



SHIRE OF  
**HARVEY**



# Ordinary Council Meeting **Minutes**

**Australind Council Chamber**

**Tuesday, 24 May 2022**

**4PM**

## Shire of Harvey

### Ordinary Council Meeting

Minutes of the Ordinary Council of the Harvey Shire Council, held in the Council Chamber, Mulgara Street, Australind, on Tuesday, 24 May 2022, commencing at 4:00pm.

#### Attendance

Shire President	Cr.	P.	Gillett	
	Cr.	C.	Carbone	
	Cr.	J.	Bromham	
	Cr.	W.	Dickinson	
	Cr.	F.	Burgoyne	(Electronically)
	Cr.	M.	Campbell	
	Cr.	T.	Jackson	
	Cr.	D.	Krispyn	
	Cr.	J.	Capogreco	
	Cr.	A.	Lovitt JP	(Electronically)
	Cr.	M.	Boylan	
	Cr.	P.	Beech	

#### Staff

Chief Executive Officer	Ms.	A.	Riordan	
Director Corporate Services	Mr.	D.	Winter	
Director Community and Lifestyle	Ms.	K.	Davis	
Director Sustainable Development	Mr.	S.	Hall	
Director Infrastructure Services	Mr.	R.	Lotznicker	
Manager Governance and Strategy	Ms.	K.	Williams	(Electronically)
Manager Special Projects	Ms.	P.	Pietersen	(Electronically)
Manager Finance	Mr.	S.	Chopra	(Electronically)
Manager Waste and Safety Services	Mr.	H.	Jones	(Electronically)
Coordinator Governance and Risk	Ms.	R.	Doyle	
Governance Compliance Officer	Ms.	F.	Schindler	

There were 3 members of the public present and 1 member of the press.

## Agenda

<b>1. Official Opening.....</b>	<b>4</b>
<b>2. Record of Apologies and Leave of Absence .....</b>	<b>5</b>
<b>3. Applications for Leave of Absence .....</b>	<b>5</b>
<b>4. Reading from a Book of Learning and Wisdom .....</b>	<b>5</b>
<b>5. Declarations of Members' and Officers' Personal Interest .....</b>	<b>5</b>
<b>6. Response to Previous Questions Taken on Notice .....</b>	<b>6</b>
<b>7. Public Question Time.....</b>	<b>6</b>
<b>8. Petitions/Deputations/Presentations .....</b>	<b>6</b>
<b>9. Announcements by Presiding Members or CEO Without Discussion.....</b>	<b>7</b>
<b>10. Confirmation of Minutes .....</b>	<b>7</b>
<b>11. Receipt of Minutes and Recommendations from Committees.....</b>	<b>8</b>
<b>12. Officer's Reports .....</b>	<b>9</b>
12.1. Chief Executive Officer .....	11
12.1.1. Quarterly Report Quarter Three 2021 – 2022.....	11
12.1.2. Lease, Licence and Surrender of Leases – Binningup Bowling Club Inc. and Binningup Community Association Inc. ....	20
12.2. Infrastructure Services .....	27
12.2.1. Sienna Grove/Tuscany Green, Binningup – London Plane Trees .....	27
12.2.2. Local Roads Community Infrastructure Program – Phase 3A .....	32
12.2.3. Closure of section of Treendale Road Reserve – Further Report.....	38
12.3. Sustainable Development.....	42
12.3.1. Policy 4.3.7 – Trading in Public Places for Food Vendors .....	42
12.3.2. Health Policies Review.....	46
12.3.3. Use Not Listed (Rural Tourism – Distillery & Creamery) Produce Market, Eating House and Restoration Works .....	50
12.4. Corporate Services .....	56
12.4.1. Financial Statements as at 30 April 2022 .....	56
12.4.2. Listing of Accounts Paid – April 2022 .....	60
12.5. Community and Lifestyle.....	62
<b>13. Elected Members Motions of Which Previous Notice Has Been Given .....</b>	<b>62</b>
<b>14. Notice of Motion for Following Meeting.....</b>	<b>62</b>
<b>15. Questions by Members of Which Due Notice Has Been Given .....</b>	<b>62</b>
<b>16. Reports of Members.....</b>	<b>62</b>
<b>17. New Business of an Urgent Nature Introduced by Decision of Meeting .....</b>	<b>63</b>
<b>18. Matters Behind Closed Doors .....</b>	<b>63</b>
18.1. Infrastructure Services .....	63
18.1.1. Application for Exemption to Keep More than the Prescribed Number of Dogs.....	63
18.2. Community and Lifestyle.....	64
18.2.1. Shire of Harvey Community Awards .....	64
<b>19. Closure of Meeting .....</b>	<b>64</b>

## **1. Official Opening**

*Prior to commencement of this meeting, Councillors connections by electronic means were tested and confirmed.*

The Shire President opened the meeting at 4.01pm.

### **Disclaimer**

Members of the Public are advised that recommendations to Council contained within this Agenda can be subject to change. Applicants and other interested parties should refrain from taking any action until 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 Ordinary Council Meeting, is not to be taken as notice of approval. 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.

Council Members and the Community are reminded that should an exception resolution be passed; this has the effect of making the decision to accept the Officer Recommendation stated in the Agenda as the Council's decision without change.

An audio and visual record will be made, by means of livestreaming, of these proceedings and uploaded to the Shire's YouTube page for viewing.

**Rick Lotznicker entered the Chamber at 4.02pm.**

### **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.

### **Attendance**

*The Shire President in accordance with Regulation 14C of the Local Government (Administration) Regulation 1996, approves the below listed Councillors to attend this Ordinary Council Meeting electronically. The Shire President is satisfied that Councillors meet the Regulations definition of a "Suitable Place" as stipulated in Regulation 14A(4)(b).*

*Councillors approved to attend electronically:*

*Cr. Amanda Lovitt – Attending from 72 Braidwood Drive, Australind, Western Australia, 6233.*

*Cr. Francis Burgoyne – Attending from Koolinup Emergency Services Centre, 18 Cockie Bend, Collie, Western Australia, 6225.*

### **Procedural Motion**

Cr. Gillett put forth the following:

That Council suspend Standing Orders Part 8 Clause 8.5 "Members to indicate their intention to speak and to rise when speaking" to allow Members to remain seated when speaking; to improve the quality of the Audio recording for the meeting.

Moved: Cr. Gillett

Seconded: Cr. Bromham

That Council suspend Standing Orders Part 8 Clause 8.5 “Members to indicate their intention to speak and to rise when speaking” to allow Members to remain seated when speaking; to improve the quality of the Audio recording for the meeting.

Carried 13-0

22/049

## **2. Record of Apologies and Leave of Absence**

Nil.

## **3. Applications for Leave of Absence**

Cr. Lovitt requests a leave of absence from Monday, 13 June 2022 until Friday, 24 June 2022 inclusive.

Moved: Cr. Coleman

Seconded: Cr. Campbell

That a leave of absence be granted to Cr. Lovitt from Monday, 13 June 2022 until Friday, 24 June 2022 inclusive.

Carried 13-0

22/050

## **4. Reading from a Book of Learning and Wisdom**

Read by Cr. Krispyn.

## **5. Declarations of Members' and Officers' Personal Interest**

*The Shire President noted the following disclosures of interest has been received before the meeting:*  
Cr. Paul Beech declared an Impartiality Interest in Item 18.2.1 – Shire of Harvey Community Awards. Cr. Beech declared that a number of the nominees are known to him and that he is one of the nominators and has declared that he would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Wendy Dickinson declared an Impartiality Interest in Item 18.2.1 – Shire of Harvey Community Awards. Cr. Dickinson declared that two of the nominees are known to her and has declared that she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. John Bromham declared an Impartiality Interest in Item 12.1.1 – Quarterly Report Quarter Three 2021 – 2022. Cr. Bromham declared that he is the Council Delegate on the Binningup Water Sports Centre Management Committee, one of the Council Delegates on the Community Safety and Crime Prevention Advisory Group and is a member of the Leschenault Bushfire Brigade and has declared that he would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Dakota Krispyn declared an Impartiality Interest in Item 12.1.2 – Lease, Licence and Surrender of Leases – Binningup Bowling Club Inc. and Binningup Community Association Inc. Cr. Krispyn declared that he is the Council Deputy for the Binningup Community Association Committee and has declared that he would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Amanda Lovitt declared an Impartiality Interest in Item 12.2.2 – Local Roads Community Infrastructure Program – Phase 3A in particular the Leschenault Leisure Centre and Leschenault Recreation Park carparks and pathways as well as the The Promenade/Boulevard redirection. Cr. Lovitt declared that she is a Council Delegate on the Leschenault Leisure Centre Advisory Group and

employed with a business on The Promenade and has declared that she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Amanda Lovitt declared an Impartiality Interest in Item 18.2.1 – Shire of Harvey Community Awards. Cr. Lovitt declared that a number of the nominees are known to her and has declared that she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Michelle Campbell declared an Impartiality Interest in Item 18.2.1 – Shire of Harvey Community Awards. Cr. Campbell declared that a number of the nominees are known to her and has declared that she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Michelle Boylan declared an Impartiality Interest in Item 18.2.1 – Shire of Harvey Community Awards. Cr. Boylan declared that a number of the nominees are known to her and has declared that she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Paul Gillett declared an Impartiality Interest in Item 12.1.2 – Lease, Licence and Surrender of Leases – Binningup Bowling Club Inc. and Binningup Community Association Inc. Cr. Krispyn declared that he is the Council Delegate for the Binningup Community Association Committee and has declared that he would deal with the matter on its merits and stay in the Chamber for the duration of the item.

*The following additional declaration was provided:*

Cr. Robyn Coleman declared an Impartiality Interest in Item 18.2.1 – Shire of Harvey Community Awards. Cr. Coleman declared that a number of the nominees are known to her and has declared that she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

## **6. Response to Previous Questions Taken on Notice**

Nil.

## **7. Public Question Time**

**Narelle Celisano asked the following questions:**

Question 1: Will Dinner at Dusk be happening again this year?

*Answer 1: The Shire has not received a further application nor has the Shire approved another for Dinner at Dusk.*

Question 2: How many days will Up in Smoke be trading?

*Answer 2: Up in Smoke have not made an application at this stage so their trading is unknown. The application that they applied for at Ridley Place was for four days but they have only ever traded for one. Discussions have been had with regard to Up in Smoke doing a trial in Harvey and they have indicated that they would like to engage with local business owners and work around a preferred time frame.*

## **8. Petitions/Deputations/Presentations**

Tim Devereux addressed the Council in relation to the Harvey Precinct Redevelopment.

Narelle Celisano addressed the Council in relation to Trading in Public Places.

## **9. Announcements by Presiding Members or CEO Without Discussion**

The Shire President welcomed Coordinator of Governance and Risk Renae Doyle to the Shire and mentioned that Daniel Fielding, Information Technology Officer, would be managing the Information Technology for this meeting.

The Shire President declared that the Shire of Harvey is now an endorsed Water Wise Council and congratulated all of those involved.

The Shire President acknowledged a momentous occasion within the Shire in particular for Harvey as the 100-year celebration took place for the Harvey Library. As with many with many towns in Australia, local communities wanted to acknowledge those who served in the first World War by building a memorial. The towns folk in Harvey chose a Library and a reading room which they wanted build close to the Agriculture Hall; agriculture has always been a major part of the Harvey District. The Harvey Library was opened on Empire Day in May 1922 and at the opening ceremony the Governor remarked on the fitting nature of a public hall which would be a lasting and impressive memory to those who have given their lives in the great fight. Special thanks was given to Cr. Coleman for organizing The Austins to be a part of the celebrations today, who are also celebrating 100 years this year. The Shire President gave credit to the Harvey community for having a War Memorial, the hall and the library there as a reminder to future generations. He also mentioned that the Aboriginal Flag was raised at Anzac Day this year for the first time in 100 Years.

The Shire President mentioned that the Libraries within the Shire of Harvey host a number of activities throughout the year and support regular events such as Adult Learners Week, Science Week and Biggest Morning Tea for the Cancer Council which was today. They offer Garden Club, book club, scrabble, writers group, first time parents group, coding club, be connected technical help and other happenings according to customer needs. They are no longer halls of silence, they are where connections are formed and hustle and bustle is common and community members of all kind are supported and this couldn't happen without the Library Staff.

The Shire President passed on his condolences to the Family of Gordon Godber who passed away last week. Gordon Godber was employed with the Shire of Harvey for 11 years from 1990 to 2001 as Special Administrative Officer. Once retired from work he was elected as Councillor from 2003 until he retired in 2011.

## **10. Confirmation of Minutes**

Ordinary Council Meeting – Tuesday, 26 April 2022.

### **Recommendation**

That the Minutes of the Council Meeting held on Tuesday, 26 April 2022, as printed be confirmed as a true and correct record.

**Moved: Cr. Capogreco**

**Seconded: Cr. Krispyn**

**That the Minutes of the Council Meeting held on Tuesday, 26 April 2022, as printed be confirmed as a true and correct record.**

**Carried 13-0**

**22/051**

**11. Receipt of Minutes and Recommendations from Committees**

Nil.

## 12. Officer's Reports

Shire of Harvey Standing Orders Local Law 2017 permits Council to adopt recommendations by exception resolution (en bloc).

Recommendations contained in the Officer's Reports were adopted by exception resolution with the exception of the following items:

12.1.1 – Quarterly Report Quarter Three 2021 – 2022	Cr. Bromham declared an Impartiality Interest in this item.
12.1.2 – Lease, Licence and Surrender of Leases – Binningup Bowling Club Inc. and Binningup Community Association Inc.	Absolute Majority Required.  Cr. Krispyn and Cr. Gillett declared an Impartiality Interest in this item.
12.2.2 – Local Roads Community Infrastructure Program – Phase 3A	Absolute Majority Required.  Cr. Lovitt declared a Financial Interest in this item.
12.3.1 – Policy 4.3.7 – Trading in public Places for Food Vendors	Absolute Majority Required.  Subject to an Addendum.
12.3.3 – Use Not Listed (Rural Tourism – Distillery and Creamery) Produce Market, Eating House and Restoration Works.	Absolute Majority Required.

### Exemption Resolution Motion:

That with the exception of 12.1.1 – 12.1.2, 12.2.2, 12.3.1 and 12.3.3 which are to be considered separately, the Officer's Recommendation for Items 12.2.1, 12.2.3, 12.3.2 and 12.4.1 – 12.4.2 be adopted as the Council Resolution.

**Moved: Cr. Carbone**

**Seconded: Cr. Dickinson**

**That with the exception of 12.1.1 – 12.1.2, 12.2.2, 12.3.1 and 12.3.3 which are to be considered separately, the Officer's Recommendation for Items 12.2.1, 12.2.3, 12.3.2 and 12.4.1 – 12.4.2 be adopted as the Council Resolution.**

**Carried 13-0      22/052**

**Attendance**

4.28pm The Shire President suspended the meeting for the purpose of undertaking a roll call of attendees to confirm their presence at the meeting. All attendees were confirmed as present.

*Cr. Amanda Lovitt*

*Cr. Francis Burgoyne.*

4.28pm The Shire President resumed the meeting.

**12.1. Chief Executive Officer**

<b>Item No.</b>	<b>12.1.1.</b>
<b>Subject:</b>	<b>Quarterly Report Quarter Three 2021 – 2022</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Shire of Harvey</b>
<b>Reporting Officer:</b>	<b>Manager Governance and Strategy</b>
<b>Authorising Officer:</b>	<b>Chief Executive Officer</b>
<b>File No.:</b>	<b>B000388</b>
<b>Attachments:</b>	1. Quarterly Report Quarter Three 2021 – 2022 [ <b>12.1.1.1</b> - 64 pages]

**Summary**

The Integrated Planning and Reporting Framework and Guidelines (2016) issued by the Department of Local Government, Sports and Cultural Industries (DLGSC) recommended that it is best practice for the Shire to report quarterly progress against the Corporate Business Plan to Council. This Quarterly Report covers the period 1 January 2021 – 30 March 2022 (quarter three).

The Quarterly Report, Quarter Three 2021 – 2022 (refer **Attachment 1**) is now presented to Council for adoption.

**Background**

Section 5.56(1) of the *Local Government Act 1995* requires all local governments to have a plan for the future of the district and under the Local Government (Administration) Regulations 1996, all local governments in Western Australia are required to have adopted two key documents: a Strategic Community Plan (SCP) and a Corporate Business Plan (CBP). These documents are supported by an Informing Strategy. Together these documents drive the development of each local government's annual budget.

The Integrated Planning and Reporting Framework and Guidelines (2016) issued by the DLGSC that guides the SCP and CBP process require that regular monitoring and reporting of these plans are undertaken. This quarterly update forms part of this key reporting process.

The 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 Corporate Business Plan is a key business planning tool for the Shire and acts as the intermediary document between the SCP and Shire's Annual Budget. It is reviewed and updated every year, with progress and achievements reported on in the Annual Report.

The Corporate Business Plan 2021 – 2025 was adopted by Council on Tuesday, 27 July 2021.

**Comment**

The Quarterly Report is designed to provide information on the progress and milestones of key projects in the Shire's CBP 2021 – 2025.

The projects in the Quarterly Report, Quarter Three 2021 – 2022 are presented with a commentary on the timeline for completion of the project, progress of the project and updates of specific actions relating to the project.

Noted in the Quarterly Report are some minor wording changes as a result of the annual review and reporting process to some actions and some corporate performance indicators to clarify and make them more meaningful. The targets for the corporate performance indicators are, unless stated otherwise, the annual targets from the CBP. These are part of the review process and are adjusted if

targets that provide better clarity are identified. Additionally, some actions have been split into a and b sections to allow for better clarity in reporting. For Council's information, a note has been placed against the relevant actions to indicate those that have been changed in the Quarterly Report (refer **Attachment 1**)

Projects not planned to start during the current financial year in the CBP 2021 – 2025 are not reported until scheduled. Projects marked as 'Not started yet' are planned to begin this financial year but to be started later in the year. Due to projects not planned to start this financial year not being reported on, some actions have no projects listed underneath as all the projects for that action are planned for future financial years.

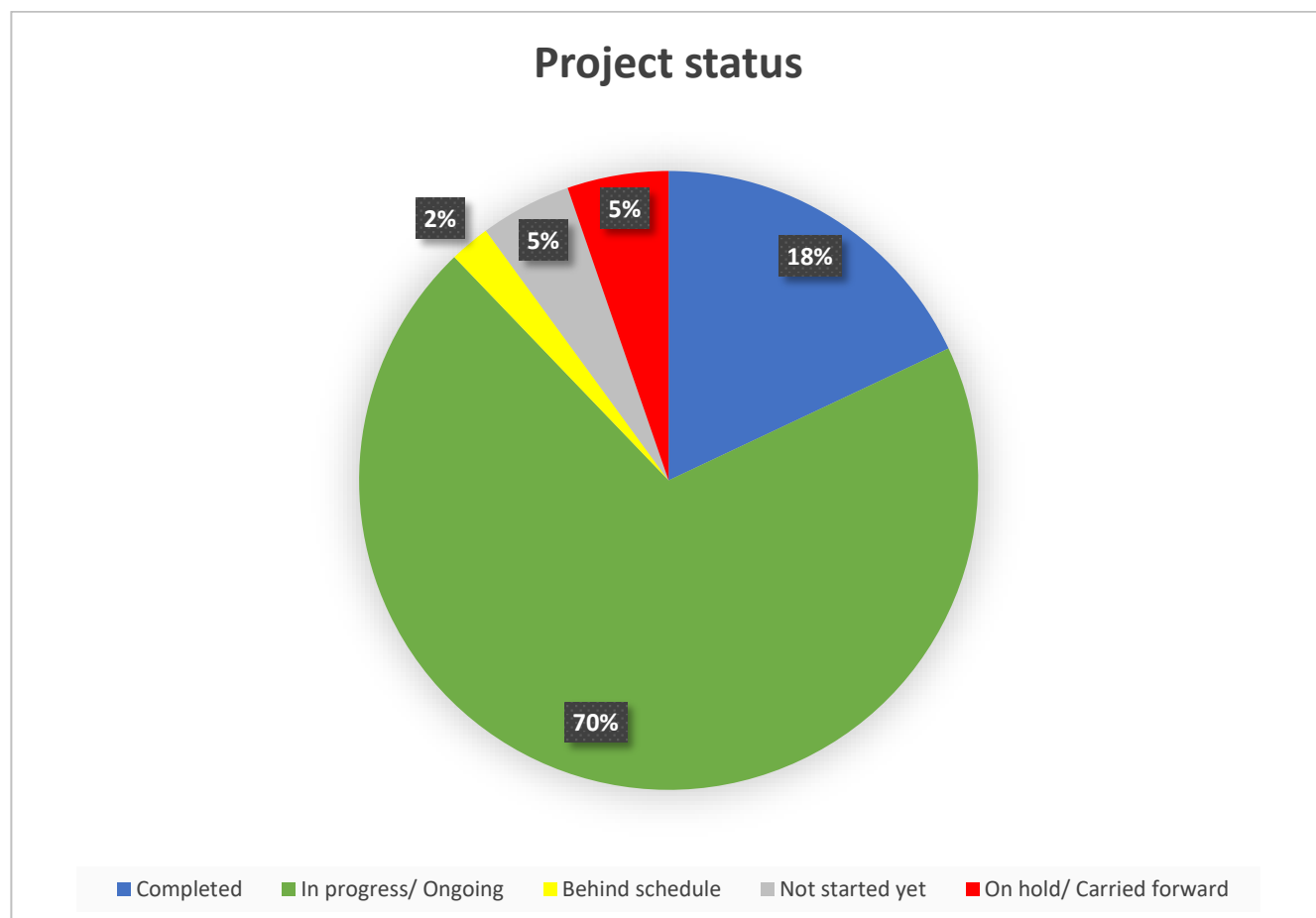
### Quarter Three Results

Of the 189 projects reported against:

- 34 are blue ('Completed')
- 132 are green ('In Progress' or 'Ongoing' meaning they are on track and to be delivered on time and on budget)
- 4 are yellow ('Behind schedule')
- 9 are grey ('Not started yet')
- 10 are red ('On hold' or 'Carried forward' meaning action has been taken to hold or defer the item).

Projects reported on as 'Behind Schedule,' 'On hold,' or 'Carried forward' will continue to be monitored and required consideration of changes will be addressed through the budget development and review process as well as the CBP review process and amendments will be made where necessary.

Project status	Definition	Number of projects	%
Completed	These projects are completed in full.	34	18%
In progress/Ongoing	These projects are on track to be delivered on time and budget.	132	70%
Behind schedule	These projects have fallen behind their projected timeline or suffered a setback that has put them at risk.	4	2%
Not started yet	These projects have not started yet.	9	5%
On hold/Carried forward	These projects have had action taken to hold or defer them.	10	5%
Total		182	100%



At the end of quarter three (30 March 2022), 34 projects were marked as completed. These include:

1.1.3	Harvey Region Tourism Strategic Plan	1.1.3.1	Develop a Harvey Region Tourism Implementation Plan that supports the Harvey Region Tourism Strategic Report	Completed	Plan has been circulated with a media release and is available on the Shire's website. Presentations on the plan have been given to stakeholders and Place Advisory Groups.
		1.1.3.3	Conduct a feasibility study into the delivery of visitor servicing, tourism development, destination marketing, industry support and events in the region	Completed	Study has been completed and endorsed by Council.
1.5.1	Advocate for education and training facilities	1.5.1.2	Promote and support student placements in Shire operations	Completed	Two placements currently at the Shire of Harvey.
1.5.2	Workplace employment and training opportunities	1.5.2.1	Provide opportunities for apprenticeships and traineeships in Shire operations	Completed	Youth Trainee has been employed.
1.5.3	Youth Apprenticeships	1.5.3.1	Provide annual youth trainee positions at the	Completed	Shire's first Youth Trainee has been

			Shire for school leavers		employed as part of the Community Development Business Unit and commenced in January 2022.
2.1.4	Library and Information Services	2.1.4.2	Work with State Library of WA and the Brunswick CRC to support a public library service in Brunswick	Completed	State Library of WA have been consulted and are aware of the need for a public library service for Brunswick. No community requests have currently been received.
		2.1.4.5	Participate in the South West Library consortia	Completed	Libraries continue to participate in scheduled consortia meetings.
2.1.5	Early Years Services	2.1.5.1	Develop an Early Years Strategy	Completed	Bright Futures: A Strategy for Children and Families 2022 – 2027 was endorsed at March 2022 Ordinary Council Meeting (OCM).
2.1.6	Age Friendly Strategy	2.1.6.1	Develop an Age Friendly Strategy	Completed	Ageing Together: Shire of Harvey Age Friendly Strategy 2022 – 2027 was endorsed at March 2022 OCM.
2.2.1	Community Safety and Crime Prevention	2.2.1.2	Develop and implement a CCTV strategy to ensure appropriately located CCTV is in place as identified	Completed	CCTV Strategy was adopted by Council in Q3.
2.2.1	Community Safety and Crime Prevention	2.2.1.3	Improve Riverdale Road Street lighting	Completed	Grant has been acquitted.
		2.2.1.4	Leschenault Leisure Centre path lighting Stage 2	Completed	Grant has been acquitted
		2.2.1.5	Upgrade street and path lighting to nominated intersections Stage 2	Completed	Only one intersection has been actioned due to MRWA requirements – Kelly Road/South West Highway.
2.2.4	Bushfire risk mitigation	2.2.4.5	Apply to the Local Government Grant Scheme (LGGS) for operational and capital funding of local government, bush fire brigades and the State Emergency Service	Completed	LGGS application has been completed.
2.4.3	Partnerships	2.4.3.2	Ongoing support of the South West Aboriginal Health Hub Facility	Completed	Letter of support was finalised in Q1.

2.4.4	Welcome to Country and Acknowledgement of Country Policy	2.4.4.1	Investigate the opportunity to develop a local Aboriginal Procurement Policy	Completed	Completed and included in the existing Purchasing Policy.
3.1.2	Sustainable Building Materials Policy	3.1.2.1	Review and update the Sustainable Building Materials and Construction Practices Policy	Completed	Policy Review has been completed.
3.3.3	Water Usage	3.3.3.1	Develop a Waterwise Council Action Plan	Completed	Plan has been adopted by Council and a Memorandum of Understanding has been agreed with Water Corporation. The milestones of the plan are now to be actioned.
3.3.8	Single Use Plastics Policy	3.3.8.1	Implement the Single Use Plastics Policy across Shire services and facilities	Completed	Outcomes of the policy are being implemented.
3.4.1	Dune restoration	3.4.1.1	Complete the Binningup dune restoration project in partnership with Binningup Coastcare and Environment Group (BCEG) and Coastwest	Completed	Grant has been acquitted.
4.1.1	Binningup Foreshore Playground	4.1.4.1	Replace playground floor	Completed	Works were completed in December 2021.
		4.1.1.2	Replace foreshore play equipment	Completed	Works were completed in December 2021.
4.2.1	Local Path Renewal and Improvement Plan	4.2.1.1	Develop and implement the 10-year Local Path Renewal and Improvement Plan	Completed	Plan is completed. Program to be implemented over the next 10 years.
4.3.1	Townscape Plans	4.3.1.2	Paris Road landscaping improvements	Completed	Works have been completed.
4.4.2	Heritage listed and culturally significant buildings and sites	4.4.2.3	Review the Memorandum of Understanding for the Harvey Interment Camp Shrine	Completed	Memorandum of Understanding has ceased as the Shine Management is now undertaken by the Shire of Harvey. Revised access arrangements are being progressed.
4.5.3	Public buildings, gardens and grounds	4.5.3.2	Install air conditioning for Myalup Hall	Completed	Overhead fans have been installed.
5.1.1	Communication	5.1.1.2	Implement the Shire's	Completed	Completed and

	and engagement Plan		online engagement platform Have Your Say		launched in Q1.
5.3.1	Organisational Values	5.3.1.1	Develop and embed the new Organisational Values Charter	Completed	Organisational Values were created and included in the Shire of Harvey Code of Conduct for Employees.
5.3.3	Council Elections and Mandatory Councillor Training	5.3.3.1	Organise and promote Council elections to attract nominations from a diverse range of eligible community members	Completed	Councillors have received inductions and have commenced their online WALGA Mandatory Training.
5.4.2	Asset Management Plan	5.4.2.1	The Asset Management Plan (AMP) is reviewed and updated, with information incorporated into the Long Term Financial Plan	Completed	AMP has been completed with information factored into the draft LTFP.
5.4.5	Information Management	5.4.5.1	Undertake a review and update of the Shire's Records Management Plan	Completed	Record Keeping Plan is now with the commissioner for approval. The use of "Day Boxes" has begun in the Information Management area for now. This will not impact on the Record Keeping Plan in this year.
5.4.6	Procurement	5.4.6.1	Review and Update the Purchasing Policy	Completed	Completed in January 2022.
5.5.3	Quarterly reporting and Annual Report	5.5.3.1	Develop and implement a process for quarterly reporting to inform the Annual Report	Completed	Second Quarterly report was received by Council in February 2022.
5.6.2	Code of Conduct	5.6.2.1	Develop a new Code of Conduct for employees	Completed	Initial workshop and training has been completed. More in-depth training to be rolled out.

At the end of quarter three (30 March 2022), 14 projects were marked as 'On hold,' 'Carried forward' or 'Behind schedule,' a total of 14 out of 189. These projects are:

1.2.2	Economic Development Strategy Implementation Plan	1.2.2.1	Develop an Economic Investment Prospectus	Behind schedule	Project is behind schedule as focus has been on the development of the Destination Harvey Region business unit. Investment to be included in the new
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					Destination Harvey Region website which is due in six to nine months.
		1.2.2.3	Develop a Tourism Development Prospectus	Behind schedule	Project is on hold.
2.2.4	Bushfire risk mitigation	2.2.4.1	Redevelop the Leschenault Volunteer Fire Brigade building	On hold	Funding was not received.
3.3.4	Local Waste Management Strategy	3.3.4.1	Develop a new Local Waste Management Strategy	On hold	Due to a number of changes affecting waste services and direction the strategy has been placed on hold.
3.3.5	Community education	3.3.5.1	Develop and implement an education program specific to sustainable waste practices	Behind schedule	Program is still being developed.
3.3.6	Zero Waste Plan	3.3.6.1	Review and update of current Zero Waste Strategy	On hold	The current position of this plan is still being reviewed.
4.1.3	Urban Forest Project	4.1.3.1	Clifton Park Forest – extension of path network	On hold	Funds have been reallocated to another project.
4.4.3	Heritage preservation and activation	4.4.3.2	Develop and implement a Heritage Strategy that includes recommendations for the Harvey Internment Camp and Shrine and museums	On hold	Negotiations with Department of Education have commenced.
4.5.1	Harvey Community Precinct	4.5.1.3	Harvey Community Precinct Stage 2 construction	Carried Forward	
4.5.2	Australind Community Precinct	4.5.2.3	Australind Community Precinct Stage 1 construction	Carried Forward	
4.5.3	Public buildings, gardens and grounds	4.5.3.2 b	Install air conditioning for Uduc Hall	On hold	Quotes have been received. Project is on hold as there is insufficient power on site to run air conditioning. Power upgrade has been included for draft 2022 – 2023 Budget.
5.1.4	Business and Sole Trader Database	5.1.4.1	Construct a Business and Sole Trader Database to improve communication between the Shire and local businesses	On hold	Further investigation has revealed that database management needs to be considered across the whole organisation. This project will sit within the Content Management

					System Project under review by Community and Lifestyle.
5.4.1	Long Term Financial Plan	5.4.1.2	Conduct a rate review	Behind Schedule	Workshop has been held with Council. Consultant is working through rated data. Anticipated rates review to OCM in Q4.
5.4.6	Procurement	5.4.6.2	Develop Pre-qualified Supplier Panels	On hold	Officer position was vacant for a number of months and work was temporarily on hold.

Details of the remaining 141 projects that are 'In progress,' 'Ongoing' or 'Not started yet' are outlined in the Quarterly Report, Quarter Three 2021 – 2022 (refer **Attachment 1**).

### Statutory/Policy Environment

*Local Government Act 1995* – Section 5.56 requests Western Australian 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 for 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.

No stakeholder feedback was required for the Quarterly Report however, the projects reported on in this report were included in the CBP after extensive community consultation as part of the creation of the SCP. Once the report is adopted it will be advertised widely as well as being publicly available.

#### Promise to the Community

*Inform:* We will keep you informed.

The adopted Quarterly Report, Quarter Three 2021 – 2022 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 transparent and accountable manner. The measure of Consequence is **Minor**, and the likelihood is **Unlikely**, giving an overall risk rating of **Low**. Both risks will be mitigated through adherence to the Integrated Planning and Reporting framework.

**Budget Implications**

The cost of the projects and actions contained within the Quarterly Report, Quarter Three 2021 – 2022 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**

Simple majority.

**Officer's Recommendation**

That Council receives Quarterly Report, Quarter Three 2021 – 2022 as shown in **Attachment 1**.

Moved: Cr. Bromham

Seconded: Cr. Boylan

That Council receives Quarterly Report, Quarter Three 2021 – 2022 as shown in **Attachment 1**.

Carried 13-0

22/053

<b>Item No.</b>	<b>12.1.2.</b>
<b>Subject:</b>	<b>Lease, Licence and Surrender of Leases – Binningup Bowling Club Inc. and Binningup Community Association Inc.</b>
<b>Proponent:</b>	<b>Binningup Community Association Inc. and Binningup Bowling Club Inc.</b>
<b>Location:</b>	<b>Lot 1 (No. 43 – 45) Lakes Parade, Binningup</b>
<b>Reporting Officer:</b>	<b>Coordinator Governance and Risk</b>
<b>Authorising Officer:</b>	<b>Chief Executive Officer</b>
<b>File No.:</b>	<b>A006792, C/Z/029, C/Z/059</b>
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Freehold Land [12.1.2.1 - 1 page]</li> <li>2. BCC Premise [12.1.2.2 - 1 page]</li> <li>3. BBC Lease Area [12.1.2.3 - 1 page]</li> <li>4. BCA Lease Area [12.1.2.4 - 1 page]</li> <li>5. 26 October 2021 BCA Lease Area [12.1.2.5 - 1 page]</li> <li>6. Licence [12.1.2.6 - 19 pages]</li> <li>7. Lease Agreement [12.1.2.7 - 35 pages]</li> <li>8. Surrender of Lease - BCA [12.1.2.8 - 8 pages]</li> <li>9. Surrender of Lease - BCC [12.1.2.9 - 8 pages]</li> </ol>

## Summary

Lot 1 (No. 43 – 45) Lakes Parade Binningup, (refer **Attachment 1**) is freehold land owned by the Shire of Harvey.

The Shire has been liaising with the Binningup Community Association Inc. (BCA) and Binningup Bowling Club Inc. (BBC) with respect to their expiring Leases.

The process has been complicated and extended due to the Clubs changing their request and Officers attempting to find a solution to satisfy both Clubs.

Officers have investigated all options available and the BCA and BBC have liaised directly with solicitor, Paul Lander of Lander Lawyers to reach an agreement satisfactory to both Clubs.

It is recommended that a new Lease be issued to the BCA, subject to the conditions in the report.

## Background

The Binningup Country Club (BCC) is located on a portion of Lot 1 (No. 43 – 45) Lakes Parade, Binningup (refer **Attachment 2**), being owned in freehold by the Shire. The Shire holds a Lease with the Binningup Community Association Inc. (BCA) for the Bowling Club and surrounds, and a Lease with the Binningup Bowling Club Inc. (BBC) for the bowling greens. The BBC is a member of the BCA and currently leases the bowling greens.

The Shire has caused the Facility (refer **Attachment 2**) 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 recreational activities.

The BCA and BBC are community groups 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 recreational activities.

On 1 July 2016, Council implemented a lease agreement 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 3**). There was a clause in the lease to offer an extension for an additional five-year period. Issues had arisen early in the 2021 year with the BBC with regards to their lease

arrangements and BCA.

On 1 July 2016, Council renewed the lease agreement with the BCA for a further five years. This agreement expired on 30 June 2021. The BCC premises is located on the freehold land owned by the Shire of Harvey (refer **Attachment 4**).

The Lease to BCA expired on 30 June 2021 and has continued on a month-to-month basis pursuant to the provisions of the Lease.

The Lease to BBC expired on 1 July 2021 with an option to extend the term for a period of five years from 1 July 2021.

At its Ordinary Meeting, held on 27 July 2021 Council resolved a draft lease agreement to be issued to BBC for a one-year lease agreement with an option to extend for a further two by two years terms to the BBC.

At its Ordinary Meeting, held on 27 July 2021 Council resolved a draft lease agreement to be issued to BCA for a one-year year lease agreement with an option to extend for a further two by two years terms to the BCA.

Officers met with BCA on 29 September 2021 to discuss their lease options with the intent of being able to obtain a Liquor Licence over the bowling green's due to the cost of the BBC obtaining one-off licences when required. As a result, a request was submitted, with support from the BBC, for the BCA to hold a new Lease over the entire facility and this request was considered by Council at its meeting of 26 October 2021.

At its Ordinary Meeting, held on 26 October 2021 Council resolved a draft lease agreement to be issued to BCA for the BCC premises inclusive of the bowling green area (refer **Attachment 5**) for a term of five years, subject to a legal agreement to be formalised between the BCA and BCC before the lease is signed and to the satisfaction of both parties.

The BBC advised the Shire on 22 November 2021 they would not be progressing with the legal agreement on the basis that any disputes between the BCA and BBC with respect to the matters addressed by the legal agreement would be handled as a civil matter.

On 28 April 2022 it was confirmed by Paul Lander of Lander Lawyers to the Shire that BCA and BCC have agreed to a draft licence agreement (refer **Attachment 6**). The draft licence agreement was prepared by Paul Lander and includes that the parties are responsible for the cost of the preparation of the document.

## **Comment**

It is recommended that Council approves to enter a Lease (refer **Attachment 7**) with the BCA for the term of five-years for the area identified in **Attachment 5**, subject to the Lease requiring the following:

The Licence (refer **Attachment 7**) being granted by the BCA to BBC at the time of executing the Lease.

A Surrender of Lease deed (refer **Attachment 8**) to terminate the current lease between BCA and Shire of Harvey at time of executing the lease.

A Surrender of Lease deed (refer **Attachment 9**) to terminate the current Lease between BCC and Shire of Harvey at time of executing the lease.

## Statutory/Policy Environment

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

Clause 30 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 1.1.13 – Community Lease Policy.

Shire of Harvey Policy 1.1.2 - Common Seal Policy.

## Strategic Framework

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

- |               |  |
|---------------|--|
| Goal 2:       | <i>A safe, accessible and connected community where everyone has the opportunity to contribute and belong.</i> |
| Objective 2.3 | <i>Active and resilient community groups and volunteers.</i>   |
| Goal 5:       | <i>A representative leadership that is future thinking, transparent and accountable.</i>                       |
| Objective 5.4 | <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 **Business and Community Disruption**. The Consequence could be **Compliance** or **Reputational** should Council not adopt the recommendation. The risk is mitigated by having the licence, lease agreement and two deeds 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

The cost that will be incurred for the Surrender Deeds will be \$800.00 each Deed, total cost \$1600.00.

The cost of the lease agreement will be paid by the Shire of Harvey, then will be invoiced to the BCA for a full recoup.

**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 of 3 – Absolute Majority

Recommendation 2 of 3 – Absolute Majority

Recommendation 3 of 3 – Simple Majority

**Officer's Recommendation 1 of 3**

That Council revokes decision 21/146 made at its Ordinary Council Meeting held 27 July 2021:

*"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."*

**Reason:** The Lease was not accepted by the Binningup Community Association.

The following members have signed the valid notice of revocation motion:

Cr. Paul Gillett  
Cr. Amanda Lovitt  
Cr. John Bromham  
Cr. Michelle Campbell  
Cr. Wendy Dickinson

**BY ABSOLUTE MAJORITY**

**Officer's Recommendation 2 of 3**

That Council revokes decision 21/217 made at its Ordinary Council Meeting held 26 October 2021:

*"That Council, in response to the previous leases offered not being executed:*

- 1. Approves a five-year lease agreement, with the Binningup Community Association Inc. for the Binningup Country Club premises inclusive of the bowling green area (refer Attachment 1), subject to a legal agreement be formalised between the Binningup Community Association Inc. and Binningup Bowling Club Inc. before the lease is signed and to the satisfaction of the two parties;*
- 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."*

**Reason:** The parties were unable to come to a legal agreement.

The following members have signed the valid notice of revocation motion:

Cr. Paul Gillett  
Cr. Amanda Lovitt  
Cr. John Bromham  
Cr. Michelle Campbell  
Cr. Wendy Dickinson

### **BY ABSOLUTE MAJORITY**

#### **Officer's Recommendation 3 of 3**

That Council:

1. Approves a five-year lease agreement to Binningup Community Association.
2. Approves the Chief Executive Officer to Execute the Draft Lease with Binningup Community Association and make any minor amendments.
3. Consents to the Licence between Binningup Community Association and Binningup Bowling Club.
4. Approves the Chief Executive Officer to Execute the Draft Licence between Binningup Community Association and Binningup Bowling Club and make any minor amendments.
5. Approves a Deed to Terminate the current Lease agreement to Binningup Bowling Club.
6. Approves the Chief Executive Officer to Execute the Draft Deed with Binningup Bowling Club and make any minor amendments.
7. Approves a Deed to Terminate the current Lease agreement to Binningup Community Association.
8. Approves the Chief Executive Officer to Execute the Draft Deed with Binningup Community Association and make any minor amendments.
9. Authorises the Chief Executive Officer and Shire President to sign and affix the Shire of Harvey common seal to the Lease Agreement, Licence and two Deeds.

#### **Officer's Recommendation 1 of 3**

**Moved:** Cr. Bromham

**Seconded:** Cr. Dickinson

**That Council revokes decision 21/146 made at its Ordinary Council Meeting held 27 July 2021:**

***"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."*

Reason: The Lease was not accepted by the Binningup Community Association.

The following members have signed the valid notice of revocation motion:

Cr. Paul Gillett  
Cr. Amanda Lovitt  
Cr. John Bromham  
Cr. Michelle Campbell  
Cr. Wendy Dickinson

Carried by Absolute Majority 13-0

22/054

### **Officer's Recommendation 2 of 3**

Moved: Cr. Campbell

Seconded: Cr. Jackson

That Council revokes decision 21/217 made at its Ordinary Council Meeting held 26 October 2021:

*"That Council, in response to the previous leases offered not being executed:*

1. *Approves a five-year lease agreement, with the Binningup Community Association Inc. for the Binningup Country Club premises inclusive of the bowling green area (refer Attachment 1), subject to a legal agreement be formalised between the Binningup Community Association Inc. and Binningup Bowling Club Inc. before the lease is signed and to the satisfaction of the two parties;*
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."*

Reason: The parties were unable to come to a legal agreement.

The following members have signed the valid notice of revocation motion:

Cr. Paul Gillett  
Cr. Amanda Lovitt  
Cr. John Bromham  
Cr. Michelle Campbell  
Cr. Wendy Dickinson

Carried by Absolute Majority 13-0

22/055

### **Officer's Recommendation 3 of 3**

Moved: Cr. Capogreco

Seconded: Bromham

**That Council:**

- 1. Approves a five-year lease agreement to Binningup Community Association.**
- 2. Approves the Chief Executive Officer to Execute the Draft Lease with Binningup Community Association and make any minor amendments.**
- 3. Consents to the Licence between Binningup Community Association and Binningup Bowling Club.**
- 4. Approves the Chief Executive Officer to Execute the Draft Licence between Binningup Community Association and Binningup Bowling Club and make any minor amendments.**
- 5. Approves a Deed to Terminate the current Lease agreement to Binningup Bowling Club.**
- 6. Approves the Chief Executive Officer to Execute the Draft Deed with Binningup Bowling Club and make any minor amendments.**
- 7. Approves a Deed to Terminate the current Lease agreement to Binningup Community Association.**
- 8. Approves the Chief Executive Officer to Execute the Draft Deed with Binningup Community Association and make any minor amendments.**
- 9. Authorises the Chief Executive Officer and Shire President to sign and affix the Shire of Harvey common seal to the Lease Agreement, Licence and two Deeds.**

**Carried 13-0**

**22/056**

## 12.2. Infrastructure Services

<b>Item No.</b>	<b>12.2.1.</b>
<b>Subject:</b>	<b>Sienna Grove/Tuscany Green, Binningup – London Plane Trees</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Binningup</b>
<b>Reporting Officer:</b>	<b>Director Infrastructure &amp; Manager Parks Services</b>
<b>Authorising Officer:</b>	<b>Chief Executive Officer</b>
<b>File No:</b>	<b>B/SL/004</b>
<b>Attachments:</b>	1. Plane Tree locations Binningup [12.2.1.1 - 4 pages]

### Summary

Several residents from Sienna Grove/Tuscany Green in Binningup have approached the Shire expressing some concerns that the existing London Plane trees (*Platanus x acerifolius*) located within the road verge adjacent to their properties and the Public Open Space (POS) are a public health hazard and are causing damage to the surrounding infrastructure.

Shire Officers have undertaken a visual assessment of the area and used information provided from a previously prepared Arboricultural report relating to London Plane trees at a separate location in the Shire.

This report discusses several potential options for remedial action including the development of a longer term strategy to manage the potential issues associated with the London Plane trees (Plane trees).

### Background

The Plane trees in Binningup were planted by the developer of the Estate in early 2000. **Attachment 1** shows an aerial view of the newly planted trees, taken in 2001, and a subsequent aerial view taken in December 2021.

As can be seen from the 2000 and 2009 photos, approximately 68 Plane trees were planted on the verge along Sienna Grove/Tuscany Green, Binningup on both sides of the streets spaced at approximately 6.0m intervals. The 2021 photo shows that a number of trees have previously been removed on the property side on Sienna Grove over the years primarily after residents notified the Shire of the damage to their crossovers.

The existing Plane trees include the following:

- Next to POS – 29 trees
- Adjacent to residential properties – 26 trees

The residents who recently approached the Shire have indicated that the trees have *“caused them much grief over the years with the fibres from the fruiting bodies and their roots system and having issues with coughing ever morning and having to dry clothing inside (fibres) do become very itchy to wear, including the vegetative (leaf) rubbish and damage to the road and other infrastructure”*.

### Comment

#### Characteristics of Plane Trees

While there are up to 10 Plane tree species around the world, the London Plane tree is the most widely used species as they typically grow as a single trunk tree to 20 – 30 metres tall with horizontal

branching and a rounded habit.

Plane trees have been extensively planted in urban areas in Australia as a streetscape tree due to a number of advantages including:

- Moderate shade to allow grass or other plants to grow underneath when planted with suitable distances between trees (it is the Officer's opinion these trees have been overplanted and do shade out large areas).
- Tolerance to pollution, difficult soil conditions and pruning.
- The contribute significantly to the mitigation of heat island effect due to their large canopy size and subsequent shading.

Due to their size and root system characteristics Plane trees can at times, cause damage to property, road and other assets.

It has been documented that for some people the Plane tree can cause bronchial problems, that has been characterised as similar to hay fever however although Plane trees are pollen producers, the species has a limited season of pollen production of only a few weeks in spring.

Many other species of trees and grasses (primarily wind pollinated species) can also cause allergenic reactions and research has shown that Plane trees are a better option than many other plants that produce much higher levels of pollen over a longer period.

Research undertaken by local governments throughout Australia where Plane trees have been planted, indicates that where trees have been removed, reasons for removal include, but are not limited to trees that are:

- Dead, dying or unsafe.
- Minimisation or elimination of risk to the public.
- The subject of public liability claims.
- In inappropriate locations due to tree size, structure or root network.
- Adversely impacting on vehicle and/or pedestrian safety.
- Causing damage to public or private infrastructure.
- Identified for removal following consultation as part of a street tree planting program.
- Causing excessive renewal and maintenance costs to infrastructure.

In addition, other local governments will generally not support individual requests to have trees removed, or subjected to additional pruning, to:

- Reduce or eliminate leaf litter or tree debris.
- Improve private amenity.
- Increase car park numbers.
- Reduce overshadowing and/or preservation of solar access.

- Preserve lines of sight to advertising boards.

There does however appear to be a recent trend primarily in the eastern states but now appearing in a few Perth local governments where London Plane trees are being removed to promote diversification of tree planting species (some locations have primarily very large numbers of Plane trees compared with other species) and introduction of native species back into local environments.

### **Conclusion/Options**

Plane trees have the potential to grow to up to 30 metres at maturity in ideal conditions which will provide challenges that will need to be addressed to minimise potential future damage to public and private infrastructure as well as managing the ongoing repair or replacement of infrastructure into the future.

It should be noted that trees that are planted within close proximity to one another (as are the Plane trees in question), tend to grow according to the available light and proximal space. It would be reasonable to expect the Plane trees to only reach widths commensurate with the available space between them but would still grow to considerable heights.

There are numerous options that can be considered in managing/removal of these trees some of the ones suggested below may be worthy of consideration:

#### ***Option 1 (preferred option)***

Remove only the existing 26 trees on the residential property side of the streets, without any replacement.

Possibly in the future remove every second tree on the POS side of the street(s) which could be considered to enable the remaining trees to mature more naturally and not in a congested state as is currently the case.

#### ***Option 2***

Remove every second tree or remove two out of three trees.

With the close spacing of the trees of approximately six metres and their potential to grow up to 20 – 30 metres in height and 18 – 20 metres in crown width, this option would minimise future potential damage to infrastructure allowing for a large mature growth habit while still maintaining a desirable streetscape.

#### ***Option 3***

Progressively remove all Plane trees over three financial years and progressively replant with other more suitable species.

A new species (to be determined) would be planted at a greater distance apart and aligned as far from infrastructure as practicable (this is more possible in the POS). This could be considered in the POS or the road verge adjacent to residential homes or only in the POS.

#### ***Option 4***

Remove all London Plane trees and undertake no replacement.

This would leave the 40 – 50 various mature/advanced native and ornamental trees within the POS to become the dominant visual aspect of the location. This option would address the majority of concerns raised including leaf litter issues, alleged damage to infrastructure within the road reserve

and adjoining properties and would subsequently open the area up to more sun light.

### **Statutory/Policy Environment**

Nil.

### **Strategic Framework**

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

*Goal 5: A representative leadership that is future thinking, transparent and accountable.*  
*Objective 5.1 Effective communication and engagement with the community.*

### **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 Environmental Management**. The consequence could impact **Property** and **Environment** should the Shire not take a pro-active approach to minimising damage to property under its care control and management and minimise the risk of damage being caused to private property. The Risk Consequence is considered to be **Moderate** and the likelihood **Unlikely** resulting in a **Moderate** Risk being present.

### **Budget Implications**

In the absence of a strategy for management of the Plane trees, Officers have undertaken preliminary costings for the removal and replacement costs on an individual tree basis.

#### **Removal**

The Shire's current tree contractor attended the site and provided a quote for removal, stump grinding, removal of trunks from site and traffic management. The quoted cost of \$753 per tree provided was based on there being multiple trees removed on the one occasion. Reduction to low numbers for removal or multiple attendances by the contractor would increase the price for the removal.

#### **Planting**

Costs can range significantly dependant on replacement tree species chosen and size. The cost estimate to supply and plant an advanced tree (200 – 400 litre) in the range of four metres in height would cost in the order of \$1,400 to \$2,150 per tree. Whereas smaller less advanced trees would reduce the cost larger trees would require the use of hijabs or cranes to assist with the planting process and significantly increase the cost per tree.

**Cost Estimates per Option**

- Option 1 – \$19,500 (preferred option)
- Option 2 – \$19,500 to \$30,000
- Option 3 – \$68,000 (POS Planting) – \$93,000 (POS & Residential Planting)
- Option 4 – \$41,500

Depending on what option is chosen (if any) appropriate funds will need to be allocated in the draft 2022 – 2023 Budget to undertake the works.

**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 request received to consider removing the existing Plane trees in Sienna Grove/Tuscany Green, in Binningup as shown in **Attachment 1**.
2. Notes that Option 1, to remove only the existing 26 trees on the residential property side of the streets estimated to cost \$19,500 without any replacement, is the preferred option.
3. Consults with residents in Sienna Grove/Tuscany Green and adjoining streets including the Coastal Place Advisory Group regarding the four tree removal Options as discussed in the report.
4. Receives a further report at the close of consultation once the feedback received have been assessed.

**OFFICERS RECOMMENDATION ADOPTED BY EXEMPTION RESOLUTION – REFER TO RESOLUTION 22/052 APPEARING AT ITEM 12.**

<b>Item No.</b>	<b>12.2.2.</b>
<b>Subject:</b>	<b>Local Roads Community Infrastructure Program – Phase 3A</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Shire of Harvey</b>
<b>Reporting Officer:</b>	<b>Director Infrastructure Services</b>
<b>Authorising Officer:</b>	<b>Chief Executive Officer</b>
<b>File No.:</b>	<b>F000291</b>
<b>Attachments:</b>	<b>Nil</b>

## Summary

The Local Roads and Community Infrastructure (LRCI) Program was announced on 22 May 2020. Through the 2020 – 2021 Budget, the Australian Government announced an extension of the LRCI Program, now referred to as LRCI Program Phase 2.

On 11 May 2021, as part of the 2021 – 2022 Budget, the Australian Government announced a further \$1 billion for the continuation of the LRCI Program Phase 3 and the Shire received an additional funding allocation of \$1,337,510.

On 30 March 2022 the Shire was advised that the Australian Government had extended the Phase 3 LRCI Program by another \$0.5 billion and the Shire would receive an additional \$668,755 with projects to be delivered by 30 June 2023.

This report recommends additional projects to be funded from the allocated funding.

## Background

As previously reported to Council, the objective of the LRCI Program is to maintain and create jobs by stimulating additional infrastructure construction activity in communities across Australia.

The Shire has previously received \$3,187,476 for LRCI Phases 1, 2 and 3 as follows:

### Phase 1

<b>Project</b>	<b>Estimate</b>	<b>Category</b>	<b>Comments</b>
Leisure Drive Shared Path	\$163,050	Community Infrastructure	Completed
Ridley Place Foreshore Reserve – CCTV/free WIFI	\$40,000	Community Infrastructure	Completed
Leschenault Leisure Centre Park Path Lighting	\$35,000	Community Infrastructure	Completed
Binningup – Coastal Infrastructure Improvements	\$35,000	Community Infrastructure	In Progress
Brunswick Recreation Ground – Additional Parking	\$72,000	Community Infrastructure	Completed
Cookernup – Recreation Amenity Improvements	\$12,000	Community Infrastructure	Completed
Landscaping Improvements Binningup	\$20,000	Community Infrastructure	Completed
Paris Rd Australind, Verge Beautification at Grand Entrance	\$45,705	Community Infrastructure	Completed
Riverdale Rd – Cookernup St Lights	\$30,000	Local Roads	Completed

LLC Path Extensions	\$20,000	Local Roads	Completed
Safety Barrier Weir Road	\$45,000	Local Roads	Completed
Rest Area – South Western Hwy	\$75,000	Local Roads	Completed
Lakeshore Drive Lighting	\$76,000	Local Roads	Completed
<b>TOTAL</b>	<b>\$668,755</b>		

**Phase 2**

<b>Project</b>	<b>LRCI Funding</b>	<b>Category</b>	<b>Status</b>
The Boulevard/The Promenade Intersection Reconfiguration*	\$345,00	Local Roads	Completed
Ditchingham Place/Grand Entrance Reconfiguration*	\$155,00	Local Roads	Completed
Uduc Road Rehabilitation Between Young Street for 420m to Third Street*	\$100,000	Local Roads	Completed
Path Extension South Western Highway (Uduc Road to Hinge Rd)	\$84,211	Local Roads	In Progress
Path Extension SWH (King St to Harvey River)	\$65,000	Local Roads	Completed
Playground Replacement Binningup	\$300,000	Community Infrastructure	Completed
Binningup Beachside Facility	\$87,000	Community Infrastructure	In Progress
Fencing Replacement at the Harvey Commonage	\$15,000	Community Infrastructure	Completed
Ridley Place Foreshore Reserve – Reticulation Power Upgrade/Amenity Improvements	\$30,000	Community Infrastructure	Completed
<b>Total</b>	<b>\$1,181,211</b>		

Note:\* Funding made up from LRCI/RRG and/or Municipal funding

**Phase 3**

<b>Project</b>	<b>LRCI Funding</b>	<b>Category</b>	<b>Comments</b>
Brunswick Recreation Ground Additional Parking	\$82,510	Local Roads	Not Commenced
Cookernup Accessibility Improvements	\$85,000	Local Roads	In Progress
Treendale/Australind Bus Shelters/Access Improvements/Artwork	\$150,000	Community Infrastructure	Not Commenced
Australind – Seating Along Paths Interpretive Signage – Old Coast Road/Paris Road to Include Shade, Landscaping and Public Art.	\$100,000	Community Infrastructure	Not Commenced
Harvey Skatepark	\$880,000	Community Infrastructure	Not Commenced
Australind Skatepark – CCTV/Free WIFI	\$40,000	Community Infrastructure	Not Commenced
<b>TOTAL</b>	<b>\$1,337,510</b>		

**Comment**

In accordance with the funding guidelines the following projects are eligible for funding:

**Local Roads Projects**

These are projects that involve the construction and/or maintenance of roads managed by local governments.

**Community Infrastructure Projects**

These may be projects that involve the construction, maintenance and/or improvements to Shire owned assets (including natural assets) that are accessible to the public.

'Generally accessible to the public' means that the project, or the amenity provided by the project, is accessible to the public at large. Some areas are clearly publicly accessible as they are areas that are open to all members of the public such as parks, playgrounds, footpaths, and roads.

**Proposed Local Road Projects – LRCI Phase 3A*****Hackett Street – Cookernup***

This road comprises an informal unsealed road and with increased development in the area and the number of properties that now have access from this road there is a requirement to upgrade the road to a sealed standard.

***Wynyard Road – Spinnaker to Marine – Leschenault***

This road requires an asphalt overlay to prolong its life and improve its serviceability.

***Old Coast Road – Australind***

Continuation of asphalt resurfacing and shoulder works to prolong the road's life and improve its serviceability.

***Johnston Road – Yarloop***

Apply asphalt overlay at selected intersections to prolong the road's life and improve its serviceability.

**Proposed Community Infrastructure Projects – LRCI Phase A*****Binningup Oval – Proposed Parking***

Currently there is no formalised parking at this recreation ground and vehicles park on the oval. In addition, the parking would improve the amenity for school drop off and pick up from Binningup Road. The proposal is to construct 30 parking bays.

***Harvey Skate Park – Amenities***

A report prepared in 2021 to guide the development of a skate park at Meridan Park in Harvey developed the following guiding principles for a future skate park:

- Create a centralised social hub for young people.
- Allow users of different ages to interact with each other.

- Allow users of different abilities to learn from each other.
- Create strong links with existing Harvey community facilities and amenities.
- Create a destination celebrating the unique Harvey natural landscape context and be a place that young people want to be within and enjoy.

Funding for the above has already been secured from LRCI Phase 3

The report also identified the following essentials for a youth facility at Meriden Park to be successful:

- Toilets
- Rubbish bins
- Drinking fountains.

### ***Leschenault Leisure Centre Parking Improvements***

This project will comprise the conversion of an existing hardstand area previously used for basketball to create approximately 140 parking bays.

#### **Project Cost Summary**

<b>LRCI Phase 3A</b>	<b>Total Cost</b>	<b>LRCI</b>	<b>Other</b>	<b>Comments</b>	<b>Year</b>
Hackett Street – Cookernup	115,000	94,563	20,437	Direct Grant	2022 – 2023
Wynyard Road – Spinnaker to Marine	100,000	100,000	0		2022 – 2023
Old Coast Road Australind	50,000	50,000	0		2022 – 2023
Johnston Road – Intersections	50,000	50,000	0		2022 – 2023
Parking – Binningup Oval	115,000	115,000	0		2022 – 2023
Harvey Skate Park Project	150,000	150,000	0		2022 – 2023
LLC Parking Improvements	179,212	109,212	70,000	Muni	2023 – 2024
	<b>759,212</b>	<b>668,775</b>	<b>90,437</b>		

### **Statutory/Policy Environment**

*Local Government Act 1995* – Section 6.8(1)(b) Unbudgeted Expenditure to be authorised in advance by Absolute Majority.

### **Strategic Framework**

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

- Goal 1: A diversified and thriving economy that offers a wide range of business and work opportunities as well as consumer choice.*
- Objective 1.4 Appropriate infrastructure is in place to support economic growth.*
- Goal 2: A safe, accessible and connected community where everyone has the opportunity to contribute and belong.*
- Objective 2.7 An active and healthy community.*
- 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.

## **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**

*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 Asset Sustainability Practices**. The Consequence could be **Financial Impact** and **Reputational**. The additional funds provided to the Shire will assist in implementing new assets therefore mitigating the financial risk and as such it is considered that a **Low** risk is present.

## **Budget Implications**

Some of the projects listed above are included in the Long Term Financial Plan and some are based on requests received from the community, outcomes of Place Advisory Group meetings, and safety issues identified.

The value of the Phase 3A LRCI program allocated to the Shire of Harvey is \$668,775 and has not been included in the 2021 – 2022 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. Approves submitting the seven projects as outlined in the report, for funding from Phase 3A of the Australian Government's proposed Local Roads and Community Infrastructure Program.
2. Amends the 2021 – 2022 Budget to include the unbudgeted expenditure of \$668,775 to be fully funded by the Australian Government, to implement and complete the proposed.

**BY ABSOLUTE MAJORITY**

**Moved: Cr. Bromham**

**Seconded: Cr. Krispyn**

**That Council:**

- 1. Approves submitting the seven projects as outlined in the report, for funding from Phase 3A of the Australian Government's proposed Local Roads and Community Infrastructure Program.**
- 2. Amends the 2021 – 2022 Budget to include the unbudgeted expenditure of \$668,775 to be fully funded by the Australian Government, to implement and complete the proposed.**

**Carried by Absolute 13-0**

**22/057**

<b>Item No.</b>	<b>12.2.3.</b>
<b>Subject:</b>	<b>Closure of section of Treendale Road Reserve – Further Report</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Roelands</b>
<b>Reporting Officer:</b>	<b>Director Infrastructure Services</b>
<b>Authorising Officer:</b>	<b>Chief Executive Officer</b>
<b>File No:</b>	<b>ES/R/0837</b>
<b>Attachments:</b>	1. Treendale Road Closure proposal [12.2.3.1 - 1 page]

## Summary

As previously reported to Council the Shire received notice from South West Gateway Alliance (SWGA) requesting endorsement for the closure of a portion of Treendale Road Reserve to accommodate the Bunbury Outer Ring Road (BORR).

In accordance with Section 58 of the *Land Administration Act 1997* and in order to initiate a road closure, Council at its meeting held on 22 February 2022 resolved to advertise the proposal to service providers, government agencies and adjacent landowners for a period of 35 days.

The report outlines the process followed and the outcome of the consultation and recommends a way forward.

## Background

The BORR will comprise of interchange bridges at Paris Road, Raymond Road and Clifton Road and the alignment necessitates permanent closure of the section of Treendale Road as shown on **Attachment 1**.

Section 58 of the *Land Administration Act 1997* sets out the procedure for requesting the closure of road reserves where a 35 – day advertising period is stipulated.

## Comment

On 16 March 2022 a letter, and plan of the proposal, was sent to Treendale Road property owners and service authorities. A notice was also placed in the Harvey Waroona Reporter on Tuesday 22 March 2022 and South Western Times on Thursday 24 March 2022 and a post included on the Shire's website.

As previously reported to Council, Officers were not proposing to close the existing portion of the Treendale Road reserve but were seeking feedback through a formal advertising process.

At the close of the advertising period the following feedback was received:

22/06270	Letting you know that I have no concerns regarding this road closure and have been expecting it to happen for some time now.
22/06274	<p>Thank you for the opportunity to comment on the proposed closure of section of Treendale Road.</p> <p>Land Use Planning division of the Department of Planning, Lands and Heritage has no objections to the proposal.</p> <p>It is recommended that the Shire of Harvey be advised to consider rezoning the portion of road reserve to reflect the adjacent land's zoning following its closure and sale.</p>

	<p>It is also recommended that the envisaged realignment of Treendale Road (i.e. connection to Raymond Road) be addressed concurrently with the proposed road closure to maintain local road connectivity and access.</p> <p>The above statement is provided on the following understanding:</p> <ul style="list-style-type: none"> <li>• It represents officer level advice only</li> <li>• It is provided without prejudice and does not represent a decision of the Western Australian Planning Commission (WAPC)</li> </ul>
22/06863	A lot of people cycle and walk down Treendale Road. I presume we can cross the BORR and access Treendale Road. I believe there should be a new cycleway alongside BORR too.
22/07033	<p>I understand that submissions closed for this notice yesterday however I, along with many fellow residents of Meadow Landing, only found out about this yesterday. I would have thought it considerate of the Shire to let residents know about this considering it directly affects us.</p> <p>Discussion on our residents' Facebook page has centred around the fact that many of us use Treendale Road for recreation, specifically to ride or walk along as we are limited to a small estate. I would like to propose that a tunnel or some form of pathway is created so that residents of Meadow Landing, along with the future proposed estate to the east of the BORR, can continue to access this road for recreational purposes.</p>
22/06973	As a resident of Treendale road (West of BORR) I am happy that the road will be closed past the Ranson Rd corner. The issue I would like Harvey Shire and the BORR to work on is the entry into Treendale road (West), I am yet to see any detailed plans of how they are going to reduce the likelihood of accidents occurring at this corner (I have asked the BORR several times for these), my family has personally attended 3 of these accidents over the last 9 years, one resulting in a tragic death. I would also like to see how they are going to reduce the hooning that occurs on this corner entering into Treendale road, I have been forced off the road several times and worry about my children riding along this road. I would expect the new entry to be a far better standard than the current?

### Comments/Discussion

The comments made will be referred/discussed with the responsible agencies. With regards to some of the comments received, the SWGA in partnership with Main Roads WA are proposing that the portion of Treendale Road identified in the Public Notice *“will be closed before the new portion of Treendale Road connecting to Raymond Road is completed and opened. The new connection road is currently scheduled to be completed in late March 2023.”*

Some residents raised concerns regarding access and were advised that the *“Alliance will maintain emergency access through the closed portion of Treendale Road during construction.”*

The Alliance also confirmed that there *“would not be a delay in building the new Treendale Road connection as a cost-cutting measure.”*

With regards the recommendation by the WAPC that the Shire be advised to *“consider rezoning the portion of road reserve to reflect the adjacent land’s zoning following its closure and sale,”* this will be incorporated into draft Local Planning Scheme No. 2.

With regards to shared pathways along the BORR, while these were included in the original concept design, these were subsequently deleted as a cost cutting measure. The Shire wrote to the Minister for Transport strongly objecting to the deletion of the shared paths however they were not included in the scope to the project. This was communicated to residents who raised this matter.

With regards to the suggestion of a pedestrian tunnel under the BORR on the Treendale Road alignment residents were again advised that this was not included in the project scope.

## **Statutory/Policy Environment**

*Land Administration Act 1997 – Section 58.*

*Local Government Act 1995 – Section 3.50*

Provides a framework under which Council is to proceed with the continuing closure of a thoroughfare. Requirements include advertising to the public of the proposal for a reasonable time to allow submissions, and for these submissions to be considered by Council, giving written notice to prescribed persons of the proposal, in this case all service providers, Emergency Services and adjoining land holders and if approved by Council, providing the Commissioner of Main Roads details of the closure.

## **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**

*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 **Providing Inaccurate Advice/Information**. The Consequence could be **Financial**, **Reputational** or **Compliance** if incorrect procedures are followed for acquiring land under the *Land Administration Act 1997*. The risk is mitigated by the engagement of an appropriately qualified consultant to guide the road closure and gazettal process, resulting in **Low** risk being present.

## **Budget Implications**

All advertising and survey costs are to be borne by the Proponent.

## **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 comments received during the 35 day advertising period for the proposed closure of a portion of Treendale Road Reserve to accommodate the construction of the Bunbury Outer Ring Road.
2. Advises the South West Gateway Alliance that it endorses the closure of a portion of Treendale Road Reserve, as shown on **Attachment 1** and advises them of the feedback received during the advertising period.
3. Notes that the Shire has previously expressed its concerns to Main Roads WA regarding the removal of the Principal Shared Path network from the Bunbury Outer Ring Road, project scope.

**OFFICERS RECOMMENDATION ADOPTED BY EXEMPTION RESOLUTION – REFER TO RESOLUTION 22/052 APPEARING AT ITEM 12.**

### 12.3. Sustainable Development

<b>Item No.</b>	<b>12.3.1.</b>
<b>Subject:</b>	<b>Policy 4.3.7 – Trading in Public Places for Food Vendors</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Shire of Harvey</b>
<b>Reporting Officer:</b>	<b>Manager Environmental Health Services</b>
<b>Authorising Officer:</b>	<b>Director Sustainable Development</b>
<b>File No.:</b>	<b>CC/P/007</b>
<b>Attachments:</b>	1. Policy 4.3.7 - Trading in public places policy for food vendors - Version 1 [12.3.1.1 - 11 pages]

#### Summary

This report seeks consideration of proposed amendments to Council Policy 4.3.7 – Trading in Public Places for Food Vendors, which is due for review.

It proposes removing Binningup Beach Car Park, Reserve 48823 from the available trading sites and removing the Power to Licence Permit category. It also proposes Council setting the specified fees for the locations designated in the Policy, in accordance with section 6.16 to 6.19 of the *Local Government Act 1995*.

#### Background

Council Policy 4.3.7 – Trading in Public Places for Food Vendors was adopted by Council on 9 October 2018. Council Policies are required to be reviewed on a regular basis and or when significant circumstances indicate a review is necessary.

Five locations are identified specifically for having a 'Power to Licence' Permit, as opposed to a Traders Permit as defined by the relevant local laws.

The current Policy also provides for a separate 'Power to Licence Permit' category to enable exclusive access to applicants trading at designated locations and the annual fees are based on independent valuation of the site reflecting a competitive market environment for premium public foreshore areas. This permit category is not defined by the local laws, making it potentially ambiguous when enforcing the compliance of the stated conditions referred to in this Policy. It is considered appropriate to review the terminology in the Policy, for consistency and enforceability of terms as defined under the local laws.

#### Comment

Council Policy 4.3.7 – Trading in Public Places for Food Vendors has been reviewed by the Manager Environmental Health, Manager Planning Services, Manager Waste and Safety Services, Manager Economic Development and Director Sustainable Development. The suggested changes are included as **Attachment 1**.

As a result of the review, it is proposed that the following changes be made:

Power to Licence Permit category be replaced with Traders Permit. Council may offer exclusive use of specific locations within the amended Policy and a fee for use, as per the relevant sections of the *Local Government Act 1995* and Activities and Trading in Thoroughfares and Public Places Local Laws 2017, (local Laws) as a Traders Permit. It is considered inconsistent to have a licence category that is not defined and potentially causes confusion when enforcing specific provisions as defined within the local law. If a licence is intended, then it should be implemented outside the current local law permit framework and made consistent with existing lease agreement controls.

A user fee must be included in the annual budget process, as required under the *Local Government Act 1995* for setting fees and charges for permits as is stipulated by the local law. Currently the user fees are \$2,060 per annum for the Ridley Place and Christina Street locations.

### **Statutory/Policy Environment**

The applicable legislation for the Policy is the Shire of Harvey Activities in Thoroughfares and Public Places and Trading Local Law 2017.

*“Clause 6.5 Relevant considerations in determining application for permit:*

- 1. In determining an application for a permit for the purposes of this Division, the local government is to have regard to -*

- a) Any relevant policies of the local government”*

*Local Government Act 1995:*

*“Section 6.16. Imposition of fees and charges:*

- 2. A fee or charge may be imposed for the following -*

- a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government. And*
- d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit or authorisation or certificate.”*

*“Section 6.17 Setting level of fees and charges:*

- 3. the basis for determining a fee or charge is not limited to the cost of providing the service or goods other than a service -*

- a) Under Section 6.16 (2) (d).”*

Activities in Public Places and Thoroughfares and Trading Local Law 2017

*“Traders permit – means a permit issued to a trader.*

*Clause 7.1 Application for permit:*

*An application for a permit under this local law shall -*

- d) be forwarded to the CEO with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.”*

### **Strategic Framework**

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

- |               |   |
|---------------|---|
| Goal 1:       | <i>A diversified and thriving economy that offers a wide range of business and work opportunities as well as consumer choice.</i> |
| Objective 1.2 | <i>Create a business friendly environment to support and attract investment, competition and productivity.</i>                    |
| Goal 5:       | <i>A representative leadership that is future thinking, transparent and accountable.</i>  |

*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 **Failure to fulfil Compliance requirements**. The Consequence could be **Minor**. The Risk is considered **Likely** and the Likelihood **Likely**. This results in a **Moderate** risk being present.

By using Traders Permit terminology as defined and setting annual fees as prescribed by section 6.16 to 6.19 of the *Local Government Act 1995*, mitigates this risk.

## **Budget Implications**

There are no budget implications with respect to changes proposed to Council Policy 4.3.7 – Trading in Public Places for Food Vendors in relation to this report.

## **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 of 2 – Absolute Majority

Recommendation 2 of 2 – Simple Majority

### **Officer's Recommendation 1 of 2**

The Council resolves to adopt and publish the permit fee of \$2,060 per annum, made under section 6.16 (a) of the *Local Government Act 1995*, for the designated locations along the Australind foreshore, as specified in Council Policy 4.3.7 – Trading in Public Places for Food Vendors, and any other specified locations, as may be determined by Council.

**BY ABSOLUTE MAJORITY**

### **Officer's Recommendation 2 of 2**

That Council endorse the changes to Council Policy 4.3.7 – Trading in Public Places for Food Vendors as provided in the **Attachment 1** to this report.

**Officer's Recommendation 1 of 2**

Moved: Cr. Bromham

Seconded: Cr. Krispyn

The Council resolves to adopt and publish the permit fee of \$2,060 per annum, made under section 6.16 (a) of the *Local Government Act 1995*, for the designated locations along the Australind foreshore, as specified in Council Policy 4.3.7 – Trading in Public Places for Food Vendors, and any other specified locations, as may be determined by Council.

Carried by Absolute Majority 13-0

22/058

**Officer's Recommendation 2 of 2**

Moved: Cr. Dickinson

Seconded: Cr. Burgoyne

That Council endorse the changes to Council Policy 4.3.7 – Trading in Public Places for Food Vendors as provided in the *Attachment 1* to this report.

**Amendment**

Cr. Beech proposed the following amendment to the Officer's Recommendation 2 of 2:

**To add an additional point that excludes Hayward Street/Snell's Park and that the location be advertised for public comment.**

Reason: To allow members of the public and traders of the town to put forth their opinion about the site as was done with the other four locations.

Moved: Cr. Beech

Seconded: Cr. Bromham

Carried 11-2

22/059

**Substantive Motion**

Moved: Cr. Dickinson

Seconded: Cr. Burgoyne

That Council:

1. Endorse the changes to Council Policy 4.3.7 – Trading in Public Places for Food Vendors as provided in the *Attachment 1* to this report with the exclusion of Hayward Street/Snell's Park.
2. Advertise the Hayward Street/Snell's Park location for a period of 21 days, for public comment.

Carried 13-0

22/060

<b>Item No.</b>	<b>12.3.2.</b>
<b>Subject:</b>	<b>Health Policies Review</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Shire of Harvey District</b>
<b>Reporting Officer:</b>	<b>Manager Environmental Health Services</b>
<b>Authorising Officer:</b>	<b>Director Sustainable Development</b>
<b>File No.:</b>	<b>CC/P/007</b>
<b>Attachments:</b>	1. Policy 4.3.3 – Temporary accommodation building sites [ <b>12.3.2.1</b> - 3 pages]

## Summary

Council is required to periodically review its Local Health Policies to ensure relevance with current legislation. Officers have reviewed the Shire's Local Health Policies (LHPs) and the outcome of the review is presented to Council for consideration.

It is recommended that Council accepts the review, adopts the amended LHPs that are more consistent with the current legislation and revokes LHPs identified for revocation as they are no longer required, invalid or have been incorporated within established operational procedures or conditions.

## Background

Council adopted the seven current LHPs at its meetings dated 1 March 2016, Council Agenda item number 16/042, on 26 June 2016, Council Agenda number 16/186, and on 9 October 2018, Council Agenda item 18/310.

Two LHPs are recommended to be substantially amended. Policy 4.3.7 – Trading in Public Places for Food Vendors is presented to Council separately, as it pertains to decisions concerning public land use and associated fees and charges applicable. Policy 4.3.3 – Temporary Accommodation Policy, in **Attachment 1** pertains to changes proposed with respect to approval being made under the Caravan Park and Camping Ground Regulations 1997, with consideration of Town Planning Scheme provisions, National Construction Code and the *Health (Miscellaneous Provisions) Act 1911*. The remaining five LHPs are recommended to be revoked due the reasons stated in this report.

## Comment

The current adopted LHPs have been reviewed with the Manager Building Services, Manager Planning Services, Environmental Health Officers, Director Sustainable Development and Governance Officer. Their relevance and proposed changes are summarised below.

### 4.3.1 – Meat Inspection

The Shire no longer employs Meat Inspectors. Additionally, the policy relates to financial matters regarding staff remuneration and leave entitlements and other financial accounting provisions. It is no longer applicable and recommended to be revoked. Should the Shire appoint meat inspectors in future, the content of this Policy would be better administered under Corporate Services' Operational Policies regarding industrial relations matters and accounting procedures.

### 4.3.2 – Pest Control – premises

This Policy is not consistent with the rights of a person making an application to operate a pest control business within the State of Western Australia and does not provide a basis for refusing an

application based on legislative controls. It is considered an invalid Policy and is therefore recommended to be revoked.

#### **4.3.3 – Temporary Accommodation – building sites**

As presented, this Policy is inconsistent with the National Construction Code, whereby it allows someone to live in a building that is not permitted for use as a habitable dwelling. It is recommended that the Policy be amended to allow a person to live within a caravan which may be located within a shed whilst a dwelling is being built outside a townsite or within a townsite zoned as Special Rural or Special Residential. This is consistent with the provisions of the Caravan and Camping Ground Regulations 1997 and does not conflict with the National Construction Code or Town Planning Scheme.

#### **4.3.4 – Chironomid Midge and Mosquito Risk Assessment Guide for constructed water bodies**

This Policy is not required, as it is ordinarily made as a condition of a development approval where a proposal incorporates a constructed wetland. It is recommended that the Policy be revoked and replaced by a standard development approval advice note, within a planning determination.

#### **4.3.5 – Approval for licensed carriers of Controlled Waste to utilise Septage Disposal Facility**

This Policy is written as a procedure and condition of entry to the licenced Shire of Harvey Liquid Waste Facility (the facility). It is recommended this Policy be revoked and replaced by standard conditions and appropriate signage at the entrance gate to carriers that access the facility.

#### **4.3.6 – Yarloop – Temporary Accommodation – building sites**

This Policy was developed in association with the recovery from the Yarloop fire and is no longer required. It is recommended that this Policy be revoked.

#### **5.2.3 – Shire of Harvey recreation grounds – camping**

This Policy refers to exercising delegated authority under the *Caravan and Camping Ground Act 1995*. There is no requirement for this Policy as the Shire has an established procedure for exercising the delegated authority to issue a permit to camp. It is recommended that this Policy be revoked.

### **Statutory/Policy Environment**

Section 2.7(2)(b) of the *Local Government Act 1995* allows Council to determine the local governments policies.

*Health (Miscellaneous Provisions) Act 1911*

Health Local Laws 2009 – Clause 36(2)(d) Application for approval.

Health (Pesticides) Regulations 1992 – Regulation 18 Grant of business registration, and Regulation 19 Business premises.

*Food Act 2008* – Section 122 Appointment of authorised officers.

Food Regulations 2009 – Regulation 42 Application of inspection fees.

Caravan and Camping Ground Regulations 1997 – Regulation 11(2)(c) Camping other than at a caravan park or camping ground.

## Strategic Framework

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

- |               |   |
|---------------|---|
| Goal 1:       | <i>A diversified and thriving economy that offers a wide range of business and work opportunities as well as consumer choice.</i> |
| Objective 1.2 | <i>Create a business friendly environment to support and attract investment, competition and productivity.</i>                    |
| Objective 1.3 | <i>Sustainable urban, rural and industrial development</i>  |
| Goal 2:       | <i>A safe, accessible and connected community where everyone has the opportunity to contribute and belong.</i>                    |
| Objective 2.2 | <i>Create a community where people are safe.</i>  |
| Goal 5:       | <i>A representative leadership that is future thinking, transparent and accountable.</i>  |
| Objective 5.4 | <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 **Failure to Fulfil Compliance Requirements**. The Consequence could be **Compliance** or **Reputation** if the Local Health Policies are not reviewed against current statutory documents. The risk is considered **Minor** and the likelihood **Unlikely**, given the report and Local Health Policy review has been thoroughly researched, peer reviewed and provided by a qualified Shire Officer, resulting in a **Low** risk being present.

## Budget Implications

Nil.

## 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. Adopts the following amended Local Health Policies and as detailed in ***Attachment 1***:

4.3.3 – Temporary Accommodation – building sites.

2. Revokes the following Local Health Policies:

4.3.1 – Meat Inspection

4.3.2 – Pest Control – premises

4.3.4 – Chironomid and Mosquito Control risk assessment Guideline for constructed water bodies

4.3.5 – Approval for licences carriers of Controlled Wastes to utilise septage disposal facilities

4.3.6 – Yarloop – Temporary accommodation – building sites.

**OFFICERS RECOMMENDATION ADOPTED BY EXEMPTION RESOLUTION – REFER TO RESOLUTION 22/052 APPEARING AT ITEM 12.**

<b>Item No.</b>	<b>12.3.3.</b>
<b>Subject:</b>	<b>Use Not Listed (Rural Tourism – Distillery and Creamery) Produce Market, Eating House and Restoration Works</b>
<b>Proponent:</b>	<b>Ghassan Ghasseb on behalf of Mr D. Doepel and Ms B. Connell</b>
<b>Location:</b>	<b>13070 (Lot 55) South Western Highway, Brunswick</b>
<b>Reporting Officer:</b>	<b>Senior Planning Officer</b>
<b>Authorising Officer:</b>	<b>Director Sustainable Development</b>
<b>File No.:</b>	<b>A014823</b>
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Application Report [<b>12.3.3.1</b> - 14 pages]</li> <li>2. Location Plan [<b>12.3.3.2</b> - 1 page]</li> </ol>

## Summary

An application for Development Approval has been received for a “Use Not Listed” (Rural Tourism – Distillery and Creamery), Produce Market, Eating House, and Restoration Works on 13070 (Lot 55) South Western Highway, Brunswick (refer **Attachment 1**). The application is referred to Council as Officers do not have delegation to determine that a “Use Not Listed” may be consistent with the objectives and purpose of the “Intensive Farming” zone.

It is recommended that Council determines the proposed “Use Not Listed” may be consistent with the objectives and purpose of the zone and advertises the proposal. At the conclusion of the advertising period, Officers have delegation to determine the application in accordance with Delegation 9.1.2(9) should no adverse submissions be received.

## Background

### Site Description

13070 (Lot 55) South Western Highway in Brunswick is zoned “Intensive Farming” under the Shire’s District Planning Scheme No. 1 (the Scheme), with a 0.59ha portion reserved for “Public Utilities” on the eastern boundary of South Western Highway. The site is of irregular shape with an area of 26.63ha and has a steeply sloped bank towards the Brunswick River to the south (refer **Attachment 2**).

### Site History

The property is reported to have been established c.1849 with the homestead and a two – storey barn being constructed prior to 1889. The dwelling and barn buildings are listed on the Shire’s Municipal Heritage Inventory with Levels of Significance 2 and 1, respectively.

There is an old dairy and stockyards behind the barn, the dairy being constructed in the mid 20<sup>th</sup> Century.

## Proposal

The application proposes to establish a “Rural Tourism” land use which comprises the following elements:

- Creamery – within the existing dairy buildings and infrastructure, a fit-out to establish a modern creamery, these modifications are predominantly ‘works’ based to upgrade the existing buildings and wastewater system to comply with current food production standards.
- The Barn – restoration of the barn includes the mezzanine level to be repaired and reinforced with new internal stairs added and internal wall reinforcements. The main ground floor of the barn will become the barrel room for the “Distillery.” The south wing will be the Herbarium for

drying and processing of fresh herbs ("Produce Market") and the north wing will contain a commercial kitchen and small dining area ("Eating House").

- Existing Shed – the existing shed will be divided into two components using SIP (structurally insulated panels) construction methods. One for public toilets (male, female and unisex accessible toilet) and one for the "Distillery" use.
- Dwelling – a new entry from the northern side of the house within the rear extensions to accommodate farm workers' access to bathroom and toilet facilities externally from the house.
- Incidental Development – gravel carpark, overflow carpark, removal of tin shed, freestanding shade structure between barn and proposed toilets, new septic system.

## Comment

### Land Use

The proposed use of "Rural Tourism" is not defined in the Scheme. For the purpose of this application, "Rural Tourism" means:

*"The use of land in a rural area to provide any of the following without compromising the rural amenity, natural environment or continued rural use of the land —*

*(a) attractions and activities that showcase art, culture, or heritage of the land;*

*(b) experiences of rural life on the land; or*

*(c) exploration of the natural environment on the land;"*

The intent of the proposed "Rural Tourism" use is to capture uses that are already permitted within the Scheme and complement them with proposals that are not defined.

The "Rural Tourism" component of this proposal includes "Distillery", which is included in the Scheme as "Brewery" and is defined as:

**Brewery:** *"breweries, cideries and distilleries licensed as a producer under the Liquor Control Act 1988 and may be used to sell liquor produced on – site for consumption on the premises."*

The proposed "Creamery" is not defined in the Scheme and for the purpose of this application, it means:

*"a place where milk and cream are processed and where butter and cheese are produced".*

The remaining permissible uses that form part of this application include:

**Produce Market:** *The land use definition of a "Produce Market" means premises used for the storage, processing and sale (by wholesale and/or retail) of domestic fresh produce including the predominant lines of fruit, fresh and processed vegetables, and which may include the incidental sale of other items such as flowers, bread, meat, smallgoods, dairy products, bulk food goods, continental foods and fish.*

**Eating House:** *Means premises in which food is prepared for sale and consumption within the premises, and shall include a licenced restaurant and eating house, from which food for consumption outside the building is sold and where the sale of food for consumption outside the building is not the principal part of the business.*

The proposed use of “Distillery”, which is included in the definition of “Brewery”, is defined by the Scheme, but not listed in the Zoning and Development Tables and therefore considered as a “Use Not Listed.” Clause 4.2.4(b) makes provision for a “Use Not Listed” to be considered and provides that Council can *“determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone.”*

The Scheme does not provide much guidance on the objectives of the “Intensive Farming” zone, however the Policy Statement contained within Tables 25 and 26 Zoning and Development Standards for the “Intensive Farming” zone of the Scheme refers to:

*“Local government has identified by zoning and intends to protect from inappropriate use the valuable irrigated farmland in the Scheme area.”*

### **Advertising**

If Council determines that the proposed “Rural Tourism – Distillery and Creamery” use may be consistent with the objectives and purpose of the zone, pursuant to Clause 64 of the Planning and Development (Local Planning Schemes) Regulation 2015 (the Deemed Provisions), the application is required to be advertised for a period of at least 28 days for public comment.

In addition, pursuant to Clause 66 of the Deemed Provisions, the application is required to be referred to any relevant authorities for comments and recommendations.

Should no objections be received during the advertising period, Officers have delegation to approve the application as per Delegation 9.1.2(9).

### **Conclusion**

The proposal incorporates the restoration of one of Brunswick’s oldest and most significant properties and is a positive example of an adaptive re-use which will give longevity to the buildings and open the historic buildings to the public and add two new unique local products which will be produced on site.

In the initial stages of development, the “Distillery” will be used for storage only, e.g. barrel aging brandy for a minimum of two years. Production of the brand will occur from a licenced premise off-site. The distillery use will not attract members of the public until the first product batch is ready for sales. In the interim, the premises will have an exemption under the *Liquor Control Act 1988* as a “warehouse” under the *Customs Act 1901*. Once tastings and sales are ready to occur from the property, a liquor licence for tasting and sales will be sought (medium term proposal two – three years).

The “Produce Market” will allow for the sale of freshly grown fruit, vegetables and herbs that are grown on the property, with a commercial kitchen to allow for fresh produce to be made into chutneys, sauces, baked goods etc. from an approved kitchen, with a small dining area included in the north wing. A maximum occupancy will be set for the public buildings that will reflect the availability of car parking, toilets and exits to the building.

It is recommended that Council determines the proposed “Use Not Listed” may be consistent with the objectives and purpose of the zone and advertises the proposal. This will enable Officers to assess the technical aspects of the development after conducting public and agency consultation processes.

### **Statutory/Policy Environment**

*Planning and Development Act 2005*

Planning and Development (Local Planning Schemes) Regulations 2015:

- Schedule 2 – Deemed Provisions, Part 8 Applications for Development Approval
- Clause 64 – Advertising Applications

Shire of Harvey District Planning Scheme No.1:

- Clause 4.2.4 – Zoning and Development Tables
- Table 25 & 26 – Zoning and Development Standards (Intensive Farming)

Shire of Harvey Economic Development Strategy 2020 – 2025:

- Our Strategy
- Focus Area 3 – Tourism

Harvey Region Tourism Road Map 2031 Implementation Plan:

- Strategic Goal 2 – Destination Development

Shire of Harvey Delegations Register:

- Delegation No. 9.1.2 Development Applications

*“To approve an Application for Development Approval for a “Use Not Listed” that Council has determined ‘may be consistent with the purposes and objectives of the zone [clause. 68]. Approval for a “Use Not Listed” Under Delegation 9, is subject to no objections being received during advertising of the application.”*

## **Strategic Framework**

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

- |               |   |
|---------------|---|
| Goal 1:       | <i>A diversified and thriving economy that offers a wide range of business and work opportunities as well as consumer choice.</i> |
| Objective 1.1 | <i>The Shire is a tourist destination of choice.</i>  |
| Objective 1.2 | <i>Create a business-friendly environment to support and attract investment, competition and productivity.</i>                    |
| Objective 1.3 | <i>Sustainable urban, rural and industrial development</i>  |
| Goal 4:       | <i>A liveable, sustainable, and well-designed built environment that is accessible to all.</i>                                    |
| Objective 4.4 | <i>Places with current or potential heritage or cultural significance are protected and preserved for future generations.</i>     |

## **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 **Providing Inaccurate Advice/Information**. The Consequences could be **Environmental, Financial, Reputational or Compliance** if an incorrect assessment of the land use occurs or insufficient community engagement occurs. The risk is considered **Minor** and the likelihood **Unlikely**, given that the report has been thoroughly researched, peer reviewed and provided by a qualified Shire Officer with a recommendation for the proposal to be advertised. 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 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

Recommendation 1 of 2 – Absolute Majority  
Recommendation 2 of 2 – Simple Majority

## Officer's Recommendation 1 of 2

That Council, pursuant to Clause 4.2.4(b) of the Shire of Harvey's District Planning Scheme No. 1, determines that the proposed "Use Not Listed" detailed in the Application for a Development Approval for Lot 55 (No. 13070) South Western Highway, Brunswick can be considered as a "Rural Tourism" which may be consistent with the objectives and purpose of the "Intensive Farming" zone.

## BY ABSOLUTE MAJORITY

## Officer's Recommendation 2 of 2

That Council notes the Application for Development Approval for Lot 55 (No. 13070) South Western Highway, Brunswick, for the proposed "Use Not Listed" (Rural Tourism – Distillery and Creamery), Produce Market, Eating House, and Restoration Works may be:

1. Advertised by Officers pursuant to Delegation No. 9.1.1.
2. Approved by Officers pursuant to Delegation No. 9.1.2(9), subject to no adverse submissions being received during the public advertising period.

**Officer's Recommendation 1 of 2**

Moved: Cr. Carbone

Seconded: Cr. Dickinson

That Council, pursuant to Clause 4.2.4(b) of the Shire of Harvey's District Planning Scheme No. 1, determines that the proposed "Use Not Listed" detailed in the Application for a Development Approval for Lot 55 (No. 13070) South Western Highway, Brunswick can be considered as a "Rural Tourism" which may be consistent with the objectives and purpose of the "Intensive Farming" zone.

Carried by Absolute Majority 13-0

22/061

**Officer's Recommendation 2 of 2**

Moved: Cr. Carbone

Seconded: Cr. Bromham

That Council notes the Application for Development Approval for Lot 55 (No. 13070) South Western Highway, Brunswick, for the proposed "Use Not Listed" (Rural Tourism – Distillery and Creamery), Produce Market, Eating House, and Restoration Works may be:

1. Advertised by Officers pursuant to Delegation No. 9.1.1.
2. Approved by Officers pursuant to Delegation No. 9.1.2(9), subject to no adverse submissions being received during the public advertising period.

Carried 13-0

22/062

**12.4. Corporate Services**

<b>Item No.</b>	<b>12.4.1.</b>
<b>Subject:</b>	<b>Financial Statements as at 30 April 2022</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Shire of Harvey</b>
<b>Reporting Officer:</b>	<b>Manager Finance</b>
<b>Authorising Officer:</b>	<b>Director Corporate Services</b>
<b>File No.:</b>	<b>FM/S/006</b>
<b>Attachments:</b>	1. Financial Statements as at 30 April 22 [12.4.1.1 - 14 pages]

**Summary**

The Financial Statements as at 30 April 2022 are provided at **Attachment 1**.

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

	<b>ACTUAL</b>	<b>BUDGET</b>	<b>VARIANCE</b>
	30 April 2022	2021 – 2022	
<b>Statement of Financial Performance</b>			
Ordinary Revenue	\$38,976,935	\$45,448,883	\$6,471,948
Ordinary Expenditure	\$35,990,023	\$52,317,117	\$16,327,094
Capital Revenue	\$2,427,168	\$18,550,220	\$16,123,052
Capital Expenditure	\$3,351,968	\$23,102,452	\$19,750,484
End of Period Profit / (Loss)	\$10,091,173		

**Statement of Financial Position**

Current Assets	\$48,581,575
Net Assets	\$556,441,837

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 \$22.5 million and rubbish rates of \$3.5 million was generated in August 2021. The due date for rates was 24 September 2021. Approximately 96% of the rates were collected by 30 April 2022.

**Cash Flow and Interest Earnings**

The Shire holds by way of cash and term deposit \$10.41 million in Municipal Funds and \$36.39 million in restricted Trust and Reserve Funds. The average interest rate on these funds is 0.38%. New term deposits are attracting a very low interest rate for 90 days of approximately 0.42%.

**Operating Grants and Subsidies**

87.5% of the 2021 – 2022 Financial Assistance Grants (FAGS) have been received as of 31 March 2022. The next instalment for FAGS is due in May 2022.

**Employee Costs**

The financial statements reflect the first ten months of the financial year, 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 the first ten months of the financial year, and it is anticipated the Shire will operate within its means and in line with the Shire's adopted 2021 – 2022 Budget.

**Capital Expenditure**

The Shire budgeted to spend \$23.1 million on capital projects throughout the Shire in 2021 – 2022. Capital works have commenced in a number of areas including roads, building works and recreation works. Expenditure totalling \$3,351,968 has been reported at the end of April 2022. As more projects are completed, and as the Shire is invoiced for those works, the level of reported expenditure will increase.

**Attachment 1** provides the Financial Report for the reporting period which includes the following:

- Statement of Financial Performance by Directorates
- Statement of Financial Performance by Schedules
- 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
- Statement of Investments.

The Notes to the Statement of Financial Performance, as well as the Notes to the Statement of Financial Position, include additional information reported on a by Program basis identifying reasons

for variances between budgets and actuals.

Variances to budget approved in the Ordinary Council Meeting in March 2022 along with the revised opening surplus for the financial year 2021 – 2022 has also been included as Amended budget item in the attached reports.

### **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

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**Officer's Recommendation**

That Council receives the Financial Statements as at 30 April 2022 at ***Attachment 1***.

**OFFICERS RECOMMENDATION ADOPTED BY EXEMPTION RESOLUTION – REFER TO RESOLUTION 22/052 APPEARING AT ITEM 12.**

<b>Item No.</b>	<b>12.4.2.</b>
<b>Subject:</b>	<b>Listing of Accounts Paid – April 2022</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Shire of Harvey</b>
<b>Reporting Officer:</b>	<b>Manager Finance</b>
<b>Authorising Officer:</b>	<b>Director Corporate Services</b>
<b>File No.:</b>	<b>FM/S/006</b>
<b>Attachments:</b>	1. Payments April 2022 [12.4.2.1 - 13 pages]

## Summary

A listing of payments for goods and services for April 2022 is provided at **Attachment 1**. 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 April 2022 is presented as **Attachment 1**, as summarised below.

<u>Voucher</u>	<u>Amount</u>
Schedule of Accounts	
Municipal EFT 59813 - EFT 60269	\$3,279,936.51
117381 – 117388	\$9,600.40
DD23930.1 - DD23964.21	\$158,402.12
CBA Credit Cards	\$2,475.06
Electronic Funds Submitted	<u>\$1,183,266.31</u>
<b>Total</b>	<b><u>\$4,633,680.40</u></b>

## 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 2021 – 2022 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 list of accounts paid at **Attachment 1** for the period of April 2022 totalling \$4,633,680.40.

**OFFICERS RECOMMENDATION ADOPTED BY EXEMPTION RESOLUTION – REFER TO RESOLUTION 22/052 APPEARING AT ITEM 12.**

/

**12.5. Community and Lifestyle**

Nil.

**13. Elected Members Motions of Which Previous Notice Has Been Given**

Nil.

**14. Notice of Motion for Following Meeting**

Nil.

**15. Questions by Members of Which Due Notice Has Been Given**

Nil.

**16. Reports of Members**

**Cr. Beech reported on his attendance at the following:**

**April:**

- Harvey Precinct Advisory Group meeting via Zoom.
- Harvey Community Resource Centre Committee.

**May:**

- Regional Road Group Committee.
- Harvey Precinct Advisory Group Workshop with Cr. Campbell and Cr. Coleman.
- Harvey Community Resource Centre Strategic Planning Workshop.
- Brunswick River Cottages Committee Meeting.

**Cr. Campbell reported on her attendance at the following:**

**April:**

- Lot 208 Board Meeting.

**May:**

- SEDA College Launch.
- Australind/Leschenault Advisory Group.
- Library Advisory Group Meeting.

**Cr. Dickinson reported on her attendance at the following:**

**April:**

- Harvey Peel Biosecurity Annual General Meeting in Pinjarra.
- Bunbury Harvey Regional Council at Stanley Road, Wellesley.

**May:**

- Harvey Precinct Reference Group via Zoom.
- Creative Communities Workshop Australind.
- Creative Communities Strategy Workshop in Harvey.
- Yarloop Cookernup Place Advisory Group at the Yarloop CRC.
- Brunswick Town Team Community Workshop Brunswick.
- Brunswick and Surrounds Place Advisory Group via Zoom.
- Harvey Place Advisory Group observed via Zoom.
- Community Awards Advisory Group via Zoom.
- Arts and Culture Advisory Group Creative Workshop in Australind.
- Leschenault Leisure Centre Court Expansions Working Group in Australind.
- Walk Safely to School Day at Yarloop Primary School.
- Harvey Library 100 Year Celebrations morning tea in Harvey.

**17. New Business of an Urgent Nature Introduced by Decision of Meeting**

Nil.

**18. Matters Behind Closed Doors****Moving Behind Closed Doors**

Moved: Cr. Burgoyne                      Seconded: Cr. Boylan

That Council Move Behind Closed Doors in accordance with Section 5.23(2)(b) of the *Local Government Act 1995*: The personal affairs of any person.

Carried 13-0

22/063

*Council moved behind closed doors at 4.54pm*

**18.1. Infrastructure Services****18.1.1. Application for Exemption to Keep More than the Prescribed Number of Dogs**

*This Agenda Item has been moved to be considered at the Ordinary Council Meeting Tuesday, 28 June 2022, to allow Officers to investigate the matter in more depth.*

**18.2. Community and Lifestyle****18.2.1. Shire of Harvey Community Awards**

Item No.	18.2.1.
Subject:	Shire of Harvey Community Awards
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Place
Authorising Officer:	Director Community and Lifestyle
File No.:	CR/F/001 (6)
Attachments:	Nil

**Officer's Recommendation**

That Council:

1. Awards the 2022 Honours and Awards according to the recommendation of the Awards, Honours and Prizes Advisory Group (refer ***Confidential Attachment 1***).
2. Presents its 2022 Honours and Awards at its WA Week Dinner to be held on Thursday, 9 June 2022, with the announcement of the winners of each award to be embargoed until the evening of the presentations.

**Officer's Recommendation**

Moved: Cr. Dickinson

Seconded: Cr. Campbell

That Council:

1. Awards the 2022 Honours and Awards according to the recommendation of the Awards, Honours and Prizes Advisory Group (refer ***Confidential Attachment 1***).
2. Presents its 2022 Honours and Awards at its WA Week Dinner to be held on Thursday, 9 June 2022, with the announcement of the winners of each award to be embargoed until the evening of the presentations.

Carried 13-0

22/064

Returning from Behind Closed Doors

Moved: Cr. Burgoyne

Seconded: Cr. Krispyn

That Council Return from Behind Closed Doors.

Carried 13-0

22/065

*Council returned from behind closed doors at 5.02pm*

**19. Closure of Meeting**

There being no further business to discuss, the meeting was declared closed at

I, Cr. Paul Gillett, certify that the aforesaid Minutes of the meeting held Tuesday, 24 May 2022, are a true and correct record of that meeting on Tuesday, 24 May 2022.

A handwritten signature in black ink, appearing to read 'Paul Gillett', written over a horizontal line.

Cr. Paul Gillett  
**Shire President**