



SHIRE OF  
**HARVEY**



# Ordinary Council Meeting **Minutes**

**Australind Council Chamber**

**Tuesday, 24 January 2023**

**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 January 2023, commencing at 4:00pm.

#### Attendance

Shire President

Cr.	P.	Gillett
Cr.	C.	Carbone
Cr.	J.	Bromham
Cr.	W.	Dickinson
Cr.	F.	Burgoyne <i>AFSM</i>
Cr.	M.	Campbell
Cr.	R.	Coleman
Cr.	D.	Krispyn
Cr.	J.	Capogreco
Cr.	A.	Lovitt <i>JP</i>
Cr.	M.	Boylan
Cr.	P.	Beech

*Electronically*

#### 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
Manager Waste and Safety Services	Mr.	H.	Jones
Acting Manager Finance	Mr.	A.	Harnett
Tourism Development and Support Industry Officer	Ms.	T.	Palmonari
Destination Marketing Officer	Ms.	W.	Springate
Executive Assistant	Ms.	T.	Grimbeek
Governance Compliance Officer	Ms.	F.	Schindler

There was one member of the public present and one member of the press.

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## 1. Official Opening

The Shire President open the meeting at 4.04pm

### 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.

### 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 past, present and emerging members of the Aboriginal communities and their cultures; and to Elders both past, present and emerging.

### 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. Burgoyne**

**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 12-0      23/001**

## 2. Record of Apologies and Leave of Absence

Cr. Michelle Boylan requested to attend the Tuesday, 24 January 2023 Ordinary Council Meeting electronically. In accordance with Regulation 14C(2)(b) of the Local Government (Administration) Regulations 1996, the Shire President has approved this request and is satisfied that the location from which the member intends to attend the meeting, and the equipment that the member intends to use to attend the meeting, is suitable for the member to be able to effectively engage in deliberations and communications during the meeting, as per Regulation 14C(5) of the Regulations.

**Apology:**

Cr. Jackson

**3. Applications for Leave of Absence**

Nil.

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

Read by Cr. Dickinson.

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

Cr. Wendy Dickinson declared an Impartiality Interest in Item 18.2.1 – Bunbury Harvey Regional Council: Revised Cost of New Lined Cell, Business Case. Cr. Dickinson declared that she is the Council Delegate and Deputy Chair of the Bunbury Harvey Regional Council 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 18.2.1 – Bunbury Harvey Regional Council: Revised Cost of New Lined Cell, Business Case. Cr. Bromham declared that he is a Council Delegate on the Bunbury Harvey Regional Council 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. Craig Carbone declared an Impartiality Interest in Item 12.1.1 – Lease – Harvey Brunswick Leschenault Football Club (Inc.). Cr. Carbone declared that he is a member of the Harvey Brunswick Leschenault Football Club 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 18.2.1 – Bunbury Harvey Regional Council: Revised Cost of New Lined Cell, Business Case. Cr. Krispyn declared that he is the Council Deputy on the Bunbury Harvey Regional Council 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. Michelle Campbell declared an Impartiality Interest in Item 12.3.2 – Recreation Vehicle (RV) Friendly Trial. Cr. Campbell declared that she knows the resident at the recommended RV site in Brunswick 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 12.2.1 – Temporary Road Closure – Paris Road at Forrest Highway. Cr. Lovitt declared that she is employed on The Promenade which could potentially be an affected road due to the traffic effects of the closure of Paris Road 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 12.5.1 – Tender T062022 Pool Tiling Variation to Budget. Cr. Lovitt declared that she is a Council Delegate on the Leschenault Leisure Centre Advisory Group 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

Ms. Sheila Ferguson asked the following questions in relation to Item 12.3.2 – Recreation Vehicle (RV) Friendly Trial.

*Question 1: In view of the fact that the public has not been asked for its opinion on the Christina Street Reserve being used for free RV parking and in view of the fact that at its meeting on 23 August last year Council voted unanimously to amend the officer recommendation from Christina Street Reserve to the Eco Museum site because "Christina Street Reserve is currently a well utilised space with open views to the estuary for current residents and reserve users", will Council please consider either:*

- a) Before making a decision on this officer recommendation, require public opinion to be surveyed to find out if using Christina Street Reserve for free RV parking is supported by the community; or*
- b) If Council approves this recommendation, make the decision now that if free RV parking continues beyond the trial, the site in Australind will be moved to the Eco Museum; or*
- c) Delay the trial in Australind for 9 months, most of which will not be peak season for travellers, after which the Eco Museum site will again be available.*

*Will Council consider these options?*

Answer 1: Yes, Council will consider these options.

*Question 2: An RV as defined in the Implementation Plan endorsed by Council in August 2022 is:*

*"A self-contained motorised recreational vehicle ... that provides in-built eating, sleeping, food storage ... toilet ..." etc.*

*and there is a picture of one on the front of that report. Caravans are not motorised and I understood from discussion at that meeting and the Agenda Briefing that it was agreed they would not be included in the trial. The "Proposed sites" attachment to this agenda has a picture of a caravan on the front and the agenda item states:*

*"... engineering surveys were conducted to ensure turning circles for ... Caravan and Tow Vehicle - up to 19 m in length ..."*

*Has Council approved that caravans be included in the trial? If so What is the maximum length of towing vehicle plus caravan that will be allowed?*

Answer 2: A self-contained motorised vehicle is consistent with a caravan that has eating, sleeping and toilet facilities, and can enjoy these sites. As long as they meet road traffic requirements. The total length is 13.25 meters with a towing vehicle and a caravan. Shire Officers will go back onto previous reports and seek clarification based on the definition that is in the Implementation Plan.

*Question 3: Why has the carpark north of Ridley Place been ruled out for the reason that it cannot accommodate a turning circle when there are two entrances and it could be made drive through?*

Answer 3: Taken on notice.

*Question 4: As there is no turning circle in the Christina Street Reserve, why was it not ruled out for the same reason the car park north of Ridley Place was ruled out?*

Answer 4: They are turning circles for two different sites.

**8. Petitions/Deputations/Presentations**

Nil.

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

The Shire President would like to congratulate all Officers on the success of the Youthchella event. A thank you to the sponsors, South 32, Southern Ports and Tronox and everybody else involved in making the day and the event a success.

**10. Confirmation of Minutes**

Ordinary Council Meeting – Tuesday, 20 December 2022

**Recommendation**

That the Minutes of the Council Meeting held on Tuesday, 20 December 2022, as printed be confirmed as a true and correct record.

*Councillor Coleman requested that Past, Present and Emerging be added to the Acknowledgement of Country for these minutes.*

Moved: Cr. Campbell

Seconded: Cr. Lovitt

That the Minutes of the Council Meeting held on Tuesday, 20 December 2022, as amended be confirmed as a true and correct record.

Carried 12-0

23/002

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

Audit Committee Meeting – Tuesday, 17 January 2023

**Recommendation**

That the Minutes of the Audit Committee Meeting held on Tuesday, 17 January 2023, as printed be received and the recommendations contained therein be adopted by Council.

**BY ABSOLUTE MAJORITY**

*The Chief Executive Officer notes an amendment to the Annual Report with the correct figures for attendance at the Peter Topham Memorial Swimming Pool being 13,800.*

Moved: Cr. Lovitt

Seconded: Cr. Beech

That the Minutes of the Audit Committee Meeting held on Tuesday, 17 January 2023, as printed be received and the recommendations contained therein be adopted by Council.

Carried By Absolute Majority 12-0

23/003

**12. Officer's Reports**

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

12.1.1 – Lease – Harvey Brunswick Leschenault Football Club (Inc.)	Cr. Carbone declared an Impartiality Interest against this item.
12.1.2 – Local Government Reforms: Local Government Advisory Board Submission	Absolute Majority Required.
12.2.1 – Temporary Road Closure – Paris Road at Forrest Highway	Subject to an Addendum.  Subject to an Amendment.  Cr. Lovitt declared an Impartiality Interest against this item.
12.3.2 – Recreation Vehicle (RV) Friendly Trial	Cr. Campbell declared an Impartiality Interest against this item.
12.5.1 – Tender T062022 Pool Tiling Variation to Budget	Late Report.  Cr. Lovitt declared an Impartiality Interest against this item.

**Exemption Resolution Motion:**

That with the exception of 12.1.1, 12.1.2, 12.2.1, 12.3.2 and 12.5.1 which are to be considered separately, the Officer's Recommendation for Items 12.1.3, 12.3.1 and 12.4.1–12.4.2 be adopted as the Council Resolution.

**Moved: Cr. Campbell**

**Seconded: Cr. Coleman**

**That with the exception of 12.1.1, 12.1.2, 12.2.1, 12.3.2 and 12.5.1 which are to be considered separately, the Officer's Recommendation for Items 12.1.3, 12.3.1 and 12.4.1–12.4.2 be adopted as the Council Resolution.**

**Carried 12-0**

**23/004**



**12.1. Chief Executive Officer**

<b>Item No.</b>	<b>12.1.1.</b>
<b>Subject:</b>	<b>Lease - Harvey Brunswick Leschenault Football Club (Inc.)</b>
<b>Proponent:</b>	<b>Harvey Brunswick Leschenault Football Club (Inc.)</b>
<b>Location:</b>	<b>Lot 1 (No. 10–28) George Street, Brunswick</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>C/A/026</b>
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Recreation Ground Aerial [<b>12.1.1.1</b> - 1 page]</li> <li>2. Certificate of Title [<b>12.1.1.2</b> - 1 page]</li> <li>3. Clubrooms Aerial [<b>12.1.1.3</b> - 1 page]</li> <li>4. Lease Agreement [<b>12.1.1.4</b> - 35 pages]</li> </ol>

**Summary**

The Harvey Brunswick Leschenault Football Club Inc. has been responsible for management of the Harvey Brunswick Leschenault Football Club (HBLFC) Club Rooms under a Management Agreement which expired on 30 April 2022.

The HBLFC Club Rooms are located at Lot 1 on Diagram 74852 and known as 10–28 George Street, Brunswick (refer **Attachment 1**).

The Shire has been liaising with HBLFC to formalise a Lease Agreement.

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

**Background**

The HBLFC Club Rooms are located on Lot 1 (No. 10–28) George Street, Brunswick, being owned in freehold by the Shire (refer **Attachment 2**).

The Shire has approved the Club Rooms (refer **Attachment 3**) 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.

HBLFC are a not for profit community group in the locality of Brunswick within the Shire of Harvey for the purpose of organising and promoting sporting, social and other associated recreational activities.

On 1 May 2017, the Shire implemented a Management Agreement with the HBLFC for five years. This agreement expired on 30 April 2022. There was a request from HBLFC to extend the Management Agreement.

**Comment**

Shire Officers are currently not aware of any issues with the HBLFC's management of the facility, with the current Management Agreement in place since 1 May 2017.

A Lease Agreement that complies with the Shire's Community Lease Policy has been prepared. The Lease Agreement allows for rent to be charged to HBLFC at a rate of \$1.00 paid annually and in advance on the first day of each Lease year and is for a term of five years with an option of two further terms of five years.

The Lease Agreement allows a non-exclusive licence to access the car parking on the land adjacent the Club Rooms during the football season.

The Club has been involved with the Shire in a Forward Planning Grant Application to upgrade power and lighting at the Brunswick Oval. As part of this submission, HBLFC have agreed to be responsible for one third of the costs for the replacement and/or major repairs of key infrastructure and facilities as determined by the Shire's Capital Asset Renewal and the Specified Maintenance Register. To secure this commitment from HBLFC, a condition will be required to be drafted into the Lease Agreement which confirms the Club will develop a sinking fund in order to prepare for the future cost of capital improvements and replacements to the value of one third of the total project costs. Indicatively the lifecycle costings for the lighting infrastructure would require the Club to commit approximately \$18,000 per year for replacement at 20 years. A more detailed analysis of the leased assets and the recreation space will be facilitated within the Shire's Sport and Recreation Strategy and together with the Shire's asset management planning will provide the Club with the indicative information to reserve the funds required for the facilities which they use. This condition is not yet included in the schedule of the Draft Lease as the exact condition will need to be further negotiated with the Club. The Officer's Recommendation vests authority with the Chief Executive Officer to further negotiate the principles of the sinking fund with the Club and any other minor amendments

It is recommended that Council approves a Lease Agreement (refer **Attachment 4**) with the HBLFC for the term of five years commencing on 1 May 2022 and expiring on 30 April 2027 for the area identified in **Attachment 2**, with an option of two further terms of five years each, with the addition of the Club developing a sinking fund for their one third share contribution capital improvement and replacement of assets at the Brunswick Oval.

### **Statutory/Policy Environment**

Shire of Harvey Policy 1.1.13 – Community Lease Policy.

Shire of Harvey Policy 1.1.2 – Common Seal Policy.

*Local Government Act 1995* – section 5.38 deals with the disposal of Property including which includes leases.

Clause 30 Local Government (Functions and General) Regulation 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.

### **Strategic Framework**

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

- |                      |                                                                                                                |
|----------------------|----------------------------------------------------------------------------------------------------------------|
| <i>Goal 2:</i>       | <i>A safe, accessible and connected community where everyone has the opportunity to contribute and belong.</i> |
| <i>Objective 2.3</i> | <i>Active and resilient community groups and volunteers.</i>                                                   |
| <i>Goal 5:</i>       | <i>A representative leadership that is future thinking, transparent and accountable.</i>                       |
| <i>Objective 5.4</i> | <i>Sound governance, including financial, asset and risk management.</i>                                       |

## Community Engagement

### Community Participation Goal

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

### 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 consequences identified are **Reputational and Property**. The risks are mitigated by having a lease agreement drafted by the Shire's legal service providers. The risk consequence rating associated with this matter is **Moderate** and Likelihood is **Unlikely**, resulting in a **Moderate** risk being present.

### Budget Implications

The cost of the preparation of the Lease Agreement for the amount estimated at \$2000 will be reimbursed by HBLFC to the Shire.

### Authority/Discretion

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

### Voting Requirements

Simple Majority

### Officer's Recommendation

That Council:

1. Approves the Draft Lease Agreement to Harvey Brunswick Leschenault Football Club (Inc.), for the management of the Harvey Brunswick Leschenault Football Club, Club Rooms located at 10–28 George Street, Brunswick and known as Lot 1 on Diagram 74852 for a period of five years commencing on, 1 May 2022 and expiring on 30 April 2027, with an option to extend two further terms of five years as per **Attachment 4**, subject to:
  - a) An additional condition being negotiated between Harvey Brunswick Leschenault Football Club and the Shire of Harvey, requiring the creation of a Reserve Account to contribute one third of the costs associated with asset improvements and replacement.
2. Authorises the Chief Executive Officer to negotiate the wording of the Reserve Account condition required by Item 1 (a), above.
3. Authorises the Chief Executive Officer and Shire President to; negotiate minor amendments; execute the Lease Agreement; and to sign and affix the common seal.

**Alternate Motion**

**Moved: Cr. Campbell**

**Seconded: Cr. Bromham**

**That Council defer this report to the March 2023 Ordinary Council Meeting in order to allow the Shire Officers to amend the Community Lease Policy, to include provisions for maintenance and capital replacement reserves for community leased buildings.**

**Carried 7-6 Casting Vote Shire President 23/005**

Reason: The need to have an agreed Council policy relating to the creation of a Reserve Account for the financial contribution for asset improvement and replacement by community and/or sporting groups on leased Shire property.

<b>Item No.</b>	<b>12.1.2.</b>
<b>Subject:</b>	<b>Local Government Reforms: Local Government Advisory Board Submission</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Shire of Harvey</b>
<b>Reporting Officer:</b>	<b>Coordinator Corporate Planning and Performance</b>
<b>Authorising Officer:</b>	<b>Chief Executive Officer</b>
<b>File No.:</b>	<b>F/08/00055</b>
<b>Attachments:</b>	1. Local Government Ward and Representation Review Report [12.1.2.1 - 57 pages]

## Summary

The six-week community consultation period for the Ward and Representation Review concluded on 16 December 2022. Submissions have been compiled and summarised in the Local Government Ward and Representation Review Report (**Attachment 1**).

This Report recommends that the Shire of Harvey continues under the no ward structure and reduces the number of Councillors from 13 (including the Shire President) to nine (including the Shire President) over the next two local government elections anticipated for 2023 and 2025.

The Local Government Ward and Representation Review Report is required to be submitted to the Local Government Advisory Board by 14 February 2023.

## Background

In July 2022, the Department of Local Government, Sport and Cultural Industries (DLGSC) announced the final package of proposed local government reforms. Relevant to the Shire of Harvey (Shire), part of the reform package aims to introduce new requirements for the election of the Shire President, a reduction in the number of Councillors and the introduction of preferential voting.

The Hon. John Carey MLA, Minister for Housing; Lands; Homelessness; Local Government (Minister) advised affected local governments who would be impacted by the proposed reforms on 20 September 2022 outlining two pathways for local governments to consider transitioning to the proposed systems of representation. The first option was the voluntary pathway whereby the local government provides a detailed plan on how it will implement the reform requirements within the time allowed and in accordance with legislation. This ultimately enabled local governments to reduce the number of Councillors over two election cycles and seek feedback on the number of Councillors the community would prefer to have. The second option was the reform election pathway whereby all Councillor positions would be declared vacant and the number of Councillor positions would be set based on the reform proposals.

The following steps provided by DLGSC require completion to allow the Shire of meet the 30 June 2023 timeframe of publication in the Government Gazette of a proposed ward and representation review change, ahead of the 2023 Local Government Elections.

Due date (latest possible)	Requirements/Actions
28 October 2022	Council resolves to undertake a ward and representation review. A comprehensive Discussion Paper is developed.
1 November 2022	Council advertises that it is conducting a review and the associated public submission period opens (minimum six weeks). The discussion paper is made available to the community for consideration and public submissions are invited on the matter.
16 December 2022	Completion of six-week consultation period.

December 2022–January 2023	The Shire assesses all submissions, considers options for change against the relevant factors to be considered, and drafts a report which includes their decision, for the Local Government Advisory Board (the Advisory Board).
24 January 2023	Council resolves to adopt the report to the Local Government Advisory Board.
14 February 2023	The preferred option is submitted to the Local Government Advisory Board via the formal report for consideration and recommendation.
Prior to June 2023	The Local Government Advisory Board considers Council's review report, and a recommendation is submitted to the Minister, which can either be accepted or rejected.

At its Ordinary Council Meeting held on Tuesday, 25 October 2022, Council resolved by Absolute Majority to:

- Undertake the voluntary reform pathway.
- Change the method of filling the office of the President from the election by the Council method to the election by the electors' method, effective for the 2023 Ordinary Election.
- Conduct a Ward and Representation Review.
- Endorse the Ward and Representation Review discussion paper for the purpose of community consultation.

The Ward and Representation Review process for the Shire involved a series of steps:

1. Council resolves to undertake the review.
2. Public submission period opens.
3. Information is provided to the community for consideration.
4. Public submission period closes.
5. Council considers all submissions and relevant factors and makes a decision.
6. Council submits a report to the Local Government Advisory Board for its consideration.

The Shire held a six-week community consultation period which commenced on 1 November 2022 and concluded on 16 December 2022. A community engagement plan was prepared as part of the process and included several key areas such as advertising, a community discussion paper, an information brochure, public forum sessions, use of social media and a public submission process.

The following consultation and promotional activities were then undertaken in relation to this matter:

- Public notices displayed at the Shire's Administration Offices and Libraries, and Community Resource Centres.
- Printed submission forms and discussion papers provided at the Shire's administration offices and libraries, and Community Resource Centres.
- Printed submission forms and discussion papers distributed at Place Advisory Group meetings.

- Online submission form hosted on the Shire's website through the 'Have Your Say' portal.
- Posting on the Shire's Facebook, Instagram and LinkedIn social media accounts.
- Notices published in the Harvey Waroona Reporter on 8 November 2022 and 22 November 2022.
- Community information pop-up sessions held as follows:
  - Treendale Shopping Centre on 29 November 2022
  - Brunswick Main Street on 30 November 2022
  - Harvey Main Street on 1 December 2022.

### **Comment**

Three options were presented to the community inviting comments and feedback to accompany their selection:

1. Reduce the number of Councillors to eight plus the Shire President.
2. Reduce the number of Councillors to six plus the Shire President.
3. Not support Option 1 or Option 2.

A total of 65 submissions were received with six in hardcopy, five through the online portal and 54 at community pop-up sessions. Of these submissions, 66% were in favour of Option 1, 25% were in favour of Option 2 and 9% did not support either option.

Comments attributed to Option 1 were:

- *"We need more opinions."*
- *"Too few Councillors mean less representation."*
- *"Councillors should have portfolios rather than expected to know everything."*
- *"Too many, too unruly."*
- *"Enough for representation."*
- *"Good overall views."*
- *"Too few and the majority will rule."*
- *"Increased feedback."*
- *"Too few is not representative for size."*
- *"As long as Harvey is fairly represented with equal amount to Australind."*

Comments attributed to Option 2 were:

- *"More heads equal more arguments."*

- *“Less cost.”*
- *“Too many Councillors in Option 1.”*
- *“Too much cost in Option 1.”*
- *“Don’t see enough of them.”*
- *“Money can be better spent in the community / on projects or developments for all community benefit.”*

Comments attributed to not supporting either option were:

- *“Area too vast for such a small amount of representatives.”*
- *“Three commissioners would be more efficient, effective and knowledgeable. Better decision making and reduced costs.”*
- *“I just want a lawful government however many that takes but am happy with 13.”*
- *“Leave as is.”*
- *“Keep 13 as the area is too large to reduce.”*
- *“Keep 13 as the Shire is too big to reduce representation.”*

In addition to community feedback, Council should also consider the factors explored on pages 20 to 27 of the Local Government Ward and Representation Review Report (**Attachment 1**). These factors are:

- Community of interests
- Physical and topographic features
- Demographic trends
- Economic factors
- Ratio of Councillors to electors
- Advantages and disadvantages of a ward system and no ward system
- Advantages and disadvantages of reducing the number of councillors
- Implications of any change to the councillor/elector ratio
- Cost of Councillors
- Effectiveness and efficiency of council meetings.

Should Council support the community’s view of retaining the no ward system and reducing the number of Councillors from 13 to nine (including the Shire President), the reduction process outlined in the High-Level Plan previously endorsed by Council should be followed. To summarise, this would be a reduction of 13 councillors to 11 councillors at the 2023 Ordinary Election and a reduction of 11 Councillors to nine Councillors at the 2025 Ordinary Election.



## **Statutory/Policy Environment**

### *Local Government Act 1995*

- Part 2, Division 4 – Membership and size of the council
- Schedule 2.2 - Provisions about names, wards and representation

## **Strategic Framework**

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

- |                      |                                                                                          |
|----------------------|------------------------------------------------------------------------------------------|
| <i>Goal 5:</i>       | <i>A representative leadership that is future thinking, transparent and accountable.</i> |
| <i>Objective 5.1</i> | <i>Effective communication and engagement with the community.</i>                        |
| <i>Objective 5.3</i> | <i>Accountable leadership supported by a professional and skilled administration.</i>    |
| <i>Objective 5.4</i> | <i>Sound governance, including financial, asset and risk management.</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 **Failure to Fulfil Compliance Requirements**. The consequence could be **Compliance** if the requirements of the *Local Government Act 1995* are not met. The risk consequence is considered to be **High** and the likelihood **Unlikely** resulting in a **Medium** risk being present.

## **Budget Implications**

The Western Australian Electoral Commission has not yet provided an indicative price for the 2023 Ordinary Election in consideration of the reform changes. Optional preferential voting is a more complex voting method than the current first past the post system generally, as is directly electing the Shire President. The effect of the reform however reduces the number of Councillors which should result in a more cost-effective election process and ongoing costs attributed to Councillors such as attendance fees, training costs and reimbursements.

## **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. Proposes to the Local Government Advisory Board to retain the no ward system of representation for the Shire of Harvey.
2. Proposes to the Local Government Advisory Board to reduce the number of elected members for the Shire of Harvey from 13 (including the Shire President) to nine (including the Shire President) over two ordinary elections, as follows:
  - a) 2023 ordinary election – reduce from 13 to 11 elected members
  - b) 2025 ordinary election – reduce from 11 to nine elected members
3. Endorses the Local Government Ward and Representation Review Report (**Attachment 1**) and submits to the Local Government Advisory Board prior to 14 February 2023.

## **BY ABSOLUTE MAJORITY**

Moved: Cr. Bromham

Seconded: Cr. Coleman

That Council:

1. **Proposes to the Local Government Advisory Board to retain the no ward system of representation for the Shire of Harvey.**
2. **Proposes to the Local Government Advisory Board to reduce the number of elected members for the Shire of Harvey from 13 (including the Shire President) to nine (including the Shire President) over two ordinary elections, as follows:**
  - a) **2023 ordinary election – reduce from 13 to 11 elected members**
  - b) **2025 ordinary election – reduce from 11 to nine elected members**
3. **Endorses the Local Government Ward and Representation Review Report (*Attachment 1*) and submits to the Local Government Advisory Board prior to 14 February 2023.**

Carried By Absolute Majority 7-5

23/006

<b>Item No.</b>	<b>12.1.3.</b>
<b>Subject:</b>	<b>Corporate Business Plan 2022-2023 - Quarterly Report, Quarter Two</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Shire of Harvey</b>
<b>Reporting Officer:</b>	<b>Coordinator Corporate Planning and Performance</b>
<b>Authorising Officer:</b>	<b>Chief Executive Officer</b>
<b>File No.:</b>	<b>B000388</b>
<b>Attachments:</b>	1. Quarterly Report, Quarter Two 2022-2023 [12.1.3.1 - 53 pages]

## Summary

The Integrated Planning and Reporting Framework and Operational Guidelines (2016) issued by the Department of Local Government, Sport and Cultural Industries (DLGSC) states that it is best practice for local governments to report quarterly progress against the Corporate Business Plan to Council. This Quarterly Report captures the period of 1 October 2022 to 31 December 2022 (Quarter Two).

The Quarterly Report, Quarter Two 2022–2023 (refer **Attachment 1**) is presented to Council to be received.

## 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 are required to have adopted two key documents – a Strategic Community Plan and a Corporate Business Plan. These documents are supported by informing strategies. Together these documents drive the development of the local government's budget.

The Integrated Planning and Reporting Framework and Operational Guidelines (2016) issued by DLGSC, which guide the Strategic Community Plan and Corporate Business Plan process, require that regular monitoring and reporting of these plans are undertaken. Quarterly updates form part of this key reporting process.

The Corporate Business Plan 2022–2026 sets out the projects and services the Shire aims to deliver over the next four years to work towards achieving the goals identified in the Strategic Community Plan. The Corporate Business Plan is a key business planning tool for the Shire and acts as the intermediary document between the Strategic Community Plan and Annual Budget. It is reviewed and updated every year, with progress and achievements reported on in the Annual Report.

The Corporate Business Plan 2022–2026 was adopted by Council on 26 July 2022.

## Comment

The Quarterly Report is designed to provide information on the progress and milestones of key projects in the Corporate Business Plan 2022–2026.

The projects in the Quarterly Report, Quarter Two 2022–2023 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.

The targets for the corporate performance indicators are, unless stated otherwise, the annual targets from the Corporate Business Plan. These are part of the review process and are adjusted if targets that provide better clarity are identified.

Quarter Two Summary

Of the 178 projects reported against:

- 3% are 'Completed'.
- 71% are 'In Progress' or 'Ongoing'.
- 3% are 'Behind Schedule'.
- 3% are 'On Hold'.
- 8% are 'Future Year'.
- 12% are 'Not Started Yet'.

Projects reported as 'Behind Schedule', 'On Hold' or 'Not Started Yet' will be monitored and required consideration of changes will be addressed through the budget development and review process, as well as Corporate Business Plan review process. Amendments will be made where necessary.

Progress status	Description	Number	Percentage
Completed	The project or action has been completed.	6	3%
In Progress	The project or action has started and is in progress.	53	30%
Behind Schedule	The project or action has started, but work is behind schedule.	6	3%
Ongoing	For projects or actions that are irregular, ongoing, or do not have a defined start/end date.	72	41%
On Hold	The project or action has started, but work has stalled and has been put on hold.	6	3%
Future Year	The project or action is not due to start until a future financial year.	14	8%
Not Started Yet	The project or action has not yet started but is still expected to start in the current financial year.	21	12%
<b>TOTAL</b>		<b>178</b>	<b>100%</b>

Details of all 178 projects are outlined in the Quarterly Report, Quarter Two 2022–2023 (refer **Attachment 1**).

**Statutory/Policy Environment**

*Local Government Act 1995* – Section 5.56 requires Western Australian local governments to produce a plan for the future of the 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 is required for the Quarterly Report however the projects reported on in this report were included in the Corporate Business Plan after extensive community consultation as part of the creation of the Strategic Community Plan.

### Promise to the Community

*Inform:* We will keep you informed.

The received Quarterly Report, Quarter Two 2022–2023 will be available on the Shire's website.

## Risk Management

The Risk Theme Profile identified as part of this report is **Failure to Fulfill Compliance Requirements**. The Consequence could be **Compliance** if the requirements of the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996* are not met in terms of the Shire having a plan for the future of the district. Another potential Consequence could be **Reputational** if the public perceives that the Shire does not have the business planning tools in place to manage ratepayer money in a transparent and accountable manner. The Measure of Consequence is **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 Two 2022–2023 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 Two 2022–2023 as included as **Attachment 1**.

**OFFICERS RECOMMENDATION ADOPTED BY EXEMPTION RESOLUTION – REFER TO RESOLUTION 23/004 APPEARING AT ITEM 12.**

**12.2. Infrastructure Services**

<b>Item No.</b>	<b>12.2.1.</b>
<b>Subject:</b>	<b>Temporary Road Closure - Paris Road at Forrest Highway</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Paris Road, Australind</b>
<b>Reporting Officer:</b>	<b>Director Infrastructure Services</b>
<b>Authorising Officer:</b>	<b>Chief Executive Officer</b>
<b>File No.:</b>	<b>C193/00002</b>
<b>Attachments:</b>	1. Public Notice - Paris Road Closure [12.2.1.1 - 2 pages]

***The follow additional information is provided in regard to Item 12.2.1***

Clause 2 of the Officers Recommendation with regards to Item 12.2.1 has been amended with the additional of a new clause 2 d) as below:

The South West Gateway Alliance shall work with the Shire and arrange for the implementation of suitable temporary traffic measures on the local road network should it be determined that there has been a measurable adverse effect on residents' amenity on specific local roads due to increased traffic caused by the temporary closure of Paris Road.

**Summary**

The South West Gateway Alliance requested approval for the temporary closure of Paris Road between Forrest Highway and the entrance to Spud Shed from February 2023 to June 2024, as shown in **Attachment 1**, to facilitate major modifications to the intersections of Paris Road, Clifton Road and Forrest Highway, as part of the Bunbury Outer Ring Road (BORR) project.

The proposed road closure and associated road network detours will also allow for upgrades to local roads and roads connecting to the BORR network. The suggested detours during the temporary road closure are along Kingston Drive, The Promenade and Grand Entrance while the Paris Road closure is in place (refer **Attachment 1**).

**Background**

As a requirement of Section 3.50 for the *Local Government Act 1995*, on 23 November 2022 the Shire requested comments from the community regarding the planned closure.

Submissions closed at 4.00pm on 22 December 2022 and at the close of the advertising period, three email responses were received.

**Comment**

The comments received and the Officer responses previously communicated to the three respondents (via email) are outlined below.

<b>Community Response</b>	<b>Officer Responses</b>
<i>"As someone that has to drive 5 days a week to Kingston Primary School from Harvey due to the rental crisis, the Paris Road closure will impact us hugely. It is already a lengthy drive for my young children, and this will make it even more lengthy. Plus, the extra fuel cost that is</i>	This project is a State Government Project, and the temporary closure of Paris Road is required to construct the new Clifton Road/Forrest Highway/Paris Road/BORR Interchange. In accordance with the <i>Local Government Act 1995</i> , Local Governments are required to advertise all road closures even if the works are being proposed by others. Unfortunately, there is no other way

<p><i>already exorbitant. I can understand having to close the road temporarily to get the work done but we are talking about over a year of it being closed. Surely something else can be done."</i></p>	<p>this interchange can be constructed without the temporary closure of Paris Road. The following alternative routes for you to get to Harvey are suggested:</p> <ul style="list-style-type: none"> <li>• Kingston Drive/The Promenade Extension (Opening on Friday 3 February)/Grand Entrance/Forrest Highway – additional 3.7km one way</li> <li>• Kingston Drive/Leisure Drive/Paris Road/Traverse Drive/Old Coast Road/Marriott Road/SWH. Additional 9kms one way.</li> </ul>
<p><i>"I think the road closure on Paris Road is much too long, from February 2023 to June 2024 is a ridiculous amount of time to have to find alternative routes. I travel up Paris Road across Forrest Highway to Brunswick on a regular basis, what is the alternative route for this and is it feasible. It does sound like a lot of trouble and problems for local people. It does not sound like a lot of thought has been put into this decision."</i></p>	<p>This project is a State Government Project, and the temporary closure of Paris Road is required to construct the new Clifton Road/Forrest Highway/Paris Road/BORR Interchange. In accordance with the <i>Local Government Act 1995</i>, Local Governments are required to advertise all road closures even if the works are being proposed by others. Unfortunately, there is no other way this interchange can be constructed without the temporary closure of Paris Road. The following alternative route for you to get to Brunswick is suggested:</p> <ul style="list-style-type: none"> <li>• Kingston Drive/The Promenade Extension (Opening on Friday 3 February)/Grand Entrance/Forrest Highway – additional 3.7km one way</li> </ul>
<p><i>"I understand the need for the road closure. But as a resident in Kingston, I have one concern - exiting Kingston in an emergency. At this stage the only other way out involves the roundabout at Paris Road &amp; Grand Entrance. Even now during school hours that is very clogged and a danger during an emergency. To have everyone going that way all the time will be a nightmare. We are very much looking for to the Piggott Drive road being completed. I really hope Piggott Drive is completed before Paris Road closure."</i></p>	<p>Thank you for your comments regarding the above matter. This project is a State Government Project, and the temporary closure of Paris Road is required to construct the new Clifton Road/Forrest Highway/Paris Road/BORR Interchange. In accordance with the <i>Local Government Act 1995</i>, Local Governments are required to advertise all road closures even if the works are being proposed by others. Unfortunately, there is no other way this interchange can be constructed without the temporary closure of Paris Road.</p> <p>The good news is that The Promenade Extension will be opening on Friday 3 February.</p>

Officers have been liaising with the South West Gateway Alliance to ensure that the temporary closure of Paris Road did not occur until The Promenade extension had been opened, which is scheduled from 3 February 2023.

### **Statutory/Policy Environment**

Paris Road is under the care, control and management of the Shire of Harvey and a requirement of Section 3.50 for the *Local Government Act 1995*, a road closure for more than a four week period needs a local public notice to be advertised.

## Strategic Framework

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

- |               |                                                                                                  |
|---------------|--------------------------------------------------------------------------------------------------|
| Goal 4:       | <i>A liveable, sustainable and well-designed built environment that is accessible to all.</i>    |
| Objective 4.2 | <i>A connected and well maintained network of local roads, footpaths, cycle ways and trails.</i> |
| Goal 5:       | <i>A representative leadership that is future thinking, transparent and accountable.</i>         |
| Objective 5.1 | <i>Effective communication and engagement with the community.</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 Consequence could be **Financial**, **Reputational** or **Compliance** if incorrect procedures are followed in accordance with Section 3.50 of the *Local Government Act 1995*. The risk is mitigated by following due process in accordance with the *Local Government Act 1995* requirements resulting in **Low** risk being present.

## Budget Implications

Not applicable, all costs associated with the Temporary Road closure will be borne by the South West Gateway Alliance.

## 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 advertising period and the responses provided as outlined in the report.



2. Advises the South West Gateway Alliance and Main Roads WA that approval to close Paris Road from February 2023 to June 2024 as shown on **Attachment 1**, is granted subject to the following conditions:
  - a) The South West Gateway Alliance shall be responsible for the preparation and implementation of comprehensive Traffic Management Plans which outlines suggested detours as shown indicatively in **Attachment 1**.
  - b) The South West Gateway Alliance ensuring that all Emergency Services, School Bus Operators, affected residents and businesses are advised of the proposal outlining suitable alternative routes and posting such information with contact details on their website and providing this information to the Shire.
  - c) All costs associated with closure and associated works, shall be borne by the South West Gateway Alliance and any rectification works post closure shall be to the satisfaction of the Shire.
  - d) The South West Gateway Alliance shall work with the Shire and arrange for the implementation of suitable temporary traffic measures on the local road network should it be determined that there has been a measureable adverse effect on residents' amenity on specific local roads due to increased traffic cause by the temporary closure of Paris Road.

**Moved: Cr. Lovitt**

**Seconded: Cr. Krispyn**

### **Amendment**

Cr. Lovitt put forth the following amendment:

- d) The South West Gateway Alliance shall work with the Shire and arrange for the implementation of suitable temporary traffic measures on the local road network should it be determined that there has been a measurable adverse effect on residents' amenity, and to businesses and emergency service providers on specific local roads due to increased traffic caused by the temporary closure of Paris Road.

**Moved: Cr.Lovitt**

**Seconded: Cr.Krispyn**

**Carried 12-0**

**23/007**

### **Substantive Motion**

**That Council.**

1. **Notes the comments received during the advertising period and the responses provided as outlined in the report.**
2. **Advises the South West Gateway Alliance and Main Roads WA that approval to close Paris Road from February 2023 to June 2024 as shown on *Attachment 1*, is granted subject to the following conditions:**
  - a) **The South West Gateway Alliance shall be responsible for the preparation and implementation of comprehensive Traffic Management Plans which outlines suggested detours as shown indicatively in *Attachment 1*.**
  - b) **The South West Gateway Alliance ensuring that all Emergency Services, School Bus Operators, affected residents and businesses are advised of the proposal outlining suitable alternative routes and posting such information with contact details on their**

**website and providing this information to the Shire.**

- c) All costs associated with closure and associated works, shall be borne by the South West Gateway Alliance and any rectification works post closure shall be to the satisfaction of the Shire.**
- d) The South West Gateway Alliance shall work with the Shire and arrange for the implementation of suitable temporary traffic measures on the local road network should it be determined that there has been a measurable adverse effect on residents' amenity, and to businesses and emergency service providers on specific local roads due to increased traffic caused by the temporary closure of Paris Road.**

**Moved: Cr. Lovitt**

**Seconded: Cr. Krispyn**

**Carried 12-0**

**23/008**

**12.3. Sustainable Development**

<b>Item No.</b>	<b>12.3.1.</b>
<b>Subject:</b>	<b>Proposed land divestment and request for Management Order to the Shire of Harvey</b>
<b>Proponent:</b>	<b>Department of Planning, Lands and Heritage</b>
<b>Location:</b>	<b>Lot 34 on Deposited Plan 222284 (145 Salisbury Road, Cookernup)</b>
<b>Reporting Officer:</b>	<b>Senior Planning Officer</b>
<b>Authorising Officer:</b>	<b>Director Sustainable Development</b>
<b>File No.:</b>	<b>22/11228</b>
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. DPLH Request [12.3.1.1 - 5 pages]</li> <li>2. DPS 1 Zoning [12.3.1.2 - 1 page]</li> </ol>

**Summary**

Council has received a request from the Department of Planning, Lands and Heritage (DPLH) for the divestment options of Lot 34 on Deposited Plan 222284 (134 Salisbury Road, Cookernup) refer to **Attachment 1**.

Officers recommend that Option 3 of the presented scenarios is the most appropriate option.

**Background**

Lot 34 is approximately 4019m<sup>2</sup> in area and is zoned both Special Use “Other Community” and “Special Rural” under the Shire’s District Planning Scheme No. 1 (the Scheme) and is zoned ‘Rural’ under the Greater Bunbury Region Scheme (refer **Attachment 2**).

Lot 34 was granted in freehold to the Diocesan Trustees of the Church of England in 1898 for “Ecclesiastical Purposes” and is currently held by the Bunbury Diocesan Trust who have not used the property in many years and are looking to dispose of the property.

The site contains the former Holy Trinity Anglican Church which is listed on the Shire’s Local Heritage Survey with a Category 2 level of significance (Place 62) and the Draft Heritage List.

Lot 34 is identified as “Rural Residential” in its entirety under the Shire’s Local Planning Strategy 2020 and is currently represented as “Rural Residential” under the Shire’s Draft Local Planning Scheme No 2 which commenced public advertising on 5 January 2023.

**Comment**

The Shire has no vested interest in the management of the existing property; therefore Officers recommend that as per the strategic planning framework, options to best re-use the site are explored by the DPLH.

The existing ‘Heritage Place’ on site is protected by the *Heritage Act 2018* and the *Planning and Development Act 2005* which will be taken into consideration in all three divestment scenarios.

Officers recommend that Option 3 is the most appropriate course of action, and that Council decline Options 1 and 2 to allow for the DPLH to progress options for the adaptive re-use of the site.

**Statutory/Policy Environment**

*Land Administration Act 1997*

*Planning and Development Act 2005*

*Heritage Act 2018***Strategic Framework**

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

- |               |                                                                                                                               |
|---------------|-------------------------------------------------------------------------------------------------------------------------------|
| 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> |
| 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/Reputation**. The risk is mitigated by the report being thoroughly researched, peer reviewed and provided by a qualified Shire officer, resulting in **Low** risk being present.

**Budget Implications**

Lot 34 is presently 'non rateable', should the outcome of option 3 result in the land being more appropriately in freehold tenure, it would then be eligible for rating.

**Authority/Discretion**

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

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

**Voting Requirements**

Simple Majority

### **Officer's Recommendation**

That Council:

1. Advises the Department of Planning, Lands and Heritage that it declines Options 1 and 2 of the proposed scenarios as presented (refer ***Attachment 1***).
2. Advises the Department of Planning, Lands and Heritage that it is supportive of Option 3 as presented (refer ***Attachment 1***).
3. Requests the Department of Planning Lands and Heritage to impose a restrictive covenant on the newly created Certificate of Title requiring adherence to the Shire's development restrictions in accordance with the Shire of Harvey Municipal Heritage Inventory.

**OFFICERS RECOMMENDATION ADOPTED BY EXEMPTION RESOLUTION – REFER TO RESOLUTION 23/004 APPEARING AT ITEM 12.**

<b>Item No.</b>	<b>12.3.2.</b>
<b>Subject:</b>	<b>Recreation Vehicle (RV) Friendly Trial</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Harvey</b>
<b>Reporting Officer:</b>	<b>Manager Economic Development</b>
<b>Authorising Officer:</b>	<b>Director Sustainable Development</b>
<b>File No.:</b>	<b>B000406</b>
<b>Attachments:</b>	1. Proposed Sites [12.3.2.1 - 7 pages]

## Summary

This report provides an update to Council on the progress of the implementation of Phase 2 of the 12-month Recreational Vehicle (RV) Friendly Trial scheduled to commence March 2023. It presents the results of the assessments of the Council endorsed sites and recommends alternate sites for Council approval.

## Background

At the Ordinary Meeting of Council held Tuesday 22 November 2022, Council accepted the findings of the RV Friendly Trial Consultation Report under Phase 1 of the RV Friendly Implementation Plan.

It approved the implementation of 12-month RV Friendly Trial offering 48-hours short stay rest areas to commence in March 2023 and endorsed the following sites for the Trial:

1. Brunswick – Brunswick Junction Showgrounds
2. Australind – Leschenault Estuary Eco Museum
3. Harvey – Snell's Park North
4. Yarloop – Teesdale Street Recreation Ground.

In line with Phase 2 of the RV Friendly Trial Implementation Plan, "Get RV Trial Ready", Shire Officers conducted assessments of the Council endorsed Trial sites to identify and resolve any barriers, and, to ensure that sites would be able to withstand the expected increase in use.

As part of the review, engineering surveys were conducted to ensure turning circles for the following RV's:

1. B and C Class Motorhomes – up to 12.50m in length
2. Caravan and Tow Vehicle - up to 19 Metres in length
3. Campervans – up to 7 Metres in length.

The results were as follows:

### **Brunswick – Brunswick Junction Showgrounds**

Whilst well placed to accommodate larger sized rigs, without onsite direction, the risk for damage to the Showgrounds reticulation system and destruction of grassed areas were of concern.

### **Australind – Leschenault Estuary Eco Museum**

On 29 November 2022, the Shire was advised that the contractors for the redevelopment of the Australind Jetty (Ventia) would be on site from February 2023 for nine months making this site no longer suitable for the Trial.

### **Harvey – Snell's Park North**

There were no impediments to the use of this site.

### **Yarloop – Teesdale Street Recreation Ground**

There were no impediments to the use of this site.

## **Comment**

In response to the results of the above-mentioned assessments, surveys were conducted on alternative sites as follows:

### **1. Car Park North of Ridley Place, Old Coast Road, Australind:**

The survey of the site found that it could not accommodate the turning circles for the RVs mentioned previously.

### **2. Brunswick Junction Caravan Day Use Parking, Ommaney Road, Brunswick Junction:**

There were no impediments to the use of this site.

### **3. Cristina Street Reserve, Old Coast Road, Australind:**

There were no impediments to the use of this site.

## **Statutory/Policy Environment**

The Caravan Parks and Camping Grounds Regulations 1997 outline the circumstance in which the Shire can provide short-stay rest areas, in which visitors may utilise them and how Officers can enforce restrictions on use of the areas.

## **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 1.1 The Shire is a tourist destination of choice.*
- Goal 5: A representative leadership that is future thinking, transparent and accountable.*
- Objective 5.1 Effective communication and engagement with the community.*
- Objective 5.5 Integrated strategic planning and reporting to drive continuous improvement.*

## **Community Engagement**

### **Community Participation Goal**

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

## **Promise to the Community**

*Inform:* We will keep you informed.

## **Risk Management**

The Risk Theme Profile identified as part of this report is providing **Inaccurate Advice/Information**. The Consequences could be **Environmental, Financial, Reputational** or **Compliance** if an incorrect assessment of the land use occurs or there is insufficient community engagement. The main consequence could be **Reputational** if Council's decision is not in line with its intent to protect the caravan and tourist park operators as part of this process. The risk is considered **Moderate** and the likelihood in **Likely**. The risk will be mitigated through working with the tourism industry (particularly with caravan and tourist park operators) resulting in a **Low** Risk being present.

## **Budget Implications**

To commence the RV Trial, the Shire will require some initial funding to erect specially designed signage in the designated areas and potential minor upgrades to the proposed sites. Signage funding has been allocated through the Shire's Destination Harvey Region budget (\$15,000). Any modification or minor upgrades to the sites will be provided through the Infrastructure Services 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:

1. Accepts the findings of the engineering surveys, in relation to the RV Friendly Trial sites.
2. Endorses the Brunswick Junction Caravan Day Use Parking, Ommaney Road site, Brunswick Junction, as the alternative to the Brunswick Junction Showgrounds site, for the 12-month RV Friendly Trial.
3. Endorses the Christina Street Reserve, Old Coast Road, Australind, as the alternative site to the Leschenault Estuary Eco Museum, Australind site, for the 12-month RV Friendly Trial.

**Moved: Cr. Lovitt**

**Seconded: Cr. Dickinson**

## **Amendment**

Cr. Campbell put forth the following amendment:

Endorses the Brunswick Junction Showgrounds site, on non-reticulated areas including the bituminised area immediately adjoining the ablution facilities associated with the Brunswick Tennis Club, for the 12-month RV Friendly Trial.

**Moved: Cr. Campbell**

**Seconded: Cr. Bromham**



**Krispyn left: 4.47pm**

**Krispyn entered: 4.49pm**

**Carried 11-1 23/009**

**Substantive Motion**

**That Council:**

- 1. Accepts the findings of the engineering surveys, in relation to the RV Friendly Trial sites.**
- 2. Endorses the Brunswick Junction Showgrounds site, on non-reticulated areas including the bituminised area immediately adjoining the ablution facilities associated with the Brunswick Tennis Club, for the 12-month RV Friendly Trial.**
- 3. Endorses the Christina Street Reserve, Old Coast Road, Australind, as the alternative site to the Leschenault Estuary Eco Museum, Australind site, for the 12-month RV Friendly Trial, or until the Eco Museum site becomes available.**

**Moved: Cr. Lovitt**

**Seconded: Cr. Dickinson**

**Carried 10-2**

**23/010**

**12.4. Corporate Services**

<b>Item No.</b>	<b>12.4.1.</b>
<b>Subject:</b>	<b>List of Accounts Paid - December 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 December 22 [ <b>12.4.1.1</b> - 12 pages]

**Summary**

A listing of payments for goods and services for December 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 the Chief Executive Officer), 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 December 2022 is presented as **Attachment 1**, as summarised below.

<u>Voucher</u>	<u>Amount</u>
Schedule of Accounts	
Municipal EFT 63584 – EFT 63995	\$5,260,434.12
117451 – 117456	\$6,362.55
DD24825.1 – DD24919.22	\$170,737.36
CBA Credit Cards	\$12,096.67
Electronic Funds Submitted	<u>\$918,560.30</u>
<b>Total</b>	<b><u>\$6,368,191.00</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 2022–2023 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 December 2022 totalling \$6,368,191.00.

**OFFICERS RECOMMENDATION ADOPTED BY EXEMPTION RESOLUTION – REFER TO RESOLUTION 23/004 APPEARING AT ITEM 12.**

<b>Item No.</b>	<b>12.4.2.</b>
<b>Subject:</b>	<b>Financial Statements as at 31 December 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 31 Dec.2022 v 2 [12.4.2.1 - 11 pages]

## Summary

The Financial Statements as at 31 December 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>
	31 December 2022	2022–2023	
<b>Statement of Financial Performance</b>			
Ordinary Revenue	\$36,030,866	\$44,453,800	\$8,422,934
Ordinary Expenditure	\$23,932,199	\$53,281,007	\$29,348,808
Capital Revenue	\$3,103,886	\$45,670,557	\$42,566,671
Capital Expenditure	\$2,895,107	\$46,851,464	\$43,956,357
End of Period Profit / (Loss)	\$18,008,992		
<b>Statement of Financial Position</b>			
Current Assets	\$51,878,041		
Net Assets	\$571,089,734		

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 \$24.7 million and rubbish rates of \$4.37 million were raised in August 2022. The due date for rates payment was 30 September 2022. Approximately 77% of the rates were collected by 31 December 2022.

### Cash Flow and Interest Earnings

The Shire holds by way of cash and term deposit \$15.35 million in Municipal Funds and \$29.12 million in restricted Trust and Reserve Funds. The average interest rate on these funds is 3%. New term deposits are attracting an interest rate for 90 days of approximately 3.55%.

### Operating Grants and Subsidies

As of 31 December 2022 86% of the 2022–2023 Financial Assistance Grants have been received.

**Employee Costs**

Although these accounts reflect the first six months of the financial year, it is anticipated employee costs will remain in line with the Workforce Plan and Budget 2022–2023.

**Materials, Contracts, Utilities and Other Expenses**

Although these accounts reflect the first six months of the financial year, it is anticipated the Shire will operate within its means and in line with the Shire's adopted budget for the 2022–2023 financial year.

**Capital Expenditure**

The Shire budgeted to spend \$46.85 million on capital projects throughout the Shire in 2022–2023. Expenditure totalling \$2,895,107 on capital works has been reported at the end of December 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 Nature & Type.
- Statement of Financial Position.
- Notes to the Statement of Financial Performance.
- 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, include additional information reported on by Nature and Type basis identifying reasons for variances between budgets and actuals.

It should be noted that in the Financial Statements for December 2022, actual figures reported for the 2021–2022 financial year do not include the final figures and end of year adjustments for the year ended 30 June 2022. The final position for the 2021–2022 financial year will be reported in the 2021–2022 Annual Financial Statements.

## **Statutory/Policy Environment**

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

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

## **Strategic Framework**

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

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

*Objective 5.3 Accountable leadership supported by a professional and skilled administration*

*Objective 5.4 Sound governance, including financial, asset and risk management*

## **Community Engagement**

### **Community Participation Goal**

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

### **Promise to the Community**

*Inform:* We will keep you informed.

## **Risk Management**

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

## **Budget Implications**

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

## **Authority/Discretion**

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

## **Voting Requirements**

Simple Majority

## **Officer's Recommendation**

That Council receives the Financial Statements as at 31 December 2022 at **Attachment 1**.

**OFFICERS RECOMMENDATION ADOPTED BY EXEMPTION RESOLUTION – REFER  
TO RESOLUTION 23/004 APPEARING AT ITEM 12.**

**12.5. Community and Lifestyle**

<b>Item No.</b>	<b>12.5.1</b>
<b>Subject:</b>	<b>Tender T062022 Pool Tiling Variation to Budget</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Leschenault Leisure Centre</b>
<b>Reporting Officer:</b>	<b>Manager Leschenault Leisure Centre</b>
<b>Authorising Officer:</b>	<b>Chief Executive Officer</b>
<b>File No.:</b>	<b>A005529</b>
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. RD Remediation Costs Paragon [<b>12.5.1.1</b> - 1 page]</li> <li>2. RD Paragon Scanning [<b>12.5.1.2</b> - 30 pages]</li> <li>3. RD CA N-01 Latent Condition - Cracks to existing concrete pool shell [<b>12.5.1.3</b> - 15 pages]</li> </ol>

**Summary**

It is recommended that Council authorise the Chief Executive Officer to exceed the budget of \$500,000 and approve the payment of additional variations amounts required to complete the Tender T062022 Leschenault Leisure Centre Indoor 25m Pool Tiling.

**Background**

At the July 2022 Ordinary Council Meeting a confidential report requested:

*“That Council:*

- 1. Awards Tender T062022 – Leschenault Leisure Centre Indoor 25m Pool Tiling for the tendered price of \$404,925 (excluding GST) to Paragon Construction Solutions Pty Ltd with minor variations to the materials, where required, and that these variations remain under the total project budget of \$500,000.*
- 2. Authorises the Chief Executive Officer to execute the Contract with Paragon Construction Solutions Pty Ltd with a minor variation to the materials aspect and to not exceed the budgeted amount of \$500,000.”*

The recommendation was adopted and Paragon Constructions Pty Ltd were awarded the contract in October 2022.

**Comment**

Paragon Construction Solutions Pty Ltd (Paragon Construction) commenced demolition on Monday 31 October 2022. During removal and clearing of the existing tiles a large 8m crack was identified in the floor of the concrete shell.

Subsequent inspections, scans and core sampling of the concrete slab were carried out by architects Donovan Payne and structural engineers Airey Taylor. A latent condition report (**Attachment 1**) was provided together with methodology to achieve the best outcome for rectification.

Using the report methodology supplied, Paragon Constructions provided a quotation for the works and submitted it as a variation for approval on 1 December 2022. Obtaining stocks of the waterproof membrane required to coat the entire pool shell prior to the Christmas shutdown was crucial to keeping the works on schedule and approval to procure and apply the products as per the report was given. The cost calculation for the remediation works (**Attachment 2**) is priced at \$110,473.90 (ex GST).



Together with the contracted price of \$404,925 the total cost will exceed the \$500,000 authorised by Council.

To date the cost of variations agreed to in the contract total \$69,950. A provisional sum for defects and dewatering of \$55,000 was included in the tender and will be used toward this unforeseen expense.

Together with the approved variations, the inclusion of the provisional sums and the crack remediation the project is expected to exceed budget in the order of \$30,000-\$40,000.

### **Evaluation Summary**

The Latent Condition Report **Attachment 1**, the scanning report and core sample images, provide Council with a well-documented scope of works and should prove valuable during any construction or remedial work required in the future.

The works have recommenced following the Christmas shutdown and are proceeding on schedule, due for completion at the end of February 2023.

To maintain the scheduled works without delays or dispute it is the recommendation that Council authorise the Chief Executive Officer to approve the variation for the crack remediation of \$110,473.90 and to exceed the original budget of \$500,000.

### **Statutory/Policy Environment**

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

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

Shire of Harvey Policy 2.2.11 – Purchasing provides compliance with the *Local Government Act 1995*, and the Local Government (Functions and General) Regulations 1996.

### **Strategic Framework**

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

- |                      |                                                                                                                |
|----------------------|----------------------------------------------------------------------------------------------------------------|
| <i>Goal 2:</i>       | <i>A safe, accessible and connected community where everyone has the opportunity to contribute and belong.</i> |
| <i>Objective 2.7</i> | <i>An active and healthy community.</i>                                                                        |
| <i>Goal 4:</i>       | <i>A liveable, sustainable and well-designed built environment that is accessible to all.</i>                  |
| <i>Objective 4.5</i> | <i>Shire buildings, gardens and grounds are fit for purpose and well maintained.</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**

*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 Supplier/Contract Management**. The Consequence could be **Compliance** and **Financial Impact** if due process is not followed in terms of Council's Purchasing Policy and the *Local Government Act 1995*. The Risk Consequence is **Minor** and the likelihood **Unlikely** resulting in a **Low** risk being present.

### **Budget Implications**

The Shire's Annual 2021–2022 Budget included an allocation of \$500,000 for this work to be completed. This allocation has been carried forward and included in the 2022–2023 Budget. The additional costs associated with the Crack Remediation of \$110,473 will require an additional allocation of funds in the order of \$30,000-\$40,000. It is proposed this over budget allocation be dealt with as part of the 2022–2023 Budget Review.

### **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. Authorise the variation in expenditure allocation to Tender T062022 – Leschenault Leisure Centre Indoor 25m Pool Tiling to allow for crack remediation works totalling \$110,473 resulting in an over budget allocation of between \$30,000 to \$40,000.
2. Deal with the over budget allocation of between \$30,000 to \$40,000 in its 2022–2023 Budget Review.

**Moved: Cr. Carbone**

**Seconded: Cr. Bromham**

**That Council:**

1. **Authorise the variation in expenditure allocation to Tender T062022 – Leschenault Leisure Centre Indoor 25m Pool Tiling to allow for crack remediation works totalling \$110,473 resulting in an over budget allocation of between \$30,000 to \$40,000.**
2. **Deal with the over budget allocation of between \$30,000 to \$40,000 in its 2022–2023 Budget Review.**

**Carried 12-0**

**23/011**

### **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. Lovitt recorded her attendance at the following:

#### **December 2022:**

- Leschenault Leisure Centre Advisory Group Meeting with Cr. Dickinson
- Riverlinks Committee Meeting
- Heritage Advisory Group Meeting.

Cr. Dickinson recorded her attendance at the following:

#### **January 2023:**

- Audit Committee Meeting with Shire Officers and Councillors.
- Tour of the Cleanaway Waste Facility at Dardanup with Cr. Bromham and Cr. Campbell.
- Youthchella with Cr. Lovitt.

Cr. Beech recorded his attendance at the following:

#### **December 2022:**

- Operational Shire of Harvey Councillor Christmas dinner.

#### **January 2022:**

- Brunswick River Cottages Committee with Director Kirstie Davis and Pauline Pietersen.

### **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. Carbone

**That Council moves behind closed doors.**

**Carried 12-0**

**23/012**

***Council moved behind closed doors at 4.59pm***

## **18.1. Executive Services**

18.1.1. Tender T102022 Expression of Interest Early Contractor Involvement for Construction of Brunswick River Cottages, Stage 3

Reason for Confidentiality as per *Local Government Act 1995*:

s.5.23(2)(c): “a contract entered into, or which may be entered into, by the local government and which related to a matter to be discussed at the meeting.”

s.5.23(2)(e)(iii): “a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government.”

<b>Item No.</b>	<b>18.1.1</b>
<b>Subject:</b>	<b>Tender T102022 Expression of Interest Early Contractor Involvement for Construction of Brunswick River Cottages, Stage 3</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Lot 151 Clifton Road, Brunswick Junction</b>
<b>Reporting Officer:</b>	<b>Manager Special Projects</b>
<b>Authorising Officer:</b>	<b>Chief Executive Officer</b>
<b>File No.:</b>	<b>F000254</b>
<b>Attachments:</b>	<b><i>Confidential Attachment 1</i></b>

## **Summary**

Tender T102022 Expression of Interest (EOI) for Early Contractor Involvement (ECI) for Construction of Brunswick River Cottages, Stage 3 closed on Thursday, 13 December 2022 and two submissions were received.

Tender T10222 is Phase One of a two-phase tender process, and following detailed assessment of the submissions, the evaluation panel considered that both tenderers meet the requirements to move forward into the next competitive assessment phase.

This report recommends that Council awards the tender to the preferred contractors (refer ***Confidential Attachment 1***) to provide a bid as part of a restricted tender process for ECI for the Construction of Brunswick River Cottages, Stage 3.

## **Voting Requirements**

Simple Majority

**Moved: Cr. Carbone**

**Seconded: Cr. Bromham**

**That Council:**

- Approves Bertma Pty Ltd and BGC Construction Pty Ltd as the preferred contractors for Phase One of Tender T102022, being the Expression of Interest for Early Contractor Involvement for Construction of Brunswick River Cottages, Stage 3.**

- 2. Authorises the Chief Executive Officer to invite Bertma Pty Ltd and BGC Construction Pty Ltd to provide a submission for Phase Two of the Tender for Construction of Brunswick River Cottages, Stage 3.**
- 3. Receives a further report at the Ordinary Council Meeting of March 2023 to approve the award of the Construction Contract.**

**Carried 12-0**

**23/013**

## 18.2. Infrastructure Services

### 18.2.1. Bunbury Harvey Regional Council: Revised Cost of New Lined Cell, Business Case

Reason for Confidentiality as per *Local Government Act 1995*:

s.5.23(2)(e)(iii): *“a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government.”*

<b>Item No.</b>	<b>18.2.1</b>
<b>Subject:</b>	<b>Bunbury Harvey Regional Council: Revised Cost of New Lined Cell, Business Case</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Lot 45 (No. 51) Stanley Road, Wellesley</b>
<b>Reporting Officer:</b>	<b>Director Infrastructure Services Director Corporate Services</b>
<b>Authorising Officer:</b>	<b>Chief Executive Officer</b>
<b>File No.:</b>	<b>A007532</b>
<b>Attachments:</b>	<b>Confidential Attachment 1 Confidential Attachment 2</b>

### Summary

The Shire of Harvey (SoH) and the City of Bunbury (CoB) are Member Councils of the Bunbury Harvey Regional Council (BHRC), which operates the Stanley Road Waste Management Facility (the Facility) located at Lot 45 (No. 51) Stanley Road, Wellesley – being a Class II Putrescible Landfill site.

The Facility operates under the Environmental Protection Licence issued under Part V of the *Environmental Protection Act 1986* and is managed in accordance with the operating licences issued by the Department of Water and Environmental Regulations (DWER).

While the Facility is licenced as a Class II landfill and recycling site and is open to the public on a user pays basis, in accordance with the requirements of an Environmental Protection Notice and BHRC operating licence currently no landfill is permitted to be deposited at the facility.

All transfer waste from BHRC, and SoH and CoB kerbside putrescible waste is currently landfilled at the Cleanaway landfill site in Dardanup.

At its Ordinary Council Meeting held on 23 November 2021, Council resolved to ensure business continuity of the BHRC Facility in accordance with the requirements of an Environmental Protection Notice and BHRC operating licence.

This report provides Council with an update since its previous decision.

### Voting Requirements

Simple Majority

**Alternative Motion**

Cr. Campbell moved the below motion:

That Council:

1. Notes the Bunbury Harvey Regional Council Lined Cell Business Case as at ***Confidential Attachment 1***.
2. Supports the Bunbury Harvey Regional Council and Member Councils seeking capital funding and / or forming partnerships with other Waste Facility Operators through the Expression of Interest process as the first funding preference.
3. Notes, that should a suitable partnership opportunity not be realised through the Expression of Interest process the Bunbury Harvey Regional Council Lined Business Case would be further considered by Council.
4. Supports the reimbursement of the Shire's Unlined Cell capping contributions (\$3M principal only) by the Bunbury Harvey Regional Council, in accordance with the Bunbury Harvey Regional Council Dividend Agreement which determines that the payment of dividends to both Member Councils (City of Bunbury and Shire of Harvey) are to be instituted once surplus funds are generated by the Bunbury Harvey Regional Council from the operation of the new Lined Cell as showing in ***Confidential Attachment 2***.
5. Notes that, subject to recommendation two and three above, the Shire's future allocation for the Bunbury Harvey Regional Council, new Lined Cell and connection liner, based on a 50/50 shared basis with the City of Bunbury, has been estimated to increase from \$4,000,000 to \$6,000,000. As provided for in the "Lined Cell Business Case" this amount would be repaid by the Bunbury Harvey Regional Council through a self-supporting 10-year loan
6. Considers listing an additional amount of \$1.55M for consideration in the 2023–2024 Draft Budget based on a 50/50 funding split with the City of Bunbury for the Lined Cell and Intermediate Capping project.
7. Requests the Chief Executive Officer provide a report to Council on the results of the Expression of Interest process.

**Moved: Cr. Campbell    Seconded: Cr. Bromham**

**That Council:**

1. **Notes the Bunbury Harvey Regional Council Lined Cell Business Case as at *Confidential Attachment 1*.**
2. **Supports the Bunbury Harvey Regional Council and Member Councils seeking capital funding and / or forming partnerships with other Waste Facility Operators through the Expression of Interest process as the first funding preference.**
3. **Notes, that should a suitable partnership opportunity not be realised through the Expression of Interest process the Bunbury Harvey Regional Council Lined Business Case would be further considered by Council.**
4. **Supports the reimbursement of the Shire's Unlined Cell capping contributions (\$3M principal only) by the Bunbury Harvey Regional Council, in accordance with the Bunbury Harvey Regional Council Dividend Agreement which determines that the payment of dividends to both Member Councils (City of Bunbury and Shire of Harvey) are to be**

instituted once surplus funds are generated by the Bunbury Harvey Regional Council from the operation of the new Lined Cell as showing in *Confidential Attachment 2*.

5. Notes that, subject to recommendation two and three above, the Shire's future allocation for the Bunbury Harvey Regional Council, new Lined Cell and connection liner, based on a 50/50 shared basis with the City of Bunbury, has been estimated to increase from \$4,000,000 to \$6,000,000. As provided for in the "Lined Cell Business Case" this amount would be repaid by the Bunbury Harvey Regional Council through a self-supporting 10-year loan
6. Considers listing an additional amount of \$1.55M for consideration in the 2023–2024 Draft Budget based on a 50/50 funding split with the City of Bunbury for the Lined Cell and Intermediate Capping project.
7. Requests the Chief Executive Officer provide a report to Council on the results of the Expression of Interest process.

Carried 12-0 23/014

Returning from Behind Closed Doors

Moved: Cr. Burgoyne                      Seconded: Cr. Dickinson

That Council return from behind closed doors.

Carried 12-0 23/015

*Council returned from behind closed doors at 5.06pm*



**19. Closure of Meeting**

There being no further business to discuss, the meeting was declared closed at 5.06pm

I, Cr. Paul Gillett, certify that the aforesaid Minutes of the meeting held Tuesday, 24 January 2023, are a true and correct record of that meeting on Tuesday, 24 January 2023.



Cr. Paul Gillett