



Agenda

Ordinary Council Meeting

Thursday 23 May 2024 at 5.30pm

Question Time Rules

Please note that the following rules apply to Question Time:

Questions asked verbally

- 1. Members of the public are invited to ask questions at Council Meetings.***
- 2. Questions asked at an Ordinary Council meeting must relate to a matter that affects the Shire of Murray. Questions asked at a Special Council meeting must relate to the purpose for which the meeting has been called.***
- 3. A register will be provided for those persons wanting to ask questions to enter their name. The Presiding Member may call persons registered to come forward in an order that allows the maximum opportunity for as many people as possible to address the meeting of matters that are listed on the agenda. Persons that come forward are to state their name and full address.***
- 4. Public question time will be limited to two verbal questions per person to allow for others to also have the opportunity to participate. If there is remaining time the Presiding Member will then revert to any person that requested more than two (2) questions be asked within the allotted 15 minutes of Question Time.***
- 5. All questions should be succinct and to the point and not extend beyond 2 (two) minutes.***
- 6. Statements are not permitted unless it is part of the Deputation section of the meeting. Deputations must relate to an item on the Council agenda for that meeting and should be requested in advance to the Chief Executive Officer in writing of the Council Meeting at least 48 hours prior to the meeting. Any decision outside of this procedure is to be decided by the Council.***
- 7. Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.***
- 8. Public question time will be allocated a minimum of 15 minutes and may be extended in intervals of up to 10 minutes by resolution of Council, but the total time allocated for public questions to be asked and responses given is not to exceed 35 minutes in total.***
- 9. Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or Shire employee. The Presiding Member shall decide to:***
 - i. Accept or reject any question and their decision is final;***
 - ii. Nominate a Shire employee to respond to the question;***

Or;

 - iii. Take a question on notice. In this case a written response will be provided as soon as possible, and included in the agenda of the next Council meeting.***
- 10. Questions and any response will be summarised and included in the minutes of the Council meeting.***
- 11. It is not intended that question time should be used as a means to obtain information that would not be available if it was sought from the Shire's records***

under Section 5.94 of the Local Government Act 1995 or the Freedom of Information Act 1992 (FOI Act). Where the response to a question/s would require a substantial commitment of Shire's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the Shire and refuse it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act.

Questions in Writing – (Residents and/or ratepayers of the Shire of Murray only)

- 1. Only Shire of Murray residents and/or ratepayers may submit questions to the Shire in writing.**
- 2. Questions asked at an Ordinary Council meeting must relate to a matter that affects the Shire of Murray. Questions asked at a Special Council meeting must relate to the purpose for which the meeting has been called.**
- 3. The Shire will accept a maximum of five (5) written questions per Shire of Murray resident/ratepayer. To ensure equity and consistency, each part of a multi-part question will be treated as a question in its own right.**
- 4. Questions lodged by 4.00pm on the day immediately prior to the scheduled Council meeting will be responded to, where possible, at the Council meeting. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.**
- 5. The Presiding Member shall decide to accept or reject any written question and their decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published.**
- 6. The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.**
- 7. Written questions unable to be responded to at a Council meeting will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Council meeting.**
- 8. A person who submits written questions may also ask questions at a Council meeting and questions asked verbally may be different to those submitted in writing.**
- 9. Questions and any response will be summarised and included in the minutes of the Council meeting.**
- 10. It is not intended that question time should be used as a means to obtain information that would not be available if it was sought from the Shire's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information Act 1992 (FOI Act). Where the response to a question/s would require a substantial commitment of Shire's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the Shire and refuse it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act.**

DISCLAIMER

Responses to questions asked verbally are provided in good faith and as such, should not be relied upon as being either complete or comprehensive.

Table of Contents

1	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	1
2	ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE	1
3	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	1
4	PUBLIC QUESTION TIME	1
5	PETITIONS AND APPROVED DEPUTATIONS	1
6	CONFIRMATION OF MINUTES	1
6.1	Ordinary Council Meeting – 18 April 2024	1
7	ANNOUNCEMENTS BY THE PRESIDING MEMBER	1
8	ANNOUNCEMENTS BY ELECTED MEMBERS	1
9	ACKNOWLEDGEMENT OF RECEIPT OF DISCLOSURE OF INTERESTS (BY PRESIDING MEMBER)	2
10	RECEPTION OF MINUTES AND RECOMMENDATIONS OF COMMITTEES HELD SINCE PREVIOUS MEETING OF COUNCIL	2
	REPORTS OF CHIEF EXECUTIVE OFFICER AND OFFICERS	3
11	PLANNING AND SUSTAINABILITY	3
11.1	Proposed Jetty at Lot 403 Riverside Drive, Furnissdale	3
12	CORPORATE GOVERNANCE	10
12.1	Amendment to Policy G10 - Temporary Employment or Appointment of Acting Chief Executive Officer	10
12.2	Monthly Financial Report - April 2024.....	13
12.3	Payments from Municipal and Trust Funds - April 2024	16
12.4	Schedule of Fees and Charges 2024/2025	19
12.5	Assignment of Lease and Lease Proposal - Lots 220 and 221 (28) George Street, Pinjarra	23
12.6	Proposed Variation to Leased Area - Lot 38 Dollyup Street Stake Hill - Food Innovation Precinct WA	27
12.7	Review of Policy C10 - Waiver of Fees and Charges - Venue Bookings	31
12.8	Misty Forest Pty Ltd (Waypoints Cafe/Dwellingup Adventures)	34
13	RECREATION, ECONOMIC & COMMUNITY DEVELOPMENT	37
13.1	Promotion of Expression of Interest - Western Portion of the Dwellingup Trails and Visitor Centre	37
13.2	Sponsorship Request - Peel Producers Long Table Dinner.....	41
13.3	Murray Regional Equestrian Centre - Master Plan Review, Business Case and Concept Plan - Covered Arena and Clubroom	45
14	INFRASTRUCTURE SERVICES	53
14.1	Specified Area Rate - Reinstatement of Reticulation in Austin Cove	53
15	ITEMS FOR INFORMATION	58
15.1	Outstanding Council Resolutions May 2024	58
15.2	Delegated Development Application Decisions - April 2024	59
15.3	Council Plan Progress Report	60

16	BUSINESS LEFT OVER FROM PREVIOUS MEETING	61
17	ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	61
18	NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING	61
19	NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION OF THE MEETING	61
20	MEETING CLOSED TO THE PUBLIC (CONFIDENTIAL BUSINESS)	62
	20.1 Chief Executive Officer 2023/24 Annual Performance Review	62
21	CLOSURE OF MEETING	63



Notice of Meeting

Notice is hereby given that the Ordinary Meeting of Council will be held at the Murray Shire Council, 1915 Pinjarra Road, Pinjarra on Thursday, 23 May 2024 commencing at 5.30pm.

Dean Unsworth
Chief Executive Officer

- 1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
- 2 ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE**
- 3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
- 4 PUBLIC QUESTION TIME**
- 5 PETITIONS AND APPROVED DEPUTATIONS**
- 6 CONFIRMATION OF MINUTES**
- 6.1 Ordinary Council Meeting – 18 April 2024**

Recommendation

That the Minutes of the Ordinary Council Meeting held on Thursday 18 April 2024 be confirmed as a true and correct record.

7 ANNOUNCEMENTS BY THE PRESIDING MEMBER

The Shire President's announcements will be provided as part of the Minutes.

8 ANNOUNCEMENTS BY ELECTED MEMBERS

The Elected Members' announcements will be provided as part of the Minutes.

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

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

Nil.

REPORTS OF CHIEF EXECUTIVE OFFICER AND OFFICERS**11 PLANNING AND SUSTAINABILITY****11.1 Proposed Jetty at Lot 403 Riverside Drive, Furnissdale**

File Ref:	D24/5159
Previous Items:	Nil.
Applicant:	Wenhui Chen
Author and Title:	Luke Cervi, Coordinator Planning Services
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 11.1 Appendix 1 - Site Photographs - (Page 5) Item 11.1 Appendix 2 - Application Plans - (Page 13) Item 11.1 Appendix 3 - Serpentine River Zone A - (Page 35) Item 11.1 Appendix 4 - Department of Water and Environmental Regulation comments - (Page 36)

Recommendation

That Council refuses the application for a Jetty lodged by Wenhui Chen at Lot 403 (adjacent to Lot 174 (155) Riverside Drive, Furnissdale for the following reasons:

- 1. The proposed jetty is inconsistent with the objectives and requirements of the Peel Region Scheme (PRS) Boating Facilities Policy, in particular as the proposal would or is likely to:**
 - a. Adversely impact on the natural and visual amenity of the river;**
 - b. Alienate the public foreshore reserve;**
 - c. Result in further environmental degradation of the unmanaged foreshore reserve in vicinity of the proposed jetty;**
- 2. Insufficient information has been provided to adequately demonstrate where the jetty is to be fixed to the land and the suitability of the site in terms of river water depth during lower tides and inundation of the foreshore area during higher tides, which may render the site unsuitable for a jetty.**
- 3. The construction of a new jetty would conflict with the purpose of the Regional Open Space and Waterways reservations in Clauses 10 (a) and 10 (e) of the Peel Region Scheme 2002 as it would have a detrimental effect on the landscape values of the river and its foreshore.**
- 4. Approval of this proposal would set an undesirable precedent for further private jetties in an area with jetties, and in the longer term create further pressure on the riverbank and associate erosion from vessels and access.**

In Brief

- An application has been received for a private jetty proposed to extend from the Serpentine River foreshore land adjacent to the applicant's property at Lot 174 (155) Riverside Drive, Furnissdale.
- The foreshore land adjacent to the applicant's property comprises in part, Reserve 27819 which is a Reserve for Recreation under management of the Department of Planning, Lands and Heritage (DPLH), and in part Lot 403 owned in freehold by the Western Australian Planning Commission (WAPC). At this point Lot 403 also extends to include the width of the Serpentine River water body.

- The jetty is proposed in a section of the Serpentine River where jetties are discouraged by the Peel Region Scheme's Boating Facilities Policy. The Department of Water and Environmental Regulation has opposed the development as it considers the proposal inconsistent with the Boating facilities Policy.
- In addition, the applicant has not provided sufficient information to demonstrate where the jetty will be fixed to the land and therefore how far it will extend into the river. There are also concerns over shallow water depth during lower tides and also inundation of the foreshore area during higher tides which call into question the site suitability of a jetty in this location.
- The application is therefore recommended for refusal.

Background

The applicant purchased Lot 174 in 2021. Prior to the purchase the applicant's partner made enquiries with the Shire as to whether a jetty could be constructed to access the river adjacent to the property and was advised that decisions on jetty applications were made (at that time) by the WAPC. Further the applicant was advised of the WAPC Boating Facilities Policy that guides where jetties will be supported within the Serpentine and Murray Rivers, that the river adjacent to Lot 174 is identified as Serpentine River Zone A under the Policy and although the Policy does not categorically state no further jetties would be approved in this zone, it does encourage the use of public jetties rather than construction of new private jetties in this area. As the WAPC/DPLH owned or managed the foreshore adjacent to Lot 174 and would need to both sign any application form to authorise lodgement of the application and also as at that time they had the sole decision making authority for jetties in the Serpentine River, it was recommended that they also discussed the proposal for a jetty with the DPLH.

Notwithstanding the advice that the Boating Facilities Policy encouraged the use of public jetties rather than construction of new private jetties in this location, in June 2023 the applicant's partner advised of the intent to still seek approval for a jetty. At that time they were provided with the relevant application form and advised that this would need to first be completed and then signed by the DPLH for authority to lodge an application. The signed application was received in October 2023. It is noted that the DPLH authorising the lodgement of an application does not infer approval of the application. In this case the DPLH also advised that applicant that they will also require:

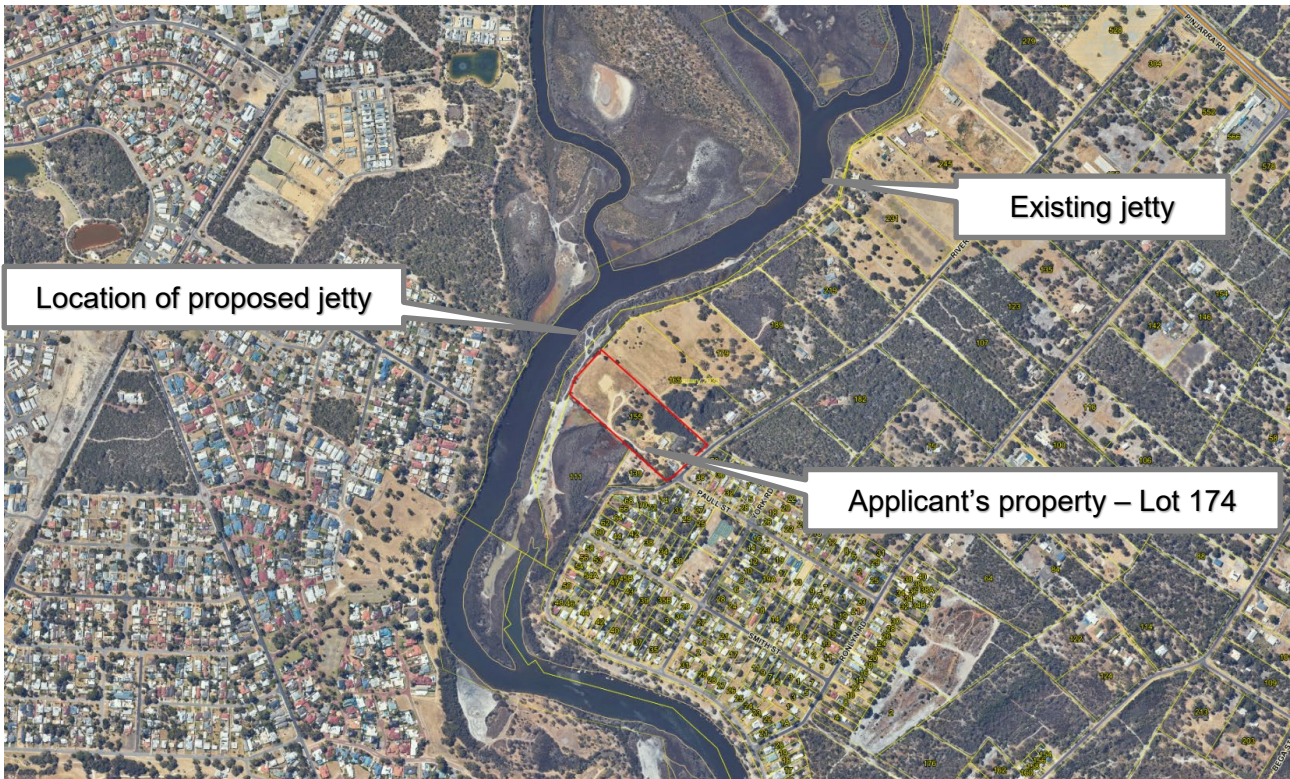
1. the necessary Aboriginal Cultural Heritage approvals;
2. approval from the Land Use Management Team of DPLH to access through Reserve 27819; and
3. should all the relevant approvals be granted to install the jetty it would be expected that no additional impacts or clearing occur to the native vegetation within Lot 403 during construction and with ongoing use to access the jetty and no soil material or invasive weeds/seeds are introduced to the site during construction or use.

It is noted in discussions with the applicant's partner during the application assessment period that they have contended that the application has been supported and approved by WAPC on the basis that owners' consent has been provided (i.e. the signed application form) enabling the application to be lodged.

Jetties within the Serpentine River require development approval under the Peel Region Scheme (PRS). Since 23 March 2022 decision making responsibilities for jetties requiring development approval have been delegated from WAPC to Local Government. When considering applications, Local Government is required to consider the planning framework applying to the proposal. In particular, this includes the PRS and the PRS Boating Facilities Policy.

The subject lot is one of 13 privately owned Rural zoned properties that lie between Riverside Drive and the Serpentine River in this part of Furnissdale. There is currently one historic jetty on this side of the Serpentine River. An approval cannot be located for this jetty and a review of aerial photography reveals that it has been in place since at least December 2003, which means that it pre-dated the current Boating Facilities Policy, which was adopted in 2014. There are also a few

historic jetties further south on the opposite side of the river within the City of Mandurah that appear to be quite dated and therefore likely to have predated the current 2014 Boating Facilities Policy. The character of the area when viewed from the river is overwhelmingly natural. A plan showing the location of the proposed jetty is set out below. Photographs of the site and adjacent river environment are shown on **Appendix 1**.



1. Context Plan

Report Detail

The application involves the construction of a floating jetty attached to two piles within the Serpentine River that is contained within a six metre by 5.5m envelope. In addition, the Jetty includes a landside component which consists of a fixed platform on two piles. The application does not contain sufficient information to determine the precise location where it will be fixed to the land.

A copy of the applicant’s plans are contained at **Appendix 2**.

Council Plan

Focus Area	Planet
Outcome 4	The ecosystem is managed sustainably for the benefit of current and future generations.
Objectives 4.1	Sustainably manage and conserve water resources, rivers and waterways.

Other Strategic Links

Nil.

Statutory Environment

Peel Region Scheme (PRS)

The Serpentine River is reserved ‘Waterways’ under the PRS, whereas the adjacent land is reserved ‘Regional Open Space’ under the PRS.

Development Approval is required under Clause 18 of the PRS for development on reserved land.

Clause 34 of the PRS identifies matters to be considered when assessing an application. The following are considered to be the most relevant matters to the proposal:

- The aims and provisions of the PRS; and
- PRS Boating Facilities Policy.

The aims and provisions of the PRS

Relevant reserve aims:

- (a) promote the sustainable development of land, taking into account, relevant environmental, social and economic factors.*
- (b) protect as regional open space the region's coastal foreshores, the foreshores of the Serpentine, Murray and Harvey Rivers and the Peel Inlet and Harvey Estuary, as well as other areas of regional conservation significance and areas for regional recreational facilities.*

The public has historically accessed the river and foreshore area via a number of informal tracks which have degraded parts of the foreshore environment. There are currently limited measures in place to restrict informal access by the public at the location of the proposed jetty and limited management of the foreshore area. It is noted that the land in the foreshore area is known to contain Threatened Ecological Communities.

The proposed jetty would contribute to a perceived privatisation of this portion of the river and foreshore. This perception would be emphasised by access between the jetty and applicant's property being improved and the mooring of watercraft at the jetty by the applicant. It is foreseen that the proposed jetty could result in additional or widened informal accesses being created as people seek alternative access to the jetty. The land within the foreshore is low lying and subject to inundation which could place pressure on the need to fill the pathways to access the jetty during periods of high tide. Any additional river accesses or such fill would further impact the foreshore environment and amenity of the area.

There are existing public boat ramps and associated launching infrastructure at Nairn Road, Riverside Drive, Birchley Road and Redcliffe Road which provide suitable nearby infrastructure to enable the public access to and enjoyment of the river and its foreshore in an environmentally sensitive way.

Relevant reserve purposes:

- (a) Regional Open Space — to protect the natural environment, provide recreational and cultural opportunities, safeguard important landscapes and sites of cultural or historical significance and provide for public access;*
- (e) Waterways — to recognise coastal and inland waterways and lakes, provide for navigation in, and public access to, those waterways and lakes where appropriate and to protect environmental, landscape and cultural values;*

Whilst the proposed jetty would provide for recreational opportunities, it would be for private use as opposed to public use. The construction itself is likely to impact on the natural amenity and landscape values of the reserved regional open space and waterway due to its prominent location protruding from a sweeping bend in the river which would be visible when approaching in both directions.

Although not as convenient as the proposed jetty location for the applicant, it is noted that there are a number of public boating facilities in the area (see **Appendix 3**).

PRS Boating Facilities Policy

The general intent of Boating Facilities Policy is to ensure that the natural values and public use of the Peel waterways and their foreshores are not compromised by private jetties and related development as the population grows.

The Policy aims to minimise the impact of the location and construction of jetties on the waterways of the Peel region, by controlling the location and construction of jetties to:

- (i) prevent the alienation of waterways and foreshores from public use and enjoyment;*
- (ii) provide for the safe and effective use of waterways for recreation and navigation;*
- (iii) ensure jetties compliment the visual amenity of the waterways and their foreshores;*
- (iv) minimise adverse effects on the environmental values of the Peel region's waterways; and*
- (v) prevent unacceptable effects on the hydrological processes and shorelines of the waterways.*

The provision of a private jetty will contribute to the alienation of waterways and particularly the foreshore in this location. The location of the jetty on a sweeping bend in the river where the surrounding foreshore is predominately low-level shrubs is likely to result in any jetty being prominent within the landscape particularly when being used for mooring of boats. This is considered to be even more significant given the proposed jetty is located with the 'Serpentine River zone A'. Section 6.3 of the Policy describes the area as follows:

- (a) The Serpentine River zone A extends from the Peel Inlet to Bedingfeld / Hougham Roads.*
- (b) This section of the Serpentine River does contain some historical jetties, but most of the foreshore is well vegetated and retains a more natural appearance. There are recreational canoe trails which follow the Serpentine River and its lakes into the Peel Inlet. These trails take advantage of the river's more natural character. Access to public boat ramps is available at Nairn Road, Riverside Drive, Birchley Road and Redcliffe Road. Additional launching facilities for small watercraft (such as canoes and kayaks) are available at Riverside Drive and Redcliffe Road.*
- (c) To protect the natural appearance of the river and its foreshore and minimise the potential for conflict between boats and smaller craft, the use of existing public facilities should be encouraged where possible, instead of the approval of new private jetties.*

Whilst paragraph (b) above acknowledges 'some historic jetties' exist, it is of significance that existing jetties are predominately contained within two distinct areas of 'Serpentine River zone A'. One area along the southern, east-west section of the river adjacent to the main residential area, and another area north of Bertram Street (within the City of Mandurah). The location of this proposed jetty is not within either of these areas where jetties are prevalent.

Notwithstanding that in principle the Policy encourages use of public facilities rather than development of new private jetties, in this particular case there are also concerns over the suitability of the site.

1. The river is shallow in this location during lower tides and there are concerns that a jetty will likely be impractical due to insufficient water depth without either dredging the river bed or extending the jetty into deeper water. Both of these options would be inconsistent with the Boating Facilities Policy which states at section 5.3(a) "...a new private jetty will only be considered where the proposed jetty would not... (v) require dredging and/or on-going maintenance dredging to allow access by vessels". Under section 7.2(a)(i) "...each jetty should be constructed within a 6 metre by 6 metre building envelope measured from the shoreline to the outside edge of the jetty'.
2. The foreshore area between the applicant's land and the water is low lying and subject to inundation during higher tides which would prevent suitable access to the jetty in such conditions. To provide suitable access during the higher tides portion of the foreshore area would need to be filled which would further degrade the environmental qualities of this area. The impact of

inundation on the foreshore area would progressively increase in depth and frequency should expected sea level rise occur, which would further exacerbate access, without fill.

3. The bank of the Serpentine River is sandy and in the vicinity of the proposed jetty showing signs of erosion. It is not clear from the application how close to the river edge the jetty piles will be located however if approved stabilisation of the bank may well be needed to protect the jetty and adjacent foreshore from further erosion.

The applicant has not provided sufficient information to demonstrate the suitability of this location from a river water depth perspective, nor where the jetty will be fixed to the land and therefore how far it will extend into the river and the water depth at that point. This information will be critical should Council consider the location of the jetty suitable in this location notwithstanding the officer assessment against Boating Facility Policy.

Sustainability & Risk Considerations

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

No economic impacts foreseen.

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

The proposed jetty will alienate an area of the river and foreshore historically accessed by the broader public via informal access tracks.

Environment – (Impact on environment’s sustainability)

The unmanaged use of the foreshore area to access the jetty will likely result in the creation of other informal accesses to the river and foreshore at the detriment of the environment. There are significant concerns over the suitability of the site given the shallow water depth in this location during lower tides and the inundation of the foreshore area during higher tides.

Policy Implications

Approval would establish an undesirable precedent for similar private facilities in an area of the Serpentine River where policy encourages use of existing public facilities instead of new private jetties.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Moderate	Approval of the application would establish an undesirable precedent that is considered contrary to the aims and objectives of the Boating Facilities Policy.

Consultation

The application was referred to the Department of Transport (DoT) and Department of Water and Environmental Regulation (DWER). DoT had no objection to the proposal whereas DWER did not support the application as it contravenes section 6.3(c) of the PRS Boating Facilities Policy which states “*To protect the natural appearance of the river and its foreshore and minimise the potential for conflict between boats and smaller craft, the use of existing public facilities should be encouraged where possible, instead of the approval of new private jetties*”. A copy of the DWER letter is attached at **Appendix 4**.

Resource Implications

Financial

The specified application fee was paid at lodgement of the application.

Workforce

The processing of this application has been accommodated within existing staff resource levels.

Options

1. Refuse the application for the reasons specified in the Officer Recommendation or alternative suitable specified reasons.
2. Defer the application pending further information by the applicant on the precise location where the proposed jetty is to be attached to the land, the ground level in the foreshore area and river water levels in the river in the vicinity of the proposed jetty throughout the tidal range so that the practicality of a jetty in this location can be further considered.
3. Approve the jetty with conditions. It is noted that should Council wish to approve the application that DPLH has advised that access to Reserve 27819 would be required for construction access purposes. Additionally, DPLH has asked if the Shire of Murray would consider accepting a Management Order over Reserve R27819 to allow the Shire to manage the situation accordingly.

Conclusion

Having considered the matters discussed above, approval of the proposed private jetty would be considered detrimental to the aims and purposes provided for the 'waterway' and 'regional open space' reserves under the PRS. The proposed jetty is also contrary to the Boating Facilities Policy which in the Serpentine River Zone A seeks to protect the natural appearance of the river and its foreshore and minimise the potential for conflict between boats and smaller craft and therefore encourages the use of existing public facilities where possible, instead of the approval of new private jetties in this location.

If approved it would establish an undesirable precedent for further private boating facilities within the 'Serpentine River zone A' where public facilities are already provided. Alternative public facilities are available within the area that can be accessed by the applicant without unreasonable inconvenience. In particular, the existing public facilities on Riverside Drive are located approximately 1,500m from the applicant's property.

In addition, the site suitability for a jetty in this case at least questionable given the low water levels during lower tides and the inundation of the foreshore area during higher tides. The applicant has not provided sufficient information to demonstrate the suitability of the jetty in this case. The application is therefore recommended for refusal.

12 CORPORATE GOVERNANCE

12.1 Amendment to Policy G10 - Temporary Employment or Appointment of Acting Chief Executive Officer

File Ref: D24/13846
 Previous Items: Nil.
 Applicant: Nil.
 Author and Title: David Bentley, Manager Governance and Strategy
 Declaration of Interest: Nil.
 Voting Requirements: Absolute Majority
 Appendices: Item 12.1 Appendix 1 - Policy G10 - Temporary Employment or Appointment of Acting Chief Executive Officer - (Page 37)

Recommendation

That Council adopt the proposed changes to Policy G10 - Temporary Employment or Appointment of Acting Chief Executive Officer as outlined in Appendix 1.

In Brief

Council is requested to consider changes to the Temporary Employment or Appointment of Acting CEO Policy.

Background

In 2021, the *Local Government Act 1995* was amended to require all local governments to have a policy which covered the employment of a temporary CEO and appointing an Acting CEO during periods of either the CEO’s leave or upon the CEO leaving a local government.

Minor changes are proposed to the policy to change the provisions around appointing an Acting CEO where the CEO is unavailable or unable to appoint one under the Policy.

Report Detail

The following changes are proposed to be made to the Policy.

- Include a statement that employees holding the substantive role of one of the four Directors are considered suitably qualified to perform the role of Acting CEO or Temporary CEO for the purposes of the policy. From the context of the particular section of the current policy, this was not including the statement.
- Removing the automatic line of succession of the Directors in being appointed Acting CEO where the incumbent CEO is unavailable or unable to make an appointment or in an emergency and including a new provision that the Shire President is authorised to appoint an Acting CEO from one of the four incumbent Directors (noting Acting Directors do not fall within this category).
- Amending the officer that will liaise with the Shire President in relation to the administrative tasks from this policy to the Director Corporate Services in all cases. This is in line with current practice where Council Members should be contacting either the CEO or a Director.
- Other very minor amendments to address grammar etc.

Council Plan

Focus Area	Performance
Outcome 14	Capable and accountable leadership and governance.
Objectives 14.1	Establish a strong corporate governance framework to ensure high standards of integrity, ethics and accountability.

Other Strategic Links

Nil.

Statutory Environment

Section 5.39C of the *Local Government Act 1995* contains the provisions for a policy for the temporary employment or appointment of CEO. Amending the policy requires an absolute majority.

5.39C. Policy for temporary employment or appointment of CEO

- (1) *A local government must prepare and adopt* a policy that sets out the process to be followed by the local government in relation to the following –*
 - (a) *the employment of a person in the position of CEO for a term not exceeding 1 year;*
 - (b) *the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.*

**Absolute majority required.*

- (2) *A local government may amend* the policy.*

**Absolute majority required.*

- (3) *When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*
- (4) *The CEO must publish an up-to-date version of the policy on the local government’s official website.*

Sustainability & 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

The policy implications of this report are explained in Report Detail.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	There is a low level of risk in adopting the officer recommendation.

Consultation

Nil.

Resource Implications*Financial*

Nil.

Workforce

Nil.

Options

1. Adopt the officer recommendation to amend the policy.
2. Not adopt the officer recommendation, which means the status quo will remain or come to an alternate position.

Conclusion

The proposed amendments to the policy are largely minor in nature and reflect current practice around contact between Council Members and the CEO and Directors as well as removing the automatic line of succession of an Acting CEO where the CEO is unable to make an appointment.

12.2 Monthly Financial Report - April 2024

File Ref:	D24/14003
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Nathan Gilfellon, Manager Finance
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 12.2 Appendix 1 - April 2024 Monthly Financial Report - (Page 41)

Recommendation

That Council receives the April 2024 Monthly Financial Report as presented at Appendix 1.

In Brief

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

Background

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

- 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*;
- Budget estimates to the end of the month to which the statement relates;
- Actual amounts of expenditure, revenue and income to the end of the month to which these statements relate;
- The material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- The net current assets at the end of the month to which the statement relates.

Regulation 35 of the *Local Government (Financial Management) Regulations 1996* is now in place which requires a Statement of Financial Position.

Report Detail

The monthly financial report for April 2024 identifies the financial position of Council as at the reporting date and consist of:

- Statement of Financial Activity
- Statement of Financial Position
- Notes to Statement of Financial Activity
 - Basis of Preparation
 - Statement of Financial Activity Information
 - Significant Accounting Policies
 - Net Current Funding Position
 - Explanation of Variances
 - Key Information
 - Cash and Financial Assets

- Reserves
- Capital Acquisitions
- Receivables
- Disposal of Assets
- Borrowings
- Lease Liabilities
- Grants and Contributions
- Capital Grants and Contributions
- Trust Fund
- Budget Amendments

Council Plan

Focus Area	Performance
Outcome 14	Capable and accountable leadership and governance.
Objectives 14.1	Establish a strong corporate governance framework to ensure high standards of integrity, ethics, and accountability.

Other Strategic Links

Shire of Murray 2023/2024 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.

Regulation 35 of the *Local Government (Financial Management) Regulations 1996* adds a requirement to include a Statement of Financial Position.

Sustainability & 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>
Moderate	Failure to monitor the Shire's ongoing financial performance would increase the risk of a negative impact on the Shire's financial position.
Low	Non-compliance may result in a breach of legislative requirements.

Consultation

Nil.

Resource Implications*Financial*

Nil.

Workforce

Nil.

Options

1. Receiving the monthly financial report for April 2024.
2. Not receiving the monthly financial report for April 2024.

Conclusion

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

12.3 Payments from Municipal and Trust Funds - April 2024

File Ref:	D24/14007
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Nathan Gilfellon, Manager Finance
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 12.3 Appendix 1 - List of Accounts Paid in April 2024 - (Page 62)

Recommendation

That Council receives the Payments from Municipal and Trust Funds Report April 2024 as presented.

In Brief

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

Background

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

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

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 Officer is provided to Council.

The report contains the list of payments made from the Shire of Murray's Municipal and Trust bank accounts for the months of April 2024.

This list includes details for each payment made, incorporating:

- The payees name
- The description 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.

Council Plan

Focus Area	Performance
Outcome 14	Capable and accountable leadership and governance.

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 & 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>
Low	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 <i>Local Government (Financial Management) Regulations 1996</i> .

Consultation

Nil.

Resource Implications*Financial*

Nil.

Workforce

Nil.

Options

1. Receiving the Payments from Municipal and Trust Funds report for April 2024.
2. Not receiving the Payments from Municipal and Trust Funds report for April 2024.

Conclusion

The Payments from Municipal and Trust Funds reports have been prepared in accordance with the *Local Government (Financial Management) Regulations 1996* and are 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.

12.4 Schedule of Fees and Charges 2024/2025

File Ref:	D24/14008
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Nathan Gilfellon, Manager Finance
Declaration of Interest:	Nil.
Voting Requirements:	Absolute Majority
Appendices:	Item 12.4 Appendix 1 - 2024/2025 Fees and Charges - (Page 84)

Recommendation

That Council:

1. **Adopt the proposed Schedule of Fees and Charges for 2024/2025 as attached in Appendix 1 to be effective Monday 1 July 2024; and**
2. **Pursuant to section 6.19 of the *Local Government Act 1995*, authorises the Chief Executive Officer to advertise the fees and charges.**

In Brief

Council is requested to adopt the proposed Schedule of Fees and Charges for 2024/2025 to allow implementation as at 1 July 2024.

Background

In accordance with Section 6.16(1) of the *Local Government Act 1995*, Council may impose and recover a fee or charge for any goods or services it provides or proposes to provide, other than a service for which a service charge is imposed.

Council is required to authorise fees and charges on an annual basis. The Long-Term Financial Plan provides an inflationary factor of CPI as an average increase, however the actual charge is based on either the cost of providing the service, importance to the community or a market price.

In accordance with the *Local Government Act 1995* and associated Regulations, there is a requirement to give notice to the public of the intent to change or introduce new fees and charges. Following the adoption of the proposed fees and charges in May, the schedule will be readopted as part of the 2023/2024 budget process in accordance with legislative requirements.

Report Detail

The adoption of the Schedule of Fees and Charges prior to 30 June 2024 has a number of benefits, including:

- It provides consistency in both reviewing and amending fees and charges on an annual basis.
- It provides sufficient time for associated documentation/ advertising/ signage to be updated in advance of the fees and charges becoming effective.
- It enables any necessary statutory advertising to be undertaken in advance of the fees and charges becoming effective.
- It enables sufficient time for customers to be advised of any changes to existing fees and charges.
- It assists in budget forecasting, as the adopted fees and charges are applicable for the full financial year.

Following a review by staff, changes recommended to existing user fees as well as new fees included in 2024/2025 have been detailed in **Appendix 1**.

Council Plan

Focus Area	Performance
Aspiration 14	Capable and accountable leadership and governance.
Strategy 14.1	Establish a strong corporate governance framework to ensure high standards of integrity, ethics and accountability.

Other Strategic Links

Long Term Financial Plan

Annual Budget

Statutory Environment

Local Government Act 1995

s 6.16 Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.
- (2) A fee or charge may be imposed for the following –
 - (a) Providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) Supplying a service or carrying out work at the request of a person;
 - (c) Subject to section 5.94, providing information from local government records;
 - (d) Receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) Supplying goods;
 - (f) Such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be –
 - (a) Imposed* during a financial year; and
 - (b) Amended* from time to time during the financial year.

*Absolute majority required.

Local Government Act 1995

s 6.19 Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of–

- (a) Its intention to do so; and
- (b) The date from which it is proposed the fees or charges will be imposed.

Sustainability & Risk Considerations

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

Nil.

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

While most fees and charges are based on statutory rates, market rates or the cost of providing the service, some fees of importance to the community are provided at discounted rates to allow greater access to these services.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	<p>There are several risks that need to be considered when reviewing the annual Schedule of Fees and Charges. Firstly, in an effort to assist in recovering costs associated with the provision of services, it is important that, where applicable, fees and charges are increased on an annual basis in line with the cost to provide the services. Should this not occur, the provision of those services is required to be increasingly subsidised by other funding sources.</p> <p>Secondary risks relate to the appropriate authorisation of the new fee structure, which must be in accordance with legislation and include local public notice, and an adverse reaction from the community with regard to any increase.</p>

Consultation

Nil.

Resource Implications

Financial

The increases are in line with expected cost increases in the 2024/2025 year.

Workforce

Nil.

Options

1. Adopt the schedule of fees and changes as presented.
2. Amend or reject the schedule of fees and charges as presented.

Conclusion

The early consideration of fees, will allow for changes to occur on 1 July 2024 with adequate advertising of the changes.

The adoption of fees and charges in conjunction with the adoption of the 2024/25 annual budget will provide a consistent approach to the implementation of any changes, with the schedule being readopted pursuant to Section 6.16 of the *Local Government Act 1995*.

12.5 Assignment of Lease and Lease Proposal - Lots 220 and 221 (28) George Street, Pinjarra

File Ref: D24/14700
Previous Items: OCM 22 Oct 15 Item 16.4 OCM15/293
Applicant: Nicole Willis
Author and Title: David Bentley, Manager Governance and Strategy
Declaration of Interest: Nil.
Voting Requirements: Absolute Majority
Appendices: Nil.

Recommendation**That Council:**

- 1. Approves for the lease agreement with Nicole Willis for Lot 220 and a portion of Lot 221 (28) George Street Pinjarra to be assigned to RSB Klair Family Trust without any change to the terms, conditions or obligations.**
- 2. Supports the lease assignment being advertised by local public notice for a period of not less than 14 days and subject to no adverse comments being received, authorises the Chief Executive Officer and Shire President to execute the formal Deed of Lease Assignment.**
- 3. Accepts the market rental valuation of \$14,000 per annum (ex GST) provided by Acumentis for 28 George Street Pinjarra.**
- 4. Delegates authority to the Chief Executive Officer to enter into a lease in accordance with the following details:**
 - Lessee: RSB Klair Family Trust.**
 - Leased Premises: 28 George Street Pinjarra, in accordance with the map as included in this report.**
 - Term of Lease: Three years.**
 - Further term: Three years.**
 - Commencement Date: 16 November 2024, at the conclusion of the existing lease.**
 - Rent: \$12,199.64 per annum with annual CPI increases.**
 - Rent for option Term: annual CPI increases.**
 - Approved Use: Café, arts and crafts and holistic health activities.**
- 5. Delegates authority to the Chief Executive Officer to negotiate and determine the broad general terms and obligations to apply which are not inconsistent with the above terms and conditions.**
- 6. Supports the Chief Executive Officer advertising the disposal of property by local public notice in accordance with section 3.58(3) of the *Local Government Act 1995*.**
- 7. If no submissions are received from the local public notice period, authorises the Chief Executive Officer and Shire President to execute the lease document.**

In Brief

Council is requested to consider reassigning the existing lease and the creation of a new lease for Lot 220 and a portion of Lot 221 (28) George Street Pinjarra for the purposes of café, arts and crafts and holistic health activities.

Background

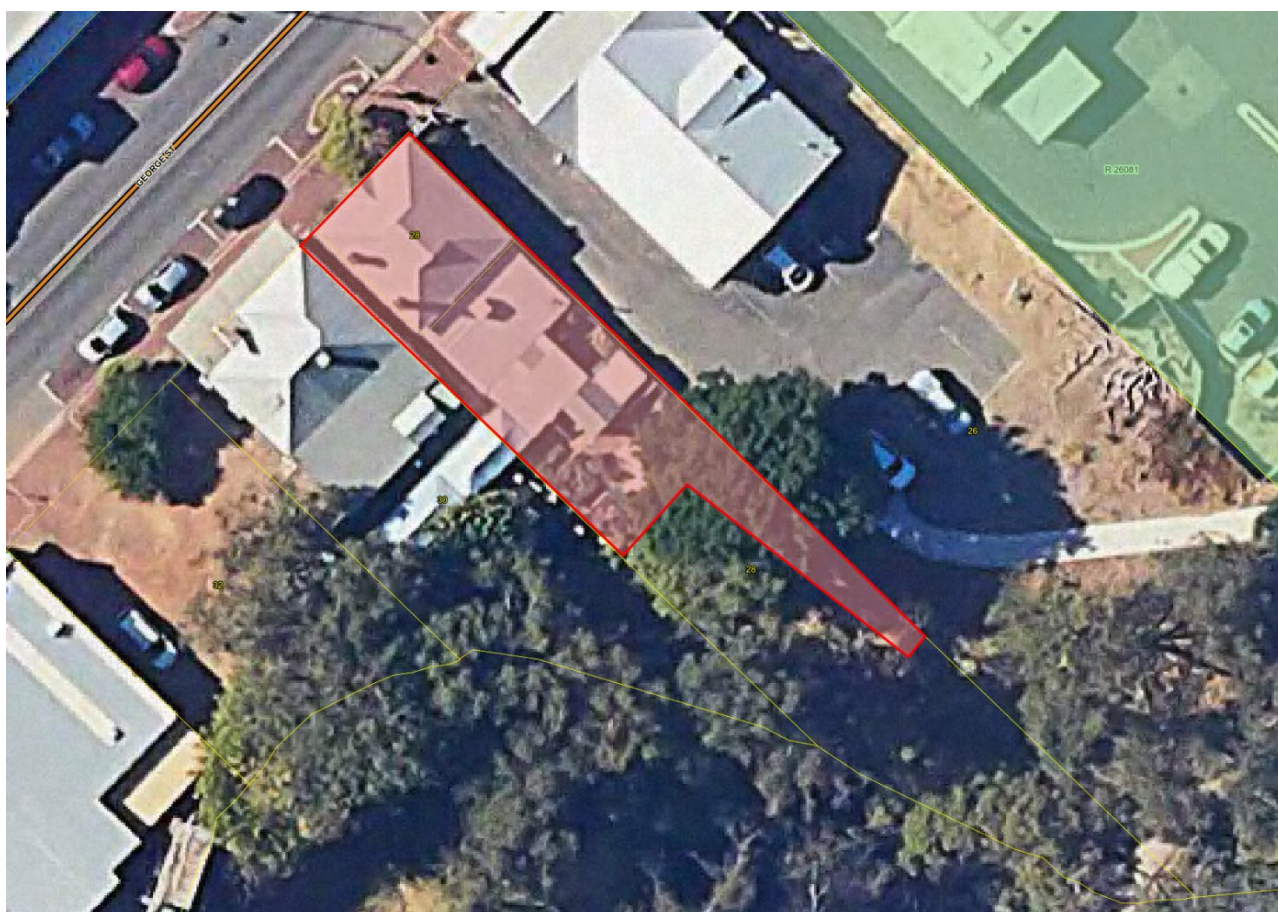
Lots 220 and 221 (28) George Street are located within the Pinjarra Town Centre. Historically, this property has been used for community purposes and for tearooms.

Most recently, the property has been leased to Nicole Willis with Council granting a lease at its meeting on 22 October 2015 following an expression of interest process. The tenant has indicated that they are in the process of selling their business and have requested an assignment of the lease to the new owners.

Report Detail

The existing lease over 28 George Street Pinjarra with Nicole Willis is set to expire on 15 November 2024. The tenant has requested an assignment of the existing lease to the new owners, RSB Klair Family Trust as well as a new lease to continue the tenure over the subject land. RSB Klair Family Trust also own another business within the Pinjarra Town Centre.

The subject land and lease boundaries are outlined in the below map.



As the lease proposal is not subject to an exemption under the disposal of property requirements of the *Local Government Act 1995*, both the assignment and the new lease proposal will be required to be advertised via local public notice and any submissions received to be considered by Council.

The purpose of the lease, being for a café, arts and crafts and holistic health activities, falls within the definitions of a retail shop and therefore the lease will be made in accordance with the *Commercial Tenancies (Retail Shops) Agreements Act 1985*.

The proposed rental amount is a continuation of the current lease rental. This is lower than the market rental valuation as it is recognised that the hospitality sector in the town centre is challenging for operators.

It is recommended that Council support the lease reassignment and a new lease being arranged for three years with a similar option period with outgoings and general maintenance being the lessee’s responsibility in accordance with the standard lease arrangements.

Council Plan

Focus Area	Place
Outcome 8	Our towns offer vibrant and attractive spaces, with retained rural charm.
Objectives 8.1	Revitalise Pinjarra Town Centre.

Other Strategic Links

Nil.

Statutory Environment

Section 3.58 of the *Local Government Act 1995* deals with the issue of disposing of property by lease or otherwise. In this case subsections (2), (3) and (4) apply, as follows:

- (2) *Except as stated in this section, a local government can only dispose of property to —*
 - (a) *the highest bidder at public auction; or*
 - (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
 - (a) *it gives local public notice of the proposed disposition —*
 - (i) *describing the property concerned;*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
 - (a) *the names of all other parties concerned;*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*

Sustainability & Risk Considerations

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

The lease assignment and further lease proposal are not expected to financially impact the community as any lease entered into would be either based on market value or other rent as determined by Council and all outgoings would be the responsibility of the lessees.

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

Leasing the property should not adversely impact any adjoining landowners as the premises has a substantial history of being leased either commercially or to non-profit groups or organisations.

Environment – (Impact on environment’s sustainability)

There are no environmental impacts envisaged in relation to this proposal.

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	Continuation of tenancy at the property presents very low risk to the Shire of Murray.

Consultation

The proposal will need to be advertised via local public notice before tenure arrangements can be finalised.

Resource Implications

Financial

There are no extra financial implications in relation to this report. The rent payable for the new lease is consistent with the existing rental agreement and, while less than the market rental valuation, reflects the challenging landscape of the broader economy.

Workforce

Sufficient workforce resources are in place to prepare and manage the proposed agreement.

Options

1. Supporting the lease arrangements as recommended.
2. Rejecting the proposed lease arrangements.

Conclusion

It is recommended that Council proceed with the reassignment of the existing lease with Nicole Willis for 28 George Street Pinjarra to the new owners of the business operating out of the premises and enter into a new three year lease with a three year option to secure the ongoing tenancy arrangements for the new operator. The hospitality sector in the town centre is struggling and the rental amount, being a continuation of the current rental amount, is lower than the market rental valuation to reflect that difficulty.

12.6 Proposed Variation to Leased Area - Lot 38 Dollyup Street Stake Hill - Food Innovation Precinct WA

File Ref:	D24/14816
Previous Items:	SCM 13 Apr 2023 Item 7.1 (SCM23/008) OCM 21 Mar 2024 Item 12.2 (OCM24/022)
Applicant:	Groundswell Drive Thru Pty Ltd
Author and Title:	David Bentley, Manager Governance and Strategy
Declaration of Interest:	Nil.
Voting Requirements:	Absolute Majority
Appendices:	Item 12.6 Appendix 1 - WAFIP - Market Rental Valuation Report - (Page 143)

Recommendation

That Council:

1. **Accepts, pursuant to section 3.58(4)(c)(ii) of the *Local Government Act 1995*, the market rental valuation of \$150 per square metre per annum (ex GST) provided by Acumentis for the Innovation Centre in Lot 38 Dollyup Street, Stake Hill dated 20 July 2021 as being a true indication of the annual rental value of the subject land.**
2. **Supports the Chief Executive Officer publishing via local public notice for a period of not less than 14 days advising that the Shire of Murray proposes to dispose, by way of lease variation, a further 128m² portion of Lot 38 Dollyup Street Stake Hill to Groundswell Drive Thru Pty Ltd for the remainder of their lease period at a rental of \$110 (ex GST) per square metre per annum with a 5-year renewal option being available, with the rent during the option term being based on a market rental valuation by a licenced property valuer.**
3. **Delegates authority to the Chief Executive Officer to do the following if there are no submissions in response to the local public notice period.**
 - a. **Enter into a lease variation with Groundswell Drive Thru Pty Ltd on the above terms and conditions to dispose of a portion of the abovementioned property; and**
 - b. **Negotiating and determining the broad general terms and obligations to apply which are not inconsistent with the above terms and conditions.**
4. **Authorises the Shire President and Chief Executive officer to execute a lease variation drafted pursuant to part 3 of this resolution with Groundswell Drive Thru Pty Ltd.**
5. **Requests a further report to Council should submissions be received during the local public notice period.**

In Brief

Council is requested to consider a variation to the Groundswell Drive Thru Pty Ltd lease at the Food Innovation Precinct WA Innovation Centre following a further request from the lessee to expand their leased area.

Background

At the Special Council Meeting on 13 April 2023, Council granted Groundswell Drive Thru Pty Ltd a lease of the café space in the Innovation Centre at the Food Innovation Precinct WA.

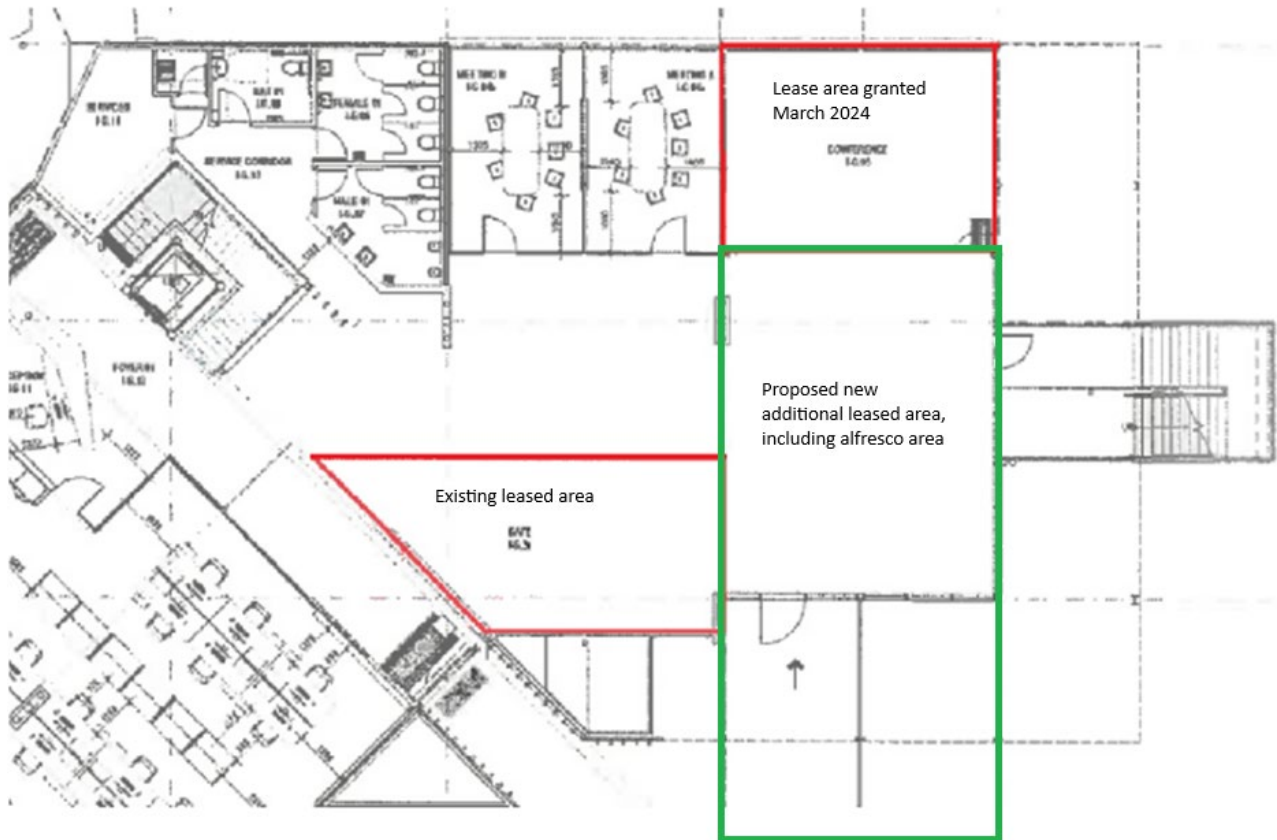
At the Ordinary Council Meeting on 21 March 2024, Council granted a lease variation to Groundswell Drive Thru Pty Ltd to expand their leased area to the conference area to increase the space available to expand their offering to include a new retail area.

Report Detail

A request has been received from Groundswell Drive Thru Pty Ltd to increase the size of their leased area again. This request is in response to requirements to obtain a liquor licence. The holder of a

liquor licence must generally (with limited exceptions) have exclusive tenure over the area that is to be subject to the liquor licence.

The new leased area would encompass the below area:



The further expanded leased area is proposed to cover the indoor seating and outdoor seating on the deck with undercover seating outside. The increased capacity for the café will provide the precinct with better services such as sit down meals, produce to take-away and a more comfortable and professional setting to have meetings.

The lease amount of \$110 per square (ex GST) metre is applied to their leased area. As their leased area is increasing, their leased rate will increase from \$7,260 (ex GST) to \$21,340 (ex GST) per annum as their leased area will increase from 66m² to 194m². This is lower than the \$150 per square metre per annum market rental valuation obtained in 2021 as the \$110 per square metre per annum is consistent with the current lease agreement and to attract businesses to the precinct to enable its activation.

To enact the recommendation should Council adopt it, a deed of variation will need to be signed following the public consultation process as provided for within the lease agreement between the Shire of Murray and Groundswell Drive Thru Pty Ltd.

Council Plan

Focus Area	Prosperity
Outcome 11	Sustainable economic growth with decent work for all.
Objectives 11.2	Leverage State Government investment in Transform Peel, Peel Business Park and the Food Innovation Precinct Western Australia.
Actions 11.2.1	Collaborate with key partners to prepare business development strategies to leverage economic potential from Transform Peel, Peel Business Park and the Food Innovation Precinct WA.

Other Strategic Links

Nil.

Statutory Environment

Clause 29.5 of the lease with Groundswell Drive Thru Pty Ltd provides that the lease may only be varied by deed executed by the parties subject to such consents as required by this lease or at law. As the land that the Food Innovation Precinct WA is situated on is owned by the Shire in fee simple, there are no legal consents required to vary the lease agreement.

Sustainability & Risk Considerations

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

There are significant long-term economic benefits to the Shire and the region with the FIPWA activation and through the leasing of the FIPWA facilities to the lessees.

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

Having a strong and vibrant economy adds significantly to the social well-being of the district and the region.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Moderate	Should Council not grant the lease variation, the tenant may be unable to secure a liquor licence at the premises which could impact the ongoing viability of the arrangement.

Consultation

Groundswell Drive Thru Pty Ltd have been consulted in the development of this report.

Resource Implications

Financial

There will be increased revenue from the lease if the lease variation is approved.

Workforce

Sufficient workforce resources exist to enact this recommendation.

Options

1. Approving the recommended lease variation.
2. Rejecting the recommended lease variation or coming to an alternative position.

Conclusion

The recommended proposal allows the café at the Food Innovation Precinct WA to expand its operations to ensure it is able to be a viable business as well as expanding the offering that is available at the Food Innovation Precinct WA to drive further foot traffic to the area.

It is recommended that Council proceed with the officer recommendation on the basis of the information contained within the report.

12.7 Review of Policy C10 - Waiver of Fees and Charges - Venue Bookings

File Ref:	D24/15074
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	David Bentley, Manager Governance and Strategy
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 12.7 Appendix 1 - Draft Policy C10 - Waiver of Fees and Charges - Venue Bookings - (Page 169)

Recommendation

That Council adopts the amendments to policy C10 – Waiver of Fees and Charges – Venue Bookings as presented at Appendix 1.

In Brief

To consider amendment to Policy C10 – Waiver of Fees and Charges – Venue Bookings.

Background

Council policies are reviewed periodically to ensure alignment with the organisational structure and overall effectiveness to support the community, as legislation changes to meet compliance requirements or where a need arises.

Report Detail*Policy C10 – Waiver of Fees and Charges – Venue Bookings*

The policy relating to the waiver of fees and charges for venue bookings is proposed to be amended to provide the CEO a higher level of delegation in approving such requests.

With an increase in facility hire fees since the policy was developed and an increased level of activation of Shire facilities, the value of requested fee waivers is increasing.

To support a timely response to requests received from the community it is proposed the value of the waiver the CEO can approve be increased from \$500 to \$1,000. This will bring the value in line with the amount approved as contained within the delegations register.

All requests received to a value over \$1,000 or where the criteria are not met but support is recommended will continue to be referred to Council.

It is proposed that any special event application fees associated with activities approved for a venue hire fee waiver also be waived.

Additionally, it is proposed that approval be given for fees pertaining to venue hire and special event applications to be waived for free community events that receive funding through a Shire of Murray grant scheme.

Council Plan

Focus Area	People
Outcome 3.	An active and healthy community.
Objectives 3.3	Grow participation in art, culture and community activities and events.
Objectives 3.4	Build community capacity by helping local community groups and clubs to develop and grow.

Other Strategic Links

Nil.

Statutory Environment

Section 2.7 of the *Local Government Act 1995* provides the role of Council:

- (1) The Council –
 - (a) governs the local government 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 & Risk Considerations

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

Nil.

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

The policy amendments proposed work to ensure a positive social impact to the community.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

The policy implications are explored in the Report Detail.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	There are no expected negative impacts associated with adopting the officer recommendation.

Consultation

Nil.

Resource Implications

Financial

All financial implications from this report are able to be absorbed into existing budget allocations as set by Council.

Workforce

All workforce implications from this report are able to be absorbed into existing staffing resources.

Options

1. Adopt the officer recommendation and amend the policies as per the appendix;
2. Edit the amendments being made or provide further amendments to the policies; or
3. Reject the officer recommendation, meaning the status quo will remain.

Conclusion

The ongoing development and review of Council policies ensures efficient and effective use of resources, provides guidance during decision making processes, ensures compliance with legislative requirements and supports best practice based on the principles of equity, fairness and transparency.

12.8 Misty Forest Pty Ltd (Waypoints Cafe/Dwellingup Adventures)

File Ref:	D24/15146
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Dean Unsworth, Chief Executive Officer
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Nil.

Recommendation

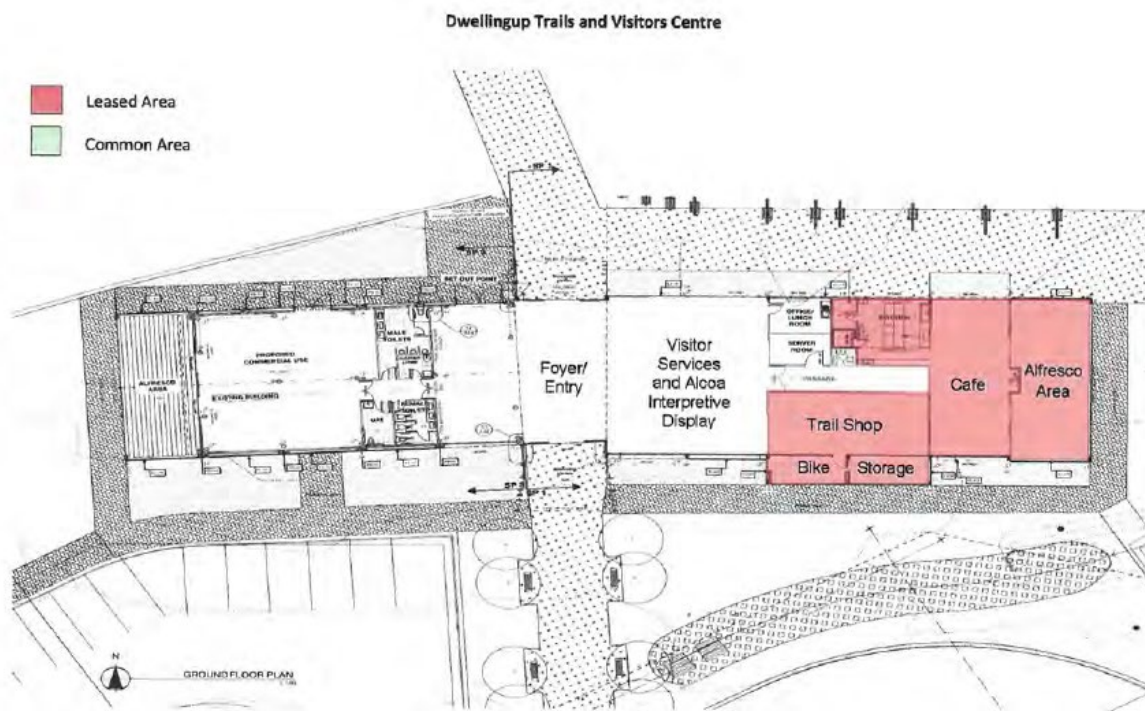
That Council waives the amount owing from Misty Forest Pty Ltd of \$28,434 (exc. GST) from the period 1 November 2023 to 31 October 2024.

In Brief

- Following an Expression of Interest process, Council formally selected Misty Forest Pty Ltd (Waypoints Café/Dwellingup Adventures) as the successful applicant to lease the eastern portion of the Dwellingup Trails and Visitor Centre.
- The lease was endorsed by Council at the Special Council meeting held 10 September.
- The lease was signed and enacted from 31 October 2020 for five years, with a five-year option commencing 1 November 2025.
- The lease was offered at \$1 per annum for the first three (3) years as incentive to the business as part of the EOI's with the market rental (\$28,434 p.a) being applicable from 1 November 2023.
- Sadly, a fire destroyed the Waypoints Café and Dwellingup Adventures leased area on 15 October 2023, 15 days before the 'rent free' period was over.
- The café and bike hire building are still being rebuilt and is expected to reopen in mid-June 2024.
- This report is presented to consider a renegotiation of the lease and possible rent relief due to the fire closing the business for up to 9 months.

Background

The Waypoints Café and Dwellingup Adventures (both part of Misty Forest Pty Ltd) had operated for almost three years. It leased the eastern portion of the Dwellingup Trails and Visitor Centre comprising of 232.6m².



The cost of repair and fit-out for the business has been significant. Further, while the bike hire business found alternative accommodation and offered a partial service, the café has not been able to operate and thus the income overall to the business has been minimal. While Shire insurances have covered the building repair, it has not covered fit-out or income protection. Further, Misty Forest did not have business income protection.

Report Detail

Under the current lease terms, Misty Forest received a Tax invoice for rent of \$28,434 (exc. GST) for the period 1 November 2023 to 31 October 2024.

Sadly, a fire destroyed Waypoints Café and Dwellingup Adventure’s on 15 October 2024. The closure of the café and bike hire shop has been one of the factors in the Visitor Centre experiencing an 8% drop in retail sales based on the previous year’s results.

Council is therefore requested to consider waiving the current rental payable from 1 November 2023 to 31 October 2024. While the café and bike hire shop are expected to reopen in late June, it will take time for the businesses to rebuild clientele and to again operate at a profit.

Council Plan

Nil.

Other Strategic Links

Nil.

Statutory Environment

A Council resolution is required to waive fees and rentals above \$500.

Sustainability & Risk Considerations

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

Dwellingup is an important economic driver for the Shire of Murray. Having a vibrant Trails and Visitor Centre is key to delivering a quality tourist product and a key component in maintaining the now recognised ‘Trails Town’ accreditation.

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

N/A

Environment – (Impact on environment’s sustainability)

N/A

Policy Implications

N/A

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	There is little risk to Council by waiving this rental amount owing.

Consultation

Discussion with Misty Forest Pty Ltd owners.

Resource Implications

Financial

The amount of \$28,434 was identified to be quarantined inside a fund that would assist maintaining the Trails and Visitors Centre and potentially be used to assist in the maintenance of trails around the town of Dwellingup. Therefore, if Council do waive this amount owing, there is no effect to the Council’s surplus.

Workforce

Nil.

Options

1. Waiving the full amount as per the officer recommendation.
2. Waiving a smaller amount of not waiving the amount as recommended.

Conclusion

As detailed within this report.

13 RECREATION, ECONOMIC & COMMUNITY DEVELOPMENT

13.1 Promotion of Expression of Interest - Western Portion of the Dwellingup Trails and Visitor Centre

File Ref:	D24/1447		
Previous Items:	OCM Apr 22	Item 20.3	(OCM22/041)
	OCM May 22	Item 20.2	(OCM22/052)
	OCM Feb 23	Item 13.2	(OCM23/013)
Applicant:	Nil.		
Author and Title:	Krystal Dawe, Manager Place and Economic Development		
Declaration of Interest:	Nil.		
Voting Requirements:	Simple Majority		
Appendices:	Nil.		

Recommendation

That Council:

1. **Endorses the initiation of an expression of interest process promoting a leasing opportunity in the western portion of the Dwellingup Trails and Visitor Centre;**
2. **Delegates to the Chief Executive Officer to establish expression of interest guidelines and an appropriate selection criterion for stage one;**
3. **Directs the Chief Executive Officer to present any compliant submissions received in response to the expression of interest opportunity for its consideration; and**
4. **Directs Shire Officers to proceed fitting-out of the western portion of the Dwellingup Trails and Visitor Centre if no compliant submissions are received in response to the expression of interest opportunity.**

In Brief

Council is requested to consider whether it would like to proceed with expending the \$20,000 allocated in the 2023/2024 budget to enable the western portion of the Dwellingup Trails and Visitor Centre to be fitted-out and utilised for venue hire or first initiating a second Expression of Interest process to revisit whether there is commercial interest to lease the premises.

Background

In February 2022, the Shire commenced advertising of an Expression of Interest (**EOI**) leasing opportunity for the western portion (**premises**) of the Dwellingup Trails and Visitor Centre (**DTVC**).

The EOI Guidelines sought submissions from suitably qualified parties interested in operating a retail and/or food and beverage business from the premises.

The Shire received one submission in response to the EOI which proposed a food and beverage service. The proposal was conditional on Council also endorsing the proponent as the food and beverage operator of the Exchange Hotel, with the intention for the Exchange Hotel to be its flagship restaurant and production facility. Ultimately, Council did not endorse the applicant as the preferred proponent for the Exchange Hotel and therefore the Proponent's interest in the DTVC premises was withdrawn.

As part of the advertisement of the previous EOI and to further incentivise the opportunity, \$150,000 was allocated towards assisting the successful applicant to retro-fit or fit-out the DTVC premises for its new commercial enterprise. The allocation of funds towards the fit-out had been secured as part of the State Government's 'Dwellingup Gap' project funding that encompassed three infrastructure projects.

In response to the unsuccessful EOI process and the funding agreement expenditure deadline, at its February 2023 Meeting, Council resolved to spend the allocated funds on works that would make the space more attractive in the future for a commercial operator or enable the space to be available for venue hire. These works are due to be completed in late May 2024 and include an alfresco roof extension, external decking, external doors and electrical and lighting upgrades to the value of \$150,000.

In the 2023/2024 budget, Council endorsed an amount of \$20,000 to fit-out the premises so that it is equipped with the necessary provisions to be a hire-able space by the community and others. These funds largely remain unspent as fit-out has been pending the beforementioned works with the exception of \$6,000 which has been spent on the purchase of four tables and thirty chairs.

Report Detail

Council is requested to consider whether it would like to proceed with expending the remaining funds to fit-out the premises to enable it to be used for venue hire or first initiating a second EOI process to explore whether there is renewed commercial interest to lease the premises.

The subject lettable commercial space (including the adjacent green space) of the current EOI opportunity is shown in the below image.



A two-stage EOI process could be undertaken:

➤ Stage One – Expression of Interest

Stage 1 seeks EOIs from interested parties inviting information on the proposed business concept, goods and services and desired tenancy arrangements. This stage looks to identify suitable proposals that the Council may wish to progress to a second stage and request more detailed information.

➤ Stage Two – Request for Detailed Proposals

Stage two involves those shortlisted EOI proponents being invited to submit a higher level of detail on the proposal, how the proposal achieves the desired outcomes and sustainable business model. Preferred proponent status will be awarded by Council.

If Council resolved to promote an expression of interest opportunity, the purchased four tables and thirty chairs could be used to assist in the fit-out of the Lovegrove Pavilion and/or replacing damaged furniture in the Civic Centre and Lesser Hall.

Council Plan

Focus Area	Prosperity
Outcome 13	Visitor numbers are growing.
Objectives 13.1	Create a compelling tourism offer to attract tourists and visitors.
Actions 13.1.1	Partner with regional and state tourism organisations, local businesses and the tourism sector to strengthen Dwellingup and Pinjarra as visitor destinations.

Other Strategic Links

Nil.

Statutory Environment

Local Government Act (1995) – s 3.58 *Disposing of Property*

Sustainability & Risk Considerations

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

Commercial activation at the Precinct increases the visitation to the DTVC and provides additional experiences for community and visitors in Dwellingup. A commercial leasing agreement also provides opportunity for Council to enter into a financial arrangement either immediately or after a grace period.

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

Presently, the community has access to the hire of the Dwellingup Hall, located centrally on the main street. This venue remains largely underutilised. The premises is likely to be underutilised if only available for venue hire.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	The promotion of an EOI opportunity does not create an obligation for Council to offer or enter into any leasing agreement. Additionally, community feedback indicates that it would like to see the space activated and utilised.

Consultation

Representatives of the Dwellingup Community Compact were involved at all levels of the focus, planning and construction of the DTVC and therefore have a good understanding that the western portion of the DTVC was ultimately always intended to be used for a commercial operation.

Advertising of the original EOI process undertaken in February 2022 outlined the Shire’s intent to secure a commercial tenant in the western portion of the DTVC. It is not anticipated that the

community will raise any concerns regarding initiation of a further EOI to secure an enterprise that adds value to the DTVC Precinct, town and visitor experience.

Resource Implications

Financial

There will be some expense incurred in connection with advertising an EOI opportunity. This can be absorbed within operational budgets.

Workforce

Nil.

Options

1. Endorsing the initiation of an expression of interest process promoting a leasing opportunity in the western portion of the Dwellingup Trails and Visitor Centre;
2. Directing Shire Officers to proceed with fitting-out the western portion of the Dwellingup Trails and Visitor Centre to enable it to be available for venue hire; or
3. Resolving an alternative course of action.

Conclusion

The Shire, community and local businesses collectively share a vision for Dwellingup to be a successful tourist and trails destination and a vibrant place for residents with diverse services and experiences. By maximising the utilisation of commercial spaces within Dwellingup and fostering the growth of new enterprises that enhance the town's appeal, we continue to strengthen the town as a great place to live, visit and work.

13.2 Sponsorship Request - Peel Producers Long Table Dinner

File Ref:	D24/13897
Previous Items:	Nil.
Applicant:	Exchange Pty Ltd
Author and Title:	Krystal Dawe, Manager Place and Economic Development
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 13.2 Appendix 1 - Letter seeking sponsorship - Peel Producers Long Table Dinner - Pinjarra Town Square - (Page 172) Item 13.2 Appendix 2 - Sponsorship Packages - Peel Producers Long Table Dinner - Pinjarra Town Square - (Page 174)

Recommendation

That Council endorses the Shire of Murray becoming a 'Major Sponsor' by providing \$5,000 financial and \$2,500 in-kind support of the 2025 Peel Producers Long Table Dinner.

In Brief

- In August 2022, Council endorsed the operator of the Exchange Hotel, Exchange Pty Ltd.
- The Exchange Hotel is anticipated to open for trade in or about September 2024.
- Its Managing Director is planning a series of events and activations to support the Hotel, create compelling tourism offerings and provide entertainment and cultural activities for the local community.
- Council is requested to consider providing sponsorship for its inaugural Peel Producers Long Table Dinner to be held in the Pinjarra Town Square on 22 March 2025.

Background

The Managing Directors of the Exchange Pty Ltd are also the owners of the The National Hotel and the Old Courthouse in Fremantle and are responsible for the hugely successful Fremantle Long Table Dinner created eight years ago.

The Fremantle Long Table Dinner attracts around 550 people in the heart of Fremantle for a dinner that showcasing fine cuisine from respected chefs and using local produce, premium wines and beers and homegrown entertainment. The event was developed as a way to raising vital funds for charity, St Pat's, and in 2023, the event raised about \$85,000 for the charity.

With the Managing Directors taking on operations of the Exchange Hotel in Pinjarra, they are planning a series of events at the premises and also utilising the adjacent town square and/or river amphitheatre.

Council has received a request to sponsor its proposed Peel Producers Long Table Dinner. The event is intended to be based on the Fremantle event, with its proceeds being donated to Ovis for the Pinjarra Women's Centre.

Report Detail

The Peel Producers Long Table Dinner is proposed to be held on 22 March 2025 in the Pinjarra Town Square. The event is targeting around 300 attendees, with the cost of a ticket expected to be around \$200 each.

Council has been approached to be a 'Major Sponsor' of the event through a combination of in-kind and cash sponsorship.

Sponsorship – over \$7,500
<ul style="list-style-type: none"> • Showcase your company’s products and services at the event on our big screens • Opportunity for a representative from your organisation to speak at the event • Large logo placement on event program • Linkage from webpage • Company recognition on sponsored social media posts • 8 tickets for the long table dinner

A copy of the letter outlining the request and sponsorship packages are attached herewith as **Attachments 1 and 2**.

The charity partner for the event is Ovis with proceeds raised intended to support the Pinjarra Women’s Centre which is largely underfunded. The Pinjarra Women’s Centre serves as a vital hub for women and children in Pinjarra and surrounds with a dedicated team advocating for improved Family and Domestic Violence outcomes and offering comprehensive support services tailored to the diverse needs of the community. This includes legal matters, financial concerns, mental health challenges and substance abuse. Additionally, the Centre hosts groups and delivers workshops.

Council Plan

Focus Area	Place
Outcome 8.	Our towns offer vibrant and attractive spaces, with retained rural charm.
Objectives 8.1	Revitalise Pinjarra Town Centre.
Actions 8.1.3	Implement initiatives and promote events that activate Pinjarra Town Square.

Focus Area	Prosperity
Outcome 13.	Visitor numbers are growing.
Objectives 13.1	Create a compelling tourism offer to attract tourists and visitors.
Actions 13.1.1 & 13.1.3	Partner with regional and state tourism organisations, local businesses and the tourism sector to strengthen Dwellingup and Pinjarra as visitor destinations; Support, develop and attract major events.

Other Strategic Links

Pinjarra Revitalisation Strategy 2017

Statutory Environment

Nil.

Sustainability & Risk Considerations

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

Attracting major events that align with our community’s identity and places’ unique attributes is a key action in the Shire’s Strategic Community Plan. These events can be a powerful strategic asset, particularly in rural areas where they not only draw visitors but also assist in revitalising local places and economies.

While traditional metrics often gauge the success of an event solely by attendance numbers, a more nuanced approach can evaluate the event’s impact based on the quality of experiences offered, its significance, influence and the connections and leads generated.

Within the Shire of Murray, our event calendar predominantly features free, family-orientated and community-driven events. The introduction of the Peel Produce Long Table Dinner could assist in diversifying our event offerings and experiences and cater to different members of the community and visitors.

Moreover, the proposal seeks to support local producers to encourage increased consumption and exposure, also contributing to the overarching vision of positioning the Exchange Hotel, Pinjarra and broader Murray Region as an iconic destination

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

Hosting a flag-ship event that resonates with the community’s interest and identity has the ability to foster civic pride. Participating in charitable endeavours can also inspire volunteers, sense of belonging and purpose and facilitate meaningful connections with individuals who share similar values and interests.

Additionally, by directing the proceeds of the event towards Ovis for the Pinjarra Women’s Centre, the Council not only demonstrates support for the event but also indirectly will be supporting various social initiatives aimed at enhancing Family and Domestic Violence outcomes and services specifically in Pinjarra and the Murray Region.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	Community engagement undertaken in connection to the Strategic Community Plan indicated a strong desire for more and enhanced festivals, events and art and cultural activities.

Consultation

Nil.

Resource Implications

Financial

Council has been approached to be a ‘Major Sponsor’ of the event through a combination of in-kind and cash sponsorship. Shire officers have calculated support could be given as follows:

Details	Financial	In-Kind
Event Sponsorship	\$5,000.00	
Special Event Application Fee (100 to 1,000 people)		\$85.00
Permit to Consum Alcohol on Shire Property		\$50.00

Venue Hire Charges – Town Square Amphitheatre Three Phase Power		\$68.00 \$68.00 \$50.00
Waste (Supply and collection of 16 bins)		\$300.00
Parks and Gardens, additional maintenance Town maintenance crew – based on 4 hours work		\$467.00
Incidental Support: Marketing Set up and pack down support Bump in and bump out assistance Traffic management		\$1,500.00
Subtotal	\$5,000.00	\$2,500
TOTAL		\$7,500.00

It is also noted that the sponsorship package includes the supply of 8 tickets at an estimated value of \$1,600.00.

Should Council resolve to support the 2025 event and become a ‘Major Sponsor’, the financial support could be achieved by carrying forward \$5,000 from the 2023-2024 budget allocation set aside for business capability support and sponsorship.

Workforce

Any workforce implications can be managed and absorbed through existing resources.

Options

1. Endorse becoming a ‘Major Sponsor’ and provide \$5,000 financial and \$2,500 in-kind support of the 2025 Peel Producers Long Table Dinner.
2. Endorse becoming a sponsor of the 2025 Peel Producers Long Table Dinner under a reduced sponsorship contribution and agreement.
3. Not becoming a sponsor of the 2025 Peel Producers Long Table Dinner.

Conclusion

The Shire recognises the vital role events play in enhancing the Murray Region a great place to live, work and visit and in achieving the Murray Region’s social, cultural and economic ambitions.

By sponsoring various events, Council can demonstrate its commitment to the community to provide and support a variety of local events. It is also often a cost-effective way for Council to assist in the community having access to a variety of events of different scales and interests.

Additionally, implementing and promoting events that activate the Pinjarra Town Square is a priority action of the Strategic Community Plan.

Council may consider entering into a one-year sponsorship agreement and request reporting following the event to measure its success and value for money in providing the sponsorship for the event beyond 2025.

13.3 Murray Regional Equestrian Centre - Master Plan Review, Business Case and Concept Plan - Covered Arena and Clubroom

File Ref:	D24/15152
Previous Items:	Nil.
Applicant:	Nil.
Author and Title:	Sarah Farrance, Manager Community and Library Services
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Item 13.3 Appendix 1 - Murray Regional Equestrian Centre Master Plan Revised May 2024 - (Page 180) Item 13.3 Appendix 2 - Murray Regional Equestrian Centre Stage 3 Undercover Arena and Clubrooms Business Case Final - (Page 182) Item 13.3 Appendix 3 - Concept Plans - Undercover Arena and Clubrooms Murray Regional Equestrian Centre May 2024 - (Page 258)

Recommendation

That Council:

- 1. Endorse the Murray Regional Equestrian Centre Master Plan (Appendix 1), Business Case (Appendix 2) and Concept Designs and Costings (Appendix 3).**
- 2. Endorse the Murray Regional Equestrian Centre Covered Arena and Clubroom project forming part of the Shire's advocacy strategy and support the Chief Executive Officer advocating for Federal and State Government funding to implement the project.**

In Brief

- The Murray Regional Equestrian Centre (MREC) redevelopment is a project that the Shire of Murray has been investigating and planning for over ten years.
- MREC is a key regional sporting facility that predominantly caters for non-racing equine activities and equestrian events. The facilities are managed by the Murray Equestrian Association (MEA) through a lease agreement with the Shire.
- In 2012 the Coolup Regional Equestrian Centre Feasibility Study and Master Plan Report was completed and endorsed by Council, and recommended a staged implementation, dependent upon funding opportunities. The facility was named Murray Regional Equestrian Centre (MREC) and stages 1 and 2 have been completed.
- Planning is now underway for Stage 3 which includes the construction of a covered arena and new clubrooms. Initial concepts were developed with the brief of meeting international design standards and the ability to host state and national equestrian events as well as trade shows, events and exhibitions. The facility was estimated at \$17m in 2015.
- The vision for the facility was revised in 2022 to service local and regional needs as a priority, with consideration for state event requirements. The revised facility was costed at \$16m in 2022.
- Stage 3 concepts have since been revised and are the subject of this business case presented for Council endorsement.
- In consultation with the MEA, the Master Plan was reviewed and updated in November 2021 to reflect the addition of infrastructure and from Stage 1 and 2, and to reflect the user group needs and aspirations. The Master Plan was not previously endorsed due to the high costings associated with delivery of the Stage 3 works in 2022 however with the reduced scope and supporting business case it is now considered appropriate for endorsement of the revised Master Plan.

Background

In 2012, the 'Coolup Regional Equestrian Centre Feasibility Study and Master Plan Report' was completed and endorsed by Council. The Study and Report recommended that the Shire pursue the establishment of the proposed Coolup Regional Equestrian Centre at an estimated total project cost of \$16m, including an extensive covered arena building, given the strong support and identified viability. The Report also recommended the preparation of detailed plans for the development.

Consequently, the facility was named the Murray Regional Equestrian Centre (MREC) and detailed investigations were undertaken in a number of areas including geo technical (site conditions), services (water, effluent disposal, irrigation and power supply), and engineering design (civil works including bulk earthworks and drainage).

The findings of the reports revealed that there would be a considerable increase in costs to provide essential services given that the site does not have a mains water supply, sewer or adequate power supply, and that further analysis was required to find a practical, cost-effective and sustainable solution. Additionally, the site is low lying, with many areas flooding in winter, which would necessitate the design of an effective drainage solution.

The outcome resulted in a reduction of scope and a review of the Master Plan in order to test the overall project costs, revise the design to produce optimum facility layout and achieve maximum flexibility of use, consider the design criteria for each element, and to determine a staging process. More emphasis was placed on active participation in the development of the MREC by the beneficiary stakeholders than was originally outlined in the feasibility study and master plan report.

The 2014 revised estimates indicated the total project cost to be \$23.1m if implemented over five years in three stages. Council endorsed the revised Master Plan and the implementation of Stage 1 works. The Shire acquired Lot 1213 South Western Highway Coolup at a cost of \$950,000 to enable expansion of the facility.

Stage 1 was completed in 2015 at a cost of \$2m and the equestrian groups housed at Sir Ross McLarty Sports Precinct relocated. An over-arching volunteer management body was formed that comprised of representatives from all 11 groups and was called the Murray Equestrian Association (MEA). Stage 1 included four polocrosse fields (not irrigated), cross country course, large sand arena, major access road and entry, upgrade of single phase power supply, new ablution facilities, and resurfacing of the campdraft and cutting arena. Stage 2 was partially completed in 2016/17 for approximately \$1m and included an informal grassed recreation area for Coolup residents, installation of 100 horse stalls, wash down area, improved drainage, and user group storage. Irrigation of the polocrosse fields and a new reining arena was postponed, however the reining arena has since been completed.

In consultation with the MEA, the Master Plan was reviewed and updated in November 2021 to reflect the addition of infrastructure from Stage 1 and 2, and to reflect the user group needs and aspirations but did not progress to be endorsed by Council at that time.

In 2022, planning for Stage 3 of the development, a revised vision for an undercover arena and new clubrooms commenced. The facility which had seen 2015 concepts estimated at \$17m was revised to service local and regional needs as a priority and in 2022, due to significant market cost escalations, the revised concepts were estimated to cost \$16m to deliver.

This vision has again been revisited and the revised concepts are the subject of this business case.

Report Detail

The MREC site is made up of two lots totalling 38.43 ha in size and is bounded by Fawcett Street in the west, South Western Highway in the East, Murray Street in the south and abuts private land in the north. A drainage reserve sits between Fawcett Street and the western edge of the site.



Master Plan 2024

The MREC site has been master planned since 2012 uniting the short and long term vision for the site and setting a direction for future growth.

In 2021, the master plan was reviewed following consultation with MEA and user groups of the facility. The plan includes a covered area and club room facilities as stage 3 of the overall master plan implementation.

Stages 1 and 2 of the master plan have been completed.

Stage 1 included four polocrosse fields (not irrigated), cross country course, large sand arena, entry and main access road, upgrade of single-phase power supply, new ablution facilities, a wastewater treatment plant and resurfacing of the campdraft and cutting arena.

Stage 2 was partially completed in 2016/17 and included an informal grassed reception area for Coolup residents, installation of approximately 100 horse stalls, a wash down area, improved drainage and user group storage. Irrigation of the polocrosse fields and a new reining arena was postponed however the reining arena has recently been completed.

The master plan proposed that the new clubrooms provide a function area with capacity for 300 people and the undercover area have a 2000 person seating capacity.

The need to accommodate these capacities has been revisited through the consultation process as the scale of previous designs was a contributing factor to the high cost estimates.

Through the consultation process it has been demonstrated that the capacities can be reduced and that the clubrooms should have the ability to accommodate 150 people with the undercover arena providing seating for 1000.

Revised Masterplan May 2024:



Business Case

The purpose of the business case is to support the development of Stage 3 of the MREC. Through needs and feasibility analysis and stakeholder engagement the report provides a case to improve the amenity for the equestrian community through the creation of multipurpose spaces that will encourage greater use of the precinct, thereby improving the sustainability of the existing equestrian disciplines based at MREC and enabling access for additional users.

Local and regional communities will benefit from the construction of an undercover arena and new clubrooms through:

- Development of facilities that encourage creation and sustainment of equestrian clubs in the region.
- Expand the usage and awareness of the precinct.
- Brand the precinct as an established regional facility, capable of hosting a range of equestrian activities and events.
- Provision of a community events venue that has capacity to increase participation in community life leading to increased community wellbeing.
- Expand event tourism in the Shire of Murray.

It is expected to provide tangible benefits to the equestrian community, the Shire and the broader economy and outlines a substantiated case for change.

The project has been developed with club and community input, designed and costed and prepared for implementation and is anticipated to create an ongoing benefit to the region.

Concept Designs and Costings



<p>MURRAY REGIONAL EQUESTRIAN CENTRE MURRAY ST - COOLUP SHIRE OF MURRAY</p>	<p>PROJECT NO: 131 DESIGN NUMBER: 131/001 JOB NUMBER: 131/001/001 DATE: 2023/05/20 DRAWN BY: AM</p>	<p>H+H architects ALAN HALL KARLA HALL MURRAY SHIRE OF MURRAY VIC 3400 PHONE: 08 9422 1111 WWW.HHARCHITECTS.COM.AU</p>
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The projected capital construction cost of the facility and associated services and infrastructure, including professional fees, contingencies, levies and escalation is \$10.85m, exclusive of GST.

Item	Amount
Base Cost - Pavilion	\$ 1,741,000.00
Base Cost – Arena Canopy	\$ 1,822,750.00
Site Works and Services	\$ 5,192,250.00
Sub-Total	\$ 8,756,000.00
Design Contingency (5%)	\$ 438,000.00
Construction Contingency (5%)	\$ 438,000.00
Professional Fees and Disbursements	\$ 700,000.00
Authority Fees	\$ 25,000.00
Total Estimated Cost ex GST	\$ 10,357,000.00
Cost Escalation to March 2025	\$ 498,000.00
TOTAL PROJECT COST	\$ 10,855,000.00

Employment Benefits	<u>Construction</u> 22 local jobs
Net Present Value	\$73.4 million
Benefit / Cost Ratio	6.73

Council Plan

Focus Area	People
Outcome 3	An active and healthy community.
Objectives 3.2	Improve access to sport, recreation, facilities and programs.
Actions 3.2.1	Implement recommendations in the new Sport and Recreation Infrastructure Plan (draft).

Focus Area	Prosperity
Outcome 11	Sustainable economic growth with decent work for all.
Objectives 11.3	Promote Murray as a premium location for horsed breeding, training and racing.
Actions 11.3.3	Finalise the updated Murray Regional Equestrian Centre Master Plan, review and cost facility requirements, and advocate for Federal and State funding to enable implementation.

Other Strategic Links

- Peel Development Commission Strategic Plan 2023 – 2025
- Murray Sport and Recreation Infrastructure Plan (draft) 2024 – 2034
- Peel Equine Strategy

Statutory Environment

The MREC site comprises of two lots, Lot 3 Murray Street Coolup and Reserve 52819 which together make up 38.43 ha. Lot 3 is owned by the Shire of Murray and Reserve 52819 is the subject of a management order.

The site is managed by the Murray Equestrian Association through lease agreement with the Shire which was executed on 13 November 2017 with a further 5 year term enacted on 1 July 2022 to expire on 30 June 2027.

Sustainability & Risk Considerations

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

Capital construction cost estimates are \$10.85m (ex GST). This is forecast to provide \$18.58m in direct and indirect output, \$5.92m value added to the economy, and support 22 jobs per annum of the life of the construction, with ongoing operational benefits to the community.

A cost benefit analysis undertaken outlines the Project, taking into consideration direct and indirect benefits is likely to provide significant long-term benefits with an NPV of approximately \$73.4m resulting in a benefit ratio of 6.73. The sensitivity analysis scenario also results in a positive cost ratio of 6.12.

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

Delivery of an undercover arena and new clubrooms will increase capacity for participation in equestrian sport for the local community and wider region and increase opportunity for access to equestrian sport and physical activity through construction of fully accessible facilities.

Environment – (Impact on environment’s sustainability)

The proposed development will see the addition of more water tanks on site and a storm water harvesting system from the covered arena will support reduction on reliance on volunteers to manually water the arena’s prior to use, providing a more sustainable approach.

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Moderate	Should Council not endorse the Master Plan and associated Business Case, it may suffer reputational damage from the MEA and MREC user groups.

Consultation

In the development of the Master Plan and previous design iterations, the MEA and resident clubs have been consulted. The development of the project in its current form included additional consultation with the resident clubs to ascertain the community and day to day level need and how their events and additional needs can be accommodated.

Consultation and engagement with key stakeholders were undertaken to confirm requirements for the facility developments considered within the business case. This was following consultation undertaken previously through the master plan development and in development of alternative iterations considered for the covered arena and club rooms.

Initial Information Gathering	Follow up
Key stakeholder / user group surveys	Individual face to face or telephone meeting with identified key users and stakeholders to ascertain requirements, concerns and ideas
Meetings with relevant State Agencies and Equestrian WA	Meetings with Shire of Murray staff
Meeting with Shire of Murray staff	
Discussions with Managers / Associations of other similar facilities	

Resource Implications

Financial

Due to the scale and cost of the project, implementation will be highly dependent upon the timing and level of funding secured through potential Federal and State Government election commitments, funding programs/streams and other external sources.

Options

1. Endorsing the Murray Regional Equestrian Centre Master Plan and associated Business Case and Concept Designs and Costings as presented in Appendices 1, 2 and 3.
2. Endorsing the Murray Regional Equestrian Centre Master Plan and associated Business Case and Concept Designs and Costings as presented in Appendices 1, 2 and 3, subject to modifications.
3. Not endorsing the Murray Regional Equestrian Centre Master Plan, Business Case and Concept Designs and Costings and resolving an alternate resolution.

Conclusion

In consultation with the MEA, the Master Plan was reviewed and updated in November 2021 to reflect the addition of infrastructure and from Stage 1 and 2, and to reflect the user group needs and aspirations. The Master Plan was not previously endorsed due to the high costings associated with delivery of the Stage 3 works in 2022 however with the reduced scope and supporting business case it is now considered appropriate for endorsement of the revised Master Plan.

14 INFRASTRUCTURE SERVICES

14.1 Specified Area Rate - Reinstatement of Reticulation in Austin Cove

File Ref:	D24/13939
Previous Items:	OCM 21 Mar 24 Item 14.2 (OCM24/029) OCM 22 Feb 24 Item 5.1 (OCM24/001)
Applicant:	Nil.
Author and Title:	Alan Smith, Director Infrastructure Services
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendices:	Nil.

Recommendation

That Council not introduce a Specified Area Rate into Austin Cove for the management of the public reticulation and verge areas.

In Brief

- In 2007 the Austin Cove development in South Yunderup was established and the Developer incorporated reticulation of verge areas within the estate for presentation.
- The reticulated areas were intended to be temporary until the Developer no longer had responsibility for management of the reticulation.
- The reticulated areas were not disconnected when the Developer left the site and therefore continued to be serviced from the production bore within Austin Lakes.
- In May 2023 the Shire wrote to residents with reticulated verges directly adjacent to their properties advising that the reticulation would be disconnected and providing the option for residents to self-connect to their own water supply.
- In December 2023 the Shire wrote to residents regarding the southern verge areas opposite properties along Countess Circuit, adjacent to the bush reserve, advising that the reticulation would be disconnected and the area managed as seasonal verges.
- In January 2024 a signed petition from residents was prepared and submitted to request 'that the shire immediately reconsider their decision and turn the sprinklers back on...'
- A report was presented to Council to consider the reinstatement of the reticulation with the outcome to canvass the Austin Cove community to consider the introduction of a Specified Area Rate to fund the reinstatement.
- A brief survey was issued to all residents of Austin Cove to consider the introduction of a Specified Area Rate.

Background

In 2007 when Austin Cove was established the developer at the time undertook to reticulate certain verge areas to add presentation for the new residential estate. These reticulated areas aligned to the laneway lots developed as part of the initial stage, with the adjacent verge areas reticulated. The developer intended to disconnect the reticulation and give the property owner the opportunity to reconnect the verge area to their private watering system, as is standard practice.

Soon after the initial stage, stage two of Austin Cove was developed and was completed around 2008. Within this stage, the linear verge area along Countess Circuit was reticulated as a further presentation for the new development.



The Shire was unaware that the reticulation was not disconnected and therefore remained in place watering the differing verge areas.

In May 2023 the owners benefiting from the verge reticulation directly adjacent to their properties were contacted in writing to advise that the reticulation would be disconnected from the bore water supply at the beginning of the winter sprinkler switch-off on 1 June 2023. They were provided with the option to reconnect the reticulation infrastructure available in the verge, utilising their own water supply, to switch it on at 1 September. A number of residents took up this option, with advice provided by the Shire as requested to assist the transition.

In December 2023 properties opposite the linear reticulated verge areas in Countess Circuit were contacted and advised the verge areas would be disconnected from the bore water supply and be transitioned to a seasonal verge area.

Following the latest correspondence, a petition was received from residents within Austin Cove to request a reconsideration of the reticulation being switched off. Meetings were held with the coordinator of the petition to discuss the management of the verge area along Countess Circuit.

A report to Council considered the petition and did not support the reinstatement of the reticulation, but gave the residents the opportunity to consider the introduction of a Specified Area Rate (SAR) that would, if supported, enable the immediate community to self-fund the management of the verge areas and reticulation.

A background briefing and survey were issued to Austin Cove residents in April 2024 to consider the SAR.

Report Detail

The intention of the original subdivision developer was to have verges reticulated when Austin Cove was first developed, and then progressively have the verge areas disconnected as the area was established. Unfortunately, the progressive disconnection of the service was not undertaken and verges remained connected to the bore for an extended period of time, longer than was necessary.

As part of the briefing to the residents it was highlighted that the verge areas opposite properties would be considered as part of the SAR, in addition to increased servicing of the entry statement. Therefore, the areas shaded yellow were being considered for reinstatement.



The background briefing and the survey were issued to all 141 landowners, with 43 responses received with respect to the introduction of the SAR, the breakdown of the responses is detailed below:

Voted Yes – 20

Voted No - 23

Therefore, 43 votes were received and this equates to around 30% of residents responding. To consider the introduction of a SAR there would need to be a clear majority of residents in favour. Unfortunately, this is currently not the case.

Council Plan

Focus Area	People
Outcome 2	A diverse, socially connected and cohesive community.
Objectives 2.1	Meet the needs of families, children and young people.

Focus Area	Planet
Outcome 4	The ecosystem is managed sustainably for the benefit of current and future generations.
Objectives 4.1	Sustainably manage and conserve water resources, rivers and waterways.
Actions 4.1.4	Implement management utilising water sensitive urban design initiatives.
Actions 4.1.7	Implement the Waterwise Verge Rebate Program.

Focus Area	Place
Outcome 8	Out towns offer vibrant and attractive spaces, with retained rural charm.
Objectives 8.2	Beautify town entrances and streetscapes.

Other Strategic Links

- Public Open Space Strategy
- Water Resource Operating Strategy

Statutory Environment

Nil.

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 community see the reticulated linear verge space adding value to the streetscape, this needs to be weighed up with sustainably managing our water resources.

Environment – (Impact on environment’s sustainability)

There has been a significant shift in water management over the last few years and this is primarily on the back of lower rainfall and groundwater allocations. It is imperative that the Shire has a consistent approach to water management for all of our communities.

Policy Implications

Policy W15 – Street Verges and Streetscaping

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Moderate	The primary risk is not meeting the expectation of the local community, with the outcome to detail as much as possible the benefits of any changes to the landscape for environmental benefit.

Consultation

- Initial letters sent to affected residents to outline the amendments and rationale for them.
- Letters sent to affected residents with and explanation of the proposed Specified Area Rate (SAR) and a survey to return whether the resident supported or did not support the proposed SAR.

Resource Implications

Financial

Any change to the disconnection will result in a need to increase mowing and reticulation maintenance that would align to a SAR.

Workforce

All works would need to be coordinated through the Parks and Gardens team.

Options

1. Not support the introduction of a Specified Area Rate for the management of verge areas within Austin Cove.
2. Support the introduction of a Specified Area Rate for the management of verge areas within Austin Cove.

Conclusion

A background briefing and survey were issued to all 141 landowners within the Austin Cove catchment area to consider the introduction of a SAR. There was an expectation that a clear majority of landowners would need to be in favour of the change and following the survey this was not the case.

The majority of landowners that responded to the survey proposed not to introduce a SAR, therefore the recommended outcome is not to support the introduction of the SAR for Austin Cove.

15 ITEMS FOR INFORMATION

15.1 Outstanding Council Resolutions May 2024

File Ref: D24/13631

Author and Title: Belinda Brown, Executive Services Coordinator

Appendices: Item 15.1 Appendix 1- Outstanding Council Resolutions May 2024 - (Page 265)

In Brief

The Outstanding Council Resolution Register for May 2024 is attached for your information.

15.2 Delegated Development Application Decisions - April 2024

File Ref: D24/13821

Author and Title: Michelle Meads, Executive Assistant to Director Planning and Sustainability

Appendices: Item 15.2 Appendix 1 - Delegated Decisions for April 2024 - (Page 282)

In Brief

The Delegated Development Application Decisions for April 2024 are attached for information.

15.3 Council Plan Progress Report

File Ref: D24/14892

Author and Title: Rikki Gardiner, Senior Corporate Support Officer

Appendices: Item 15.3 Appendix 1 - Council Plan Report - April 2024 - (Page 286)

In Brief

The Council Plan Progress Report is attached for information.

16 BUSINESS LEFT OVER FROM PREVIOUS MEETING

Nil.

17 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

18 NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING

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

20 MEETING CLOSED TO THE PUBLIC (CONFIDENTIAL BUSINESS)

Recommendation

That Council proceeds behind closed doors as per Section 5.23(2)(c) of the *Local Government Act 1995* for the purpose of considering the following confidential item/s:

20.1 Chief Executive Officer 2023/24 Annual Performance Review

21 CLOSURE OF MEETING