

Unconfirmed Minutes

Ordinary Council Meeting

9 July 2024

I certify that the minutes of the meeting of the Ordinary Council held on 9 July 2024 were confirmed on 13 August 2024.

Presiding Member

ATTENTION/DISCLAIMER

These minutes are subject to confirmation.

The purpose of this Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Council Member or employee, or on the content of any discussion occurring during the course of the Meeting. Persons should be aware that regulation 10 of the Local Government (Administration) Regulations 1996 establishes procedures to revoke or change a Council decision. No person should rely on the decisions made by Council until formal written advice of the Council decision is received by that person. The Shire of Mundaring expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Council Member or employee, or the content of any discussion occurring during the course of the Council Meeting.

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**ORDINARY COUNCIL MEETING
COUNCIL CHAMBER**

1.0 OPENING PROCEDURES

The Presiding Member declared the meeting open at 6.30pm.

Acknowledgement of Country

Shire of Mundaring respectfully acknowledges the Whadjuk people of the Noongar Nation, who are the traditional custodians of this land. We acknowledge Elders past, present and emerging and respect their continuing culture and the contribution they make to the region.

Recording of Meeting

Members of Council and members of the gallery are advised that this meeting will be livestreamed and audio-recorded.

1.1 Record of Attendance

Council Members	Pres Paige McNeil (Presiding Member) Cr Doug Jeans Cr Prapti Mehta Cr John Daw Cr Karen Beale Cr Jo Cicchini Cr Neridah Zlatnik	Shire President Central Ward Central Ward East Ward West Ward West Ward East Ward
Staff	Jason Whiteaker Garry Bird Mark Luzi Shane Purdy Andrew Bratley Anna Italiano	Chief Executive Officer Director Corporate Services Director Statutory Services Director Infrastructure Services Coordinator Strategic Planning Minute Secretary
Apologies	Cr Trish Cook (Deputy President) Cr Luke Ellery	South Ward South Ward
Absent	Nil	
Leave of Absence	Nil	
Guests	Nil	
Members of the Public	Jenny Johnson Jeff Murray	Stevie Braun Eric Smith

2.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

2.1 Community Grants Program - Quick Grants

Twenty-three (23) eligible applications were approved by the CEO on 17 June 2024, in the second round of 2023-24 Quick Grants, with a total value of \$10,908.31.

Grants for \$500 were awarded to the following:

- Mt Helena Badminton Club for badminton equipment
- Parkerville Baptist Church Inc for volunteer first aid training
- HorsePower Hills aka Riding for the Disabled Association Hills Group for volunteer first aid training
- Eastern Hills Community Pantry Incorporated for increased storage facilities
- Helena Basketball Club for coaching and training equipment
- Parkerville Playgroup Inc for a toy excavator digger
- Darlington Community Garden (WA) Inc for a storage shed
- Hills Rangers Football Club Inc for replacement water bottles and carriers
- Chidlow Progress Association for a storage cabinet
- Mount Helena Senior Football Club for eskies to store refreshments
- Swan View Community Association for promotional items for membership growth
- Mahogany Creek Tennis Club for printer for club communications
- Parkerville Community Care Inc. for Motherhood resource library
- Mundaring Tennis Club for new club uniforms
- Mundaring Sporting Club Inc. for disc golf room shelving
- Perth Hills Junior Cricket Club for cricket nets

The following groups received grants to the following values:

- Friends of Glen Forrest Super Block for pests and weeds skill set training \$460.00
- Mount Helena Primary School P&C Association for an iPad for fundraising activities \$447.00
- Eastern Hills Community Kindergarten and Playgroup Inc. for outdoor play spaces \$426.36
- Save Perth Hills Inc for promotional material \$420.00
- Sawyers Valley Residents and Ratepayers Association Inc for promotion and advertising \$490.00
- Mount Helena Junior Football Club for a canteen sandwich press \$177.95
- Stoneville Parkerville Progress Association for equipment to build a retaining wall \$487.00

2.2 Community Event

The Shire held a community event on Saturday 22 June at Bilya Koort Boodja cultural centre in Northam. This event was aimed at increasing community understanding of local Aboriginal histories and cultures. The event was well attended by 15 participants including older adults and young children. In addition to a guided tour of the Centre, attendees were provided with a Welcome to Country by Elder Deb Moody, bus transportation from Mundaring, a painting art activity and refreshments. Attendees were highly engaged in the activities and enjoyed gaining knowledge in traditional local Aboriginal history. Feedback from the participants was overwhelmingly positive.

2.3 2024 National General Assembly of Local Government – Canberra

President McNeil advised that last week she travelled to Canberra with Deputy President Trish Cook to attend the National General Assembly of Local Government and to advocate on behalf of Council and our community. Meetings were held with Ministers, Senators and Shadow Minister and even a selfie with the Prime Minister.

President McNeil advised of her pride in representing the Shire of Mundaring – the heart of the Perth Hills and the place for sustainable living.

Plans were presented for the Mundaring Towncentre revitalisation project that includes a multi-story, multi-purpose Cultural Hub that will be home to our new library, art gallery, museum, spaces for our young people and seniors and everyone in between.

Of special interest to Minister for Infrastructure, Catherine King, was that this project will stimulate investment in housing density to meet the demand for Aging in Place, retirement and independent living right in the heart of Mundaring. This vibrant community Cultural Hub is the catalyst for economic growth, local jobs and making Mundaring a notable arts and cultural tourism destination.

Also discussed was the Shire's ongoing challenges with telecommunication connectivity and ideas were presented on how to improve access to Disaster Recovery funding. The feedback was positive as we were told that we were the only local government to bring a solution.

The Shire's advocacy continues as meetings are planned with State Ministers and candidates because I truly believe that when Federal, State and Local governments work together the very best outcomes are delivered for our community.

3.0 DECLARATION OF INTEREST

3.1 Declaration of Financial Interest and Proximity Interests

Council Members must disclose the nature of their interest in matters to be discussed at the meeting (*Part 5 Division 6 of the Local Government Act 1995*).

Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting (*Sections 5.70 and 5.71 of the Local Government Act 1995*).

Nil

3.2 Declaration of Interest Affecting Impartiality

A Council Member or an employee who has an interest in a matter to be discussed at the meeting must disclose that interest (*Shire of Mundaring Code of Conduct, Local Government (Admin) Reg. 34C*).

Nil

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.1 Question Taken on Notice - Ordinary Council meeting 11 June 2024 - Martin Hrubos

At the Ordinary Council meeting held 11 June 2024, Martin Hrubos of Glen Forrest asked a question which was taken on notice. A response was provided to Mr Hrubos by the Chief Executive Officer in writing. Below is a summary of the questions and the response provided.

Question 1

Why didn't the Shire get involved in buying 7 Hardy Road, Glen Forrest?

Response

Council has not identified this parcel of land as a strategic purchasing target, hence no enquiry was made in relation to a potential purchase.

5.0 PUBLIC QUESTION TIME

15 minutes (with a possible extension of two extra 15 minute periods) are set aside at the beginning of each Council meeting to allow members of the public to ask questions of Council.

Public Question Time is to be conducted in accordance with *Shire of Mundaring Meeting Procedures Local Law 2015*.

Summary of Question		Summary of Response
Eric Smith – Glen Forrest		
1.	A couple of meetings ago I asked about the world war gun that was in the Memorial Garden. What is occurring about the question I asked about the gun carriage that was in the Mundaring Memorial Garden? Where are we at with that situation?	The Chief Executive Officer advised that there have been some enquires made and the Shire has not been able to ascertain the location. Reference was to the fact that the gun was relocated or housed somewhere, however, the Shire is unaware of where it might be. The Shire will continue its investigations but at this stage have not been able to identify where it is or might be.
2.	<p>Bilgoman Pool was reconstructed in recent years at an approximate cost of \$3 million plus or minus, and no refurbishment of another part of the pool area for an approximate of \$190,000 plus or minus:</p> <ol style="list-style-type: none"> 1. What is the total cost of operation income for the season that the pool is or was open? 2. What is the total cost of the non-operation cost that the pool is closed or in maintenance mode? 3. Where are we currently at with the situation of costing of the closing in of the pool area only? 	This question was taken on notice.
Stevie Braun		
1.	With regards to the silt issue at Lake Leschenaultia, I know there's signs up but I haven't been contacted or given a copy of reports about what's happening there and I did ask that I could be contacted?	The Chief Executive Officer advised that he will provide a response via email.
2.	Regarding the cost of colour photo copying, the Shire charges \$1.00 for an A4 copy and Office Works charge 25c for an A3 copy. Is it fair for the Shire to be making a profit for a service to the community?	<p>The CEO advised that when Council sets it's fees and charges they do take consideration of cost. When comparing the Shire cost to someone else, there is a whole range of things that go into how the fees are structured. It is certainly not a profit making exercise from Council's point of view.</p> <p>The Shire President advised that Council are currently looking at the fees and charges as part of its budget process and thanked Ms Braun for bringing it to their attention at this time.</p>
Eric Smith – Glen Forrest		

3.	Council has or is finally coming to grips with a Burkinshaw Road footbridge over Nyaania Creek after some 30 years, what is the current progress on this matter and estimated cost please?	The Director Infrastructure Services advised that the Shire have awarded the work for that particular job. The estimated cost query was taken on notice.
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6.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

RECOMMENDATION / COUNCIL DECISION		C1.07.24	
Moved by	Cr Mehta	Seconded by	Cr Jeans
That the Minutes of the Ordinary Council Meeting held 11 June 2024 be confirmed.			
CARRIED 7/0			
For: Cr Jeans, Pres McNeil, Cr Mehta, Cr Daw, Cr Beale, Cr Cicchini and Cr Zlatnik			
Against: Nil			

8.0 PRESENTATIONS

8.1 Deputations

1.	Jenny Johnson (Mundaring & Hills Historical Society)	Item 10.1 - Draft Heritage Requirements for Planning Proposals Local Planning Policy – Endorse for Advertising and Item 10.2 – Draft Heritage Strategy – Final Adoption	Congratulated the Shire on the Draft Heritage Requirements for Planning Proposals Local Planning Policy document which addresses most of the concerns of the Mundaring & Hills Historical Society (MHHS) regarding raising awareness of officers when making planning decisions on places or buildings of heritage significance. With regards to the Draft Heritage Strategy, it is hoped that the new Heritage Policy will result in clear direction to both officers and Council in order to protect Mundaring’s heritage. MHHS are disappointed that there are still no plans for the Shire to employ a qualified Heritage Officer instead referral to the Cultural Advisory Group (CAG) is planned. There are no members with heritage qualifications on that Advisory Group.
2.	Jeff Murray (Mundaring &		Members of the Local Heritage Survey Review Working Group recently reviewed

	Hills Historical Society)		67 sites on the Local Heritage List to determine accuracy recorded on each site. He believes members of CAG and Shire of Mundaring officers do not have the same level of expertise and experience to receive heritage enquiries from the community. He believes a dedicated Heritage Officer is warranted.
3.	Stevie Braun	Item 9.1.1 – Policy Review – Policy Review - Environmental Sustainability and Item 10.2 – Draft Heritage Strategy – Final Adoption	<p>Commends the existence of a Shire of Mundaring of a Biodiversity Strategy informing a Sustainability Policy, and the Heritage Strategy. Makes two recommendations however, as follows:</p> <ol style="list-style-type: none"> 1. Correct the misuse of the term Circular Economy, to circular consumerism; and 2. Don't finalise the Heritage Strategy until <ol style="list-style-type: none"> a. full intention for Aboriginal Heritage archeological survey is included, b. as part of a full LAWBSA survey c. as part of the Northern Jarrah Forest Biosphere Quest. <p>Shire of Mundaring's approach to preserving the built environment as expressed in item 10.2, and preserving the natural environment as expressed in item 9.1.1, is highly commendable.</p>

8.2 Petitions

Nil

8.3 Presentations

Nil

9.0 REPORTS OF COMMITTEES

9.1 Reports of Governance Committee 17 June 2024

9.1.1 Policy Review - Environmental Sustainability

File Code	GV.OPP1
Author	Briony Moran, Coordinator Environment and Sustainability
Senior Employee	Mark Luzi, Director Statutory Services
Disclosure of Any Interest	Nil
Attachments	<ol style="list-style-type: none">1. Draft Environmental Sustainability Policy ↓2. Draft Environmental Sustainability Policy - with track changes ↓

PURPOSE

The draft “Environmental Sustainability Policy” (**Attachment 1**) has been reviewed and is presented to the Committee for its consideration and recommendation to Council for adoption.

BACKGROUND

The “Environmental Sustainability Policy” was developed with significant input from the Environmental Advisory Committee that was in existence at the time, and adopted by Council in 2018. It contains relevant information on sustainable development and environmental sustainability, and principles that can guide decision making across a broad range of circumstances.

The draft “Environmental Sustainability Policy” has been reviewed and updated to align with the current format for Council policies and include references to related documents. Additional changes were guided by discussion at an informal meeting with Council members of the Governance Committee, including re-ordering of some policy principles, inserting an aim to lead by example in the purpose and removing references elsewhere, and inserting definitions for circular economy and threatening processes. The changes provide clarity but do not substantively change the effect of the Policy.

STATUTORY / LEGAL IMPLICATIONS

Section 2.7 (2)(b) of the Act provides that the role of Council is to “*determine the local government’s policies*”.

POLICY IMPLICATIONS

The draft reviewed “Environmental Sustainability Policy” will be adopted if the recommendation is adopted by Council.

FINANCIAL IMPLICATIONS

Some of the changes to the draft “Environmental Sustainability Policy” to include more active than passive language could lead to greater expectations for resources for environmental management. An example is part of a statement in section four which was changed following the informal meeting with Council members of the Governance Committee, from “the Shire can lead by example in responsible environmental management” to “the Shire will provide responsible environmental management”.

The Local Biodiversity Strategy 2023-2030 identified areas where additional resources would be required, particularly for improving management of nature reserves. However, the additional resources identified would be unlikely to match the resources or best practices management approaches for conservation areas currently applied by some other local governments. The overall expectations may be considered to be somewhat reduced by a change in the purpose statement from the Shire aiming “to be a leader in local government” to “lead by example”.

STRATEGIC IMPLICATIONS

Mundaring Strategic Community Plan 2020 - 2030

Priority 2 - Natural Environment

Objective 2.1 – Protecting natural areas and biodiversity

Strategy 2.1.3 – Manage parks, nature reserves and green spaces appropriately

SUSTAINABILITY IMPLICATIONS

The draft “Environmental Sustainability Policy” primarily focusses on protecting the natural environment, however the Shire’s natural environment also underpins community health and economic opportunities such as tourism.

RISK IMPLICATIONS

Risk: Reputation: “Environmental Sustainability Policy” does not meet community expectations for policies to be reviewed and updated to reflect current formats, and current list of related documents.		
Likelihood	Consequence	Rating
Unlikely	Minor	Low
Action / Strategy		
The reviewed “Environmental Sustainability Policy” is adopted.		

CORPORATE COMMUNICATIONS

The Council Decision will be communicated in the following way/s.

Direct to stakeholder/s	Website article/post	Social media post	Print article/media release	E-newsletter/Community update	Advertisement	Nil
						✓

EXTERNAL CONSULTATION

No external consultation has been undertaken.

COMMENT

At the Governance Workshop held 20 May 2024, a policy review cover note was presented to seek feedback and inform the next iteration of the policy. Feedback from council members appointed to the Governance Committee has been incorporated and is shown as track changes (**Attachment 2**).

The following changes have been included in the draft reviewed “Environmental Sustainability Policy”:

- Update format to use current template for Council policies
- Changes to the statement of purpose to remove a reference to establishing a sustainable Shire and provide a statement on leading by example that enabled deletion of multiple references elsewhere
- Include volunteers within scope
- Insert definitions (two drawn from introductory text of current policy, plus ‘circular economy’ and ‘threatening processes’ to provide clarity on potentially unfamiliar terms)
- Re-order biodiversity principles
- Insert a reference to circular economy into sustainability principles
- Remove reference to key performance indicators from culture principles as monitoring and reporting occurs in various ways
- Inclusion of a number of related policies and strategies.

The changes generally update the policy in line with the current format for Council Policies and provide some additional clarity without substantively changing the effect of the policy.

VOTING REQUIREMENT

Simple Majority

Policy Review - Environmental Sustainability

COMMITTEE RECOMMENDATION / COUNCIL DECISION C2.07.24			
Moved by	Cr Mehta	Seconded by	Cr Zlatnik
<p>That Council adopts the reviewed “Environmental Sustainability Policy” (Attachment 1) subject to the following amendments:</p> <p>a. Update the second sentence in paragraph two under 4. Policy to state: “The Shire will provide guidance to residents and others to manage weeds and other threats to natural areas, provide habitat for native fauna, and reduce their overall environmental footprint.”</p> <p>b. Update the definition of “environmental sustainability” to state: “responsible use of natural resources, protecting ecosystems and biodiversity, maximising energy and water efficiency and minimising pollution and waste.” Deleting “sent to landfill.”</p> <p>c. Update point d. of 4.2 Sustainability Principles to state: “Reusable, recycled content or recyclable products should be selected where available and cost effective to support the shift to a circular economy, minimise waste and the use of natural resources.” Deleting “and the volume of waste sent to landfill.”</p> <p style="text-align: right;">CARRIED 7/0</p> <p>For: Cr Jeans, Pres McNeil, Cr Mehta, Cr Daw, Cr Beale, Cr Cicchini and Cr Zlatnik</p> <p>Against: Nil</p>			



2.X ENVIRONMENTAL SUSTAINABILITY

Responsible Directorate	Statutory Services	
Responsible Service Area	Planning and Environment Services	
Resolution	<month/ year>	<Council resolution>
Procedure Ref	N/A	

1. PURPOSE

To guide decision-making that aligns with our corporate and community commitment to environmental sustainability and reflects our responsibility to preserve natural assets for future generations. The Shire strives to lead by example in sustainability and environmental management.

2. SCOPE

This policy outlines the Shire's commitment to environmental sustainability and expectations for council members, employees, volunteers and contractors engaged by the Shire of Mundaring. It guides decisions affecting the environment or use of natural resources to support sustainable development, maintain ecosystem health and promote environmental sustainability.

3. DEFINITIONS

environmental sustainability

responsible use of natural resources, protecting ecosystems and biodiversity, maximising energy and water efficiency and minimising pollution and waste sent to landfill.

sustainable development

development that integrates social, economic and environmental values to meet the needs of the community, without compromising the ecosystems that support life or the ability of future generations to meet their own needs.

circular economy

keeping resources in use within the wider economy for as long as possible by designing out waste and pollution, reusing and recycling products to extract maximum value, and recovering materials.

threatening processes

processes that reduce biodiversity or the health of the natural environment such as clearing, pollution, frequent fire, feral animals, and spread of weeds and diseases.

4. POLICY

The Shire has a primary role in protection of biodiversity within local road reserves, conservation reserves and other land containing natural assets. Various Shire activities and facilities also have environmental impacts through use of natural resources, energy and water.

The Shire will provide responsible environmental management of its own land and activities within available resources. The Shire will also guide or assist residents and others to manage weeds and other threats to natural areas, provide habitat for native fauna, and reduce their overall environmental footprint.

The principles below will be taken into account in making decisions that affect the environment or use of natural resources:

4.1. Biodiversity Principles

- a. The Shire will balance bushfire risk management with maintaining biodiversity and conservation of natural landscapes.
- b. Allocation of Shire resources for natural area management will take into account social and ecological values and the nature of threatening processes.
- c. Human induced climate change is recognised as a key threat to biodiversity, requiring mitigation action to reduce carbon emissions at all levels of government, and adaptation to local impacts.
- d. Biodiversity and watercourse integrity should be maintained. Where works cannot be designed or constructed to avoid impacts, mitigation measures must be considered.

4.2. Sustainability Principles

- a. The Shire will pursue and promote improved water and energy efficiency, reduced carbon emissions and sustainable use of natural resources.
- b. Energy and water efficiency is a key consideration in design, construction, maintenance or renovation of Shire facilities, and in the purchase of vehicles, machinery, fittings and appliances.
- c. The Shire will make improvements to green infrastructure that will contribute to water and energy efficiency, through tree canopy shade, waterwise landscaping and stormwater harvesting.
- d. Reusable, recycled content or recyclable products should be selected where available and cost effective to support the shift to a circular economy, minimise the use of natural resources and the volume of waste sent to landfill.

4.3. Community Principles

- a. The Shire recognises that healthy ecosystems and well-managed natural areas support the health and well-being of the community, and will act as a responsible custodian of public environmental assets.
- b. The Shire seeks to build and maintain effective partnerships to promote environmental awareness, responsible natural resource management and sustainable lifestyles.

9.1.2 Policy Review - Compliance

File Code	GV.OPP 1
Author	Briony Moran, Coordinator Environment and Sustainability
Senior Employee	Mark Luzi, Director Statutory Services
Disclosure of Any Interest	Nil
Attachments	<ol style="list-style-type: none">1. Draft Compliance Policy ↓2. Draft Compliance Policy - with track changes ↓

PURPOSE

The draft “Compliance Policy” has been reviewed (**Attachment 1**) and is presented to the Committee for its consideration and recommendation to Council for adoption.

BACKGROUND

The “Compliance Policy” (PS-10) was adopted in 2018. It provides guidance for the investigation of, and responses to, non-compliance with statutory requirements.

The draft “Compliance Policy” has been reviewed and updated to align with the current format for Council policies and update the references to other documents. Additional principles have been included to clarify the Shire’s practice to reserve prosecution for serious offences, or where attempts to follow an educative approach to secure voluntary compliance have been unsuccessful.

STATUTORY / LEGAL IMPLICATIONS

Section 2.7 of the *Local Government Act 1995* provides the role of council in relation to the determination of policies.

Local Government officers may have compliance responsibilities under various State Government legislation in addition to Shire of Mundaring Local Laws. The draft reviewed “Compliance Policy” lists various legislation

POLICY IMPLICATIONS

The draft reviewed “Compliance Policy” will be adopted if the recommendation is adopted by Council.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Mundaring Strategic Community Plan 2020 - 2030

Priority 4 - Governance

Objective 4.4 – High standard of governance and accountability

Strategy 4.4.8 – Compliance with the Local Government Act 1995 and all relevant legislation and regulations

SUSTAINABILITY IMPLICATIONS

Governance

- Deliver outcomes that are consistent with the strategic goals and objectives of the Shire
- Comply with relevant policy, legislation, regulation, criteria and guidelines

RISK IMPLICATIONS

Risk: Reputation: “Compliance Policy” does not meet community expectations for policies to be reviewed and updated to reflect current formats, and current list of related documents		
Likelihood	Consequence	Rating
Unlikely	Minor	Low
Action / Strategy		
The reviewed “Compliance Policy” is adopted.		

CORPORATE COMMUNICATIONS

The Council Decision will be communicated in the following way/s.

Direct to stakeholder/s	Website article/post	Social media post	Print article/media release	E-newsletter/Community update	Advertisement	Nil
						✓

EXTERNAL CONSULTATION

No external consultation has been undertaken.

COMMENT

At the Governance Workshop held 20 May 2024, a policy review cover note was presented to seek feedback and inform the next iteration of the policy. Feedback from council members appointed to the Governance Committee has been incorporated and is shown as track changes (**Attachment 2**).

The following changes have been included in the draft reviewed “Compliance Policy”:

- Update format to use current template for Council policies
- Update references to other policies and documents
- Insertion of two additional principles clarifying an education-focussed approach to resolve compliance issues, with prosecution reserved for serious offences or situations where attempts to secure voluntary compliance have proven unsuccessful.

VOTING REQUIREMENT

Simple Majority

Policy Review - Compliance

COMMITTEE RECOMMENDATION / COUNCIL DECISION C3.07.24			
Moved by	Cr Mehta	Seconded by	Cr Zlatnik
That Council adopts the reviewed “Compliance Policy” (Attachment 1).			
			CARRIED 7/0
For:	Cr Jeans, Pres McNeil, Cr Mehta, Cr Daw, Cr Beale, Cr Cicchini and Cr Zlatnik		
Against:	Nil		

9.1.3 Policy Review - Short Term Use of Oval and Reserves for Accommodation

File Code	GV.OPP1
Author	Steve Trlin, Acting Director Statutory Services
Senior Employee	Mark Luzi, Director Statutory Services
Disclosure of Any Interest	Nil
Attachments	<ol style="list-style-type: none">1. Draft Short Term Use of Oval and Reserves for Accommodation Policy ↓2. Draft Short Term Use of Shire Ovals and Reserves for Accommodation Policy - with track changes ↓

PURPOSE

The draft “Short Term Use of Shire Ovals and Reserves for Accommodation Policy” has been reviewed (**Attachment 1**) and is presented to the Committee for its consideration and recommendation to Council for adoption.

BACKGROUND

The “Short Term Use of Shire Ovals and Reserves for Accommodation Policy” (LR-01) was adopted in 2005 and last reviewed in 2017.

The draft “Short Term Use of Shire Ovals and Reserves for Accommodation Policy” has been reviewed and updated to align with the current format for Council policies and update references to other documents.

STATUTORY / LEGAL IMPLICATIONS

Section 2.7 of the *Local Government Act 1995* provides the role of council in relation to the determination of policies.

The draft “Short Term Use of Shire Ovals and Reserves for Accommodation Policy” provide details of other relevant legislation, including the *Caravan Parks and Camping Grounds Act 1995*.

POLICY IMPLICATIONS

The draft reviewed “Short Term Use of Shire Ovals and Reserves for Accommodation Policy” will be adopted if the recommendation is adopted by Council.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Mundaring Strategic Community Plan 2020 - 2030

Priority 2 - Natural Environment

Objective 2.1 – Protecting natural areas and biodiversity

Strategy 2.1.3 – Manage parks, nature reserves and green spaces appropriately

SUSTAINABILITY IMPLICATIONS

Governance

- Deliver outcomes that are consistent with the strategic goals and objectives of the Shire
- Comply with relevant policy, legislation, regulation, criteria and guidelines

RISK IMPLICATIONS

Risk: Reputation: “Short Term Use of Shire Ovals and Reserves for Accommodation Policy” does not meet community expectations for policies to be reviewed and updated to reflect current formats, and current list of related documents		
Likelihood	Consequence	Rating
Unlikely	Minor	Low
Action / Strategy		
The reviewed “Short Term Use of Shire Ovals and Reserves for Accommodation Policy” is adopted.		

CORPORATE COMMUNICATIONS

The Council Decision will be communicated in the following way/s.

Direct to stakeholder/s	Website article/post	Social media post	Print article/media release	E-newsletter/Community update	Advertisement	Nil
						✓

EXTERNAL CONSULTATION

Nil

COMMENT

At the Governance Workshop held 20 May 2024, a policy review cover note was presented to seek feedback and inform the next iteration of the policy. Feedback from council members appointed to the Governance Committee has been incorporated and is shown as track changes (**Attachment 2**).

The following changes have been included in the draft reviewed “Short Term Use of Shire Ovals and Reserves for Accommodation Policy”:

- Update format to use current template for Council policies, including shifting and condensing some provisions
- Update to reflect changes to titles of staff positions
- Insert a specific reference to legislative requirements relating to fire safety
- Remove a restriction on the maximum duration of camping to allow determination based on circumstances.

VOTING REQUIREMENT

Simple Majority

Policy Review - Short Term Use of Oval and Reserves for Accommodation

COMMITTEE RECOMMENDATION / COUNCIL DECISION C4.07.24

Moved by Cr Beale Seconded by Cr Mehta

That Council adopts the reviewed “Short Term Use of Shire Ovals and Reserves for Accommodation Policy” (**Attachment 1**) subject to the following amendments

- a. Add a dot point under Location and Type of Camping to state:
“Impact on existing users of the facility.”
- b. Amend the roles referenced in the policy “Manager Building and Health Services or the Coordinator Health Services” to “Chief Executive Officer”.

CARRIED 7/0

For: Cr Jeans, Pres McNeil, Cr Mehta, Cr Daw, Cr Beale, Cr Cicchini and Cr Zlatnik

Against: Nil

9.1.4 Policy Review - Council Member and Independent Committee Members Fees, Expenses and Allowances

File Code	GV.OPP 1
Author	Elizabeth Nicholls, Governance Co-ordinator
Senior Employee	Garry Bird, Director Corporate Services
Disclosure of Any Interest	Nil
Attachments	<ol style="list-style-type: none">1. Draft Council Member and Independent Committee Member Fees, Expenses and Allowances Policy ↓2. Draft Council Member and Independent Committee Member Fees, Expenses and Allowances Policy - with track changes ↓

SUMMARY

The draft “Council Member and Independent Committee Member Fees, Expenses and Allowances Policy” (**Attachment 1**) has been reviewed and is presented to the Committee for its consideration and recommendation to Council for adoption.

BACKGROUND

The draft “Council Member and Independent Committee Member Fees, Expenses and Allowances Policy” is based on the current “Council Member Allowances and Expenses Policy” (2.10).

The “Council Member Allowances and Expenses Policy” (2.10) was last reviewed in July 2023.

Recent reforms to the *Local Government Act 1995* (the Act) have required that the current “Council Member Allowances and Expenses Policy” (2.10) be reviewed. The *Local Government Amendment Act 2023* included provisions for independent committee members to receive meeting fees. From 1 January 2024, local governments can make payments to independent committee members for attendance at meetings in accordance with the SAT’s determination. Additionally, section 5.129 was added which provides that the Shire may prepare and adopt a policy relating to fees and expenses.

STATUTORY / LEGAL IMPLICATIONS

Section 2.7 (2)(b) of the Act provides that the role of Council is to “*determine the local government’s policies*”.

Division 8 of the Act provides details of payments that can be made to its members. This includes council members and committee members (defined for the purposes of this section as “...a person who is a committee member but who is neither a council member nor an employee.”

Section 5.129 of the Act provides:

A local government may prepare and adopt a policy under which the local government undertakes to do 1 or more of the following —*

- (a) *pay a fee to a council member in relation to their participation in a course of training that they are required to complete under section 5.126;*

- (b) *reimburse a council member for a fee or other expense incurred by the council member in relation to their participation in a course of training that they are required to complete under section 5.126;*
- (c) *pay a fee to a council member in relation to their participation in continuing professional development under the local government’s policy under section 5.128;*
- (d) *reimburse a council member for a fee or other expense incurred by the council member in relation to their participation in continuing professional development under the local government’s policy under section 5.128.*

POLICY IMPLICATIONS

The draft reviewed “Council Member and Independent Committee Member Fees, Expenses and Allowances Policy” will be adopted if the recommendation is adopted by Council.

FINANCIAL IMPLICATIONS

An annual budget provision will be made for council member and independent committee member allowances and expenses.

STRATEGIC IMPLICATIONS

Mundaring Strategic Community Plan 2020 - 2030

Priority 4 - Governance

Objective 4.4 – High standard of governance and accountability

Strategy 4.4.8 – Compliance with the Local Government Act 1995 and all relevant legislation and regulations

SUSTAINABILITY IMPLICATIONS

Governance

- Deliver outcomes that are consistent with the strategic goals and objectives of the Shire
- Comply with relevant policy, legislation, regulation, criteria and guidelines

RISK IMPLICATIONS

Risk: Compliance: Fees, expenses and allowances paid to council members and independent committee members are not made in accordance with legislation.		
Likelihood	Consequence	Rating
Possible	Minor	Low
Action / Strategy		
That the updated policy is adopted and fees, expenses and allowances are reviewed annually as part of the budget process.		

CORPORATE COMMUNICATIONS

The Council Decision will be communicated in the following way/s.

Direct to stakeholder/s	Website article/post	Social media post	Print article/media release	E-newsletter/Community update	Advertisement	Nil
						✓

EXTERNAL CONSULTATION

The Act was recently amended to allow for local governments to make payments to committee members who are not council members or employees. As such, advice was sought from the Shire's insurers, LGIS regarding insurance cover for independent committee members.

COMMENT

At the Governance Workshop held 20 May 2024, a policy review cover note was presented to seek feedback and inform the next iteration of the policy. Feedback from council members appointed to the Governance Committee has been incorporated and is shown as track changes (**Attachment 2**).

The following changes have been included in the draft reviewed "Council Member and Independent Committee Member Fees, Expenses and Allowances Policy":

- Reference to the legislation that the policy has been prepared under.
- Inclusion of definitions.
- Changes to the layout to distinguish between the provisions for council members and independent committee members.
- Clarity on what travel and transportation expenses can be reimbursed.

The draft "Council Member and Independent Committee Member Fees, Expenses and Allowances Policy" includes provisions for independent committee members to receive meeting attendance fees, voiding their status as volunteers and their eligibility to receive insurance cover as that class of insured person. Instead, independent committee members can receive limited insurance for non-Medicare medical expenses whilst attending committee meetings they are appointed to or other activities related to their role.

Should the draft reviewed "Council Member and Independent Committee Member Fees, Expenses and Allowances Policy" be adopted, further work will be done to update the appendices "Travel/Transportation Expenses Costs Reimbursement Form" and "Childcare Costs Expenses Reimbursement Form" to include independent committee members and to reflect the updated provisions of the policy.

VOTING REQUIREMENT

Absolute Majority - *Local Government Act 1995* section 5.129

Policy Review - Council Member and Independent Committee Members Fees, Expenses and Allowances

COMMITTEE RECOMMENDATION / COUNCIL DECISION C5.07.24

Moved by Cr Zlatnik Seconded by Cr Mehta

That Council, by absolute majority, adopts the reviewed “Council Member and Independent Committee Member Fees, Expenses and Allowances Policy” (**Attachment 1**) subject to the following amendments:

- a. Update paragraph two of 4.1., Council Member Annual Meeting Attendance Fees to state:

“Payment of the annual fee is made on the principle that each council member regularly attends Council and committee meetings to which they are appointed, **any meeting convened by the CEO or Shire President including but not limited to Council Forums, briefings, workshops, advisory groups, representative meetings etc.** and carries out other responsibilities of their office.”

- b. Update 4.4, Information and Community Technology (ICT) Allowance

To assist **with the** orderly conduct of a meetings, a printed, paper copy of the agenda will be provided to the presiding member **for all Council related meetings** (council member or independent committee member). This does not constitute as part of the ICT allowance.

- c. Update 4.2., Independent Committee Members Meeting Attendance Fees to state:

“Meeting fees are payable retrospectively per meeting **attended.**”

- d. Update 4.6.2., Insurance - Independent Committee Members to state:

“Independent committee members receive limited insurance for non-Medicare medical expenses incurred whilst attending committee meetings they are appointed to.”

Deleting “or other activities related to their role.”

- e. Update point b. of 4.7.1., Travel - Council Members to state:

Any meeting convened by the CEO or Shire President **including but not limited to Council Forums, briefings and workshops.**

- f. Update point b. of 4.7.2., Travel - Independent Committee Members and point b. of 4.8.2., Transportation - Independent Committee Members to state:

“To attend in-house training relevant to their role as an independent committee member”.

CARRIED BY ABSOLUTE MAJORITY 7/0

For: Cr Jeans, Pres McNeil, Cr Mehta, Cr Daw, Cr Beale, Cr Cicchini and Cr Zlatnik

Against: Nil

10.0 REPORTS OF EMPLOYEES

10.1 Draft Heritage Requirements for Planning Proposals Local Planning Policy - Endorse for Advertising

File Code	PS.CDE 05
Author	Andrew Bratley, Co-ordinator Strategic Planning
Senior Employee	Mark Luzi, Director Statutory Services
Disclosure of Any Interest	Nil
Attachments	<ol style="list-style-type: none">1. Draft Heritage Requirements for Planning Proposals Local Planning Policy ↓2. Current Heritage Planning Local Planning Policy PS-02 ↓

PURPOSE

A draft Heritage Requirements for Planning Proposals Local Planning Policy (draft LPP) has been prepared for Council's consideration (refer to **Attachment 1**) to endorse for advertising.

The draft LPP will supersede the Shire's current Heritage Planning Local Planning Policy PS-02 (refer to **Attachment 2**).

BACKGROUND

The State planning framework requires the consideration of cultural heritage significance when determining a Planning proposal (e.g. a development application) for any heritage place.

In March 2016, the Shire's Heritage Planning Local Planning Policy PS-02 (LPP PS-02) was adopted by Council (**C10.03.16**). Subsequently there have been changes in the State heritage legislation, most notably the commencement of the *Heritage Act 2018*.

It is a recommended action under the Shire's draft Heritage Strategy that LPP PS-02 be reviewed (action P.2), and that guidelines be produced to inform landowners of acceptable development outcomes and assist decision makers in considering development approvals (action P.4).

A draft LPP has been prepared which will reflect the current heritage legislation and address the above recommended actions from the draft Heritage Strategy. The draft LPP will supersede LPP PS-02.

STATUTORY / LEGAL IMPLICATIONS

Heritage Act 2018

In accordance with the Act, the term 'cultural heritage significance' means the following:

"... aesthetic, historic, scientific, social or spiritual value for individuals or groups within Western Australia."

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2, Part 2, Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* enables the local government to adopt, amend and revoke local planning policies and sets out the procedures by which to do so.

Local Planning Scheme No.4

It is an aim of LPS4, amongst others, to protect places of cultural heritage significance.

In accordance with LPS4, the Shire in considering an application for planning approval is to have due regard to the conservation of any place that has been entered in the State Heritage Register, or which is included in the Shire's Heritage List or Local Heritage Survey.

POLICY IMPLICATIONS

Policy Development and Review Policy

The draft LPP's content (e.g. subheadings) is consistent with the provisions of the Shire's "Policy Development and Review Policy" (2.2). If endorsed by Council, the draft LPP will be advertised for comment in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (refer to the External Consultation section of this report) and item 3.4 of the "Policy Development and Review Policy" (2.2).

State Planning Policy 3.5 - Historic Heritage Conservation

State Planning Policy 3.5 - Historic Heritage Conservation sets out the principles of sound and responsible planning for the conservation and protection of Western Australia's historic heritage. The policy includes development control principles that should be applied in considering applications for development approval.

The draft LPP has been prepared having had regard to this State Planning Policy.

Guidelines for Preparing a Local Planning Policy for Local Heritage

In 2023, the Heritage Council of Western Australia released its Guidelines for Preparing a Local Planning Policy for Local Heritage, the purpose of which is to assist local governments in drafting a local planning policy to guide decision-making for development proposals for local heritage places.

The draft LPP has been prepared with due regard to these Guidelines.

FINANCIAL IMPLICATIONS

If endorsed for the purpose of advertising, the costs to advertise the draft LPP will be negligible.

STRATEGIC IMPLICATIONS

Mundaring Strategic Community Plan 2020 - 2030

Priority 3 - Built environment

Objective 3.4 – Preservation of local heritage buildings and places of interest

Strategy 3.4.1 – Effective planning controls to preserve and maintain heritage buildings and places of interest

Strategic Community Plan 2020-2030

The Shire's Strategic Community Plan 2020-2030 noted that the community wanted to see the heritage of the Shire being preserved.

Corporate Business Plan

A key objective of the Built Environment Strategic Theme in the Corporate Business Plan is: "*Preservation of local heritage buildings and places of interest.*"

SUSTAINABILITY IMPLICATIONS

Preserving cultural heritage and advocating for the protection of important local history is critical to sustaining the broader social identity of the Shire.

RISK IMPLICATIONS

Risk: Reputational. Maintaining a contemporary policy framework is central to the Shire's role in providing good governance and decision making.		
Likelihood	Consequence	Rating
Possible	Moderate	Moderate
Action / Strategy		
If the draft LPP is adopted, the Shire will be provided with detailed guidance in relation to planning proposals which impact local heritage places, which reflects the current heritage legislation. It is appropriate that the policy be made available for advertising and community feedback be sought.		

CORPORATE COMMUNICATIONS

The Council Decision will be communicated in the following way/s.

Direct to stakeholder/s	Website article/post	Social media post	Print article/media release	E-newsletter/Community update	Advertisement	Nil
✓	✓	✓			✓	

EXTERNAL CONSULTATION

Unlike other Shire policies, planning policies are statutorily required to be advertised and must be considered by full Council. To commence the process, Council must resolve to release the draft LPP and invite public submissions.

Should Council endorse the draft LPP for consultation, it must be advertised pursuant to the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2 Clause 4. Advertising will be for a minimum of 21 days and include:

- A notice in the local newspaper and online via the Shire's social media account;
- A notice and copy of the draft LPP on the Shire's website, on the Engage Mundaring website, and at the Shire's Administration Centre and libraries;
- Notification being sent to the Mundaring and Hills Historical Society, Darlington History Group, Lost Mundaring and Surroundings, Midland and Districts Historical Society, and the Department of Planning Lands and Heritage (Heritage Council of Western Australia).

Following the conclusion of the advertising period and consideration of submissions the draft LPP will be presented back to Council, together with details of submissions, for it to resolve to:

- Proceed with the policy without modifications; or
- Proceed with the policy with modifications; or
- Not to proceed with the policy.

From that point, if Council resolves to proceed with (adopt) the draft LPP, and revoke LPP PS-02, a notice of the decision will be placed in the local newspaper. This will have effect on publication of the newspaper notice.

COMMENT

The conservation of places of cultural heritage significance is a matter to be considered by the Shire in determining planning proposals. In preparing the draft LPP, the following was considered:

1. Matters the Shire has experienced in the past when assessing and determining applications involving local heritage places;
2. The current provisions stipulated and terminology used under the *Heritage Act 2018* and State Planning Policy 3.5 - Historic Heritage Conservation; and
3. The matters outlined in the Guidelines for Preparing a Local Planning Policy for Local Heritage prepared by the Heritage Council of Western Australia.

Preserving cultural heritage significance is critical to sustaining the broader social identity of the Shire. The draft LPP has been prepared to clarify the Shire's expectations and guide planning decisions on places of heritage value, including places currently listed in the Shire's Heritage List and Local Heritage Survey. It has also been prepared to reflect the current heritage legislation and the terminology used within it, as well as address recommended actions under the draft Heritage Strategy.

The Shire's Heritage Planning Local Planning Policy PS-02 (LPP PS-02) will be superseded by the draft LPP. Consolidating the requirements expressed within LPP PS-02 into the draft LPP will enable LPP PS-02 to be revoked without any material consequences.

Considering all of the above, it is recommended that Council endorses the draft LPP for the purposes of advertising.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION C6.07.24

Moved by Cr Zlatnik Seconded by Cr Daw

That Council:

1. Endorses for the purpose of advertising, pursuant to Schedule 2, Part 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the draft Heritage Requirements for Planning Proposals Local Planning Policy, as shown in **Attachment 1**; and
2. Advertises for 21 days the draft Heritage Requirements for Planning Proposals Local Planning Policy, as shown in **Attachment 1**, as follows:
 - a. A notice in the local newspaper and on the Shire's online social page;
 - b. A notice and copy of the draft LPP on the Shire's website, on the Engage Mundaring website, and at the Shire's Administration Centre and libraries; and
 - c. Notification being sent to the Mundaring and Hills Historical Society, Darlington History Group, Lost Mundaring and Surroundings, Midland and Districts Historical Society, and the Department of Planning Lands and Heritage (Heritage Council of Western Australia).

CARRIED 7/0

For: Cr Jeans, Pres McNeil, Cr Mehta, Cr Daw, Cr Beale, Cr Cicchini and Cr Zlatnik

Against: Nil

10.2 Draft Heritage Strategy - Final Adoption

File Code	PS.STG 09
Author	Andrew Bratley, Co-ordinator Strategic Planning
Senior Employee	Mark Luzi, Director Statutory Services
Disclosure of Any Interest	Nil
Attachments	1. Draft Heritage Strategy ↓ 2. Schedule of Submissions ↓

PURPOSE

For Council to consider whether to adopt the draft Heritage Strategy (draft Strategy) as community consultation has been completed.

This report recommends that Council adopts the draft Strategy as shown in **Attachment 1**.

BACKGROUND

The Shire has a rich and colourful history which has shaped our current landscape and settlement form. Local heritage should be understood, protected, sustained and celebrated. While individual buildings and places of cultural heritage significance are recognised through local or state heritage listings, and the local heritage survey, the Shire has not previously prepared a broader Heritage Strategy.

The Shire has committed to completing a Heritage Strategy, which provides for a holistic review of all the Shire's activities and actions in relation to local heritage.

The aims of the Heritage Strategy are to review our practices; set the future direction for heritage management and coordinate interpretation initiatives across the Shire (Understanding, Protecting, Sustaining, Celebrating); and embed a workable and sustainable Shire/community governance framework formalising recurrent funding and heritage interpretation initiatives.

At its September 2023 meeting, Council resolved to endorse the draft Strategy for the purpose of advertising (**C13.09.23**). The draft Strategy was subsequently advertised.

At its May 2024 meeting, Council resolved to forward the draft Strategy to a Council Forum (**C11.05.24**). Subsequently the draft Strategy was discussed at the May 2024 Council Forum, and the feedback received is outlined under the Comment section of this report.

STATUTORY / LEGAL IMPLICATIONS

Heritage Act 2018

The draft Heritage Strategy will assist the Shire with meeting key statutory responsibilities under the *Heritage Act 2018* (the Act). One of which being to prepare and maintain a survey of places within the Shire that are, or may become, of cultural heritage significance, this is called a Local Heritage Survey.

Local Planning Scheme No.4

It is an aim of LPS4, amongst others, to recognise and protect places of cultural heritage significance.

POLICY IMPLICATIONS

Community Engagement Policy

Having had regard to the “Community Engagement Policy” (CD-04), the method of consultation undertaken (refer to the External Consultation section of this report) ensured that those potentially affected, and the community generally, had the opportunity to provide input which will influence the draft Strategy.

FINANCIAL IMPLICATIONS

The Shire had already committed to completing a Heritage Strategy (\$30,000).

The staff resources required to deliver the recommended actions outlined in the draft Strategy (as shown in **Attachment 1**) are based on a continuance of the existing levels of service and FTE.

STRATEGIC IMPLICATIONS

Mundaring Strategic Community Plan 2020 - 2030

Priority 4 - Governance

Objective 4.3 – A well engaged and informed community and a high standard of customer service

Strategy 4.3.2 – The community is engaged in planning for the future and other matters that affect them

Strategic Community Plan 2020-2030

The Shire’s Strategic Community Plan 2020-2030 noted that the community wanted to see the heritage of the Shire being preserved.

Corporate Business Plan

A key objective of the Built Environment Strategic Theme in the Corporate Business Plan is: *“Preservation of local heritage buildings and places of interest.”*

Completing a Heritage Strategy is a committed project within Shire’s *Corporate Business Plan 2022/23 - 2025/26*.

The actions identified in the draft Strategy align with the intent of the Strategic Community Plan 2020-2030 and the Corporate Business Plan.

Local Planning Strategy

The Shire’s current Local Planning Strategy includes a recommendation, amongst others, to *“continue to review the Municipal Inventory”* (now called a Local Heritage Survey).

SUSTAINABILITY IMPLICATIONS

Preserving cultural heritage and advocating for the protection of important local history is critical to sustaining the broader social identity of the Shire.

RISK IMPLICATIONS

Risk: Reputational – The draft Heritage Strategy not being adopted will result in the Shire not having a strategy which establishes the aims for a heritage framework for the management of heritage within the Shire.		
Likelihood	Consequence	Rating
Unlikely	Moderate	Low

Action / Strategy
If the draft Strategy is adopted, a framework to guide the Shire's approach to the statutory requirements under the <i>Heritage Act 2018</i> and the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> will exist. It is therefore appropriate that the draft Strategy be adopted.

CORPORATE COMMUNICATIONS

The Council Decision will be communicated in the following way/s.

Direct to stakeholder/s	Website article/post	Social media post	Print article/media release	E-newsletter/Community update	Advertisement	Nil
✓	✓	✓			✓	

EXTERNAL CONSULTATION

Following Council's September 2023 decision to endorse the draft Strategy for advertising, the draft Strategy was advertised for 28 days, and included notification:

- in the local newspaper;
- on the Shire's website, social media page and Engage Mundaring website;
- at the Shire's libraries, Administration centre and The Hub of the Hills; and
- being sent to the Mundaring and Hills Historical Society, Darlington History Group, Lost Mundaring and Surroundings, Midland and Districts Historical Society, the Whadjuk Aboriginal Corporation, local Aboriginal Knowledge Holders, and the Department of Planning Lands and Heritage (Heritage Council of Western Australia).

During the advertising period three submissions were received which provided comment on the draft Strategy. Refer to **Attachment 2** for the schedule of submissions.

In addition, a workshop was held by the Shire which was attended by representatives from the Mundaring and Hills Historical Society, Darlington History Group, Lost Mundaring and Surroundings, Midland and Districts Historical Society, and Friends of the Chidlow WW2 Camps.

At the workshop the Shire appointed Heritage Consultant (Hocking Heritage and Architecture) gave a presentation about the purpose of the draft Strategy. As outlined in the comment section of this report, discussions were had about the actions being recommended and which should be prioritised by the Shire.

The feedback received during the external consultation stage was generally positive.

COMMENT

A Heritage Strategy would assist the Shire with meeting key statutory responsibilities under the *Heritage Act 2018* and the *Planning and Development (Local Planning Schemes) Regulations 2015*, and with meeting heritage related recommendations under its Local Planning Strategy.

The draft Strategy provides a starting point and future iterations may further develop the ambition and capacity of the Shire to improve heritage management across the four themes (knowing, protecting, supporting and celebrating). For the short to medium term, the draft Strategy is focussed on responding to current challenges and opportunities, such as reviewing the Shire's Local Heritage Survey and reviewing its Heritage Planning Local Planning Policy PS-02.

Community Feedback

The Shire undertook both broad consultation, in addition to more focused consultation at a workshop with local heritage group representatives and local advocates of heritage matters. Attendees were invited to discuss the preferred recommended actions.

Comments received during the advertising period are outlined in the schedule of submissions (refer to **Attachment 2**).

The following table summarises the feedback received at the workshop.

Feedback Received	Shire Officer Comments
The Shire's Local Heritage Survey needs to be reviewed.	The Local Heritage Survey review has already commenced, and is being undertaken having regard to the Guidelines for Local Heritage Surveys prepared by the Heritage Council of Western Australia. The draft (revised) version of the Local Heritage Survey will be presented to Council later this year for its endorsement to advertise.
A working group needs to be established to assist with the Local Heritage Survey review.	A working group was established by the Shire's Executive Leadership Team in November 2023 to assist with the Local Heritage Survey review. The working group has been heavily involved with considering the places nominated for inclusion into the Shire's Local Heritage Survey.
The Shire needs to have a heritage related position established which will be the main point of contact (a 'one stop shop') to assist with any heritage related queries.	A relevant action was included in the advertised version of the draft Strategy. Refer to the Council Forum feedback in the following section of this report.
A dedicated, permanent, heritage advisory group, separate from the Shire's Cultural Advisory Group (CAG), needs to be established.	It is already a responsibility of the Shire's CAG to provide advice on heritage matters. At present, the CAG includes representatives from Mundaring and Hills Historical Society, Darlington History Group, and Lost Mundaring and Surroundings. Considering this, a permanent (separate) heritage advisory group is not considered necessary at present.

Council Forum Feedback

In accordance with the May 2024 Council decision, the draft Strategy was discussed at a Council Forum. The following table summarises the feedback received at the May 2024 Council Forum.

Feedback Received	Shire Officer Comments
Concerns about the inclusion of an 'immediate' priority.	So as to be consistent with other adopted Shire strategies the term 'immediate' has been removed as a priority type.
Considering the amount of heritage related matters the Shire is involved with at present a dedicated Heritage Officer role is not warranted currently. Instead, should Shire Officers require support and/or advice on heritage matters assistant should be sought from an external heritage specialist.	Recommended action S.4 has been amended to reflect feedback received from Council.
The draft Strategy should include details on what the Shire is currently doing well when it comes to heritage related matters, for example, provide funding to the Mundaring and Hills Historical Society.	Details of what the Shire is currently doing well when it comes to heritage related matters are outlined as strengths under section 6.0 of the draft Strategy.
Places of heritage importance need to be protected; this includes buildings managed by the Shire.	<p>All Shire departments (particularly Planning, Building, Building Assets and Infrastructure) are responsible for ensuring that heritage places are protected and maintained in accordance with the <i>Heritage Act 2018</i>.</p> <p>It is a recommended action under the draft Strategy that the Shire's current Heritage Planning Local Planning Policy PS-02A (LPP PS-02A) be reviewed (action P.2), and that guidelines be produced to inform landowners of acceptable development outcomes and to assist decision makers (action P.4).</p> <p>A draft Heritage Requirements for Planning Proposals Local Planning Policy has been prepared which will reflect the current heritage legislation, inform landowners and applicants of acceptable outcomes, and assist decision makers in considering planning proposals. This draft policy will supersede LPP PS-02A.</p>

The draft Strategy generally reflects the key matters raised by stakeholders during consultation and also at the Council Forum. It encompasses recent changes to legislation and aligns with the overall direction of heritage management and related community expectations in Western Australia. The document also presents a structured and manageable approach to delivering on a wide variety of heritage responsibilities and opportunities over the short to long term. It is therefore recommended that Council adopts the draft Strategy.

VOTING REQUIREMENT

Simple Majority

MOTION / COUNCIL DECISION			C7.07.24
Moved by	Cr Beale	Seconded by	Cr Cicchini
<p>That Cr Zlatnik be allowed a three minute extension of time to speak to this item, in accordance with clause 6.11 of the <i>Shire of Mundaring Meeting Procedures Local Law 2015</i>.</p> <p style="text-align: right;">CARRIED 7/0</p> <p>For: Cr Jeans, Pres McNeil, Cr Mehta, Cr Daw, Cr Beale, Cr Cicchini and Cr Zlatnik</p> <p>Against: Nil</p>			

OFFICER RECOMMENDATION / COUNCIL DECISION			C8.07.24
Moved by	Cr Zlatnik	Seconded by	Cr Mehta
<p>That Council:</p> <ol style="list-style-type: none"> 1. Adopts the Heritage Strategy, as shown in Attachment 1; and 2. Publishes notice of the adoption of the Heritage Strategy as shown in Attachment 1, as follows: <ol style="list-style-type: none"> a. In the local newspaper circulating within the Shire; and b. On the Shire’s website, online social media page, and its Engage Mundaring website. <p style="text-align: right;">CARRIED 7/0</p> <p>For: Cr Jeans, Pres McNeil, Cr Mehta, Cr Daw, Cr Beale, Cr Cicchini and Cr Zlatnik</p> <p>Against: Nil</p>			

10.3 Request to Complete Presentation Skills/ Communication Skills Coaching - Cr Karen Beale

File Code	GV.CLR P/F - BEALE Karen
Author	Elizabeth Nicholls, Governance Co-ordinator
Senior Employee	Garry Bird, Director Corporate Services
Disclosure of Any Interest	Nil
Attachments	1. Proposal - Presentation Skills/ Communication Skills Coaching - Global Institute of Training and Presenting (confidential)

At the request of Cr Beale, this item was withdrawn from the agenda prior to the meeting.

10.4 Material Variance Reporting for 2024/25

File Code	FI BUD24/25
Author	Stan Kocian, Manager Finance and Governance
Senior Employee	Garry Bird, Director Corporate Services
Disclosure of Any Interest	Nil
Attachments	Nil

PURPOSE

Each financial year Council is required to set a value for reporting material variances.

The purpose of this report is to adopt the percentage or value to be used in the reporting of material variances to the adopted budget. It is proposed that the values for 2024/25 are:

- Revenue – material variances will be identified, where actual varies to budget by an amount of (+) or (-) \$50,000 or 10%, whichever is the greater; and
- Expenses – material variances will be identified, where the actual varies to budget by an amount of (+) or (-) \$100,000 or 10% whichever is the greater.

BACKGROUND

Council is required by the *Local Government (Financial Management) Regulations 1996* to adopt a percentage or value for the purposes of reporting the Shire's material variances in the monthly Financial Activity Statement.

This value or percentage is then used throughout the financial year to identify potential areas in the Shire's actual revenues and expenditures that may not be in keeping with Shire's adopted budget. The early identification of these potential issues can assist in better utilisation and allocation of the Shire's funds and resources.

The Shire adopted the following variance thresholds for the 2023/24 financial year:

- Revenue – material variances will be identified, where actual varies to budget by an amount of (+) or (-) \$50,000 or 10%, whichever is the greater; and
- Expenses – material variances will be identified, where the actual varies to budget by an amount of (+) or (-) \$100,000 or 10% whichever is the greater.

STATUTORY / LEGAL IMPLICATIONS

The *Local Government (Financial Management) Regulations 1996* – Regulation 34 Clause 5 – states:

“Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS, to be used in statements of financial activity for reporting material variances”.

AASB 101, Presentation of Financial Statements, defines “material” as:

“Material: Information is material if omitting, misstating or obscuring it could reasonably be expected to influence decisions that the primary users of general purpose financial statements make on the basis of those financial statements, which provide financial information about a specific reporting entity. Materiality depends on the nature or magnitude of information, or both.

An entity assesses whether information, either individually or in combination with other information, is material in the context of its financial statements taken as a whole.”

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The adoption of the material variances percentage or value is designed to report on areas within the Shire’s budget against actual revenues and expenditures and identify where potential financial issues may be occurring.

STRATEGIC IMPLICATIONS

Mundaring Strategic Community Plan 2020 - 2030

Priority 4 - Governance

Objective 4.4 – High standard of governance and accountability

Strategy 4.4.8 – Compliance with the Local Government Act 1995 and all relevant legislation and regulations

SUSTAINABILITY IMPLICATIONS

Nil

RISK IMPLICATIONS

Risk: Council is not made aware of significant budget variances during the financial year.		
Likelihood	Consequence	Rating
Possible	Moderate	Moderate
Action / Strategy		
Reporting on material variances each month addresses the risk.		

CORPORATE COMMUNICATIONS

The Council Decision will be communicated in the following way/s.

Direct to stakeholder /s	Website article/ post	Social media post	Print article/ media release	E-newsletter/ Community update	Advertisement	Nil
						✓

EXTERNAL CONSULTATION

Nil

COMMENT

It is recommended that Council adopts the same variance thresholds for the 2024/25 financial year that were used for 2023/24 financial year. The variance thresholds will be applied at nature and type level within the monthly statement of financial activity.

These values have proven to be an appropriate indicator of variances that should be identified and assessed to identify if any potential issues exist in terms of budgeted revenue and expenditure and actual revenue and expenditure. A lower variance threshold would result in insignificant variances being reported to Council, whilst a higher variance threshold would result in variances that could be considered as significant not being reported to Council.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION		C9.07.24	
Moved by	Cr Jeans	Seconded by	Cr Daw
That Council, pursuant to Regulation 34(5) of the <i>Local Government (Financial Management) Regulations 1996</i> , adopts the following values for reporting material variances at nature and type level in the monthly statement of financial activity during the 2024/25 financial year:			
<ul style="list-style-type: none">• (+) or (-) \$50,000 or 10%, whichever is the greater for Revenue; and• (+) or (-) \$100,000 or 10%, whichever is the greater for Expenses.			
			CARRIED 7/0
For:	Cr Jeans, Pres McNeil, Cr Mehta, Cr Daw, Cr Beale, Cr Cicchini and Cr Zlatnik		
Against:	Nil		

10.5 List of Payments for May 2024

File Code	Fi.RPT 1
Author	Stan Kocian, Manager Finance and Governance
Senior Employee	Garry Bird, Director Corporate Services
Disclosure of Any Interest	Nil
Attachments	1. Payments Between Meetings - May 2024 ↓

PURPOSE

A list of accounts paid from the Municipal Fund and Trust Fund under the Chief Executive Officer's delegated authority for the month of May 2024 is presented to Council for noting.

BACKGROUND

Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the Shire's Municipal and Trust Funds (CE-1). In accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid is to be presented to Council and be recorded in the minutes of the meeting at which the list was presented.

STATUTORY / LEGAL IMPLICATIONS

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

- (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;*
 - (b) *the amount of the payment;*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction*
- (2) *A list prepared under sub regulation (1) or (2) is to be –*
 - (a) *presented to council at the next ordinary meeting of the council after the list is prepared; and*
 - (b) *recorded in the minutes of that meeting*

Regulation 13A of the *Local Government (Financial Management) Regulations 1996* states:

- (1) *If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared –*
 - (a) *the payee's name;*
 - (b) *the amount of the payment;*
 - (c) *the date of the payment;*
 - (d) *sufficient information to identify the payment.*

- (2) A list prepared under subregulation (1) must 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.

POLICY IMPLICATIONS

The “Procurement Policy” (1.4) provides best practice and guiding principles for purchasing activities by or on behalf of the Shire.

FINANCIAL IMPLICATIONS

All payments have been made in accordance with the approved budget and reflects the effective and timely payment of the Shire’s contractors and other creditors.

STRATEGIC IMPLICATIONS

Mundaring Strategic Community Plan 2020 - 2030

Priority 4 - Governance

Objective 4.4 – High standard of governance and accountability

Strategy 4.4.8 – Compliance with the Local Government Act 1995 and all relevant legislation and regulations

SUSTAINABILITY IMPLICATIONS

Expenditure has been incurred in accordance with budget parameters, which have been structured on financial viability and sustainability principles.

RISK IMPLICATIONS

Risk: Payments are not monitored against approved budget and delegation.		
Likelihood	Consequence	Rating
Possible	Minor	Moderate
Action / Strategy		
The monthly list of payments provides an open and transparent record of payments made under the CEO’s approved delegation.		

CORPORATE COMMUNICATIONS

The Council Decision will be communicated in the following way/s.

Direct to stakeholder /s	Website article/ post	Social media post	Print article/ media release	E-newsletter/ Community update	Advertisement	Nil
						✓

EXTERNAL CONSULTATION

Nil

COMMENT

Payments for the supply of goods and services utilised by the Shire’s Family and Children Services programs are fully funded by government grants/subsidies and user fees.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION		C10.07.24	
Moved by	Cr Daw	Seconded by	Cr Mehta
That Council notes the list of payments made during May 2024 (Attachment 1).			
			CARRIED 7/0
For:	Cr Jeans, Pres McNeil, Cr Mehta, Cr Daw, Cr Beale, Cr Cicchini and Cr Zlatnik		
Against:	Nil		

10.6 Monthly Financial Report for the period ended 31 May 2024

File Code	FI.RPT2
Author	Stan Kocian, Manager Finance and Governance
Senior Employee	Garry Bird, Director Corporate Services
Disclosure of Any Interest	Nil
Attachments	1. Monthly Financial Report for period ended 31 May 2024 ↓

PURPOSE

The monthly financial report discloses the Shire's financial performance and financial position for the period ended 31 May 2024.

BACKGROUND

The monthly financial report is presented in accordance with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.

The monthly financial report contains the statement of financial activity and the statement of financial position, which together with any accompanying documents are required to be presented to the Council at an ordinary meeting of the Council within two months after the end of the month to which the statement relates.

STATUTORY / LEGAL IMPLICATIONS

Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996* requires a local government to prepare a statement of financial activity each month.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Financial implications are in accordance with the approved reporting material variances (C19.08.23) of:

- (+) or (-) \$50,000 or 10%, whichever is the greater for Revenue
- (+) or (-) \$100,000 or 10%, whichever is the greater for Expenses

within the monthly Statement of Financial Activity during the 2023/24 financial year.

STRATEGIC IMPLICATIONS

Mundaring Strategic Community Plan 2020 - 2030

Priority 4 - Governance

Objective 4.4 – High standard of governance and accountability

Strategy 4.4.6 – Sound financial and asset management

SUSTAINABILITY IMPLICATIONS

Nil

RISK IMPLICATIONS

Risk: Financial performance is not monitored against approved budget.		
Likelihood	Consequence	Rating
Possible	Minor	Moderate
Action / Strategy		
The monthly financial report tracks the Shire’s actual financial performance against its budgeted financial performance to ensure that the Council is able to monitor the Shire’s actual financial performance against the adopted budget throughout the financial year.		

CORPORATE COMMUNICATIONS

The Council Decision will be communicated in the following way/s.

Direct to stakeholder /s	Website article/ post	Social media post	Print article/ media release	E-newsletter/ Community update	Advertisement	Nil
						✓

EXTERNAL CONSULTATION

Nil

COMMENT

The monthly financial report contains the following:

- Finance Dashboard with key financial indicators;
- Key financial information in graphical form;
- Statement of Financial Activity;
- Statement of Financial Position;
- Statement of Financial Activity Information, which includes a summary of the Shire’s net current asset position and closing budget position;
- Explanation of Material Variances;
- Cash and Financial Assets;
- Capital Acquisitions;
- Grants and Contributions; and
- Capital Revenue.

In relation to the material variances, “timing” differences are due to the monthly spread of the budget not matching the actual spread of revenue or expenditure. Timing differences will not result in a forecast adjustment. Where the material variance is flagged as “permanent” this indicates that a forecast adjustment to the annual budget is required or has been made.

The Shire’s closing surplus as at 31 May 2024 was \$13,177,231 compared to a year to date budgeted surplus of \$7,966,155. The budgeted year end surplus is \$614,424 as per the original budget adopted by Council on 30 August 2023 (SC2.08.23).

The mid-year budget review updated the forecast closing year end budget surplus to \$1,659,635 (C17.03.24).

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION		C11.07.24	
Moved by	Cr Mehta	Seconded by	Cr Zlatnik
That Council notes:			
1. the closing position of the Shire for the period ended 31 May 2024 is a surplus of \$13,177,231, compared to the year to date budgeted surplus of \$7,966,155; and			
2. the explanation of material variances in the Statement of Financial Activity contained in Note 2 of Attachment 1 .			
CARRIED 7/0			
For:	Cr Jeans, Pres McNeil, Cr Mehta, Cr Daw, Cr Beale, Cr Cicchini and Cr Zlatnik		
Against:	Nil		

11.0 COUNCIL MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12.0 URGENT BUSINESS (LATE REPORTS)

Nil

7.33pm, Cr Daw left the meeting

13.0 CONFIDENTIAL REPORTS

Meeting Closed to Public at 7.33pm

The Local Government Act 1995, Part 5, Section 5.23 states in part:

- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
- (a) a matter affecting an employee or employees; and
 - (b) the personal affairs of any person; and
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and
 - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
 - (h) such other matters as may be prescribed.

7.32pm – Cr Daw left the meeting

RECOMMENDATION / COUNCIL DECISION		C12.07.24	
Moved by	Cr Cicchini	Seconded by	Cr Beale
<p>That Council Closes the meeting to members of the public, in accordance with s5.23(2) of the <i>Local Government Act 1995</i>, in order to consider the confidential reports as detailed below:</p> <p>13.1 Variation to Lease - Part Lot 804 Elmsfield Road, Midvale</p> <p>Item 13.1 is considered confidential in accordance with the <i>Local Government Act 1995</i> section 5.23(2) (c) as it contains information relating to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.</p> <p style="text-align: right;">CARRIED 6/0</p> <p>For: Cr Jeans, Pres McNeil, Cr Mehta, Cr Beale, Cr Cicchini and Cr Zlatnik</p> <p>Against: Nil</p> <p>Cr Daw had previously left the meeting and did not vote.</p>			

7.34pm, Cr Daw returned to the meeting

13.1 Variation to Lease – Part Lot 804 Elmsfield Road, Midvale

File Code	El 9 (804)
Author	Dee Roberts, Property Management Officer
Senior Employee	Shane Purdy, Director Infrastructure Services
Disclosure of Any Interest	Nil
Attachments	Nil

Please refer to confidential report provided under separate cover.

OFFICER RECOMMENDATION / COUNCIL DECISION		C13.07.24	
Moved by	Cr Jeans	Seconded by	Cr Daw
That Council authorise the Chief Executive Officer to vary the lease on Part Lot 804, Elmsfield, Midvale to adjust the rental income from a Percentage Review (CPI) every three years and a Market Review every five years to an annual fixed 3% increase every year and a Market Review every five years.			
			CARRIED 5/2
For:	Cr Jeans, Cr Daw, Cr Beale, Cr Cicchini and Cr Zlatnik		
Against:	Pres McNeil and Cr Mehta		

Meeting Opened to Public at 7.57pm

RECOMMENDATION / COUNCIL DECISION		C14.07.24	
Moved by	Cr Zlatnik	Seconded by	Cr Jeans
That the meeting again be opened to the public.			
			CARRIED 7/0
For:	Cr Jeans, Pres McNeil, Cr Mehta, Cr Daw, Cr Beale, Cr Cicchini and Cr Zlatnik		
Against:	Nil		

14.0 CLOSING PROCEDURES

14.1 Date, Time and Place of the Next Meeting

The next Ordinary Council meeting will be held on Tuesday, 13 August 2024 at 6.30pm in the Council Chamber.

14.2 Closure of the Meeting

The Presiding Member declared the meeting closed at 7.58pm.