



Minutes

Ordinary Council Meeting

Thursday 9 March 2017

Ordinary Council – 9 March 2017
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Minutes of the Ordinary Meeting of Council held at the Murray Shire Council, 1915 Pinjarra Road, Pinjarra on Thursday 9 March 2017.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

2. ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

Cr M Reid	Shire President
Cr W Barrett	Councillor
Cr C Thompson	Councillor
Cr A Rogers	Councillor
Cr C Rose	Councillor
Cr D Bolt	Councillor
Cr P Briggs	Councillor
Cr A Black	Councillor
Mr D Unsworth	Chief Executive Officer
Mr R Peake	Director Planning and Sustainability
Mrs J Burton	Director Corporate and Community Development
Mr A Smith	Director Technical Services
Ms L Rice	Administrative Support Officer
Mrs F Hide	Coordinator Executive Services

APOLOGIES

Cr S Lee – Apology (attending funeral)	Deputy Shire President
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There were 3 (three) members of the public and 2 (two) members of staff in attendance at this time.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. PETITIONS AND APPROVED DEPUTATIONS

Nil

6. CONFIRMATION OF MINUTES

6.1 Ordinary Council Meeting – 23 February 2017

OFFICER RECOMMENDATION/COUNCIL DECISION:

OCM17/032

Moved: Cr P Briggs

Seconded: Cr C Thompson

That the Minutes of the Ordinary Council Meeting held on Thursday 23 February 2017 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY 8:0

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

On Thursday 2 March, I attended a photo shoot at the Sir Ross McLarty Oval to launch the new Magical Park app.

Later that afternoon, I attended a meeting with the Hon. Senator Fiona Nash and the Hon. Colin Holt MLC at the Shire of Murray.

On Friday 3 March, I attended the World Day of Prayer Service at St Augustine's Church, Pinjarra.

On Monday 6 March, I attended the Pinjarra Pacing Cup.

On Tuesday 7 March, I attended the Aboriginal Engagement Workshop held at the Pinjarra Civic Centre.

Later that afternoon, I attended the Building Better Regions Fund meeting with the Mayor, and CEO of the City of Mandurah and Donna Cocking, President of Peel Chamber of Commerce and Industry.

On Wednesday 8 March, I attended the Edenvale Working Group meeting.

8. ANNOUNCEMENTS BY ELECTED MEMBERS

Nil

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

Cr D Bolt declared an impartiality interest in item 11.8 Community Assistance Fund as his children attend the Austin Cove Baptist College. The Councillor advised that he would consider the matter on its merits and vote accordingly.

Cr C Rose declared an impartiality interest in item 11.8 Community Assistance Fund as her child attends the Austin Cove Baptist College. The Councillor advised that she would consider the matter on its merits and vote accordingly.

Mr D Unsworth, Chief Executive Officer declared an impartiality interest in item 11.8 Community Assistance Fund as his partner's child attends the Austin Cove Baptist College.

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 Pinjarra Town Centre Façade Refurbishment Subsidy Program

File Ref:	5002-04		
Previous Items:	OCM.26 Nov '15	Item 12.5	(OCM15/316)
	OCM 14 July '16	Item 11.1	(OCM16/153)
	OCM 15 Dec '16	Item 11.5	(OCM16/293)
Author and Title:	Rod Peake, Director Planning and Sustainability		

Purpose

To consider commencing a second round of the Façade Refurbishment Subsidy Program for the main street of the Pinjarra town centre (the program).

Background

The design and quality of building facades in a town substantially contributes toward the community perception and character of the place.

A number of the facades in the core of the Pinjarra town centre are currently either in a run-down state or poorly designed and detract from the character and amenity of the town.

The draft Pinjarra Revitalisation Strategy has been prepared and advertised for the Pinjarra town centre, which when finalised will provide clear guidance for high quality, active street facades for new buildings in the town. The Shire also has either in place or in preparation a number of plans for substantial capital work projects in the town centre.

Due to land use planning or building legislation, the Shire is unable to require private landowners to upgrade the façades of their buildings, except in very limited circumstances. Therefore a program aimed at providing an incentive for landowners is necessary to achieve an outcome.

Council resolved to endorse the initial round of the program on 26 November 2015 and to seek expressions of interest to enable the preferred candidate/s to be considered for funding in the 2016/17 budget.

In July 2016 a submission was accepted by Council for Lot 7 (35) George Street, Pinjarra (Bendigo Bank building) for design development and implementation on a matched funding basis up to a maximum Shire contribution of \$20,000 (excluding GST). Council endorsed the concept plans in December 2016 and it is understood that preparatory actions are now being undertaken for the construction works to be completed before the end of the financial year.

Proposal

It is proposed to commence a second round of the program.

The objectives of the existing program, are to:

- Assist in beautifying the town centre by improving the streetscape, which will in turn provide benefits to the broader community by making the town more attractive.
- Improve the experience of pedestrians to encourage more people to live, work, play and do business in the town centre.
- Reinforce and build upon the Pinjarra town centre as the major retail, social and cultural hub of the Shire of Murray and broader region.

- Enhance the physical quality and established character of the town's built environment through sensitive and innovative design of buildings and spaces.
- Support building owners and business operators to improve the public impression of their buildings and businesses.

It is recommended that the objectives of the program should be expanded this round to encourage the activation and orientation of development toward the Murray River Square and the adjoining Murray River foreshore, being the key public space within the town centre core.

The eligible area for the existing program was the building facades fronting:

1. George Street between Henry Street and Camp Road, and the South End Shopping Centre site.
2. Pinjarra Road between George Street and Murray Street.

This area is highlighted on the following plan.



This is the part of the town which contains the majority of the commercial buildings and has the largest pedestrian traffic. This area also contains much of the town's heritage stock and coincides with many of the Shire's planned capital projects. It therefore has the greatest potential to provide the most benefit to the character of the town, the pedestrian experience and to business. The eligible area should be expanded to capture the portion of buildings and associated spaces fronting the Murray River Square and Murray River foreshore between Cantwell Park and the Murray Leisure Centre.

The eligible upgrade works under the existing program include:

- modification or construction of awnings or verandahs;
- restoration of facades;
- improved lighting;
- modification or creation of new windows to interact with the streetscape and provide interest;

- façade design works which will improve the architectural standard or interest of the façade or improve the level of street level interaction between the street and the internal of the building;
- the provision of disabled access.

The following additional eligible works should be included to reflect the expanded area:

- expand terminology to also apply to facades fronting public spaces as well as streets;
- replacement of solid fencing with a visually permeable style of fencing;
- landscape improvements that will encourage activation of the space between the building and the adjacent public space.

Ineligible works under the existing program include:

- the removal of non-compliant signage or new signage;
- internal alterations to a building;
- general maintenance;
- any works required to satisfy conditions of statutory approvals which are not related to the program;
- works that have commenced or have already been completed;
- works only necessary to accommodate the relocation of a new business and/or replace signage/paint;
- design work to complete the program application;
- works not visible from the street;
- Infrastructure associated with alfresco dining areas (noting that such areas are generally encouraged).

Ineligible works under the above point 8 should be expanded to include public spaces as relevant.

The assessment criteria used to prioritise submissions under the existing program were based on:

- The extent to which the project is complementary to the character of the street;
- The extent to which the project contributes toward the visual and architectural improvement of the façade;
- The degree to which the works promote pedestrian activity and interaction between the inside of the building and the street.
- The degree to which the applicant is financially contributing toward the project;
- Compliance with the Shire's planning framework.

Again the terminology should be expanded to also apply to facades and spaces fronting public spaces as well as streets.

The application package will be updated should Council support the program which clearly documents the above program objectives, program area, eligible works, ineligible works, subsidy values and selection criteria. This package also sets out the administrative arrangements for the program including application requirements, application process and timing, agreement details, payment and acquittal process. This will provide clarity and transparency on how the program will operate.

Murray 2025 Strategic Community Plan

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

Objective 4	Well planned integrated and active places that embrace and respect our rural lifestyle, built and natural environment and heritage.
Outcome 4.1	Growth is managed in a sustainable and responsible way that protects our lifestyle and the natural environment.
Outcome 4.2	Town centres are welcoming, well presented, and developed to enhance their character and value.
Strategy 4.1.2	Establish a comprehensive and sustainable local planning framework to guide the growth of our Shire.
Strategy 4.2.1	Enhance the distinctive qualities of our towns, streetscapes and urban areas to strengthen local character and identity.

Murray 2016-2020 Corporate Business Plan

Action 4.2.1.3	Implement the Pinjarra Town Centre Façade Refurbishment Subsidy Program
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Other Strategic Links

The draft Pinjarra Revitalisation Strategy includes the following relevant guiding principles:

- Celebrate Pinjarra's distinctive character and identity;
- Encourage a high quality built form at a scale that encourages walkability;
- Create attractive and pedestrian friendly streetscapes;
- Create a network of vibrant and accessible and inclusive public spaces.

Statutory Environment

Statutory approvals including planning and building approvals will still apply to works undertaken under the program.

Policy Implications

Not applicable.

Sustainability and Risk Considerations*Economic - (Financial impact to the community)*

The program will enhance the attractiveness of the town to investors, business operators, local residents, tourists, visitors, and shoppers, thereby supporting and promoting business, commerce, industry, and providing economic benefit to the town. The program will also complement and add value to the range of capital works planned for the town.

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

Façade improvement has the capacity to improve the community and visitor perception of the town. Façade improvements have the potential through introduction of verandahs and windows and other features to improve the level of pedestrian activity and interaction and

passive surveillance, making the town more inviting and improving safety and liveability in the town.

Environment – (Impact on environment's sustainability)

The refurbishment of existing buildings will add to their life which will reduce demand for new construction.

Governance – (Policy implications)

Not Applicable.

Overall Risk Management Consideration

There are no significant risks associated with this initiative, provided suitable controls are put in place to ensure the transparency of the program.

Consultation

If the second round of the program is endorsed by the Council, expressions of interest will be widely advertised and promoted amongst those landowners and businesses operators within the program area.

Resource Implications

Financial

For the program to act as an attractive incentive and to deliver effective outcomes the subsidy would need to be reasonably generous, preferably be associated with reasonably substantial upgrades and should be at least matched with private funding up to a maximum amount. In the first year of operation the program offered between \$2,000 and \$20,000 with a requirement for at least matching landowner funds and a minimum overall project value having at least \$4,000 of eligible works. It is recommended that financial parameters are maintained.

Workforce

The work associated with the administration of the program can be undertaken within existing staff resource levels.

Options

Council has the option of:

1. Endorsing the implementation of the second round of the program.
2. Not endorsing the implementation of the second round of the program.

Conclusion/Justification of Officer Recommendation

The design and quality of building facades in a town are a substantial contributor toward the community perception and character of a town.

A number of the facades in the Pinjarra town centre are either in a run-down state or poorly designed and detract from the character and amenity of the town. Substantial efforts are being undertaken to revitalise the Pinjarra town centre through planning policies and strategies and capital works. A façade refurbishment program will complement these initiatives to deliver improvements to the facades of private buildings that are not otherwise able to be influenced by conventional planning or building legislation administered by the Shire.

The program is recommended to be expanded this year to also relate to buildings and spaces fronting the Murray River Square and Murray River foreshore to encourage activation of these public spaces and enable a greater range of properties to be eligible for the program.

If endorsed by the Council it is envisaged that an expressions of interest process will be initiated as soon as possible so that preferred proponent/s can be considered for funding as part of the 2017/18 budget.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:

OCM17/033

Moved: Cr C Thompson

Seconded: Cr A Rogers

That Council:

- 1. endorses the second round of the Pinjarra Town Centre Façade Refurbishment Subsidy Program generally as set out in this report; and**
- 2. seeks a further report on the results of the Expressions of Interest process to enable the preferred candidates to be considered for funding in the 2017/18 budget.**

CARRIED UNANIMOUSLY 8:0

11.2 Keeping of Livestock in Rural Residential Areas Local Planning Policy

File Ref:	5/6037		
Previous Items	Nil		
Previous Items	OCM 23 Jun '16	Item 11.2	(OCM16/137)
	OCM 27 Oct '16	Item 11.1	(OCM16/239)
Author and Title:	Tom Lerner – Coordinator Environmental Services		

Appendices 1 and 2

Purpose

Council is requested to consider the submissions and proceeding with the 'Keeping of Livestock in Rural Residential Areas' Local Planning Policy (LPP) which is intended to clarify requirements for the keeping of horses and other animals on rural residential properties.

Background

The keeping of livestock and, in particular horses, is a vital land use in the Shire of Murray.

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

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

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

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

The provisions of Town Planning Scheme No 4 (the Scheme) place a high importance on the prevention of nutrient export into the environment, the retention of native vegetation, the promotion of revegetation with native species, the protection of wetlands and in some cases, the number of livestock that can be kept on each lot.

In March 2013, Council adopted a LPP relating to the 'Keeping of Horses in Rural Residential Areas' to address issues relating only to horses. In June 2016, Council resolved to prepare and advertise a proposed LPP on the 'Keeping of Animals in Rural Residential Areas'. The

predominant changes involved the broadening of the policy to relate to other livestock animals commonly kept on rural residential properties and to strengthen the nutrient management provisions relating to the keeping of livestock.

The draft policy was subsequently advertised for public comment and Council considered the submissions on 27 October 2016 where it resolved to defer the policy to enable it to be further workshopped. Comments were sought from Councillors on issues to further consider and the policy has been further amended to address the comments.

Proposal

It is intended that the new LPP will replace the existing 'Keeping of Horses in Rural Residential Areas' LPP in order to include all stock animals and to more specifically address the unique issues of the Peel-Harvey catchment on the Swan Coastal Plain.

The LPP has been changed in title to 'Keeping of Livestock in Rural Residential Areas' to clarify the types of animals intended to be covered by the policy.

The objective of the policy is to encourage the keeping of stock in the Shire's rural residential areas in accordance with the carrying capacity of the land in a way that:

- Prevents soil erosion and land degradation;
- Protects native vegetation and wetlands from damage;
- Protects ground water and waterways from pollution;
- Does not result in adverse amenity impacts particularly relating to dust, odour and noise; and
- Demonstrates compliance with SPP 2.1 within the Swan Coastal Plain Catchment of the Peel-Harvey Estuary.

A copy of the advertised version of the LPP is included at **Appendix 1**. This includes highlighted recommended amendments arising from the submissions and input from Councillors.

Murray 2025 Strategic Community Plan

Objective 5	A healthy and sustainable natural environment
Outcome 5.1	Biodiversity of our natural ecosystems and protected and enhanced
Outcome 5.2	Waterways and water resources are protected, conserved and enhanced
Strategy 5.1.5	Promote sustainable land management
Strategy 5.1.2	Protect, maintain and enhance the health of our waterways and wetlands

Murray 2016-2020 Corporate Business Plan

Action 5.1.1.1	Promote sustainable land management
Action 5.1.5.2	Develop and promote an equine management guidance package

Other Strategic Links

The draft Perth and Peel Green Growth Plan / Strategic Conservation Plan has identified a substantial package of measures to be implemented to reduce nutrient inflows into and improve water quality in the Peel-Harvey Estuary and the broader Peel-Yalgorup wetland system. These measures include a drainage nutrient intervention pilot program to be implemented in the Peel-Harvey catchment along with a review of the State Planning Policy

and Environmental Protection Policy for the Peel-Harvey Coastal Plain Catchment. The draft conservation plan also recommends mechanisms under the *Planning and Development Act 2005* to prevent new high nutrient export activities on soils in the coastal plain catchment with a low phosphorous retention capacity.

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

Statutory Environment

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

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

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

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

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

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

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

The objectives of State Planning Policy 2.1 – the Peel-Harvey Coastal Plain Catchment are listed below.

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

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

The Special Provisions for Special Rural and Farmlet zones in the Scheme place a high importance on the prevention of nutrient export into the environment, the retention of native vegetation, promotes re-vegetation with native species, protection of wetlands and in some cases outlines the number of livestock permitted on each lot.

Policy Implications

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

The proposed LPP is considered consistent with State level policy as it contains objectives and provisions that support the intent of the *State Planning Policy 2.1 – the Peel-Harvey Coastal Plain Catchment*, which has been summarised above.

Sustainability and Risk Considerations

Economic - (Financial impact to the community)

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

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

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

Environment – (Impact on environment's sustainability)

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

Governance – (Policy implications)

The intent of this policy is to formalise a link between the Shire's adopted Local Biodiversity Strategy and its planning approval processes.

Overall Risk Management Consideration

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

Consultation

The draft policy was advertised for 21 days in accordance with the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations* by way of a notice advertising details of the proposed policy in a newspaper circulating within the Shire and referrals to the Departments of Agriculture and Food, Health, Water, Environment Regulation, Parks and Wildlife and the Peel-Harvey Catchment Council. The closing date for submissions was 11 August 2016. Four submissions were received during the formal advertising period from the Department of Agriculture and Food, the Department of Water, Department of Health and the Peel-Harvey Catchment Council. A schedule which summarises the key points raised in the submissions and an officer comment on each point is included at **Appendix 2**.

The draft policy was also presented at an equestrian Landcare event which was attended by over 20 community members in Pinjarra in late 2016. Informal feedback received from attendees at the event was positive, primarily due to the clarification provided within the policy as to the range of matters requiring consideration within stock management plans. Feedback also indicated support for the clarity provided within the policy in regard to the necessary requirements for achieving higher stocking rates.

Discussion has also been undertaken with Councillors to ensure all relevant matters have been considered. In response to comments received a range of modifications are proposed to the Policy, with key modifications relating to:

- Modifying the title and provisions from 'Keeping of Animals' to 'Keeping of Livestock' and provisions to clarify the range of animals affected by the policy to clarify the range of animals intended to be covered by the policy.
- Clarifying the requirement for effluent disposal systems to stables only needed in cases where sensitive environmental conditions or the extent and proposed management of stock warrants.
- Improving wording to improve clarity and flexibility.

Concerns were also raised about the extent to which the changes to the policy may impact on existing rural residential community and how the new policy would be publicised. Whilst the changes are not expected to substantially impact the community as they essentially reflect current practice, it is recommended that once the policy has been finalised a user friendly information package be prepared and the updated policy and associated information be well promoted.

All modifications proposed are reflected within the tracked changes in the attached document (refer **Appendix 1**).

Resource Implications

Financial

The costs associated with the preparation and advertising of the Policy have been met by the 2016/17 Planning and Sustainability operational budget.

Workforce

Not Applicable

Options

Council has the option of:

1. Resolving to proceed with the LPP either in the form recommended or another form.
2. Resolving not to proceed with the LPP.

Conclusion/Justification of Officer Recommendation

The objective of the *LPP* is to encourage the keeping of livestock in the Shire's rural residential areas in accordance with the carrying capacity of the land, in a way that minimises environmental and amenity impacts and reduces the risk of nutrient exports into the Peel Harvey Estuary system.

As the Policy formalises current best practice and is to be part of a wider approach to support responsible equine and stocking activities within the Shire's rural residential areas, it is recommended that Council adopt the Policy as proposed.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:**OCM17/034****Moved: Cr C Rose****Seconded: Cr P Briggs**

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

- 1. proceeds with the *Keeping of Livestock in Rural Residential Areas Local Planning Policy* as set out in Appendix 1 and publishes a notice of the policy in a newspaper circulating within the Shire; and**
- 2. revokes the existing *Keeping of Horses in Rural Residential Areas Local Planning Policy* and publishes notice of the revocation in a newspaper circulating within the Shire.**

CARRIED UNANIMOUSLY 8:0

11.3 Local Government Heritage Inventory Review

File Ref: 7318
Author and Title: Susan Cowling, Senior Planning Officer

Purpose

Council is requested to consider commencing a review of the Shire's Local Government Heritage Inventory (Inventory).

Background

An Inventory is a list of places and structures which, in the opinion of the local government, are, or may become, of cultural heritage significance. The Inventory acts essentially as a local heritage survey and as such, is the foundation of sound local heritage planning. It identifies local heritage assets in a systematic fashion and provides base information needed for local heritage planning, to achieve consistency, strategic direction and community support.

The purposes of an Inventory are to:

- Identify the places and areas that, in the opinion of the local government, are of cultural heritage significance for the local government district;
- Assist in determining local government conservation policies and other related policies;
- Provide a cultural and historic record of the local government district;
- Assist in the preparation of a heritage list under a Local Planning Scheme that has effect in relation to the local government district;
- Assist in the designation of heritage areas under a Local Planning Scheme; and
- Assist in achieving the heritage conservation objectives of town planning in the State.

Inventory reviews are intended to:

- Ensure that an existing Inventory meets the minimum standards, and to bring the findings into line with the standards if deficient; and
- Review the changes in the local heritage in the preceding period, such as demolitions of places, changes in their condition, or the availability of other new information.

An Inventory should comprehensively identify the places and areas of cultural heritage significance in the local district, including geographic coverage of all the district's towns, suburbs or other areas and coverage of all place types (e.g. public and private buildings; residential and commercial places).

The Inventory should identify places and areas which retain significant physical fabric from the past. It is not intended that the Inventory encompass sites without fabric from the past. It is not intended that the Inventory encompass sites without remnant fabric, such as vacant or redeveloped sites, unless they have historic associations of major importance to the locality.

Documentation of each place or precinct should be undertaken in accordance with Heritage Council of Western Australia requirements and include a thematic history of the local district as an aid to assessment.

Places entered in the Inventory do not have legal protection unless they are included in a separate Heritage List which is linked to the Local Planning Scheme, or are entered in the State Register of Heritage Places. Heritage Lists must be compiled with regard to the Inventory, but do not necessarily include all places included within the Inventory.

The Shire's current Inventory was adopted by Council in 2011 and a minor update completed in 2013. The Heritage Act requires that the Inventory be reviewed every four years.

Proposal

The first stage of the process is planned to involve notification to owners of all existing and proposed heritage sites advising of the review. The current Inventory includes a list of sites that are to be investigated as part of the next major review. Notwithstanding this list, it is intended that the review will be publicly advertised, inviting public submissions and attendance to a heritage places workshop. The purpose of the workshop will be to discuss the review and identify possible new places for inclusion or updates to existing places. These places will then be comprehensively researched and catalogued, in consultation with the relevant landowners. The revisions are then intended to be advertised for community submissions before being presented to Council for consideration and adoption. Subsequently, affected landowners will be notified of the adoption and inclusion into the Inventory.

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 4.4	Our heritage is embraced, protected and promoted.
Strategy 4.4.1	Protect and enhance identified
Strategy 4.4.4	Promote and awareness and appreciation of the Shire's heritage assets.

Murray 2016-2020 Corporate Business Plan

Action 4.4.2.1	Review the Local Government Heritage Inventory.
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Other Strategic Links

The Shire's Local Heritage Strategy was adopted in 2013. The objectives of the strategy are:

- The conservation and continued use of heritage places, including those privately owned;
- An increased and conscious focus on heritage tourism;
- Community education, awareness and increased participation in heritage management and conservation;
- Provision of adequate funding and increased access to funding opportunities.

One of the Strategic Actions of the Strategy is to undertake a major review of the Inventory every four years, with the next to commence in 2014. The review was postponed at that time due to local government amalgamation proposals which would have necessitated further review.

Statutory Environment

Section 45 of the *Heritage of Western Australia Act 1990* states:

- (1) *A local government shall compile and maintain an inventory of buildings within its district which in its opinion are, or may become, of cultural heritage significance.*

- (2) *The inventory required by subsection (1) shall be compiled no later than 4 years from the commencement of this Act and shall be –*
 - (a) *Updated annually; and*
 - (b) *Reviewed every 4 years after compilation.*
- (3) *A local government shall provide the Council with a copy of the inventory compiled pursuant to this section.*
- (4) *A local government shall ensure that the inventory required by this section is compiled with proper public consultation.*

Policy Implications

The Western Australian Planning Commission's State Planning Policy 3.5 relating to Heritage Conservation requires local governments to identify places of local significance through the compilation and review of Local Government Inventories, in accordance with assessment criteria and other relevant guidelines published by the Heritage Council. The Inventory is then to be used to identify places for inclusion in heritage areas and a heritage list under the local planning scheme.

Sustainability and Risk Considerations

Economic - (Financial impact to the community)

A key factor in attracting population growth, tourist dollars and increased economic activity to the Shire is its distinctive sense of place. This is strongly influenced by the Shire's heritage amenities and attractions. Managing and enhancing the Shire's heritage assets is an important factor if the Shire is to capitalise on its growth and economic potential.

Tension commonly arises between heritage considerations and landowner aspirations to build new or optimise property investment. A sound Local Government Heritage Inventory which forms the basis of proactive planning controls provides one of the mechanisms by which those tensions can be resolved.

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

The Shire's heritage enriches the character and distinctiveness of the area and helps to create a unique identity and sense of place.

Heritage places are also a valuable cultural and educational resource, which provides a tangible link to the past and enhances the community's cultural identity.

Environment – (Impact on environment's sustainability)

The retention and adaptive reuse of existing buildings reduces consumption of building materials and the embodied energy required to manufacture them.

Governance – (Policy implications)

A current Inventory was completed in accordance with best practise assessment criteria, and forms the basis of the Shire's heritage management strategies. Following these guidelines ensures that sites are properly and consistently classified, resulting in a more proactive and individually responsive approach to heritage planning. Undertaking the review complements the existing policy framework.

Overall Risk Management Consideration

Following are the key risks if Council does not review its Local Government Heritage Inventory –

- Loss of the Shire's heritage assets and resultant loss of its character and distinctive sense of place through inadequate planning and protection mechanisms and strategies that will result from the review.
- A reputation risk in the event of demolition of the Shire's heritage assets.
- A reputation risk of not delivering on its adopted strategic initiatives set out in its *Murray 2025 Strategic Community Plan* and *Murray 2016-2020 Corporate Business Plan*.

- A risk of adverse audit findings in relation to non-compliance with legislative requirements and the discharge of the Shire's statutory responsibilities.

Overall, the level of risk in not undertaking the review is considered high.

Consultation

The preparation and review of the Inventory should involve public consultation, including as a minimum –

- Giving each affected landowner the opportunity to comment on the heritage significance of any place proposed for inclusion; and
- Public advertising of the inventory to give the opportunity for community submissions.

A public workshop will also be held with a view to enable the community to become active participants in identifying new places for inclusion and revisions of existing place entries.

In this review it is also planned to consult with local Aboriginal people to ensure appropriate heritage sites are identified and included. Whilst the State Heritage Office advice is normally that the Inventory would normally focus on post-colonial heritage as the Aboriginal Heritage Act provides the mechanisms by which Aboriginal heritage is recorded and protected, there are some significant Aboriginal sites important to the identity and heritage of the Shire that have previously been included within the Inventory. It is noted that there are likely to be other such significant sites that should be considered for inclusion into the Inventory which can only be discovered through appropriate consultation.

Resource Implications

Financial

\$2000 has been allocated within the current budget for consultation and specialist advice.

Workforce

The project can be undertaken within the current Planning and Sustainability Directorate staffing resources.

Options

Council has the option of:

1. Endorsing the Local Government Heritage Inventory review.
2. Not endorsing the Local Government Heritage Inventory review.

Conclusion/Justification of Officer Recommendation

Under the Heritage of Western Australia Act 1990, the Shire is required to review its Local Government Heritage Inventory every four years. With the last major review completed in 2011, the Inventory review is now due and has been listed in the Shire's Corporate Business Plan as a project to be commenced this financial year.

This will enable the condition of existing listed sites to be reassessed as well as provide opportunity for the community to nominate those places that contribute to the Shire's cultural heritage identity.

The Inventory forms the basis by which the Shire manages heritage planning, and as such, forms the foundations by which economic tourism activity is developed and coordinated.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:

OCM17/035

Moved: Cr C Thompson

Seconded: Cr C Rose

That Council endorses the commencement of the Shire of Murray Local Government Heritage Inventory review using the process set out in the proposal section of this report.

CARRIED UNANIMOUSLY 8:0

Corporate Governance

11.4 2016 Local Government Compliance Audit Return

File Ref: 1417
 Previous Items: Nil
 Author and Title: Robert Marlborough, Manager Governance

Appendix 3

Purpose

To present to Council for consideration and adoption the annual Compliance Audit Return for the period 1 January 2016 to 31 December 2016 from the Department of Local Government and Communities.

Background

The Department of Local Government and Communities requires all local governments to complete and lodge an annual Compliance Audit Return for the preceding year by 31 March. The annual return requires responses in the following categories:

- Commercial Enterprises by Local Governments
- Delegation of Power / Duty
- Disclosure of Interest
- Disposal of Property
- Elections
- Finance
- Local Government Employees
- Official Conduct
- Tenders for Providing Goods and Services

An internal review of the annual compliance return by the relevant business units has been completed.

Proposal

Provided for Council's information, review and endorsement at **Appendix 3** is the completed annual Compliance Audit Return for the period 1 January 2016 to 31 December 2016 and subject to Council's formal acceptance it is proposed to lodge the completed return with the Department of Local Government and Communities by 31 March 2017.

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 2016 – 2020 Corporate Business Plan

Nil

Other Strategic Links

Nil

Statutory Environment

Local Government Act 1995 (Act) – Section 7.13 (1) (i)

- (1) Regulations may make provision—
 - (i) requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are —
 - (i) of a financial nature or not; or
 - (ii) under this Act or another written law

Local Government Audit Regulations 1996 – Regulation 13

For the purposes of section 7.13(1)(i) of the Act the statutory reporting is required for specific provisions of the Act and associated Regulations

Local Government Audit Regulations 1996 – Regulation 14

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
 - (a) presented to the council at a meeting of the council; and
 - (b) adopted by the council; and
 - (c) recorded in the minutes of the meeting at which it is adopted.

Local Government Audit Regulations 1996 – Regulation 13

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —
 - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
 - (b) any additional information explaining or qualifying the compliance audit,
 is to be submitted to the Executive Director by 31 March next following the period to which the return relates.
- (2) In this regulation —

certified in relation to a compliance audit return means signed by —

 - (a) the mayor or president; and
 - (b) the CEO.

Policy Implications

Nil

Sustainability and Risk Considerations

Economic - (Financial impact to the community)

Adopting and submitting the annual Compliance Audit Return will not adversely impact the community from a financial perspective.

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

Not Applicable

Environment – (Impact on environment’s sustainability)

Not Applicable

Governance – (Policy implications)

Completing the Compliance Audit Return is a requirement of the *Local Government Act 1995* and the relevant Regulations. Council policies and procedures are not impacted and the level of negative community comment is considered to be low.

Overall Risk Management Consideration

Nil

Consultation

Review by Business Units

Options

The completion and lodgement of the annual Compliance Audit Return is legislatively required under the Act and no alternative options are available.

Resource Implications

Financial

Nil

Workforce

Nil

Conclusion/Justification of Officer Recommendation

The annual Compliance Audit Return for the period 1 January 2016 to 31 December 2016 has been completed with input from the relevant business units and the return is recommended to be adopted by Council and submitted to the Department of Local Government and Communities.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:

OCM17/036

Moved: Cr W Barrett

Seconded: Cr C Thompson

That:

- 1. Council adopts the 2016 Local Government Compliance Audit Return for the period 1 January 2016 to 31 December 2016, as detailed in Appendix 3; and**
- 2. the completed Compliance Audit Return be endorsed and submitted to the Department of Local Government and Communities prior to 31 March 2017.**

CARRIED UNANIMOUSLY 8:0

11.5 Adoption of Shire of Murray Waste Local Law 2016

File Ref: 1/2156
Proponent: Shire of Murray
Previous Items: OCM 10 Nov '16 Item 11.5 (OCM16/264)
Author and Title: Robert Marlborough Manager Governance

Appendix 4

Purpose

To seek Council's support to adopt the proposed Shire of Murray Waste Local Law 2016, as amended.

Background

Council considered a report at the Ordinary Council Meeting on 10 November 2016 to consider making a new waste local law for the district under the provisions of the *Waste and Resource Recovery Act 2007* pursuant to the provision of the *Local Government Act 1995*. The following recommendation was adopted.

"That Council:

1. *approves for the making of the proposed Shire of Murray Waste Local Law 2016, as detailed at Appendix 7 in accordance with section 3.12 of the Local Government Act 1955; and,*
2. *approves for the proposed local law to be advertised in accordance with section 1.8 of the Local Government Act 1995; and,*
 - a) *to make copies of the proposed local law available to the general public with a submission period being open for a minimum period of 6 weeks;*
 - b) *to send copies of the proposed law to the Minister for Local Government and the Minister for Environment and other Minister , as required, and*
3. *be provided with a further report on the proposed local law after the close of submissions to make a determination and formally make the Local Law by absolute Majority in accordance with the provisions of the Local Government Act 1995."*

Subsequent to Council's decision copies of the draft Shire of Murray Waste Local Law 2016 were sent to the Minister for Local Government, the Minister for the Environment and to the Department of Local Government and Communities on 24 November 2016 for review.

State wide and local public notices were published in the Pinjarra Murray Times and the West Australian newspaper on 23 November 2016. Local public notices were also displayed on the public noticeboards at the Shire of Murray Administration Office and at the Murray Library.

Submissions on the proposed local law were invited to be received until 4pm on Friday 13 January 2017 which provided a 50 day consultation period.

No public submissions were received. Feedback, comments and suggested amendments to the proposed local law were received from the Department of Local Government and Communities and the Department of Environment Regulation.

The minor amendment to the local law recommended by the Director General of the Department of Environment Regulation was the use of the term "nuisance" in clause 1.5. On

this advice the definition of this term and any subsequent references have been deleted from the proposed local law.

The Department of Local Government and Communities suggested a number of amendments to the proposed local law. Most were of a minor in nature and the majority were reasonable and did not change the intent of the local law to achieve its intended purpose.

Provided at **Appendix 4** is the Shire of Murray Waste Local Law 2016 presented for Council consideration. Insertions as a consequence of the accepted feedback have been placed in the local law as ***bold italic text***. Recommended deletions have been struck through.

Proposal

It is proposed that Council formally make the Shire of Murray Waste Local Law 2016 as presented in accordance with the requirements of the *Local Government Act 1995* (Absolute majority required).

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 3.12 of the *Local Government Act 1995* provides the procedure for making local laws.

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

In addition, Regulation 3 of the *Local Government (Functions and General) Regulations 1996* provides that:

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

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

The following fulfils Regulation 3: NOTICE of purpose and effect of the proposed *Shire of Murray Waste Local Law 2016*;

“The purpose of the proposed waste local law is to provide for the regulation, management and removal of waste in the district and to prescribe offences for contraventions of the local law.

The effect of making the proposed waste local law is that matters relating to the regulation, management and removal of waste in the district will be governed by local law unless otherwise provided in the Local Government Act or Regulations.”

Timetable

Section 3.12 of the *Local Government Act 1995* –

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to —
 - (a) give Statewide public notice stating that —
 - (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; andsubmissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and,
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed. * *Absolute majority required.*
- (5) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
- (6) After the local law has been published in the *Gazette* the local government is to give local public notice —
 - (a) stating the title of the local law; and
 - (b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that copies of the local law may be inspected or obtained from the local government’s office.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

- (8) In this section —
making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

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

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

Policy Implications

Not applicable

Sustainability and Risk Considerations

Economic – (Financial impact to the community)

Making the proposed local law will not negatively impact the community from a financial perspective, as budgeted funds are available.

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

The purpose of the local law is to provide for the effective management of waste in the district. This supports the community by having control and management mechanisms in place to deal with waste related matters.

Environment – (Impact on environment's sustainability)

Not applicable

Governance – (Policy implications)

Council policies are not impacted in this matter. The *Local Government Act 1955* provides processes for making local laws which are subject to legislative compliance and transparency by community consultation.

Overall Risk Management Consideration

The level of risk is considered to be low given the advertising and consultation process undertaken and any outcome achieved will be in accordance with the relevant legislative requirements.

Consultation

- Department of Local Government and Communities
- Department of Environment Regulation
- Statewide and local public notices
- Invitation for public submissions

Resource Implications

Financial

The cost of making the proposed local law which includes advertising and publishing is approximately \$2000. Funds are available in the 2016/17 Waste Budget.

Workforce

Nil

Options

Council has the option of:

1. Accepting the recommendation to adopt the proposed *Shire of Murray Waste Local Law 2016*, as presented.
2. Declining to make the local law, as proposed and seek further information before proceeding.
3. Declining to make the local law.

Conclusion/Justification of Officer Recommendation

It is recommended that Council formally adopts the amended *Shire of Murray Waste Local Law 2016* as presented to provide for the regulation, management and removal of waste in the district and other consequential and enforcement related matters.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:

OCM17/037

Moved: Cr W Barrett

Seconded: Cr P Briggs

That Council:

1. **adopts the *Shire of Murray Waste Local Law 2016*, by Absolute Majority as detailed at Appendix 4 in accordance with the *Local Government Act 1995*; and**
2. **approves for the Chief Executive Officer to:-**
 - (a) **publish the adopted local law in the *Government Gazette*;**
 - (b) **forward copies of the adopted local law to the Minister for Local Government and the Minister for Environment;**
 - (c) **give local public notice of the adoption of the local law; and**
 - (d) **complete and submit all explanatory memoranda, statutory procedures, checklists and other supporting information on adopted local law to the Joint Standing Committee on Delegated Legislation.**

CARRIED UNANIMOUSLY 8:0

Recreation and Community Development

11.6 Request for Council Representation on the Newmont Boddington Gold (NBG) Community Reference Group (CRG)

File Ref: 5600; D17/7738
 Previous Items: Nil
 Author and Title: Dean Unsworth, Chief Executive Officer

Appendix 5

Purpose

Council is requested to appoint an Elected Member as representative on the Newmont Boddington Gold (NBG) Community Reference Group (CRG).

Background

Correspondence has been received from Newmont Boddington Gold seeking Council representation on their Community Reference Group (**refer Appendix 5**).

This request is in response to findings from NBG's most recently conducted Social Impact Assessment.

Proposal

Newmont Boddington Gold Community Reference Group has proposed to extend the group's constituent membership to include local government authorities from the Shires of Boddington, Wandering, Williams and Murray and have formally extended an invitation for a representative member of the Murray Shire Council to sit on the CRG.

Murray 2025 Strategic Community Plan

Objective: 1	Strong and collaborative leadership which engages in effective partnerships and reflects the aspirations of our community
Outcome: 1.3	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

Other Strategic Links

Not applicable

Statutory Environment

Nil

Policy Implications

Nil

Sustainability and Risk Considerations

Economic

Nil

Social

This Group will focus on particular social impacts to the broader community and collaboratively address these impacts. Representation on this Group may have benefits for the Murray community.

Environment

There are no impacts to the environment.

Governance

Nil

Overall Risk Management Consideration

There is minimal reputational risk should Council not be represented on the group.

Consultation

Not applicable

Resource Implications

Financial

Nil

Workforce

Nil

Options

Council has the option of:

1. Selecting an Elected Member as a representative on the Newmont Boddington Gold Community Reference Group.
2. Not selecting an Elected Member as a representative on the Newmont Boddington Gold Community Reference Group.

Conclusion/Justification of Officer Recommendation

To ensure the Shire of Murray has Council representation, it would be beneficial for an Elected Member to be appointed to this group.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION:

That Council appoints Cr to the Newmont Boddington Gold (NBG) Community Reference Group (CRG) with Cr as proxy, expiring on 20 October 2017.

COUNCIL DECISION:

OCM17/038

Moved: Cr W Barrett

Seconded: Cr P Briggs

That Council appoints Cr D Bolt to the Newmont Boddington Gold (NBG) Community Reference Group (CRG) with Cr C Rose as proxy, expiring on 20 October 2017.

CARRIED UNANIMOUSLY 8:0

11.7 Murray Leisure Centre Court Hire – Waiver of Fees

File Ref: 7/7621
 Previous Items: Nil
 Author and Title: Lynne Gardiner Coordinator Leisure Lifestyle

Appendix 6**Purpose**

Council is requested to authorise a discount for court hire fees at the Murray Leisure Centre for Midway Community Care to assist the group in providing a service for people with disabilities.

Background

An application has been received from Midway Community Care (the Group) requesting a partial waiver of fees for court hire (refer **Appendix 6**).

The Group hires court three at the Centre every Monday from 9.30am to 2.00pm. During this time they provide a service for people with disabilities and their respective carers, whereby they can come together and participate in group activities in a safe environment.

Participants attending the sessions have intellectual and physical disabilities. The not for profit rate for court hire at the Murray Leisure Centre is \$42 per hour. At this rate, one court booked for 4.5 hours each week equates to a total cost of \$9450 annually.

Proposal

The group have been using the Centre since 2013 at a discounted rate of 50% and are requesting Council approval for this rate to continue for a period of 2 years. The court hire for 4.5 hours per week at a discounted rate of 50% off the not for profit rate is \$21.00 per hour and amounts to a discount of \$4725 per year.

During this time the group have been achieving wonderful health and wellbeing outcomes for the participants such as social connections, life experiences and increased community awareness. The group has become very familiar with the MLC facility, staff and community, and has increased visits to the Centre through use of the hydrotherapy pool on a regular basis, which in turn has generated additional revenue.

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 3.2	A community that provides opportunities to learn, grow, work and increase quality of life.
Strategy 3.11	Assist community and sporting organisations to remain sustainable and active

Other Strategic Links

Nil

Statutory Environment

Local Government Act 1995 – Part 6 Financial Management

Policy Implications

CC17 Waiver of Fees and Charges

The policy allows for waivers to 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.*

Sustainability and Risk Implications

Economic - (Financial impact to the community)

Not applicable

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

Providing a space at a reduced rate allows people with disabilities to come together and participate in group activities that may otherwise be out of reach due to their low income.

Environment – (Impact on environment's sustainability)

Not applicable

Governance – (Policy implications)

Not applicable

Overall Risk Management Consideration

There is potential for future requests to Council if other user groups are aware of the discounted fees and the submission of waiver requests become more frequent. This is not considered a high risk as such requests are considered on their merit.

Consultation

Not applicable

Resource Implications

Financial

The proposal will result in a discount of \$4725. This will not have any impact on the current budget as the discount has been applied in previous years and is the basis for future income projections. The Centre also benefits from other additional income such as kiosk sales due to members ordering lunches while they are using the facility.

Workforce

No additional resources will be required as a result of the recommendation.

Options

Council has the following options of:

1. Approving the waiver for court hire fees.

2. Approving the waiver for a portion of court hire fees.
3. Not approving the waiver for court hire fees.

Conclusion/Justification of Officer Recommendation

The waiver for a 50% discount off the Not for Profit rate for court hire fees is recommended to both support the program and also reflect the need for community organisations to be sustainable.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:

OCM17/039

Moved: Cr C Rose

Seconded: Cr C Thompson

That Council approves a 50% waiver of the Murray Leisure Centre Not for Profit court hire fees to Midway Community Care, for a two year period.

CARRIED UNANIMOUSLY 8:0

11.8 Community Assistance Fund

File Ref: 8/9116
 Previous Items: OCM 23 Feb '17 Item 11.8 OCM17/025
 Author and Title: Julie Burton, Director Corporate and Community Development

Appendix 7

Cr D Bolt declared an impartiality interest in item 11.8 Community Assistance Fund as his children attend the Austin Cove Baptist College. The Councillor advised that he would consider the matter on its merits and vote accordingly. **Cr D Bolt** remained in the meeting.

Cr C Rose declared an impartiality interest in item 11.8 Community Assistance Fund as her child attends the Austin Cove Baptist College. The Councillor advised that she would consider the matter on its merits and vote accordingly. **Cr C Rose** remained in the meeting.

Mr D Unsworth, Chief Executive Officer declared an impartiality interest in item 11.8 Community Assistance Fund as his partner's child attends the Austin Cove Baptist College.

Purpose

Council is requested to formally resolve the application received from Austin Cove Baptist College under round 3 of the Community Assistance Fund.

Background

At the Ordinary Council Meeting of 23 February 2017, Council declined to support the officer recommendation not to support the application to the Community Assistance Fund from the Austin Cove Baptist College in relation to their production of the performance of The Three Musketeers. As no alternative recommendation was provided, the application remains unresolved.

The previous item containing details specific to the project and funding request are contained in **Appendix 7**.

Proposal

The criteria for the Community Assistance Fund in relation to events, is that the event is held within the Shire of Murray. While the event is proposed to be held at the Mandurah Performing Arts Centre and as a result, does not conform to the funding criteria, Council has recognised that this is a unique situation as there is no suitable venue in Murray to house such a production.

Many local students and families are involved in this event, with the Austin Cove Baptist College maintaining a good reputation in providing quality productions at a reasonable cost.

The aim is to expand young adults' capacity in the areas of confidence, community and cultural participation and empower young people. This outcome is clearly in line with the Community Assistance Fund Policy criteria.

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 and connected community with a strong sense of community spirit and pride
Strategy 3.1.4	Facilitate and support activities that bring the community together

Murray 2016-2020 Corporate Business Plan

Action 3.1.4.1	Assist groups to deliver events and activities that build community capacity and cohesiveness.
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Other Strategic Links

Nil

Statutory Environment

Local Government Act 1995 – Part 6 Financial Management

Policy Implications

Shire of Murray Policy CC12 - Community Assistance Fund

Sustainability and Risk Implications

Economic - (Financial impact to the community)

Not applicable

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

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

Environment – (Impact on environment's sustainability)

Not applicable

Governance – (Policy implications)

Policy CC12 – Community Assistance Fund. This application has been received through the Community Assistance Fund as per policy CC12.

Overall Risk Management Consideration

The key risk in relation to community assistance funding lies around the support or rejection of each application and whether the assessment and resulting recommendation reflects the priorities of the Policy. While this application does not strictly meet the Policy criteria due solely to location, the outcomes of the project fit well with the outcomes of the funding.

Consultation

Austin Cove Baptist College

Resource Implications

Financial

Council has provided an allocation of \$15,375 within the 2016/17 budget for the purposes of the Community Assistance Fund. Following successful applications in Round 1 and 2, the total funds remaining are \$6475 which includes the quarantined \$1000 for small projects.

Workforce

No additional workforce allocations are required as a result of the recommendation.

Options

Council has the option of:

1. Supporting the recommended amounts as per Policy CC12.
2. Supporting a contribution more than the recommended amounts.
3. Supporting a contribution less than the recommended amounts.
4. Not supporting a contribution.

Conclusion/Justification of Officer Recommendation

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

Financial assistance supports the Asset Based Community Development model that Council is working towards, that is, empowering the communities to make use of their strengths, abilities and assets to increase and contribute to health, happiness and wellbeing of that community.

As the funding request was not formally resolved at the Ordinary Council Meeting of 23 February 2017, the recommendation is now provided in accordance with the intent of the previous decision.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:**OCM17/040****Moved: Cr W Barrett****Seconded: Cr C Thompson**

That Council supports a contribution of \$1500 towards the Austin Cove Baptist College production, The Three Musketeers under the third round of the Community Assistance Fund.

CARRIED UNANIMOUSLY 8:0

Technical Services

11.9 Access for Waste Vehicle – Zaruma Way

File Ref: DSA 275 & 0713
Previous Items: OCM 17 December 2015 Item 12.2 (OCM15/342)
Author and Title: Alan Smith, Director Technical Services

Purpose

Improved access arrangements are required to accommodate the Waste vehicle when negotiating Zaruma Way, an easement to allow access to the private portion of Zaruma Way and upgrades to the vehicle turnaround and will provide the required access outcomes.

Background

The Curtis Lane land was rezoned from Rural to Special Rural in 2004 via Amendment No 177 to the Scheme with approximately 36 lots of various sizes being created. The South Metropolitan Peel Sub-Regional Planning Framework showed Curtis Lane with the potential of urban development, therefore the balance of the land adjacent to Curtis Lane was rezoned back to Rural in anticipation for a future urban outcome.

This essentially placed the development on hold, when Zaruma Way was originally constructed there was an expectation that as the development progressed the road would be further extended and ultimately link back to Curtis Lane and create an open road environment. Unfortunately this did not progress and a portion of Zaruma Way and the temporary turnaround are now located on private property and therefore waste vehicles are not able to legally access.

Currently the waste vehicles utilise the last crossover within the gazetted road to turnaround, this in turn is damaging the crossover and ongoing repairs are being undertaken. The potential of developing the land that incorporates the private portion of Zaruma Way and ultimately expanding the road network to assist the movement of waste vehicles is seen as long term outcome, therefore action is required to provide interim legal access to the turnaround.

Proposal

To improve the accessibility for the waste vehicle in Zaruma Way there is a requirement to improve the turnaround at the termination of the road, in addition the placement of an easement over the private portion of Zaruma Way to allow traffic to utilize this portion of road is also essential.

Discussion has been held with the property managers and they have no initial concerns with the proposed outcome. They are keen to work with the Shire of Murray to deliver an outcome that best services the existing properties and remains flexible should opportunities arise for development potential.



Murray 2025 Strategic Community Plan

Objective 4	Well Planned, integrated and active places that embraces and respects our rural lifestyle, built and natural environment and heritage
Outcome 4.5	Plan for and build facilities and infrastructure that will meet the needs of a growing community
Strategy 4.5.1	Effectively manage infrastructure through its lifecycle

Other Strategic Links

Nil

Statutory Environment

Nil

Policy Implications

Nil

Sustainability and Risk Considerations

Economic - (Financial impact to the community)

Minor works are required to improve the turnaround to accommodate the movement of the waste vehicles, the preparation of the easement would also warrant legal expenses

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

The ability to have the waste vehicle not utilize the private crossover and utilize a new turnaround would negate the current impact to the crossover and ongoing impact to the property's access.

Environment – (Impact on environment's sustainability)

Nil

Governance – (Policy implications)

Nil

Overall Risk Management Consideration

There is an ongoing concern with the continual damage to the private property crossover, this will be ongoing financial and reputation risk should an alternative turning option not be provided for the waste vehicle. Even though the costs to undertake the repairs to the crossover would be considered minor within the risk matrix there is certainty that damage would be caused therefore the risk is considered as High.

Consultation

The Shire of Murray has maintained communication with the property owner that is impacted by the current waste vehicle utilizing their crossover to ensure they are being kept informed. The owners of the property acknowledge that the Shire requires the easement and approval for the works have provided in principle support to the proposal.

Resource Implications**Financial**

To undertake the rectification and upgrade of the vehicle turnaround and to coordinate the appropriate easement, plus any final repairs to the existing crossover is in the vicinity of \$10,000 and needs to be managed within the Waste Budget and funded through the Waste Reserve.

Workforce

Existing staff resources will manage the physical works and development of the required easement documentation.

Options

Council has the option of:

1. Progressing with the upgrade to the Turnaround and development of an easement to enable access for waste trucks in Zaruma Way.
2. Not progressing with the upgrade to the Turnaround and development of an easement to enable access for waste trucks in Zaruma Way.

Conclusion/Justification of Officer Recommendation

There is a genuine need to manage waste vehicles within the road environment and avoid impacting private property access. In this case the initial use of the crossover was seen as an interim measure until the development progressed and access arrangement for the waste vehicles would improve. With the potential of an Urban zoning the decision was made to revert the existing special rural zoning back to Rural zoning to better enable future planning.

With the zoning changed there is very little opportunity for the road network to be expanded in the short term, therefore alternative access arrangements need to be provided for the turning of the waste vehicle. It is fortunate the road extension and turnaround exist and only require widening of the turnaround and the appropriate easement to manage access.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:**OCM17/041****Moved: Cr C Thompson****Seconded: Cr A Rogers****That Council approve:**

- 1. the placement of an easement on the private portion of Zaruma Way to enable legal access for the waste vehicle to access and turnaround;**
- 2. works to be undertaken on the private portion of Zaruma Way to improve the turnaround to suit the turning requirements of the waste vehicle; and**
- 3. repairs being undertaken to the impacted crossover following the completion of the turnaround.**

CARRIED UNANIMOUSLY 8:0

Items for Information

11.10 Delegated Decisions of Development Applications for February 2017

Delegated Decisions of Development Applications is attached for information.

Appendix 8

11.11 Delegated Decisions – Waiver of Fees and Charges period ending 31 January 2017

Delegated Decisions Waiver of Fees and Charges 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

Nil

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

Nil

16. MEETING CLOSED TO THE PUBLIC (CONFIDENTIAL BUSINESS)

Nil

17. CLOSURE OF MEETING

There being no further business, the Presiding Member declared the meeting closed, the time being 9.17am.