



Minutes

Ordinary Council Meeting

Thursday 28 March 2019



Notice of Meeting

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

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member Cr D Bolt declared the meeting open the time being 5.30pm.

2. ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

Cr D Bolt	Shire President
Cr S Lee	Deputy President
Cr G Black	Councillor
Cr D McLarty	Councillor
Cr C Rose	Councillor
Cr A Rogers	Councillor
Cr B Cardilini	Councillor
Cr B Beacham	Councillor
Mr D Unsworth	Chief Executive Officer
Mrs J Burton	Director Corporate and Community Development
Mr A Smith	Director Technical Services
Mr R Peake	Director Planning and Sustainability
Mrs M Toner	Coordinator Planning Administration

There were seven (7) members of the public one (1) member of the press and six (6) members of staff in attendance at this time.

APOLOGIES

Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Mrs Davana Noble 18 Kruger Loop, South Yunderup.

Q1: If contact with the Shire has been made, what time frame should be expected for an answer or response to be received?

Response – Chief Executive Officer

A1. *Our customer service charter reflects an acknowledgement response within 3 days of receiving correspondence with the aim of resolving routine enquires within 10 days of the initial enquiry. I will undertake a full review with regard to your query.*

5. PETITIONS AND APPROVED DEPUTATIONS

Nil

6. CONFIRMATION OF MINUTES

6.1 Ordinary Council Meeting – 28 February 2019

Recommendation/Council Decision

OCM19/026

Moved: Cr B Beacham

Seconded: Cr D McLarty

That the Minutes of the Ordinary Council Meeting held on Thursday 28 February 2019 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY 8:0

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

On Friday 1 March, the Councillors, CEO, Directors and I attended the announcement by the WA Premier of the Bushfire Centre of Excellence being constructed in the Shire of Murray. This was followed by a presentation about the Centre and morning tea at the Pinjarra Paceway. In the afternoon the Director Planning and Sustainability and I attended a CHRMAP project terms of reference meeting with the MDRRA Working Group at the Shire of Murray Offices.

On Sunday 3 March, I attended the Service of Dedication at St Francis Assisi Anglican Church in Pinjarra with the Bishop of Bunbury.

On Tuesday 5 March, the CEO and I attended a meeting at the Shire of Murray Offices for the Dwellingup Futures Stakeholder Working Group with representative from various Government departments, Alcoa and Dwellingup Community representatives.

On Wednesday 6 March, I attended my fortnightly catchup with the CEO followed by a meeting to discuss updates on the Centre for Innovation in Agriculture at the Shire of Murray Offices.

On Thursday 7 March, the CEO and I attended a half day Tour of infrastructure projects at the City of Mandurah followed by a meeting with the City of Mandurah Mayor Rhys Williams. In the afternoon I attended a CY O'Connor construction site visit at North Dandalup.

On Friday 8 March, the CEO and I attended meetings in North Dandalup. In the afternoon I attended the PRLF General Meeting at the Shire of Serpentine Jarrahdale.

On Saturday 9 March, I met with members of the North Dandalup community to discuss local issues.

On Monday 11 March, the CEO and I attended a meeting with Alcoa of Australia at Jarra Infusion to discuss plans for the Pinjarra Refinery. Later in the morning I gave a welcome speech at the George Brooke Reserve for the commencement of ground works for the bank stabilisation project on the Murray River. In the afternoon I attended a meeting with CY O'Conner regarding the Centre for Innovation in Agriculture in North Dandalup.

On Tuesday 12 March, I attended a meeting and did a video interview discussing the new trails projects at Dwellingup.

On Wednesday 13 March, the CEO and I attended a meeting with Andrew Hastie MP, Hon Scott Buchholz MP, Assistant Minister for Roads & Transport to discuss the Pinjarra Heavy

Haulage Deviation project. This was followed by a meeting with the CEO to discuss local issues.

On Thursday 14 March, Councillors and I attended the Site preparation Ceremony at the Pinjarra Men's Shed where Andrew Hastie MP "Turned the First Sod" on site and where I gave a presentation speech. This was followed by the Strategic Planning day at the Shire of Murray Offices. Andrew Hastie MP attended the Shire of Murray Offices, the Strategic Planning Day also included a site visit to a Community Building in Pinjarra.

On Thursday 15 March, Councillors I attended a farewell morning tea and gave a presentation for long standing Shire officer Grant Bilton. This was followed by a planning meeting with the CEO to discuss progress for the Bush Fire Centre of Excellence.

On Monday 18 March, the CEO, Director of Planning and Sustainability and officers attended a meeting regarding local issues at the Shire of Murray Offices. Later that morning the Councillors, CEO and I attended an announcement by Andrew Hastie MP, at the Dwellingup History and Visitor Information Centre. This announcement was also a photo shoot opportunity followed by morning tea. Later that afternoon the CEO and I attended a meeting at the Shire of Murray Office to discuss local issues.

On Tuesday 19 March, I presided over the Shire of Murray's Citizenship Ceremony held at the Shire of Murray. Councillors Brenda Beacham, Brad Cardilini and Geoff Black also attended the ceremony. Seven new Australian citizens were welcomed to the Shire of Murray. In the evening I attended a Community Information Session at Coolup Community Hall regarding the Draft Southern Palusplain Strategy.

On Wednesday 20 March, I attended fortnightly catchup meetings with the Executive Director for the PRLF, followed by a meeting with the CEO at the Shire of Murray Offices. I also attended a Forum, at the Murray Lesser Hall, with the Hon Linda Burney, on Preventing Family Violence in our Community. Following this meeting I attended the WA Local Government Association WALGA Peel Zone meeting at the Shire of Serpentine Jarrahdale.

On Thursday 21 March, The CEO and I met with the Peel Chamber of Commerce and Industry to discuss tourism advertising plans and the billboards on the Forest Highway.

On Friday 22 March, the Executive Director of PRLF and I meet with David Templeman MLA at his Electorate Office in Mandurah to discuss Peel Region plans and priorities.

On Monday 25 March, the CEO and I attended an announcement by Robyn Clarke MP, regarding Lotterywest funding towards the construction of the new Mens Shed.

On Thursday 28 March, the CEO and I attended the Launch of the FolkWorld Regional Cultural Development Project at the Pinjarra Courthouse. Later that day the CEO and I attended the Project Launch of the Bedingfeld Park Expansion with Andrew Hastie MP. This was followed by the Ordinary Council meeting. After which I was due to attend a community fundraising event hosted by the Rotary Club at the old Court House Building in Pinjarra.

8. ANNOUNCEMENTS BY ELECTED MEMBERS

Nil

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

Cr D McLarty declared a Financial interest in Item 11.7 Proposed Policy Amendment – Rating Concession for Primary Producers in that he and his wife claim Primary Producers Rates Concession.

Cr A Rogers declared an Impartiality interest in Item 13.1 April 2019 Council Meeting Start Time in that she is the president of the Coolup Progress Association the hosts of the Coolup ANZAC eve service.

Cr D McLarty declared a Financial interest in Confidential Item 16.1 Corio Road Land Acquisition Proposal in that his agricultural services business has been engaged by the owners of the property in the past.

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 Coastal Hazard Risk Management and Adaptation Plan

File Ref:	3/3838		
Previous Items:	OCM 28 Jun 18	Item 11.5	(OCM18/119)
	OCM 20 Dec 18	Item 11.6	(OCM18/257)
Author and Title:	Rod Peake, Director Planning and Sustainability		
Voting Requirement	Simple Majority		

Appendices 1 and 2

Recommendation
 Moved: Cr S Lee
 Seconded: Cr A Rogers

That Council:

1. endorses the Consultant Scope of Works for the preparation of a Coastal Hazard Risk Management and Adaptation Plan including the qualitative selection criteria as set out in Appendix 1 with the following wording change to Task 11 – Identification of Adaptation Options:

~~"It is considered essential that land use planning instruments (such as planning strategies, regional and local planning scheme, local planning policies, and structure plans) are used to respond to erosion and inundation hazard risks, where relevant within the Shire. The consultant is to identify and provide details for any required changes, updates or amendments to existing or proposed planning instruments, where relevant for part or all of the study area. This should include consideration of the need to update local planning strategies to provide the necessary strategic framework; amend Local Planning Schemes (such as to include special control areas to rezone land to include specific building or development controls, possibly time or event based trigger consents) and/or formulate new planning policies. The consultant is expected to provide details on proposed wording, implementation method/s, when to apply, relevant trigger points if~~

required, examples from other areas (where appropriate) and any other supporting information that may be needed for the Local Government to implement the adaptation option, i.e. mapping”.

and proceeds to advertise a Public Request for Tender for consultants to undertake the preparation of the plan;

2. nominates Gerald Johnson in place of Linda Gregory as the community representative for the North Yunderup Community Association on the Coastal Hazard Risk Management and Adaptation Plan Project Steering Group.

WITHDRAWN

Foreshadowed Motion:

Cr D Bolt gave verbal notice of his intention to move the following motion, should the substantive motion currently under debate be defeated or withdrawn.

That this item be deferred to the April 2019 Ordinary Council meeting to allow time to discuss and be informed, to seek further advice to consider the implications for the CHRMAP process and to review the late submission from the MDRRA.

Council Decision

OCM19/027

Moved: Cr D Bolt

Seconded: Cr D McLarty

The foreshadowed motion moved by Cr D Bolt and Seconded by Cr D McLarty was PUT and was

CARRIED 7:1

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

For: Clrs D Bolt, A Rogers, D McLarty, G Black, B Cardilini, C Rose, S Lee

Against: Cr B Beacham

An explanatory memorandum and supporting documentation provided by the Director Planning and Sustainability is attached to these minutes for information.

In Brief

- A scope of works for specialist consultants to assist in undertaking the preparation of a Coastal Hazard Risk Management and Adaptation Plan requires endorsement before proceeding to advertise to tender.
- A replacement project steering group community representative for the North Yunderup Community Association has been nominated for endorsement.

Background

The Shire of Murray is bordered on its west by the low lying estuarine reaches of the Peel Inlet - Harvey Estuary, which includes the lower tidal reaches of the Murray and Serpentine Rivers. The overall estuary is the largest estuarine system in the south of Western Australia. The Peel Inlet at the north of the system is linked to the Indian Ocean via the Mandurah entrance channel and to the Harvey Estuary further south. The Murray and Serpentine Rivers flow into the Peel Inlet at the Murray Delta in the locality of Yunderup. The Dawesville Cut was opened in 1994 and provides for constant seawater flow into both the Peel Inlet and

Harvey Estuary and marks the border of the two. The system is recognised internationally by the Ramsar treaty and provides vital habitat to many thousands of migrant shorebirds each year, some of which travel from as far as Siberia to feed and breed.

In recent years increased erosion and inundation has occurred along the estuarine coastline and fringing vegetation has been lost across the system. Development adjacent to the Murray Delta and Serpentine River entrance has experienced erosion events and the Delta Islands, three of which are inhabited, are suffering ongoing recession. This is becoming a serious threat to the island community and an escalating political issue.

The Shire is one of nine local government members of the Peron Naturaliste Partnership (PNP). The PNP Coastal Adaptation Pathways Project demonstrated that coastal erosion and inundation will be an increasing issue in this area. On a regional scale, the study indicated that until 2110, in the Peron-Naturaliste region, approximately 800 hectares of residential land will be subject to an increase in flooding risk (from one in 500 to one in 100).

The Western Australian Planning Commission's State Planning Policy 2.6 State Coastal Policy (SPP 2.6) requires that adequate coastal hazard risk management and adaptation planning is undertaken where existing or proposed development or landholders are in an area at risk of being affected by coastal hazards.

In June 2018 as part of its consideration of adaptation planning for the Murray Delta Islands area, Council resolved to seek funding for the preparation of a Shire wide Coastal Hazard Risk Management and Adaptation Plan (CHRMAP). The Shire has now been successful in obtaining matched grant funding from the Western Australian Planning Commission under its Coastal Management Plan Assistance Program.

In December 2018, Council nominated Councillor and community representatives on the Project Steering Group and authorised proceeding to advertise tenders for specialist consultants to assist in undertaking the project. The consultant scope of works was advertised for community feedback and discussions were still underway with the Murray Delta Residents and Ratepayers Association at the time of the Council meeting in December 2018. Council therefore authorised the Chief Executive Officer to finalise the scope in consultation with the Shire President, once discussions with the Association had concluded, provided the Scope was still consistent with the State Planning Policy 2.6 and the associated guidelines. A further meeting has been held with representatives of the Association to discuss their comments.

Report Detail

It is proposed that Council now consider endorsing the consultant scope of works for the preparation of the CHRMAP.

A CHRMAP is a strategic planning document that will inform the community and decision makers about potential estuarine coast and riverine hazards (such as erosion and inundation), the risks and necessary actions. The CHRMAP will outline key directions for estuarine coast and riverine adaptation over a 100 year planning timeframe, while also prioritising management responses over the short to medium term.

The CHRMAP will be developed in accordance with SPP 2.6 and associated CHRMAP Guidelines. In broad terms this involves the following key stages:

- Hazard assessment;
- Coastal values survey;
- Risk assessment and identification of adaptation options;

- Public information sessions and adaptation workshops;
- Preparation of a draft Adaptation Plan;
- Consultation program of draft Adaptation Plan;
- Finalise Adaptation Plan.

The consultant scope of works that sets out the detail of the intended process and scope is included at Appendix 1. The scope has been prepared in consultation with State agency officers and via feedback received from the community. Recommended amendments arising from community submission are highlighted in the document.

Murray 2025 Strategic Community Plan

Objective 5	A healthy and sustainable natural environment.
Outcome 5.2	Waterways and water resources are protected, conserved and enhanced.
Outcome 5.3	Our carbon footprint is reduced and the impacts of climate change managed.
Strategy 5.2.1	Protect, maintain and enhance the health of our waterways and wetlands.
Strategy 5.3.3	Plan and adapt to the impacts of climate change.

Murray 2018 - 2022 Corporate Business Plan

Action 5.3.3.1	Actively participate in Peron Naturalist Partnership activities.
Action 5.3.3.2	Develop a Coastal Hazard Risk Management and Adaptation Planning Strategy.

Other Strategic Links

Nil

Statutory Environment

Section 3 of the *Planning and Development Act (2005)* sets out the purposes of the Act, which includes to promote the sustainable use and development of land in the State. Section 77 of the Act requires local governments to have due regard to any State Planning Policy which affects its district when preparing or amending a local planning scheme.

Regulation 67 of the *Planning and Development (Local Planning Schemes) Regulations (2015)* provides for a specified range of matters that are to be considered in determining an application for development approval, including in particular:

- (c) *any approved State planning policy;*
- (e) *any policy of the Commission;*
- (o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety.*

Sustainability and Risk Considerations

Economic - (Financial impact to the community)

There are a range of potential economic implications dependent on the outcomes of the study and the adaptation responses proposed.

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

It is expected that the extent and frequency of erosion and inundation will increase over time. This is likely to have negative and direct quality of life implications for residents in the affected areas, with some affected more significantly than others.

Environment – (Impact on environment’s sustainability)

Since the Dawesville Cut was opened in 1994 and the entrance channel widened, the Peel-Harvey estuary has moved from estuarine to an increasingly marine system, causing greater tidal influence, increased salinity, and erosion. The estuarine and river areas comprise significant wetlands with significant habitat for water birds and other terrestrial flora and fauna.

Policy implications

State Planning Policies provide the highest level of planning policy control and guidance in Western Australia. Those policies most relevant to this matter include:

- SPP 2 sets out the broad environment and resource management policies for sustainable development and outlines the need for decision makers to include provisions under strategies and schemes that facilitate the sustainable use of land.
- For coastal / estuarine matters SPP 2.6 is identified as the higher order and prevailing policy. The purpose of this Policy is to provide guidance for decision-making, including the management of development and land use change; and to protect, conserve and enhance coastal / estuarine values. The policy requires that coastal / estuarine hazard risk management and adaptation is appropriately planned to manage identified risks.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
<i>High</i>	<p><i>To minimise the risk of litigation in the future the Shire must be able to demonstrate that it has acted in good faith when making decisions and taking, or not taking action. This involves ensuring that it:</i></p> <ul style="list-style-type: none"> • <i>has good information or a plan for obtaining it;</i> • <i>has a strategy for making defensible decisions using that information;</i> • <i>takes sufficient measures to ensure that a strategy is implemented and that the strategy is and remains effective; and</i> • <i>strives to improve responses to known or likely risks.</i>

Consultation

Community and stakeholder engagement will be fundamental to successful preparation of the CHRMAP. There will be considerable opportunity for the community to become informed and provide input into the preparation of the Plan, including access to a project website, public information sessions, a community coastal values survey, workshop on potential adaptation options, community presentation and a public consultation period on the draft Plan.

A Consultant Scope of Works has been prepared in collaboration with officers of relevant State Agencies. The draft was then advertised for public comment. One submission was received on behalf of the Murray Delta Residents and Ratepayers Association. The contents of the submission have been discussed with representatives of the Association and a submission schedule, which sets out a summary of the key points raised in this submission together with officer comments and a recommendation on each point is included at Appendix 2.

At the time of the December Council meeting, the Shire was awaiting final feedback on the recommended amendments to the scope from the MDRRA. The Chief Executive Officer, following consultation with the Shire President, was authorised to finalise the scope once discussions with the MDRRA had concluded. A further meeting has been held with representatives of the Association to discuss their comments with further changes stemming from those discussions incorporated in the scope.

Resource Implications

Financial

The Shire has received grant funding of \$75,000 from the Western Australian Planning Commission under its Coastal Management Plan Assistance Program. Sufficient funding for the estimated cost of undertaking the Project is available under Council's 2018/19 Budget.

Workforce

The preparation of this Plan can be managed within the current workforce level.

Options

Council has the option of endorsing the consultant scope of works as recommended with or without modifications, provided that it is still consistent with the WAPC CHRMAP Guidelines and Funding Agreement.

Conclusion

The State Government and the Shire has undertaken a range of coastal related studies in the past, including studies undertaken through the Shire's membership on the Peron Naturaliste Partnership. These studies have identified that parts of the Shire are potentially vulnerable to the impacts of coastal hazards over the next 100 years. The CHRMAP will build upon previous studies to undertake a detailed analysis and prepare an adaptation plan for those parts of the Shire that are potentially impacted, focussing on those areas adjacent to the Peel Harvey Estuary and the portions of the Murray and Serpentine Rivers influenced by tides.

The project scope has been prepared in collaboration with relevant State agencies. It is based on the WAPC's CHRMAP Guidelines and meets the requirements of the Coastal Management Plan Assistance Program Funding Agreement. The Scope has taken on board comments from community consultation process where appropriate, the scope includes a substantial engagement component and the associated Project Steering Group includes community representation to ensure community sentiments are well considered as the Project proceeds.

The key points raised by MDRRA have generally been addressed as set out in the submission schedule, however the key outstanding issue in December related to the storm event scenarios and in particular the use of the 1:500 storm surge inundation for the modelling that will be undertaken.

The 1:500 storm surge inundation is a requirement under the SPP and represents a 20% chance of such an event occurring over the 100 year planning horizon. The Association was

concerned that the use of such a low probability event, combined with the estuarine location of the Shire's coastal areas would result in exaggerated modelling scenarios.

The SPP does provide for a 'case by case' assessment of events for sheltered locations by either the transformation of the offshore storm event or, for fetch limited locations, the hindcasting of an equivalent storm event based on recorded or modelled winds. Discussions with the Association included the possibility of using three scenarios for each of the timeframes being present day, 2030, 2070 and 2110 which would provide a good level of information in addition to the base requirements of the WAPC policy and guidelines. This can then provide a good level of information to inform the risk assessment and, if needed, the adaptation options. A suggested revision to address this is as follows:

“Hazard Assessment to identify erosion and inundation extents in accordance with State Planning Policy 2.6 for three storm scenarios for each of the present day, 2030, 2070 and 2110 planning timeframes.”

This would require the consultant to build in to the price three modelled scenarios for each time period and would provide for a dialogue to occur via the Steering Group, which the Association is represented on, to endorse the actual scenarios and make adjustments for the sheltered coastline if considered appropriate. It would also provide the opportunity to consider the advice and recommendations of the specialist consultant before settling on the actual scenarios.

At the recent meeting the above revised wording appeared to be accepted, noting the intent for the consultant to make a recommendation to the full Steering Committee, which includes the community representation.

The other key issue raised by the Association representatives at a recent meeting was the inclusion and strong wording under the “Land Use Planning Instruments” heading under “Task 11 – Identification of Adaptation Options”. Whilst it is important that reference to the preparation of planning instruments remains as a key outcome of the CHRMAP where relevant, it is agreed that the wording could be amended. Based on the discussion at the meeting the following wording is suggested:

~~“It is considered essential that land use planning instruments (such as planning strategies, regional and local planning scheme, local planning policies, and structure plans) are used to respond to erosion and inundation hazard risks, where relevant within the Shire. The consultant is to identify and provide details for any required changes, updates or amendments to existing or proposed planning instruments, where relevant within the study area. This should include consideration of the need to update local planning strategies to provide the necessary strategic framework; amend Local Planning Schemes (such as to include special control areas to rezone land to include specific building or development controls, possibly time or event based trigger consents) and/or formulate new planning policies. The consultant is expected to provide details on proposed wording, implementation method/s, when to apply, relevant trigger points if required, examples from other areas (where appropriate) and any other supporting information that may be needed for the Local Government to implement the adaptation option, i.e. mapping”.~~

The Association have indicated there may other comments they wish to make and have been asked to provide these by Tuesday 26 March 2019. Councillors will be advised of any further comments provided before the Council meeting.

It is important that the CHRMAP process is undertaken in a timely manner in order to meet the requirements of the State funding and also address community expectations. Notwithstanding final support to the scope has not formally been obtained from the MDRRA, it is considered that the issues raised in their submission and further meeting have been satisfactorily addressed and the Scope ought to now be endorsed as set out in Appendix 1.

At the December 2018 meeting, Council endorsed a submission for the appointment of Linda Gregory to the Project Steering Group to represent the interests of the North Yunderup Community Association. A revised nomination from that Group has been received for Gerald Johnson to replace Linda Gregory. This is recommended for endorsement.

Upon endorsement of the scope of works, it is anticipated that tenders would be advertised in April and following assessment a report prepared to either the May meeting of Council for the appointment of the consultant. The project would take up to 18 months to complete. The qualitative criteria and weightings for the public tender process have been set out in the scope and formulated to achieve an outcome that will represent value for money while providing a quality outcome.

11.2 Peel Joint Development Assessment Panel Representatives

File Ref:	5404		
Previous Items:	PPS.Feb 13	Item 7.7	(PPS13/008) (OCM13/019)
	OCM May 12	Item 12.2	(OCM12/108)
	PDS.Apr 11	Item 7.5.1	(PD11/032)
	OCM.Apr 11	Item 10.1.2	(OCM11/058)
	SCM.Oct 11	Item 8.2.3	(SCM11/99)
Applicant:	Not applicable		
Author and Title:	Rod Peake Director Planning and Sustainability		
Voting Requirement	Simple Majority		

Recommendation/Council Decision

OCM19/028

Moved: Cr A Rogers

Seconded: Cr C Rose

That Council nominates Cr A Rogers as Shire of Murray alternate representative on the Peel Joint Development Assessment Panel following the resignation of former Cr M Reid for consideration of appointment by the Minister for Planning.

CARRIED UNANIMOUSLY 8:0

In Brief

Council is requested to nominate an alternative representative in place of former Cr M Reid to sit on the Peel Joint Development Assessment Panel (JDAP).

Background

Development Assessment Panels (DAPs) were introduced by the State Government in 2011 to determine certain specified classes of development applications.

Each DAP comprises five members, i.e. three specialist members, one of which is the presiding member and two local government members. Local Government Assessment Panel Appointments comprise of 2 nominated members and 2 alternative members to ensure local government representation at the DAP meetings.

Currently the Shire of Murray representatives on the Peel Joint Development Assessment Panel are Councillors C Rose and D Bolt, with Councillors M Reid and B Cardilini as alternate members. Current representatives are appointed until 26 January 2020 when the panel members will be renewed.

Report Detail

Following the recent resignation of former Cr M Reid, it is necessary to nominate a new alternate member.

Murray 2025 Strategic Community Plan

Nil

Murray 2018 – 2022 Corporate Business Plan

Nil

Other Strategic Links

Nil

Statutory Environment

Regulation 26 of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Sustainability and Risk Considerations

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

Nil

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

Nil

Environment – (Impact on environment's sustainability)

Nil

Policy Implications

Nil

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
<i>Low</i>	<i>Nil</i>

Consultation

Nil

Resource Implications

Financial

Nil

Workforce

Nil

Options

Nil

Conclusion

Council is required to nominate a new alternate member to replace former Cr Reid. This will ensure full Councillor representation at the Peel Joint Development Assessment Panel. Following appointment by the Minister, officers will arrange the mandatory training at the first available opportunity.

Corporate Governance

11.3 Local Government Act Review

File Ref:	1601-06
Previous Items:	Nil
Applicant:	Department of Local Government, Sport & Cultural Industries
Author and Title:	Dean Unsworth, Chief Executive Officer
Voting Requirement	Simple Majority

Appendix 3

Recommendation/Council Decision OCM19/029

Moved: Cr S Lee

Seconded: Cr B Beacham

That Council endorses the Local Government Act review (Phase 2) submission as per Appendix 3.

CARRIED UNANIMOUSLY 8:0

In Brief

- Review of the Local Government Act is currently underway.
- Submissions into this review close 31 March 2019.
- Attached submission is presented to Council for review.

Background

In 2017, the McGowan Government announced a review of the Local Government Act 1995.

This is the first significant reform of local government conducted in more than two decades.

The objective is for Western Australia to have a new, modern Act that empowers local governments to better deliver for the community.

This is the second phase of the Local Government Act review, with the first phase having been undertaken in 2017. This second phase focuses on:

- Increasing participation in local government elections
- Strengthening public confidence in Local Government elections
- Increasing community participation
- Improving financial management
- Reducing red tape.

There are 11 themes arranged under the 'Smart, Agile, Inclusive' headings:

- **Agile**
 - Beneficial Enterprises
 - Financial Management
 - Rates
- **Smart**
 - Administrative Efficiencies
 - Local Laws
 - Council Meetings
 - Interventions
- **Inclusive**
 - Community Engagement
 - Integrated Planning and Reporting

- Complaints Management
- Elections .

Report Detail

Attached for Councillors review is a draft Local Government Act Review – Phase 2 submission Appendix 3. This submission was workshopped with Councillors in February and received general support. However, since that time it has come to light that there is a lack of clarity in relation to holding an extraordinary election following the resignation of a Councillor.

The Act states that, if a Councillor resigns after the third Saturday in the calendar year of an ordinary election, Council can continue with that vacancy and fill that position at the October election.

However, there is a lack of clarity with the term “election year” if that councillors term of office expires two years later, for example in 2021.

Some initial advice from the Department of Local Government stated that an extraordinary election would be required as the “election year” for that councillor is 2021. Legal advice obtained considers “election year” as the year an ordinary election is to be held (2019).

In the attached submission, there is a request to make it clear what an “election year” means.

Murray 2025 Strategic Community Plan

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

Other Strategic Links

Nil

Statutory Environment

This submission is in response to the review of the *Local Government Act 1995*.

Sustainability and Risk Considerations

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

A more robust and flexible Local Government Act has the potential for better economic outcomes through streamlined local decision making.

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

A more robust and flexible Local Government Act has the potential for better social outcomes through streamlined local decision making.

Environment – (Impact on environment’s sustainability)

A more robust and flexible Local Government Act has the potential for better environmental outcomes through streamlined local decision making.

Policy Implications

Nil

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
<i>Low</i>	<i>There is little financial or reputational risk with this report.</i>

Consultation

Internal discussions and literature review.

Resource Implications*Financial*

Nil

Workforce

Nil

Options

Council has the option of:

1. Supporting the attached draft submission.
2. Amending the attached submission.

Conclusion

The attached submission is self-explanatory.

11.4 Payments from Municipal and Trust Funds – February 2019

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

Appendix 4

Recommendation/Council Decision

OCM19/030

Moved: Cr B Beacham

Seconded: Cr A Rogers

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

CARRIED UNANIMOUSLY 8:0

In Brief

- Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 required a list of accounts paid under delegation to be prepared and presented to Council each month.
- The payments made from the Shire's Municipal and Trust bank accounts for the month of February 2019 are presented to Council.

Background

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

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

Report Detail

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

The information report contains the list of payments made from the Shire of Murray's Municipal and Trust bank accounts for the month of February 2019.

This list includes details for each payment made, incorporating:

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

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

Murray 2025 Strategic Community Plan

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

Other Strategic Links

Nil

Statutory Environment

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

Sustainability and Risk Considerations

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

Nil

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

Nil

Environment – (Impact on environment's sustainability)

Nil

Policy Implications

Nil

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
<i>Low</i>	Failure to present a detailed listing of payments made from the Shire bank accounts in the prescribed form would result in non-compliance with the Local Government (Financial Management) Regulations 1996, which may result in a qualified audit.

Consultation

Nil

Resource Implications

Financial

Nil

Workforce

Nil

Options

Council has the option of:

1. Receiving the Payments from Municipal and Trust Funds report for February 2019.
2. Not receiving the Payments from Municipal and Trust Funds report for February 2019.

Conclusion

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

11.5 Monthly Financial Report – February 2019

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

Appendix 5

Recommendation/Council Decision

OCM19/031

Moved: Cr D McLarty

Seconded: Cr S Lee

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

CARRIED UNANIMOUSLY 8:0

In Brief

- The monthly financial report for the month of February 2019 is presented to Council in line with the requirements of the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996.
- There are no adverse trends with regard to Councils year to date financial position.

Background

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

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

Report Detail

The monthly financial report for February 2019 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

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

Other Strategic Links

Shire of Murray 2018/19 Annual Budget

Statutory Environment

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

Sustainability and Risk Considerations

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

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

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

Nil

Environment – (Impact on environment's sustainability)

Nil

Policy Implications

Nil

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
<i>Moderate</i>	Failure to monitor the Shire's ongoing financial performance would increase the risk of a negative impact on the Shire's financial position.
<i>Low</i>	Non-compliance with legislative requirements may result in a qualified audit.

Consultation

Nil

Resource Implications

Financial

Nil

Workforce

Nil

Options

Council has the option of:

1. Receiving the monthly financial report for February 2019.
2. Not receiving the monthly financial report for February 2019.

Conclusion

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

11.6 2018/19 Budget Review

File Ref: 8100
Author and Title: Tracie Unsworth, Manager Finance
Voting Requirement: Absolute Majority

Appendix 6

Recommendation/Council Decision

OCM19/032

Moved: Cr G Black

Seconded: Cr C Rose

That Council adopts the 2018/19 Budget Review as presented, and the 2018/19 Budget be amended accordingly.

CARRIED UNANIMOUSLY 8:0

In Brief

- The budget review report provides an overview of the Shire of Murray financial accounts as at 28 February 2019.
- The report identifies an overall increase to the estimated 2018/19 closing surplus of \$47,396.

Background

In accordance with the Local Government (Financial Management) Regulations, Council is required to carry out a review of its annual budget for that year by 31 March. This requirement recognises the dynamic nature of local government activities and the need to continually reassess projects competing for limited funds, to ensure that community benefit from available funding is maximised.

Report Detail

The mid-year review of the Shire's financial accounts as at 28 February 2019 has been conducted and areas have been identified that require amendments to initial budget allocations. Wherever possible, service areas seeking additional funds to what was originally approved in the budget are encouraged to generate funding or to find offsetting savings in their own areas. These amendments have been detailed in the document included under separate cover for Council's review. A commentary is provided in the associated documents where expenditure or income has a variance of more than \$5000.

The items listed on page two of the appendix detail Council endorsed items totalling \$208,145. These items have increased the 2018/19 budgeted closing surplus position to \$237,946. In line with the adopted Long Term Financial Plan, this surplus has been identified as required to balance future year budgets.

The budget review process has identified an increase in funds totalling \$47,396 establishing a new estimated surplus of \$285,342 as at 30 June 2019. The majority of items requiring adjustment are self-balancing, where increased expenditure is offset by corresponding decreases elsewhere within the program, or additional associated revenue. The items that have the major effect on the closing position are:

Revenue

- Insurance Rebates
An additional \$13,600 has been received under the Local Government Insurance Services members' dividends and good driver rebate schemes.

- Interest
An increase of \$27,600 in estimated interest receivable.
- Town planning
An overall reduction of \$39,845 in Town Planning income being:
 - \$34,845 reduction in developmental application income
 - \$10,000 reduction in scheme amendment income
 - \$5,000 increase in subdivision applications
- Property Leases
 - An overall reduction in residential housing rental revenue of \$12,000 due to some rental properties remaining vacant.
 - An overall increase of \$20,000 in commercial property lease revenue.
- Fleet Management
An increase of \$24,000 in trade-in prices realised.
- Developer Contributions
\$109,766 received from DJM Ravenswood Pty Ltd, transferred to Reserve, to fund the future upgrade works on Old Mandurah Road.

Expenditure

- Fleet Management
\$85,000 reduction in fleet expenditure due to savings achieved in vehicle changeovers.
- Computer Software
An allocation of \$46,295 is requested to purchase agenda and minutes software that will improve the efficiency of the agenda compilation, review and distribution process. Efficiencies will be realised by all parties involved in the agenda preparation and subsequent distribution. Technology is an important part of maximising efficiency, and as the Shire grows, and staff resources remain static, it is vital to look for innovative ways to improve what once were standard processes. Year 1 costs include configuration, setup and training, with future annual costs being in the vicinity of \$9500.
- Dwellingup History & Visitor Information Centre
An increase of \$16,550 in communications software licensing to support newly installed infrastructure associated with the Dwellingup National Trails Centre project.
- Consultancies
An increase of \$20,000 to fund a business case for the Murrayfield Airport. The total project cost is \$95,000, with contributions of \$75,000 from other stakeholders scheduled to be received in the current financial year.
- Building Maintenance
An increase of \$25,000 for required maintenance activities across the Shire building portfolio.

Reserves

This budget review has an overall positive impact on the estimated closing balance of Shire Reserves as at 30 June 2019 of \$147,757. Details of reserve balances, and transfers to and from reserves, are contained in pages 3 to 6 of Appendix 6.

Major Grant Funded Projects

The following grants and contributions have been approved or received during the year and are offset by corresponding expenditure, resulting in no impact on the Shire's financial position. They are listed for information only.

- Safer Communities Fund: \$164,582 to fund George Street and mobile CCTV units.
- WA Primary Health Alliance: \$100,000 to fund indigenous health programs.
- Greening WA: \$12,000 to fund the Riparian Trees project.
- Department of Planning, Lands & Heritage: \$75,000 to increase the scope of the Coastal Hazard Risk Planning Strategy.
- Stronger Communities: \$40,000 to fund upgrades at North Dandalup Hall and North Pinjarra Playground.
- Murray Equestrian Association: \$16,704 to fund irrigation equipment at the Murray Regional Equestrian Centre.
- Bulk Ore Shuttle System: \$315,993 to fund upgrade works to Gull Road
- D Maasport: \$45,877 to fund upgrade works to Paull Road

Murray 2025 Strategic Community Plan

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

Other Strategic Links

Shire of Murray Long Term Financial Plan

Statutory Environment

Clause 33A of the Local Government (Financial Management) Regulations 1996 states:-

Review of budget

- (1) *Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*
**Absolute majority required.*
- (4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department Local Government.*

Sustainability and Risk Considerations

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

Nil

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

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

Environment – (Impact on environment's sustainability)

Nil

Policy Implications

Nil

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
<i>Moderate</i>	Failure to manage the Shire's ongoing expenditure and income against budget estimates would increase the risk of a negative impact on the Shire's financial position.
<i>Low</i>	Compliance with legislative requirements is achieved if Council adopts the budget review by 31 March 2019. Failure to do so may result in a qualified audit.

Consultation

All department managers have reviewed budget allocations under their responsibility. This review included an analysis of the year to date levels of expenditure and income in comparison to the original budget allocations.

Resource Implications*Financial*

Budget reviews assist in maintaining the financial sustainability by ensuring Council is informed of the budget to actual variance and recommended budget amendments. The impact on Council's estimated financial position as at 30 June 2019 as a result of this budget review is detailed in the rate setting statement presented as part of the review document. The amended estimated surplus position is \$285,342.

Workforce

There is no impact on resourcing as a result of the recommendation.

Options

Council has the option of:

1. Adopting the budget review in full as presented; or
2. Adopting any part or parts of the budget review presented.

Conclusion

The budget review provides a mid-year forecast of the Shire's financial position for the current financial year. A comprehensive assessment of the 2018/19 Budget has been undertaken as part of this review. All amendments detailed in the budget review document are considered necessary to ensure Council is able to achieve its corporate objectives and maintain a sound financial position as at 30 June 2019.

11.7 Proposed Policy Amendment - Rating Concession for Primary Producers

File Ref: 8914-01
 Author and Title: Julie Burton, Director Corporate and Community Development
 Voting Requirement: Simple Majority

Appendix 7

Cr D McLarty declared a Financial interest in Item 11.7 Proposed Policy Amendment – Rating Concession for Primary Producers in that he and his wife claim Primary Production Rates Concession.

Cr D McLarty withdrew from the meeting the time being 5.52pm.

Council Decision**OCM19/033****Moved: Cr S Lee****Seconded: Cr B Beacham**

That Cr D McLarty be permitted to participate in the debate regarding item 11.7.

CARRIED 7:0

Cr D McLarty rejoined the meeting the time being 5.53pm.

Cr D McLarty withdrew from the meeting the time being 5.59pm.

Recommendation

That Council adopts the amendments to the Rating Concession for Primary Producers Policy CF20 (Appendix 7) as provided.

Council Decision**OCM19/034****Moved: Cr B Cardilini****Seconded: Cr A Rogers**

That Council adopts the amendments to the Rating Concession for Primary Producers Policy CF20 (Appendix 7) as provided, reflecting the following requirements for documentation to substantiate eligibility for the concession.

The following requirements must be met to be considered for a rates concession under this Policy:

1. Confirmation from an accountant that:

- a. indicators relevant to whether a person is carrying on a business of primary production in Tax Ruling 97/11 have been fulfilled;
- b. the primary production assessable income claimed in the latest tax return is greater than \$20,000; and
- c. the latest tax return year that has been lodged.

Or**2. Where an applicant prepares and lodges their own taxation return:**

- a. a copy of the latest tax return lodged with the Australian Taxation Office;
- b. a copy of the Notice of Assessment provided by the Australian Taxation Office; and
- c. a signed statutory declaration stating the property is used in accordance with Tax Ruling 97/11.

CARRIED 7:0

Reason for Change:

To ensure that either options supported are able to clearly prove that the applicant of the Rating Concession for Primary Producers are bona-fide primary producers.

Cr D McLarty rejoined the meeting the time being 6.00pm.

In Brief

- A review of the Rating Concessions for Primary Producers Policy has been undertaken.
- Minor amendments to the Policy are proposed to ensure the criteria and process for applying for the concession are simple and effective.

Background

Rating concessions for primary producers were first considered by Council in 2012, with the aim to actively support primary producers in the Peel Region. A Policy was adopted, as well as an application package developed, which is advertised each year closing 30 April. In 2014/15 the maximum limit was set at \$120,000, increasing on an annual basis by the Shire's percentage average rate increase. In 2018/19, the maximum had increased to approximately \$145,000.

Following recent feedback that the application process is onerous, the Policy has been reviewed to determine if there is a simpler method to meet the assessment criteria, while still maintaining adequate controls around the distribution of the concession.

Report Detail

Research into a number of policies throughout the local government industry has been undertaken as a part of this review. Policies and related criteria vary significantly, with some Councils requiring a similar level of detail to the current Shire of Murray Policy, and some relying heavily on a statutory declaration as evidence of whether a person is carrying out a business of primary production.

The current Policy requires:

A letter from an accountant stating that the indicators that are relevant to whether or not a person is carrying on a business of primary production in Tax Ruling 97/11 have been fulfilled, including to verify:

- (i) The activity has a significant commercial purpose or character;
- (ii) The taxpayer has more than just an intention to engage in business;
- (iii) The taxpayer has a purpose of profit as well as a prospect of profit from the activity;
- (iv) There is repetition and regularity of the activity;
- (v) The activity is of the same kind and carried on in a similar manner to that of the ordinary trade in that line of business;
- (vi) The activity is planned, organised, and carried on in a businesslike manner such that is directed at making a profit;
- (vii) The size, scale and permanency;
- (viii) The activity is not a hobby, a form of recreation, or a sporting activity.
- (viii) The address of the property or properties that the application for the rating concession relates to; and
- (ix) The property has derived primary production income and the owner has claimed primary production income of an amount greater than \$20,000 in their tax return.

In addition, the applicant is required to provide the latest tax return that has been lodged.

Where an applicant prepares and lodges their own tax return, the current requirements are:

- (i) Address all indicators that are relevant to carrying on a business of primary production (as per i-viii above);
- (ii) Provide a copy of the last tax return lodged with the Australian Taxation Office;
- (iii) Provide a copy of the notice of assessment to verify amounts on the tax return match amounts lodged; and
- (iv) Provide a signed Statutory Declaration stating that the property is being used for a genuine business of primary production.

The feedback received relates to the level of detail required by the Policy, and that it is difficult and costly to achieve. In some cases, the cost of meeting the criteria outweighs the value of the concession. 36 out of the 134 properties in 2018/19 received a concession of a value less than \$500.

An amendment to the Policy is proposed whereby the onus is placed more heavily on the applicant to declare, by way of a statutory declaration, that a business of primary production in accordance with the Policy criteria is carried out. The proposed minimum substantiating documents, in addition to the general information required by the Policy are:

- (i) a copy of the latest tax return lodged with the Australian Taxation Office
- (ii) a copy of the Notice of Assessment provided by the Australian Taxation Office
- (iii) a signed statutory declaration stating the property is used in accordance with Tax Ruling 97/11

Appendix 7 contains the proposed amendments to the Policy.

Murray 2025 Strategic Community Plan

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

Other Strategic Links

Nil

Statutory Environment

Section 2.7 (2)(b) – *Local Government Act 1995*

- (1) The Council:
 - (a) governs the local government's affairs; and,
 - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the Council is to:
 - (a) oversee the allocation of the local government's finances and resources; and,
 - (b) determine the local government's policies.

Sustainability and Risk Considerations

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

The general purpose of the Policy will continue to be supported and provide benefits to bone fide primary producers in the region.

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

Not Applicable

Environment – (Impact on environment's sustainability)

Not Applicable

Policy Implications

The proposed amendment will set clear parameters and guide the future application of this concession.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
<i>Low</i>	There is a risk that if this amendment is not endorsed, negative feedback may be received from rural landowners due to the continued complexity of meeting the requirements.
<i>Low</i>	With the reduced controls around the application process, there may be a higher likelihood that some landowners will receive a concession where there is no entitlement.

Consultation

Not Applicable

Resource Implications

Financial

Nil

Workforce

Nil

Options

Council has the option of:

1. Maintaining the Policy in its current form.
2. Amending the Policy as recommended.
3. Make alternative changes to the Policy.

Conclusion

The agricultural sector continues to be of critical importance to the future of the Shire of Murray. It is a significant employer and livelihood for many people within the district and the Peel Region. The proposed amendments to the Policy simplify the level of documentation required to substantial eligibility, and maintain adequate controls around the application of the concessions.

11.8 Cr Maree Reid Resignation – Vacant Committee Positions

File Ref: 7024-04; 7/8118; 7324-04
Previous Items: Nil
Applicant: Not applicable
Author and Title: Dean Unsworth, Chief Executive Officer
Voting Requirement: Simple Majority

Recommendation/Council Decision

OCM19/035

Moved: Cr D McLarty

Seconded: Cr B Cardilini

That Council nominates Cr G Black as its representative on the Edenvale Homestead Working Group.

That Council nominates Cr S Lee as its representative on the Peron Naturalist Partnership

That Council nominates Cr A Rogers Annual Volunteers Awards selection panel.

That Council disbands the WALGA Banners In The Terrace Selection Panel.

That Council do not nominate a Councillor at this stage as its representative on the Yunderup Sport and Recreation Club Board and this nomination be listed for consideration on the Agenda following the Local Government Elections in October 2019.

CARRIED UNANIMOUSLY 8:0

In Brief

- Former Councillor Maree Reid resigned on 22 February 2019
- Vacant committee positions are required to be filled

Background

Ms Maree Reid resigned as an elected member of the Shire of Murray Council on 22 February 2019. Advice was given on 14 March 2019 that this vacant position can remain unfilled until the October 2019 local government elections.

With this unfilled position, there is a need to fill the vacant committee positions left by Ms Reid.

Report Detail

The positions that need to be filled are:

Edenvale Homestead Working Group

Currently the Working Group has one Council representative, being Cr M Reid, one representative from each of the Friends of Edenvale, Murray Districts Historical Society, Murray Arts and Crafts Society, Pinjarra Patchwork Quilters Club, and Roger May Machinery Museum. In addition, the Group includes one Shire of Murray staff member and up to four community representatives.

Meetings are held monthly.

Yunderup Sport and Recreation Club Committee

Meetings are held monthly.

Annual Volunteer Awards Selection Panel

Currently, Cr G Black, Cr C Rose and Cr B Cardilini are also on the Annual Volunteer Awards Selection Panel

Peron Naturalist Partnership

Currently Cr S Lee and staff members Leanne McGuirk and Tom Lerner are all proxy members on the Peron Naturalist Partnership. Meetings are held once a quarter at a venue that rotates throughout the nine member local governments.

Selection Panel for the Western Australian Local Government Association (WALGA) Banners in the Terrace Award

Currently Cr S Lee, Cr A Rogers and Cr Beacham are on this panel. However, the Banners in the Terrace has been reduced significantly in scope in the last two years. The Shire did not participate in 2018. It is recommended that this Selection Panel be abandoned.

Meetings are held annually.

Recreation, Economic & Community Development

11.9 Waiver of Fees and Charges – Alcoa and Pinjarra Rotary Art Show

File Ref:	7/8039		
Previous Items:	OCM. April 2016	Item 11.11	(OCM16/085)
Applicant:	Pinjarra Rotary		
Author and Title:	Jennifer Russell, Events Officer		
Voting Requirement	Absolute Majority		

Recommendation/Council Decision

OCM19/036

Moved: Cr S Lee

Seconded: Cr A Rogers

That Council approves the waiver of venue hire for the Pinjarra Civic Centre and Senior Citizens Centre (Lesser Hall), to the value of \$1050 for the 2019 to 2021 Alcoa Pinjarra Rotary Art Shows.

CARRIED UNANIMOUSLY 8:0

In Brief

- The Alcoa and Pinjarra Rotary Art Show and Sale has historically formed part of the highly successful Pinjarra Festival
- The art show and sale provides the opportunity to showcase local artists and the Shire has long supported the event
- If Council decides not to recommend the waiver there will be costs to Rotary to the amount of \$1050

Background

The Alcoa and Pinjarra Rotary Art Show and Sale has historically formed part of the highly successful Pinjarra Festival, with many festivalgoers opting to visit the art show either before, during or after they have attended the Festival.

The art show and sale provides the opportunity to showcase artists including local students, and the Shire has long supported the event, initially with reduced venue hire fees and since 2016 with a fee waiver for the hire of the venues and the purchase of a piece of art, which is then included in the Shire's assets.

The current budget allocation allows for a \$750 purchase of a painting as chosen by the Shire President.

Report Detail

Council is requested to consider waiving venue hire fees for the Pinjarra Civic Centre and Senior Citizens Centre for the Alcoa and Pinjarra Rotary Art Show and Sale to be held during the 2019 June long weekend.

The current Policy criteria for Waivers of Fees and Charges is as follows:

Waivers will be considered where the application relates to a free community activity and at least one of the following criteria is met:

1. *The activity educates or strengthens communities or complements Council activities.*
2. *The purpose of the activity supports a service or activity that the local government considers it would have undertaken and is beneficial to the community.*

3. *The purpose of the activity supports the development of infrastructure or services that can be considered the responsibility of Council.*
4. *The application supports the activities of an incorporated club or group within the first 12 months of their operation.*
5. *Extenuating circumstances exist.*

This proposal is in line with the Policy criteria due to the Rotary Art Show being a complementary activity to the Pinjarra Festival. Council is therefore requested to consider supporting the art show and sale, with the continuation of venue hire provided as an in-kind contribution, free of charge. The budget allocation of \$750 would stay for the purchase of the painting as chosen by the Shire President, with the Pinjarra Rotary Club being required to invoice the Shire following the art show.

If Council is amenable to this approach, it is requested that this arrangement be implemented for a further three year period, with a review to be held in February 2022.

Murray 2025 Strategic Community Plan

Objective 3	A connected, safe and inclusive community that provides for, and lobbies for accessible services for all residents.
Outcome 3.1	A healthy community with strong sense of community spirit and pride.
Strategy 3.1.4	Facilitate and support activities that bring the community together.

Other Strategic Links

Not applicable

Statutory Environment

Not applicable

Sustainability & Risk Considerations

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

Nil

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

The Alcoa and Pinjarra Rotary Art Show and Sale attracts many visitors from around the Peel region and forms an integral part of the annual Pinjarra Festival.

Environment – (Impact on environment’s sustainability)

Nil

Policy Implications

Nil

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
<i>High</i>	<i>In not continuing to support this organisation and this very popular event, the Shire of Murray is at risk of potential negative community relations and comment from this prominent and highly respected volunteer organisation.</i>

Consultation

Nil

Resource Implications*Financial*

No current implications, as this is a continuation of the last three years. However, if Council decides not to recommend the waiver there will be costs to Rotary to the amount of \$1050.

Workforce

Nil

Options

Council has the option of:

1. Waiving the total venue fee hire.
2. Offering a reduction to venue fee hire.
3. Not approving any waiver of fees and charges for venue hire.

Conclusion

The annual Alcoa and Pinjarra Rotary Art Show and Sale attracts many visitors to the Shire, who then take the time to attend the Pinjarra Festival and other events held in Murray over the June long weekend. This may result in an increased economic benefit to the local business community.

It is requested that this proposal be considered for a period of three years, to maximise workforce efficiencies and to demonstrate Council's long term support of this highly valued annual event.

Technical Services

Refer Confidential Item 16.1

Items for Information**11.10 Council Resolution/Outstanding Items**

Resolution Register is attached for information.

Appendix 8

11.11 Delegated Decisions – February 2019

Delegated Decisions is attached for information.

Appendix 9

12. BUSINESS LEFT OVER FROM THE PREVIOUS MEETING

Nil

13. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**13.1 April 2019 Council Meeting Start Time**

File Ref: 1158
Voting Requirement Simple Majority

Cr A Rogers declared an Impartiality interest in Item 13.1 April 2019 Council Meeting Start Time in that she is the president of the Coolup Progress Association the hosts of the Coolup ANZAC eve service. The Councillor advised that she would consider the matter on its merits and vote accordingly.

Cr A Rogers remained in the meeting.

A notice of Motion has been submitted by Cr D McLarty.

Council Decision

OCM19/037

Moved: Cr S Lee

Seconded: Cr G Black

That the April 24, 2019 Council Meeting commence at 6.30pm to allow elected members and staff to attend the Coolup Anzac Day eve commemorative service.

CARRIED UNANIMOUSLY 8:0

CEO Comment

There is little inconvenience with this Motion. The only requirement under the Local Government Act is to advertise this change.

14. NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil

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

15.1 Community Sporting and Recreation Facilities Fund - Small Grant Round Application

File Ref: 7024-04
 Previous Items: OCM 23 Aug 2018 Item 11.13 (OCM 18/177)
 OCM 23 Aug 2018 Item 11.11 (OCM 18/176)
 Author and Title: Jodie Doherty, Manager Community Development
 Voting Requirements: Absolute Majority

Appendix 9A

Recommendation/Council Decision

OCM19/038

Moved: Cr A Rogers

Seconded: Cr D McLarty

That Council accepts item 15.1 as new business of an urgent nature as per Council's Meeting Procedure Local Law Clause 2.5.

CARRIED UNANIMOUSLY 8:0

Recommendation/Council Decision

OCM19/039

Moved: Cr S Lee

Seconded: Cr G Black

That Council

- 1. supports the Community Sport and Recreation Facilities Fund application from the Yunderup Sporting and Recreation Club Inc. to resurface Bowling Green Number 2; and**
- 2. reconfirms financial support of \$40,000 towards the replacement of the Yunderup Sporting and Recreation Club Bowling Greens from the 2018/19 estimated surplus.**

CARRIED UNANIMOUSLY 8:0

In Brief

- All Community Sporting and Recreation Facilities Fund (CSRFF) applications are required to be endorsed by Council and ranked in order of merit before forwarding to the Department of Local Government, Sport and Cultural Industries (DLGSC), with small grant round applications to be received by DLGSC by 29 March 2019.
- One late application for the Community Sport and Recreation Facilities Fund (CSRFF) was received on 22 March 2019 for this current round, subsequent to the March 2019 Council agenda distribution.
- The Yunderup Sporting and Recreation Club are seeking support for the resurfacing of a bowling green.
- Confirmation of the previously identified financial support of \$40,000 from Council is required.

Background

The CSRFF provides financial assistance to community groups and local governments to develop basic, sustainable infrastructure for sport and recreation. The DLGSC requires all CSRFF applications to be submitted with the local government authority. Council then endorses the applications received and assigns a priority ranking before forwarding them to the DLGSC.

Liaison with the Yunderup Sport and Recreation Club in relation to the replacement of the bowling greens first occurred in August 2018. At this time, the Shire supported the Yunderup Sport and Recreation Club's (YSRC) application for CSRFF, as well as an application through the Federal Government's Community Sporting Infrastructure (CSI) Fund to resurface Bowling Green's 1 & 2. Council endorsed a contribution of \$40,000 toward the project. The CSRFF application was unsuccessful, and there has been no formal decision communicated with regard to the CSI funding.

The YSRC is currently considering options to self-fund the resurfacing of Bowling Green 1, and is looking to reapply through the CSRFF to resurface Bowling Green 2. The project detail in relation to the CSRFF application is contained in Appendix 9A.

Report Detail

On 19 March 2019, staff met on site with the YSRC to discuss the project and the proposed approach for grant funding. The Club decided to submit an application for CSRFF funding, which was received on 22 March 2019. In order to verify the likely support for the application, discussions were held with the Department of Local Government, Sport and Cultural Industries (DLGSC), which indicated that while the previous round application was unsuccessful, it was considered to be a high priority resurfacing project. Unfortunately only a few resurfacing projects are funded each round.

With the second green now failing and likely to be decommissioned, the impact to the Club is significant and financially concerning. The Club attracts 128 players for competitions when the greens are full, but the next season is likely to see competitors limited to 60-70. This in turn reduces the Club's revenue capacity. The Club recently resurfaced the four tennis courts, and as a result they are now utilised 5 days per week, with a resulting increase in tennis membership of nearly 50%.

Murray 2025 Strategic Community Plan

Objective 4	Well planned, integrated and active places that embrace and respect our rural lifestyle, built and natural environment and heritage.
Outcome 3.1	A healthy community with strong sense of community spirit and pride.
Strategy 3.1.1	Assist community and sporting organisations to remain sustainable and active.

Murray 2018 – 2022 Corporate Business Plan

Action 3.1.1.1	Partner with the Department of Sport and Recreation to increase the sustainability of local clubs and sporting associations.
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Other Strategic Links

Nil

Statutory Environment

Nil

Sustainability and Risk Considerations

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

Provision of high level sporting facilities have the opportunity to attract events and people to play recreational sport. A quality facility attracts more patrons and visitors, but in this instance the positive economic impact is likely to be generally confined to the Club.

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

The improvement of recreational facilities can result in increased participation within sports, which is reflected in the health and welling of the community members. This has been evidenced by the recent improvement to the tennis courts.

Environment – (Impact on environment's sustainability)

Nil

Policy Implications

Nil

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	The most significant risk to the Shire is the allocation of the supporting funding. Should the Group be unsuccessful with its funding application, then the full amount may not be required.

Consultation

This has occurred primarily with the Yunderup Sport and Recreation Club, the Australian Sports Commission, and DLGSC Sport and Recreation.

Resource Implications

Financial

A decision on the CSRFF and CSI applications should be made this financial year, and therefore, funds are unlikely to be rolled over into 2019/20 should the applications be unsuccessful.

The 30 June 2019 estimated surplus, inclusive of the allocation of the \$40,000 as detailed in this report, is \$245,342.

Workforce

Other than the officer time required to collate, assess, prioritise and submit CSRFF applications, there is minimal impact on the Shire. The project would be managed by the YSRC.

Options

Council has the option of:

1. Supporting the CSRFF application with or without associated funding.
2. Not supporting the CSRFF application.

Conclusion

The YSRC is a strong club and has diversified, making itself reasonably self-sustainable. In recent years it provided a large contribution to the roof and extension of the clubhouse, and is now funding the replacement of green 1. At \$150,000 per replacement green, it is understandable that the Club will require funding support unless green 2 is to be

decommissioned. The impact of having satisfactory facilities has a direct financial implication to the Club.

The DLGSC requires all Local Governments to support and prioritise CSRFF applications. This is the only application received this round by the Shire and is recommended to be supported.

15.2 Tendering and Project Management – Bushfire Centre of Excellence

File Ref: 1/2363
Previous Items: SCM. 16 Oct 2018 Item 7.1 (SCM18/204)
Applicant: Not applicable
Author and Title: Robert Marlborough, Manager Governance
Voting Requirements: Simple Majority

Recommendation/Council Decision

OCM19/040

Moved: Cr A Rogers

Seconded: Cr B Cardilini

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

CARRIED UNANIMOUSLY 8:0

Recommendation/Council Decision

OCM19/041

Moved: Cr D McLarty

Seconded: Cr G Black

That Council:

- 1. approves for the Chief Executive Officer in partnership with the Department of Fire and Emergency Services to invite all Tenders necessary to complete the design and construction of the Bushfire Centre of Excellence within the Peel Business Park in Nambeelup with all processes adhering to best possible practices, and to determine the selection criteria for any tender invited;**
- 2. accepts that the Department of Fire and Emergency Services is the funding agency fully responsible for all costs associated with any contract entered into resulting from any tenders invited in partnership with DFES for the completion of the Bushfire Centre of Excellence; and**
- 3. approves for the Chief Executive Officer to negotiate and endorse a formal instrument of agreement with the Department of Fire and Emergency Services –**
 - a) to expend funds provided by Department of Fire and Emergency Services in relation to tenders awarded for the Bushfire Centre of Excellence project; and;**
 - b) to document an understanding to recoup Shire expenditure associated with tenders and the financial management of any contracts entered into for the Bushfire Centre of Excellence project.**

CARRIED UNANIMOUSLY 8:0

In Brief

- The Shire of Murray is required to manage tenders and associated governance and limited financial management requirements for the BCoE which was documented in the project application;
- Formal Council resolution is required to enable the Chief Executive Officer to manage the governance requirements of the BCoE in respect to tenders and financial management.

Background

At the Special Council Meeting on 16 October 2018, Council resolved to support a submission to DFES to host the BCoE on land within the Shire of Murray.

The Shire's submission identified three potential locations for the BCoE, being Lot 501 Moores Road, the Pinjarra Light Industrial Area and the Nambeelup Industrial Area (Peel Business Park).

In March 2019, following assessment of a number of local government submissions to host the BCoE within their respective districts, the Premier Mark McGowan announced that the new Australian-first, \$18 million Bushfire Centre of Excellence would be based in the Shire of Murray on land being developed by the State (Landcorp) for the Peel Business Park (Lot 600 Lakes Road, Nambeelup).

A specific site for the construction of the BCoE within the Peel Business Park (PBP) has not been finalised. Landcorp are the developer of the PBP, inclusive of providing all site utilities and internal road networks.

Report Detail

To expedite construction of the BCoE, DFES representatives have been in discussion with the Shire executive to develop a workable governance framework for tenders associated with the BCoE project investigate financial and governance processes associated with project.

An agreed position has been reached for the Shire be responsible for inviting all tenders necessary to complete the BCoE. Tenders invited will be in accordance with the provisions of the *Local Government Act 1995* and subsidiary legislation. Further consideration on financial management aspects of the project are ongoing.

After the close of an invited tender, a joint tender review team comprising DFES and Shire representatives will assess tender submissions. The formal determination of any tender outcome for the BCoE will rest with Council.

DFES is responsible for funding all costs associated with the design and construction of the BCoE and a formal arrangement is to be negotiated with DFES to agree and document the financial management aspects of the project.

Murray 2025 Strategic Community Plan

Objective 1	Strong and collaborative leadership which engages in effective partnerships and reflects the aspirations of our community.
Outcome 1.1	A long-term, strategically focused Shire that is sustainable, respected and accountable.
Strategy 1.1.3	Ensure accountable, ethical and best practice governance to our district.
Outcome 1.3	Effective collaboration with other government agencies, political representatives and industry.
Strategy 1.3.1	Foster strategic alliances to deliver key infrastructure projects and initiatives in partnership with key stakeholders.
Objective 3	A connected, safe and inclusive community that provides for, and lobbies for accessible services for all residents.
Outcome 3.3	Identify and lobby for services for our community.
Strategy 3.3.3	Promote and foster educational and training opportunities.

Murray 2018 – 2022 Corporate Business Plan

Nil

Other Strategic Links

Not Applicable

Statutory Environment

Section 3.57 – Local Government Act 1995 (Tenders for providing goods or services)

Part 4, Division 2 of the Local Government (Functions and General) Regulations 1996

Sustainability and Risk Considerations*Economic - (Impact on the Economy of the Shire and Region)*

Direct Shire input and management of the tender process for the BCoE promotes buy local, as the opportunity exists to apply the assessment criteria to local and Peel region businesses that tender under the Shire's Regional Price Preference Policy.

This supports opportunities for business growth and the retention of local and regional businesses employing local people by maximising the use of competitive local and regional content in the supply of goods and services or for construction (building services) sourced through the tender process.

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

The BCoE is set to be the state's primary facility for training to enhance bushfire management practices, delivered locally to firefighters across Western Australia. This will strengthen WA's emergency services, provide additional support and training to those on the ground and help improve community safety.

Environment – (Impact on environment's sustainability)

The development of the BCoE is unlikely to have a significant detrimental effect on the environment,

Policy Implications

Nil

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
<i>Low</i>	<i>Subject to effective governance and financial framework being implemented and agreed formally with DFES to manage the BCoE project.</i>

Consultation

Department of Fire and Emergency Services

Resource Implications*Financial*

DFES are the funding agency responsible for all costs associated with the BCoE and the Shire will not be exposed to any direct or indirect financial liability.

Workforce

The key workforce impacts to the Shire will be officer time to:

- prepare tenders;
- market and advertise tenders;
- assess tender submissions and prepare Council reports;
- prepare contacts for tenders awarded;
- managing payments to tenderers awarded contracts, from funds provided by DFES; and,
- financial management and reconciliation of expenditure provided by DFES for the BCoE project.

Options

Council has the option of:

1. Supporting the broad management of tender processes and associated governance framework and limited financial responsibilities under a structured agreement to facilitate the construction of the BCoE.
2. Having a report be brought back to Council to determine the selection criteria prior to any tender being advertised.

Conclusion

The recommendation presented for Council's consideration supports improved timelines to complete the BCoE project in direct partnership with DFES, with appropriate governance framework being applied.

16. MEETING CLOSED TO THE PUBLIC (CONFIDENTIAL BUSINESS)**16.1 Confidential – Corio Road Land Acquisition Proposal**

File Ref: 3108
Previous Items: Nil
Author and Title: Alan Smith, Director Technical Services
Voting Requirement: Absolute Majority

Confidential Appendix 10 Under Separate Cover

**Recommendation/Council Decision
OCM19/042**

Moved: Cr A Rogers

Seconded: Cr C Rose

That Council proceeds behind closed doors as per Section 5.23(2) of the Local Government Act for the purpose of considering confidential item 16.1 Corio Road Land Acquisition Proposal and 16.2 Supreme Court Appeal.

CARRIED UNANIMOUSLY 8:0

Cr D McLarty declared a Financial interest in Item 16.1 Confidential – Corio Road Land Acquisition Proposal in that his agricultural services business has been engaged by the owners of the property in the past.

Cr D McLarty withdrew from the meeting the time being 6.14pm.

Council Decision

OCM19/044

Moved: Cr B Cardilini

Seconded: Cr G Black

That Council Resolution Number OCM19/043 remains confidential due to its commercial-in-confidence nature.

CARRIED 7:0

Cr D McLarty rejoined the meeting the time being 6.18pm.

In Brief

- Enable discussion regarding land acquisition for future green waste purposes.

Background

There has been investigation into opportunities to purchase additional land within proximity to Corio Road Waste Transfer Station with the confidential report detailing the basis around the need for additional land.

Report Detail

The acquisition of land is “Commercial in Confidence” and fully detailed within the confidential report.

Murray 2025 Strategic Community Plan

Objective 5	A healthy and sustainable natural environment.
Outcome 5.4	Waste is responsibly managed to minimise environmental impacts.
Strategy 5.4.2	Increase recycling and reuse of waste.

Murray 2018 – 2022 Corporate Business Plan

Action 5.4.2.1	Actively work to continuously pursue initiatives to reduce, reuse and recycle.
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Other Strategic Links

Corio Road Waste Transfer Station Masterplan

Statutory Environment

Nil

Sustainability and Risk Considerations

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

There is the potential of economic benefit through efficiencies within the waste program.

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

Nil

Environment – (Impact on environment's sustainability)

All environmental factors will be reviewed through the land acquisition process

Policy Implications

Nil

Risk Management Implications

Risk Level	Comment
Moderate	To mitigate risk on the valuation of the property an independent market valuation has been obtained to ensure the purchase price has been fully investigated and provides an informed value.

Consultation

Nil

Resource Implications

Financial

Fully detailed within the Confidential Report

Workforce

Required resources will be negligible.

Options

Council has the option of:

1. progressing with the Corio Road Land Acquisition Proposal
2. not progressing with the Corio Road Land Acquisition Proposal

Conclusion

A number of enquiries have been made surrounding the purchase of property within proximity to the Corio Road Waste Transfer Station, the confidential report provides the basis for the acquisition of land to add value for the Shire of Murray in the long term.

16.2 Confidential – Supreme Court Appeal

File Ref: SU07/9510
 Author and Title: Rod Peake, Director Planning and Sustainability
 Voting Requirement: Absolute Majority

Confidential Appendix 9B Under Separate Cover

Recommendation/Council Decision

OCM19/045

Moved: Cr B Cardilini

Seconded: Cr S Lee

That Council accept this item as new business of an urgent nature as per Council's Meeting Procedure Local Law Clause 2.5.

CARRIED UNANIMOUSLY 8:0

Council Decision

OCM19/047

Moved: Cr B Cardilini

Seconded: Cr S Lee

That Council Resolution Number OCM19/046 remains confidential due to its commercial-in-confidence nature.

CARRIED UNANIMOUSLY 8:0

In Brief

- To authorise the Chief Executive Officer to decide whether to lodge a Notice of Appeal.

Background

For the Shire to appeal this decision, it has until 8 April 2019 to lodge a Notice of Appeal.

Report Detail

The Shire has 28 days from the decision date, until 8 April 2019, in which to lodge a Notice of Appeal against the decision, should it choose.

Murray 2025 Strategic Community Plan

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

Murray 2018 – 2022 Corporate Business Plan

Nil

Other Strategic Links

Nil

Statutory Environment

Section 16 of the *Criminal Appeals Act 2004* provides that a party who is aggrieved by a decision made in an appeal by a single judge of the Supreme Court may appeal to the Court of Appeal against the decision.

Sustainability and Risk Considerations

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

Nil

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

Nil

Environment – (Impact on environment’s sustainability)

Detailed in the confidential report.

Policy Implications

Nil

Risk Management Implications

Risk Level	Comment
High	Detailed in the confidential report

Consultation

The outcome of the appeal has been discussed with the Shire’s solicitors, McLeods. An independent Counsel opinion is being sought on the prospects of success.

Resource Implications

Financial

Fully detailed within the Confidential Report

Workforce

The appeal can be run within the current Shire workforce level.

Options

Council has the option of:

1. Lodge a Notice of Appeal.
2. Not lodge a Notice of Appeal.

Conclusion

The Supreme Court decision was unexpected. It has financial implications in lost penalties and the award of costs. It may also have potentially far-reaching consequences due to precedent.

16.3 Confidential - Exchange Hotel – Expression of Interest

File Ref: GE02/85-03
Previous Items: OCM 27 Sep 2018 Item 11.5 (OCM18/19)
Author and Title: Dean Unsworth, Chief Executive Officer
Voting Requirements: Simple Majority

Recommendation/Council Decision**OCM19/048****Moved: Cr D Bolt****Seconded: Cr B Cardilini**

That Council accepts item 16.3 as new business of an urgent nature as per Council's Meeting Procedure Local Law Clause 2.5.

CARRIED UNANIMOUSLY 8:0**Recommendation/Council Decision****OCM19/049****Moved: Cr B Beacham****Seconded: Cr S Lee**

That council extinguishes the previous Expression of Interest process for the Exchange Hotel Pinjarra and readvertises the new Expression of Interest process with applications closing 30 June 2019.

CARRIED UNANIMOUSLY 8:0**Recommendation/Council Decision****OCM19/050****Moved: Cr A Rogers****Seconded: Cr G Black**

That Council proceeds with open doors the time being 6.28pm.

17. CLOSURE OF MEETING

There being no further business, the Presiding Member declared the meeting closed the time being 6.28 pm.

I confirm that these minutes were confirmed at the Ordinary Council Meeting held on 24 April 2019 as being a true and correct record.


.....
Presiding Member

24 April 2019

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Date