



# **Minutes**

**Ordinary Council Meeting**

**Thursday 23 June 2016**

**Ordinary Council – 23 June 2016**  
**Table of Contents**

1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	1
2.	ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE .....	1
2.1	Request for Leave of Absence - Cr M Reid.....	1
3.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	2
4.	PUBLIC QUESTION TIME.....	2
5.	PETITIONS AND APPROVED DEPUTATIONS.....	2
6.	CONFIRMATION OF MINUTES .....	2
6.1	Ordinary Council Meeting – 9 June 2016.....	2
7.	ANNOUNCEMENTS BY THE PRESIDING MEMBER .....	3
8.	ANNOUNCEMENTS BY ELECTED MEMBERS.....	3
9.	ACKNOWLEDGEMENT OF RECEIPT OF DISCLOSURE OF INTERESTS (BY PRESIDING MEMBER).....	3
10.	RECEPTION OF MINUTES AND RECOMMENDATIONS OF COMMITTEES HELD SINCE PREVIOUS MEETING OF COUNCIL .....	4
11.	REPORTS OF CHIEF EXECUTIVE OFFICER AND OFFICERS.....	5
	Planning and Sustainability .....	5
11.1	Review of Local Planning Framework for Development Relating to the Canal Development Zone.....	5
11.2	Keeping of Animals in Rural Residential Areas Local Planning Policy ....	14
11.3	Pinjarra Town Centre Promotional Signage .....	19
	Corporate Governance .....	23
11.4	Private Parking Agreement – Pinjarra Junction Shopping Centre - 3 Hour Parking Restrictions .....	23
11.5	Payments from Municipal and Trust Funds – May 2016 .....	28
11.6	Monthly Financial Report – May 2016 .....	31
	Recreation and Community Development .....	34
	Technical Services.....	35
11.7	Tender T16/05 Mowing of Public Open Spaces .....	35
	Items for Information .....	38
11.8	Outstanding Council Resolutions.....	38
12.	BUSINESS LEFT OVER FROM THE PREVIOUS MEETING.....	38
13.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.	38
14.	NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING .....	38
15.	NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION OF THE MEETING .....	38
15.1	Replacement Appliance for Coolup Volunteer Bush Fire Brigade.....	38
16.	MEETING CLOSED TO THE PUBLIC (CONFIDENTIAL BUSINESS).....	43
16.1	Sale of Proposed Lot 1 (Portion Lot 1213) South West Highway, Coolup	43
16.2	Tender T16/4 - Provision of Banking and Bill Payment Services .....	44
17.	CLOSURE OF MEETING.....	46



Minutes of the Ordinary Meeting held at the Murray Shire Council, 1915 Pinjarra Road, Pinjarra on Thursday 23 June 2016.

## 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member **Cr M Reid** declared the meeting open the time being 9.02am

## 2. ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

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

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

## LEAVE OF ABSENCE

### 2.1 Request for Leave of Absence - Cr M Reid

File 1/1920  
**Appendix 1**

Correspondence has been received from Cr M Reid, requesting leave of absence from Council and all Council duties for the period Friday 22 July to Monday 1 August (inclusive). Refer request attached at **Appendix 1**.

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

**OCM16/133**

**Moved: Cr C Thompson**

**Seconded: Cr A Rogers**

**That the request for leave of absence from Council and all Council duties, received from Cr M Reid, for the period Friday 22 July to Monday 1 August (inclusive) be approved.**

**CARRIED UNANIMOUSLY 9:0**

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

Nil

### 4. PUBLIC QUESTION TIME

Nil

### 5. PETITIONS AND APPROVED DEPUTATIONS

#### 9.03am Deputation - David Galloway and Ben Langford, Murray Business Support Group.

**David Galloway** advised Council that they were here today to introduce themselves and provide some background on the Murray Business Support Group. The group is a subcommittee to the Peel Chamber of Commerce and Industry and was established as a voice for local businesses.

The group attended the recent business strategy workshop facilitated by Mr Barry Urquhart. The workshop was successful in engaging local businesses to put forward ideas on how to keep sustainable growth. The group was tasked with coming up with recommendations on how to take the business sector forward.

The group is happy that the Shire of Murray has taken the necessary steps with the Local Strategic Business Plan 2016-2020 and with the appointment of an Economic Development Officer it is felt this will provide much needed assistance to local businesses.

The following question was asked by **Cr D Bolt**:

Q1. How is the group going in regards to numbers of members etc.?

#### Response

**David Galloway** advised that the group currently has 6 members from a diverse range of backgrounds such as coffee shop owner, mining, banking and real estate. They currently add to services the Peel CCI offer and cover 5 local governments with interest continually growing in the 6 months they have been established.

The Shire President thanked **David Galloway and Ben Langford** for their deputation which concluded at 9.10am.

### 6. CONFIRMATION OF MINUTES

#### 6.1 Ordinary Council Meeting – 9 June 2016

**OFFICER RECOMMENDATION/COUNCIL DECISION:****OCM16/134****Moved: Cr P Briggs****Seconded: Cr A Rogers**

**That the Minutes of the Ordinary Council Meeting held on Thursday 9 June 2016 be confirmed as a true and correct record.**

**CARRIED UNANIMOUSLY 9:0**

## 7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

On Tuesday 14 June I attended a photoshoot at the SES building for the handover of the new SES vehicle.

Later that evening the Executive Manager Community Development and I attended the North Pinjarra Community meeting held at the North Pinjarra Hall.

On Thursday 16 June the CEO and I attended a meeting with DFES Assistant Commissioner Swift held at the Shire of Murray.

On Friday 17 June I attended the informal meeting of the Edenvale Advisory Committee and the Friends of Edenvale with the Executive Manager Community Development to discuss ways forward for the homestead.

On Saturday 18 June I attended the 2016 Canning Shakespeare competition held at the Mandurah Performing Arts Centre, Fishtrap Theatre.

Following today's Council meeting the CEO and I will be attending the Peel Zone meeting held at the Shire of Waroona.

Later this afternoon the CEO and I will be attending a meeting with the Fire Chief and members of Coolup Volunteer Bush Fire Brigade to discuss their vehicle replacement.

Later this evening I will be attended the Rotary Club of Pinjarra changeover night held at the Pinjarra Golf Club.

## 8. ANNOUNCEMENTS BY ELECTED MEMBERS

Nil

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

**Mrs J Burton, Director Corporate and Community Development** has declared a Proximity Interest in Ordinary Council Meeting Item 11.7 – Tender T16/5 Mowing of Public spaces as a family member has submitted a tender.

**Cr C Rose** has declared an Impartiality Interest in Ordinary Council Meeting Item 15.1 Replacement Appliance for Coolup Volunteer Bush Fire Brigade as she is a member of the Coolup Volunteer Bush Fire Brigade.

**Cr A Rogers** has declared an Impartiality Interest in Ordinary Council Meeting Item 15.1 Replacement Appliance for Coolup Volunteer Bush Fire Brigade as she is a member of the Coolup Volunteer Bush Fire Brigade.

**Cr W Barrett** has declared a Financial Interest in Ordinary Council Meeting Item 16.2 – Tender T16/4 – Provision of Banking and Bill Payment Services as he is a shareholder in all of the financial institutions in question.

**Cr C Thompson** has declared a Financial Interest in Ordinary Council Meeting Item 16.2 – Tender T16/4 – Provision of Banking and Bill Payment Services as she is a board member of Pinjarra Financial Services (Bendigo Bank).

**Cr S Lee** declared a Financial Interest in Ordinary Council Meeting Item 16.2 – Tender T16/4 – Provision of Banking and Bill Payment Services as he is a Director of the Pinjarra Bendigo Community Bank.

**Mrs J Burton, Director Corporate and Community Development** declared a Financial Interest in Ordinary Council Meeting Item 16.2 – Tender T16/4 – Provision of Banking and Bill Payment Services as she is the owner of property leased to the Bendigo Bank.

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

Nil

## 11. REPORTS OF CHIEF EXECUTIVE OFFICER AND OFFICERS

### Planning and Sustainability

#### 11.1 Review of Local Planning Framework for Development Relating to the Canal Development Zone

File Ref:	5/6011		
Previous item:	PPS Nov 14	Item 7.1	(PPS14/134)
	OCM Nov 14	Item 12.3.1	(OCM14/149)
	OCM Jun 15	Item 12.3	(OCM15/145)
Author and Title:	Rhys Bloxsidge, Coordinator Statutory Planning		

#### Appendices 2 to 7

#### Purpose

As part of a comprehensive review of the local planning framework relating to development in the Canal Development Zone and abutting artificial canal waterways, Council is requested to:

- Consider preparing a text amendment to the Shire of Murray Town Planning Scheme No. 4 (the Scheme) to delete certain provisions and definitions relating to the Canal Development Zone, include new contemporary provisions and definitions and to amend the Zoning Table;
- Consider preparing a new Local Planning Policy relating to boating facilities and moorings in the Shire's artificial canal waterways in South Yunderup;
- Consider preparing a new Local Planning Policy relating to the general development requirements for land in the Canal Development Zone; and
- Consider the submissions received during the advertising period of the proposed Canal Walls – Yunderup Canals Stage 1 Local Planning Policy and adopt a modified version of the Policy.

#### Background

The local planning framework relating to the development in the Canal Development Zone and abutting artificial canal waterways has become dated and is in need of review and improvement in order to reflect contemporary development trends and issues that have arisen in the area since the provisions were last reviewed. In light of this, the existing local planning framework is proposed to be overhauled through a Scheme Amendment and replacement of existing local planning policies.

The first part of the review was the preparation of the draft Canal Walls – Yunderup Canals Stage 1 Local Planning Policy. At its meeting of 25 June 2015, Council resolved to publicly advertise the proposed Canal Walls – Yunderup Canals Stage 1 Local Planning Policy.

#### Proposal

##### *Scheme Amendment*

The proposed Scheme Amendment entails deleting certain provisions and definitions relating to the Canal Development Zone, including new contemporary provisions and definitions and amending the Zoning Table. A copy of the proposed Scheme Amendment is attached at **Appendix 2**.

##### *Boating Facilities and Moorings Local Planning Policy*

The proposed Boating Facilities and Moorings Local Planning Policy is intended to replace the Jetty and Mooring Requirements in the Canal Development Zone Local Planning Policy. This proposed policy reflects contemporary trends in boating facilities by referencing the

various forms of watercraft berthing apparatus such as boat lifters, floating boat docks and davits. A copy of the proposed policy is attached at **Appendix 3**.

#### *General Development Requirements for Properties Abutting an Artificial Canal Waterway*

The proposed General Development Requirements for Properties Abutting an Artificial Canal Waterway Local Planning Policy is intended to replace, consolidate and contemporise the following:

- Shade Sails – Structures within Canal Development Zone Local Planning Policy; and
- Open Deck Construction within the Canal Development Zone Local Planning Policy

This proposed policy seeks to set out objectives and requirements for the various development types that are normally associated on canal frontage properties that provide a balance between maintaining the visual amenity and open nature of the canal waterways and ensuring landowners can maximise the use and enjoyment. A copy of the proposed policy is attached at **Appendix 4**.

#### *Adoption of Canal Walls – Yunderup Canals Stage 1 Local Planning Policy*

This proposed policy was publicly advertised in July and August of 2015 and six submissions were received. The proposed policy has been modified as a result of the submissions. A copy of the modified policy is attached at **Appendix 5**.

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

<b>Objective 4</b>	Well planned, integrated and active places that embrace and respect our rural lifestyle, built and natural environment and heritage
<b>Outcome 4.1</b>	Growth is managed in a sustainable and responsible way that protects our lifestyle and heritage and the natural environment
<b>Strategy 4.1.2</b>	Establish a comprehensive and sustainable local planning framework to guide the growth of our Shire

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

<b>Action 4.1.2.6</b>	Prepare and review a range of Local Planning Policies to support sustainable development outcomes
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#### **Other Strategic Links**

Nil

#### **Statutory Environment**

The *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the *Planning and Development Act 2005* (the Act) contain provisions for an amendment to a local planning scheme. The Act provides for a local government to prepare an amendment to a local planning scheme. The Regulations set out the process for which an amendment to a local planning scheme follow. Should Council resolve to prepare the proposed text amendment to the Scheme, the provisions of the Regulations relating to the process for standard amendments to a local planning scheme will be followed.

Local planning policies are adopted pursuant to the deemed provisions of the Regulations. Local planning policies are required to be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the local planning policy applies.

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



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

Local planning policies must be consistent with the Scheme and in this case the proposed local planning policies are consistent with the Scheme.

### **Policy Implications**

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

### **Sustainability and Risk Considerations**

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

No substantial financial impact will occur to affected community members other than that canal wall replacements built in accordance with the proposed Canal Walls – Yunderup Canals Stage 1 Local Planning Policy which may be slightly more expensive than canal wall replacements built in accordance with the current planning framework.

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

Generally no substantial change will occur to the quality of life of affected landowners, however the proposed General Development Requirements for Properties Abutting an Artificial Canal Waterway Local Planning Policy will improve the amenity of affected landowners by permitting them to build covered outdoor living areas closer to the canal frontage in some circumstances. This will maximise the use and enjoyment of their properties.

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

Nil

#### *Governance – (Policy implications)*

Nil

#### *Overall Risk Management Consideration*

The key risk if Council does not proceed with the officer recommendation is that the Shire's existing planning framework regarding development in the Canal Development Zone and abutting artificial canal waterways is not equipped to adequately address contemporary trends in boating facilities, canals infrastructure and sea level rise.

### **Consultation**

A landowner survey was undertaken in 2014 to gather initial comments on key elements of the review. The results of the survey have been factored into the direction of the review.

Should Council resolve to prepare the text amendment, consultation will occur in accordance with the Regulations. The Regulations require standard scheme amendments to be advertised by way of newspaper publication, display in the offices of the local government, notification to relevant public authorities and website publication for a period of at least 42 days.

Should Council resolve to prepare the two new policies consultation will occur in accordance with the Regulations. The Regulations require local planning policies to be advertised by way

of newspaper publications and other ways considered appropriate by the local government for a period of at least 21 days.

The Canal Walls – Yunderup Canals Stage 1 Local Planning Policy has been publicly advertised. Advertising occurred by way of newspaper publications, a website publication and notice on the Shire administration office. The closing date for submissions was 6 August 2015 and six submissions were received. A summary of each submission as well as officer comments and recommendations on the issues raised is attached at **Appendix 6**.

### **Resource Implications**

#### Financial

The costs associated with the preparation and advertising of the proposed text amendment to the Scheme and the local planning policies can be absorbed within the 2015-16 Planning and Sustainability operational budget.

#### Workforce

Progression of the text amendment to the Scheme and local planning policies can be accommodated within the scope of the approved Planning and Sustainability resource levels.

### **Options**

In regard to the proposed text amendment to the Scheme and the proposed Boating Facilities and Moorings Local Planning Policy and General Development Requirements for Properties Abutting an Artificial Canal Waterway Local Planning Policy, Council has the option of:

1. resolving to prepare the text amendment to the Scheme and local planning policies either in the forms proposed or some other form; or
2. resolving not to prepare the text amendment to the Scheme and local planning policies.

In regard to proposed Canal Walls – Yunderup Canals Stage 1 Local Planning Policy, Council has the option of:

1. resolving to adopt the local planning policy either in the form proposed or some other form; or
2. resolving not to adopt the local planning policy.

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

The key issues associated with each of the proposals is discussed below.

#### Text Amendment to Scheme

The proposed text amendment to the Scheme entails the following:

- the deletion of all existing provisions and definitions relating to the Canal Development Zone contained within clause 6.2, Schedule 3 and Appendix I;
- the inclusion of a set of objectives for the Canal Development Zone;
- the inclusion of a subdivision provision that refers to the R-Code applicable to the Canal Development Zone;
- the inclusion of a development provision that refers to the R-Codes and other relevant aspects of the Shire's planning framework;
- Amending the Zoning Table to streamline the planning approval process for development within the Canal Development Zone and ensure consistency with the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*;

- the inclusion of a number of contemporary definitions to Appendix I relating to the various development types that are associated with the Canal Development Zone.

It should be noted that some of the development and land use provisions contained within clause 6.2 will be retained in the proposed local planning policies, however the provisions relating to the procedure for rezoning are obsolete and are no longer necessary for inclusion in the Scheme.

#### Boating Facilities and Moorings Local Planning Policy

The proposed Boating Facilities and Moorings Local Planning Policy is intended to replace the Jetty and Mooring Requirements in the Canal Development Zone Local Planning Policy. A copy of the Jetty and Mooring Requirements in the Canal Development Zone Local Planning Policy is attached at **Appendix 7**. The proposed Policy is similar to the existing Policy, however the new Policy is in the Shire's contemporary format and includes contemporary objectives, terms and definitions. The key change associated with the Policy is the inclusion of a new requirement that ensures boating facilities and moorings within the canal ends of the Stage 1 Yunderup Canals do not cause navigation and congestion issues for the abutting lots.

#### General Development Requirements for Properties Abutting an Artificial Canal Waterway Local Planning Policy

The proposed General Development Requirements for Properties Abutting an Artificial Canal Waterway Local Planning Policy is intended to:

- replace the Shade Sails – Structures within Canal Development Zone Local Planning Policy;
- replace the Open Deck Construction within the Canal Development Zone Local Planning Policy; and
- incorporate either similar or modified existing Scheme provisions relating to the Canal Development Zone.

The proposed Policy is in the Shire's contemporary format. The Policy consolidates the existing planning framework for canal lot development. The key change associated with the Policy is the new proposed setbacks for open sided structures from the canal frontage. The Scheme currently requires a 9m canal frontage setback for most forms of development within the Canal Development Zone. The proposed Policy permits open sided structures such as patios and verandahs to be set back up to 6m from the canal frontage within the Stage 1 Yunderup Canals, Murray Lakes and Murray Waters estates whereas a 4.5m canal frontage setback is permitted in the Stage 2 and Stage 3 Yunderup Canals estates.

It is considered appropriate to permit open sided structures up to 6m from the canal frontage in Stage 1 Yunderup Canals, Murray Lakes and Murray Waters estates as many of the existing dwellings have been poorly designed whereby there is no or insufficient covered open space on the canal side of the dwellings. The new 6m setback will allow residents to build or extend a patio or verandah on the canal side of their dwelling to improve their level of amenity without compromising the character of canal area.

In regard to the proposed 4.5m canal frontage setback within Stages 2 and 3 Yunderup Canals, this is a formalisation of what has been occurring for many years in these canals.

#### Canal Walls – Yunderup Stage 1 Local Planning Policy

The proposed local planning policy has been amended to meet a range of practical issues raised during the public advertising period. The version of the Policy that was advertised incorporated a design solution that would cause a canal wall replacement to become too

costly. The amended version of the proposed Policy now incorporates design requirements that will reduce the overall cost of a canal wall replacement without compromising the integrity of the structure. It should be noted that J Steel Australasia has provided advice on the amended specifications and design drawings that address the issues associated with the advertised version of the policy.

In particular, the key amendments associated with the Policy relate to embedment depth of the canal wall, sheet pile thickness and toe protection.

In regard to embedment depth, the advertised version of the Policy entailed a cantilevered design whereby the canal wall was required to be embedded a minimum of 3.8m below the canal floor. Canal wall contractors were of the view that this depth of embedment would not be possible due to underlying coffee rock. The amended version of the Policy entails a tie-back design that only requires a minimum embedment depth of either 1.6m or 1.8m, depending on the height to be retaining above the canal floor. This embedment depth will, in most cases, ensure that the canal wall doesn't strike the coffee rock as it is being driven into the canal floor.

In regard to sheet pile thickness, the advertised version of the Policy required sheet piles to be 7.4mm thick. The proposed version of the Policy requires sheet piles to be 5.7mm thick, which are more affordable.

In regard to toe protection, the advertised version of the Policy required toe protection in the form of rock pitching and the geotextile layering at the base of the canal wall. J Steel Australasia has advised that without toe protection, it is important for landowners to monitor the canal bed at the base of the canal wall to ensure scouring is not occurring. The proposed version of the Policy removes the requirement for any toe protection to be installed during construction.

### **Voting Requirements**

Simple Majority

#### **OFFICER RECOMMENDATION:**

That Council:

1. pursuant to the requirements of the deemed provisions set out in Part 4, Division 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to prepare and advertise the proposed text amendment to the Shire of Murray Town Planning Scheme No. 4 generally as set out in Appendix 2;
2. pursuant to the requirements of the deemed provisions set out in Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to prepare and advertise the proposed Boating Facilities and Moorings Local Planning Policy and General Development Requirements for Properties Abutting an Artificial Canal Waterway Local Planning Policy generally as set out in Appendices 3 and 4;
3. pursuant to the requirements of the deemed provisions set out in Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts the proposed Canal Walls – Yunderup Canals Stage 1 Local Planning Policy generally as set out in Appendix 5;
4. rescinds the Requirements for Canal Retaining Walls in Yunderup Canals Local Planning Policy; and
5. requires a further report to be presented following the close of advertising of the proposed text amendment, the Boating Facilities Local Planning Policy and the General

Development Requirements for Properties Abutting an Artificial Canal Waterway Local Planning Policy to consider any submissions received.

### **Voting Requirements**

Absolute Majority

#### **COUNCIL DECISION:**

**OCM16/135**

**Moved: Cr C Thompson**

**Seconded: Cr P Briggs**

**Third Support: Cr S Lee**

That Council by Absolute Majority rescinds resolution OCM03/181 made at the Ordinary Council Meeting on 25 September 2003 when dealing with Planning and Development Committee Item PD03/311 Revision of Planning Policy No 9 Canal Walls in Yunderup Canals, which states:

*“That Council adopt Planning Policy No 9 for final approval in accordance with Part 2.3 of Town Planning Scheme No 4, as follows:-*

#### ***DRAFT PLANNING POLICY PP.9 REQUIREMENTS FOR CANAL RETAINING WALLS IN YUNDERUP CANALS***

##### **Objectives:**

*It is Council’s objective to regulate the repair and construction of replacement canal walls within Stage No 1 of the Yunderup Canal Estate so as to ensure that suitable, structurally sound canal walls are established and maintained with a similar appearance so as not to detrimentally impact on the amenity of the canal.*

##### **Purpose**

*The purpose of this policy is outline the range of acceptable construction materials and construction detail to achieve the above objective.*

##### **Interpretation**

*For the purpose of interpreting this policy, all terms shall have the meaning given under the provisions of Council’s Town Planning Scheme No 4.*

##### **Application Requirements**

*Council’s approval is required for all works on a Canal Wall.*

*Where application is made for Council’s Planning Consent, the application shall be accompanied by the following information:*

- a) A completed Application for Planning Consent (Form 1);*
- b) A detailed site plan depicting the extent of the proposed works and wall alignment;*
- c) Details on the proposed Construction Material, provision for drainage and erosion protection at the toe of the wall;*
- d) Confirmation of the proposed external finish;*
- e) Confirmation of the top of wall height in AHD (Australian Height Datum).*
- f) Certification from a Practising Structural Engineer where Council’s standard design has not been used.*

##### **Assessment of Proposals**

*In considering applications for Council’s Planning Consent to construct a new canal wall, Council Officers shall require that:*

- a) Canal Walls are constructed of:*

- (i) A suitable sheeting product consistent with the original canal wall specifications;*
- (ii) Mass concrete, Reinforced concrete or pre-cast panel construction, with materials in accordance with Australian Standard AS3600;*
- (iii) Reconstituted Limestone;*
- (iv) Sheet piling technology;*
- (v) Where Council's standard is not being used, designed and constructed in accordance with details prepared by a practising structural engineer.*
- b) The face of the canal wall shall be of a flat or corrugated finish.*
- c) Repairs undertaken to an existing wall shall be completed so as to maintain the existing finish to the satisfaction of the Director of Planning and Development Services.*
- d) The top of the retaining wall shall be fitted with timber capping having a top of wall height of 0.37 AHD and.*
- e) The face of the new canal wall shall be along the line of the face of the existing wall.*

**Approval Conditions**

*Whilst conditions of approval will be applied as deemed necessary, as a minimum approvals to new canal walls shall contain the following conditions:*

- 1. The development hereby approved shall occur in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of Council. (P)*
- 2. The top of the canal wall shall not exceed 0.37 m. AHD.*
- 3. Compliance with Shire of Murray Town Planning Scheme No. 4 and associated Planning Policies, with particular reference to the provisions of Council's Planning Policy No 9 relating to the construction of new Canal Walls. (P)*
- 4. This approval shall expire if the development hereby permitted is not completed within two years of the date hereof, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to Council, is granted by it in writing.*

**Advice to Applicant:**

- 1. A building Licence may be required for the proposed works, with details prepared by a practising structural engineer.*
- 2. Plans and specifications are to be submitted with the application for a building licence where required by the Manager of Building Services. One copy of the plans shall be an original ink drawing/specification endorsed by a practicing structural engineer, unless Council's standard design is being used. (B)''*

**CARRIED UNANIMOUSLY 9:0**

**Reason for Change**

To allow point 4 of the Officer Recommendation to be dealt with in accordance with Council's requirements for revocation of a previous Council decision.

## Voting Requirements

Simple Majority

### **COUNCIL DECISION:**

**OCM16/136**

**Moved: Cr S Lee**

**Seconded: Cr W Barrett**

### **That Council:**

- 1. pursuant to the requirements of the deemed provisions set out in Part 4, Division 3 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to prepare and advertise the proposed text amendment to the Shire of Murray Town Planning Scheme No. 4 generally as set out in Appendix 2;**
- 2. pursuant to the requirements of the deemed provisions set out in Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to prepare and advertise the proposed Boating Facilities and Moorings Local Planning Policy and General Development Requirements for Properties Abutting an Artificial Canal Waterway Local Planning Policy generally as set out in Appendices 3 and 4;**
- 3. pursuant to the requirements of the deemed provisions set out in Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts the proposed Canal Walls – Yunderup Canals Stage 1 Local Planning Policy generally as set out in Appendix 5; and**
- 4. requires a further report to be presented following the close of advertising of the proposed text amendment, the Boating Facilities Local Planning Policy and the General Development Requirements for Properties Abutting an Artificial Canal Waterway Local Planning Policy to consider any submissions received.**

**CARRIED UNANIMOUSLY 9:0**

## 11.2 Keeping of Animals in Rural Residential Areas Local Planning Policy

File Ref: 5/6037  
Previous Items Nil  
Author and Title: Tom Lerner – Coordinator Environmental Services

### Appendices 8 and 9

#### Purpose

Council is requested to consider the preparation of a new local planning policy (LPP) which is intended to clarify requirements for keeping horses and other animals on rural residential properties.

#### Background

The keeping of animals and, in particular of horses, is a vital land use in a rural municipality like the Shire of Murray.

The equine and associated industries are of utmost importance to the Shire of Murray and it is a destination of choice for the keeping of horses and equestrian activities. There is a long and established tradition of racing and non-racing activities in the Shire which is home to a racecourse, a paceway and a multipurpose regional equestrian centre.

Whilst these uses may occur with little detrimental effect upon the local natural environment or the amenity of surrounding landowners, careful consideration is required to ensure that conflict does not occur as overstocking and other unsustainable land management practices can lead to land degradation and amenity problems including soil erosion, dust nuisance, odour, water pollution and damage to wetlands and vegetation. These problems are most evident within the Shire's rural residential areas.

The overstocking of land and poor land management can cause damage to the environment, including the export of nutrients, damage to wetlands and vegetation, erosion and land degradation. Many Rural Residential lots, which for the purpose of this policy includes land within the Special Rural, Farmlot, Special Use (at Racecourse Road and Paceway Court) and similar zones within the Shire, are purchased with an expectation that horses may be kept on the lot even though the land may not be capable of supporting the number of horses proposed without significant management. Sometimes property owners are unaware of the stocking rate capacity of their lot and in some cases are also unaware of the requirement to obtain planning approval to keep horses. Rural Residential lots are often subject to complaints from neighbours regarding dust, odour and land degradation from unsustainable management of horses.

It is also accepted that other livestock are also kept on rural residential blocks for lifestyle purposes and that these animals can cause similar issues especially if not managed in the appropriate way.

Given that much of the coastal plain of the Peel region has poor quality soils, has a high water table and abuts the Ramsar listed Peel-Harvey Estuary system, a key environmental concern within the region is the potential for nutrient export. Overstocking and inappropriate land management practice has the potential of producing substantial phosphorous and nitrogen loads that may leach into soils, particularly during high rainfall events and ultimately reach the Peel Harvey Estuary system.

The provisions of Town Planning Scheme No 4 (the Scheme) place a high importance on the prevention of nutrient export into the environment, the retention of native vegetation, promote revegetation with native species, the protection of wetlands, in some cases specifically identify the number of horses that can be kept on each lot and provide guidance on stocking with other animals.



## Proposal

In March 2013, Council Adopted a Local Planning Policy on the Keeping of Horses in Rural Residential Areas to address these issues relating only to horses. The Keeping of Animals Local Planning Policy is intended to replace that policy in order to include all stock animals and to more specifically address the unique issues of the Peel-Harvey catchment on the Swan Coastal Plain.

A copy of the existing Keeping of Horses in Rural Residential Areas policy is included at **Appendix 8**. A copy of the new draft policy is included at **Appendix 9**.

The aim of the LPP is:

1. To encourage best practice in the keeping of horses and other stock in the Shire of Murray in a way that protects; and
2. To ensure that stock management is undertaken in a way that prevents land degradation and negative impact on the Peel-Harvey catchment.

## Murray 2025 Strategic Community Plan

<b>Objective: 5</b>	A healthy and sustainable natural environment
<b>Outcome: 5.1:</b>	Biodiversity of our natural ecosystems are protected and enhanced
<b>Outcome: 5.2</b>	Waterways and water resources are protected, conserved and enhanced
<b>Strategy: 5.1.5</b>	Promote sustainable land management
<b>Strategy: 5.2.1</b>	Protect, maintain and enhance the health of our waterways and wetlands

## Murray 2015-2019 Corporate Business Plan

<b>Action : 5.1.1.1</b>	Promote sustainable land management
<b>Action : 5.1.5.2</b>	Develop and promote an equine management guidance package

## Other Strategic Links

The draft Perth and Peel Green Growth Plan/Strategic Conservation Plan has identified a substantial package of measures to be implemented to reduced nutrient inflows into and improve water quality in the Peel–Harvey Estuary and the broader Peel-Yalgorup wetland system. These measures include a drainage nutrient intervention pilot program to be implemented in the Peel-Harvey catchment along with a review of the State Planning Policy and Environmental Protection Policy for the Peel-Harvey Coastal Plain Catchment. The draft conservation plan also recommends mechanisms under the *Planning and Development Act 2005* to prevent new high nutrient export activities on soils in the coastal plain catchment with a low phosphorous retention capacity will be introduced.

Implementation of the proposed policy will strengthen the ability for the Shire to assess the impacts of stocking in the region and provide guidance in order to help minimise their impacts on the environment. The policy is therefore considered consistent with the intent of the draft Perth and Peel Green Growth Plan/Strategic Conservation Plan.

## Statutory Environment

Local Planning Policies are adopted pursuant to the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations* (Schedule 2, Part 2, Clauses 3 and 4).

Policies are to be based on sound planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.

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

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

Part 9 of the Scheme details the responsibilities of the Shire in relation to the management of the Peel Harvey Coastal Plain. Of this Part 9 states:

*“The Council shall be guided by the objectives and policies contained in Statement of Planning Policy No. 2 (now 2.1) and by the Environmental Protection (Peel Harvey Estuarine System Policy of the Environmental Protection Authority published in March 1992’.*

The Environmental Protection (Peel Inlet – Harvey Estuary Policy 1992 (EPP) requires the Council to endorse a Planning Policy through its Scheme to achieve quality environmental objectives. The main environmental quality objective to be achieved and maintained is a median load of total phosphorus flowing into the Estuary of less than 75 tonnes per annum. The EPP requires the following actions from the Shire and the landowner –

- Appropriate land management by landowners and management authorities in the policy area; and
- Local authorities and the State ensure that decision and action are compatible with the achievement and maintenance of the environmental quality objectives.

The objectives of Statement of Planning Policy (SPP) No 2.1 – the Peel-Harvey Coastal Plain Catchment are listed below.

- To improve the social, economic ecological aesthetic and recreational I potential of the Peel-Harvey Coastal Plain Catchment.
- To ensure that changes to land use within the catchment to the Peel-Harvey Estuarine system are controlled so as to avoid and minimise any environmental damage.
- To balance environmental protection with the economic viability of the primary sector.
- To increase the high water-using vegetation cover within the Peel-Harvey Coastal Plain Catchment.
- To reflect the environmental objectives in the Draft Environmental protection Policy Peel-Harvey Estuarine System 1992 (which is now enacted as Environmental protection Peel Inlet–Harvey Estuary Policy approval order 1992).
- To prevent land uses likely to result in excessive nutrient export to the drainage systems.

SPP2.1 outlines Shire approval is required for all proposals to locate horses in 'Residential', 'Special Residential' and 'Special Rural' zones within the Peel-Harvey Coastal Plain Catchment.

The Special Provisions for Special Rural and Farmlot zones in the Scheme place a high importance on the prevention of nutrient export into the environment, the retention of native

vegetation, promotes re-vegetation with native species, protection of wetlands and in some cases outlines the number of livestock permitted on each lot.

### **Policy Implications**

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

The proposed LPP is considered consistent with State level policy as it contains objectives and provisions that support the intent of the *State Planning Policy (SPP) No 2.1 – the Peel-Harvey Coastal Plain Catchment*, which has been summarised above.

### **Sustainability and Risk Considerations**

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

The implementation of this policy will result in establishment costs for land owners including fencing, stables, irrigation etcetera. These costs, however, will be far less than the future costs of land remediation due to unsustainable land management practices.

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

The community has raised concerns regarding stocking and equestrian activities on rural residential properties, the adoption of this policy will assist in ensuring that this is promoted in a sustainable manner.

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

The adoption of this policy will assist in the prevention of nutrient export into the drainage system and will assist in the protection of native vegetation, wetlands, flora and fauna and environmentally sensitive areas within the Shire. It will assist the Shire to meet targets in the Peel-Harvey Water Quality Improvement Plan with respect to nutrient export into the internationally significant Peel-Harvey RAMSAR wetland system. It will help prevent land and soil degradation due to overstocking.

#### *Governance – (Policy implications)*

The intent of this policy is to formalise a link with the adopted Local Biodiversity Strategy within Councils statutory and strategic planning processes.

#### *Overall Risk Management Consideration*

There is a high risk of further environmental damage if measures are not put in place to ensure the sustainable use of land within the Shire. There may be initial heightened community concern over the Shire's efforts to control overstocking and protect native vegetation and wetlands within its boundaries. Stricter guidelines and better management, in particular of livestock, is also expected to alleviate neighbour conflicts over the stocking and associated dust, odour and vermin issues.

### **Consultation**

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

## Resource Implications

### *Financial*

Contained within the current budget for officer time and advertising.

### *Workforce*

Nil

## Options

Council has the option of:

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

## Conclusion/Justification of Officer Recommendation

The draft policy has been prepared in order to bring all stocking in line with the current requirements for horses on rural residential purposes as similar issues can arise and to more specifically address the requirements of the Environment Protection Act in relation to the Peel-Harvey catchment.

It formalizes current best practice and is to be part of a wider approach to support responsible equine and stocking activities within the Shire. It is therefore recommended that council choose advertise the draft policy.

## Voting Requirements

Simple Majority

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

**OCM16/137**

**Moved: Cr A Rogers**

**Seconded: Cr S Lee**

**That Council pursuant to the requirements of the deemed provisions set out in Schedule 2, Part 2, Clauses 3 and 4 of the *Planning and Development (Local Planning Schemes) Regulations*:**

1. **prepares and advertises the proposed Keeping of Animals Local Planning Policy as set out in Appendix 9; and**
2. **forwards a copy of the draft policy to the Departments of Parks and Wildlife, Water, Environment Regulation, Health and Agriculture and Food for comment during the public advertising period.**

**CARRIED UNANIMOUSLY 9:0**

### 11.3 Pinjarra Town Centre Promotional Signage

File Ref: 7300  
Previous Items: OCM May 15 Item 12.1 OCM15/112  
Author and Title: Rod Peake, Director Planning and Sustainability

#### Purpose

To consider the results of an expressions of interest process in relation to advertising on the Shire's Pinjarra Town Centre Promotional Sign on the South Western Highway, south of the Greenlands Road roundabout.

#### Background

It was identified that Pinjarra was losing potential visitors at the South-Western Highway/Greenlands Road roundabout. The relatively new roundabout that links the South Western Highway to the Kwinana Freeway naturally draws north bound travellers away from Pinjarra.

In an effort to promote Pinjarra, Council constructed a significant billboard sign. This sign not only acts as an entry statement promoting the town of Pinjarra but also includes paid sign panels for businesses within the overall structure.

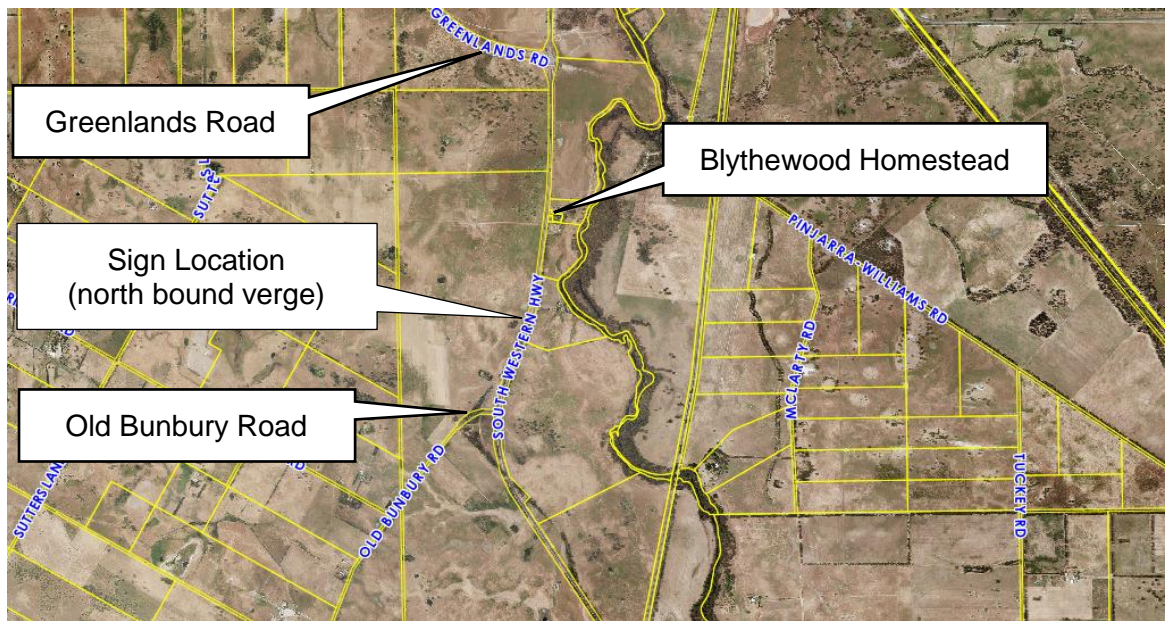
On 28 May 2015 Council resolved to proceed to seek expressions of interest for advertising on the sign and endorsed both the selection criteria and cost proposal for advertising panels, provided the Shire secured at least \$10,000 financial sponsorship from the Pinjarra business community. Two business sponsors notified of their interest being Tyrepower and Dome and in December 2015 Council endorsed the inclusion of business logos for these businesses and the sign was subsequently manufactured and installed.

A second expressions of interest process has now been undertaken in an attempt to fill the two remaining sponsor panels on the sign. As part of the expressions of interest process Pinjarra businesses were advised of the following assessment criteria:

- Panels will only include a business name and logo;
- The business must be established within Pinjarra;
- The minimum lettering size will be 360mm to ensure it is clearly readable;
- The cost of the panel will be \$2,500 for one year or \$5,000 for three years;
- Proposals from individual businesses for longer periods will be considered on their merit;
- Council will choose the successful businesses based on the extent it considers the businesses will attract tourist traffic to Pinjarra;
- The business panel will be removed from the sign without reimbursement should the business close within the contract period.

#### Proposal

The sign location is approximately 4km south of the Pinjarra town centre within the north bound verge of the South Western Highway, between the Blythewood homestead and the Old Bunbury Road intersection. The location is shown in the plan on the following page.



The sign face is approximately 6m by 6m, upon 2.2m high legs, features a promotional slogan inviting travellers to visit Pinjarra and includes room for four business promotion panels. A copy of the artwork is shown below.



**Murray 2025 Strategic Community Plan**

<b>Objective 2</b>	A progressive and diverse economy that maximises employment and business opportunities
<b>Outcome 2.2:</b>	Facilitate and support the growth of local businesses and agricultural pursuits
<b>Outcome 2.3:</b>	Develop the Shire as a tourism destination based on our distinct characteristics and natural assets
<b>Strategy 2.2.4:</b>	Promote the benefits of Murray as a place for business, investment and lifestyle opportunities

<b>Strategy 2.3.1</b>	Encourage tourists, longer stays and repeat visitation
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### **Murray 2015-2019 Corporate Business Plan**

Nil

### **Other Strategic Links**

Nil

### **Statutory Environment**

The promotional sign has received approval from Main Roads Western Australia under the Main Roads (Control of Advertisements) Regulations 1996.

### **Policy Implications**

Nil

### **Sustainability and Risk Considerations**

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

Tourism is a significant economic driver for the Shire. The tourism industry is highly competitive and other neighbouring Shires and regions are becoming much more aggressive in their approach to increase their visitor numbers. With this sign the Shire has an opportunity to promote not only itself, but its local businesses to thousands of people every day without ongoing costs.

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

Signage, and particularly the cumulative impact of multiple signs, can have a significant impact on the character, amenity and safety of an area. The proposal will provide an opportunity for the promotion of local business in a coordinated manner without the need for multiple private signs.

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

Nil

#### *Governance – (Policy implications)*

Nil

#### *Overall Risk Management Consideration*

There is a risk to the economy of the Shire if it does not develop and implement effective strategies to promote itself and local businesses. Visitor Centres are not a promotional tool but a service to visitors once tourists have arrived. Other methods such as the proposed promotional sign should be considered to attract visitors that may not have come to visit the town.

### **Consultation**

An expression of interest process was undertaken by the Shire writing to individual businesses within the Pinjarra town centre. The businesses were provided the opportunity to register their interest, provide details of their business name and logo and whether they were interested in a one year, three year or other term. A period of three weeks closing on 31 May 2016 was provided for businesses to register their interest. At the conclusion of this period there was one submission from the Pinjarra Junction Shopping Centre for a three year term.

## Resource Implications

### *Financial*

A \$25,000 allocation was included in the 2015/16 budget for the design, manufacture and installation of the sign. The sign was installed within this budget. \$10,000 of income was also budgeted for sponsorship. Council previously agreed only to proceed on the basis that there is sufficient business interest to secure at least \$10,000 financial sponsorship from the Pinjarra business community. This target was achieved before construction took place. As the signage includes advertising, costs can be recouped and in time the sign would be likely to be a modest revenue raiser for Council.

Council has previously agreed to a cost proposal of \$2500 per annum or \$5000 for a three-year agreement for each local business using the sign.

### *Workforce*

Nil

## Options

Council has the option of either:

1. Accepting the expression of interest either for the three year period as requested or the lesser option of one year.
2. Not accepting the expression of interest.

## Conclusion/Justification of Officer Recommendation

The Pinjarra Junction Shopping Centre meets the Council's adopted assessment criteria for inclusion on the sign. The artwork detail of the logo will be finalised following acceptance, consistent with the criteria and will only include the business name and logo that meets the necessary lettering sizes imposed by Main Roads WA.

There is one remaining panel to fill and it is recommended that the new Edenvale Homestead logo be included on this panel, until a further expressions of interest process is undertaken to fill the panel by a business sponsor.

## Voting Requirements

Simple Majority

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

**OCM16/138**

**Moved: Cr C Thompson**

**Seconded: Cr S Lee**

**That Council endorses the following name and logos on the remaining advertising panels of the Pinjarra Promotional Sign:**

1. **Pinjarra Junction Shopping Centre for a period of three years; and**
2. **Edenvale Homestead until such time as further business sponsors become available.**

**CARRIED UNANIMOUSLY 9:0**



## Corporate Governance

### 11.4 Private Parking Agreement – Pinjarra Junction Shopping Centre - 3 Hour Parking Restrictions

File Ref:	GE02/300 & 1113		
Previous Item Nos.:	TS.Dec.08	Item 6.8.1	(TS08/097)
	CCS April 2009	Item 5.8	(CCS09/70)
	OCM April 2009	Item 10.3.1.4	(OCM09/68)
Applicant:	Colorado Properties Pty Ltd		
Author and Title:	Robert Marlborough, Manager Governance		

## Appendix 10

### Purpose

To consider applying the *Shire of Murray Parking and Parking Facilities Local Law 2008* under a private parking agreement on a portion of Lot 300 George Street and on Lots 15, 16 and 17 James Street and Lot 314 Murray Street, Pinjarra and introduce 3 hour time limited parking on particular portions of these respective properties.

### Background

In December 2008 as a result of discussion at the Technical Services Committee meeting investigations commenced to consider a direction on general parking practices in the Pinjarra Town Centre. Discussion at the time considered time limited parking being applied in James Street, George Street and within the carpark areas of the newly completed Pinjarra Junction Shopping Centre (PJSC).

After the initial investigations a further report was presented to Council In April 2009 where a private parking agreement was supported with Colorado Properties Pty Ltd for Lot 30 George Street, Pinjarra (now Lot 300) to apply to the provisions of the *Shire of Murray Parking and Parking Facilities Local Law 2008* on the land and introduce 3 hour time limited parking restrictions within the original carpark area of the PJSC complex and other parking limitations and restrictions within the town centre. The following is the recommendation adopted by Council (OCM09/068). That:

- 1) *Council grants approval for a private parking agreement to be entered into with Colorado Properties Pty Ltd for the Shire of Murray to enforce all of the provisions of the Parking and Parking Facilities Local Law 2008 on the entire portion of Lot 30 George Street, Pinjarra;*
- 2) *the owners/occupiers of Lots 4 & 5 Murray Street, Pinjarra and Lot 14 George Street (Pinjarra IGA) and Lot 102 George Street (Mitre 10) be approached with a view to entering into a private parking agreement on their respective properties under the provisions of the Parking and Parking Facilities Local Law 2008;*
- 3) *the parking restrictions and limitations detailed on Drawing 10045/6 are applied, being 2 hours in the main town centre and three hours within the entire portion of Lot 30 George Street, (Pinjarra Junction Shopping Centre); and*
- 4) *the Chief Executive Officer is authorised to enter into negotiations with Colorado Properties Pty Ltd relating to the proposed private parking agreement on Lot 30 George Street, Pinjarra.*

Since the original private parking agreement No1 was endorsed with Colorado Properties Pty Ltd the PJSC has been further developed and additional parking facilities are now available in the underground carpark on Lot 300 and in the adjacent carpark at Lots 15, 16 and 17 James Street and at Lot 314 Murray Street, Pinjarra.

Recent and ongoing discussions with proponent indicated a very strong preference to include these newer carpark areas within a private parking agreement, therefore applying the *Shire of Murray Parking and Parking Facilities Local Law 2008* under a private parking agreement and introducing 3 hour time limited parking similar to the original PJSC carpark area.

The Colorado Properties representative also indicated active support for a termination clause within any agreement developed to keep future options open and it was indicated that should Council not support a new or varied private parking agreement investigations would occur for private enforcement, such as under contract law or otherwise and the use wheel clamping could potentially be used as a management tool to control the parking facilities within the PJSC complex.

The following parking opportunities are available with the PJSC land:

1. In the main existing carpark there are a total of 179 parking bays;
2. In the James and Murray Street carpark there are 160 parking bays;
3. In the underground carpark there are 126 parking bays.

Time limited parking in the main carpark identified in point 1 is managed under the current private parking agreement No1.

It is estimated that once the PJSC is fully occupied staff numbers both full time, part time and casual will be at least 150 on any given day, inclusive of centre management staff, excluding night fill employees and businesses premises that operate outside core business hours.

Overregulating parking opportunities by applying time limited parking restrictions without adequate consideration for equitable use may result in safety issues or negative consequences for other landowners in other areas of the town centre due to PJSC employees having to park in nearby streets or within other parking facilities in the town centre and the proposal to be presented will address this issue by a review process.

### **Proposal**

It is proposed to recommend to Council to enter into a new private parking agreement with Colorado Properties Pty Ltd within the underground carpark on Lot 300 George Street and on Lots 15, 16 and 17 James Street and Lot 314 Murray Street, Pinjarra and to introduce 3 hour time limited parking in the areas detailed in the map provided at **Appendix 10**.

Furthermore it is proposed to review the application of 3 hour time limited parking in the areas identified, after 12 month to assess any consequential safety issues or other negative impacts within the town centre. If concerns are identified a further report will be provided to Council to explore options to mitigate concerns identified.

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

<b>Objective: 1</b>	Strong and collaborative leadership which engages in effective partnerships and reflects the aspirations of our community.
<b>Outcome:1.1</b>	A long-term, strategically focused Shire that is sustainable, respected and accountable.
<b>Strategy:1.1.3</b>	Ensure accountable, ethical and best practice governance to our district.

<b>Objective: 3</b>	A connected, safe and inclusive community that provides for, and lobbies for accessible services for all residents.
<b>Outcome:3.5</b>	A safe and healthy Shire where our residents feel secure.
<b>Objective: 4</b>	Well planned, integrated and active places that embrace and respect our rural lifestyle, built and natural environment and heritage
<b>Outcome:4.5</b>	Plan for and build facilities and infrastructure that will meet the needs of a growing community.

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

Nil

### **Other Strategic Links**

Nil

### **Statutory Environment**

The *Shire of Murray Parking and Parking Facilities Local Law 2008* was adopted by Council on 26 June 2008. The adopted local law was published in the *Government Gazette* on 15 August 2008 and it commenced operation on 30 August 2008.

This Local Law provides the ability to enforce parking control requirements including, time limited parking, no stopping and no parking and other general parking restrictions throughout the parking region and on private land under an agreement.

The parking region is defined as the whole of the district, but excludes the approach and departure prohibition areas of all existing and future traffic control signal installations, as determined by the Commissioner of Main Roads, and the prohibition areas applicable to all existing and future bridges and subways, as determined by the Commissioner of Main Roads.

Clause 1.7 of the Local Law states that the local law does not apply to a parking facility or a parking station that is not occupied, managed or controlled by the local government, unless the local government and the owner or occupier of that land, facility or station have agreed in writing that the local law will apply to that land, facility or station. The agreement referred to in the local law may be made on such terms and conditions as the parties agree.

The enforcement of the *Local Government (Parking for People with Disabilities) Regulations 2014* is permissible on any land in the district and a private parking agreement is not required.

### **Policy Implications**

Nil

### **Sustainability & Risk Considerations**

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

There will be costs associated with managing the proposed parking restrictions and further details are provided within financial section of this report. The cost of enforcement and ongoing management are not expected to significantly impact the community. The cost of maintaining signs and other fixed infrastructure within the identified areas is the responsibility of the proponent.

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

The introduction of the parking restrictions proposed ensures equitable use of the available facilities. Subject to ongoing review negative consequential effects on nearby landowners can be effectively managed.

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

Nil

*Governance – (Policy implications)*

The *Local Government Act 1995* and Council policies are not impacted by this proposal. Implementing parking restrictions is supported by the applicable local laws.

*Overall Risk Management Consideration*

*The implementation of parking restrictions may cause negative community comment, however the effective management of parking facilities ensures equitable use arrangements for the community. The overall level risk is considered to be low.*

**Consultation**

Nil

**Resource Implications**

## Financial

The direct costs of managing time limited parking within the two new areas would be approximately \$30,280 per annum. This is based on 3 inspections per week at 3 hours each. The estimate direct costs may be significantly less if less inspections are required. Parking enforcement returns approximately 10% on expenditure. It must be noted however that council do not have resources to manage, on a full-time basis, management of the parking areas. However the parking would be managed as often as possible.

## Workforce

Sufficient capacity is not available within Ranger Services to manage timed parking with the existing and new areas proposed on a full-time basis. Notwithstanding that resource capacity in critical times during fire season may mean reducing proactive policing activities such as parking enforcement.

**Options**

Council has the option of:

1. Approving the proposal to enter into a private parking agreement in the areas identified and applying the 3 hour time limited parking restrictions.
2. Rejecting the proposal and maintaining the current status quo.

**Conclusion/Justification of Officer Recommendation**

Supporting the proposed private parking agreement and the introduction of parking restrictions supports the effective management of the total public parking facilities that are available within the PJSC complex. This further aligns with other nearby parking restrictions and achieves a collective approach to parking management within the immediate area.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION:****OCM16/139****Moved: Cr P Briggs****Seconded: Cr C Thompson****That Council:**

- 1. approves for the Chief Executive Officer to negotiate and enter into a private parking agreement with Colorado Properties Pty Ltd for the Shire of Murray to enforce the provisions of the Shire of Murray Parking and Parking Facilities Local Law 2008 on Lot 300 George Street and Lots 15, 16 and 17 James Street and Lot 314 Murray Street, Pinjarra;**
- 2. supports the introduction of 3 hour time limited parking restrictions between 8.30am and 5.30pm Monday to Friday in the areas identified in Appendix 10; and**
- 3. approves for local public notice to be published advising of the introduction of 3 hour timed parking restrictions between 8.30am and 5.30pm Monday to Friday as detailed.**

**CARRIED 5:4**

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

For: Cr M Reid, Cr W Barrett, Cr C Thompson, Cr D Bolt and Cr P Briggs

Against: Cr S Lee, Cr A Rogers, Cr C Rose and Cr A Black

## 11.5 Payments from Municipal and Trust Funds – May 2016

File Ref: 8013-01  
Author and Title: Tracie Unsworth, Manager Finance

### Appendix 11

#### Purpose

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

#### Background

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

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

#### Proposal

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

The information report contains the list of payments made from the Shire of Murray's Municipal and Trust bank accounts for the month of May 2016.

This list includes details for each payment made, incorporating:

- The payees name
- The description of the payment
- The date of the payment
- The amount of the payment
- A certificate signed by the Chief Executive Officer, stating that all invoices and vouchers presented to Council have been certified as to the receipt of goods and the rendition of services and as to prices, computations and costing and that the amounts shown were due for payment.

Invoices supporting all payments are available for the inspection of Council.

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

<b>Objective: 1.</b>	Strong and collaborative leadership which engages in effective partnerships and reflects the aspirations of our community
<b>Outcome: 1.1</b>	A long-term, strategically focused Shire that is sustainable, respected and accountable
<b>Strategy: 1.1.3</b>	Ensure accountable, ethical and best practice governance to our district

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

<b>Action: 1.1.3.4</b>	Manage statutory reporting requirements
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### **Other Strategic Links**

Nil

### **Statutory Environment**

Section 6.4(1) of the Local Government Act 1995 requires the Shire of Murray to prepare financial reports as prescribed. Regulation 13 of the Local Government (Financial Management) Regulations 1996 governs the requirement to provide to Council a detailed listing of all payments made from the Municipal and Trust bank accounts and outlines the form, content and timing of this report.

### **Policy Implications**

Nil

### **Sustainability & Risk Considerations**

*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 – (Policy implications)*

Failure to present a detailed listing of payments made from the Shire bank accounts in the prescribed form would result in non-compliance with the Local Government (Financial Management) Regulations 1996.

*Overall Risk Management Consideration*

Not applicable

### **Consultation**

Not Applicable

**Resource Implications**

## Financial

Presentation of a detailed listing of payments made from the Shire bank accounts gives Council the ability to monitor the Shire's cash outflows.

## Workforce

Nil

**Options**

Council has the option of:

1. Receiving the Payments from Municipal and Trust Funds report for May 2016.
2. Not receiving the Payments from Municipal and Trust Funds report for May 2016.

**Conclusion/Justification of Officer Recommendation**

The Payments from Municipal and Trust Funds report has been prepared in accordance with the Local Government (Financial Management) Regulations 1996 and is presented to Council for information. All accounts are for goods and services that have been duly incurred and authorised for payment in accordance with the budget allocation and statutory obligations.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION:**

**OCM16/140**

**Moved: Cr C Thompson**

**Seconded: Cr C Rose**

**That Council receives the Payments from Municipal and Trust Funds report for May 2016 as presented.**

**CARRIED UNANIMOUSLY 9:0**



## 11.6 Monthly Financial Report – May 2016

File Ref: 8013-01  
 Author and Title: Tracie Unsworth, Manager Finance

### Appendix 12

#### Purpose

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

#### Background

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

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

#### Proposal

The monthly financial report for May 2016 identifies the financial position of Council as at the reporting date and consists of:

- Statement of Financial Activity
- Statement of Comprehensive Income
- Statement of Financial Position
- Notes to Statement of Financial Activity:
  - \* Note 1 Graphical Representation of Statement of Financial Activity
  - \* Note 2 Net Current Funding Position
  - \* Note 3 Significant Variances
  - \* Note 4 Cash and Investments
  - \* Note 5 Budget Amendments
  - \* Note 6 Receivables
  - \* Note 7 Grants and Contributions
  - \* Note 8 Cash Backed Reserves
  - \* Note 9 Capital Disposals and Acquisitions
  - \* Note 10 Trust
  - \* Program Schedules

#### Murray 2025 Strategic Community Plan

<b>Objective: 1.</b>	Strong and collaborative leadership which engages in effective partnerships and reflects the aspirations of our community
<b>Outcome: 1.1</b>	A long-term, strategically focused Shire that is sustainable, respected and accountable
<b>Strategy: 1.1.3</b>	Ensure accountable, ethical and best practice governance to our district

## Murray 2015-2019 Corporate Business Plan

<b>Action: 1.1.3.4</b>	Manage statutory reporting requirements
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### Other Strategic Links

The Shire of Murray 2015/2016 Annual Budget

### Statutory Environment

Section 6.4(1) of the Local Government Act 1995 requires the Shire of Murray to prepare financial reports as prescribed. Regulation 34 of the Local Government (Financial Management) Regulations 1996 outlines the form, content and timing of the monthly financial reports prepared for presentation to Council.

### Policy Implications

Nil

### Sustainability & Risk Considerations

*Economic - (Financial impact to the community)*

Timely submission of detailed monthly financial reports allows Council to monitor the financial performance of the Shire and review any adverse financial trends that may impact on the Shire's financial sustainability.

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

Nil

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

Nil

*Governance – (Policy implications)*

Failure to produce the monthly financial statements in the prescribed form would result in non-compliance with the Local Government Act 1995 and its associated regulations.

*Overall Risk Management Consideration*

Not applicable

### Consultation

Shire officers

### Resource Implications

Financial

Nil

Workforce

Nil

### **Options**

Council has the option of:

1. Receiving the monthly financial report for May 2016.
2. Not receiving the monthly financial report for May 2016

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

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

### **Voting Requirements**

Simple Majority

<p><b>OFFICER RECOMMENDATION/COUNCIL DECISION:</b></p>
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<p><b>OCM16/141</b></p>
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<p><b>Moved: Cr S Lee</b></p>
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<p><b>Seconded: Cr P Briggs</b></p>
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<p><b>That Council receives the May 2016 Monthly Financial Report as presented.</b></p>
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<p><b>CARRIED UNANIMOUSLY 9:0</b></p>
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**Recreation and Community Development**

Nil

## Technical Services

### 11.7 Tender T16/05 Mowing of Public Open Spaces

File Ref: T16/05  
 Author and Title: Chris Pretorius, Manager Operations

#### Appendix 13 Under Separate Confidential Cover

**Mrs J Burton, Director Corporate and Community Development** declared a Proximity Interest in Ordinary Council Meeting Item 11.7 – Tender T16/5 Mowing of Public spaces as a family member has submitted a tender and withdrew from the meeting the time being 9.38am.

#### Purpose

Tenders have been called for the provision of mowing public spaces which are currently not undertaken by the Shire of Murray and Council is requested to consider and appoint a contractor for the provision of this service.

#### Background

The Shire's current contract for the Mowing of Public Open Space expires on the 30 June 2016. The term of the new contract is for a period of two (2) years commencing from 1 July 2016 to 30 June 2018, together with an option for two, one (1) year extensions to 30 June 2019, and 30 June 2020.

Tenders were prepared and then advertised for the provision of mowing services and selection criteria as approved by Council at the Ordinary Council Meeting 12 May 2016:

*“That Council approves the following selection criteria for Tenders T16/05 being Mowing of Public Open Space”*

*Tender Price – 50%*

*Tender Resources – 20%*

*Demonstrate experience in performing mowing of public open space – 30%*

#### Proposal

The proposal presented is to consider the submissions received for the Mowing of Public Open Spaces within the Shire of Murray.

#### Murray 2025 Strategic Community Plan

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

#### Murray 2015-2019 Corporate Business Plan

<b>Action:4.3.1.2:</b>	Effectively manage infrastructure through its lifecycle.
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**Other Strategic Links**

Nil

**Statutory Environment**

Section 3.47 of the Act and Part 4, Division 2 of the *Local Government (Functions & General) Regulations 1996* specifies the procedures relating to Tenders.

**Policy Implications**

Nil

**Sustainability & Risk Considerations**

*Economic - (Financial impact to the community)*

The Shire of Murray has undertaken the tender process to ensure competitive pricing to maximise the economic benefits.

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

The maintenance of park areas is a priority function within the local authority that provides lifestyle and health opportunities for the general public to enjoy.

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

Positive impact on improving the aesthetics of Council's public open space.

*Governance – (Policy implications)*

Council Policy No CA19 – Supply of Goods and Services/Purchasing.

There was a requirement to tender the works as there is the potential that tender submissions will exceed the tender threshold of \$150,000 and in accord with Council policy No CA19, when procurement of goods and services exceeds the \$150,000.00 threshold, requires that a tender is to be invited in accordance with the Local Government Act 1995.

*Overall Risk Management Consideration*

By having a tender in place for the mowing of public open spaces it reduces the level of risk rating to the Shire of Murray to better manage open space areas and meet expectation for the community.

**Consultation**

The tender submission was discussed internally and evaluated according to the selection criteria under separate cover.

**Resource Implications**

No impact on current resources expected.

**Financial**

The financial implications are fully detailed within the Tender Evaluation which is under separate cover.

**Conclusion/Justification of Officer Recommendation**

The justifications and conclusions are contained in the report provided under separate cover.

## **Voting Requirements**

Simple Majority

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

**OCM16/142**

**Moved: Cr C Thompson**

**Seconded: Cr S Lee**

**That Council approves Coastline Lawn Services to be the preferred tenderer for the Mowing of Public Open Spaces in accordance with the specifications and tender rates detailed in Tender T16/05 for a period of two (2) years commencing from 1 July 2016 to 30 June 2018, together with an option for two, one (1) year extensions to 30 June 2019, and 30 June 2020.**

**CARRIED UNANIMOUSLY 9:0**

**Mrs J Burton, Director Corporate and Community Development** re-joined the meeting at this point, the time being 9.39am.

## Items for Information

### 11.8 Outstanding Council Resolutions

Appendix 14

### 12. BUSINESS LEFT OVER FROM THE PREVIOUS MEETING

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

### 14. NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING

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

#### 15.1 Replacement Appliance for Coolup Volunteer Bush Fire Brigade

File Ref:

Previous Items:

Nil

Applicant:

Various via petition

Author and Title:

Dean Unsworth, Chief Executive Officer

Ron Porter, Manager Ranger and Emergency Services

#### Appendix provided under separate cover

**Cr C Rose** declared an Impartiality Interest in Ordinary Council Meeting Item 15.1 Replacement Appliance for Coolup Volunteer Bush Fire Brigade as she is a member of the Coolup Volunteer Bush Fire Brigade.

**Cr A Rogers** declared an Impartiality Interest in Ordinary Council Meeting Item 15.1 Replacement Appliance for Coolup Volunteer Bush Fire Brigade as she is a member of the Coolup Volunteer Bush Fire Brigade.

**Cr C Rose** and **Cr A Rogers** remained in the meeting.

#### Purpose

Council has received a petition (**attached**) in relation to the proposed replacement of the fire appliance for the Coolup Volunteer Bush Fire Brigade (**'VBFB'**).

The petition was handed to the Chief Executive Officer on the evening of Thursday 16 June 2016 and therefore it was not able to be included in the Council agenda for this meeting that was delivered earlier that day.

Under Council's Meeting Procedure Local Law 2015, a petition is to –

- (a) be addressed to the President;
- (b) be made by electors of the district;
- (c) state the request on each page of the petition;
- (d) contain the name, address and signature of each elector making the request, and the date each elector signed;
- (e) contain a summary of the reasons for the request; and
- (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.



Council should note that this petition is technically not compliant as (a), (d) and (e) have not been met. Therefore Council has the option to receive, or not to receive this petition. However, in the spirit of public consultation and good will, officers have presented a report to Council to provide Council with a detailed overview of the issue.

Normally, the local government would firstly consider the petition and, only then, consider whether the petition is warranted to be further considered by way of an agenda report at the following meeting. However, given the size of the petition and the importance Council places on our bush fire volunteers, the CEO has assumed Council would be interested in at least considering this petition.

### **Background**

Since the introduction of the Emergency Services Levy ('**ESL**') all replacement fire appliances have been manufactured and delivered by the Department of Fire and Emergency Services ('**DFES**') based upon advice from the relevant local government.

Annually the Shire of Murray submits an application under the Local Government Grants Scheme ('**LGGs**') emergency services capital and operating grant in accordance with '*The Manual for Capital and Operating Grants*', as approved by the Minister for Emergency Services under the *Fire and Emergency Services Act 1998*.

Part of the LGGs application includes an appliance/vehicle replacement program including an indicative replacement program for the next four (4) years. Local Governments are able to review the program and where accepted sign the relevant form along with the completed grant application.

Where the Local Government does not accept the DFES offer it may submit an alternative program for consideration. Alternative vehicle programs are subject to the "Statewide Resource Replacement Programme" and its replacement terms.

Additionally a Resource to Risk ('**R2R**') assessment should be completed in consultation with DFES to consider the strengths and opportunities that exist in and around a community, as well as revealing threats and weaknesses through risk assessment, analysis and treatments.

Ultimately a DFES Superintendent is responsible for making prioritised and evidence-based recommendations to the ESL Capital Grants Committee, based on the collective R2R assessments.

In March 2016, as part of the 2016/17 LGGs application, the Shire of Murray accepted and approved the DFES replacement program including the replacement of the current Coolup 3.4 appliance for a 3.4U ('**Urban Tanker**') scheduled for the 2016/17 financial year.

However at the annual Volunteer Emergency Services function on 14 May 2016, Coolup VBFB member/s suggested to the Fire and Emergency Services Commissioner that the brigade favoured a 4.4B ('**Broadacre**') being provided instead.

This created discussion within DFES and on 26 May 2016 the Shire was again asked to confirm its position in regard to the replacement appliance for the Coolup VBFB and provide a written response signed by the CEO on or before 3 June 2016.

On 1 June 2016 a meeting was convened at the Shire of Murray Administration Office between the Chief Bush Fire Control Officer ('**CBFCO**'), the Coolup Fire Control Officer ('**FCO**') and Brigade Captain along with the Manager Ranger and Emergency Services.

Coolup VBFB representatives raised issues regarding the replacement vehicles larger size compared to their existing appliance and its reduced accessibility. They also had concerns

with the replacement 3.4U being a crew cab whereas a 4.4B is available as a single cab option.

Shire Officers subsequently sourced vehicle specifications and chassis drawings for the replacement 3.4U and the 4.4B appliance types. These identified that in the case of the Isuzu, both appliance types and single/crew cabs options were built on the same overall chassis platform. It was also revealed that the 4.4B single cab Hino variant was very similar in size to the 3.4U/4.4B Isuzu option.

On 7 June 2016 the Coolup FCO forwarded an email to the Manager Ranger and Emergency Services and the CBFCO reiterating the brigade preference for a 4.4B due to the following advantages;

- single cab design,
- simplicity of operation; and,
- extra 1000 litres of water in place of hoses.

Ensuing discussions between the CBFCO and the Manager Ranger and Emergency Services determined that in order to provide greater protection and flexibility to the community the preferred replacement option was still the 3.4U, notwithstanding the fact that it was not the brigade preference.

On 8 June 2016 a response was provided back to DFES confirming the commitment to a 3.4U appliance being provided as the replacement for the Coolup 3.4. A copy of the response was also provided to the Coolup VBFB.

### **Proposal**

As a result of the petition received by the CEO a meeting has been scheduled for Thursday 23 June 2016, consisting of the following attendees;

Councillor Reid, Councillor Thompson, Councillor Rogers, Coolup Fire Control Officer, Coolup VBFB Captain, CEO, CBFCO, Manager Ranger and Emergency Services and the Community Emergency Services Coordinator.

It is anticipated that the decision will be clearly outlined and explained by the CBFCO and it is hoped that conciliation between all parties can then be reached on the issue.

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

<b>Objective 3:</b>	A connected, safe and inclusive community that provides for, and lobbies for accessible services for all residents
<b>Outcome 3.4:</b>	A safe and healthy Shire where our residents feels secure
<b>Strategy 3.4.1:</b>	Support the community in emergency and bush fire management planning, response and recovery

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

<b>Action 3.4.1.3:</b>	Ensure effective planning for volunteer emergency services
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### **Other Strategic Links**

Nil

### **Statutory Environment**

The administration of the ESL and the subsequent LGGS is governed under the *Fire and Emergency Services Act 1998* and in particular “Part 6A — Emergency Services Levy”.

### Policy Implications

There is no policy in relation to this item. Consideration of replacement appliances goes through a rigorous review under DFES guidelines. Effectively, it is the role of the Chief Executive Officer to submit requests for appliances and equipment based on detailed justification. It is proper practice for the Chief Executive Officer to take advice from the CBFCO as he/she undertakes the role of fire management for the district.

### Sustainability & Risk Considerations

*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 – (Policy implications)*

Nil

### Overall Risk Management Consideration

In accordance with the Shire's Risk Management Guide, it is considered there is a medium level of reputational risk. It is possible that a number of complaints may be received locally from the Coolup community objecting to the proposed approach.

<i>Risk</i>	<i>Consequence</i>	<i>Likelihood</i>	<i>Risk Level</i>	<i>Controls</i>
Reputational – Public objection to proposed approach	Medium	Unlikely	Likely	Develop a sound approach and clearly and consistently communicate that approach.

### Consultation

- Department of Fire and Emergency,
- Frontline Fire & Rescue Equipment – builder of fire appliances,
- Coolup Volunteer Bush Fire Brigade members,
- Chief Bush Fire Control Officer,
- Shire of Murray Internal Staff

### Resource Implications

Financial

Nil. The appliance is funded under the ESL.

Workforce

Nil

### Options

In relation to the Petition, Council has the option of:

1. Accepting or rejecting this petition.

In relation to the appliance, Council has the option of:

1. Supporting the current process and supporting the Chief Bush Fire Control Officer (and Chief Executive Officer) with no further action from Council.
2. Instructing the Chief Executive Officer to withdraw the letter to DFES in support of the decision to accept an Urban Tanker in support of the current petition.

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

Under DFES guidelines, it is specified that the Chief Executive Officer provides applications and signs documentation in relation to ESL funded equipment and appliances. This is in line with the Bush Fire Act that ultimately places significant responsibility solely with the local government Chief Executive Officer, with potential civil charges arising.

To fulfil the requirements of the Bush Fire Act, the Chief Executive Officer relies heavily on its Chief Bush Fire Control Officer. Therefore it is recommended that Council continues to provide that support.

The reason this item is being presented as new business of an urgent nature is to get direction from Council in preparation for further discussions with the Coolup Bush Fire Brigade.

#### **Voting Requirements**

Simple Majority

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

**OCM16/143**

**Moved: Cr P Briggs**

**Seconded: Cr S Lee**

**That Council accepts item 15.1 as new business of an urgent nature as per Section 2.5 of *Shire of Murray Meeting Procedures Local Law 2015*.**

**CARRIED UNANIMOUSLY 9:0**

#### **Voting Requirements**

Simple Majority

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

**OCM16/144**

**Moved: Cr S Lee**

**Seconded: Cr P Briggs**

**That Council:**

1. **receives the Coolup VBFB petition; and**
2. **continues its delegated authority to the Chief Executive officer in relation to the applications of fire-fighting appliances and equipment under advice from the Bush Fire Advisory Committee and the Chief Bush Fire Control Officer.**

**CARRIED UNANIMOUSLY 9:0**

The meeting adjourned at this point for morning tea, the time being 9.59am

The meeting reconvened the time being 11.02am

**16. MEETING CLOSED TO THE PUBLIC (CONFIDENTIAL BUSINESS)****16.1 Sale of Proposed Lot 1 (Portion Lot 1213) South West Highway, Coolup**

File Ref:	SO06/1213	
Previous Items:	OCM 15 March 2015	Item 12.1 (OCM15/037)
	OCM 10 September 2015	Item 12.1 (OCM15/222)
	OCM 25 February 2016	Item 12.6 (OCM16/025)
	OCM 12 May 2016	Item 15.1 (OCM16/105)
Author and Title:	Robert Marlborough, Manager Governance Dean Unsworth, Chief Executive Officer	

**Appendix 15 under Confidential Cover****Purpose**

To determine a position on the sale of a portion of Lot 1213 South Western Highway, Coolup.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION:**

**OCM16/145**

**Moved: Cr C Thompson**

**Seconded: Cr S Lee**

**That Council proceed behind closed doors for the purpose of considering a confidential report on the proposed sale of a portion of Lot 1213 (7020) South Western Highway, Coolup the time being 11.03am.**

**CARRIED UNANIMOUSLY 9:0**

**Voting Requirements**

Absolute Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION:**

**OCM16/146**

**Moved: Cr S Lee**

**Seconded: Cr C Thompson**

**That Council by Absolute Majority:**

- 1. subject to the finalisation of the subdivision process, authorises the Chief Executive Officer and the Shire President to endorse the offer and acceptance as submitted by Hayden Charles and Ashleigh Marie Reeves to purchase the subdivided portion of Lot 1213 South Western Highway, Coolup for the amount \$679,000;**
- 2. approves the funds realised from the sale being allocated to the Murray Regional Equestrian Centre as per the Scenario Analysis presented within this report, less the expected selling and subdivision costs and any minor repairs or rectifications to the property prior to sale up to the value of \$5000; and**
- 3. net proceeds from the sale of Lot 1213 South Western Highway, Coolup be transferred to Asset Enhancement Reserve.**

**CARRIED UNANIMOUSLY 9:0**

## 16.2 Tender T16/4 - Provision of Banking and Bill Payment Services

File Ref: T16/4  
Previous Items: Nil  
Author and Title: Tracie Unsworth, Manager Finance  
Robert Marlborough, Manager Governance

### Appendix 16 Under Confidential Cover

**Cr W Barrett** declared a Financial Interest in Ordinary Council Meeting Item 16.2 – Tender T16/4 – Provision of Banking and Bill Payment Services as he is a shareholder in all of the financial institutions in question.

**Cr C Thompson** declared a Financial Interest in Ordinary Council Meeting Item 16.2 – Tender T16/4 – Provision of Banking and Bill Payment Services as she is a board member of Pinjarra Financial Services (Bendigo Bank).

**Cr S Lee** declared a Financial Interest in Ordinary Council Meeting Item 16.2 – Tender T16/4 – Provision of Banking and Bill Payment Services as he is a Director of the Pinjarra Bendigo Community Bank.

**Mrs J Burton, Director Corporate and Community Development** declared a Financial Interest in Ordinary Council Meeting Item 16.2 – Tender T16/4 – Provision of Banking and Bill Payment Services as she is the owner of property leased to the Bendigo Bank.

**Cr W Barrett, Cr S Lee, Cr C Thompson and Mrs J Burton Director Corporate and Community Development** withdrew from the meeting at this point, the time being 11.10am.

### Purpose

To determine an outcome of a tender invited to provide the Shire of Murray with Banking and Bill Payments Services for a period of three years with the option of two twelve month extensions, and explore options to provide an Automatic Teller Machine (ATM) at Dwellingup.

### Voting Requirements

Simple Majority

### OFFICER RECOMMENDATION

That Council:

1. authorises the Chief Executive Officer to enter into a formal written agreement with the Commonwealth Bank of Australia to provide the Shire of Murray with Banking and Bill Paying Services for a period of three years with the option of two further 12 months extension periods based on Tender T16/4;
2. supports the continuation of an operating account with a locally based financial institution to be determined by the Chief Executive Officer to assist with daily banking and general day to day cash management; and
3. authorises the Chief Executive Officer to investigate the provision of an Automatic Teller Machine at Dwellingup History and Visitor Information Centre with the Commonwealth Bank of Australia or a third party supplier with a further report being prepared and presented to Council to determine an outcome.

**Voting Requirements**

Simple Majority

**COUNCIL DECISION:****OCM16/147****Moved: Cr A Rogers****Seconded: Cr D Bolt****That Council:**

1. **authorises the Chief Executive Officer to enter into a formal written agreement with the Commonwealth Bank of Australia to provide the Shire of Murray with Banking and Bill Paying Services for a period of three years with the option of two further 12 months extension periods based on Tender T16/4.**

**CARRIED UNANIMOUSLY 6:0**

**Cr W Barrett, Cr S Lee, Cr C Thompson and Mrs J Burton, Director Corporate and Community Development** re-joined the meeting at this point, the time being 11.27am.

**Cr W Barrett** advised that he would abstain from voting on this item and withdrew from the time being 11.29am.

**Voting Requirements**

Simple Majority

**COUNCIL DECISION:****OCM16/148****Moved: Cr D Bolt****Seconded: Cr P Briggs****That Council:**

1. **supports the continuation of an operating account with a locally based financial institution to be determined by the Chief Executive Officer to assist with daily banking and general day to day cash management; and**
2. **authorises the Chief Executive Officer to investigate the provision of an Automatic Teller Machine at the Dwellingup History and Visitor Information Centre with the Commonwealth Bank of Australia or a third party supplier with a further report being prepared and presented to Council to determine an outcome.**

**CARRIED UNANIMOUSLY 8:0**

**Cr W Barrett** re-joined the meeting at this point, the time being 11.30am.

**Voting Requirements**

Simple Majority

**COUNCIL DECISION:**

**OCM16/149**

**Moved: Cr A Rogers**

**Seconded: Cr P Briggs**

**That Council proceeds with open doors, the time being 11.31am.**

**CARRIED UNANIMOUSLY 9:0**

**17. CLOSURE OF MEETING**

**There being no further business, the Presiding Member declared the meeting closed, the time being 11.32am.**