



Minutes

Ordinary Council Meeting

Thursday 14 May 2015

Ordinary Council – 14 May 2015
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Minutes of the Ordinary Meeting of Council held at the Murray Shire Council, 1915 Pinjarra Road, Pinjarra on Thursday 14 May 2015.

The Presiding Member Cr W Barrett declared the meeting open the time being 9.01am.

1. ATTENDANCES

Cr W Barrett	Shire President
Cr C Thompson	Deputy Shire President
Cr M Reid	Councillor
Cr E Menara	Councillor
Cr B Beacham	Councillor
Cr A Black	Councillor
Cr B Thomson	Councillor
Cr P Briggs	Councillor
Mr D Unsworth	Chief Executive Officer
Mrs J Burton (dep. 10.07am)	Director Corporate and Community Development
Mr A Smith (dep. 10.07am)	Director Technical Services
Mr R Peake (dep. 10.07am)	Director Planning and Sustainability
Mrs L Barter (dep. 10.07am)	Executive Assistant Director Planning and Sustainability
Ms J Spence (dep. 10.07am)	Administration Support Officer (Executive)

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

2. ABSENT

Cr S Lee – Leave of Absence

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Mr Edgar Norris Evans, 76 Money Road, North Dandalup – Proposed Fellmongering Facility
File No: SO10/26

Preamble: Council recently refused an application, from Goldmark Leather, to establish a Fellmongering activity (Cattle hide curing) and a Noxious Industry on Lot 1675 North Dandalup. As a result Goldmark Leather as appealed to the State Administrative Tribunal to have that decision reviewed and overturned into an approval.

Officers representing Council are required to adhere to Council's policy contained in PD01 Applications for Review with the State Administrative Tribunal. Clause 2.3 states:

“Council will endeavour to achieve a negotiated or mediated settlement of matters before the Tribunal, consistent with the Shires planning and development framework, in order to achieve timely and cost effective resolution of matters”

- Q1a. How can such contextual ineptitude exist in a Council Policy which virtually requires the representation at the Tribunal to mediation to reverse Council’s refusal of the application by endeavouring to achieve a negotiated or mediated settlement... in order to achieve a timely and cost effective resolution of matters.
- Q1b. Will Council’s representative be instructed to ignore this Clause and NOT negotiate or mediate a settlement as Councils refusal of the application is NOT NEGOTIATBLE?

Response

The **Chief Executive Officer** advised that Council requires a policy in relation to the State Administrative Tribunal (SAT). When SAT hands down a decision then Council must abide by this decision. The intent is still that Council’s position is that Council is against the proposal, however if an officer attends the SAT tribunal and SAT hands down an alternative decision, then conditions can be negotiated. It is felt that negotiating conditions after a decision against the Council resolution has been hand down is a better outcome for Council as at least conditions can be made. If Council has no representation then the process is removed 100% from our control. What Council are trying to state in relation to this policy is if SAT make a decision against Council, then Council can still negotiate conditions.

- Q2a. Explain WHY, in the Agenda Item 16.1 ‘Confidential Items’ is it RECOMMENDED that Council “..proceed behind closed doors because the LG Act 5.23(2)(a) stipulates thus if it is a matter affecting an employee or employees.

Because, apparently, the application, by Goldmark Leather to appeal Councils decision to refuse their Fellmongering application to the tribunal, AFFECTS AN EMPLOYEE OR EMPLOYEES in some odd way – but not disclosed. The fallacious reasoning has all the hallmarks of a device to preclude transparency in the manner in which Council conducts its business – for some odd reason.

- Q2b. Is the Confidential Report a Recommended instruction to the Director of Planning NOT to mediate or negotiate a settlement based on the merits of the original decision to refuse the application?

OR

Is it a Recommendation to follow the guide lines of Policy PD01 and “endeavour to achieve a negotiated or mediated settlement...in order to achieve a timely and cost effective resolution of the matter”.

Response

The **Chief Executive Officer** advised that in relation to the confidential items, Council is not trying to preclude transparency. There are four items on the Council agenda relating to Behind Closed Door discussions including Items 16.2 and 16.3 EBA Negotiations and item 16.4 CEO Performance Review that all relate to Section 5.23(2)(a) of the Local Government Act. The reference to Item 16.1 State Administrative Tribunal Application relating to Section 5.2.3(2)(a) is a typographical error as this should read 5.2.3.2(d) as it relates to legal advice obtained which will be discussed at this meeting. I take full responsibility for the typographical error on the agenda. This will be amended in the minutes.

Mr Michael Baker, 2 North Yunderup Road – Item 12.2 Outline Development Plan – Lot 803 North Yunderup Road, North Yunderup

File No: 5/6008

Preamble: Point 7.1 Developer Contributions, Construction of a shared cycle/pedestrian path on North Yunderup Road (pathway south of Wilgie Creek) inclusive of the Wilgie Creek Bridge.

- Q1. Does this mean the proponent is to replace the existing concrete pathway?
- Q2. Is the Shire's intention to construct a separate bridge parallel to the road bridge? If it is intended to wait for the Department of Transport to replace the existing road bridge, this is likely to be 15 years away.

Response

The **Director Planning and Sustainability** advised that in response to questions 1 and 2 the recommendation requires the developer to upgrade sections of North Yunderup Road where it immediately abuts the development site, including a pathway. The requirement is consistent with planning policy, in that the developer contributes towards the upgrade of the pathway and the road as it passes through the Wilgie Creek reserve. The other landowners to the north of Wilgie Creek as the area develops will progressively upgrade the rest of the road network (North Yunderup Road and Tonkin Avenue).

- Q3. Should the report require input from NBN as an organisation?

Response

The **Director Planning and Sustainability** advised that it is acknowledged that Council did not formally consult with NBN, only with Telstra. NBN can put to Council a submission but have not done so in this case. The merits of consulting with NBN will be reviewed in the future.

- Q4. Reinforcement of community concern regarding Lot size – need for minimum of 2 car bays.

Response

The **Director Planning and Sustainability** advised that in relation to Lot sizes the points are acknowledged. However from a strategic point of view there is a need to diversify lots in the community as well as protecting the character of the amenity of the area, including a condition in which will require developers to have character on development which resembles the land to the southern part of North Yunderup Road. There will be development guidelines that will require a similar character of development to give an appropriate balance to retain the amenity of the North Yunderup area.

5. CONFIRMATION OF MINUTES

5.1 Ordinary Council Meeting – 23 April 2015

OFFICER RECOMMENDATION/COUNCIL DECISION:**OCM15/084****Moved: Cr P Briggs****Seconded: Cr B Beacham**

That the Minutes of the Ordinary Council Meeting held on Thursday 23 April 2015 be confirmed as a true and correct record, subject to Item 12.2.1 being amended to note that Cr C Thompson voted in support of the motion.

CARRIED UNANIMOUSLY 8:0

6. DECLARATIONS OF INTEREST

Cr M Reid has declared an impartiality interest in Item 12.8 – Yunderup Sport and Recreation Club Urgent Building Works in that she is a member of the board.

Mr D Unsworth, Chief Executive Officer has declared a financial interest in Item 16.4 – Chief Executive Officer Performance Review.

7. ANNOUNCEMENTS BY THE SHIRE PRESIDENT WITHOUT DISCUSSION

On Friday 24 April I attended the Austin Cove Baptist College where I was presented with a wreath to lay on the College's behalf at the ANZAC Day ceremony.

Later that day I attended the Coolup Communities ANZAC Eve Remembrance Ceremony.

On Saturday 25 April I attended the ANZAC Day Dawn Service where the wreath presented by the Austin Cove Baptist College was laid. I also attended the 11am ANZAC Day Parade and Service and laid a wreath with Cr P Briggs on behalf of the Shire of Murray.

Later that day I attended the Boar Swamp Campdraft event at the Boar Swamp Campdraft grounds located south of Pinjarra at the historic McLarty family beef farm. I again attended this event on Sunday 26 April.

On Tuesday 28 April Councillor S Lee and I attended the Vehicle Working Group meeting at the Shire offices.

Later that evening I attended the ANZAC Day film "Memory Forever" at the Mandurah Baptist College. This film documented the true story of a mother's plea to save her sole surviving son, having lost 3 others.

On Thursday 30 April I attended the Peel Zone meeting at the Shire of Serpentine Jarrahdale.

On Friday 1 May I attended the official opening of the Minnowarra Art Awards Exhibition at the Armadale District Hall as a guest of Mayor Henry Zelones and the Councillors at the City of Armadale.

On Sunday 3 May I attended the Old Fairbridgians Association's annual ANZAC Day Memorial Service at Fairbridge and laid a wreath on behalf of the Shire of Murray.

On Monday 4 May the CEO and I attended a meeting with Murray Cowper to discuss the Acquisition of 20A Reserves.

On Tuesday 5 May I attended a WALGA State Council breakfast at Frasers Restaurant with State politicians.

On Wednesday 6 May I attended a breakfast with the Hon. Ken Travers MLC at the Crown Convention Centre.

Later that day I travelled to the WALGA Regional State Council meeting in Albany and remained there until Friday.

On Tuesday 12 May the CEO and I attended a meeting with Andrew McKerrell and Paula Johnson from the Peel Chamber of Commerce and Industry.

Later that evening Councillors Maree Reid, Brenda Beacham, Enzo Menara, Barrie Thomson and I attended the Volunteer Awards where I presented the Volunteer of the Year award to David Brown for his work at the Roger May Museum and participation in the organisation of Edenvale events.

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

Nil

9. CORRESPONDENCE

9.1 Request for Leave of Absence - Cr B Beacham

File 1/1929
Appendix 1

Correspondence has been received from Cr B Beacham, requesting leave of absence from Council and all Council duties for the period Wednesday 1 to Friday 17 July 2015 inclusive. Refer letter at **Appendix 1**.

OFFICER RECOMMENDATION/COUNCIL DECISION:

OCM15/085

Moved: Cr M Reid

Seconded: Cr P Briggs

That the request for leave of absence from Council and all Council duties, received from Cr B Beacham, for the period Wednesday 1 to Friday 17 July 2015 inclusive be approved.

CARRIED UNANIMOUSLY 8:0

10. PETITIONS, MEMORIAL, DEPUTATIONS AND PRESENTATIONS

9.23am Mr Scott Hambley, Architect, provided a deputation to Council regarding Item 12.7 - Bedingfeld Park Inc. Aged Care Facility.

Mr Hambley thanked Council for the opportunity to update Council on their 'Riverside' project to rebuild Bedingfeld Park into a state of the art 100 bed facility in Murray.

Bedingfeld Lodge was opened in 1983 providing accommodation for 35 frail aged residents. In 2002-2003 the facility was refurbished and expanded, adding 10 high care suites and living areas creating a secure dementia unit. We currently operate a 45 bed facility providing residential care for 10 dementia, 1 respite and 34 residents that are cared for in the general lodge. The Lodge is staffed 24 hours a day with experienced carers and is currently the only Aged Care Facility in the Shire of Murray.

The Strategic Planning Committee of the Board of Management has been investigating options for expansion to meet the anticipated future needs of the local community.

The 100 bed facility will be developed over a number of stages to meet the demand and as funds are secured. The Bedingfeld project is a key part of a longer term plan to develop an

innovative “Aged Friendly Neighbourhood” in this part of Pinjarra. This is an exciting new concept where the planning and design of aged care residential and support facilities are to be incorporated in a precinct where they can be integrated with other community elements such as child care, education and recreation resources.

Bedingfeld currently employs 49 people however the new project once fully operational will employ an additional 124 staff.

The Shire of Murray have been very supportive in waiving the usual fees in support of the project. Additional funding will also be sort from Southern Investment Initiative via the Peel Development Commission and the National Stronger Regions fund via Regional Development Australia.

Cr P Briggs: In regards to the bed licences are we judged on regional facilities or do we fall within the metropolitan area?

Response

They look at the places based per 1000 people aged over 70 years and it’s broken into zones, the Shire of Murray is currently in the South West Metropolitan area which includes Fremantle, which causes a problem.

Regional Development Australia are taking the issue to Canberra as are Aged Care Services in the hope to rezone as to better reflect the area.

The **Shire President** thanked Mr Hambley for his deputation which concluded at 9.41am.

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

Nil

12. REPORTS OF OFFICERS

Planning and Development

12.1 Proposed Deferral of Consideration of Submissions for District Scheme Amendment (DSA) 236

File Ref:	DSA 236		
Previous Items:	PDSC Jun 07	Item 5.8	(PDSC07/127)
	OCM Jun 07	Item 10.3.1.1	(OCM07/128)
	PDSC May 08	Item 6.2.2	(PDSC08/051)
	OCM May 08	Item 10.2.1.3	(OCM08/104)
	PDSC Mar 10	Item 6.2.2	(PDSC10/013)
	OCM Mar 10	Item 10.2.1.1	(OCM10/040)
	PPS Apr 14	Item 7.2	(PPS14/036)
	OCM Apr 14	Item 12.2	(OCM14/048)
Applicant:	Taylor Burrell Barnett		
Owner:	Various		
Precinct:	Nambeelup		
Author and Title:	Cherryll Oldham, Senior Planning Officer		

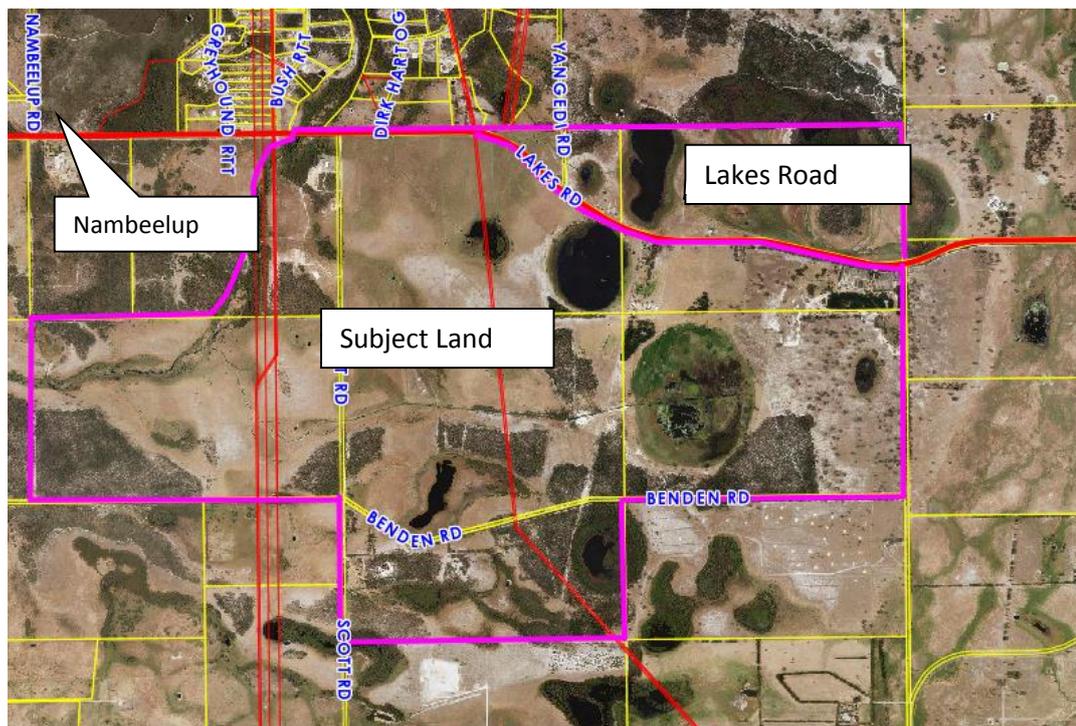
Appendix 2

Introduction

Council is requested to consider seeking an extension of time from the Western Australian Planning Commission in which to consider the submissions received in relation to Amendment 236 to Town Planning Scheme No. 4.

Background/Proposal

The subject land is located approximately 10km north of Pinjarra and 3.5km east of the Kwinana Freeway along Lakes Road in Nambeelup. The property has been used for agricultural purposes in the past.



Key elements of the Amendment are:

1. Rezoning of the land from 'Rural' to 'Special Rural' zone;
2. The introduction of a range of special provisions relating to the use, development and management of the land; and
3. A subdivision guide plan which makes provision for:
 - a) 310 rural residential lots ranging in size from 1ha - 27ha
 - b) A cluster of 29 equine lots;
 - c) A foreshore reserve for Nambeelup Brook;
 - d) Eighteen public open space areas to contain significant wetlands and associated buffers, infrastructure easements and major drainage lines;
 - e) A bridle trail network;
 - f) Retention of key vegetation areas and re-vegetation proposals;
 - g) A road network which includes provision for two key north south regional roads and a local road network to provide access to the various lots.

Consultation

The Shire received advice on 19 November 2014 from the Environmental Protection Authority that it considered the scheme amendment should not be assessed under Part IV, Division 3 of the Environmental Protection Act.

The amendment was advertised for a 42 day period with the closing date for submissions being 25 February 2015.

Advertising was undertaken by way of a notice in the community newspaper, on the Shire's website and onsite signage, as well as letters to adjacent landowners and relevant State Government agencies and service authorities. Twenty two submissions have been received with summary comments included within **Appendix 2**.

Sustainability Implications

Economic - (Financial impact to the community)

The amendment will add to the Special Rural land supply and therefore contribute to a diversity in lifestyle / housing opportunities within the Shire. It has been proposed that a lot be offered to the Shire to support community infrastructure as determined by the Council.

There may be a need for Special Area rating to maintain the vast areas of public open space, however this could be dealt with through a maintenance and management plan which would be required prior to the adoption of the Amendment. The Special Area rating, if required, would reduce the impost on the Shire's resources.

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

The amendment will add to the diversity of housing and lifestyle choice within the Shire and will provide some areas of public open space for the residents in the locality to enjoy.

Environment – (Impact on environment's sustainability)

The land is located within the Peel Harvey Catchment which is protected by the Environmental Protection (Peel Inlet - Harvey Estuary) Policy 1992 and State Planning Policy 2.1 Peel Harvey Coastal Plain Catchment Policy (SPP2.1). The aim of SPP2.1 is to protect the estuary from nutrient enrichment through the setting of environmental quality objectives to enable rehabilitation of the area and prevent further degradation.

An extensive agricultural drainage system associated with previous agricultural activities extends across the site from east to west which discharges into Nambeelup Brook. The site contains a number of wetlands including Conservation Category Wetland and Resource Enhancement areas along with a number of Environmental Protection Policy Lakes as identified in the Environmental Swan Coastal Plain Catchment Policy. Vegetation on the site ranges from completely degraded to excellent condition and generally is identified as low lying *Banksia attenuata* woodland or shrublands.

A land capability assessment has been undertaken to ascertain the areas that could sustain horses and where they would have least impact on the drainage systems, remnant vegetation and re-vegetation. This assessment also identified that phosphorus retentive Alternative Treatment Units should be used.

Through the formal referral / consultation process, the Department of Parks and Wildlife expressed an interest to retain remnant vegetation linkages, particularly along the southern and western portion of this development.

The Department of Water also advised that the site (predevelopment) is currently exporting approximately 6 times more phosphorous (P) and 2.5 times more nitrogen (N) to the Peel-Harvey waterways in comparison to the relevant Australian New Zealand Environmental Conservation Council guidelines. The Department also advised that the post development nutrient load assumptions presented in the Local Water Management Strategy are considered ambitious and unachievable.

Governance/Risk Statement – (Policy implications/level of risk)

Should the development progress, the risks associated with the proposal may include the costs associated with the management and maintenance of the public open space.

As outlined above, the Department of Water’s advice is the proposal cannot meet the requirements Australian New Zealand Environmental Conservation Council guidelines in relation to acceptable nutrient export into the Peel Harvey waterway. The Department also advised that the development is inconsistent with State Planning Policy 2.1 Peel Harvey Coastal Plain Catchment (WAPC 1992) which has an objective of requiring a net reduction of nutrient exports to the Peel Harvey Estuary.

Strategic Outcomes

Murray 2023 – Strategic Community Plan

Theme 2 <i>Strategic Land Use Planning</i>	
Objective 2.1 <i>Effectively Manage Growth</i>	Strategy 2.1.1 <i>Establish a comprehensive and sustainable Local Planning Framework</i>
Objective 2.2 <i>Ensure diverse lifestyle options</i>	Strategy 2.2.1 <i>Provide for a range of housing types and land use alternatives</i>
	Strategy 2.2.2 <i>Support mixed use neighbourhoods</i>

Theme 3 <i>Environmental Sustainability</i>	
Objective 3.1 <i>Improve the protection of our natural assets</i>	Strategy 3.3.1 <i>Improve the level of protection and management provided to natural areas</i>

Statutory Environment

Section 75 of the Planning & Development Act provides that local government may amend its local planning scheme, by an amendment which 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 any land in the Scheme area adopted with or without modifications, by the local government, approved by the Minister and published in the gazette.

The Town Planning Regulations provide a period of 42 days from the close of the advertising period in which to consider the submissions or such longer time as may be agreed by the WA Planning Commission.

Options

After considering the submissions received during the advertising period Council has the option of:

1. Adopting the amendment, with or without modification;
2. Not to proceed with the amendment; or
3. Request the Western Australian Planning Commission extend the period for consideration of submissions.

Resource Implications

Should future development occur consistent with the Subdivision Guide Plan there will be resource implications in relation to the ongoing management and maintenance of the public open space areas. Prior to the development proceeding consideration would need to be given in relation to whether a Specified Area rate would need to be imposed to cover the ongoing management costs of the environmental lands within the amendment area.

Conclusion/Justification of Officer Recommendation

The Nambelup-North Dandalup Local Rural Strategy (NNDLRS) indicates the subject land is part of Rural Residential 'RR2' area which should be developed to provide rural living opportunities in close proximity to townsite services and facilities which promote compatibility with surrounding land uses with high landscape amenity and minimal environmental impact through appropriate land use controls.

As a result of formal advertising of the proposed Amendment, the following key issues were identified in submissions / comments:

- Post development nutrient load assumptions outlined in the Local Water Management Strategy are considered ambitious and unachievable;
- Provision of adequate road reserve for Lakes Road;
- Need for traffic noise assessment;
- Provision of adequate setback for Parmelia Pipeline;
- No support of rezoning within 500m of extractive industry site;
- No indication on how land use within powerline easement and restriction areas will be restricted;
- Inadequate separation buffers between building envelopes and adjacent rural land; and
- A range of issues outlined by the Department of Parks and Wildlife (DPaW), though generally DPaW are supportive.

Most fundamental of the issues outlined above is the Department of Water's concerns in relation to the development being unable to reduce nutrient export into the Peel Harvey Estuary consistent with Government's longstanding water quality policy objectives outlined by Statement of Planning Policy 2.1, - Peel Harvey Coastal Plain Catchment (WAPC 1992), the Environmental Protection (Peel Inlet – Harvey Estuary) (EPA 1992) and the Water Quality Improvement Plan of the Rivers Estuary of the Peel Harvey System (EPA 2008). The Department of Water also advised that it considered that DSA 236 to be incompatible with the objectives of the Strategic Environmental Assessment of the Perth and Peel Regions (SAPPR) which is currently being finalised. The intention of the SAPPR being to avoid, mitigate and offset cumulative impacts of proposed land use change to water quality upon the Ramsar Listed Peel-Yalgorup system.

In addition to the submissions in June 2014 the Chairman of the Western Australian Planning Commission advised that the SAPPR will consider the environmental impacts of rural residential development (1-4ha) to ensure major environmental issues associated with proposed this form of development are adequately considered. The Western Australian Planning Commission on 25 March 2014, resolved to:

'Uphold the policy position outlined with State Planning Policy 2.5 Land Use Planning in Rural Areas (SPP2.5) that opportunities for rural living within the metropolitan region may remain static or even decrease and that rural living proposals will be considered by exception subject to the requirements of the policy being met. Notwithstanding the exception provided within SPP 2.5, the WAPC will not support local planning strategies/rural strategies and planning scheme amendments involving proposals for additional rural residential development until such time as the SAPPR and the sub-regional structure plans have been finalised to provide the strategic framework to consider proposals within'.

The Chairman further advised the WAPC acknowledged there may be a need to review some of the proposed rural residential development within endorsed local planning strategies/rural strategies as a result of SAPPR.

As there are several proposed rural residential amendments to Town Planning Scheme No.4 which are currently being pursued, the Shire sought to obtain further advice from the Chairman of the WAPC to clarify which amendments may continue through the planning process. The Chairman advised that the SAPPR process has paid particular attention to the Peel Harvey catchment given its significance as a RAMSAR site and the impacts development, including rural residential development, has upon matters of national environmental significance and other state significant values. Formal advice received from the Chairman did not identify DSA 236 as an amendment that could continue through the planning process prior to the finalisation of the SAPPR process.

In light of the significance of the issues raised through the advertising period and the anticipated timeframe that will be needed to address the issues, it is recommended that Council seek an extension of time from the Western Australian Planning Commission in which to consider the submissions. As this may take several months it is recommended that the initial request to the WAPC should seek a deferral until 31 December 2015. However should the issues raised in submissions not be resolved by the date specified, it is recommended that the Shire seek further deferral.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:**OCM15/086****Moved: Cr C Thompson****Seconded: Cr P Briggs****That Council:**

1. seeks an extension of time initially until 31 December 2015 from the Western Australian Planning Commission in which to consider the submissions and whether to adopt Amendment 236, and
2. authorises the Director Planning and Sustainability to seek future extensions of time from the Western Australian Planning Commission should the issues raised in this report not be resolved by 31 December 2015.

CARRIED UNANIMOUSLY 8:0

12.2 Outline Development Plan – Lot 803 North Yunderup Road, North Yunderup

File Ref: 5/6008
Previous Items: Nil
Applicant: Roberts Day
Owner: Mr George Frost
Author and Title: Jan Strijdom, Planning Officer

Appendix 3 and 4

Introduction

Council is requested to consider adopting an Outline Development Plan (ODP) for Lot 803 North Yunderup Road, North Yunderup. (Refer to **Appendix 3**).

Background/Proposal

The subject lot is located approximately 9.5 kilometres north west of the Pinjarra townsite. The lot is 6.3 hectares in area and contains an existing transportable dwelling and outbuilding. Some scattered dongas and sheds exist towards the North Yunderup Road boundary. Access to the lot from Pinjarra Road is via Tonkin Drive and North Yunderup Road. The subject land is bordered by Lot 200 Phillips Way to the east, residential properties of the North Yunderup community to the south, North Yunderup Road to the west and a Regional Open Space (Wilgie Creek) to the north. A location plan is shown below.



The land has been rezoned from 'Urban Deferred' to 'Urban' under the Peel Region Scheme and from 'Rural' to 'Residential Development' under the Shire of Murray Town Planning Scheme No. 4 (the Scheme). The new zoning requires an ODP to be approved by Council and the Western Australian Planning Commission (WAPC) prior to subdivision.

The proposed ODP is intended to accommodate the residential use of land for a range of densities from R20 through to R40, which is anticipated to result in approximately 106 residential lots.

Consultation

As required under the Scheme, the proposal was advertised for a period of 28 days. Advertising was carried out by way of letters to state government agencies and nearby landowners, advertisements in a local newspaper and the erection of a sign at the subject property. The submission period closed on 17 December 2014, with 21 submissions being received. Nine of the submissions were from nearby landowners and the remainder were from government agencies.

The Schedule of Submissions is included as **Appendix 4**.

Key concerns / comments from the community related to:

- size of future lots;
- impact of future development on neighbouring properties;
- increased pressure on existing community infrastructure; and
- environmental concerns.

Size of future lots:

Submitters raised concerns that proposed lot sizes will be too small and not preserve the already established character of the area. Based on the residential densities and lot sizes contemplated, concerns were also raised in regard to potential parking issues.

Specific lot sizes will be determined at the subdivision stage, at which time consideration will be given to the way in which future lots will integrate with the existing residential character of the North Yunderup area. It is anticipated that lower residential lots (R20) will be provided along North Yunderup Road and abutting lots in Deering Drive which will maintain the existing character of North Yunderup. To ensure this the ODP should be amended to specifically require an R Coding and design guidelines through Local Development Plan or similar which will result lot frontages and setbacks at the interface of North Yunderup Road that will respect and compliment the character of the area fronting North Yunderup Road south of the ODP area. The R-Coding and land use permissibility sections of the ODP should also be updated to meet the statutory requirements of Town Planning Scheme No.4.

Impact of future development on neighbouring properties:

Future development of the ODP area will require the land being filled and retained. Concerns were raised that earth movement on adjoining lots will result in damage to existing retaining walls and fences on properties in Deering Drive as well as the removal of trees.

Filling of the ODP area will be required as a result of future subdivision and development. As conditions of future subdivision, a range of management plans are required to be implemented to ensure impacts on the environment and on existing residential development is minimised.

Increased pressure on existing community and path infrastructure:

Although a verge footpath exists on the eastern side of North Yunderup Road up to the regional open space south of Wilgie Creek, the community has raised concerns as to the lack of continuity of this path for pedestrians and cyclists, particularly crossing Wilgie Creek. The community are also concerned that higher traffic volumes and an increase in the local population will create congestion at intersections as well as increased pressure on existing boating facilities in the area.

Council's adopted ten year Pathway Program identified the need for a shared pedestrian / cycle path along the length of North Yunderup Road and across the Wilgie Creek Bridge which is intended to form part of a broader pathway network. The program schedule identifies the need to source funding for the shared pathway within the short term. Main Roads WA has also advised that a pro-rata contribution will be required towards the future upgrade and traffic lights at Tonkin Drive and Pinjarra Road. The contribution towards the upgrade of the intersection has been notated on the ODP.

It is considered that future development within the ODP and surrounding urban zoned areas will result in increased vehicle and pedestrian activity along North Yunderup Road and Tonkin Drive to Pinjarra Road. Under Liveable Neighbourhoods the likely traffic volumes along these roads would suggest the roads ought to be upgraded to a Neighbourhood Connector standard, which would include an upgraded pavement and pathways. The traffic assessment and ODP should be updated to acknowledge and reflect the need for the upgrading of North Yunderup Road, Tonkin Drive and the intersection of Tonkin Drive with Pinjarra Road, including a dual use path which will in part require a widening of the Wilgie Creek Bridge. North Yunderup Road adjoining the ODP area would require full upgrading to this standard as lots are proposed to front the road. Upgrades associated with the remaining section of these roads ought to be provided on a proportional basis by the developer of ODP area and other owners of undeveloped land zoned urban or urban deferred under the Peel Region Scheme in the North Yunderup area.

Council has also adopted a Community Infrastructure Plan which identifies the community infrastructure required to meet the needs for future growth in the Shire. As the Community Infrastructure Plan has been developed in accordance with the WAPC's State Planning Policy 3.6 – *Developer Contributions for Infrastructure*, it is considered appropriate to require a pro-rata developer contribution towards the provision for community infrastructure identified within the plan. Suitable provisions are included in the ODP.

Two areas of open space are shown on the ODP map. These areas however do not provide a sufficient recreation function and should therefore not be credited as part of the open space provision. Due to the site's proximity to Regional Open Space, the normal 10% public open space requirement for the ODP area should be provided as cash in lieu. It is anticipated that the cash in lieu will primarily be utilised for the upgrade of Kingfisher Park which will benefit the broader North Yunderup community. Suitable provisions are included in the ODP.

Environmental concerns:

Concerns were raised by the land owner of Lot 321 (23) Deering Drive which is located directly south-east of the subject property. The submitter's primary concerns are in regard to the future filling and retaining of new lots within the ODP to create flooding issues for Lot 321 from surface water that currently collects on Lot 200 Phillips Way (which abuts the eastern boundary of the ODP area and is directly north of Lot 321).

Submitters are also concerned about the impact of future development on existing fauna and flora and have concerns that future construction within the ODP area will create dust which may have an impact on the neighbouring properties and natural areas.

Whilst the ODP area may currently provide habitat for fauna and flora, the land has been zoned for urban purposes under the Peel Region Scheme and Town Planning Scheme No 4. If required, fauna relocation can be addressed as a condition of future subdivision approval.

Concerns related to dust can also be addressed at subdivision stage as part of a future construction management plan.

It is also relevant to note that as part of a regional open space management plan the developer will be required to upgrade and manage the adjacent Wilgie Creek reserve consistent with sensitive urban design outcomes. It is anticipated that this will involve weeding of the reserve, construction of vegetated swales and a pedestrian path within the portion of the reserve that is adjacent to the ODP area.

Water Management

The Department requires modifications to be made to the Local Water Management Strategy, which the applicant is currently undertaking.

As these issues are not considered fundamental and will not result in modifications to the ODP it is considered appropriate that the applicant be provided an opportunity to undertake these modifications subsequent to Council's consideration of the ODP. It is recommended

however that the modifications to meet the requirements of the Department of Water be undertaken prior to the ODP being referred to the WA Planning Commission.

It is noted however that drainage associated with the ODP is proposed to be directed into the adjoining regional open space. To offset the use of public land for drainage purposes it is proposed that the ODP being amended to require the preparation and implementation of a satisfactory foreshore management plan for the adjacent Wilgie Creek foreshore reserve which proposes improvements to this foreshore reserve at least commensurate to the value of land which would otherwise be required for drainage of the ODP area, with these improvements being in addition to any foreshore management works that would normally be required as a result of the subdivision and development of the ODP.

Sustainability Implications

Economic - (Financial impact to the community)

The ODP will facilitate future subdivision that provides an additional supply of housing stock in North Yunderup. The residential densities proposed will also provide for greater diversity in housing types and affordability in close proximity to the Murray River. Furthermore, development as contemplated by the ODP will ensure future population growth is consolidated in urban areas that are already serviced by existing infrastructure.

The upgrade of the Wilgie Creek reserve, developer contributions towards a range of infrastructure will enhance current infrastructure servicing the North Yunderup community.

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

The ODP provides a residential design that meets the principles of Liveable Neighbourhoods and will enhance the current infrastructure servicing the community. It is anticipated that the cash proposed in lieu of public open space and a developer contribution towards community infrastructure will provide for improved outcomes for the community.

Environment – (Impact on environment's sustainability)

The ODP will result in an improved environmental outcome for Wilgie Creek as the regional open space management plan will ensure the construction of drainage swales, revegetation and weeding of the foreshore area.

Governance/Risk Statement – (Policy implications/level of risk)

Council's support of the ODP is considered a low risk.

Strategic Outcomes

Murray 2023 – Strategic Community Plan

Theme 1 <i>Community Wellbeing</i>	
Objective 1.1 <i>Provide safe and attractive places</i>	Strategy 1.1.1 <i>Create and maintain a safe and secure community</i>
Theme 2 <i>Strategic Land Use Planning</i>	
Objective 2.1 <i>Effectively manage the growth of our Shire</i>	Strategy 2.1.2 <i>Maintain and foster positive working relationships with government agencies and stake holders</i>

Theme 3 <i>Environmental Sustainability</i>	
Objective 3.1 <i>Improve the protection of our natural assets</i>	Strategy 3.1.2 <i>Promote sustainable land management</i>

Directions 2013 and draft Outer Metropolitan Perth and Peel Sub-regional Strategy

The ODP is consistent with the Western Australian Planning Commission's Directions 2031 strategic direction in relation to increasing housing supply and affordability in areas that are serviced by existing infrastructure. The proposed residential densities (R20 to R40) and the projected 106 lots that are likely to be achieved within the ODP area are also consistent with the target of 100+ dwellings which have been identified for the subject site under the draft Outer Metropolitan Perth and Peel Sub-regional Strategy.

The proposed ODP was assessed against the WAPC's Liveable Neighbourhoods (LN) policy. The ODP is generally consistent with the relevant objectives and requirements relating to LN's design elements regarding the movement network, lot layout, public open space and urban water management.

Statutory Environment

Clause 6.5 of the Scheme states that before supporting or approving any proposal for subdivision or development of land within the 'Residential Development' zone, the preparation of an Outline Development Plan is required.

Clause 6.5.6 states that Council shall consider any submissions and may amend and adopt the Outline Development Plan after consideration of such submissions.

Options

Council has the option to:

1. support the proposed ODP with or without modifications/conditions; or
3. not support the ODP.

Resource Implications

Financial

In accordance with sections 48 and 49 of the Planning and Development Regulations 2009, the proponent is required to pay fees and charges based on the amount of officer time spent on the proposal. Additional costs, such as advertising costs, have been factored in to the fee paid for lodgement of the ODP.

When considering the urban zoning of the land to the north of Wilgie Creek, the environmental assessment required the preparation of a management plan which addressed management of the foreshore areas adjacent to Wilgie Creek and water quality within the creek which in the past has resulted in substantial odour problems in the vicinity. At the time Council agreed to introduce a specified area rating to cover the ongoing Wilgie Creek reserve management costs. This is a matter that reference ought to be included in the ODP and a condition of subdivision approval require prospective landowners to be made aware of. Council can formally consider the introduction of the Specified Area rating closer to the time of development.

Workforce

Nil

Conclusion/Justification of Officer Recommendation

The ODP proposes residential densities between R20 and R40 which is considered appropriate for the area given its proximity to existing low density residential lots and the nearby amenity of Wilgie Creek and the Murray River. The density range also provides the opportunity for future subdivision that locates lower density R20 lots adjacent to existing residential lots, which will ensure the established character of North Yunderup is maintained.

The ODP is considered consistent with the intent of the WAPC's *Directions 2013* and the draft *Outer Metropolitan Perth and Peel Sub-regional Strategy*.

The developer contributions proposed will ensure that the broader North Yunderup community benefits from the increase in population brought about by the additional residential development within the ODP area.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:

OCM15/087

Moved: Cr M Reid

Seconded: Cr B Beacham

That Council:

- 1. resolves pursuant to clause 6.5.6 of the Shire of Murray Town Planning Scheme No. 4, to approve the Outline Development Plan (ODP) and associated provisions contained at Appendix 3 for Lot 803 (30) North Yunderup Road, North Yunderup, subject to the following matters being addressed to the satisfaction of the Director Planning and Sustainability prior to the ODP being forwarded to the Western Australian Planning Commission:**
 - a. the ODP being amended to specifically require an R-Coding and design guidelines through Local Development Plan or similar along the interface of North Yunderup Road which will result lot frontages and setbacks that will respect and compliment the character of the area fronting North Yunderup Road south of the ODP area;**
 - b. the R-Coding and land use permissibility sections of the ODP being amended to the requirements of Town Planning Scheme No. 4.**
 - c. the traffic assessment and ODP being updated to acknowledge and reflect the need for the upgrading of North Yunderup Road, Tonkin Drive and the intersection of Tonkin Drive with Pinjarra Road, including a dual use path which will in part require a widening of the Wilgie Creek bridge, and the need for these works to be provided on a proportional basis by the developer of Lot 803 and other owners of undeveloped land zoned urban or urban deferred under the Peel Region Scheme in the North Yunderup area;**
 - d. modifications being made to the Local Water Management Strategy to address the requirements of the Department of Water and the ODP being amended to require the preparation and implementation of a satisfactory foreshore management plan for the adjacent Wilgie Creek foreshore reserve which, to offset the use of public land for drainage purposes, proposes improvements to this foreshore reserve at least commensurate to the value of land which would otherwise be required for drainage of the ODP area, with these improvements being in addition to any foreshore management works that would normally be required as a result of the subdivision and development of the ODP area;**

- e. provisions and explanatory text being included in the ODP relating to the Shire’s intention to introduce a specified area rating over land within the ODP area to cover the ongoing Wilgie Creek reserve management costs and requiring a condition on the subdivision approval to alert prospective landowners attention to this; and**
- 2. authorises the Director Planning and Sustainability to forward the Outline Development Plan to the Western Australian Planning Commission for endorsement once the modifications have been satisfactorily undertaken.**

CARRIED UNANIMOUSLY 8:0

12.3 Exchange Hotel Local Planning Policy and Marketing Campaign

File Ref: GE02/85
Previous Items: OCM Oct 14 Item 12.4 OCM14/133
Author and Title: Rod Peake, Director Planning and Sustainability

Appendix 5

Introduction

Council is requested to consider advertising of a draft local planning policy for the Exchange Hotel and the engagement of a marketing agent to seek expressions of interest for the development of the site.

Background/Proposal

The Shire finalised the acquisition of the Exchange Hotel site located at Lots 85-88 George Street, Pinjarra in May 2012. This acquisition has added significantly toward a continuous public river foreshore within the Pinjarra Town Centre and has secured the public ownership of the northern portion of the Murray River square which was previously on private property. The acquisition also provides an opportunity for the Exchange Hotel site to be enhanced given that the building has been closed to trade since 2008, is in a poor state of repair and currently represents a blight on the town.

Council allocated funding in its 2013/14 budget to undertake a feasibility assessment for the Exchange Hotel site. This assessment was undertaken in conjunction with a master plan for the Murray River foreshore to ensure a high level of integration between the redeveloped building and the foreshore.

Council at its meeting in October 2014 resolved to adopt the outcomes of the Exchange Hotel Feasibility Assessment (which incorporated a Conservation Management Strategy) and to prepare a Local Planning Policy generally consistent with the feasibility assessment to guide the planning and development outcomes of the site and to provide a greater degree of certainty for prospective operators.

The feasibility indicated a preference for the retention of the key heritage elements of the site and removal of the majority the later additions. In terms of the future use it indicated a preference for a food and beverage operation with optional short stay accommodation as this would not only be likely to generate market interest but would also satisfy multiple criteria ranging from economic, social, heritage, design, service and town centre activation.

The Conservation Management Strategy provided advice on the significance of the place and the extent of recommended works. It also provided a concept plan indicating how the site might be developed in an appropriate manner respecting the heritage significance of the place.

The feasibility further outlined a preference for the leasing of the building portion of the site on a long term basis with the successful operator investing in the capital improvements to re-establish a business on the site. It suggested the successful operator would be sought through an Expressions of Interest process which would be heavily marketed with a focus on targeted operators. The feasibility indicated that in order to minimise risk to potential operators the Shire adopts a local planning policy over the site to provide a high degree of confidence over the desired planning outcomes. A copy of the draft policy is attached at **appendix 5**.

Consultation

Town Planning Scheme No. 4 requires the Shire to place a notice advertising details of the draft policy in two consecutive issues of a newspaper circulating within the Scheme area as

well as other means of notice as it considers appropriate and for Council to consider any submissions received. The advertising period is required to be at least 21 days from the date of the last notice.

Experienced marketing agents have been requested to provide a quotation for the marketing of the site.

Sustainability Implications

Economic - (Financial impact to the community)

From a commercial development perspective the Exchange Hotel site is constrained by a number of factors including foreshore reservation, floodway, heritage issues, lack of parking and the existence of the Murray River Square. Whilst some interest was shown towards re-establishing and renovating the hotel before the site was purchased by the Shire, no formal proposals have been received since the hotel closed in 2008. Investment in this key site has the potential to stimulate further private investment in the town and would support the Shire's economy depending on the ultimate uses for the site such as function facilities, short stay accommodation and integration with activity areas in the foreshore that could assist events the redevelopment of the site could have a positive economic impact on the Shire.

The formalisation and improvement of land that is currently being used for public access will contribute enormously to the quality and character of the town and is likely to activate private investment and business expansion in the town. The Shire's ownership of the site will also provide the opportunity for the Shire to enter into a partnership with a private party for the restoration and re-establishment of the hotel and provide an appreciating land asset in a prime location in the centre of Pinjarra.

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

The Shire's ownership of the Exchange Hotel site has provided the opportunity to formalise and expand public land within the town centre, creating a continuous usable foreshore public space from the boat ramp to the Murray Leisure Centre. The acquisition has provided the opportunity to better integrate the river with the town centre and provide for the restoration and reuse of a highly significant heritage site within the Pinjarra heritage area, improving the attractiveness and character of the town. The re-establishment of the use of this site for a food and beverage facility would add to the social sense of place of Pinjarra and extend the level of activity within the town centre outside of normal business hours.

The retention of the key heritage elements of the Exchange Hotel site will contribute toward the character and distinctiveness of the town and helps to create a unique identity and sense of place. It will also provide a valuable cultural and educational resource, which provides a tangible link to the past and enhances the community's cultural identity.

Environment – (Impact on environment's sustainability)

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

Governance/Risk Statement – (Policy implications/level of risk)

Following are the key risks if Council does not proceed with the marketing for expressions of interest to progress toward the development and re-use of the Exchange hotel include:

- A risk of losing one of the Shire's more significant heritage assets to continued decay with the resultant loss of the town character and distinctive sense of place.
- A reputation risk of not delivering on its adopted Strategic Initiatives set out in its Strategic Community Plan.

Overall, the level of risk of not proceeding with this project is considered high.

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.

The Shire’s Purchasing Policy (CA19) states as follows:

“2.2 Procurement Thresholds (GST Exclusive)

2.2.1...

2.2.2 \$2001 to \$20,000

This category is for the procurement of goods or services where the value of such procurement ranges between \$2001 and \$20,000. At least two verbal or written quotations (or a combination of both) are required whenever possible or the WALGA preferred Supply Contract may be used (see clause 2.2.6). Where this is not practical, e.g. due to limited suppliers, it must be noted through all records relating to the process.

2.2.3 \$20,001 to \$50,000

For the procurement of goods or services where the value exceeds \$20,001 but is \$50,000 or less, it is required to obtain at least two written quotes whenever possible or the WALGA preferred Supply Contract may be used (see clause 2.2.6). The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with all record keeping and audit requirements”.

Strategic Outcomes

Murray 2023 – Strategic Community Plan

Theme 2 <i>Strategic Land Use Planning</i>	
Objective 2.3 <i>Enhance our character and identity</i>	Strategy 2.3.1 <i>Protect and enhance our heritage</i> Strategy 2.3.2 <i>Provide vibrant and attractive places</i> Strategy 2.3.3 <i>Provide for a distinctive sense of place within our rural and urban areas</i>
Theme 3 <i>Environmental Sustainability</i>	
Objective 3.1 <i>Improve the protection of our natural assets</i>	Strategy 3.1.1 <i>Improve the level of protection and management provided to natural areas</i>
Theme 4 <i>Infrastructure and Asset Management</i>	
Objective 4.1 <i>Build and maintain infrastructure to meet the needs of a growing population</i>	Strategy 4.1.1 <i>Efficiently plan and manage assets throughout their lifecycle</i> Strategy 4.1.2

	<p><i>Effectively utilise land assets to provide future infrastructure</i></p> <p>Strategy 4.1.4 <i>Provide community facilities to meet future population needs.</i></p>
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<p>Theme 5 <i>Economic Development</i></p>	
<p>Objective 5.2 <i>Encourage greater levels of tourism</i></p>	<p>Strategy 5.2.1 <i>Support the development of new tourism attractions.</i></p>

The Shire has prepared a draft Growth Strategy for the Pinjarra Town Centre which will provide a coherent vision for the growth of the town. The vision statement set out in the draft strategy states:

Pinjarra is a distinctive and important activity centre within the Peel Region serving a regional population, providing a variety of employment types and promoting the cultural identity of the Shire of Murray. Pinjarra retains a connection to its country roots by celebrating its heritage, taking advantage of the Murray River setting and entrenching landscape elements within and around the Town Centre. Pinjarra is a destination, a place where people want to visit, work and live. Contemporary development creates a buzzing yet relaxed atmosphere. Access around the town is conveniently provided by high quality public transport that frequently connects to Mandurah and other towns in the region.

One of the precincts identified in the draft strategy is the historic core. The project area is located within this precinct. The draft strategy recommends that this is an important precinct which tells the story of Pinjarra’s past and provides an historic and social sense of place. The precinct has also been recognised in the Shire’s Local Government Inventory and draft scheme heritage list for its heritage significance. The historic core precinct is located directly adjacent to the bend in the Murray River which provides a tremendous landscape setting for the town. One of the key urban design principles of the draft strategy is to maximise public access to the Murray River foreshore and for it to become an integral component of the town centre.

The Shire of Murray Local Government Heritage Inventory and draft Heritage List indicates the Exchange Hotel site as a ‘B’ category which has considerable heritage significance which is very important to the heritage of the locality. The desired outcomes for this category of heritage place are listed as follows:

1. Conservation of the place is highly desirable.
2. Any alterations or extensions should be sympathetic to the heritage values of the place.
3. Places identified under this category are recommended to be included within the Heritage List prepared under the Shire’s Local Planning Scheme.
4. A requirement for planning approval is recommended for proposed exterior works, change in land use and demolition.

The Statement of Significance for the Exchange Hotel as listed in the Inventory states:

Exchange Hotel includes the remnants of two Victorian Georgian style buildings (c.1866). One of the original buildings appears to be substantially intact, and a remnant of the other building can be seen in a gable to the northeast.

The surviving c.1866 building at Exchange Hotel is rare as part of the oldest remaining hotel in the Peel Region, and one of the oldest building in the Region.

Exchange Hotel has high integrity, having operated continuously as a hotel since 1871 until it closed in 2008.

Exchange Hotel has a close association with the development and growth of Pinjarra.

Exchange Hotel has social value as a former centre of community life in Pinjarra, and as such is valued by the community.

Statutory Environment

Local planning policies are adopted pursuant to the Scheme and must be consistent with the provisions of the scheme. Council may prepare local planning policies in respect of any matter related to the planning and development of the scheme area so as to apply:

1. Generally or for a particular class or classes of matters; and
2. Throughout the scheme area or in one or more parts of the scheme area.

Section 3.59 of the *Local Government Act 1995* deals with commercial enterprises by local governments and essentially defines a major land transaction (except where exempt) as a land transaction where the consideration is more than a prescribed amount.

The *Local Government (Functions and General) Regulations 1996* at Regulation 9 prescribes that amount as being the lesser of \$2 million or 10% of the lowest operating expenditure of the Shire for the preceding, current and next financial years. The operating expenditure in 2013-14 was \$21,720,760, the current financial year \$24,445,296 and the projected for 2015-16 under the Long Term Financial Plan \$23,007,256. Therefore if the redevelopment exceeded \$2.172 million it would be classed as a major land transaction.

Before a local government can enter into a major land transaction it must prepare a business plan, which is to include an overall assessment of the major land transaction and give State-wide public notice detailing its intention to commence the proposal and invite public submissions. At the conclusion of the public submission period of 42 days, and after considering any submissions received, the Council may then decide whether to proceed with the proposal as outlined in the business plan.

Options

Council has the option of either:

1. Proceeding with the marketing of the site, or
2. Not proceeding with the marketing of the site.

Resource Implications

Financial

\$20,000 has been set aside in the Council's 2014/15 budget for the marketing of the Exchange Hotel.

Workforce

Nil

Conclusion/Justification of Officer Recommendation

The Shire purchased the site mainly to secure the grounds as public land, but also to assist in a re-establishment of the use of the site. The building site has high local heritage

significance and the Shire has undertaken a Heritage Conservation Strategy and feasibility assessment to consider options for its future. In this regard the Council has decided to seek interested parties to enter into a long term lease with the intent of renovating and adapting the building for a food and beverage use in accordance with the Conservation Management Strategy and Shire planning policies. The adopted feasibility assessment indicates that interested parties should address selection criteria aimed at:

1. Community benefit
 - a. The extent to which access and orientation to the river foreshore is provided;
 - b. The extent of additional recreation space available to the community;
 - c. The extent to which services useful to the community are available;
 - d. The contribution to the character of the town and the activation of the town centre;
2. Heritage – The extent to which heritage aspects of the site are recognised, and enhanced;
3. Design – The extent to which the project encompasses quality design principles;
4. Financial – The extent to which the proposal would provide a financial return to the Shire over time.

Additional criteria would also be needed to address the financial and capability criteria and the ability to undertake the construction works and establish the new business within a timely manner. Council will need to adopt the selection criteria for the procurement process and the relative criteria weightings. This is included in the recommendation.

A brief for marketing services was distributed to marketing agents experienced in similar campaigns requesting a price and scope on a marketing campaign designed to actively attract interested parties to renovate and establish a food and beverage use at the site on a long term lease basis. The marketing campaign was to be focussed at both the State and local levels and include active marketing aimed at obtaining submissions from suitable multi franchise operators and others. The marketing period is expected to be 8-12 weeks to enable prospective parties plenty of time to consider their submissions. At the time of preparing this report one submission had been received. Councillors will be advised of the submissions received prior to the Council meeting.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:

OCM15/088

Moved: Cr P Briggs

Seconded: Cr B Thomson

That Council:

1. **approves the selection criteria and weightings for the procurement process for the development, reuse and leasing of the Exchange Hotel buildings as follows:**
 - **The extent to which the proposed use and development concept contribute toward the character and activation of the town including foreshore reserves and the Murray River Square – 30%;**
 - **The extent to which the heritage values of the site and area are recognised and enhanced – 30%;**
 - **The technical and physical capacity to deliver the outcome within a timely manner including previous experience or past performance with similar works – 20%;**
 - **Financial benefits to the Shire – 20%**

- 2. advertises the draft Exchange Hotel Local Planning Policy (attached at appendix 5) in accordance with the requirements of 2.5 of the Town Planning Scheme No. 4; and**
- 3. acknowledges that a marketing agency will be engaged to undertake a marketing campaign to actively attract interested parties to renovate and establish a food and beverage use at the site on a long term lease basis.**

CARRIED UNANIMOUSLY 8:0

Corporate Governance

12.4 Financial Assistance Grants to Local Government

File Ref: 1400
Proponent Australian Local Government
Author and Title: Dean Unsworth, Chief Executive Officer

Appendix 6

Introduction

The Australian Local Government Association (ALGA) has been raising with the Commonwealth the significant impact the decision to freeze the indexation of the Federal Assistance Grants (FAGs) in the 2014 Federal Budget for three years from the 2014/15 year.

ALGA has written to every local government in the nation to have the impact of this decision known to all residents. This report is presented to Council to formally consider ALGA's request to publicise these impacts.

Background/Proposal

FAGs are a vital part of the revenue base of all Councils, and this year councils will receive \$2.3 billion from the Australian Government under this important program.

The Federal Government's decision in the 2014 Federal Budget to freeze the indexation of FAGs for the three years beginning in 2014-15 will unfortunately cost councils across Australia an estimated \$925 million by 2017-18.

ALGA and the state local government associations are seeking the support of Council for advocacy to have the Federal Government reverse the decision to freeze the indexation of FAGs.

While the FAGs are paid through each State's Local Government Grants Commission, the funding originates with the Commonwealth and it is important it is recognised as such. Council, and every other council in Australia, have been asked to pass a resolution acknowledging the importance of the Commonwealth's Financial Assistance Grants (CFAG) in assisting Council to provide important community infrastructure.

Council is also being asked to acknowledge the receipt of Financial Assistance Grants from the Commonwealth in media releases and council publications, including our annual report and to highlight to the media a council project costing a similar size to the CFAGs received by Council so that the importance and impact of the grants can be more broadly appreciated.

Consultation

Correspondence from the Australia Local Government Association.

Sustainability Implications

Economic - (Financial impact to the community)

The freezing of the FAGs for three years from 2014-15 will cost the Shire of Murray approximately \$40,000. This is in addition to the 4 years of reductions of \$117,000 per year.

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

With the FAGS freeze there have been less funding available to progress positive social outcomes within the community.

Environment - (Impact on environment's sustainability)

With the FAGS freeze there have been less funding available to progress positive environmental outcomes within the community.

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

Any further reduction in the FAGs poses significant financial risk to the Council.

Strategic Outcomes

Murray 2023 – Strategic Community Plan

Theme 6 <i>Governance and Leadership</i>	
Objective 6.1 <i>Effectively manage resources to ensure business capability</i>	Strategy 6.1.2 <i>Ensure the future sustainability of the Shire</i>

Statutory Environment

Nil

Options

Council has the option of supporting or not supporting the officer recommendation.

Resource Implications

Financial

Nil

Workforce

Nil

Conclusion/Justification of Officer Recommendation

Self-evident within the report.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:

OCM15/089

Moved: Cr M Reid

Seconded: Cr B Beacham

That Council:

1. **acknowledges the importance of federal funding through the Financial Assistance Grants program for the continued delivery of councils services and infrastructure;**
2. **acknowledges that Council will receive \$1,080,407 in 2014/15; and**
3. **will ensure that this federal funding, and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in council publications, including annual reports.**

CARRIED UNANIMOUSLY 8:0

12.5 Regional Centres Development Plan

File Ref:	8/8967
Previous Items:	Not applicable
Proponent	Regional Development Council City of Mandurah
Author and Title:	Dean Unsworth, Chief Executive Officer

Appendix 7

Introduction

The State Government has recently announced funding (phase 2) of the Regional Centres Development Planning (RCDP). This funding provides the opportunity to Regional Centres across Western Australia to plan and prepare for growth (More details of the RCDP can be seen at **Appendix 7**).

The Regional Development Council has identified nine Regional Centres being eligible for funding. These are Albany, Broome, Greater Bunbury, Busselton, Carnarvon, Geraldton, Kalgoorlie, Kununurra and Mandurah.

The Mandurah Chief Executive Officer raised the funding opportunity at the recent Peel Regional Leaders Forum (PRLF) CEO's meeting and it was discussed that this may be a good opportunity for the Shire of Murray to also be included in the application for funding as this would present significant benefit to the Peel's second regional hub.

Background/Proposal

The RCDP is a State Government initiative that provides a platform to support the growth of Regional Centres and SuperTowns identified in the State Planning Strategy.

The next phase of the RCDP includes preparation of a Regional Centres Development Policy, and delivers support to prepare Growth Plans for nine of the Regional Centres identified above.

The aim of the Regional Centres Development Policy is to set the broad strategic direction for growth of Regional Centres and SuperTowns, and to provide a framework for the development and implementation of economic and community Growth Plans.

This is a very positive opportunity for the Shire of Murray as there is a significant amount of planning work to be undertaken to manage the current and future growth of the district. A sustained growth rate of between 5 and 7% for the next thirty years requires Council to undertake significant planning to manage this growth. It also needs to be noted that the Shire does not have an Economic Development Plan which is seen as crucial in order to plan for economic and job growth and foster future potential prosperity.

Funding of \$7.5 million is available to support the program and complete four Growth Plans by 1 October 2016. It is anticipated that preparation of the remaining Growth Plans will commence in late 2016.

Submissions were due to the Regional Development Council on 8 May 2015. Given that this is almost a week prior to this meeting, the CEO has advised that Murray has in-principle supported an application for funding with the City of Mandurah for funding, pending a formal decision of Council at this meeting.

Consultation

City of Mandurah

Sustainability Implications

Economic - (Financial impact to the community)

A lack of quality Growth Plans will be a continued liability in attempting to source grant funding for public infrastructure needed for a growing shire such as Murray. At present, unemployment is 7.7% in the Murray district, therefore there is more need than ever to prepare for growth and develop a growth strategy to ensure the future prosperity of the district and the region.

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

A quality Growth Plan will add significantly to the social quality of life for our residents.

Environment - (Impact on environment's sustainability)

A quality Growth Plan will add significantly to the environmental sustainability of the district.

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

A quality Growth Plan will identify prioritised actions to address economic, social and environmental issues affecting the area which will reduce risk.

Strategic Outcomes

Murray 2023 – Strategic Community Plan

Given the nature of a Growth Plan, effectively all of the Themes and Objectives within the Murray 2023 Strategic Community Plan will be addressed.

Statutory Environment

Nil

Options

Council has the option to request to be part of a joint submission for funding with the City of Mandurah for a joint regional Growth Plan. Under the guidelines Murray would be ineligible applying in its own right, however informal discussions suggest that a joint application and joint plan would be viewed positively.

Resource Implications

Financial

Nil - The Growth Plan would be fully funded.

Workforce

Nil

Conclusion/Justification of Officer Recommendation

The growth the Shire of Murray will experience is significant. Forecast.id demographers suggest that growth will be, on average at least 5.4% per annum over the next thirty years. It does state that this figure is conservative and growth could even be higher than this. Hence, it would be a significant benefit to Murray if it were successful in securing funding to be part of a Regional Growth Plan that would focus on planning ahead for Mandurah and Murray, in particular for future industrial and sporting hubs, urban land expansion,

infrastructure and services. Pinjarra is fast becoming a regional centre in its own right. However to better manage this growth, to secure the necessary infrastructure through grant funding and to ensure better development outcomes, a Regional Centres Development Plan would be of significant benefit to the Shire.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:**OCM15/090****Moved: Cr C Thompson****Seconded: Cr B Thomson**

That Council supports a joint application with the City of Mandurah for funding available under the Regional Centres Development Plan fund (Phase 2).

CARRIED UNANIMOUSLY 8:0

12.6 Adoption of the Shire of Murray Workforce Plan 2014/15-2019/20

File Ref: 1/2044
Author and Title: Julie Brown, Director Corporate and Community Development
**Appendix 8 under separate cover
and Appendix 9**

Introduction

This report is presented to Council to endorse the Workforce Plan for the 2014/15-2018/19 period.

Background/Proposal

The Workforce Plan (**Appendix 8 under separate cover**) is one of the informing strategies of the Integrated Planning Framework (IPRF). Each Local Government's workforce is a key component in achieving community aspirations expressed in the other planning documents. A Workforce Plan is designed to address the human resource requirements of Councils Corporate Business Plan and has effect for a period of four years.

Workforce Planning enables an organisation to respond quickly and more strategically to change by recognising emerging challenges as well as improving efficiency, effectiveness and productivity by having employees with the right knowledge and skills and who are a good fit for the job they are in. It also encourages understanding of the workforce profile so that existing workforce capacity can be maximised and the future workforce shaped as needed, and assists with identifying and managing people with the knowledge critical for efficient and effective business operations, and managing corporate memory. These human resource concepts and strategies can be then implemented within the organisation to ensure that resources are used most effectively, costs are monitored and directly link workforce expenditure against business outputs and outcomes. Comprehensive workforce planning also ensures the local government industry is strengthened through stronger career paths and staff development.

The Shire of Murray Workforce Plan has been compiled primarily through an analysis of the 2013/14 year staffing statistics and previous trends, and allows strategies to be developed that are specific to the Shire of Murray's current workforce needs. These includes targeting of diversity to match the demographic of the community, undertaking succession planning for areas with a higher average age, specifically planning for employee retirement and undertaking training to match the learning methods of each generation.

The Shire of Murray faces specific challenges that have an impact on the employee resources. The Workforce Plan together with the Corporate Business Plan provides the mechanism to not only identify, but present solutions to allow the challenges to be addressed, and ensure the organisation has a strong, capable and professional workforce.

A key component of the Plan is to facilitate strategic staffing and planning for future workforce requirements by identifying these in a timely manner and making arrangements to fill key vacancies. This strengthens the capacity to achieve the outcomes of the Strategic Community Plan. The Executive Leadership Team has analysed the current workforce needs and proposed the following staff be included in the Long Term Financial Plan to meet future service levels. A business case for each of the proposed staff in Year 1 is attached at **Appendix 9**. A summary of the proposed staff and associated timeline is:

Job Title	Hours Per F/N	2015/16	2016/17	2017/18	2018/19
Manager Ranger & Emergency Services	76	X			
Part-time Administration Officer	30	X			
Rates Officer	38		X		
Facilities Officer	45.6	X			
Youth Officer	38			X	
Compliance Officer	76	X			
Environmental Planner	76		X		
Administration Officer	38		X		
Strategic Planning Officer	76			X	
Development Engineer	76	X			
Technical Officer - Design	76				X
Waste Education Officer	30.4			X	
Technical Officer - Projects	76		X		
Parks & Gardens Officer	76			X	
Parks & Gardens Officer	76				X

Some of the staff listed are linked to associated income streams being received in the 2015/16 financial year, including:-

- a) the Administration Officer – Rangers and Manager Ranger and Emergency Services, which is required to assist with the needs of the Shire of Waroona resource sharing arrangement; and
- b) the Development Engineer, which is linked to anticipated increases in engineering fees.

The Workforce Plan is supported by the Human Resource Management Plan, the Retention Strategy, Training Program and the Health and Wellbeing Program. These documents provide a holistic approach to the management of human resources within the organisation.

Consultation

Department of Local Government and Communities

Sustainability Implications

Economic - (Financial Impact to the Community)

Nil

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

Provision of an adequate and appropriately skilled workforce will have a positive effect on the community due to the ability to undertake and complete priorities of the Corporate Business Plan.

Environment – (Impact on environment's sustainability)

Nil

Governance/Risk Statement – (Policy Implications/Level of Risk)

The Workforce Plan interacts with other strategies of the Integrated Planning and Reporting Framework to complete the resourcing requirements for the delivery of core services. Failure

to consider adequate workforce requirements would have a significant adverse effect on the achievement of the Strategic Community Plan objectives.

Strategic Outcomes

The Shire of Murray Workforce Plan supports the projects and initiatives from the Strategic Community Plan and the Corporate Business Plan.

Statutory Environment

Section 5.56(1) and (2) of the Act requires that each local government is to plan for the future of the district, by developing plans in accordance with the regulations.

The Workforce Plan is a requirement of the Integrated Planning and Reporting Framework.

Options

Council may choose to amend the Workforce Plan and the related staffing priorities.

Resource Implications

Financial

Costs associated with implementing the Workforce Plan outcomes will be incorporated within the draft 2015/16 Long Term Financial Plan and 2015/16 draft budget.

Workforce

The additional requirements of the organisation as a whole, over the next four years, are identified within this Plan.

Conclusion/Justification of Officer Recommendation

The Workforce Plan provides a solid foundation upon which human resource management approaches will be based over the next four years. In addition it is aimed at ensuring that the Shire of Murray's workforce will be able to meet the commitments outlined in the Strategic Community Plan and the Corporate Business Plan.

The Plan covers all of the critical aspects that impact on the workforce including an internal and external environmental analysis, key challenges and potential approaches. The outcome is a document that will guide our people management practices and initiatives, to ensure that we have a capable, professional, engaged and sustainable workforce.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:

OCM15/091

Moved: Cr M Reid

Seconded: Cr P Briggs

That Council:

- 1. adopts the Workforce Plan as contained in Appendix 8; and**
- 2. endorses the financial implications of the proposed new staff, during the period 2015/16 – 2019/20 to be included in the draft Long Term Financial Plan.**

CARRIED UNANIMOUSLY 8:0

Recreation and Community Development

12.7 Bedingfeld Park Inc. Aged Care Facility

File Ref:	BE05/350		
Previous Items:	PPS Oct12	Item 8.1	PPS12/145
	OCM Oct12	Item 11.1.2	OCM12/212
Proponent	Bedingfeld Park Inc. Aged Care Facility		
Author and Title:	Dean Unsworth, Chief Executive Officer		

Appendix 10 Under Confidential Cover

Introduction

Bedingfeld Park (Bedingfeld) has been developing a new aged care facility – “Riverside” – on Bedingfeld Road to complement and eventually replace the existing facility. An Outline Development Plan has been developed and approved.

Bedingfeld lodged a federal government grant application of \$3.1 million in July 2014 for the development of a 21 bed facility. This is just over half of the total cost of \$5.9 million. Unfortunately this application was unsuccessful and the Committee reconsidered its approach.

The Committee is now almost in the position of reapplying for grant funding through the state and federal governments. It has requested that Council provide its support to help bolster the chances of grant funding.

Background/Proposal

The Riverside Development will be a 100 bed residential aged care facility at the completion of the project. The facility will provide a modern, state-of-the-art accommodation designed specifically for residents with dementia. A copy of the Bedingfeld Park Redevelopment Park Master Plan is attached (**Appendix 9 under Confidential Cover**). Also attached are more details on the project and the benefits that this project will provide to the district.

The first stages of the facility will house 42 dementia-affected residents, and will cost \$11 million. Design has been completed and Bedingfeld now await federal bed licences and funding in order to proceed. Of the funding required Bedingfeld can provide \$2.8 million.

Since the first rejection of Federal funds, Bedingfeld has decided to adjust its funding strategy to be less reliant on Commonwealth funds and consider other options such as Royalties for Regions.

Consultation

Bedingfeld Park Incorporated

Sustainability Implications

Economic - (Financial impact to the community)

Pinjarra is identified as the second major regional town in the Peel in the Peel Development Commission’s Regional Blueprint. Pinjarra is identified as being a regional hub that will provide economic growth and jobs for a larger Peel region. However in order for the district to be sustainable services for the aged is of critical importance. Failure to provide services such as proposed by Bedingfeld will have a detrimental impact on the Shires economic activity as families will be forced to move out of the district. Also employment opportunities in the provision of aged care services will not be maximised.

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

Council has a responsibility to provide a quality of life to its residents. The current facilities at Bedingfeld are constrained and in part do not meet current Australian standards. The proposal by Bedingfeld will bring facilities to these modern day standards.

Environment - (Impact on environment's sustainability)

Environmental impacts of the development can be addressed through the planning approval processes.

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

The major risk to Council is stated under Economic above.

Strategic Outcomes*Murray 2023 – Strategic Community Plan*

Theme 1 <i>Community Wellbeing</i>	
Objective 1.3 <i>Encourage a healthy and active lifestyle</i>	Strategy 1.3.3 <i>Promote accessibility to ensure community inclusion</i>

Statutory Environment

Nil

Options

Bedingfeld are not requesting funding but Council's support which will assist in illustrating strong community support from the community.

Resource Implications

Financial

Nil

Workforce

Nil

Conclusion/Justification of Officer Recommendation

The shortage of both high and low care aged facilities is already chronically low and this serious issue will only increase unless organisations such as Bedingfeld Park continue to expand. Statistics show that 1,302 aged places are currently needed in Mandurah and Murray and this will grow to 1,706 in 2021 and 2,692 by 2036. At the last review in 2013 there were only 821 aged care beds in the Mandurah, Murray and Waroona region.

This issue should be considered by Council as one of the district and regions challenges as the predicted growth rates eventuates.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:

OCM15/092

Moved: Cr C Thompson

Seconded: Cr B Beacham

That Council:

- 1. thanks Bedingfeld Park Inc. for their presentation at this meeting;**
- 2. makes the provision and lobbying of aged care facilities in the district and the region a priority in the 2025 Shire of Murray Strategic Community Plan; and**
- 3. fully supports the Bedingfeld Park – “Riverside” development and will assist in making deputations to federal and state politicians and agencies to raise the awareness of this project and the need for more aged care facilities in the Shire of Murray.**

CARRIED UNANIMOUSLY 8:0

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:

OCM15/093

Moved: Cr P Briggs

Seconded: Cr B Thomson

That Council by Absolute Majority will waive any future planning application and building application costs (excluding BTCIF) for the Bedingfeld Park Inc ‘Riverside’ development.

CARRIED UNANIMOUSLY 8:0

12.8 Yunderup Sport and Recreation Club Urgent Building Works

File Ref: 7/7751
Previous Items: OCM June14 Item 13.4 OCM14/081
Author and Title: Dean Unsworth, Chief Executive Officer

Appendix 11

Cr M Reid has declared an impartiality interest in Item 12.8 – Yunderup Sport and Recreation Club Urgent Building Works in that she is a member of the board and withdrew from the meeting at this point the time being 9.47am.

Introduction

Over recent weeks Council has been kept informally updated on issues that have arisen with the structure of the Yunderup Sport and Recreation Club building.

Following close inspection it has been found that the issues result from the works that were undertaken approximately twenty (20) years ago.

Urgent decisions were required to be made to address these issues and to minimise the additional significant expense that would have resulted. Council is requested to ratify these urgent decisions that were required to be made.

Background/Proposal

Council approved plans for a major refurbishment and extensions to the Yunderup Sport and Recreation Club building in September 2014. Part of the works required the steel roofing structure to be removed to allow for the extension.

On 15 April when removing the steel roof structure some major structural issues were identified as part of the works undertaken in the mid 1990's. Given the seriousness of this problem, the structural engineer had to be recalled to the site to give an appraisal and then present drawings and solutions to Council.

While some minor works could continue, the majority of tradespeople had to stop work immediately as the roof is required to be completed and the building weather proofed. Another concern is that the funding provided by the Department of Regional Development under the Royalties for Regions programme is required to be expended by 30 June 2015 to meet the grant contractual agreement.

On Friday 24 April the Shire received the full extent of the issues and estimated cost to address these issues.

As a part of the works for the renovations of the Club the builder was required to remove and replace the existing roof sheeting and undertake packing works to remove the existing sag from the roof.

Upon the removal of roof sheeting it became apparent that works completed as a part of previous extensions were substandard and possibly structurally insufficient.

- Structural Beams having portions cut from them that compromised the integrity of the beam,
- Roof purlins spanning a greater than allowable span,
- Required bracing not installed,
- Connections points not having correct or sufficient connections,
- Required ties down of roof members not installed.

To confirm the concerns the project Engineer was requested to undertake a site inspection and was provided with photos of areas of concerns. The follow are extracts of notes received from the Engineer based on the photos and an initial site inspection.

- It is noted that two of the end purlins did not appear to have any hold down rod. For these purlins provide minimum 1200mm long “J” hook bolt and pin (all Hot Dip Galvanised).
- The roof appears to have been extended a number of times with some inconsistencies in the bridging of the roof purlins. It is recommended that where the purlins have no bridging, new bridging is to be provided.
- I am not confident in being able to give accurate advice on the roof beam. It certainly looks as if it has been “butchered”. Without knowing the loads going back onto it from the roof, whether the cantilever end is well braced, how much of the flange has been cut off etc I think it is best if I come down and have a quick look.
- The existing steel purlins do not appear to have any bridging mid span (the 4” x 2” timber trimmers cannot be considered as effective bridging).
- It is also recommended that these purlins have bridging installed.
- The purlins also appear to be “strutted” down to the bulkhead framework over the bar, using timber struts screw fixed to the side of the steel purlins. I cannot determine if there is in fact a steel member within the bulkhead supporting the purlin or it is just the timber bulkhead framing. If it is proposed to modify the bulkhead over the bar, we may need to look at it more closely.

To allow the Engineer to fully determine the required works it was necessary to remove ceiling structure, additional sheeting and undertake a further inspection. This also required the Club to be closed for potentially the remainder of the project.

The following are notes form this additional inspection.

- The “C10016 Rafters” over the Verandah are considered to be OK however, as I suspected, the first Z15016 Purlin internally is overstressed. We can get around this by holding down the “rafters” where they cross over the cavity wall (single leaf wall over the Captain’s Office).
- The purlins inside will all require mid span bracing and are considered to be adequate for the proposed new plasterboard ceiling over the bar and fibreboard suspended ceiling in the main Spectator area together with the existing timber lined Bulkhead over the Bar.

In addition to this the Engineer has provided a set of plans that have been marked with his recommendations (copy attached). From this the builder has undertaken to provide us with a detailed cost variation. Their estimation is that it will be in the order of \$100,000.

Following a meeting with the CEO and YSRC representatives where it was determined that the additional cost would be covered on a 50/50 basis between the Club and the Shire the builder has been instructed to continue with the works.

It was identified that while building works were not progressing Council would incur a total of \$1,307 per day while all tradesperson were stood down. It had been identified that 13 days had already been lost. Another major concern was that further damage and costs would occur if rain was experienced.

At the time of making a decision to proceed with urgent building works it was estimated that a cost of up to \$100,000 was required to correct the problems.

At the June 2014 Council meeting it was resolved:

That by Absolute Majority:

1. *Council proceeds with the proposal to extend the Yunderup Sport and Recreation Club building and adopt a reduced maintenance program from \$595,623 to \$314,825 by way of:*
 - a) *eliminating the proposed air conditioning line item;*
 - b) *eliminating proposed modifications/replacement to existing steel roof framing;*
2. *Council supports the proposal to extend the Yunderup Sport & Recreation Club and provide a total of \$975,000 (being \$500,000 of Royalties for Regions funding and \$475,000 of municipal funds subject to the following conditions:*
 - a) *Acceptance of the above proposal in writing by 30 June 2014;*
 - b) *Guarantee in writing of the pledged \$325,000 by 30 June 2014;*
 - c) *Funds of \$125,000 placed in the Shires bank account by 31 July 2014 and providing the remaining \$200,000 in two stages, being \$100,000 by January 2015 and the remaining \$100,000 by May 2015;*
 - d) *Written advice assuring the Shire that the identified maintenance as detailed within the Slattery Maintenance Schedule (excluding Air Conditioning) will be attended to and funded at a future time by the YSRC;*
 - e) *Written confirmation that any future air conditioning upgrades or replacement will be the sole responsibility of the YSRC;*
 - f) *Written confirmation that the land adjacent to the YSCR (Lot 500 Wills Way) will not be available for any future sale or land swap for the benefit of the YSRC as the amount of \$475,000 provided by Council is in lieu of this;*
 - g) *That the Shire of Murray will be responsible for the project management of the proposed extension and maintenance upgrade of the current building and that the YSRC advises in writing that Shire Officers have permission to be on site at any time;*
 - h) *Written acknowledgement of the Maintenance requirements as identified in the current lease be attended to within a reasonable time as deemed by the Chief Executive Officer through negotiation;*
 - i) *A formal agreement that any cost overruns incurred due to the decisions and project management of the Shire of Murray will be shared on a 50/50 basis;*
 - j) *Any cost overruns due to additional works requested or undertaken by the YSRC will be the sole responsibility of the YSCR Inc.;*
 - k) *That the YSRC acknowledge that entering into an access agreement as provided for in the lease agreement as the works will be very disruptive to the Clubs normal activities;*
 - l) *Agreeing that Council will not be responsible for any compensation whatsoever for loss of profits or other loss of revenue during the conduct of the works;*
3. *A deed containing these conditions be signed by the YSRC Inc. before any works can commence;*
4. *The Country Local Government Fund agreeing to amend the terms and conditions of the grant to enable the amended scope of works to be carried out within the revised time frame; and*
5. *Council thanks representatives of the Yunderup Sport & Recreation Club and their Building & Grants sub-committee for the time, effort and funds expended in working with the Shire of Murray to develop this proposal.*

At the 24 April 2015 meeting with the Yunderup Sport and Recreation Club an emergency decision was made to have the structural issues addressed as a matter of urgency. Once this decision was made the builder worked over the Anzac Day long weekend with the steel contractor to manufacture all of the parts required for the correction. Steel workers arrived on site on Tuesday 29 April and began works in an effort to beat the rain.

As these works were able to be undertaken immediately there is a chance that the estimated costs of \$100,000 may be reduced.

The given hand-over date for the project was scheduled for 22 June and the opening had been scheduled for 10 July. These dates have been put on hold until the correction is completed and the project can continue as per the schedule of work. To date 13 days have been lost due to the roof fault. However everything possible is being done to ensure that the project is finished as soon as possible.

Consultation

- Yunderup Sport and Recreation representatives
- Contract Builder
- Shire Project Manager

Sustainability Implications

Economic - (Financial impact to the community)

Nil

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

Nil

Environment - (Impact on environment's sustainability)

Nil

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

There was significant reputational risk and financial risk if a decision to proceed with urgent building repair works had not been made. For each day a decision was not made there was a cost to Council of \$1,307. Additionally there was serious risk of water damage with the exposed roof.

Strategic Outcomes

Murray 2023 – Strategic Community Plan

Theme 4	
Infrastructure and Asset Management	
Objective 4.1 Build and maintain infrastructure to meet the needs of a growing population	Strategy 4.1.5 Continue to develop and implement best practice asset management

Statutory Environment

Nil

Options

Given the situation there was no option as to whether the structural repairs were to be completed or not. As the repairs had to happen before the refurbishment and extension works could continue, a decision was made to commence the structural repairs as a matter of urgency.

Resource Implications

Financial

As at 30 June 2015, the Asset Enhancement Reserve will have a budgeted amount of \$232,765 which is available for this purpose.

Workforce

Nil

Conclusion/Justification of Officer Recommendation

As detailed under the Options section of this report (above).

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:

OCM15/094

Moved: Cr B Beacham

Seconded: Cr C Thompson

That Council by Absolute Majority:

- 1. ratifies the decision of the Chief Executive Officer to authorise urgent works to commence to address structural design issues on the Yunderup Sport and Recreation Club building at an estimated cost of up to \$100,000 (exc. GST);**
- 2. allocates up to \$50,000 (exc. GST) from its Asset Enhancement Reserve to fund these urgent works with matching provided by Yunderup Sport and Recreation Club Inc.; and**
- 3. thanks the Yunderup Sport and Recreation Club Inc. for providing it with matching funds to repair the structural works required and allow the building refurbishment and extension to proceed.**

CARRIED UNANIMOUSLY 7:0

Cr M Reid rejoined the meeting at this point the time being 9.50am.

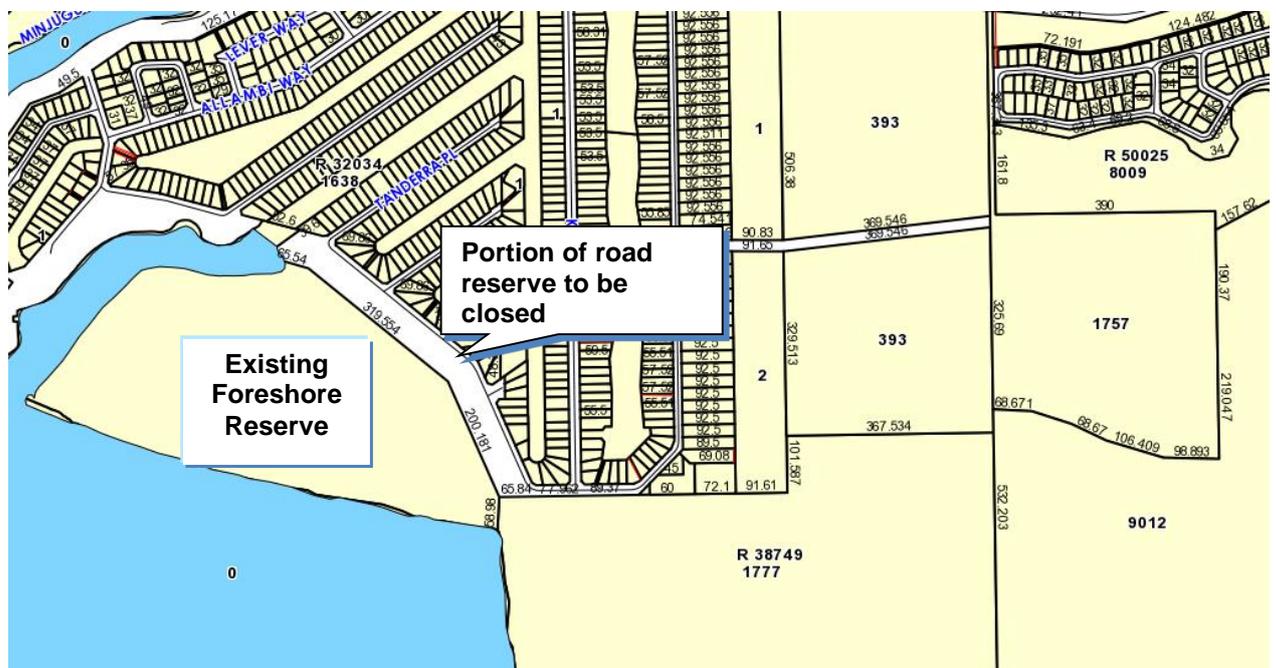
Technical Services

12.9 Road Closure - Portion of Wellya Crescent and Boundary Adjustment of Foreshore Reserve.

File Ref: 0349-01
 Owner: Shire of Murray
 Author and Title: Alan Smith, Director Technical Services

Introduction

Council is requested to consider supporting a proposal to close a portion of Wellya Crescent Road Reserve and amalgamating the portion into the existing adjacent Foreshore Reserve. A plan showing the proposed closure and amalgamation has been included below for the Council's information:



Background/Proposal

The request for the closure of this portion of Road Reserve and its amalgamation into the existing Foreshore Reserve is being recommended to better manage the activity within the reserve. Currently the unused portion of road reserve which forms the landscaped reserve should be created as a separate reserve to enable improved management and protection.

Consultation

Internal Liaison

Sustainability Implications

Economic - (Financial impact to the community)

There will be very minimal financial impact on the community as a result of the proposal presented and the costs are further detailed in the financial section of this report.

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

No physical changes are proposed to the existing situation of the land, therefore there will be no adverse social impact on the adjoining landowners.

Environment – (Impact on environment’s sustainability)

Not applicable

Governance/Risk Statement – (Policy implications/level of risk)

The risk of negative community or state agency comment will be addressed by the consultation process required by the *Land Administration Act 1997*. Council Policy and processes are not affected by the proposal presented and the level overall risk is considered to be low.

Strategic Outcomes

Murray 2023 – Strategic Community Plan

Theme 1 <i>Community Wellbeing</i>	
Objective 1.1 <i>Provide safe and attractive places</i>	Strategy 1.1.2 <i>Provide clean and attractive streets and public places</i>

Theme 1 <i>Community Wellbeing</i>	
Objective 1.3 <i>Encourage a healthy and active lifestyle</i>	Strategy 1.3.1 <i>Provide sporting facilities, parks and open spaces that encourage community participation</i>

Statutory Environment

Section 58-*Land Administration Act 1997*-Closing Roads

- (1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.
- (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.
- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district a notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.
- (4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsection (2) and (3)-
 - (a) by order grant the request; or
 - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention that direction; or
 - (c) refuse the request.

- (5) If the Minister grants a request under subsection (4)-
- (a) The road concerned is closed on and from the day on which the relevant order is registered; and
 - (b) Any rights suspended under section 55 (3)(a) cease to be so suspended.
- (6) When a road is closed under this section, the land comprising the former road-
- (a) Becomes unallocated Crown Land; or
 - (b) If a lease continues to subsist in that land by virtue of section 57 (2), remains Crown Land.
 - (c) Road Closure Process
1. Report/Background information to Councillors before Council Meeting to close road.
 2. Signed copy of Council Resolution to close road.
 3. Copy of advertisement to close road.
 4. Copies of any submissions and objections to advertisement.
 5. Signed copy of Council motion and comments on submissions and objections.
 6. Copies of correspondence to public utility service providers and other agencies (as required) confirming their agreement to the proposed closure
Water Corporation, Western Power, Alinta Gas, Telstra, Department of Mines and Petroleum, Dampier to Bunbury Natural Gas Pipeline (DPNGP) Land Access Minister, Department of Lands
 7. Sketch plan showing proposed allocation/sale of land in road to adjoining owners (to identify easements under either section 27A of the Town Planning and Development Act 1928 for drainage works, water, electricity or gas, if required or, under section 144 of the LAA)

Options

Council has the option of:

1. supporting the proposal to close the identified portion of Wellya Crescent; or
2. rejecting the proposal.

If the proposal is not supported there is a potential risk associated with future governance issues on this piece of land.

Resource Implications

Financial

The cost to complete the closure of the road and undertake the realignment of the reserve boundaries is estimated at \$500 which includes advertising and legal expenses.

Workforce

Officer's time to prepare advertising and other associated correspondence.

Conclusion/Justification of Officer Recommendation

The closure of this portion of Road Reserve and its amalgamation into the adjacent foreshore reserve will enable improved governance and allow Ranger Services to better manage activities within the existing open space area. The road reserve in question is well in excess

of the requirement for the existing road, the recommended outcome is to develop a road reserve that meets the future needs of Wellya Crescent with the balance being aligned to the adjacent reserve.

There is a requirement with any road closure to advertise and obtain comment from state agencies, utility providers and the general public. A further report will then be provided to Council detailing the consultation and relevant feedback.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:

OCM15/095

Moved: Cr C Thompson

Seconded: Cr P Briggs

That Council:

- 1. supports the closure of the portion of Wellya Crescent as detailed;**
- 2. approves for advertising to be published in a newspaper circulating within the district advising of the proposal to close the identified portion of Wellya Crescent and public comment be invited for a period of 35 days; and**
- 3. receives a further report back following the closure of the public consultation period to consider submissions received and determine if the road closure is to proceed.**

CARRIED UNANIMOUSLY 8:0

12.10 Forrest Highway - Support for Acquisition and Dedication for New Access Road

File Ref: BI03/1346
Author and Title: Alan Smith, Director Technical Services

Appendix 12

Introduction

Council is requested to support the future dedication of the land being acquired for road purposes by the Main Roads Department of Western Australia as per plan 201302-0107-1 at **Appendix 12** that shows the area being acquired to create the new local roads. Main Roads Western Australia require a formal resolution from Council to progress the acquisition and dedication.

Background/Proposal

Following the taking of land for the Forrest Highway, Main Roads Western Australia has been in mediation with the adjacent land owner in the vicinity of Birchmont Road, to resolve compensation claims and future access issues that arose from 'Taking of the Land' for the Forrest Highway and subsequent impacts on the property.

Interim access has been provided to the property from Forrest Highway, however this access can only be considered as temporary as the access will need to be removed when the highway is upgraded to freeway status in the future. In order to remove any ambiguity and to finalise the compensations claim, Main Roads have agreed with the property owner to finalise the ultimate access arrangements now and remove the temporary access from the Forrest Highway. It has been agreed that the access to the severed lots be provided by the creation of two (2) new local roads as detailed on the attached plan **Appendix 12**.

Subject to Council approval of the new road reserves, Main Roads will fence and construct new unsealed roads within the new reserves in the near future to the satisfaction of the Shire of Murray. In addition, the existing temporary intersection of Birchmont Road will also be removed and closed to public thoroughfare, with access to be provided to the section of Birchmont Road east of the Forrest Highway and from Mills Road via one of the new roads.

Consultation

Main Roads Western Australia

Sustainability Implications

Economic - (Financial impact to the community)

Once the roads are developed there will be ongoing depreciation and renewal costs as well as ongoing maintenance of the new roads.

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

These new roads primarily service the adjacent properties who are in agreement with the proposal.

Environment – (Impact on environment's sustainability)

Nil

Governance/Risk Statement – (Policy implications/level of risk)

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 these roads is managed to ensure traffic carrying capacity.

Strategic Outcomes

Murray 2023 – Strategic Community Plan

Theme 4	
<i>Infrastructure and Asset Management</i>	
Objective 4.2 <i>Facilitate roads, paths and waterways for inter-connectivity.</i>	Strategy 4.2.2 <i>Ensure an effective future road network.</i>

Statutory Environment

Section 56 of the *Land Administration Act 1997*.

Options

Council has the option of:

1. supporting the future dedication of the land being acquired for road purposes by the Main Road Department of Western Australia; or
2. not supporting the future dedication of the land being acquired for road purposes by the Main Roads Department of Western Australia.

Resource Implications

Financial

When referencing industry standards there are financial implications, these incorporate the depreciation and renewal of the asset and also the ongoing maintenance. The road in question will have nominal traffic and therefore will require less maintenance and a potential longer road life. The typical industry standard road costs are:

Depreciation/Renewal - \$5,125 annually

Maintenance - \$2,563 annually

Workforce

There would be an increase in maintenance grading to support the new roads, no additional staff would be warranted.

Conclusion/Justification of Officer Recommendation

Council is requested to support this dedication so that Main Roads Western Australia can proceed to remove any ambiguity and to finalise the compensations claim, finalise the ultimate access arrangements, remove the temporary accesses and create two (2) new local roads under Section 56 of the *Land Administration Act 1997*.

To help alleviate the renewal and maintenance of the new road network there are options to close portions of Birchmont Road adjacent to the Forrest Highway. These will form part of the land acquisition requirement for the adjacent properties and are being investigated to negate any future access to the Forrest Highway.

Voting Requirements

Simply Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:

OCM15/096

Moved: Cr C Thompson

Seconded: Cr B Beacham

That Council:

- 1. supports the future dedication of the land being acquired for road purposes by Main Road Western Australia under Section 56 of the *Land Administration Act 1997*, as per Appendix 11; and**
- 2. indemnifies the Shire of Murray against costs associated with the dedication of land being acquired by Main Roads Western Australia for road purposes.**

CARRIED UNANIMOUSLY 8:0

12.11 Ten (10) Year Plant Replacement Program

File Ref: 6101-06
Previous Items: OCM Dec 13 Item 11.4 (OCM13/253)
Author and Title: Chris Pretorius, Manager Operations

Appendix 13

Introduction

This item was deferred from the Ordinary Council meeting held on 23 April 2015 pending further discussion at a Vehicle Working Group meeting.

The Ten (10) Year Plant Replacement Program is based on the current (2014/15) usage rates/hours for each item of plant/vehicle.

Background/Proposal

The Ten (10) Year Plant Replacement Program is presented annually to Council to allow for budget planning and detail the level of expenditure versus the Plant Replacement Reserve.

A Plant Replacement Reserve is in place to allow for the replacement of plant that contributes to the reserve through operational requirements. Where additional plant is required that cannot be funded via the reserve these will be listed separately and must be funded utilizing Municipal Fund. A copy of the program is attached (**Appendix 13**).

The 2015/16 financial year includes the following items for changeovers:

- Multi Roller
- Small Loader
- 7T Patching Truck
- Patching Unit
- Townsite Maintenance Truck and Hiab
- Zero Turn Mower
- 360 Multipurpose Diesel Mower
- Turn Mower
- 7 Gang Reel Mower
- Multi Mower Trailer
- Small Trailers
- Light Fleet

Consultation

- Relevant Staff Input
- 10 Year Plant Replacement Program
- Suppliers and Second hand dealers
- Site visits and networking with other Shires
- Vehicle Working Group

Sustainability Implications

Economic - (Financial impact to the community)

Optimum changeover of the plant and fleet will ensure cost effective outcomes.

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)

It is essential that effective changeover of plant items is undertaken to best manage fleet standards.

Strategic Outcomes

Murray 2023 – Strategic Community Plan

Theme 4 Infrastructure and Asset Management	
Objective 4.1 <i>Build and Maintain Infrastructure to meet the needs of a growing population</i>	Strategy 4.1.1 <i>Efficiently plan and manage assets throughout their lifecycle</i>

Statutory Environment

Not Applicable

Options

Council has the option of:

1. Approving the Ten (10) Year Plant Replacement Program with Year One (1) being listed for consideration in the 2015/16 financial budget.
2. Amending the Ten (10) Year Plant Replacement Program.

Resource Implications

Financial

The program shows that a net figure of \$785,991 is required for the Plant and Light Fleet Replacement Program in the 2015/16 financial year. The Long Term Financial Plan provides for a fully funded asset renewal program with \$825,000 being allocated from municipal funds each year to fund the Plant and Light Fleet Replacement Program.

Workforce

Nil

Conclusion/Justification of Officer Recommendation

Each year all plant is reassessed and prioritised for replacement, the first year of the program is then listed for consideration in the next draft budget. Further review through the vehicle working group in principal agreed with the current program. Discussion regarding the patching unit verses the potential upgrade to a Jetpatcher is being reviewed to provide further detail to Council for the long term. Meetings have been held with the Shire of Serpentine-Jarrahdale who currently operate a jetpatcher to understand the operating costs of the Jetpatcher and any additional operational outcomes. This can then be compared to the current operations of our patching unit to establish functionality and operational costs between the two pieces of plant.

At this stage the preference is to maintain the existing patching unit due to the flexibility and multi functionality of the plant and cost outcomes are within the current plant replacement reserve. Once feedback has been received from the Shire of Serpentine-Jarrahdale further information can be provided to Council for clarification during the budget process.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:

OCM15/097

Moved: Cr P Briggs

Seconded: Cr M Reid

That Council adopts the Ten (10) Year Plant Replacement and Trailer Refurbishment Programs (2015/16-2024/25) and Year One (1) be listed for consideration in the 2015/16 draft budget as shown in Appendix 13.

CARRIED UNANIMOUSLY 8:0

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

OFFICER RECOMMENDATION/COUNCIL DECISION:

OCM15/098

Moved: Cr M Reid

Seconded: Cr P Briggs

That Council proceeds behind closed doors the time being 9.52am as per *Section 5.23(2)(d)* (Item 16.1) and *5.23(2)(a)* (Items 16.2, 16.3 and 16.4) of the *Local Government Act* for the purpose of considering confidential items:

16.1 State Administrative Tribunal Application for Review of Decision to Refuse Proposed Fellmongering Facility – Lot 1675 (4756) South Western Hwy, North Dandalup;

16.2 Enterprise Bargaining Agreement (Operations Centre, Trade Personnel and Cleaners) 2015;

16.3 Enterprise Bargaining Agreement (Administration) 2015; and

16.4 Chief Executive Officer Performance Review

CARRIED UNANIMOUSLY 8:0

16.1 State Administrative Tribunal Application for Review of Decision to Refuse Proposed Fellmongering Facility – Lot 1675 (4756) South Western Hwy, North Dandalup

File Ref:	SO10/26
Applicant:	Goldmark Leather Pty Ltd
Owner:	Toscana WA Pty Ltd
Previous Item	OCM 26Feb15 Item 12.1 OCM15/025
Author and Title:	Rod Peake, Director Planning and Sustainability

Appendix under Separate Confidential Cover

Introduction

Council is requested to consider the progression of the current application for review before the State Administrative Tribunal (SAT) against the Council's decision to refuse the proposed fellmonger facility at Lot 1675 (4756) South Western Highway, North Dandalup (refer report provided under separate confidential cover).

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION:

That Council:

1. accepts the proposal by Cornerstone Legal in its letter dated 23 April 2015, subject to the conditions set out in this report;
2. does not nominate a Councillor to become involved in the mediation process or to provide evidence should the matter proceed to a hearing; and
3. notes that the Director Planning and Sustainability will determine whether to seek local community representatives to provide evidence at the hearing should it be considered beneficial to the Shire's case.

COUNCIL DECISION:

OCM15/099

Moved: Cr C Thompson

Seconded: Cr B Beacham

That Council:

1. **accepts the proposal by Cornerstone Legal in its letter of offer for third party funding dated 7 May 2015, subject to the conditions set out in this report;**
4. **does not nominate a Councillor to become involved in the mediation process or to provide evidence should the matter proceed to a hearing; and**
5. **notes that the Director Planning and Sustainability will determine whether to seek local community representatives to provide evidence at the hearing should it be considered beneficial to the Shire's case.**

CARRIED UNANIMOUSLY 8:0

Reason for Change

Council changed the officer recommendation to accept the offer from Cornerstone Legal dated 7 May 2015 to be a third party payer for the legal costs for the Shire to ensure arguments are properly articulated that provide the basis of the refusals of the development application.

16.2 Enterprise Bargaining Agreement (Operations Centre, Trade Personnel and Cleaners) 2015

File Ref: H84-02
Previous Items: OCM April15 Item 16.1 OCM15/066
Author and Title: Dean Unsworth, Chief Executive Officer

Appendices under Confidential Cover

Introduction

At the Council meeting held 9 April 2015 Council considered the Enterprise Bargaining Agreement (Administration, Operations Centre Administration, Library, Ranger Services, Murray Leisure Centre, Tourism).

The proposal presented was considered by Council with some amendments requested to be reconsidered before adopting.

These amendments have now been considered by, and voted on by staff and is now presented to Council for formal approval.

The current three-year agreement was endorsed by Council in April 2012 and came into effect on 1 July that year.

Council is requested to review and accept the document. **(Refer Appendix provided under separate confidential cover).**

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:

OCM15/100

Moved: Cr P Briggs

Seconded: Cr B Beacham

That Council, by Absolute Majority,

1. authorises the Chief Executive Officer and Shire President to sign an agreement under common seal on behalf of Council with the Enterprise Bargaining Agreement Committee (Administration, Operations Centre Administration, Library, Ranger Services, Murray Leisure Centre, Tourism) with the following proposal; and
2. thanks the EBA (Administration) negotiating committee for their input and effort in the development of the agreement.

CARRIED UNANIMOUSLY 8:0

16.3 Enterprise Bargaining Agreement (Administration) 2015

File Ref: H82-02
Previous Items: OCM April15 Item 16.2 OCM15/067
Author and Title: Dean Unsworth, Chief Executive Officer

Appendices under Confidential Cover

Introduction

Staff employed at the Shire's administration centre are employed under a Shire of Murray Collective Agreement (Administration) 2012. Staff covered include

- Administration centre
- Operations centre administration
- Library
- Ranger services
- Murray Leisure Centre
- Tourism.

The current three-year agreement was endorsed by Council in April 2012 and came into effect on 1 July that year.

The Administration Negotiating Committee have met with senior staff to negotiate a position that is seen as a fair and reasonable outcome for both the Council and the employees.

Council is requested to review and accept the document.

The information contained within the confidential report under separate cover is presented for Council's consideration. **(Refer Appendices provided under separate confidential cover).**

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:

OCM15/101

Moved: Cr M Reid

Seconded: Cr P Briggs

That Council, by Absolute Majority:

1. **authorises the Chief Executive Officer and Shire President to sign an agreement under common seal on behalf of Council with the Enterprise Bargaining Agreement Committee (Operations Centre, Trade Personnel, Cleaners); and**
2. **thanks the EBA (Operations) negotiating committee for their input and effort in the development of the agreement.**

CARRIED UNANIMOUSLY 8:0

The meeting adjourned for morning tea the time being 10.07am

Directors Corporate and Community Development, Planning and Sustainability and Technical Services, Executive Assistant Planning and Sustainability and Administration Support Officer (Executive) withdrew from the meeting at this point the time being 10.07am and did not return.

The meeting reconvened the time being 10.55am

16.4 Chief Executive Officer Performance Review – Under Confidential Cover

File Ref: P/UNS002-01
 Proponent: Council
 Author and Title: Dean Unsworth, Chief Executive Officer

Appendix Under Separate Confidential Cover

The **Chief Executive officer** has declared a financial interest in this item and advised he would withdraw from the meeting at the point of salary negotiation.

Introduction

As outlined in the report provided under separate confidential cover.

Background/Proposal

As outlined in the report provided under separate confidential cover.

Consultation

As outlined in the report provided under separate confidential cover.

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 does not have a policy in relation to the process of undertaking the Chief Executive Officer’s review.

Strategic Outcomes

Murray 2023 – Strategic Community Plan

Theme 6 <i>Governance and Leadership</i>	
Objective 6.2 <i>Ensure high level governance</i>	Strategy 6.2.2 <i>Provide an effective corporate governance service that meets legislative requirements</i>

Statutory Environment

Local Government Act (1995)

Section 5.38 - Annual review of certain employees' performances.

The performance of each employee who is employed for a term of more than one year, including the Chief Executive Officer and each senior employee, is to be reviewed at least once in relation to every year of employment.

Options

Council is required to undertake a performance review of the Chief Executive Officer this month.

Resource Implications

Nil

Conclusion/Justification of Officer Recommendation

Self-explanatory

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION:

That Council undertakes the Chief Executive Officer's Annual Performance Review.

OFFICER RECOMMENDATION/COUNCIL DECISION:

OCM15/102

Moved: Cr C Thompson

Seconded: Cr P Briggs

That Council receives the Chief Executive Officer Performance review report as provided under confidential cover.

CARRIED UNANIMOUSLY 8:0

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:

OCM15/103

Moved: Cr C Thompson

Seconded: Cr P Briggs

That Council accepts the Chief Executive Officer self-assessment of 2014/15 KPIs comments as provided under confidential cover.

CARRIED UNANIMOUSLY 8:0

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:**OCM15/104****Moved: Cr M Reid****Seconded: Cr B Beacham**

That Council accepts the proposed 2015/16 Chief Executive Officer KPI's as provided under confidential cover with the addition – Recommend/Implement a more effective management structure for the Edenvale Precinct.

CARRIED UNANIMOUSLY 8:0

The **Chief Executive Officer** withdrew from the meeting at this point, the time being 11.20am.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:**OCM15/105****Moved: Cr C Thompson****Seconded: Cr B Beacham**

That Council by Absolute Majority extends the current term of the Chief Executive Officer's contract to 14 May 2020 as per the Local Government Act (1995).

CARRIED UNANIMOUSLY 8:0**Voting Requirements**

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:**OCM15/106****Moved: Cr M Reid****Seconded: Cr B Thomson**

That Council by Absolute Majority provides a cash salary increase by 3% from 24 February 2016.

CARRIED UNANIMOUSLY 8:0**Voting Requirements**

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:**OCM15/107****Moved: Cr C Thompson****Seconded: Cr P Briggs**

That Council by Absolute Majority includes an annual professional membership allowance to fund membership to CPA Australia within the contract as per the standard benefit in senior local government contracts.

CARRIED UNANIMOUSLY 8:0

The **Chief Executive Officer** rejoined the meeting at this point the time being 11.38am.

COUNCIL DECISION:

OCM15/108

Moved: Cr C Thompson

Seconded: Cr B Thomson

That Council proceeds with open doors, the time being 11.41am.

CARRIED UNANIMOUSLY 8:0

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

Nil

There being no further business, the Presiding Member declared the meeting closed, the time being 11.42am.