and workforce to maintain high level customer service and fast decision making.
<b>Strategy 1.4.2:</b>	Ensure effective integration and management of information, communication and technology systems.

### Murray 2015-2019 Corporate Business Plan

<b>Action 1.1.3.2:</b>	Maintain effective local laws for the district
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### Other Strategic Links

Nil

### Consultation

- Legal Advice from McLeod's Solicitors;
- Public Advertising;
- Department of Local Government and Communities.

### **Sustainability Implications**

*Economic - (Financial impact to the community)*

Not applicable

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

Not applicable

*Environment - (Impact on environment's sustainability)*

Not applicable

*Governance/Risk Statement - (Policy implications/level of risk)*

Council polices are not impacted this matter. The *Local Government Act 1995* provides processes for making local laws which are subject to legislative compliance and transparency by community consultation. The risk of negative community comment or increased governance risk is considered to be low.

### **Statutory Environment**

Section 5.25 of the *Local Government Act* refers to regulations (such as a Local Law) being made for the conduct of meeting. The Act's intention is to have procedures for the proper and appropriate running of a meeting. These procedures are specified in detail through the implementation of a Local Law.

Also Regulation 4 of the *Local Government (Rule of Conduct) Regulations 2007* creates a minor breach of the Act for failing to comply with a local law as to conduct at council or committee meetings.

Council may make local laws in accordance with Part 3 of the *Local Government Act 1995* and in so doing, all local laws are then to be reviewed within eight years of their commencement date.

The process of adopting or amending a local law is set out in s3.12 of the *Local Government Act 1995* and is summarised in Table 1 below with further information provided following the table. In addition, Regulation 3 of the *Local Government (Functions and General) Regulations 1996* provides that:

*"For the purpose of section 3.12, the person presiding at a Council meeting is to give notice of the purpose and effect of a local law by ensuring that —*

- (a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and*
- (b) the minutes of the meeting of the council include the purpose and effect of the proposed local law."*

The following fulfils the requirement defined in Regulation 3:

NOTICE of purpose and effect of the proposed Shire of Murray Meeting Procedures Local Law 2015:

***"The purpose of these meeting procedures is to provide for the orderly conduct of meetings of the Council and its Committees, the manner in making an effective petition to the local government, and for the safe custody and use of the Common Seal.***

***The effect of making the meeting procedures is that all Council and Committee meetings, the manner of a petition to the local government, and the use of the Common Seal, are to be governed by local law unless otherwise provided in the Local Government Act or Regulations."***

**Timetable**

<b>TASK</b>	<b>LGA SECTION</b>	<b>EFFECTIVE DATE</b>
<b>Report to Council</b> for approval to advertise proposed new Local Laws.  <i>(President to give notice of the purpose and effect to the meeting of the proposed local law).</i>	3.12(2)	November 2015
Give <b>Statewide and local public notice</b> and make copies available to the general public	3.12(3) & (3a)	November 2015
<b>Closing date for submissions</b> to be received (not less than 6 weeks)	3.12(4)	Late December
<b>Give copy of the proposed local law and the notice to the Minister</b> for Local Government and prepare National Competition Policy review after advertising.	3.12(3)(b)	November 2015
<b>Consider submissions and report back to Council</b> to determine whether to make a Local Law (Absolute majority required)	3.12(4)	February 2016
<b>Publish Local Laws in Government Gazette</b> and <b>Give copy to the Minister</b> for Local Government and Regional Development	3.12(5)	Providing amendments are not substantial, - February 2016
<b>Give Statewide and local public notice</b> advising that the new laws have been made, the title, and make copies available to the general public	3.12(6)	February 2016
<b>Prepare explanatory memorandum</b> and submit with copy of the new Local Laws to <b>Parliamentary Joint Standing Committee on Delegated Legislation.</b>		February 2016
<i>Note: Dates are a guide only.</i>		

Section 3.12 of the *Local Government Act 1995* deals with the procedure for making local laws –

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to —
  - (a) give Statewide public notice stating that —
    - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and
    - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
    - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;

and

- (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
- (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.

(3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.

(4) After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.

\* *Absolute majority required.*

(5) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.

(6) After the local law has been published in the *Gazette* the local government is to give local public notice —

- (a) stating the title of the local law; and
- (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
- (c) advising that copies of the local law may be inspected or obtained from the local government's office.

(7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

(8) In this section —

**making** in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

Of relevance is s3.12 (4), where a local law initially proposed is significantly different, section 3.13 applies and in this case the major amendments proposed are considered to enact section 3.13.

Section 3.13 Procedure where significant change in proposal -

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

### **Options**

To deal with this matter Council may –

1. accept the officer recommendation to recommence the process to make a the proposed Shire of Murray Meeting ; or
2. reject the proposal to make a new meeting procedures local law.

### **Resource Implications**

Financial

The cost of making the proposed local law which includes re-advertising and gazettal is approximately \$2000. Funds are available in the 205/2016 budget for the project cost.

Workforce

Nil

### **Conclusion/Justification of Officer Recommendation**

It is recommended that Council recommences the process under the Local Government Act 1995 to make a new Meeting Procedures Local Law to provide for the orderly conduct of meetings of the Council and its Committees and effectively manage the business of meetings.

### **Voting Requirements**

Simple Majority

#### **OFFICER RECOMMENDATION/COUNCIL DECISION:**

**OCM15/302**

**Moved: Cr S Lee**

**Seconded: Cr W Barrett**

**That:**

- 1. the Shire President reads aloud the Notice of Purpose and Effect of the proposed Shire of Murray Meeting Procedures Local Law 2015, as printed on 9 of this Agenda;**
- 2. Council approves for the making of the proposed Shire of Murray Meeting Procedures Local Law 2015, as detailed at Appendix 2 in accordance with sections 3.12(3)(a)(b) and (3a) of the Local Government Act 1995 with the following amendments:**
  - 2.5 (a) the motion, in the opinion of the presiding is a matter of urgency and the motion could not reasonably be dealt with at the next ordinary meeting of the council; or**
  - (b) a decision of the Council; and**
  - (c) it was not reasonable for the notice to be given; and**
- 3. approves for the Chief Executive Officer to –**
  - a) undertake Statewide advertising and arrange for the display of public notices relating to the proposed local law that invite public submissions for a minimum of 6 weeks;**
  - b) make copies of the proposed local law available to the general public;**
  - c) forward a copy of the proposed local law to the Minister for Local Government and prepare National Competition Policy documentation after the close of submission period; and**
  - d) prepare a further report on the proposed local law for Council consideration after the closing date for submissions.**

**CARRIED UNANIMOUSLY 9:0**

#### **Reason for change:**

To give the Council the option of considering an item of new business.

### 12.3 Edenvale Homestead Artist in Residence Proposal

File Ref: 7313  
Previous Items: Nil  
Applicant: Edenvale Advisory Committee  
Author and Title: Dean Unsworth, Chief Executive officer

#### **Purpose**

For Council to consider a proposal to energise the Edenvale homestead following the moving of the Pinjarra Visitor Information Centre.

#### **Background**

Earlier this year Council resolved to move the Pinjarra Visitor Information Centre from its previous location at the front of the Edenvale homestead to the Murray Arts and Crafts building.

The transfer has to date been a success with the service now being 7 days a week and saving the ratepayers many thousands of dollars, which in turn has allowed the Dwellingup service to be returned to a 7 day a week service.

Since the relocation of the Pinjarra service the front northern section has been empty. This detracts significantly to the experience of Edenvale. Included is a room that has its own access. This room has been made use of previously by Friends of Edenvale President Ms. Elaine Berry as an office and for storage for antique pieces. It has been used 1-2 days per week for many years and is closed off to visitors. Previously, the Peel Heritage Advisor (Mr. Eddie Marcus) has also used the office, however that room is not needed now by him.

The Edenvale Advisory Committee ("the Committee") is wanting this space to be utilised to enhance the Edenvale experience. The Committees preference is to have an 'artist in residence' who can be observed making their works.

Council are requested to consider a proposal in which an artist who works in glass. The Committee recommends Eileen MacPherson to use this space. Ms. MacPherson is an artist who works with glass; making jewelry, lead lighting, slump glass pieces and more.

It is noted that any fire-works such as the usage of a kiln would not be used in the homestead.

The current state of the spare office is average at best. However the artist is willing to accept the room in its current state and have it cleaned to an acceptable standard.

While this recommendation would normally come to Council via the Edenvale Advisory Committee via their Minutes, the artist is hoping to be established well before Christmas and the summer holiday period. This would also be advantageous as an added attraction to the Shire of Murray Christmas Carols festival and for the summer tourist season.

Ms. MacPherson is willing to accept the room in its current state and have it cleaned to an acceptable standard and would like to be moved into the room well before Christmas. She is prepared to pay a reasonable rental and pay her shared of utilities.

### **Murray 2025 Strategic Community Plan**

<b>Objective 4:</b>	Well planned, integrated and active places that embrace and respect our rural lifestyle, built and natural environment and heritage
<b>Outcome 4.4</b>	Our heritage is embraced, protected and promoted
<b>Strategy 4.4.1</b>	Protect and enhance identified heritage places
<b>Strategy 4.4.2</b>	Establish statutory and policy mechanisms to support the conservation and continued use of heritage places
<b>Strategy 4.4.4</b>	Promote and awareness and appreciation of the Shire's heritage assets

### **Other Strategic Links**

Maximising the usage of Edenvale is consistent with the Edenvale Management Plan.

### **Statutory Environment**

*Local Government Act*, Section 3.58 – Disposing of Property states:

A local government can only dispose of property to –

- a) the highest bidder at public auction; or
- b) public tender; or
- c) by giving public notice of a proposed disposition and calling for submissions.

This proposal however is not a lease, but proposes to give use of the room and office for a period of time, for example six months. This would allow the artist to build interest and after that initial period a further negotiation could take place on a more formal basis.

### **Policy Implications**

Nil

### **Sustainability & Risk Considerations**

*Economic - (Financial impact to the community)*

While the room and office could generate some rental income to Council, it would be minimum and would take some months to go through a formal advertising process in any case. Therefore the impact on the community is very minimal.

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

A more vibrant Edenvale is of social benefit for residents and an added attraction to the many visitors to Edenvale.

*Environment – (Impact on environment's sustainability)*

Nil

*Governance – (Policy implications)*

Nil

*Overall Risk Management Consideration*

There is minimal reputational or financial risk to Council.

**Consultation**

Edenvale Advisory Committee

**Resource Implications**

Financial

Only internal officer time is required at this point.

Workforce

Nil

**Options**

Council has the option of:

1. Offering the artist the use of the room that previously housed the Pinjarra Visitors Centre and adjacent office.
2. Offering the space to rent as a private lease.
3. Keep the space for another purpose.

**Conclusion/Justification of Officer Recommendation**

An artist in residence has been discussed informally for many years by user groups and the Edenvale Advisory Committee as something that would add tremendous benefit to the Edenvale experience. This is an opportunity for Council to maximise such a quality artist.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council:

1. offers the space at the Edenvale homestead previously housed by the Pinjarra Visitors Centre including the adjacent office to artist Ms Eileen MacPherson for a period to 30 June 2016 where this agreement will then be reconsidered; and
2. delegates to the Chief Executive Officer the power to negotiate fair and reasonable recoup of outgoings to cover expenses of artist in residence Ms Eileen MacPherson.

**COUNCIL DECISION:**

**OCM15/303**

**Moved: Cr S Lee**

**Seconded: Cr A Rogers**

**That Council:**

1. offers the space at the Edenvale homestead previously housed by the Pinjarra Visitors Centre including the adjacent office to artist Ms Eileen MacPherson for a period to 30 June 2016 where this agreement will then be reconsidered; and

- |   |
|---|
| <p><b>2. delegates to the Chief Executive Officer the power to negotiate fair and reasonable recoup of outgoings to cover expenses of artist in residence Ms Eileen MacPherson.</b></p> <p><b>3. that advertising for expressions of interest be conducted prior to 30 June 2016</b><br/><b>CARRIED UNANIMOUSLY 9:0</b></p> |
|---|

**Reason for change:**

Council changed the Officer Recommendation to add point three so that advertising for expressions of interest can be carried out prior 30 June 2016.

## 12.4 Peel Development Commission Board Vacancies

File Ref: 1628  
Previous Item Nil  
Author and Title: Dean Unsworth, Chief Executive Officer

### Appendix 3

#### Purpose

Correspondence has been received from the Peel Development Commission (**refer Appendix 3**) advising that nominations are now being sought to appoint a Local Government representative to the Peel Development Commission Board.

#### Background

The Commission has requested that Council nominate up to two (2) Councillors to fill a vacancy which has arisen as a result of the expiration of the current term of Cr Don Pember (City of Mandurah).

The Commission requires one (1) Elected Member experienced in the economic and social development of the region. Other qualities should include decision making abilities, an ability to work cooperatively within a team environment and interests relevant to the Peel community.

A Vacancy information form and nomination form is also attached (**refer Appendix 3**).

#### Proposal

It is proposed that Council nominate two (2) Elected Members to be considered for the Peel Development Commission Board. These nominations will then be reviewed against all other nominations with the decision to be made by the Minister for Regional Development, the Hon. Terry Redman.

#### Strategic Outcomes

Not Applicable

#### Statutory Environment

*Regional Development Commissions Act 1993*

#### Policy Implications

Not Applicable

#### Sustainability and Risk Considerations

*Economic - (Financial Impact to the Community)*

Not Applicable

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

Not Applicable

*Environment – (Impact on environment's sustainability)*

Not Applicable

*Governance Implications*

Not Applicable

*Overall Risk Management Consideration*

Not Applicable

**Consultation**

Peel Development Commission

**Resource Implications**

Financial

Nil

Workforce

Nil

**Options**

Council is requested to nominate up to two (2) Councillors that would then be considered by the Minister to be appointed to the Peel Development Commission Board.

**Conclusion/Justification of Officer Recommendation**

As detailed within this report.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION:**

**OCM15/304**

**Moved: Cr P Briggs**

**Seconded: Cr S Lee**

**That Council advises the Minister for Regional Development that Councillors Cr C Thompson and Cr D Bolt are the Shire of Murray's nominations for the Peel Development Commission Board vacancy.**

**CARRIED UNANIMOUSLY 9:0**

## Recreation and Community Development

### 12.5 Community Assistance Fund

File Ref: 8/9116  
Previous Items: OCM Aug 27 Item 12.5 OCM15/215  
Author and Title: Kelly Shipway, Community Development Officer

#### Appendix 4

**Cr S Lee** declared an Impartiality Interest in Ordinary Council Meeting Item 12.5 - Community Assistance Fund as he is treasurer of the Peel Trails Group.

**Cr D Bolt** declared an Impartiality Interest in Ordinary Council Meeting Item 12.5 - Community Assistance Fund as he is the Director of Ripplevision and Dwellingup Community Compact are a customer.

**Cr S Lee and Cr D Bolt** both withdrew from the meeting the time being 9.21am.

#### Purpose

Council is requested to consider applications for the second round of the Community Assistance Fund for 2015/16.

#### Background

The Shire of Murray Community Assistance Fund aims to assist community groups to build and strengthen their organisational capacity, develop skills, or to host an event in an endeavour to deliver services within the Shire of Murray that effectively contribute to building vibrant, inclusive and healthy communities.

Council has committed \$15,000 in the 2015/16 budget towards the Community Assistance Fund, which is open to sporting clubs and not for profit community organisations four times each year.

Funding applications are required to meet one of the following key priority areas:

- Building the capacity and sustainability of community organisations.
- Encouraging community engagement and participation in community life or activation of places and facilities.
- Encouraging social inclusion.
- Protection of our environment.
- Supporting the development of and participation in arts and culture.
- Supporting a safe and healthy community.
- Promoting increased physical activity.
- Increasing support or services to priority target groups including families, children, youth, seniors, indigenous, culturally diverse backgrounds, people with disability and people of low socio economic background.

Four thousand dollars in funding was awarded in round one of the Community Assistance Fund leaving a balance of \$11,000 for the three remaining rounds. Five applications were received in the second round of funding, with one applicant, the Peel Trails Group lodging the funding application after the close off date.

#### Proposal

The second round of funding through the Community Assistance Fund closed on the 9 October 2015. Five applications for funding have been received with the total amount requested amounting to \$6350.

An assessment of each of the applications is detailed in the below table:

	<b>Applicant</b>	<b>Proposed Project</b>	<b>\$ Sought</b>	<b>\$ Recommended</b>
1.	Murray District Rangers Soccer Club  D15/50565	<b>Community Soccer Open Day</b> <i>Total project cost: \$600</i> To provide a soccer open day with coaching clinics, fitness awareness, fun through team sports and social inclusion whilst recruiting new volunteers and members.	\$600	\$600
<p><u>Assessment:</u> Overall, this project strongly fits the funding criteria, building vibrant, inclusive and healthy communities while supporting the development of, and participation in, sport and recreation. The Community Soccer Open Day is a free community event building the organisational capacity of the Murray District Rangers Soccer Club whilst encouraging social inclusion, promoting healthy lifestyles and recruiting members and volunteers to the club. The funding application is strong with focus on building capacity of the club.</p>				
2.	North Yunderup Community Association	<b>Skate Park Pieces for King Fisher Park</b> <i>Total project cost: \$4950</i> Request to purchase new skate ramps for Kingfisher Park, keeping the youth hub vibrant with new equipment.	\$1500	\$1500
<p><u>Assessment:</u> The North Yunderup Community Association has a strong focus on creating a sense of belonging for young people living in the area. The project fits well within the Community Assistance Fund objectives supporting target groups including families, children and youth, allowing community members to engage with young people and build intergenerational relationships. The application rated very highly. It is encouraging to see community groups driven to support the needs of local residents. Other funding options area also being pursued. Officer recommendation is to fund the maximum request of \$1,500 for this project, with a condition that the equipment must be approved by the Shire prior to purchase, to ensure safety standards are met.</p>				
3.	Dwellingup Community Compact	<b>Dwellingup Street Pole and Banner Project</b> <i>Total project cost: \$43,590</i> Install eight 5.6m street poles and banners that advertise local community and tourism initiatives	\$1500	\$1500
<p><u>Assessment:</u> The Dwellingup Street Pole and Banner Project is a very clever advertising platform with the capacity to activate the entire Dwellingup community. With a population of around 700 people, local residents rely heavily on the tourist dollar. This project provides positive ongoing economic benefit to the town of Dwellingup improving the street scape and capturing the attention of passing traffic. The project rates well with potential to target all of the funding objectives with the interchangeable banners.</p>				

<p>This group has sought Council support in many ways for this project, but they have successfully funded nearly the entire project and are only a few thousand dollars short. This funding could see the eventuation of this project. Some technical aspects of the project are currently being considered and will form the conditions of the funding.</p>				
4.	Yunderup Sport and Recreation Club	<p><b>Purchase a Defibrillator</b>  <i>Total project cost: \$1900</i></p> <p>To purchase a defibrillator to be housed at the Yunderup Sport and Recreation Club for the safety of community groups and patrons who attend the facility.</p>	\$1500	\$500
<p><u>Assessment:</u></p> <p>The Yunderup Sport and Recreation Club has a high member base and is used by hundreds of patrons and community groups for sport and recreation purposes. The group wish to purchase a defibrillator to be housed at the facility to save lives should a situation arise. The project is a positive initiative, ensuring the safety and wellbeing of patrons.</p> <p>Unfortunately, the project does not fit with the key intent of the Policy, however this proposal does 'support a safe and healthy community'. Partial funding of \$500 is recommended to support the project</p>				
5.	Peel Trails Group Inc	<p><b>Peel Region Cycle Instead Bikeweek 2016</b>  <i>Total project cost: \$18,500</i>  <i>(Actual Cash Cost : \$4000)</i></p> <p>A calendar collaboration of annual events that showcase the regions cycling groups, services and facilities.</p>	\$1250	\$0
<p><u>Assessment:</u></p> <p>The Peel Region Cycle Instead Bikeweek event has been traditionally supported by the Shire of Murray. The budget submitted with the application contains a high level of volunteer and inkind labour. The actual cash component is \$4000 for advertising. The financial support requested from the Shire of Murray is also higher than the request from the City of Mandurah, where the majority of events take place.</p> <p>The application from the Peels Trails Group was received after the grant close off date. Due to limited funding available, priority should be given to applicants who fit within funding guidelines.</p> <p>Due to limited funds available and to be fair to other applicants, the officer recommendation is to decline the Peel Trails Group on this occasion.</p>				

### Murray 2025 Strategic Community Plan

<b>Objective: 3</b>	Promote a harmonious community
<b>Outcome: 3.1</b>	A healthy and connected community with a strong sense of community spirit and pride
<b>Strategy:3.1.4</b>	Facilitate and support activities that bring the community together

## Murray 2015-2019 Corporate Business Plan

<b>Action 3.1.1.1</b>	Continually engage local progress associations, community groups and the broader community to foster partnerships and community activities
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### Other Strategic Links

Nil

### Statutory Environment

*Local Government Act 1995* – Part 6 Financial Management

### Policy Implications

Shire of Murray Policy Manual CC12 Community Assistance Fund

### Sustainability & Risk Implications

*Economic - (Financial impact to the community)*

The proposed recommended projects are not likely to have an adverse economic impact. All projects engage with community at different levels and some potentially have capacity to retain or generate spending in the local area as a result of the activities.

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

The proposed funding requested by the specified applicants enhances opportunities for social and community inclusion for all groups, their respective participants and spectators, and also provides opportunities for new relationships and skills development.

*Environment – (Impact on environment's sustainability)*

None of these proposals are expected to adversely impact on the environment.

*Governance – (Policy implications)*

Policy CC12 – Community Assistance Fund. These applications have been received through the Community Assistance Fund as per policy CC12.

### Overall Risk Management Consideration

The key risk in relation to community assistance funding lies around the support or rejection of each application and whether the assessment and resulting recommendation reflects the priorities of the Policy. Each assessment is based on the Policy criteria, and therefore the risks associated are considered to be adequately mitigated. Any specific risks relating to the project may be included in the funding approval as conditions.

### Consultation

- Murray District Rangers
- North Yunderup Community Association
- Dwellingup Community Compact
- Yunderup Sport and Recreation Club
- Peel Trails Group

### Resource Implications

#### Financial

Council has provided an allocation of \$15,000 within the 2015/16 budget for the purposes of the Community Assistance Fund. \$4000 dollars was funded through round one of the fund

leaving \$11,000 for future rounds. There are four rounds of funding each year. If Council supports the officer recommendations of \$4100, there will be residual funds of \$6900 remaining for the future two rounds.

### **Workforce**

No additional workforce resources are required as a result of this recommendation.

### **Options**

Council has the option of:

1. Supporting the requested amounts as per Policy CC12.
2. Supporting a contribution that is less or more than the requested amounts.
3. Not supporting a contribution.

### **Conclusion/Justification of Officer Recommendation**

Council has traditionally supported funding to community organisations to run events and conduct projects that build community capacity, spirit and engagement. By supporting the proposed projects, Council continues to have a positive impact in our local community.

It is recommended that Council support or partially support four of the five applications received through round two of the Community Assistance Fund. This will leave a balance of \$6900 for future funding rounds. Funding has been scaled back for some applicants due to the limited size of the funding pool.

Successful recipients of the Shire of Murray Community Assistance Fund are required to acknowledge Council's support and will be required to meet particular conditions and complete an acquittal of the grant within three months of the event or activity.

### **Voting Requirements**

Simple Majority

#### **OFFICER RECOMMENDATION/COUNCIL DECISION: OCM15/305**

**Moved: Cr C Thompson**

**Seconded: Cr P Briggs**

#### **That Council:**

1. **approves a contribution of \$600 from the Community Assistance Fund towards the Murray District Rangers Soccer Club Community Soccer Open Day;**
2. **approves a contribution of \$1500 to the North Yunderup Community Association's towards obtaining new skate park equipment for Kingfisher Park, subject to Shire approval of the equipment;**
3. **approves a contribution of \$1500 from the Community Assistance Fund to the Dwellingup Community Compact for the Dwellingup Street Pole and Banner Project, subject to Shire approval of the design;**
4. **approves a contribution of \$500 from the Community Assistance Fund towards the Yunderup Sport and Recreation Club's purchase of a defibrillator; and**

- 5. does not approve a contribution of \$1250 from the Community Assistance Fund to the Peel Trails Group towards the Peel Region Cycle Instead Bikeweek 2016 calendar of events**

**CARRIED UNANIMOUSLY 7:0**

**Cr S Lee and Cr D Bolt** both rejoined the meeting at this point, the time being 9.22am.

## 12.6 Shire of Murray Youth Strategy

File Ref: 7/7760  
Previous Items: OCM Jul 9 Item 12.4 (OCM15/175)  
Author and Title: Jodie Doherty, Coordinator Recreation and Community Development

### Appendix 5

#### Purpose

Council is requested to approve the final version of the Shire of Murray Youth Strategy 2016 – 2021 which been amended following the public consultation period.

#### Background

In accordance with Council's commitment to community wellbeing, a draft Youth Strategy was developed and subsequently approved by Council on 9 July 2015. In developing the draft, officers undertook a range of consultation with local youth. This was predominantly within the 12-20 year age bracket and included workshops with students in the schools, one on one discussions within various communities and a number of surveys. In addition, community forums and workshops with stakeholders and service providers were also conducted.

The consultation process clearly identified several key areas including:

- Health and wellbeing
- Community and social participation
- Personal safety
- Places to engage in activities
- Education and employment
- Sports, clubs and recreation

The draft Strategy identified a number of key outcomes with in each of these areas including:

- Partnerships and models that can be developed to increase the services and programs available for young people
- Ways to engage with young people through youth focus groups or similar strategies to explore and develop innovative solutions to current (and future) issues
- Ways to deliver information to young people, including the development of a youth webpage
- Exploration of the development of youth spaces throughout the Shire, which may include mobile and pop-up services
- Ensuring that strategies developed take into account the diversity of young people within the Shire.

Following Council's approval of the draft Strategy, it was then advertised for public comment and has been available on the Shire's website. It has also been distributed to all individuals and organisations that have been involved throughout the process.

#### Proposal

Throughout the consultation period two formal submissions were received and are contained in **Appendix 5**. A summary of the content of submissions is below:

1. Ensuring that communities have youth centres and the benefits of providing spaces for youth and activities for them was supported. The issue of cost was acknowledged and other alternatives such as a transportable building were suggested within the locality of North Yunderup as there is no community building within this townsite. It was suggested that the community be responsible for the programming and facilitation of youth activities and programs, and the Shire provide the infrastructure.

2. Concerns around public transport were reiterated and support was shown for transport to become available 7 days a week, every half an hour between 6.30am – 8pm. Comment was also made in relation to creating employment opportunities and the need to improve facilities and standards of the Pinjarra High School to assist in retaining students in Pinjarra.

In addition to the formal submissions, a number of informal discussions have been held with various organisations. Some of the items raised through these discussions related to the duplication of some of the actions within the plan. This occurred because they related to more than one area. An interesting issue raised was the opportunity to build some creative outlets into the strategy which will assist with developing arts and culture within the Shire of Murray – the premise being that creative minds can find creative solutions.

Minor amendments have been made to the wording within the document, and the duplication of actions has been addressed. The actions are now only located within the category which is considered most appropriate. As a result of removing the duplications, and including the suggestions about creativity, the categories have been amended as follows:

<b>Category in Draft Strategy</b>	<b>Category in Final Strategy</b>
Health and wellbeing	Health, wellbeing and community participation
Community and social participation	(Excluded from final Strategy)
Personal safety	Personal safety
Places and hanging out	Places and hanging out
Education and employment	Education and employment
Sports, clubs and recreation	Sports, recreation and creativity

It is important to note that the intent of the strategies remain unchanged. It is the layout that has undergone significant amendment.

### **Murray 2025 Strategic Community Plan**

<b>Objective 3:</b>	A connected, safe and inclusive community that provides for, and lobbies for accessible services for all residents
<b>Outcome 3.2:</b>	A community that provides opportunities to learn, grow, work and increase quality of life
<b>Strategy 3.2.2:</b>	Increase engagement and participation of youth in the community

### **Murray 2015-2019 Corporate Business Plan**

<b>Action : 3.2.2.1</b>	Implement initiatives from the Youth Strategy
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### **Other Strategic Links**

This Strategy will replace the Youth Strategy 2010-2015.

### **Statutory Environment**

*Local Government Act 1995*

### **Policy Implications**

Nil

## **Sustainability & Risk Considerations**

### *Economic - (Financial impact to the community)*

Providing the services and activities that are required to retain our young people, provides opportunity to then grow our towns and provide further business and employment opportunities. This in turn provides an opportunity to grow the local economy.

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

The aim of this strategy is to improve the lives of our young people by working with them to provide appropriate spaces, activities and social interaction, together with training and employment opportunities into the future.

### *Environment – (Impact on environment's sustainability)*

Long term implementation of this Strategy may impact of the built environment as youth spaces are identified, but they are unlikely to negatively impact on the sustainability of our environment.

### *Governance – (Policy implications)*

Nil

### *Overall Risk Management Consideration*

Two significant risks resulting from the strategy are:

- Reputational risk if the Shire fails to act on the actions of the strategy and what the Community has requested; and
- Loss of our young people from the region because of the lack of services, activities, places, transport or employment.

## **Consultation**

Significant consultation was undertaken prior to developing the initial draft of this Strategy, and that feedback was used to inform the original document.

Following Council approval of the draft Strategy, advertisements were placed in the local newspapers and facebook was used to promote the consultation period. The draft Strategy was also placed on the website and distributed via email to participants within the workshops, including stakeholders.

## **Resource Implications**

### Financial

The implementation of the Strategy will require a financial allocation in the future, but presently no additional funds have been budgeted. Many of the projects will be subject to securing grant funding, developing partnerships and working with local organisations.

### Workforce

The implementation will require significant resources. Currently the youth portfolio falls within the scope of the Community Development Officer's role, and funding will be sought for many of the specific projects. It is noted that a part time youth officer role has been identified within the Workforce Plan for 2017/18. Until this time, implementation will continue in accordance with the current resource allocation.

### **Options**

Council has the option of:

1. Supporting the final strategy as proposed without amendment; or
2. Supporting the final strategy as proposed with amendments.

### **Conclusion/Justification of Officer Recommendation**

The Youth Strategy has been developed through comprehensive consultation, and reflects strategies and actions that endeavour to address the key concerns of youth within Murray. The comments from the public in relation to the draft Strategy have been taken into consideration, with minor changes made to the final version. A summary of the amendments made include:

- Minor amendments to wording to ensure that the strategy provides for innovation, creativity and artistic endeavours as part of the activities to be undertaken and provided.
- Reducing duplication of actions which has resulted in relocating activities to the most appropriate category.
- For reporting purposes and for clarification some actions had slightly different wording, but very similar outcomes. These have been joined to ensure one action to be clearly reported on.

### **Voting Requirements**

Simple Majority

<p><b>OFFICER RECOMMENDATION/COUNCIL DECISION:</b></p>
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<p><b>OCM15/306</b></p>
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<p><b>Moved: Cr C Thompson</b></p>
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<p><b>Seconded: Cr W Barrett</b></p>
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<p><b>That Council adopts the Shire of Murray Youth Strategy 2016-2021 as set out in Appendix 5.</b></p>
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<p><b>CARRIED UNANIMOUSLY 9:0</b></p>
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## Technical Services

### 12.7 Replacement and Disposal of the current Volvo L20 Compact Loader

File Ref: 6101-07  
 Author and Title: Chris Pretorius, Manager Operations

#### Appendix 6 Under Separate Confidential Cover

#### Purpose

To progress the approved 10 year plant replacement program invitations under the Western Australian Local Government Associations (WALGA) Preferred Supplier purchasing process, tenders were recently invited for the supply of a new Compact Loader and to dispose of the existing Volvo L20 Compact Loader (Plant Number P4072.)

#### Background

The current L20 Volvo Compact Loader is part of the Parks and Gardens town maintenance section, it is utilised to deliver the necessary services that include clean up and management within town areas and working in parallel with other park teams. The machine is also utilised for loading of materials at the Operations Centre and working with Ranger Services for the cleaning up of illegal dumping within the Shire of Murray.

#### Proposal

The proposal presented is to consider the submissions received to supply a new Compact Loader for the Parks and Gardens section and dispose of the current Volvo L20 Compact Loader (Plant Number P4072).

#### Murray 2025 Strategic Community Plan

<b>Objective 4:</b>	Well planned, integrated and active places that embrace and respect our rural lifestyle, built and natural environment.
<b>Outcome 4.3:</b>	Public open space, recreation area and facilities are accessible and well utilised.
<b>Strategy 4.3.1:</b>	Plan, provide and manage recreation infrastructure to meet community needs.

#### Murray 2015-2019 Corporate Business Plan

<b>Action : 4.3.1.2</b>	Maintain and develop parks and recreation areas to increase activity.
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#### Other Strategic Links

Nil

#### Statutory Environment

The WALGA preferred supplier process used to consider purchasing the new Compact 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.

### **Policy Implications**

Nil

### **Sustainability & Risk Implications**

#### *Economic - (Financial impact to the community)*

The purchasing services of WALGA (Preferred Supplier) and a formal Tender process have been used to ensure competitive pricing to manage the financials within the approved budget process.

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

The replacement of the Volvo L20 Compact Loader is considered to have a low to negligible impact on the community.

#### *Environment – (Impact on environment's sustainability)*

The replacement of the Volvo L20 Compact Loader is considered to have minimal impact on the environment and newer technology may create less harmful emissions.

#### *Governance – (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 CA19 - Purchasing.

#### *Overall Risk Management Consideration*

Financial, Operational and Reputational risk is low in considering the replacement of the current Volvo L20 Compact Loader.

**Consultation**

Nil

**Resource Implications**

The replacement of the L20 Volvo Compact Loader is considered to have no implications on current resources, as it is part of the 10-year plant replacement program and replaces an existing machine.

**Financial**

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

**Workforce**

The replacement of the Volvo L20 Compact Loader is considered to have no impact on the current workforce requirements.

**Options**

The details of the submitted tenders received and the overall assessment by the evaluation panel are provided in the Confidential Assessment Report.

**Conclusion/Justification of Officer Recommendation**

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

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION:**

**OCM15/307**

**Moved: Cr A Black**

**Seconded: Cr S Lee**

**That Council:**

1. **accepts the Confidential Assessment Report by the evaluation panel for the Replacement and Disposal of the current Compact Loader;**
2. **accepts the offer submitted by CJD Equipment Pty Ltd under the WALGA Preferred Supplier Contract C023\_11 to supply a new Volvo L20F Compact Loader at a cost of \$101,520 (GST exclusive); and**
3. **accepts the trade in offer by CJD Equipment Pty Ltd to purchase the existing Volvo L20 Compact Loader (Plant Number P4072) for the amount of \$33,000 (GST exclusive).**

**CARRIED UNANIMOUSLY 9:0**

13. **BUSINESS LEFT OVER FROM THE PREVIOUS MEETING AND ANY BUSINESS THAT THE PRESIDING MEMBER MAY THINK DESIRABLE TO BRING UNDER THE NOTICE OF THE COUNCIL AND MAY HAVE DIRECTED TO BE ENTERED AS AN ORDER OF THE DAY**

Nil

14. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

15. **NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING**

Nil

16. **CONFIDENTIAL ITEMS**

Nil

17. **ANY OTHER BUSINESS THE RECEPTION OF WHICH HAS BEEN APPROVED BY THE PRESIDENT OR COUNCIL**

**COUNCIL DECISION:**

**OCM15/308**

**Moved: Cr D Bolt**

**Seconded: Cr P Briggs**

**Cr D Bolt resigns as Council representative on the Dwellingup Community Village Inc.  
CARRIED UNANIMOUSLY 9:0**

**There being no further business, the Presiding Member declared the meeting closed, the time being 9.28am.**