



SHIRE OF
HARVEY



Agenda Briefing Session **Agenda**

Australind Council Chamber

Tuesday, 20 July 2021

4PM

Shire of Harvey
Agenda Briefing Session

Dear Councillor,

Notice is hereby given that the next meeting of the Harvey Shire Council will be held in the Australind Council Chamber, Mulgara Street, Australind, on Tuesday, 20 July 2021 commencing at 4pm.

The business to be transacted is shown in the Agenda hereunder.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Annie Riordan', with a stylized flourish at the end.

Annie Riordan
Chief Executive Officer

15 July 2021

Agenda Briefing Sessions

Agenda Briefing Sessions are used to inform Elected Members on the items of business to be presented and discussed at the forthcoming Ordinary Council meeting.

Agenda Briefing Sessions are open to the members of the public and a member of the public may request to present a deputation to the Elected Members relating to an item on the agenda. Deputations are received on the same evening as the Agenda Briefing Session and at the commencement of the meeting.

No decisions are made at Agenda Briefing Sessions although Elected Members may request additional information or may request alternative wording for motions to be prepared for possible consideration at the forthcoming Council meeting.

Any statement or insinuation of approval regarding any planning or development application made during an Agenda Briefing Session is not to be taken as notice of approval from the Shire. The Shire advises that anyone who has an application lodged with the Shire must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attached to the decision made by Council regarding the application.

Disclaimer

Members of the Public are advised that recommendations to Council contained within this Agenda can be subject to alteration. Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council's decision with respect to any particular issue.

An audio and/or visual record will be made of these proceedings to assist in the taking of minutes.

Agenda

1. Official Opening.....	5
2. Record of Apologies and Leave of Absence	5
3. Declarations of Members' and Officers' Personal Interest	5
4. Deputations	5
5. Officer's Reports	6
5.1. Chief Executive Officer	6
5.1.1. Harvey District Tourist Bureau Inc. - Management Agreement Renewal	6
5.1.2. Draft Corporate Business Plan.....	9
5.1.3 Council Action Register 2021	14
5.1.4. Lease Agreement - Mr EJM and Mrs NM Dorant	16
5.1.5. Policy Review Code of Conduct Complaints	19
5.1.6. Lease Renewal - Binningup Community Association Inc.....	23
5.1.7. Lease Agreement - Binningup Bowling Club	26
5.2. Infrastructure Services	29
5.2.1. Application to Keep More than Two Dogs	29
5.2.2. Herbert Road, Harvey Traffic Management - Further Report No 3	32
5.2.3. Tender T032021 Pruning, Mulching and Removal of Trees	37
5.2.4. Marriott Road, Dedication of Freehold Lot 41 on Plan 17392 and Lot 42 on Plan 17393.....	40
5.3. Sustainable Development.....	43
5.3.1. Amendment to Local Development Plan - Edenlife	43
5.4. Corporate Services	47
5.4.1. Listing of Accounts Paid - May 2021	47
5.4.2. Financial Statements as at 31 May 2021	49
5.4.3. 2021 - 2022 Budget Adoption	52
5.5. Community and Lifestyle.....	58
5.5.1. Community Safety and Crime Prevention Plan	58
5.5.2. Shire of Harvey Youth Collective and Youth Taskforce	61
5.5.3. Access and Inclusion Plan 2021-2026	64
6. Notice of Motion for Following Meeting.....	69
7. Matters Behind Closed Doors	69
7.1. Executive Services	69
7.1.1.CEO Performance Appraisal.....	69
7.1.2.Code of Conduct Complaints Officer	69
8. Closure of Meeting	69

1. Official Opening**Disclaimer**

Members of the Public are advised that recommendations to Council contained within this Agenda can be subject to alteration. Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council's decision with respect to any particular issue.

Any statement or insinuation of approval regarding any planning or development application made during an Agenda Briefing Session meeting is not to be taken as notice of approval from the Shire. The Shire advises that anyone who has an application lodged with the Shire must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attached to the decision made by Council regarding the application.

An audio and/or visual record will be made of these proceedings to assist in the taking of minutes.

Acknowledgement of Country

The Shire of Harvey acknowledges the traditional custodians of the land and their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal communities and their cultures; and to Elders both past and present.

2. Record of Apologies and Leave of Absence**3. Declarations of Members' and Officers' Personal Interest****4. Deputations**

5. Officer's Reports

5.1. Chief Executive Officer

Item No.	5.1.1.
Subject:	Harvey District Tourist Bureau Inc. - Management Agreement Renewal
Proponent:	Shire of Harvey
Location:	Lot 285 South Western Highway, Harvey – Reserve No. 42152
Reporting Officer:	Governance Officer – Procurement Compliance
Authorising Officer:	Chief Executive Officer
File No.:	C/A/017 / A002446
Attachments:	<ol style="list-style-type: none"> 1. Aerial Map [5.1.1.1 - 1 page] 2. Request [5.1.1.2 - 3 pages] 3. Draft Management Agreement [5.1.1.3 - 7 pages]

Summary

Harvey District Tourist Bureau Inc. has requested that its Management Agreement with the Shire of Harvey to operate the Harvey Visitors Centre, located upon Reserve No. 42152, being Lot 285 South Western Highway, Harvey (**Attachment 1**) be extended for a further term commencing 1 October 2021.

It is recommended the Management Agreement be extended for a term of six months.

Background

Commencing on 1 October 2001, the Shire of Harvey entered into a Management Agreement with the Harvey District Tourist Bureau Inc. for a period of ten years, expiring on 30 September 2011, in respect to the operations of the Harvey Visitors Centre. In December 2011 Council agreed to a further ten-year period, which is due to expire on 30 September 2021.

The Harvey District Tourist Bureau Inc. has now indicated, in writing, that it wishes to enter into a new agreement for this property and is seeking a further term (**Attachment 2**).

Comment

The agreement currently in place is not a lease and this is clearly outlined in Clause 10 being:

“No Tenancy Presumed:

10. The Bureau acknowledges that it occupies the Centre as a licensee only in its capacity as manager and no landlord and tenant relationship arises between the Bureau and the Shire”

The Management Agreement has been modified from the agreement presented to Council on 22 June 2021.

The following clause amendments have been made to the Management Agreement (refer **Attachment 3**):

3. (a) To ensure that the Centre shall be open to the public on the following days between the following specified hours:
 - Monday to Friday **9.30am to 4.00pm**
 - Saturday **9.30am to 4.00pm**
 - Sunday **9.30am to 4.00pm**

These opening hours have been confirmed by the Harvey District Tourist Bureau.

3. (g) Conduct a monthly meeting with the Shire to provide a mechanism for communication.

(h) Maintain a website and social media account.

7. The Bureau shall provide **quarterly reporting and** an annual presentation to the Shire on the general operations of the Harvey Visitor Centre, with this presentation to coincide with the Bureau's annual budget funding request.

The following clause had been implemented:

11. In the event that it is a decision of the Shire of Harvey or the Harvey Visitors Centre to cease this agreement it shall be deemed terminated on the date three months following written notice of the intention to terminate by either party.

Statutory/Policy Environment

Section 3.18 of the *Local Government Act 1995* deals with the performing executive functions.

“3.18 Performing executive functions:

- (1) A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.*
- (2) In performing its executive functions, a local government may provide services and facilities.*
- (3) A local government is to satisfy itself that services and facilities that it provides-*
 - (a) integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body; and*
 - (b) do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and*
 - (c) are managed efficiently and effectively.”*

Strategic Framework

The Shire's Strategic Community Plan 2021 – 2031, states:

- Goal 5:** *A representative leadership that is future thinking, transparent and accountable.*
- Objective 5.2** *Build partnerships and work collaboratively to amplify the outcomes that can be achieved*

Community Engagement

Community Participation Goal

Inform: To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.

Promise to the Community

Inform: We will keep you informed.

Risk Management

The **Risk Theme Profile** identified as part of this report are **Providing Inaccurate Advice/Information** and **Inadequate Engagement Practices**. The Consequence could be **Reputational** if incorrect advice or information is provided. The risk is considered **Minor** and the likelihood **Unlikely**, given the management has been prepared in consultation with Council, Shire Officers and the Harvey District Tourist Bureau. This results in a **Low** risk being presented.

Budget Implications

The 2021 – 2022 Draft Budget lists for consideration operational contributions of \$84,000.

There will be no external costs for the preparation of the agreement. The agreement has been drafted by the Recommending Officer (**Attachment 3**).

Authority/Discretion

Executive: The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Approves the renewal of the Management Agreement for a term of six months, commencing 1 October 2021, with the Harvey District Tourist Bureau Inc. for the operation of the Harvey Visitors Centre located upon Reserve No. 42152, being Lot 285 South Western Highway, Harvey; and
2. Authorises the Chief Executive Officer to sign the Management Agreement.

Item No.	5.1.2.
Subject:	Draft Corporate Business Plan
Proponent:	Shire of Harvey
Location:	Australind
Reporting Officer:	Corporate and Community Engagement Officer
Authorising Officer:	Chief Executive Officer
File No.:	B000366
Attachments:	1. Draft Corporate Business Plan 2021-2025 [5.1.2.1 - 71 pages]

Summary

Following the adoption of the Strategic Community Plan 2021 – 2031, the draft Corporate Business Plan 2021 - 2025 (**Attachment 1**) is now presented to Council for adoption.

Background

The *Local Government Act 1995* requires local governments to plan for the future of the district. Amendments made in August 2011 to the Local Government (Administration) Regulations 1996, state that as a minimum, a Strategic Community Plan (SCP) and a Corporate Business Plan form this plan for the future.

The draft Corporate Business Plan 2021 – 2025 sets out the projects and services the Shire aims to deliver over the next four years that work towards achieving the goals identified in the SCP. The draft Corporate Business Plan is a key business planning tool for the Shire and acts as the intermediary document between the SCP and the Shire's Annual Budget. It is reviewed and updated every year, with progress and achievements reported on in the Annual Report.

Comment

Consultation

Unlike the SCP, a Corporate Business Plan does not require a period of public comment prior to being presented to Council for adoption. However, the draft being presented has been fully informed by the community engagement process conducted during the development of the SCP. The priorities, goals and objectives of the SCP have created the framework for the key projects and actions outlined in the draft Corporate Business Plan.

Identification of the key projects was informed through several different mechanisms, including the Shire's regular consultation with Place Advisory Group members and by working in partnerships with community groups and other government agencies. Many projects are influenced by statutory requirements (for example, maintaining road infrastructure) and some have also carried over from the previous Corporate Business Plan as they are still relevant in terms of meeting the strategic direction of the Shire.

The draft Corporate Business Plan has also been heavily informed by the Forward Capital Works Plan, which was workshopped with Councillors and received by Council at the 25 May 2021 Ordinary Council Meeting.

Internal consultation with Directors and Managers of each business unit and information sharing with members of the South West Integrated Planning and Reporting Peer Support Network helped to further refine the structure and content of the draft.

The draft Corporate Business Plan 2021-2025 was presented at the July Concept Forum, where feedback from Council has resulted in the following amendments:

- Page 4 (Message from the Shire President and CEO), paragraph 2, line 2 - “projects the Shire **will** deliver” changed to “projects the Shire **plans** to deliver”;
- Page 20 (Our Corporate Business Plan Explained), paragraph 5 (Year of Delivery), line 2 - “action or activity **will** occur” changed to “action or activity **is planned** to occur”;
- Page 48 (Forward Capital Works Program), paragraph 1, line 2 - “the amount that **will** be expended” changed to “the amount that **may** be expended”.
- Page 23, Strategy 1.4.2 - “Advocate for the **expansion** of the Kemerton Strategic Industrial Area” changed to “Advocate for the **sustainable development** of the Kemerton Strategic Industrial Area”;
- Page 23, Objective 1.4 - Removal of reference to the regional saleyards from Strategy 1.4.2 and the creation of a new strategy “1.4.3 Regional saleyards”
- Page 42 – Strategies 4.5.1 (Harvey Community Precinct) and 4.5.2 (Australind Community Precinct) - Inclusion of a new preliminary action “**Consultation and investigation (commencement of any future stages and funding is dependent on the outcome)**”, to be funded from the operational budget in year 1.

Structure

A Corporate Business Plan is a working document that can be used to inform all aspects of decision making by Council and Administration. To facilitate this, the draft Corporate Business Plan contains a greater level of detail than its predecessor. For example, it has expanded on the financial information about the strategies and actions, including:

- Detailing whether the project is funded through the Shire’s operating budget or if it is a capital expenditure;
- For capital items, the total project cost is shown, with a split between the Shire’s budget and how much is required from external sources (grants, contributions, loans) if the project is to proceed; and
- The adopted Forward Capital Works Program has been included to give the reader full oversight of the Shire’s proposed capital works program for a four-year period, including asset improvement and renewal as well as new infrastructure projects.

This level of detail will clarify the Shire’s financial commitments to its projects, which in many cases is only a small proportion of the total cost. It will also better support Council’s decision making if new projects need to be funded or priorities change.

The draft Corporate Business Plan has also expanded on the information relating to service areas. It now includes the responsible business unit, their status as either mandatory or discretionary and the links to the goals of the SCP. The purpose of this information is to give Officers, Councillors and members of the public a clear line of sight between the Shire’s regular (or core) services and the community’s broader strategic goals. Over the next 12 months, more comprehensive Service Area Plans will be developed that will include information such as budget and workforce levels for each area. Again, this will inform decision making when service levels need to be adjusted, for example, if a change in strategic direction requires a different level of service to support it.

Priorities and Major Projects

The draft Corporate Business Plan responds to the community priorities identified in the SCP, those being:

- Playgrounds, parks and reserves;
- Crime prevention and safety;
- Youth services;
- Local roads;
- Footpaths, trails and cycleways;
- Communication;
- Streetscapes, trees and verges; and
- Mosquito and pest management.

The Plan also responds to existing priorities such as economic development through the creation of tourism and business opportunities in the region and the redevelopment of essential infrastructure such as the Harvey Senior Citizens Centre.

Some of the major proposed projects for the next four-year period include:

- Harvey and Australind Community Precincts;
- Yarloop Workshops Stage 2;
- Leschenault Leisure Centre Indoor Court Expansion;
- Advocating for the upgrade and reclassification of Marriott Road;
- Harvey Trails and Adventure Precinct;
- Ridley Place Foreshore Redevelopment;
- Upgrade of the Harvey Senior Citizens Centre;
- Brunswick River Cottages Stage 3; and
- Binningup Beach Redevelopment.

Some of the key achievements from the previous Corporate Business Plan include:

- The implementation of close to \$748,000 of work as part of the Shire's COVID-19 Economic Stimulus Program Stage 2;
- Completion of Stage 3 of the Ridley Place Foreshore Redevelopment Master Plan (Karagarup Play Space);
- Completion and official opening of the Australind SES building and the Binningup Volunteer Bush Fire Brigade building;
- Completion and official opening of the Harvey Community and Sporting Facility (The Boundary);
- Construction of eight independent living units as part of the Brunswick River Cottages for Aged Accommodation Stage 2;
- Adoption of several key strategies, including the Voices of Youth Strategy, Communication and Engagement Plan and the Economic Development Strategy; and
- Hosting the Access and Inclusion Summit.

Risk Management

The Shire's Policy 2.1.3 - Risk Management documents the commitment and objectives regarding managing uncertainty that may impact the Shire's strategies, goals or objectives. It's a key informing document to the Corporate Business Plan and work will be undertaken in the coming 12 months to fully integrate risk assessments into the Corporate Business Plan.

Monitoring and Reporting

The progress of the key actions in the draft Corporate Business Plan will be monitored through a new

quarterly reporting process. This will be critical in identifying any emerging issues and will ensure Council is able to make informed decisions about any changes in direction throughout the year. Quarterly reporting will be against both the actions contained in the draft Corporate Business Plan and identified Corporate Performance Indicators. Any amendments made in-year will be reported to Council and a final report of the progress and achievements will be made in the Annual Report.

Public Access to the Corporate Business Plan

Once adopted, the final Corporate Business Plan will be saved as an interactive file, meaning the website version will have links to the informing plans and strategies for easy reference. For example, the Long Term Financial Plan or the Communication and Engagement Plan.

Statutory/Policy Environment

Local Government Act 1995 – Section 5.56 of the *Local Government Act 1995* request WA local governments to produce a plan for the future of the district.

Local Government (Administration) Regulations 1996 states:

A Strategic Community Plan and a Corporate Business Plan, together form a Plan for the Future of a district.

Strategic Framework

The Shire's Strategic Community Plan 2021 – 2031, states:

Goal 5: A representative leadership that is future thinking, transparent and accountable.
Objective 5.5 Integrated strategic planning and reporting to drive continuous improvement

Community Engagement

Community Participation Goal

Inform: To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.

Whilst there was no requirement for the Shire to seek stakeholder feedback on the draft Corporate Business Plan, once adopted it will be advertised widely as being publicly available.

Promise to the Community

Inform: We will keep you informed.

The adopted Corporate Business Plan will be available on the Shire's website, with public notices made via online and print media channels (Facebook, 4 O'clock Report) as well as being disseminated through the Place Advisory Groups.

Risk Management

The Risk Theme Profile identified as part of this report is **Failure to Fulfil Compliance Requirements**. The consequence could be **Compliance** if the requirements of both the *Local Government Act 1995* and the Local Government (Administration) Regulations 1996 are not met in terms of the Shire having a plan for the future of the district. Another consequence could be **Reputational** if the public perceives that the Shire does not have the business planning tools in

place to manage ratepayer money in a transparent and accountable manner. The Measure of Consequence is **Moderate**, and the likelihood is **Unlikely**, giving an overall risk rating of **Moderate**. Both risks will be mitigated through adherence to the Integrated Planning and Reporting framework.

Budget Implications

Initial production of the draft Corporate Business Plan cost \$4,039. This was outsourced due to the volume and complexity of the data to be entered. Final editing was completed by Shire officers and future updates will be completed in-house now that Shire officers have received training in the relevant design software.

The cost of the projects and actions contained within the draft Corporate Business Plan are as per the Annual Budget and Forward Capital Works Program.

Authority/Discretion

Executive: The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

Voting Requirements

Absolute Majority

Officer's Recommendation

That Council:

1. Adopts the draft Corporate Business Plan 2021 – 2025; and
2. Gives public notice of the adoption of the Corporate Business Plan, as per the Local Government (Administration) Regulations 1996.

BY ABSOLUTE MAJORITY

Item No.	5.1.3.
Subject:	Council Actions Register 2021
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Governance and Strategy
Authorising Officer:	Chief Executive Officer
File No.:	CC/C/0126
Attachments:	<ol style="list-style-type: none"> 1. Council Actions Register 2021 [5.1.3.1 - 13 pages] 2. Action Register Prior to Jan 2021 [5.1.3.2 - 11 pages]

Summary

This report provides the action status of Council resolutions for the period January – June 2021 and allows Councillors to track progress and note action on those items.

Background

Council is required to responsibly govern the local government's affairs under the *Local Government Act 1995* and does so by making well informed and considered decisions at Ordinary Council Meetings and any Special Council Meetings that are held.

As actions occur, updates on the progress of Council decisions are made to the Council Decision Action Register and then tabled at Council at the end of the period. In total there were 111 Council Decisions requiring action in the period January 2021 – June 2021 (**Attachment 1**). Included separately are Council Actions from resolutions in previous years which have not been reported as complete or are still ongoing (**Attachment 2**).

Comment

A Council Decision Action Register has been developed to ensure that Council resolutions are implemented in a timely manner. The action status against resolutions and recommendations are updated regularly by Officers so that progress can be tracked and reported back to Council during the year if necessary. It is encouraged that Council review the Action Registers and consider any further Council resolutions which may direct the Administration in the delivery of and prioritisation of previous resolutions.

A snapshot of the progress of previous Council resolutions is highlighted in the below table:

Council Resolutions	Number of Items	Action Status
Council Actions Register January 2021 - June 2021	111	91 Completed 20 In progress 0 Not commenced
Outstanding Actions Prior to 2021	52	24 Completed 21 In progress 7 Not commenced

Statutory/Policy Environment

Local Government Act 1995 Section 5.20.

Strategic Framework

The Shire's Strategic Community Plan 2021 – 2031, states:

Goal 5: A representative leadership that is future thinking, transparent and accountable.
Objective 5.4 Sound governance, including financial, asset and risk management

Community Engagement

Community Participation Goal

Inform: To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.

Promise to the Community

Inform: We will keep you informed.

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The Consequence could be **Compliance** if due process is not followed in terms of the *Local Government Act 1995*. The Risk Consequence is considered to be **Minor** and the likelihood **Unlikely** resulting in a **Low** risk being present.

Budget Implications

There are no financial implications associated with this report.

Authority/Discretion

Information Purposes: Includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').

Voting Requirements

Simple Majority

Officer's Recommendation

That Council notes the resolutions of the Ordinary and Special Council Meetings for the period January to June 2021, and actions prior and the associated progress of those Resolutions contained in **Attachment 1** and **Attachment 2**.

Item No.	5.1.4.
Subject:	Lease Agreement - Mr EJM and Mrs NM Dorant
Proponent:	Shire of Harvey
Location:	Wellington Location 1, Lot 14 Australind
Reporting Officer:	Governance Officer – Procurement Compliance
Authorising Officer:	Chief Executive Officer
File No.:	C/Z/024 A004024
Attachments:	<ol style="list-style-type: none"> 1. Attachment 1 [5.1.4.1 - 1 page] 2. Attachment 2 [5.1.4.2 - 1 page] 3. Attachment 3 [5.1.4.3 - 5 pages] 4. Attachment 4 [5.1.4.4 - 1 page] 5. Attachment 5 [5.1.4.5 - 1 page]

Summary

Mr EJM and Mrs NM Dorant (the applicants) have submitted a request to renew a lease agreement to graze on the land known as Wellington Location 1, Lot 14 Australind marked “C” (refer **Attachment 1**). This property has been leased from the Shire of Harvey by Mr EJM and Mrs NM Dorant (Lessees) for a number of years for the purposes of grazing.

It is recommended that Council renew the Lease for a further three year term (refer **Attachment 3**).

Background

Lot 14 Australind is owned freehold by the Shire of Harvey and borders Mr and Mrs Dorant’s property to the north, marked “A” (refer **Attachment 1**) being Lot 16, with the Australind Senior High School located to the west, marked “B” (refer **Attachment 1**). The eastern boundary of the lot runs along the Brunswick River.

The lot has been leased to EJM and NM Dorant now for many years. During 2009, Council agreed to fence off an identified wetland area of approximately 4.5ha within Lot 14 for revegetation and rehabilitation work as indicated on the plan marked “E” (refer **Attachment 2**). The balance of the land being approximately 11.5ha, marked “D” (refer **Attachment 2**), was leased to Mr. and Mrs Dorant for the purpose of grazing with the lease expiring on 30 June 2021. The fencing along the river and the path entry gates have been subjected to continuous vandalism. Some damage has also occurred to the internal fencing most of which appears to again be vandals or intruders.

Comment

In accordance with Section 3.68 (3) and (4) of the *Local Government Act 1995* the Shire advertised its intention to dispose of land to Mr EJM and Mrs NM Dorrant of Australind for a period of three years and invited submissions by the 15 June 2021. The legislative requirement in relation to the disposal of property by State-wide public notice have been completed with no objections received from members of the public.

The grazing of the land reduces expenditure to Council, whilst receiving nominal rent. The rental amount for the lease is \$1,000 per annum plus GST, (\$3,000 in total for the duration of the lease). It is not proposed to increase the rent applicable to the lease.

Mr Dorant has grazed the area and has maintained the land, fences, gates etc. in a good manner as required by the lease. The grazing of stock on this land keeps the area in a neat and presentable appearance and if this was not the case Council would have an expense in maintaining the land.

The Shire’s Environmental Officer liaises regularly with the Lessee on matters relating to the leased area and the river foreshore. Inspections and visits note that the property is being used and

maintained in accordance with the lease. Mr and Mrs Dorant are also active in reporting issues, damage or misuse of the surrounding area particularly the river foreshore.

As is normal practice, six months before a lease is due to expire Council writes to the Lessee seeking whether they wish to renew or enter into a further lease over the leased premises, (refer **Attachment 4**) The Lessees have expressed their desire, in writing, to renew the lease for a further three year term (refer **Attachment 5**).

Statutory/Policy Environment

Section 3.58 (3)(a) of the *Local Government Act 1995*, deals with the disposal of property which includes leasing.

- 1) *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; and*
 - 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*

Regulation 30(1)(2)(a) of the *Local Government (Functions and General) Regulations 1996*, describes that an exempt disposition under this Regulation is excluded from the application of Section 3.58 of the Act:

“A Disposition of land is an exempt disposition if –

- 1) *The land is disposed of to an owner of adjoining land and;*
 - a) *Its market value is less than \$5000; and*
 - b) *The Local Government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee.”*

Strategic Framework

The Shire’s Strategic Community Plan 2021 – 2031, states:

- | | |
|----------------------|--|
| <i>Goal 2:</i> | <i>A safe, accessible and connected community where everyone has the opportunity to contribute and belong.</i> |
| <i>Objective 2.1</i> | <i>to support people through all stages of life</i> |
| <i>Objective 2.6</i> | <i>The creative talent and cultural diversity of the community is recognised, supported and celebrated</i> |

Community Engagement

Community Participation Goal

Inform: To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.

Promise to the Community

Inform: We will keep you informed.

Risk Management

The Risk Theme Profile identified as part of this report is **Business and Community Disruption**. The Consequence could be **Reputational** if Council decided not to support the recommendation. The risk is mitigated by having a lease agreement which is consistent with advice from the Shire's legal services providers. The Risk Consequences is considered to be **Low** and the Likelihood **Unlikely**, resulting in a **Low** risk being present.

Budget Implications

Rental income proposed at \$1,000 (plus GST) to be received, in advance, each July from 2021 - 2023.

Non-recoverable advertising costs of \$620 (Inc. GST).

No cost will be required for the preparation of the lease as the document will be prepared by the Recommending Officer.

Authority/Discretion

Executive: The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

Voting Requirements

Absolute Majority

Officer's Recommendation

That Council:

1. Enters into a three year Lease Agreement (refer **Attachment 3**) commencing from 1 July 2021, for portion of Wellington Location 1, Lot 14 Australind, as shown on the plan attached (refer **Attachment 2**) with EJM and NM Dorant for the rental of \$1,000 (plus GST) per annum, subject to the conditions of the Lease therein;
2. Authorises the Chief Executive Officer to execute the Draft Lease with the Lessee and make any minor amendments; and
3. Authorises the Chief Executive Officer and Shire President to sign and affix the Shire of Harvey common seal.

BY ABSOLUTE MAJORITY

Item No.	5.1.5.
Subject:	Policy Review Code of Conduct Complaints
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Governance and Strategy
Authorising Officer:	Chief Executive Officer
File No.:	
Attachments:	<ol style="list-style-type: none"> 1. Policy 1.1.14 Code of Conduct for Council Members, Committee Members and Election Candidates [5.1.5.1 - 15 pages] 2. Terms of Reference - Behaviour Complaints Committee [5.1.5.2 - 2 pages] 3. Delegation Behavioural Complaints Committee [5.1.5.3 - 1 page]

Summary

For Council to adopt the revised Code of Conduct Complaints Policy as at **Attachment 1**.

Background

On 3 February 2021, the Local Government (Model Code of Conduct) Regulations 2021 (Model Code) introduced a mandatory Code of Conduct for Council Members, Committee Members and Candidates. The purpose of the Model Code is to guide decisions, actions and behaviours of Council Members, elected and unelected Committee Members, and Candidates in Local Elections.

The Model Code was presented to Council for workshopping on the 13 April 2021. Councillors made no additions to the Model Code. The workshop also included discussion with relation to the Code of Conduct Complaints Policy. Both items were adopted by Council at the 27 April 2021 Ordinary Council Meeting. This Code of Conduct Complaints Policy was endorsed as an interim policy which would be reviewed upon receipt of a template policy and advice which was being drafted by the Western Australian Local Government Association (WALGA).

Comment

The revised Code of Conduct Complaints policy explicitly follows the WALGA framework for handling Division 3 Behavioural complaints from the Model Code. There are three main roles within the new policy.

Behaviour Complaints Officer

The first role is, the Behaviour Complaints Officer, who is authorised in accordance with clause 11(3) of the Code of Conduct to accept complaints and withdrawal of complaints. There are three delegated Officers at the Shire, the Chief Executive Officer, Director Corporate Services and the Manager Governance and Strategy. The Behaviour Complaints Officer is not an advocate for the complainant or the respondent. The Behaviour Complaints Officer provides procedural information and assistance to both Complainant and Respondent. The Behaviour Complaints Officer will liaise with and provide administrative support to a Complaint Assessor appointed under this Policy. The Behaviour Complaints Officer will liaise with the local government to facilitate the calling and convening of Council or the Behaviour Complaints Committee meetings if required. In undertaking their functions, the Behaviour Complaints Officer will apply the Principles of this Policy.

The policy also includes an Alternative Dispute Resolution Process. To commence the process, the Behaviour Complaints Officer will, as the first course of action upon receiving a complaint, offer the Complainant and the Respondent the option of Alternative Dispute Resolution. If both parties agree to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will pause the

formal process. The objective of Alternative Dispute Resolution will be to reach an agreed resolution that satisfies the Complainant that the formal process is no longer required, allowing them to withdraw the Complaint, in accordance with Part 3.3 of this Policy. For example, an offer by a Respondent to issue a voluntary apology in response to a Complaint, even in the absence of a request from the Complainant, qualifies for consideration as Alternative Dispute Resolution. If Alternative Dispute Resolution is commenced, both the Complainant and Respondent may decline to proceed with the process at any time. The process may also be terminated on the advice of a third party who is providing assistance to the Shire of Harvey, such as a facilitator or mediator. If Alternative Dispute Resolution is terminated or does not achieve an agreed outcome that results in the withdrawal of the Complaint, the Behaviour Complaints Officer will resume the formal process required under this Policy.

Complaints Assessor

Secondly, is the role of the Complaints Assessor. The Complaint Assessor is appointed by the Behaviour Complaints Officer in accordance with Part 3.8 of this Policy. The Complaint Assessor is an impartial third party who will undertake the functions specified in this Policy. In undertaking their functions, the Complaint Assessor will apply the Principles of this Policy. The Complaint Assessor will liaise with the Behaviour Complaints Officer to manage the administrative requirements of dealing with the Complaint in accordance with this Policy. A budget of \$20,000 has been placed in the 2021 - 2022 Budget for the appointment of a complaint's assessor when necessary. This has been included as a line item in the consultants budget, "investigation, complaints" and will be adjusted as required at budget review time. This budget can also be used for the facilitation of an action plan, or Alternative Dispute Resolution.

Behaviour Complaints Committee

The third role within the Policy is that of the Behaviour Complaints Committee. The Behaviour Complaints Committee is a Committee of Council established in accordance with Section 5.8 of the *Local Government Act 1995* for the purpose of dealing with Complaints. The Behaviour Complaints Committee is a Committee of Council Members only. The membership and purpose of the Behaviour Complaints Committee is outlined in 1.1.12 Behaviour Complaints Committee Terms of Reference (**Attachment 2**). It is recommended that Council amend the Delegations Register to include a delegation to this Committee as per (**Attachment 3**) and appoint a committee of three Council Members with three Council Members as deputy Committee Members.

Statutory Framework

Local Government Act 1995: Sections, 5.8, 5.10, 5.11A and 5.16.

Local Government (Model Code of Conduct) Regulations 2021

Strategic Framework

The Shire's Strategic Community Plan 2021– 2031, states:

Goal 5: A representative leadership that is future thinking, transparent and accountable.

Community Engagement

Community Participation Goal

Inform: To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.

Promise to the Community

Inform: We will keep you informed.

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The Consequence could be **Compliance** and **Reputation** if due process is not followed in terms of the *Local Government Act 1995* and associated Regulations. The Risk Consequence is considered to be **Minor** and the likelihood **Unlikely** resulting in a **Low** risk being present.

Budget Implications

It is estimated that the cost of an Independent Complaints Assessor, to facilitate the action required of this policy, will range depending on the complexity of the investigation. Other funds may also be required for action plans or mediation strategies in an Alternate Resolution Process. A conservative figure of \$20,000 has been placed in the consultants budget.

Authority/Discretion

Executive: The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting, and amending budgets.

Voting Requirements

Absolute Majority

Officer's Recommendation

That Council:

1. Adopts the revised Code of Conduct Complaints Policy as at **Attachment 1**;
2. Endorses the creation of the Behavioural Complaints Committee and adopts the Terms of Reference as at **Attachment 2**;
3. Amends the Shire of Harvey Delegations Register to include a delegation to deal with Behaviour Complaints made under Division 3 of the Shire of Harvey's Code of Conduct for Council Members, Committee Members and Candidates (Code of Conduct) as at **Attachment 3**; and
4. Appoints the following Council Members as Committee and Deputy Committee Members to the Behavioural Complaints Committee:

Committee Members	1. Cr _____
	2. Cr _____
	3. Cr _____

Deputy Committee	1. Cr _____
------------------	-------------

Members

2. Cr _____
3. Cr _____

BY ABSOLUTE MAJORITY

Item No.	5.1.6.
Subject:	Lease Renewal - Binningup Community Association Inc.
Proponent:	Shire of Harvey
Location:	Lot 1 Lakes Parade Binningup
Reporting Officer:	Governance Officer - Procurement Compliance
Authorising Officer:	Chief Executive Officer
File No.:	C/Z/029 A006792
Attachments:	<ol style="list-style-type: none"> 1. Attachment 1 [5.1.6.1 - 1 page] 2. Attachment 2 [5.1.6.2 - 1 page] 3. Attachment 3 [5.1.6.3 - 31 pages] 4. Lease Attachment 4 [5.1.6.4 - 32 pages] 5. Attachment 5 [5.1.6.5 - 1 page] 6. Attachment 6 [5.1.6.6 - 7 pages]

Summary

A request has been received from the Binningup Community Association (BCA) seeking a lease renewal for the Binningup Country Club premises (refer **Attachment 1**) located at Lot 1 Lakes Parade, Binningup. The recommendation is that the renewal option be granted, subject to the Reporting Officers recommendations.

Background

The Shire of Harvey is the landowner of the property located at Lot 1 Lakes Parade, Binningup (refer **Attachment 5**).

The Shire has caused the Complex (refer **Attachment 2**) to be built on the Land for the purpose of which is to provide a facility for the promotion of sport and associated social and leisure activities within the Shire of Harvey and more particularly within the locality of Binningup.

The BCA is a community association formed by residents of the locality of Binningup within the Shire of Harvey for the purpose of organising and promoting sporting, social and other associated leisure activities within the locality of Binningup.

On 1 July 2016, Council renewed the lease agreement (refer **Attachment 3**) with the BCA for a further five years. This agreement expired on 30 June 2021. The Binningup Country Club premises is located on freehold land owned by the Shire of Harvey (refer **Attachment 5**).

The BCA have indicated in writing (refer **Attachment 1**) their desire to renew the lease for a further term of five years. A new lease agreement has been prepared (refer **Attachment 4**) as both parties are prepared to continue the arrangement.

Comment

In early 2021 a number of issues arose with the BCA with regards to their lease arrangements and an adjoining Shire lessee. This resulted in a significant review of the lease document being undertaken to alleviate the issues while also aligning the principles of the lease with the Shire of Harvey Community Lease policy.

It is recommended that Council approve a one-year lease agreement with an option to extend for a further two by two-year terms to the BCA. This period is to ensure that the lease arrangements may be closely monitored for lease compliance.

It is recommended that Council give Authority to the Chief Executive Officer to execute the Lease with the BCA including any minor amendments.

Since receipt of the draft lease being provided by the Shire's Lawyer (refer **Attachment 4**) instructions have since been given to Lander Lawyers to amend document under to reflect the "Option Term" to 2 x 2 year terms, where applicable. The wording under "Background" "A." is to be amended from "registered proprietor" to "landowner".

Statutory/Policy Environment

Section 3.58 of the *Local Government Act 1995*, deals with the disposal of Property including which includes leasing.

Clause 30 of the Local Government (Functions and General) Regulations 1996, details when the disposition of property is exempt from the provision of Section 3.58 of the Act. A disposition of property to a body:

- i. The objects of which one of a charitable benevolent, religions, cultural, educational, recreational sporting or other like nature; and
- ii. The members of which are not entitled to profit from the body's transactions are considered exempt.

Shire of Harvey Policy 1.1.12 – Community Lease Policy (refer **Attachment 6**).

Strategic Framework

The Shire's Strategic Community Plan 2021 – 2031, states:

<i>Goal 2:</i>	<i>A safe, accessible and connected community where everyone has the opportunity to contribute and belong.</i>
<i>Objective 2.1</i>	<i>to support people through all stages of life</i>
<i>Objective 2.6</i>	<i>The creative talent and cultural diversity of the community is recognised, supported and celebrated</i>

Community Engagement

Community Participation Goal

Inform: To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.

Promise to the Community

Inform: We will keep you informed.

Risk Management

The Risk Theme Profile identified as part of this report is **Business and Community Disruption**. The Consequence could be **Reputational** if Council decided not to support the recommendation. The risk is mitigated by having a lease agreement drafted by the Shire's legal service providers. The Risk Consequences is considered to be **Moderate** and the Likelihood **Unlikely**, resulting in a **Moderate** risk being present.

Budget Implications

Preparation of the lease document was \$1,500.

Authority/Discretion

Executive: The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

Voting Requirements

Absolute Majority

Officer's Recommendation

That Council

1. Approves a one-year lease agreement with an option to extend for a further two by two-year terms to the Binningup Community Association;
2. Authorises the Chief Executive Officer to Execute the Draft Lease with the BCA and make any minor amendments; and
3. Authorises the Chief Executive Officer and Shire President to sign and affix the Shire of Harvey common seal.

BY ABSOLUTE MAJORITY

Item No.	5.1.7.
Subject:	Lease Agreement - Binningup Bowling Club
Proponent:	Shire of Harvey
Location:	Lot 1 Lakes Parade Binningup
Reporting Officer:	Governance Officer - Procurement Compliance
Authorising Officer:	Chief Executive Officer
File No.:	C/Z/059 A006792
Attachments:	<ol style="list-style-type: none"> 1. Attachment 1 [5.1.7.1 - 1 page] 2. Attachment 2 [5.1.7.2 - 1 page] 3. Attachment 3 [5.1.7.3 - 31 pages] 4. Lease Attachment 4 [5.1.7.4 - 32 pages] 5. Attachment 5 [5.1.7.5 - 1 page] 6. Attachment 6 [5.1.7.6 - 7 pages]

Summary

Lot 1 Lakes Parade, Binningup (refer **Attachment 2**) is freehold land owned by the Shire of Harvey.

A request has been received from the Binningup Bowling Club (BBC) seeking a lease extension for the Binningup Bowling Club premises (refer **Attachment 5**), for the area where the bowling greens and the Binningup Bowling Club's shed, (refer **Attachment 1**), are located at Lot 1 Lakes Parade, Binningup.

It is recommended that a new lease agreement be granted, subject to the conditions in the report.

Background

The Shire of Harvey is the landowner of the property located at Lot 1 Lakes Parade, Binningup (refer **Attachment 2**).

The Shire has caused the Facility (refer **Attachment 1**) to be installed on the land for the purpose of which is to provide a facility for the promotion of sport and associated social and leisure activities within the Shire of Harvey and more particularly within the locality of Binningup.

The BBC is a community group formed by residents of the locality of Binningup within the Shire of Harvey for the purpose of organising and promoting sporting, social and other associated leisure activities within the locality of Binningup.

On 1 July 2016, Council implemented a lease agreement (refer **Attachment 3**) with the BBC for five years. This agreement expired on 30 June 2021. The BBC premises is located on freehold land owned by the Shire of Harvey (refer **Attachment 2**). There was a clause in the lease to offer an extension period for an additional five-year period. This is recommended to be declined.

The BBC have indicated in writing (refer **Attachment 5**) their desire to extend the lease for a further term of five years. A new lease agreement has been prepared (refer **Attachment 4**) as both parties are prepared to continue the arrangement, under recommendations outline in the agreement.

Comment

Issues had arisen early in the 2021 year with the BBC with regards to their lease arrangements and an adjoining Shire lessee. The existing lease agreement offered a Deed of Extension for a five-year term; however, it is recommended that the Shire enter into a new lease agreement with the BBC, which aligns with the Shire's Community Lease Policy. It is recommended that Council approve a one year lease agreement with an option to extend for a further two by two-year extension terms. This period is to ensure that the lease arrangements may be closely monitored for lease compliance.

It is recommended that Council give authority to the Chief Executive Officer to execute the Lease and any minor amendments.

Since receipt of the draft lease being provided by the Shire's Lawyer (refer **Attachment 4**) instructions have been given to amend document under to reflect the Option Term to 2 x 2 year terms, where applicable and the removal of ITEM 11 – (Clause 17.6) Additional Provisions: 1.(b). The wording under "Background" "A." is to be amended from "registered proprietor" to "landowner".

Statutory/Policy Environment

Section 3.58 of the *Local Government Act 1995*, deals with the disposal of Property including which includes leasing.

Clause 30 of the Local Government (Functions and General) Regulations 1996, details when the disposition of property is exempt from the provision of Section 3.58 of the Act. A disposition of property to a body:

- i. The objects of which one of a charitable benevolent, religions, cultural, educational, recreational sporting or other like nature; and
- ii. The members of which are not entitled to profit from the body's transactions are considered exempt.

Shire of Harvey Policy 1.1.12 – Community Lease Policy (refer **Attachment 6**).

Strategic Framework

The Shire's Strategic Community Plan 2021 – 2031, states:

- | | |
|----------------------|--|
| <i>Goal 2:</i> | <i>A safe, accessible and connected community where everyone has the opportunity to contribute and belong.</i> |
| <i>Objective 2.1</i> | <i>to support people through all stages of life</i> |
| <i>Objective 2.7</i> | <i>An active and healthy community</i> |

Community Engagement

Community Participation Goal

Inform: To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.

Promise to the Community

Inform: We will keep you informed.

Risk Management

The Risk Theme Profile identified as part of this report is **Business and Community Disruption**. The Consequence could be **Reputational** if Council decided not to support the recommendation. The risk is mitigated by having a lease agreement drafted by the Shire's legal service providers. The Risk Consequences is considered to be **Moderate** and the Likelihood **Unlikely**, resulting in a **Moderate** risk being present.

Budget Implications

Preparation of the lease document was \$1,500.

Authority/Discretion

Executive: The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

Voting Requirements

Absolute Majority

Officer's Recommendation

That Council:

1. Approves a one-year lease agreement with an option to extend for a further two by two-years to the Binningup Bowling Club;
2. Authorises the Chief Executive Officer to Execute the Draft Lease with the Lessee and make any minor amendments; and
3. Authorises the Chief Executive Officer and Shire President to sign and affix the Shire of Harvey common seal.

BY ABSOLUTE MAJORITY

5.2. Infrastructure Services

Item No.	5.2.1
Subject:	Application to Keep More than the Prescribed Number of Dogs
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Waste and Safety Services
Authorising Officer:	Director Infrastructure Services
File No.:	A006605
Attachments:	Confidential Attachment 5.2.1 Confidential Attachment No. 1

Summary

An application has been received for an exemption to keep more than the prescribed number of dogs on a property in Leschenault.

Following an assessment of the application it is recommended that that Council approves the application as per the recommendation contained in the confidential attachment (refer **Confidential Attachment 5.2.1, Attachment No. 1**).

Background

In accordance with the Western Australian *Dog Act 1976* it is a requirement that all dogs within the Shire of Harvey be registered. The dog owner needs to complete the relevant application form (Form 4) and pay the prescribed registration fees.

If a person, when registered a dog discloses that it is for more than the prescribed number of dogs, more than two at any one property (unless the property is zoned General of Intensive Farming), they are provided with an application form for the keeping of more than the prescribed number of dogs on any one property.

Once the Shire's Administration receives the completed form, Shire Rangers assess the application and adjoining owners are consulted.

Comment

The current application was considered and reviewed based on feedback received, suitably of the property to contain the number of dogs, history of complaints received and the welfare of the dogs including:-

- Provision of shade/water;
- Property fences;
- General condition of dogs;
- Cleanliness of property; and
- Size of property.

Statutory/Policy Environment

Dog Act 1976 – Section 26. Controls the number of dogs permitted. Section 26 (3) allows the local government to grant an exemption in respect of a limit on the keeping of dogs in any specified area.

Strategic Framework

The Shire's Strategic Community Plan 2021 – 2031, states:

- Goal 2: A safe, accessible and connected community where everyone has the opportunity to contribute and belong.*
- Objective 2.2 Create a community where people are safe.*

Community Engagement

Community Participation Goal

Involve: To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.

Correspondence was sent to direct neighbouring properties advising of an application in their area.

Promise to the Community

Consult: We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision. We will seek your feedback on drafts and proposals.

Any comments received regarding the application are advised of the outcome of the application.

Risk Management

The Risk Theme Profile identified as part of this report is **Inadequate Environment Management** (considered the neighbourhood environment). The Consequence would be **Environment** if there are any justified complaints received due to a third dog being located at the premises. The Consequence rating is considered *Moderate* and the Likelihood as **Possible, giving a Moderate** rating.

Budget Implications

Nil.

Authority/Discretion

Quasi-Judicial: When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town development applications, building permits, applications for other permits/licenses (e.g. under *Health Act*, *Dog Act* or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

Voting Requirements

Simple Majority.

Officer's Recommendation

That Council approves the application as per the **Confidential Attachment 5.2.1**.

Item No.	5.2.2.
Subject:	Herbert Road, Harvey Traffic Management - Further Report No 3
Proponent:	Shire of Harvey
Location:	Herbert Road, Harvey
Reporting Officer:	Director Infrastructure Services
Authorising Officer:	Chief Executive Officer
File No.:	R00007
Attachments:	<ol style="list-style-type: none">1. Attachment 1 [5.2.2.1 - 6 pages]2. Attachment 2 [5.2.2.2 - 9 pages]3. Attachment 3 [5.2.2.3 - 1 page]4. Attachment 4 [5.2.2.4 - 1 page]

Summary

As reported to Council at its Ordinary Meeting held on 27 April 2021, a petition was received requesting that Council investigates measures to slow vehicle speeds in Herbert Road, Harvey.

Following receipt of the petition, a traffic assessment was undertaken where Officers concluded that as the 85th percentile speed was within an acceptable range. It was recommended that no further action be taken unless Main Roads WA agreed to lower the posted speed limit from 60kph to 50kph, in line with the adjoining residential streets. Council however, decided that measures to reduce the speed on Herbert Road should be further investigated.

A report outlining a number of measures to potentially reduce the speed on Herbert Road was considered by Council at its Ordinary Meeting held on 25 May 2021. At this meeting Council requested that the community be consulted regarding a traffic calming proposal for Herbert Road comprising strategically placed speed humps, and that a further report be prepared for their consideration at the conclusion of the consultation period.

This report outlines the community feedback received (refer **Attachment 2**) and based on this feedback makes recommendations on a way forward.

Background

Ordinary Council Meeting held on 27 April 2021

A report was presented to Council where, based on the traffic data for Herbert Road Officers recommended, in part:

“That Council acknowledges that while a small percentage of motorists exceeded the posted speed limit based on the results of the vehicle classifiers the implementation of traffic calming along Herbert Road cannot be justified at this stage”.

Council after considering the Officer’s report and listening to the deputation from the author of a petition, amended the Officers recommendation and resolved, in part, as follows:

“That Council authorises the Chief Executive Officer to investigate measures to reduce the speed on Herbert Road and consider this in the future budget;”

Ordinary Council Meeting held on 25 May 2021

Information on the following traffic calming measures designed to change driver behaviour were presented to Council and the advantages and disadvantages of each measure discussed

- Speed Humps – Vertical Displacement;

- Speed Cushions;
- Slow Points - Horizontal Displacement;
- Blister Islands – Horizontal Displacement; and
- Other Potential Treatments
 - Modified T Intersections – no advantage on Herbert Road as it may re-route traffic onto adjoining residential streets;
 - Partial and full road closures – no advantage on Herbert Road as it would re-route traffic into adjoining residential streets and adversely affect property access;
 - Median Treatments – road width on Herbert Road inadequate;
 - Roundabouts – expensive and work effectively where there are even traffic volumes; and
 - Entry Statements - Effectiveness limited if not used in association with other devices.

Following consideration of the report Council made the following decision:

“That Council:

- 1. Notes the information contained in the report regarding possible traffic calming devices to change driver behaviour along Herbert Road, Harvey between Fryer and Buckby Road as shown in Attachment 1;*
- 2. Lists an amount of \$20,000 for consideration in the 2021 – 2022 draft Budget for the installation of traffic calming in Herbert Road in Harvey;*
- 3. Advertises the traffic calming proposal for Herbert Road comprising strategically placed speed humps, as shown on Attachment 2, to residents of Herbert Road, and adjoining streets, for a period of 21 days seeking their comments and feedback; and*
- 4. Receives a further report at the conclusion of the advertising period”.*

Comment

In accordance with Council's decision, on 3 June 2021, 215 Consultation Packs (as shown in **Attachment 1**) were mailed to residents of Herbert Road and adjoining streets. At the close of consultation on 24 June 2021, 78 responses were received.

The responses received together with Officer's comments are contained in **Attachment 2**. A numerical summary of the feedback is outlined below:

Feedback	Herbert Rd	Adjoining Streets	Total
Support Proposal	9	7	16
Object to Proposal	14	41	55
Other comments	2	5	7
Total	25	53	78

As can be seen from the above table of the 78 responses received only 16 respondents supported the proposal (including nine from Herbert Road) and 55 respondents opposed to the proposal (including 14 from Herbert Road). Therefore, the majority of respondents both from Herbert Road and from the adjoining streets **objected** to the proposal.

Discussion

The respondents who indicated they were in favour of the proposal considered, they felt there was an issue in Herbert Road. They suggested that other options be investigated and indicated that other streets should also be focused on. The common theme from the objectors is outlined below:

- There was little overall support for speed humps even from some of those who indicated they were 'in favour' of the proposal;
- Lowering the speed limit to 50kph be referred to the MRWA;
- The existing speed cushions should be removed;
- The potential to shift the problem elsewhere;
- Matter should be referred to the WA Police;
- The speed humps will severely impact on home owners who happen to get one right outside their house;
- Adverse effect on emergency services vehicles; and
- Noise / potential damage to vehicles.

Conclusions / Recommendations

As previously reported to Council, the traffic assessment found that the 85th percentile speed on Herbert Road was within the acceptable range and therefore based on this data, the implementation of speed reduction devices on the street were not recommended by Officers. However, as the main concern appeared to be the relatively small number of daily traffic that exceeded the 85th percentile speed, Officers, at the request of Council, prepared a report on options to 'calm' traffic.

The report presented to Council concluded that speed humps were the most effective option to address concerns raised, albeit with some disadvantages i.e. increase vehicle noise through braking, accelerating and vertical displacement, increased noise from trailers, potential adverse effect on affect emergency and commercial vehicles etc.

Following consultation on the traffic calming proposal the main concerns, as outlined above, related to the invasive nature of the proposed devices with most questioning the need for anything to happen in the street except for reducing the posted speed limit, improving signage and addressing the existing speed cushions west of Fryer Road.

Therefore based on the feedback received, it is recommended that:

- The proposed traffic calming proposal does not proceed;
- That minor improvements on the bend in Herbert Road as shown in **Attachment 3** be undertaken;
- Removes the existing speed cushions on Herbert Road west of Fryer Road and replaces them with a raised red asphalt entry statement as shown indicatively in **Attachment 4**; and
- Should Main Roads WA agree to lower the posted speed to 50kph, that the traffic in Herbert Road be monitored and that the data collected be referred to the WA Police.

Speed Courtesy Signs

The Shire recently purchased three of the above signs. They are currently being assembled and will be deployed at strategic locations around the Shire on a rotating basis to change driver behaviour.

They comprise a radar with a display that shows the approaching vehicle's speed. If the vehicle speed is at or below the posted speed limit a green smiley face is displayed. If the vehicle speed is marginally over the posted speed limit and orange face with no smile is displayed. If well over the posted speed a red sad face is displayed.

These devices have proved very successful when deployed by other local governments and it is intended that when up and running one or two will be deployed on Herbert Road.

Statutory/Policy Environment

Herbert Road is under the care control and management of the Shire of Harvey.

Enforcement of speed on all roads in the State of Western Australia is the responsibility of the WA Police.

Local governments may undertake works on roads under their jurisdiction to improve safety and amenity in accordance with Main Roads WA and Austroads standards.

Strategic Framework

The Shire's Strategic Community Plan 2021– 2031, states:

- Goal 4: A livable, sustainable and well-designed built environment that is accessible to all*
- Objective 4.2 A connected and well maintained network of local roads, footpaths, cycle ways and trails.*

Community Engagement

Community Participation Goal

Consult: To provide the public feedback on analysis, alternatives and/or decisions.

Promise to the Community

Consult: We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision. We will seek your feedback on drafts and proposals.

Risk Management

The Risk Theme Profile identified as part of this report is **Inadequate Engagement Practices**. The Consequence could be **Reputational** if the Shire does not pursue lowering the posted speed limit and informing the community for the reasons behind its decision. The Risk Consequence is considered to be **Minor** as all roads assessed in the Shire have a small percentage of higher end speeds therefore the likelihood is **Possible** resulting in a **Moderate** level of risk.

Budget Implications

The estimated cost to remove the existing speed cushions and replace them with an entry statement as shown on **Attachment 3** is in the order of \$2,500.

The estimated costs to undertake minor improvements on the Herbert Road bend as shown on **Attachment 4** is in the order of \$1,000.

These works would be charged to the Traffic Management budget allocation.

Authority/Discretion

Executive: The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Notes the information distributed to residents and the feedback received regarding the proposal for traffic calming in Herbert Road, Harvey as shown in **Attachments 1 and 2**;
2. Does not proceed with the proposed traffic calming proposal due to the feedback received;
3. Undertakes minor improvements on the bend in Herbert Road as shown in **Attachment 3**;
4. Removes the existing speed cushions on Herbert Road west of Fryer Road and replaces them with a raised red asphalt entry statement as shown indicatively in **Attachment 4**;
5. Should Main Roads WA agree to lower the posted speed along Herbert Road to 50kph, continues to monitor the traffic in the street and refers the collected data to the WA Police; and
6. Advises the respondents of its decision.

Item No.	5.2.3.
Subject:	Tender T032021 Pruning, Mulching and Removal of Trees
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Director Infrastructure Services
Authorising Officer:	Chief Executive Officer
File No.:	T032021
Attachments:	<i>Confidential Attachment 1</i>

Summary

Tenders for the Pruning, Mulching and Removal of Street Trees - Various Locations closed on Thursday 10 June 2021 and at the close of tender, two tenders were received.

Following a detailed assessment of the tender submissions, the evaluation panel considered that one of the tenderers represented the best value for the Shire's operations. This report recommends that Council accepts the tender as per the recommendation contained in the confidential attachment (refer ***Confidential Attachment 1***).

Background

Tenders were invited for the pruning of ornamental, cultivated and native trees growing in the road reserve, in various locations, and removal and pruning of trees within parks and reserves.

The total anticipated expenditure in the 2021 – 2022 financial year is expected to exceed \$250,000. Other pruning requirements, include the rural road network, the Shire's road construction program, storm damage clean-up and other tree pruning as required.

Tenderers were requested to provide pricing for the following

- Pruning of ornamental, cultivated and native trees growing in the road reserve under low voltage powerlines;
- Parks and reserves;
- Road construction – roadside tree pruning;
- Tree removals; and
- Other works – overhanging trees/crown lifting etc.

Tenderers were also requested to include mulching/removal off site to nominated stockpile areas in their price.

Details of all tenders received including tender assessments are included in ***Confidential Attachment 1***.

Comment

Tenders were received from the following companies:

- Norcape Tree Services; and
- Pete's Treeworx Pty Ltd.

The following evaluation criteria was applied in the assessment of the tenders:

Evaluation Criteria	Weighting
Contract Price	40%
Past experience in provision of required services and provision of references	25%
Compliance with tender specification	20%
Financial capacity, organisation structure / resources	15%
TOTAL	100%

Contract Type	Lump sum and schedule of rates
Contract Term	Two year with a further 12 month option
Commencement date	August 2021
Expiry Date	August 2023 (<i>plus a 12 month option to August 2024</i>)

The Tender Evaluation panel included the Director Technical Services, Manager Parks Services and Supervisor Parks Services. Each tender submission was assessed using the above criteria. The assessment is contained within **Confidential Attachment 1**.

Statutory/Policy Environment

Section 3.57 of the *Local Government Act 1995*, and Part 4 Local Government (Functions and General) Regulations 1996, provides a mechanism for the purchase of goods and services by Public Tender.

Regulation 18 of Local Government (Functions and General) Regulations 1996 – Choice of Tender gives Council the option to accept or decline a tender.

Shire of Harvey Policy 11.18 - Purchasing which provides compliance with the *Local Government Act 1995*, and the Local Government (Functions and General) Regulations 1996.

Strategic Framework

The Shire's Strategic Community Plan 2021 – 2031, states:

- Goal 3: *A natural environment that is highly valued, protected and enjoyed.*
- Goal 4: *A livable, sustainable and well-designed built environment that is accessible to all*
- Objective 4.1 *Playgrounds and parks are vibrant, accessible and well maintained*
- Objective 4.2 *A connected and well maintained network of local roads, footpaths, cycle ways and trails.*

Community Engagement

Community Participation Goal

Inform: To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.

Promise to the Community

Inform: We will keep you informed.

Risk Management

The Risk Theme Profile identified as part of this report is **Inadequate Supplier/Contract Management**. The Consequence could be **Compliance** and **Financial Impact** if due process is not followed in terms of the Shire's Purchasing Policy and *the Local Government Act 1995*. The Risk Consequence is considered to be **Moderate** and the likelihood **Unlikely** resulting in a **Low** risk being present.

Budget Implications

The 2021 – 2022 Budget has allocations for pruning of trees under powerlines (in compliance with Western Power requirements) road works and general maintenance allocations for works associated with both roads and parks. The pruning mulching and removal of street trees - various locations will be funded from these budget allocations.

Authority/Discretion

Legislative: Includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council awards tender T032021 for the Pruning, Mulching and Removal of Trees as recommended in **Confidential Attachment 1**.

Item No.	5.2.4.
Subject:	Marriott Road, Dedication of Freehold Lot 41 on Plan 17392 and Lot 42 on Plan 17393
Proponent:	Shire of Harvey
Location:	Marriott Road
Reporting Officer:	Director Infrastructure Services
Authorising Officer:	Chief Executive Officer
File No.:	
Attachments:	<ol style="list-style-type: none"> 1. Attachment 1 [5.2.4.1 - 4 pages] 2. Attachment 2 [5.2.4.2 - 4 pages] 3. Attachment 3 [5.2.4.3 - 2 pages]

Summary

Several portions of Marriott Road in Kemerton are constructed on land owned by the state however the land has never been dedicated as a public road. To enable the land to be dedicated as road reserve, it is a requirement of the *Land Administration Act 1997* (LAA) that the local government resolves to dedicate the road as road reserve.

A request has been received by DevelopmentWA requesting the dedication of portions of 'Marriott Road' (Lot 41 on Plan 17392 and Lot 42 on Plan 17393).

To satisfy statutory requirements, DevelopmentWA has requested that Council formally resolve to support the dedication of the land in question.

Background

DevelopmentWA is in the process of seeking subdivision and development approval for Lot 20 on Plan 7790 (within the Kemerton Strategic Industrial Area), requiring the dedication of portions of 'Marriott Road' (Lot 41 on Plan 17392 and Lot 42 on Plan 17393) as shown on **Attachment 1**.

For DevelopmentWA / Department Planning Lands and Heritage (DPLH) to be able to prepare the required plans and documents, and undertake referrals to external service providers to support the road creation action, the following two processes required to deliver the tenure changes:

1. A resolution from the Shire of Harvey Council, requesting the dedication of these land parcels as road (as per LAA s.56); and
2. A resolution from the Shire of Harvey Council agreeing to the reservation of a portion of Lot 42 (shown blue in attached image and encumbered by the Dampier to Bunbury Natural Gas Pipeline) for 'Road Purposes' with a Management Order to the Shire. The area is shown in detail on the attached old draft Deposited Plan. (This stems from an issue with the *Land Administration Act 1972*, whereby land must be free of encumbrances prior to being dedicated as road).

Comment

Road Classification Process

At its Ordinary Meeting held on 7 August 2018, Council resolved (in part) *that the Classification of Marriott Road be redesignated as a state road*. This request was based on the following factors:

- The regional significance of the Kemerton Strategic Industrial Area;
- The state significance of the Albemarle Lithium Hydroxide Product manufacturing plant; and
- Marriott Road's current and future function as a significant heavy haulage route.

Council's resolution was communicated to the Minister for Transport on 27 August 2018 (refer **Attachment 2**).

The Minister responded to the Shire on 3 October 2018 advising that Marriott Road *would be included in the Road Classification Process with the project anticipated to be completed by the end of 2019*. A copy of the Minister's letter is contained in **Attachment 3**.

To date no information regarding the outcome of the Road Classification Process has been received by the Shire and therefore the future commitment to classify Marriott Road as a 'state road' is uncertain.

By Council formally supporting the dedication of the parcels of land in question, the constructed road would within those parcels of land would formally come under the care, control and management of the Shire.

Officers have considered the request, and as Marriott Road is already constructed and maintained by the Shire, including the portion of road constructed within Lot 41 on Plan 17392 and Lot 42 on Plan 17393, the proposal is supported subject to the Shire being provided with a formal undertaking by the state that Marriott Road will be classified as a state road and in what timeframe this will occur.

Statutory/Policy Environment

The *Land Administration Act 1997* deals with "*Dedication of land as road*", which requires Council's support for the formal acquisition process to proceed.

A public road is created by:

- Being set out as a road on an approved Crown deposited plan that additionally includes a lot for non-road purposes. Automatic dedication occurs under section 28 of the LAA on approval of the deposited plan; and
- Being declared as a road in a Road Dedication (Ministerial) Order lodged and registered against a Crown land title. Dedication occurs under s.56 of the LAA on registration of the road dedication document

Strategic Framework

The Shire's Strategic Community Plan 2021 – 2031, states:

- | | |
|----------------------|---|
| <i>Goal 1:</i> | <i>A diversified and thriving economy that offers a wide range of business and work opportunities as well as consumer choice.</i> |
| <i>Objective 1.4</i> | <i>Appropriate infrastructure is in place to support economic growth</i> |
| <i>Goal 5:</i> | <i>A representative leadership that is future thinking, transparent and accountable.</i> |
| <i>Objective 5.4</i> | <i>Sound governance, including financial, asset and risk management</i> |

Community Engagement

Community Participation Goal

Inform: To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.

Promise to the Community

Inform: We will keep you informed.

Risk Management

The Risk Theme Profile identified as part of this report is Providing **Inaccurate Advice/ Information**. The Consequence could be **Financial, Reputational or Compliance** if correct procedures are not followed for acquiring land under the *Land Administration Act 1997*. As DevelopmentWA is managing the acquisition process, from the Shire's perspective risk is considered **Minor** with the likelihood **Possible** resulting in a **Moderate** level of risk.

Budget Implications

Nil – DevelopmentWA will be responsible for all costs associated with the land acquisition process.

Authority/Discretion

Legislative: Includes adopting local laws, town planning schemes and policies. It is also when council reviews decisions made by Officers.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council

1. Endorses the request from DevelopmentWA for the of portions of 'Marriott Road' (Lot 41 on Plan 17392 and Lot 42 on Plan 17393) as road reserve pursuant to the *Land Administration Act 1997*, as shown in **Attachment 1** subject to the Shire being provided with a formal undertaking by the state that Marriott Road will be classified as a state road and in what timeframe this will occur, as referenced in **Attachments 2 and 3**; and
2. Receives a further report once more information is received on the classification of Marriott Road.

5.3. Sustainable Development

Item No.	5.3.1.
Subject:	Amendment to Local Development Plan - Edenlife
Proponent:	Shire of Harvey
Location:	Lot 9001 (No. 107) Leisure Drive, Australind
Reporting Officer:	Senior Planning Officer
Authorising Officer:	Director Sustainable Development
File No.:	A016159
Attachments:	<ol style="list-style-type: none"> 1. Amended Local Development Plan - Edenlife [5.3.1.1 - 1 page] 2. Lot 9001 Location Plan [5.3.1.2 - 1 page]

Summary

A Local Development Plan (LDP) for Lot 9001 (No. 107) Leisure Drive, Australind was approved by Council at its Ordinary Meeting held on 24 November 2020 (20/261) for Stage 1 of the site. This application seeks to amend that approved LDP to include the remaining vacant land not included in Stage 1 (refer **Attachment 1**).

The LDP has not been advertised for public comment under clause 50 of the Deemed Provisions as Officers are satisfied that the amendment is minor in nature pursuant to clause 59(4) and it is therefore recommended that Council support the proposed LDP.

Background

Lot 9001 (No. 107) Leisure Drive, Australind has an area of 8.32ha (refer **Attachment 2**) and is zoned "Residential Development" under the Shire's District Planning Scheme No. 1 (the Scheme). It is located within the Kingston Estate and is indicated as 'Retirement Village' on the Kingston Estate Structure Plan (2014). The zoning is 'Urban' under the Greater Bunbury Region Scheme (GBRS).

Site History

- Shown as 'Aged Persons Site' on the Kingston Outline Development Plan 28 February 2000.
- Approved as a Use Not Listed 'Park Home Park' (for persons aged 50 and over) on 27 November 2018.
- Western Australian Planning Commission granted approval for a 60-year lease for a 'Lifestyle Village' under sections 136 and 139 of the *Planning and Development Act 2005* (The Act).
- Caravan Park (Park Home Park) Licence issued 18 November 2019 for the Stage 1 area, which expired on 18 November 2020.
- Development Approval granted for 'Aged Persons' Village' approved on 28 February 2020.
- Local Development Plan – Edenlife (Stage 1) approved by Council on 24 November 2020.

Comment

Proposal

The objectives of the existing LDP include:

- To vary development standards for an Aged Persons' Village on a single Certificate of Title under the R30 provisions of the Residential Design Codes (R-Codes); and
- Incorporate the Aged or Dependent Persons' Dwellings Design Principles under Clause 5.5.2 of the R-Codes;

The existing LDP has applied variations to the following R-Codes clauses:

- 5.1.2 Street Setback;
- 5.1.3 Lot Boundary Setbacks; and
- 5.2.1 Setbacks of Garages and Carports.

There are no additional R-Codes clauses that require variation.

Assessment

Officers' have no concerns in respect of the application to extend the approval area for the LDP. The LDP enables timely processing of dwellings through the Planning and Building Business Units and is an extension of the provisions of Stage 1, which is now proposed to be carried forward to the remainder of the site.

The development is a gated Aged Persons' community with a private internal road network. The applicable density code is R30 under the R-Codes and the development exists on a single Certificate of Title owned by Edenlife Communities. There are no implicated adverse impacts on the surrounding residential amenity.

The only change to the LDP provisions is under the heading of 'Setbacks' with the additional point being added as follows:

"Side setbacks to carports with 50% screening may be a minimum of 600mm".

The amended provision is proposed by the Applicant as there have been three development applications required since the original LDP was approved to vary provisions relating to garage/carport setbacks.

This has identified a need to review the provisions for open-sided carports that was applied to Stage 1. It is considered by Officers' to be appropriate to specify that open-sided carports may be considered independently of a solid wall and be located closer to an adjoining lot, under the proviso that there is a maximum of 50% screening on the side boundary. The Applicant has selected 600mm as an acceptable minimum distance from the boundary in accordance with requirements of the Building Code of Australia.

Officer Delegation

The functions of Delegation 9.1.8 - Local Development Plans have not been exercised by Officers' due to the initial Local Development Plan for Stage 1 being determined by Council, and in the interest of transparent and consistent decision-making, the remainder of the site has been treated in the same manner.

Conclusion

It is recommended the proposed amendment to the LDP for Stage 1 is approved to include the balance of the site. This enables the dwellings that comply with the LDP to proceed straight to Building Permits. This amendment covers the remaining land on the site; therefore, no further amendments will be required because of staging.

Statutory/Policy Environment

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 – Deemed Provisions for local planning schemes-

Part 6 — Local development plans

52. Decision of local government

- (1) *Following consideration of a proposed local development plan, including any amendments made to the plan to address matters raised in submissions, the local government must —*
- (a) approve the local development plan; or*
 - (b) require the person who prepared the local development plan to —*
 - (i) modify the plan in the manner specified by the local government; and*
 - (ii) resubmit the modified plan to the local government for approval;*
- Or*
- (iii) refuse to approve the plan.*

59. Amendment of local development plan

- (1) A local development plan may be amended by the local government.*
- (2) A person who owns land in the area covered by a local development plan may request the local government to amend the plan.*
- (3) The procedures for making a local development plan set out in this Part, with any necessary changes, are to be followed in relation to an amendment to a local development plan.*
- (4) Despite subclause (3), the local government may decide not to advertise an amendment to a local development plan if, in the opinion of the local government, the amendment is of a minor nature.*
- (5) An amendment to a local development plan does not extend the period of approval of the plan unless, at the time the amendment is approved, the local government agrees to extend the period.*

Shire of Harvey District Planning Scheme No.1**Clause 5.1 Residential Development Requirements****Strategic Framework**

The Shire's Strategic Community Plan 2021 – 2031, states:

- Goal 2: A safe, accessible and connected community where everyone has the opportunity to contribute and belong.*
- Objective 2.1 to support people through all stages of life*

Community Engagement**Community Participation Goal**

Inform: To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.

Promise to the Community

Inform: We will keep you informed.

Pursuant to Clause 59(4) of the Deemed Provisions, the amendment to the LDP has not been advertised to the public as Officers' are satisfied that the plan is not likely to adversely affect any owners or occupiers within the adjoining area and is therefore minor in nature.

Risk Management

The Risk Theme Profile identified as part of this report is **Inadequate Engagement Practices**. The Consequence could be **Reputational or Compliance** if the procedures identified in Part 6 of the Deemed Provisions is not followed or if an incorrect assessment of the proposal occurs. The risk is considered **Minor** and the likelihood **Unlikely**, given that Shire Officers have followed the identified procedures and the report has been thoroughly researched, peer reviewed and provided by a qualified Shire Officer. This results in a **Low** risk being present.

Budget Implications

Nil

Authority/Discretion

Quasi-Judicial: When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town development applications, building permits, applications for other permits/licenses (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Pursuant to Schedule 2, Clause 59(4) of the Planning and Development (Local Planning Schemes) Regulations 2015, determines that the amendment to the Local Development Plan for Lot 9001 (No. 107) Leisure Drive, Australind is of a minor nature and is not required to be advertised in accordance with Clause 50; and
2. Pursuant to Schedule 2, Clause 59 of the Planning and Development (Local Planning Schemes) Regulations 2015, amends the Local Development Plan for Lot 9001 (No. 107) Leisure Drive, Australind as provided in **Attachment 1**.

5.4. Corporate Services

Item No.	5.4.1.
Subject:	Listing of Accounts Paid - May 2021
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Director Corporate Services
Authorising Officer:	Chief Executive Officer
File No.:	FM/S/006
Attachments:	1. Payments May 21 [5.4.1.1 - 17 pages]

Summary

Presented by way of attachment is a listing of payments for goods and services for May 2021. It is recommended that Council notes the attached payments.

Background

Pursuant to Section 5.42 of the *Local Government Act 1995* (Delegation of some powers and duties to CEO), Council has resolved to delegate to the Chief Executive Officer (Delegation No: 2.2.1) the exercise of its powers to make payments from the municipal and trust funds.

As a result of this delegation there is a requirement under the Local Government (Financial Management) Regulations 1996, Regulation 13(3) for a list of payments to be prepared and presented to Council.

Comment

The list of accounts paid for the period of May 2021 is presented as an attachment to this report, as summarised below.

<u>Voucher</u>	<u>Amount</u>
Schedule of Accounts	
Trust	EFT 55166 – EFT 55264 \$35,436.69
Municipal	EFT 54956 - EFT 55467 \$2,360,586.02
	117225 - 117242 \$19,521.92
	DD22375.1 - DD22435.21 \$135,489.62
CBA Credit Cards	\$6,026.55
Electronic Funds Submitted	\$1,375,351.29
Total	<u>\$3,932,412.09</u>

Statutory/Policy Environment

Local Government (Financial Management) Regulation 1996, Regulation 13 prescribes the reporting of payments to Council.

Strategic Framework

The Shire's Strategic Community Plan 2021 – 2031, states:

- Goal 5: A representative leadership that is future thinking, transparent and accountable.*
- Objective 5.3 Accountable leadership supported by a professional and skilled administration*
- Objective 5.4 Sound governance, including financial, asset and risk management*

Community Engagement**Community Participation Goal**

Inform: To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.

Promise to the Community

Inform: We will keep you informed.

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. There is no Consequence associated as Council is receiving financial information only with no recommendation on action or intervention.

Budget Implications

The payments listed above have been budgeted for in the Shire's 2020 – 2021 Budget.

Authority/Discretion

Executive: The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council notes the above list of accounts paid for the period of May 2021 totalling \$3,932,412.09.

Item No.	5.4.2.
Subject:	Financial Statements as at 31 May 2021
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Director Corporate Services
Authorising Officer:	Chief Executive Officer
File No.:	FM/S/006
Attachments:	1. May 21 Combined Finances [5.4.2.1 - 13 pages]

Summary

Presented by way of attachment are the Financial Statements as at 31 May 2021.

The following key balances are provided to assist in reporting the Shire's financial performance.

	ACTUAL	BUDGET	VARIANCE
	31 May 2021	2020 – 2021	
Statement of Financial Performance			
Ordinary Revenue	\$40,363,971	\$43,575,228	\$3,211,257
Ordinary Expenditure	\$37,558,057	\$50,057,783	\$12,499,726
Capital Revenue	\$2,172,992	\$8,809,126	\$6,636,134
Capital Expenditure	\$4,260,200	\$14,004,898	\$9,744,698
End of Period Profit / (Loss)	\$9,931,846		
Statement of Financial Position			
Current Assets	\$44,381,342		
Net Assets	\$550,439,070		

It is recommended Council receive the Financial Statements (refer **Attachment 1**).

Background

In accordance with the provisions of Section 6.4 of the *Local Government Act 1995*, and Regulation 34(1) of the Local Government (Financial Management) Regulations 1996, a Local Government is to prepare each month a Statement of Financial Activity (refer **Attachment 1**) reporting on the revenue and expenditure as set out in the Annual Budget under Regulations 22 (1)(d) for the month.

Comment

Rates Revenue

Rates revenue of \$22 million and rubbish rates of \$3.4 million were generated in August 2020, and the due date of rates was 25 September 2020. Over 74% of rates were paid by the due date, compared to prior years of around 69%. At the date of this report \$495,482 remains unpaid for rates and ESL debtors.

For 2020 – 2021 the Shire has not increased the property and rubbish rates, rate in the dollar from 2019 – 2020 in an effort to provide some relief to ratepayers.

Cash Flow and Interest Earnings

The Shire holds by way of cash and term deposit \$11.5 million in Municipal Funds and \$31.8 million in restricted Trust and Reserve Funds. The average interest rate on these funds is 0.42%. New term deposits are attracting a very low interest rate for 90 days of approximately 0.31%.

Operating Grants and Subsidies

100% of the 2020 – 2021 Financial Assistance Grants has been received.

Employee Costs

The financial statements reflect eleven months of the 2020 – 2021 financial year, and it is anticipated employee costs will remain on budget and in line with the Workforce Plan.

Materials, Contracts, Utilities and Other Expenses

The financial statements reflect eleven months of the financial year, and it is anticipated the Shire will operate within its means and in line with the Shire's adopted 2020 – 2021 Budget.

Capital Expenditure

The Shire has budgeted to spend \$24.8 million on capital projects throughout the Shire in 2020 – 2021. Capital works are underway in several areas including road and footpath projects as well as building works and recreation works. Expenditure totalling approximately \$9 million for these works has been reported at the end of May. As more projects are completed and as the Shire is invoiced for those works the level of reported expenditure will increase. A few projects will be carried forward to the Budget 2021 – 2022.

Attached to the Agenda is the Financial Report for the reporting period which includes the following:

- Statement of Financial Performance;
- Statement of Financial Position;
- Notes to the Statement of Financial Performance and Financial Position;
- Total Municipal Revenue and Expenditure – graph;
- Statement of Cash at Bank – Loans;
- Statement of Cash at Bank – Reserves;
- Statement of Cash at Bank – Bonds and Deposits;
- Statement of Cash at Bank – Trust;
- Current Ratio – graph;
- Outstanding Rates – graph;
- Aged Debtors Summary – graph;
- Current Account Coverage – graph; and
- Statement of Investments.

The Notes to the Statement of Financial Performance as well as the Notes to the Statement of Financial Position (as attached) include additional information reported on a by Program basis identifying reasons for variances between budgets and actuals.

Statutory/Policy Environment

Section 6.4 of the *Local Government Act 1995* requires financial reports to be prepared as prescribed.

Local Government (Financial Management) Regulation 1996, Regulation 34 prescribes the monthly financial reporting requirements of Council.

Strategic Framework

The Shire's Strategic Community Plan 2021 – 2031, states:

- Goal 5: A representative leadership that is future thinking, transparent and accountable.*
- Objective 5.3 Accountable leadership supported by a professional and skilled administration*
- Objective 5.4 Sound governance, including financial, asset and risk management*

Community Engagement

Community Participation Goal

Inform: To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.

Promise to the Community

Inform: We will keep you informed.

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The Consequence could be **Financial**, **Reputational** or **Compliance** if the financial statements are not reported accurately, timely or in the required format. The risk is mitigated by Council receiving financial statements on a monthly basis and in a form that is in accordance with the *Local Government Act 1995* and associated Regulations, resulting in a **Low** risk being present.

Budget Implications

Review of the monthly accounts aids in ensuring works and services are undertaken and the Shire operates within its adopted Budget.

Authority/Discretion

Executive: The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council receives the Financial Statements as at 31 May 2021.

Item No.	5.4.3.
Subject:	2021-2022 Budget Adoption
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Director Corporate Services
Authorising Officer:	Chief Executive Officer
File No.:	FM/B/001
Attachments:	<i>As Tabled</i>

Summary

The purpose of this report is for Council to consider and adopt the 2021 - 2022 Budget together with associated matters such as the Schedule of Fees and Charges, Councillor Fees and Allowances along with Rates and Charges for 2021 - 2022. A copy of the 2021 - 2022 draft Budget, which has resulted from the Special Council Meeting, held on 29 June 2021 is included as a separate attachment.

Background

On 29 June 2021, a Special Council Meeting was held to review, in depth, the draft 2021 - 2022 Budget. That meeting included a page-by-page review of the draft Budget including operating income and expenses as well as capital works. The draft Budget has been prepared with reference to the Shire's Integrated Planning documents such as the Strategic Community Plan, Corporate Business Plan, Workforce Plan, Forward Capital Works Plan, Asset Management Plan, Long Term Financial Plan and other strategic planning documents.

In accordance with the Special Council Meeting, the draft 2021 - 2022 Budget document has been predicated on a 3.75% increase in general rates, rate in the dollar in line with the Shire's Long Term Financial Plan 2021 - 2031.

Comment

The draft 2021 - 2022 Budget document results in a balanced Budget position. It is predicated on a 3.75% increase to general rates and an increase in minimum rates to \$1,121 (3.75%). To assist with the Shire's cashflow by encouraging prompt payment of Shire rates, the Budget also allows for a 5.50% discount on rates paid by the due date.

The draft 2021 - 2022 Budget highlights the expansionary phase of the Shire as the Shire continues to grow in population and development. It includes major works and service improvements as listed in the Shire's 2021 - 2026 Forward Capital Works Plan. These budgeted works highlight the growing nature of the Shire and include areas such as road and pathway networks, recreation centres and playgrounds, administration services and library facilities and many other areas where services have been requested or are required of the Shire.

The attached draft 2021 – 2022 Budget includes all changes listed at the 29 June 2021 Special Council Meeting along with other changes of which the material items include:

Changes to some Building Fees and Charges which were recently regulated.

Consultants – General (a/c 45123)	-	+ \$20,000 expense
Harvey Drink Container Regatta (a/c 132102)	-	+ \$10,000 expense
HRCC Branding and Staff Uniforms (a/c 117165)	-	+ \$18,000 expense
Brunswick Rec Centre Tiling - Duplication (a/c 113143)	-	- \$10,000 expense
Contribution to Bridge (a/c 120234)	-	+\$63,000 income
Surplus / (Deficit) C/Fwd	-	+\$25,000

Another change to the document albeit a formatting one, the CCTV projects listed throughout the Budget have been relocated to the same account as the CCTV Strategy to simplify the management and reporting of these projects.

The draft 2021 - 2022 Budget is presented in the required format for adoption.

Statutory/Policy Environment

Local Government Act 1995, Section 6.2 – Requirement for local governments to prepare and adopt in the prescribed manner an annual budget, by absolute majority.

Strategic Framework

The Shire's Strategic Community Plan 2021 – 2031, states:

- Goal 5: A representative leadership that is future thinking, transparent and accountable.*
- Objective 5.3 Accountable leadership supported by a professional and skilled administration*
- Objective 5.4 Sound governance, including financial, asset and risk management*
- Objective 5.5 Integrated strategic planning and reporting to drive continuous improvement*

Community Engagement

Community Participation Goal

Inform: To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.

Promise to the Community

Inform: We will keep you informed.

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/information**. The Consequence could be **Financial** and **Compliance**. Note that by Council working through its proven budget process helps to mitigate or control financial risk. As such it is considered that a **Low** risk is present.

Budget Implications

The draft Budget has been formulated with consideration given to Integrated Planning documents such as the Strategic Community Plan, Forward Capital Works Plan, Corporate Business Plan and Long Term Financial Plan.

The adoption of the Budget will allow for the imposition of rates revenue for the 2021 – 2022 year as well as the commencement of new works as highlighted in the Budget document.

Authority/Discretion

Executive: The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

Voting Requirements

Recommendation 1 – 5 of 6 requires Absolute Majority

Recommendation 6 of 6 requires Simple Majority

Officer Recommendation**Officer's Recommendation 1 of 6****1. Schedule of Fees and Charges 2021 - 2022**

That Council adopts the Schedule of Fees and Charges, as included in the Budget document.

BY ABSOLUTE MAJORITY

Officer's Recommendation 2 of 6**2. Councillor Fees and Allowances**

That Council adopts the following Councillor fees and allowances (which represents a nil increase), be adopted for the 2021 - 2022 Financial Year:

Annual attendance fee (Councillors)	-	\$16,640
Annual attendance fee (Shire President)	-	\$31,149
Communications allowance	-	\$ 1,385
Presidential allowance	-	\$44,280
Deputy Presidential allowance	-	\$11,070

BY ABSOLUTE MAJORITY

Officer's Recommendation 3 of 6**3. Adoption of Draft 2021 - 2022 Budget**

That Council adopts the 2021 - 2022 Municipal Fund Budget, showing expenditure and payments of \$75,419,569 and receipts of \$42,179,802 with an amount of \$21,819,301 to be acquired by the imposition of general rates, be adopted by Council.

BY ABSOLUTE MAJORITY

Officer's Recommendation 4 of 6**4. Rates, Concessions, Charges, Payment Options, Penalties and Discounts**

That Council adopts the following rates and charges and related payment options be imposed on rateable properties within the Shire of Harvey for the 2021 - 2022 Financial Year:

Schedule of Rates, Concessions, Charges, Fees, Penalties and Discounts

General Rates

8.8742 cents in the \$ on Gross Rental Valuations.

0.5476 cents in the \$ on Unimproved Valuations.

Specified Area Rate – Kingston Landscaping Maintenance

0.9521 cents in the \$ on Gross Rental Valuations on properties within the Kingston Estate.

Specified Area Rate – Galway Green Landscaping Maintenance

0.9497 cents in the \$ on Gross Rental Valuations on properties within the Galway Green Estate.

Specified Area Rate – Lakewood Shores Landscaping Maintenance

1.1175cents in the \$ on Gross Rental Valuations on properties within the Galway Green Estate.

Specified Area Rate – Treendale Landscaping Maintenance

1.3875 cents in the \$ on Gross Rental Valuations on properties within Treendale.

Specified Area Rate – Treendale District Centre Landscaping Maintenance

0.8274 cents in the \$ on Gross Rental Valuations on properties within the Treendale District Centre.

Minimum Rate

\$1,121 per assessment on both Gross Rental Valuations and Unimproved Valuations.

Residential Rubbish Charge

\$320 per annum for the weekly removal of one 240 litre mobile 'Organics' garbage bin, fortnightly removal of one 240 litre mobile 'General Waste' garbage bin and fortnightly removal of one 240 litre mobile 'Recycling' Bin plus one tip pass (includes four standard tip entries).

Industrial and Non-Residential Rubbish Charge

\$200 per annum for the weekly removal of one 240 litre mobile garbage bin only.

Rural Rubbish Charge

\$110 per annum for a rural rubbish charge on those rural properties which do not have a 240 litre Mobile Garbage Bin Service.

Swimming Pool Inspection Fee

\$17 per annum (GST Exempt).

Rates, Charges and Fees Due and Payable

The General Rates, Specified Area Rates and Rubbish Charges are due and payable by 24 September 2021.

Interim Rates and Interim Rubbish Charges will be due and payable by the 35th day after the date of service of the interim notice.

Discounts

A discount of 5.50% on all current general rates issued and payments received in full at the Shire of Harvey Offices up to 4.00p.m. on the 24 September 2021, and a discount of 5.50% on all interim general rates paid in full by the 35th day after the date of service of the interim notice.

Options for Payment of Rates, Rubbish Charges and Fees**Option 1 – Prompt Payment**

Due no later than 4.00pm on 24 September 2021, and subject to a 5.50% discount on the current general rates.

Option 2 – Two Equal Instalments

1. First Instalment due no later than 4.00pm on 24 September 2021.
2. Second Instalment due no later than 4.00pm on 26 November 2021.

Administration Charge for Payment by Option 2 – \$0.00.

Note: No Discount Applicable to Option 2

Option 3 – Four Equal Instalments

1. First Instalment due no later than 4.00pm on 24 September 2021.
2. Second Instalment due no later than 4.00pm on 26 November 2021.
3. Third Instalment due no later than 4.00pm on 28 January 2022.
4. Final Instalment due no later than 4.00pm on 1 April 2022.

Administration Charge for Payment by Option 3 – \$0.00.

Note: No Discount Applicable to Option 3

Interest Charged on Overdue Rates, Rubbish and Other Charges

Rate of Interest – 5% per annum calculated on a daily basis.

Interest will be charged on all General Rates, Accrued Interest, Rubbish Charges and Instalment Administration Charges outstanding as at 30 June 2021, calculated on a simple interest basis at the rate of 5% per annum.

Where no election has been made to pay the rate notice by instalments, interest will be charged on the General Rates and/or Rubbish Charges raised for the 2021 - 2022 financial year, that remain outstanding 42 days after the date of issue of the rate notice, for the number of days until the day before the day on which a payment is received, calculated on a simple interest basis at the rate of 5% per annum.

Where an election has been made to pay the rate notice by instalments and an instalment remains unpaid, interest will be charged for the number of days until the day before the day on which a payment is received, calculated on a simple interest basis at the rate of 5% per annum.

Entitled Pensioners will be exempt from being charged the interest charge on Deferred Rates, Current Rates and Current Rubbish Charges.

BY ABSOLUTE MAJORITY

Officer's Recommendation 5 of 6**5. Trust Fund Budget 2021 - 2022**

That Council adopts the Trust Fund Budget for the 2021 - 2022 financial year as included in the Budget document as Note 8, showing an estimated closing balance of \$3,078,478 be adopted.

BY ABSOLUTE MAJORITY

Officer's Recommendation 6 of 6

6. That Council adopts an amount of \$20,000.00 in any one account, transaction or variance is considered to be material.

5.5. Community and Lifestyle

Item No.	5.5.1.
Subject:	Shire of Harvey Community Safety and Crime Prevention Plan 2021 – 2026
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Community Development Officer (CC)
Authorising Officer:	Director Community and Lifestyle
File No.:	B000360
Attachments:	<ol style="list-style-type: none"> 1. Community Safety and Crime Prevention Plan 2021-2026 [5.5.1.1 - 54 pages] 2. Community Safety and Crime Prevention Consultation Report 2021 [5.5.1.2 - 23 pages]

Summary

Following a full review of the Shire's Community Safety and Crime Prevention Plan 2017 – 2019, this report presents the Community Safety and Crime Prevention Plan 2021 – 2026 and recommends that Council endorses the plan as per **Attachment 1**.

Background

The aim of the Community Safety and Crime Prevention Plan 2021 – 2026 is to guide initiatives that reduce the incidences of criminal opportunities and enhance community safety and lifestyle.

The Shire of Harvey's Community Safety and Crime Prevention Plan 2017 – 2019 was adopted at the Ordinary Council Meeting of 16 May 2017. The plan was due for a full review in 2020 however the progress of this was impacted by the COVID-19 pandemic.

Comment

During April and May 2021, Shire Officers undertook community and stakeholder consultation to gain an understanding of community perception and need with regard to community and crime prevention. This consultation engaged over 200 community members in person and strengthened partnerships with stakeholders. A Community Safety and Crime Prevention Consultation Report 2021 (Consultation Report) has been developed in order to support the priorities, objectives and actions which are outlined in the plan (refer **Attachment 2**).

The draft Community Safety and Crime Prevention Plan 2021 – 2026 will guide the implementation of actions under four priority areas. The plan is designed to be a flexible and adaptable document to accommodate for the changing needs of the community over the next five years.

The plan sets out four priorities and 13 objectives in order to achieve this goal which are outlined below.

Priority 1: Safer Places and Spaces – planning and designing of places to prevent crime and enhance public safety.

Objectives:

- Reduce opportunities for crime and injury through urban and environmental design;
- Investigate opportunities to improve lighting on Shire infrastructure;
- Increase public health within the community; and
- Increase internal capacity of community safety awareness.

Priority 2: Community Education and Awareness – increase community knowledge through education and awareness to help reduce opportunities for crime and injury.

Objectives:

- Encourage neighbourhood and community connectivity;
- Encourage community engagement and capacity;
- Improve the Shire's online community safety and crime prevention presence;
- Raise awareness of road safety; and
- Raise awareness of water safety.

Priority 3: Building Partnerships and Participation – forming stronger partnerships with stakeholders to increase community participation and create safe, resilient communities.

Objectives:

- Increase safety awareness and participation with children and young people;
- Maintain and strengthen relationships with WA Police; and
- Increase stakeholder partnerships and engagement.

Priority 4: Emergency Management – managing risks to the community and environment.

Objectives:

- Improve emergency readiness and education.

The plan also highlights five priority projects which are to be actioned during the next five years. These are to:

1. Develop and implement a strategy to ensure appropriately located CCTV is in place at community facilities and Shire venues;
2. Develop and implement a Public Health Plan to influence the health and well-being of the community;
3. Promote safety engagement pop-ups at shopping centres and other locations in partnership with WA Police and service providers;
4. Develop and promote biennial Community Safety and Crime Prevention survey to residents; and
5. Establish annual information sessions on fire preparedness and responsibilities with the Community Emergency Services Manager and Rangers.

Each of the priorities and the actions that complement them will contribute to Council's commitment of working collaboratively towards an even safer and more connected community.

In order to monitor the progress of these priority projects and the outcomes of the plan, Shire Officers will include both quarterly and annual reports to Council and the community.

Statutory/Policy Environment

Nil.

Strategic Framework

The Shire's Strategic Community Plan 2021 – 2031, states:

- Goal 2: A safe, accessible and connected community where everyone has the opportunity to contribute and belong.*
- Objective 2.2 Create a community where people are safe*

Community Engagement

Community Participation Goal

Collaborate: To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.

Promise to the Community

Collaborate: We will work together with you to formulate solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.

Risk Management

The Risk Theme Profile identified in relation to this item is ***Providing Inaccurate Advice/Information and Inadequate Engagement*** practices. The Consequence could be ***Reputational*** if the quality of information captured impacts on decision making and the plan does not reflect the needs of our community. The Risk Consequence is ***Minor*** and the likelihood ***Possible*** resulting in a ***Moderate*** level of risk.

Budget Implications

The Shire's 2021 – 2022 Draft Budget lists \$10,000 in order to implement the plan.

Authority/Discretion

Executive: The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

Voting Requirements

Simple Majority.

Officer's Recommendation

That Council:

1. Receives the Community Safety and Crime Prevention Consultation Report 2021 as per ***Attachment 2***; and
2. Adopts the Shire of Harvey Community Safety and Crime Prevention Plan 2021 – 2026 as per ***Attachment 1***.

Item No.	5.5.2.
Subject:	Shire of Harvey Youth Collective and Youth Taskforce
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Community Development Officer (AM)
Authorising Officer:	Director Community and Lifestyle
File No.:	B000349
Attachments:	<ol style="list-style-type: none"> 1. Shire of Harvey Youth Collective Terms of Reference [5.5.2.1 - 4 pages] 2. Shire of Harvey Youth Taskforce Terms of Reference [5.5.2.2 - 2 pages]

Summary

The Shire's youth strategy Voices of Youth 2021 – 2026 outlines Council's commitment to partner with our young people to be responsive to their needs and collective aspirations.

As part of the strategy, it was recognised a youth focused governance structure was required to formalise this commitment. A further opportunity presented in the strategy is the establishment of a Youth Taskforce to provide expert knowledge on the current and future needs of young people living in and visiting the Shire.

This report recommends that Council adopt a Terms of Reference for and invite nominations onto both a Youth Advisory Council, known as the Shire of Harvey Youth Collective, and a Shire of Harvey Youth Taskforce.

Background

At the Ordinary Council meeting of 27 April 2021, Council endorsed Voices of Youth: Shire of Harvey Youth Strategy 2021 – 2026. A priority project of this strategy is to establish a Youth Advisory Council (YAC). A further key action is the establishment of a Youth Taskforce.

Following the endorsement of the strategy, Shire Officers developed a Youth Engagement Policy which was adopted at the Ordinary Council meeting of 25 May 2021. This policy outlines the principles of community consultation and engagement to encourage greater youth participation in the decision-making processes.

Comment

The Youth Collective will function to engage the youth community regarding priority projects, services and facilities; advocate for youth needs in the Shire; support the development of youth focussed programs and events; and to ensure the youth perspective is considered in the decision-making processes of the Shire.

A draft Terms of Reference (refer **Attachment 1**) for this group are provided for consideration. It is recommended that the Youth Collective function in a similar manner to the Shire's other advisory groups to allow young people to engage in a less formal way. Representation on the Youth Collective will be encouraged from young people across the Shire and Shire Officers will utilise transportation or online meeting platforms in order to support this.

A second group, the Youth Taskforce, will be made up of key stakeholders including but not limited to youth service providers and government agencies, WA Police and local schools. The group will function to provide expert knowledge on the current and future needs of young people living in and visiting the Shire.

A draft Terms of Reference (refer **Attachment 2**) for this group are provided for consideration.

Statutory/Policy Environment

Nil.

Strategic Framework

The Shire's Strategic Community Plan 2021 – 2031, states:

- Goal 2: A safe, accessible and connected community where everyone has the opportunity to contribute and belong.*
- Objective 2.1 To support people through all stages of life*
- Goal 5: A representative leadership that is future thinking, transparent and accountable.*
- Objective 5.1 Effective communication and engagement with the community*

Community Engagement

Community Participation Goal

Collaborate: To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.

Promise to the Community

Collaborate: We will work together with you to formulate solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.

Risk Management

The Risk Theme Profile identified as part of this report is **Inadequate Engagement Practices** however, this risk will be mitigated by the adherence to the Terms of Reference for both groups and also to the Youth Engagement Policy to ensure that youth are engaged in an appropriate manner. The Risk Consequence is considered to be **Minor** and the likelihood **Possible** resulting in a **Moderate** level of risk.

Budget Implications

\$2,500 is listed in the Shire's 2021 – 2022 Draft Budget for administration of the Youth Advisory Council.

\$2,500 is listed in the Shire's 2021 – 2022 Draft Budget for administration of the Youth Taskforce.

Authority/Discretion

Executive: The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Endorses the Terms of Reference for the Shire of Harvey Youth Collective;
2. Invites nominations according to the Terms of Reference to serve on the Shire of Harvey Youth Collective;
3. Endorses the Terms of Reference for the Shire of Harvey Youth Taskforce;
4. Appoints the following persons onto the Shire of Harvey Youth Taskforce; and
 - Cr. _____
 - Cr. _____
 - Chief Executive Officer or delegate
 - Director Community and Lifestyle
 - Manager Place
 - Community Development Officer
 - Youth Trainee
5. Invites nominations according to the Terms of Reference to serve on the Shire of Harvey Youth Taskforce.

Item No.	5.5.3.
Subject:	Shire of Harvey Access and Inclusion Plan: Even Better, Together 2021-2026
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Community Development Officer (NA)
Authorising Officer:	Director Community and Lifestyle
File No.:	B000359
Attachments:	<ol style="list-style-type: none"> 1. Draft Shire of Harvey Access and Inclusion Plan 2021-2026 [5.5.3.1 - 46 pages] 2. Access and Inclusion Plan 2021-2026 Consultation Report [5.5.3.2 - 34 pages]

Summary

Following a full review of the Shire's Disability Access and Inclusion Plan 2017 – 2022, this report presents the draft Shire of Harvey Access and Inclusion Plan: Even Better, Together 2021-2026 and recommends that Council endorses the plan as per **Attachment 1**.

Background

Western Australian local governments have a legislative requirement under the *Disability Services Act 1993* to develop and implement a Disability Access and Inclusion Plan (DAIP). The DAIP assists the Shire to plan and implement access and inclusion improvements across seven outcome areas:

- Outcome 1: People with disability have the same opportunities as other people to access the services of, and any event held by a public authority;
- Outcome 2: People with disability have the same opportunities as other people to access the buildings and facilities of a public service;
- Outcome 3: People with disability receive information from a public authority in a format that will enable them to access the information as readily as other people are able to access it;
- Outcome 4: People with disability receive the same level and quality of service as other people receive from a public authority;
- Outcome 5: People with disability have the same opportunities as other people to make complaints to a public authority;
- Outcome 6: People with disability have the same opportunities as other people to participate in any public consultation held by a public authority; and
- Outcome 7: People with disability have the same opportunities as other people to obtain and maintain employment with a public authority.

The Shire's current DAIP was endorsed at the Ordinary Council Meeting of 8 August 2017.

At its meeting of 20 April 2021, the Disability Access and Inclusion Advisory Group (DAIAG) agreed to make a recommendation to Council to adopt the renaming of the Disability Access and Inclusion Plan to the Access and Inclusion Plan. This approach has been adopted by other local governments in Western Australia and is agreed to by the Department of Communities which is responsible managing the reporting of DAIP outcomes.

In alignment with this motion, this report further recommends the renaming of the DAIAG to Access and Inclusion Advisory Group. Should Council be supportive of this motion, the Terms of Reference for the group will be updated administratively to reflect the change.

Comment

The full review of the Shire's current plan was undertaken in order to reach the Advisory Group's

vision of becoming the most accessible and inclusive regional community in Western Australia.

The draft Access and Inclusion Plan: Even Better, Together 2021 – 2026 has been developed following community engagement undertaken during April and May 2021 with the key target groups below:

- People living with a disability;
- People living with a disability that identify as Aboriginal Torres Strait Islander and culturally and linguistically diverse (CALD) backgrounds;
- Parents or carers of people with a disability;
- Support workers and service providers;
- Aged people requiring mobility devices; and
- People living with chronic conditions.

The consultation resulted in engagement with 160 residents and stakeholders, many of which are in the hard-to-reach category. The design of the engagement sought to address any barriers to engaging with these key target groups and took a variety of formats.

Engagement Format	Attendance
Summit	64
Survey	13
Stakeholder Interviews	19
Harvey Co-Design Workshop	5
Yarloop Co-Design Workshop	2
Cookernup Co-Design Workshop	10
Australind Co-Design Workshop	30
Grow Cook Eat Create Workshop	6
Harvey Senior Citizens Co-Design Workshop	11
Total	160

Table 1: A total of nine opportunities to engage and provide feedback were designed that reached a total of 160 people. The feedback from these avenues has guided the development of the vision for the plan to “become the most accessible and inclusive regional community in Western Australia”.

An Access and Inclusion Plan 2021 – 2026 Consultation Report (Consultation Report) has been developed to provide a summary of the engagement outcomes and to support the goals, objectives and actions which are outlined in the draft plan (refer to **Attachment 2**).

An analysis of the feedback provided during the consultation period has resulted in the development of five overarching goals and 21 objectives that are related to the seven DAIP Outcomes. These are outlined below.

Goal 1: Community Participation

Our community provides accessible services, events and activities that encourage social and community participation by people of all abilities.

This goal supports the active participation of people with disability and access needs within the community. This includes being able to access services delivered within the Shire’s libraries, recreation and aquatic facilities; being able to participate in social activities within the community; and being able to attend meetings and contribute to community engagement initiatives.

Goal 1 addresses the legislative DAIP Outcomes 1, 4 and 6.

Goal 2: Community Capacity Building

Our community helps us to understand and access support when we need it.

This goal recognises that people with disabilities and other access needs require contact with support networks and services, as well as assistance to develop life skills in order to participate, contribute and thrive within their community.

Goal 3: Accessible Information and Communications

Our community provides opportunities for all abilities to be connected to information and communications.

This goal ensures that people with disability, low literacy and access needs are able to access information and communications within the Shire of Harvey. This includes being able to communicate in different ways with Shire Officers; being able to access information on what is happening within their local community; and being able to provide feedback in a format that is accessible to them.

Goal 3 addresses the legislative DAIP Outcomes 3 and 5.

Goal 4: Inclusive Placemaking and Co-Design

Our community's public places and spaces are collaboratively designed to ensure they can be enjoyed by people of all abilities.

This goal ensures that people with disability and access needs play a significant role in the future developments and projects of the Shire of Harvey. This includes contributing to the development of Place Plans, Shire strategies and public space design to ensure the highest standards of accessibility are met.

Goal 4 addresses the legislative DAIP Outcomes 2 and 6.

Goal 5: Access to Opportunity

Our community provides access to meaningful employment and education opportunities for people of all abilities.

This goal ensures that people with disability have access to opportunities that enable them to thrive. This includes employment and work experience opportunities within the Shire and local businesses; education opportunities to enable soft and hard skills development; and opportunities to develop their own micro-business.

Goal 5 addresses the legislative DAIP Outcome 7.

Statutory/Policy Environment

Under Part 5, Section 28 of the *Disability Services Act 1993 (WA)*, public authorities are required to develop and implement a Disability Access and Inclusion Plan. This plan must be reviewed at least every five years.

Strategic Framework

The Shire's Strategic Community Plan 2021 – 2031, states:

<i>Goal 2:</i>	<i>A safe, accessible and connected community where everyone has the opportunity to contribute and belong.</i>
<i>Objective 2.1</i>	<i>To support people through all stages of life</i>
<i>Objective 2.2</i>	<i>Create a community where people are safe</i>
<i>Objective 2.5</i>	<i>Equity for all people</i>
<i>Objective 2.7</i>	<i>An active and healthy community</i>

- Goal 4:** *A liveable, sustainable and well-designed built environment that is accessible to all*
- Objective 4.1** *Playgrounds and parks are vibrant, accessible and well maintained*
- Objective 4.2** *A connected and well maintained network of local roads, footpaths, cycle ways and trails.*
- Objective 4.3** *Shopping precincts and residential areas are well presented and accessible, with development enhancing their character*
- Goal 5:** *A representative leadership that is future thinking, transparent and accountable.*
- Objective 5.1** *Effective communication and engagement with the community*
- Objective 5.2** *Build partnerships and work collaboratively to amplify the outcomes that can be achieved*
- Objective 5.6** *A customer centred approach to everything we do*

Community Engagement

Community Participation Goal

Collaborate: To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.

Promise to the Community

Collaborate: We will work together with you to formulate solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.

Risk Management

The Risk Theme Profile identified in relation to this item is ***Providing Inaccurate Advice/Information and Inadequate Engagement*** practices. The Consequences could be ***Reputational*** if the quality of information captured impacts on decision making and the plan does not reflect the needs and aspirations of our access community. The Risk Consequence is ***Minor*** and the likelihood ***Possible*** resulting in a ***Moderate*** level of risk.

Budget Implications

The Shire's 2021 – 2022 Draft Budget lists \$30,000 in order to implement the Plan.

Authority/Discretion

Legislative: Includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Receives the Access and Inclusion Plan 2021 – 2026 Consultation Report a per ***Attachment 2***;
2. Endorses the Shire of Harvey Access and Inclusion Plan: Even Better, Together 2021 – 2026 as per ***Attachment 1***; and

3. Endorses the renaming of the Disability Access and Inclusion Advisory Group to the Access and Inclusion Advisory Group.

6. Notice of Motion for Following Meeting

7. Matters Behind Closed Doors

7.1. Executive Services

7.1.1. CEO Performance Appraisal

7.1.2. Code of Conduct Complaints Officer

To be tabled at the Ordinary Council Meeting 27 July 2021

8. Closure of Meeting