



SHIRE OF
HARVEY



Ordinary Council Meeting **Minutes**

Harvey Council Chamber

Tuesday, 31 October 2023

4PM

**Shire of Harvey
Ordinary Council Meeting**

Minutes of the Ordinary Council Meeting of the Harvey Shire Council, held in the Council Chamber, Young Street, Harvey, on 31 October 2023, commencing at 4.00pm.

Attendance

Shire President	Mrs.	M.	Campbell
	Cr.	A.	Hitchcock
	Cr.	D.	Krispyn
	Cr.	C.	Carbone
	Cr.	M	Boylan
	Cr.	W.	Dickinson
	Cr.	R.	Coleman
	Cr.	R.	Holly
	Cr.	B.	Bromham
	Cr.	J.	Junio

Staff

Chief Executive Officer	Ms.	A.	Riordan
Director Infrastructure Services	Mr.	R.	Lotznicker
Director Sustainable Development	Mr.	S.	Hall
Director Corporate Services	Mr.	D.	Winter
Director Community and Lifestyle	Ms.	K.	Davis
Co-Director Community and Lifestyle	Mr.	M.	Newman
Acting Manager Governance and Strategy	Mr.	B.	Vitale
Manager Planning	Ms.	E.	Edwards
Manager Waste and Safety Services	Mr.	H.	Jones
Manager Parks	Mr.	S.	Faber
Governance Support Officer	Ms.	J.	Bavaro
Governance Compliance Officer	Ms.	F.	Schindler

There were 8 members of the public and 1 member of the press present.

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1. Official Opening

The Shire President declared the meeting open at 4.01pm.

Disclaimer

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

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

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

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

Acknowledgement of Country

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

Procedural Motion

President Campbell 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 Audit recording of the meeting.

Moved: President Campbell Seconded: Cr. Bromham

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

Carried 10-0

23/218

Votes:

For: President Campbell, Cr. Hitchcock, Cr. Krispyn, Cr. Carbone, Cr. Boylan, Cr. Dickinson, Cr. Coleman, Cr. Holly, Cr. Bromham and Cr. Junio.

Against: Nil.

2. Record of Apologies and Leave of Absence

Apologies

Nil.

Leave of Absence:

Cr. Capogreco.

3. Applications for Leave of Absence

Nil.

4. Reading from a Book of Learning and Wisdom

Read by President Campbell.

5. Declarations of Members' and Officers' Personal Interest

Nil.

6. Response to Previous Questions Taken on Notice

Nil.

7. Public Question Time

Ms. Sheila Ferguson asked the following questions in relation to the Australind Community Precinct:

Question 1: At the last Council Meeting, as it is the practice of this Council to print questions from the public in the Minutes without any background information that may be provided, I asked that the background information to my questions be included in the Minutes, so that the meaning of my questions was clear, thank you for doing this. Will you please do the same again?

Answer 1: Yes.

Question 2: The Minutes of the last Council Meeting on this item state the estimated cost in February 2022 (roughly 18 months before) was \$33.5 million, ie \$23.1 million for stage 1 and \$10.4 million for stage 2. The Minutes also state "An overview of the Budget and Business Case was presented to Council at the Concept Forum held on Tuesday, 5 September 2023..." but an updated figure was not given. It was apparent from the discussion that there has been a significant increase in cost and that Councillors had not been given a copy of the Business Case.

Later in the meeting, under a different item (13.2) it is stated that "...At the Concept Forum held on Tuesday, 5 September 2023, Council were presented with a total project cost estimate of \$49 million of Stage 1 (with an additional \$17.3 million for Stage 2 and \$29.09 million for Stage 3)." The total estimated cost is therefore now \$95.39 million, a blowout approaching three times the February 2022 estimate. To my knowledge, this is the only place these figures have been made public. On 10 October 2023, under the headline "Plans for precinct scrape in" the Harvey Reporter stated \$23.1 million for the hub, which is less than 25% of the current estimated total cost.

Are the figures on the current estimated cost of the Australind Community Precinct that were published in item 13.2 of the last Council Meeting Minutes correct, ie \$49 million for Stage 1 and \$95.39 million in total?

Answer 2: Based on the Business Case that was developed on the square meterage that was provided as part of the Master Plan, the figures that were provided by the quantity surveyor in item 13.2 are correct. The Shire can advise that all Councillors have been provided with a copy of the Business Case. The detailed design for the building will now be cognisant of the figures and budget adjustments will be investigated. The Master Plan was significantly increased in relation to the amount of square meterage and also the increase in cost estimate escalation for building materials.

Question 3: Will you give the community an overview of the Business Case for this \$95 million spend?

Answer 3: At this stage, the community will not be given an overview of the Business Case. The Business Case was based on the Master Plan that was developed for the site. Council will now be working towards a development that will fit the budget cognisant of the grant funding opportunities that are available. The square meterage of the Master Plan will not be the final design that will be presented to Council to proceed with development.

Question 4: In the interest of transparency and keeping the public informed, will you make the current estimated cost public through the Harvey Report and either means?

Answer 4: The figures that are stated in the Harvey Reporter come from their independent production. The costs and size of the Precinct are being investigated, until that is finalised by Council it will not be publicised to the Community.

Question 5: At the last Council meeting I asked on what grounds Officers had made the statement that the Master Plan presented to Council for approval, reflected the intent of the community and if Council would advertise the Master Plan for public comment. The CEO's response can be found in the YouTube recording of that meeting but in essence, Shire Officers considered the Community Precinct Reference Group was a sufficient mechanism to obtain community feedback.

Extensive community consultation was undertaken before the Ridley Place Foreshore Master Plan Update was presented by Shire Officers to Council for adoption at the last Council Meeting. This consultation included meetings with stakeholders, consultation with the Australind/Leschenault Place Advisory Group, two public pop-up consultation sessions, exhibiting the plans in the Australind Library and the Australind Senior Citizens Centre and twice uploading the plan to the Shire's website, in January and July 2023, with a link to the "Have Your Say" platform.

Given that there is an Australind/Leschenault Place Advisory Group, the function of which can be likened to the function of the Australind Community Precinct Reference Group, why did Shire Officers consider this extensive community consultation to be necessary and/or desirable for the Ridley Place Foreshore Master Plan Update but not for the Australind Community Precinct Master Plan?

Answer 5: Taken on notice.

Question 6: During discussions of the Australind Community Precinct Masterplan at the last Council meeting, the CEO stated that the Community Precinct Reference Group would "further be engaged through the detailed design process and particularly in regards to those community spaces that form part of that Precinct". The community will be able to comment on the "design of spaces" such as "function meeting rooms and the library". What was not said, but which I understand to be true, was that the Master Plan, which includes the placement buildings, would not be open for discussion by the community after being approved by Council.

To the best of my knowledge, there are 12 members of the community on the Reference Group, most of whom represent a group that currently uses the facilities, such as the Australind Bridge Club, Grow Cook Eat Create, Life Without Barriers, Australind Family History and Lighthouse Spiritualist Church. There are many thousands of residents who are not members of any of these groups. They have not been given any opportunity to comment on the Master Plan.

In view of the fact that the community has not been widely consulted about the Master Plan and the enormous increase in estimated cost, will Councillors please consider taking whatever action is necessary in order to consult the wider community about the Australind Community Precinct Master plan, in the same way as it did for the Ridley Place Foreshore Master Plan Update before \$2.5 million are spent on the next stage of the project's development?

Answer 6: Council will be making a decision regarding the size and the increased cost of the Precinct and will endeavour to continue the consultation with user groups with regards to any changes to the proposed plans.

8. Petitions/Deputations/Presentations

Ms. Cas Watling addressed Council in relation to Item 12.3.1 – Proposed Use Not Listed (Brewery) – Lot 224 (Shop 4A & 4B) (No. 1) Mardo Avenue, Australind.

Ms. Marilyn Westaway addressed Council in relation to Item 12.3.1 – Proposed Use Not Listed (Brewery) – Lot 224 (Shop 4A & 4B) (No. 1) Mardo Avenue, Australind.

Ms. Raffaella Bordi addressed Council in relation to Item 12.3.2 – Proposed Commercial Vehicle Parking – Lot 349 (No. 39) Latour Street Australind.

9. Announcements by Presiding Members or CEO Without Discussion

President Campbell welcomed and acknowledged the delegation and international students who have come to visit the Shire of Harvey from the Shire's Sister City – Moka City.

President Campbell congratulated the President, members and volunteers of the Brunswick Agricultural Society for an outstanding Brunswick Show that was delivered on Saturday, 28 October 2023.

10. Confirmation of Minutes

Ordinary Council Meeting – Tuesday, 26 September 2023.

Recommendation

That the Minutes of the Council Meeting held on Tuesday, 26 September 2023, as printed be confirmed as a true and correct record.

Moved: Cr. Coleman

Seconded: Cr. Krispyn

That the Minutes of the Council Meeting held on Tuesday, 26 September 2023, as printed be confirmed as a true and correct record.

Carried 9-1

23/219

Votes:

For: President Campbell, Cr. Hitchcock, Cr. Krispyn, Cr. Carbone, Cr. Boylan, Cr. Dickinson, Cr. Coleman, Cr. Bromham and Cr. Junio.

Against: Cr. Holly.

Special Council Meeting – Thursday, 5 October 2023.

Recommendation

That the Minutes of the Special Council Meeting held on Thursday, 5 October 2023, as printed be confirmed as a true and correct record.

Moved: Cr. Coleman

Seconded: Cr. Bromham

That the Minutes of the Special Council Meeting held on Thursday, 5 October 2023, as printed be confirmed as a true and correct record.

Carried 10-0

23/220

Votes:

For: President Campbell, Cr. Hitchcock, Cr. Krispyn, Cr. Carbone, Cr. Boylan, Cr. Dickinson, Cr. Coleman, Cr. Holly, Cr. Bromham and Cr. Junio.

Against: Nil.

Special Council Meeting – Tuesday, 24 October 2023.

Recommendation

That the Minutes of the Special Council Meeting held on Tuesday, 24 October 2023, as printed be confirmed as a true and correct record.

Moved: Cr. Bromham

Seconded: Cr. Coleman

That the Minutes of the Special Council Meeting held on Tuesday, 24 October 2023, as printed be confirmed as a true and correct record.

Carried 10-0

23/221

Votes:

For: President Campbell, Cr. Hitchcock, Cr. Krispyn, Cr. Carbone, Cr. Boylan, Cr. Dickinson, Cr. Coleman, Cr. Holly, Cr. Bromham and Cr. Junio.

Against: Nil.

11. Receipt of Minutes and Recommendations from Committees

Nil.

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 – Council Recess and Meeting Schedule	Subject to further discussion.
12.1.2 – Appointments to Council Committees, Advisory Groups and Delegate Committees 2023–2025	Absolute Majority decision required. Requires the appointment to Council Delegates and Deputies.
12.2.1 – Binningup and Myalup Beach Dog Areas	Absolute Majority decision required.
12.3.1 – Proposed Use Not Listed (Brewery) – Lot 224 (Shop 4A and 4B)(No. 1) Mardo Avenue, Australind	Absolute Majority decision required.
12.3.4 – Harvey Region RV Friendly Trial Review	Subject to an Addendum.
12.5.1 – Terms of Reference Advisory Groups	Subject to an Addendum. Subject to an amendment.

Exemption Resolution Motion:

That, with the exception of 12.1.1, 12.1.2, 12.2.1, 12.3.1, 12.3.4 and 12.5.1 which are to be considered separately, the Officer's recommendation for Items 12.1.3, 12.3.2, 12.3.3, 12.4.1 and 12.4.2 be adopted as the Council Resolution.

Moved: Cr. Krispyn

Seconded: Cr. Bromham

That, with the exception of 12.1.1, 12.1.2, 12.2.1, 12.3.1, 12.3.4 and 12.5.1 which are to be considered separately, the Officer's recommendation for Items 12.1.3, 12.3.2, 12.3.3, 12.4.1 and 12.4.2 be adopted as the Council Resolution.

Carried 10-0

23/222

Votes:

For: President Campbell, Cr. Hitchcock, Cr. Krispyn, Cr. Carbone, Cr. Boylan, Cr. Dickinson, Cr. Coleman, Cr. Holly, Cr. Bromham and Cr. Junio.

Against: Nil.

Procedural Motion

President Campbell put forth the following motion:

That Council take the Agenda out of order to consider Item 12.1.2 – Appointments to Council Committees, Advisory Groups and Delegate Committees 2023–2025 after Item 12.5.1 – Terms of Reference Advisory Groups.

Moved: Cr. Carbone

Seconded: Cr. Coleman

Carried 10-0

23/223

Votes:

For: President Campbell, Cr. Hitchcock, Cr. Krispyn, Cr. Carbone, Cr. Boylan, Cr. Dickinson, Cr. Coleman, Cr. Holly, Cr. Bromham and Cr. Junio.

Against: Nil.

12.1. Chief Executive Officer

Noltem No.	12.1.1.
Subject:	Council Recess and Meeting Schedule
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Governance Compliance Officer
Authorising Officer:	Chief Executive Officer
File No.:	
Attachments:	<ol style="list-style-type: none"> 1. 2023–2024 Meeting Schedule [12.1.1.1 - 1 page] 2. 2023–2024 Audit Committee Meeting Schedule [12.1.1.2 - 1 page] 3. Policy 1.1.6 – Council Meeting Framework [12.1.1.3 - 2 pages]

Summary

Council is required to adopt a meeting schedule for November 2023 – October 2024 (refer to **Attachment 1**) as well as the Audit Committee meeting schedule (refer to **Attachment 2**). It is recommended that Council adopts the meeting schedule, which includes a meeting recess between 19 December 2023 and 23 January 2024 as well as the Audit Committee meeting schedule.

Background

Council approved its meeting dates for January 2023 – October 2023 at its Ordinary Council Meeting held Tuesday, 25 October 2022, with dates set of its three-weekly cycle until 24 October 2023.

The meeting cycle generally commences on the second Tuesday of each month in accordance with Council Policy 1.1.6 – Council Meeting Framework. Variations to the standard commencement of the meeting cycle for December 2023 is required due to Public Holidays.

Comment

Policy 1.1.6 specifies that:

- Concept Forums will be held on the second Tuesday of each month.
- Agenda Briefing Sessions will be held on the third Tuesday of each month.
- Ordinary Council Meetings will be held on the fourth Tuesday of each month.

Despite the above specified schedule, the Policy makes provisions for the standard meeting schedule to be varied by a decision of Council. The following variations are proposed to the standard meeting cycle schedule:

Month	Variation	Reason
December 2023	This meeting cycle will commence on the first Tuesday of the month to avoid the Ordinary Council Meeting falling on Boxing Day.	The standard meeting cycle would result in the Ordinary Council Meeting being held on Tuesday, 26 December 2023, Boxing Day. Bringing the standard meeting cycle forward by a week will avoid this.
January 2024	This meeting cycle would not include a Concept Forum and it is proposed that the Agenda Briefing session commence on the third Tuesday of the month	This would allow Council to have a break over the Christmas and New Year period.

Any additional changes to the Ordinary Council Meeting schedule, after this resolution, will be provided to Council for decision and will be advertised on the Shire's website. Policy 1.1.6 – Council Meeting Framework has been updated to clarify the process for amending the schedule of Agenda Briefing Sessions and Concept Forums (**Attachment 3**). Additional changes to the scheduled Concept Forums and Agenda Briefings, after this resolution of Council, will be advertised on the Shire's website as soon as practicable.

Clause 12 of the Local Government (Administration) Regulations 1996, also requires the Local Government to give local public notice of the dates, times and places for Committee Meetings; these are required under the *Local Government Act 1995* (the Act) to be open to the public or that are proposed to be open to the public.

Council's Committee Meetings that are open to the public are the:

- Audit Committee
- Behavioural Complaints Committee
- Bush Fire Advisory Committee
- Chief Executive Officer Employment Committee
- Local Emergency Management Committee
- Shire of Harvey and Shire of Dardanup Joint Town Planning Committee.

The meetings for the Audit Committee occur on a quarterly basis every January, April, July and October. The meetings are held on the same day as the Agenda Briefing Session for that month at 2pm (refer **Attachment 2**).

Meetings for the Bush Fire Advisory Committee and the Local Emergency Management Committee are scheduled separately and therefore not included in this report. Meetings for the Behavioural Complaints Committee, the Chief Executive Officer Employment Committee and the Joint Town Planning Committee are convened on an as-needed basis and therefore will not be included in the proposed meeting schedule. With respect to meeting venues, it is proposed that the regime of alternating between Australind and Harvey is continued. As the last meeting for 2023 is scheduled in Harvey it is suggested that the 2024 meetings commence in Australind.

Statutory/Policy Environment

Local Government Act 1995

- Section 5.3 – requires Council to hold Ordinary Council Meetings not more than three months apart.

Local Government (Administration) Regulations 1996

- Clause 12 – requires that, at least once every year, a Local Government is to give public notice of the dates on which and the time at which the Ordinary Council Meetings take place and the Committee Meetings, that are open to members of the public or that are proposed to be open to members of the public.

Council Policy 1.1.6 – Council Meeting Framework

- This Policy provides an effective, efficient and legally compliant meeting framework for Concept Forums, Agenda Briefings and Ordinary Council Meetings.

Strategic Framework

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

- Goal 5: A representative leadership that is future thinking, transparent and accountable.*
Objective 5.1 Effective communication and engagement with the community.
Objective 5.4 Sound governance, including financial, asset and risk management.

Community Engagement

Community Participation Goal

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

Promise to the Community

Inform: We will keep you informed.

Risk Management

The Risk Theme Profile identified as part of this report is **Failure to Fulfil Compliance Requirements** and **Inadequate Engagement Practices**. The Consequence could be **Compliance** if compliance with the Council's statutory requirements is not met. The Risk is considered **Minor** and the likelihood **Unlikely** as the risk is being mitigated by this report being provided to Council to schedule the meetings and recommending the schedule be advertised, resulting in a **Low** Risk being present.

Budget Implications

With meetings to be held at two venues on a regular basis some impact may be incurred in terms of Shire Officer's efficiency and other logistical costs. Budget allocations have been made to facilitate the meeting schedule proposed.

Authority/Discretion

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Adopts the Meeting Schedule for the period November 2023 to October 2024 as follows:

<i>All meetings of Council commence at 4pm</i>			
Location	Concept Forum	Agenda Briefing	Council Meeting
Australind	14 November 2023	21 November 2023	28 November 2023
Harvey	5 December 2023	12 December 2023	19 December 2023
Australind	Recess	23 January 2024	30 January 2024
Harvey	13 February 2024	20 February 2024	27 February 2024
Australind	12 March 2024	19 March 2024	26 March 2024
Harvey	9 April 2024	16 April 2024	23 April 2024
Australind	14 May 2024	21 May 2024	28 May 2024
Harvey	11 June 2024	18 June 2024	25 June 2024
Australind	9 July 2024	16 July 2024	23 July 2024
Harvey	13 August 2024	20 August 2024	27 August 2024
Australind	10 September 2024	17 September 2024	24 September 2024
Harvey	8 October 2024	15 October 2024	22 October 2024

2. Adopts the Audit Committee Meeting Schedule for the period November 2023 to October 2024 as follows:

<i>All meetings of Council commence at 2pm</i>	
Location	Audit Committee Meeting
Australind	23 January 2024
Harvey	16 April 2024
Australind	16 July 2024
Harvey	15 October 2024

3. Pursuant to Clause 12 of the Local Government (Administration) Regulations 1996, gives Local Public Notice of the adopted Meeting Schedule for the period November 2023 to October 2024.
4. Adopts Amendments to Policy 1.1.6 – Council Meeting Framework as per **Attachment 3**.

Moved: Cr. Bromham

Seconded: Cr. Dickinson

That Council:

1. Adopts the Meeting Schedule for the period November 2023 to October 2024 as follows:

<i>All meetings of Council commence at 4pm</i>			
Location	Concept Forum	Agenda Briefing	Council Meeting
Australind	14 November 2023	21 November 2023	28 November 2023

Harvey	5 December 2023	12 December 2023	19 December 2023
Australind	Recess	23 January 2024	30 January 2024
Harvey	13 February 2024	20 February 2024	27 February 2024
Australind	12 March 2024	19 March 2024	26 March 2024
Harvey	9 April 2024	16 April 2024	23 April 2024
Australind	14 May 2024	21 May 2024	28 May 2024
Harvey	11 June 2024	18 June 2024	25 June 2024
Australind	9 July 2024	16 July 2024	23 July 2024
Harvey	13 August 2024	20 August 2024	27 August 2024
Australind	10 September 2024	17 September 2024	24 September 2024
Harvey	8 October 2024	15 October 2024	22 October 2024

2. Adopts the Audit Committee Meeting Schedule for the period November 2023 to October 2024 as follows:

<i>All meetings of Council commence at 2pm</i>	
Location	Audit Committee Meeting
Australind	23 January 2024
Harvey	16 April 2024
Australind	16 July 2024
Harvey	15 October 2024

3. Pursuant to Clause 12 of the Local Government (Administration) Regulations 1996, gives Local Public Notice of the adopted Meeting Schedule for the period November 2023 to October 2024.

4. Adopts Amendments to Policy 1.1.6 – Council Meeting Framework as per *Attachment 3*.

Carried 8-2 23/224

Votes:

For: President Campbell, Cr. Hitchcock, Cr. Krispyn, Cr. Boylan, Cr. Dickinson, Cr. Holly, Cr. Bromham and Cr. Junio.

Against: Cr. Carbone and Cr. Coleman.

Item No.	12.1.3.
Subject:	Corporate Business Plan 2023–2024 – Quarterly Report, Quarter One
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Coordinator Corporate Planning and Performance
Authorising Officer:	Chief Executive Officer
File No.:	F/08/00058
Attachments:	1. Quarterly Report, 2023-2024 - Quarter One [12.1.3.1 - 73 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 July 2023 to 30 September 2023 (Quarter One).

The Quarterly Report, Quarter One 2023–2024 (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 2023–2027 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 2023–2024 was adopted by Council on 25 July 2023.

Comment

The Quarterly Report is designed to provide information on the progress and milestones of key projects in the Corporate Business Plan 2023–2027.

The projects in the Quarterly Report, Quarter One 2023–2024 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 One Summary

Of the 186 projects reported against:

- 2% are 'Completed'.
- 75% are 'In Progress'.
- 1% are 'Behind Schedule'.
- 4% are 'On Hold'.
- 7% are 'Future Year'.
- 11% are 'Not Commenced'.

Projects reported as 'Behind Schedule', 'On Hold' or 'Not Commenced' 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.	4	2%
In Progress	The project or action has started and is in progress.	140	75%
Behind Schedule	The project or action has started, but work is behind schedule.	1	1%
On Hold	The project or action has started, but work has stalled and has been put on hold.	7	4%
Future Year	The project or action is not due to start until a future financial year.	14	7%
Not Commenced	The project or action has not yet started but is still expected to start in the current financial year.	20	11%
TOTAL		186	100%

Details of all 186 projects are outlined in the Quarterly Report, Quarter One 2023–2024 (refer **Attachment 1**).

Corporate Performance Indicators Amendments

Following a review of Corporate Performance Indicators with recently appointed Officers, particularly Managers, and consideration of balancing the resources required to obtain information with the relevance and value of that information to performance measurement, the following amendments are proposed:

Proposed additions:

- Number of Health Inspections
- Number of Health-Related Complaints

- Number of Shire of Harvey LinkedIn connections
- Number of Youth Instagram page followers
- Number of Instagram accounts reached by Youth Instagram account
- Number of Library Facebook page followers
- Library Facebook page reach.

Proposed deletions:

- Number of Shire of Harvey website users
- Top 3 most visited Shire of Harvey website pages
- Best performing Shire of Harvey Facebook page post
- Number of Instagram accounts engaged by Shire of Harvey Instagram account
- Best performing Shire of Harvey Instagram page post
- Number of Harvey Recreation and Cultural Centre website users
- Top 3 most visited Harvey Recreation and Cultural Centre website pages
- Best performing Harvey Recreation and Cultural Centre Facebook page post
- Number of Instagram accounts engaged by Harvey Recreation and Cultural Centre Instagram account
- Best performing Harvey Recreation and Cultural Centre Instagram page post
- Number of Leschenault Leisure Centre website users
- Top 3 most visited Leschenault Leisure Centre website pages
- Best performing Leschenault Leisure Centre Facebook page post
- Number of Instagram accounts engaged by Leschenault Leisure Centre Instagram account
- Best performing Leschenault Leisure Centre Instagram page post.

Statutory/Policy Environment

Local Government Act 1995

- s.5.56 Planning for the future – A local government is to 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 One 2023–2024 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 adequate business planning tools in place to manage finances and resources 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 One 2023–2024 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:

1. Receives Corporate Business Plan Quarterly Report, Quarter One 2023–2024 as included as **Attachment 1**.
2. Endorses the amendments to the Corporate Performance Indicators as outlined in this report.

OFFICERS RECOMMENDATION ADOPTED BY EXEMPTION RESOLUTION – REFER TO RESOLUTION 23/222 APPEARING AT ITEM 12.

12.2. Infrastructure Services

Item No.:	12.2.1.
Subject:	Binningup and Myalup Beach Dog Areas
Proponent:	Shire of Harvey
Location:	Binningup and Myalup
Reporting Officer:	Manager Waste and Safety Services
Authorising Officer:	Director Infrastructure Services
File No.:	F/24/00010
Attachments:	<ol style="list-style-type: none"> 1. Coastal Dog Exercise Areas - Draft [12.2.1.1 - 2 pages] 2. Coastal dog exercises areas - Finals [12.2.1.2 - 2 pages]

Summary

The Shire of Harvey (the Shire) is reviewing the coastal signage in Binningup and Myalup in response to feedback received from the Coastal Place Advisory Group.

Due to conflicting signage and information regarding the control on dogs in these coastal areas, Shire Officers created a draft proposal (refer **Attachment 1**) and consulted with the community.

As there are potential areas being defined as prohibited for dog exercise areas, this requires an Absolute Majority decision from Council. It is recommended that minor changes as shown in **Attachment 2** be implemented to the current coastal areas, and these proposed changes be advertised for a 28-day period.

Background

The Coastal Place Advisory Group at a previous meeting identified the following actions:

- Dog rules and off leash exercise areas at the beach need clarification.
- Shire to investigate updating the online maps to show on leash / off leash areas, printed tourism maps cannot be updated until stocks are exhausted.
- Community requested investigation about signage describing positive behaviour on the beach in regard to dog on and off leash areas as well as 4WD driver behaviour.

In response to the above actions from the Coastal Place Advisory Group, an audit was completed on the existing signage in the coastal towns of Binningup and Myalup. It was identified that there several signs in a poor condition and location. Furthermore, some of the signs had conflicting or out of date information.

Based on the Shire's Signage and Infrastructure Style Guide (adopted in late 2022), any new signage installed is to be consistent while improving visual and visitor appeal.

It is important that dog exercise opportunities are provided for the wellbeing of dogs and their owners. The beach in these areas provides for extensive opportunities for dogs to be exercised. The current dog exercise area in Binningup is at the oval with the northern section of Myalup's Ottrey's Park designated for this purpose.

Control of Dogs

Under the *Dog Act 1976*, dogs are required to be 'on leash' in a public place unless dogs are prohibited, or it's declared a dog exercise area. Dogs are exempt from the 'on leash' requirement if they are in an area outside a townsite.

In Binningup the townsite boundary on the coast starts at Allan Road beach access (most northern access track) and concludes at the southern boundary of Lot 9005 (Fiveight). In Myalup the townsite boundary on the coast starts south of the carpark entry and concludes north of the Harvey River Diversion.

Signage

There is limited or conflicting signage with information specific to dogs in Binningup and Myalup coastal areas. There is some directional signage at a couple of beach access points, but most don't have any information.

Public information

There is no public information available on the requirements for dog users at Binningup Beach and Myalup Beach other than the Shire website where there is information on approved dog exercise area listed in each locally, as follows: harvey.wa.gov.au/services/animals/dog-exercise-areas

Comment

Consultation

A 'draft' proposed dog exercise area plan for Binningup Beach and Myalup Beach was presented to members of the Coastal Place Advisory Group on Friday, 18 August 2023 as shown in **Attachment 1**.

The Myalup Community Association then shared the draft plan with its members on Saturday, 21 August 2023, seeking feedback on the proposed plan.

Four responses were received which resulted in the prohibited area at Binningup Beach being changed to an on leash area. Other feedback was more dog behaviour issues and owners not effectively controlling their dogs in the existing off-leash area north of Myalup Beach.

Shire Officers are proposing that information brochures (refer **Attachment 2**) are promoted, and signage installed at all coastal access points in Binningup and Myalup and that the areas be designated as follows:

- Dog exercise area – On leash
- Dog exercise area – On and off leash
- Dog exercise area – On leash when the bollards are in place (At Myalup Beach only)

On leash exercise area

Dogs can be exercised in this area but only on a leash..

On and off leash exercise area

Dogs may be exercised off leash, but they must still be under control of a responsible person as this area is also used by vehicles at times.

On leash when the bollards are in place

When the bollards are in place, dogs are required to be on leash in this area. When the bollards are removed the on and off leash area applies. This will only apply at Myalup Beach as there is no other way of accessing the area to the south of the main beach. Myalup is also a larger beach and has less

beach usage in the months outside when the bollards are in place.

It is recommended that minor changes to the dog exercises areas in Binningup Beach and Myalup Beach be implemented to the current coastal areas, and this be advertised for a 28-day period.

Statutory/Policy Environment

Dog Act 1976 (as amended):

- Section 31, 3A – This gives the local government authority to specify a public place, or a class of public place, under its control as a dog exercise area.
- Section 31, 3C – This section sets out how long the local government must give local public notice of its intent to specify a place to be always prohibited to dogs or at a time specified or a place to be a dog exercise area under subsection 3A.

Strategic Framework

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

Goal 1:	<i>A diversified and thriving economy that offers a wide range of business and work opportunities as well as consumer choice.</i>
Objective 1.1	<i>The Shire is a tourist destination of choice.</i>
Goal 2:	<i>A safe, accessible and connected community where everyone has the opportunity to contribute and belong.</i>
Objective 2.7	<i>An active and healthy community.</i>
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

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

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

Risk Management

The Risk Theme Profile identified as part of this report is **Inadequate Engagement Practices**. The Consequence could be **Compliance** and **Reputational**. The Consequence rating associated with this matter is **Moderate**, and the Likelihood of Council not engaging with the Community on changes relating to dog control is considered **Rare** giving a **Low** Risk Rating.

Budget Implications

There is a requirement for the installation of signage which can be accommodated within existing budgets.

Authority/Discretion

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

Voting Requirements

Absolute Majority

Officer's Recommendation

That Council:

1. In accordance with Section 31, 3A and 3B of the *Dog Act 1976* approves the Dog Exercise areas for Binningup Beach and Myalup Beach as detailed in **Attachment 1**.
2. In accordance with Section 31, 3C of the *Dog Act 1976* gives public notice of its decision to designate the Dog Exercise areas.

BY ABSOLUTE MAJORITY

Moved: Cr. Dickinson

Seconded: Cr. Holly

That Council:

1. In accordance with Section 31, 3A and 3B of the *Dog Act 1976* approves the Dog Exercise areas for Binningup Beach and Myalup Beach as detailed in **Attachment 1**.
2. In accordance with Section 31, 3C of the *Dog Act 1976* gives public notice of its decision to designate the Dog Exercise areas.

Carried by Absolute Majority 10-0

23/225

Votes:

For: President Campbell, Cr. Hitchcock, Cr. Krispyn, Cr. Carbone, Cr. Boylan, Cr. Dickinson, Cr. Coleman, Cr. Holly, Cr. Bromham and Cr. Junio.

Against: Nil.

12.3. Sustainable Development

Item No.:	12.3.1.
Subject:	Proposed Use Not Listed (Brewery) – Lot 224 (Shop 4A & 4B) (No. 1) Mardo Avenue, Australind
Proponent:	Adrift Brewing Pty Ltd
Location:	Lot 224 (No. 1) (Units 4a and 4b) Mardo Avenue, Australind
Reporting Officer:	Manager Planning Services
Authorising Officer:	Director Sustainable Development
File No.:	A008377, P175/23, C291/00164
Attachments:	<ol style="list-style-type: none"> 1. Application [12.3.1.1 - 15 pages] 2. Location Plan [12.3.1.2 - 2 pages] 3. Summary of Submissions [12.3.1.3 - 8 pages]

Summary

An application for Development Approval has been received for a 'Use Not Listed' – Brewery on Lot 224 (No. 1) (Units 4a and 4b) Mardo Avenue, Australind (refer **Attachment 1**). The application is referred to Council as Officers do not have delegation to determine that a 'Use Not Listed' may be consistent with the purpose and objectives of the "Shop" zone, nor make a determination when objections are received during the advertising period.

It is recommended that Council determines the proposed 'Use Not Listed' may be consistent with the objectives of the zone and approves the application subject to appropriate conditions.

Background

Site Description

Lot 224 (No. 1) Mardo Avenue, Australind is zoned "Shop" under the Shire's District Planning Scheme No. 1 (the Scheme) and is subject to "Restricted Use No. 11". The site contains a building of multiple tenancies (refer **Attachment 2**).

Site History

The subject tenancy has been vacant since the previous Discount Auto Parts store closed in August 2017.

Proposal

The application proposes to occupy tenancies 4a and 4b to establish a micro-brewery to produce and sell craft beers, together with food prepared on the premises. The brewery is proposed to operate between 11am and 8.30pm Wednesday to Sunday with a maximum occupancy of 100 people. The proposal also includes up to five tables under the verandah for alfresco dining. All liquid waste will be disposed of via sewer in accordance with the Trade Waste Certificate already obtained from the Water Corporation and solid waste (spent grain) will be temporarily stored in organic waste bins in the proposed cool room and then delivered (within 24 hours) to local farmers (arrangements are already in place) for cattle feed.

Comment

Land Use

The proposed use of "Brewery" is defined in the Schemes as:

“breweries, cideries and distilleries licensed as a producer under the Liquor Control Act 1988 and may be used to sell liquor produced on-site for consumption on the premises.”

While the proposed use is defined by the Scheme, it is not listed in the Zoning and Development Tables and is therefore considered a ‘Use Not Listed’. Clause 4.2.5(b) makes provision for a ‘Use Not Listed’ to be considered and provides that Council can *“determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone”*. The Policy Statement contained within Table 9 to 11 (Shop zone) of the Scheme refers to *“primarily retail shopping, but including associated uses.”*

The site is also subject to Restricted Use No. 11, which only permits the following:

- Tavern (5,000m²)
- Fast Food (500m²)
- Shops, with maximum nett leasable area of 1,800m²
- Office, but excluding medical offices and ancillary medical office uses
- Parking and landscaping.

The draft Local Planning Scheme No. 2 (draft Scheme) currently proposes this land to be zoned “Neighbourhood Centre” with a ‘Brewery’ being a use that can be considered after being advertised.

The draft Scheme is considered to be a seriously entertained planning proposal and can therefore be given due regard when assessing applications under the current Scheme. As ‘Brewery’ is a use that could be considered under the draft Scheme and is a use that is ‘comparable’ (at a lesser scale) to a ‘Tavern’ which is a use that can be considered under the Restricted Use, Officers consider that the proposed use may be consistent with the objectives of the zone.

Advertising

For the purpose of reducing assessment timeframes, the application has been advertised pursuant to Clause 64 of the Planning and Development (Local Planning Schemes) Regulation 2015 (the Deemed Provisions). At the conclusion of the 28-day advertising period, a total of 25 submissions were received with 18 supporting the proposal, six objecting to the proposal and one providing conditional support.

Attachment 3 provides a summary of the submissions, together with the Applicant and Officer comments.

Discussion

The main concerns identified in the objections received are provided as follows, together with detailed Officer comments:

Traffic and Parking

A number of concerns were raised with respect to:

- Existing traffic congestion at the adjacent intersection of Mardo Avenue and Old Coast Road
- Existing traffic congestion within the site, particularly in relation to Chicken Treat’s drive thru

- Safety of pedestrians
- Impact on existing car parking.

It is unreasonable for a new proposal to be required to address existing traffic congestion. A new proposal's relevance to existing traffic congestion is consideration of the impacts of additional traffic generated by the proposal. In this instance, it is envisaged that a large percentage of daytime patrons to the proposed brewery will also be customers of the shopping centre and therefore the increase in traffic would be negligible. Nighttime traffic around the shopping centre is significantly less and therefore an increase in traffic of patrons to the proposed brewery is considered to be negligible.

Whilst Officers do acknowledge traffic congestion within the site in relation to Chicken Treat's drive thru facility, there is an unobstructed view of any banked-up vehicles when entering the site from Mardo Avenue and the access point (entry only) has sufficient space for vehicles to manoeuvre around the stationary vehicles. This is current practice on the site and the negligible increase in traffic attributable to the proposal is not considered to be an issue. In addition, there is a second access point into the car park less than 70m up the road.

The shopping centre car park is a slow speed environment and as such a traffic increase from the proposed brewery is considered to be negligible, Officers do not envisage pedestrian safety issues. The shopping centre site has a number of car parking areas accessible from Mardo Avenue, Mulgara Street, Old Coast Road and Paris Road. Existing car parking numbers are considered to be sufficient.

Noise and Odours

The proposal is considered to be a small-scale micro-brewery with proposed opening hours of 11am to 8.30pm Wednesday to Sunday. The Applicant has proposed these hours giving consideration to adjacent residential properties. There is no requirement for deliveries to be made by large vehicles/trucks and an opening time of 11am will reduce deliveries being made early in the morning. It is considered unreasonable to compare the proposed brewery with traditional taverns/pubs that are often associated with noise and anti-social behaviour.

With respect to odours, the Applicant has advised that brewing will occur once per fortnight for approximately four hours and that *"the smell of beer brewing can be compared to bread baking"*. The Shire's Environmental Health Officers have advised that no odour complaints have been received for existing breweries located adjacent to residential properties.

Conclusion

The proposal for a small-scale micro-brewery with proposed opening hours of 11am to 8.30pm Wednesday to Sunday is considered to be a use that may be consistent with the 'Shop' zone, which is consistent with the proposed use permissibility under the draft Scheme. The proposal will provide another dining/gathering venue option for local residents and visitors. It is therefore recommended that the application be approved, subject to appropriate conditions.

Statutory/Policy Environment

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

- Schedule 2 – Deemed Provisions, Section 64 – Advertising Applications:

Shire of Harvey District Planning Scheme No.1

- Clause 4.2.5 - Zoning and Development Tables provides the ability to consider a Use Not Listed that may be consistent with the objectives and purpose of the zone.
- Table 9 – 11 – Zoning and Development Standards (Shop):

“Policy Statement: Primarily retail shopping, but including associated uses. Overlap of parking standards will be considered where uses involve varied time periods. Local Government shall require separate provision for staff parking where appropriate. The conversion of existing premises will be treated with discretion under the terms of Clause 4.4.”

- Schedule 13 – Interpretations

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

Strategic Framework

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

- | | |
|---------------|---|
| Goal 1: | <i>A diversified and thriving economy that offers a wide range of business and work opportunities as well as consumer choice.</i> |
| Objective 1.1 | <i>The Shire is a tourist destination of choice.</i> |
| Objective 1.2 | <i>Create a business friendly environment to support and attract investment, competition and productivity.</i> |
| Objective 1.3 | <i>Sustainable urban, rural and industrial development.</i> |

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, Reputational or Compliance** if an incorrect assessment of the land use occurs or insufficient community engagement occurs. The risk is considered **Minor** and the likelihood **Unlikely**, given that the report has been thoroughly researched, peer reviewed and provided by a qualified Shire Officer. This results in a **Low** risk being present.

Budget Implications

Nil.

Authority/Discretion

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

Voting Requirements

Recommendation 1 of 2 – Absolute Majority

Recommendation 2 or 2 – Simple Majority

Officer's Recommendation 1 of 2

That Council, pursuant to Clause 4.2.5(b) of the Shire of Harvey's District Planning Scheme No. 1, determines that the proposed 'Use Not Listed' detailed in the Application for a Development Approval for Lot 224 (No. 1) (Units 4a and 4b) Mardo Avenue, Australind can be considered as a "Brewery" which may be consistent with the objectives and purposes of the Shop zone.

BY ABSOLUTE MAJORITY

Moved: Cr. Carbone

Seconded: Cr. Bromham

That Council, pursuant to Clause 4.2.5(b) of the Shire of Harvey's District Planning Scheme No. 1, determines that the proposed 'Use Not Listed' detailed in the Application for a Development Approval for Lot 224 (No. 1) (Units 4a and 4b) Mardo Avenue, Australind can be considered as a "Brewery" which may be consistent with the objectives and purposes of the Shop zone.

Carried by Absolute Majority 10-0

23/226

Votes:

For: President Campbell, Cr. Hitchcock, Cr. Krispyn, Cr. Carbone, Cr. Boylan, Cr. Dickinson, Cr. Coleman, Cr. Holly, Cr. Bromham and Cr. Junio.

Against: Nil.

Officer's Recommendation 2 of 2

That Council:

1. In accordance with Schedule 2, Clause 67(2)(y) of the Planning and Development (Local Planning Schemes) Regulations 2015, considers the submissions received and endorses the Schedule of Submissions at **Attachment 3** on the Application for Development Approval for 'Use Not Listed' – Brewery on Lot 224 (No. 1) (Units 4a and 4b) Mardo Avenue, Australind.
2. Approves the Application for Development Approval for 'Use Not Listed' – Brewery on Lot 224 (No. 1) (Units 4a and 4b) Mardo Avenue, Australind, subject to the following conditions:
 - a) The development and/or use shall be in accordance with the attached approved plans, subject to modifications required as a consequence of any condition(s) of this approval. The approved plans shall not be modified or altered without first obtaining approval from the Shire.
 - b) This approval is valid for a period of two years. If the development is not substantially commenced within this period, a new approval must be obtained before commencing or continuing development.
 - c) The hereby approved development and/or use shall remain compliant with the 'Brewery' use as defined by the Shire's District Planning Scheme.
 - d) Operating hours of the approved development and/or use shall be restricted to Wednesday to Sunday from 11.00am to 8.30pm, unless otherwise approved by the Shire.
 - e) Prior to a Building Permit being issued, amended plans shall be submitted to, and approved by, the Shire. The amended plans shall address the following:
 - i. Removal of the southern 'outdoor' area.
 - ii. Measures to physically separate the outdoor alfresco seating area from the adjoining car park.
 - iii. Inclusion of an air lock for the staff toilets.
 - f) Prior to occupation/commencement of the approved development and/or use, an Odour Management Plan shall be submitted to, and approved by, the Shire. The Odour Management Plan shall detail appropriate measures to mitigate any potential odour emissions impacting adjacent residential properties.
 - g) Prior to occupation/commencement of the approved development and/or use, a Waste Management Plan shall be submitted to, and approved by, the Shire. The Waste Management Plan shall detail appropriate measures to manage all waste produced by the approved development and/or use.
 - h) Prior to occupation/commencement of the approved development and/or use, the approved Odour Management Plan and Waste Management Plan shall be implemented to the satisfaction of the Shire.
 - i) The loading and unloading of goods from delivery vehicles shall only be carried out from the loading/unloading area at the rear of the premises.
 - j) Goods shall not be stored, or left exposed, outside the building.

3. Advises the Applicant of the following that are not included as conditions:
- a) The development is required to comply with the Building Code of Australia (Class 6 and 8), Building Regulations 2012 and the *Local Government Act 1995*.
 - b) In accordance with the *Building Act 2011*, a Building Permit is required to be obtained prior to the commencement of any works on the site. In this regard, the Building Permit application is required to be submitted certified (BA1) with a Certificate of Design Compliance (BA3) from a private building surveyor.
 - c) The development is required to comply with the Disability (Access to Premises Building) Standards 2010 and AS 1428.1 Design for Access and Mobility.
 - d) The approved development is to comply with the *Food Act 2008*, Food Standards Code, Food Regulations and *Health Act 1911*.
 - e) The development is required to comply with the Health (Public Buildings) Regulations 1992.
 - f) The development is required to comply with the *Health (Miscellaneous Provisions) Act 2022*.
 - g) The sale or consumption of liquor from the premises is not permitted unless in accordance with an appropriate Liquor Licence granted by the Department of Local Government, Sport and Cultural Industries.

Moved: Cr. Carbone

Seconded: Cr. Krispyn

That Council:

1. In accordance with Schedule 2, Clause 67(2)(y) of the Planning and Development (Local Planning Schemes) Regulations 2015, considers the submissions received and endorses the Schedule of Submissions at *Attachment 3* on the Application for Development Approval for 'Use Not Listed' – Brewery on Lot 224 (No. 1) (Units 4a and 4b) Mardo Avenue, Australind.
2. Approves the Application for Development Approval for 'Use Not Listed' – Brewery on Lot 224 (No. 1) (Units 4a and 4b) Mardo Avenue, Australind, subject to the following conditions:
 - a) The development and/or use shall be in accordance with the attached approved plans, subject to modifications required as a consequence of any condition(s) of this approval. The approved plans shall not be modified or altered without first obtaining approval from the Shire.
 - b) This approval is valid for a period of two years. If the development is not substantially commenced within this period, a new approval must be obtained before commencing or continuing development.
 - c) The hereby approved development and/or use shall remain compliant with the 'Brewery' use as defined by the Shire's District Planning Scheme.
 - d) Operating hours of the approved development and/or use shall be restricted to Wednesday to Sunday from 11.00am to 8.30pm, unless otherwise approved by the Shire.
 - e) Prior to a Building Permit being issued, amended plans shall be submitted to, and approved by, the Shire. The amended plans shall address the following:

- i. Removal of the southern 'outdoor' area.
 - ii. Measures to physically separate the outdoor alfresco seating area from the adjoining car park.
 - iii. Inclusion of an air lock for the staff toilets.
- f) Prior to occupation/commencement of the approved development and/or use, an Odour Management Plan shall be submitted to, and approved by, the Shire. The Odour Management Plan shall detail appropriate measures to mitigate any potential odour emissions impacting adjacent residential properties.
- g) Prior to occupation/commencement of the approved development and/or use, a Waste Management Plan shall be submitted to, and approved by, the Shire. The Waste Management Plan shall detail appropriate measures to manage all waste produced by the approved development and/or use.
- h) Prior to occupation/commencement of the approved development and/or use, the approved Odour Management Plan and Waste Management Plan shall be implemented to the satisfaction of the Shire.
- i) The loading and unloading of goods from delivery vehicles shall only be carried out from the loading/unloading area at the rear of the premises.
- j) Goods shall not be stored, or left exposed, outside the building.
3. Advises the Applicant of the following that are not included as conditions:
- a) The development is required to comply with the Building Code of Australia (Class 6 and 8), Building Regulations 2012 and the *Local Government Act 1995*.
 - b) In accordance with the *Building Act 2011*, a Building Permit is required to be obtained prior to the commencement of any works on the site. In this regard, the Building Permit application is required to be submitted certified (BA1) with a Certificate of Design Compliance (BA3) from a private building surveyor.
 - c) The development is required to comply with the Disability (Access to Premises Building) Standards 2010 and AS 1428.1 Design for Access and Mobility.
 - d) The approved development is to comply with the *Food Act 2008*, Food Standards Code, Food Regulations and *Health Act 1911*.
 - e) The development is required to comply with the Health (Public Buildings) Regulations 1992.
 - f) The development is required to comply with the *Health (Miscellaneous Provisions) Act 2022*.
 - g) The sale or consumption of liquor from the premises is not permitted unless in accordance with an appropriate Liquor Licence granted by the Department of Local Government, Sport and Cultural Industries.

Carried 10-0

23/227

Votes:

For: President Campbell, Cr. Hitchcock, Cr. Krispyn, Cr. Carbone, Cr. Boylan, Cr. Dickinson, Cr. Coleman, Cr. Holly, Cr. Bromham and Cr. Junio.

Against: Nil.

Item No.:	12.3.2.
Subject:	Proposed Commercial Vehicle Parking – Lot 349 (No. 39) Latour Street, Australind
Proponent:	B. Douglas
Location:	Lot 349 (No. 39) Latour Street, Australind
Reporting Officer:	Manager Planning Services
Authorising Officer:	Director Sustainable Development
File No.:	A004217, P304/23, C291000251
Attachments:	<ol style="list-style-type: none"> 1. Application [12.3.2.1 - 3 pages] 2. Location Plan [12.3.2.2 - 1 page] 3. Summary of Submissions [12.3.2.3 - 2 pages] Confidential Attachment 1

Summary

An application has been received for the parking of three coffee vans on Lot 349 (No. 39) Latour Street, Australind (refer **Attachment 1**). Officers consider the application warrants classification as a 'Use Not Listed' – Parking of Multiple Commercial Vehicles.

The application is referred to Council as Officers have elected not to utilise their delegation due to a history of complaints relating to the existing approval to park two coffee vans on the property. In addition, consideration as a 'Use Not Listed' requires a decision of Council.

It is recommended that the application be refused for the following reasons:

- The proposal is likely to create nuisance by impacting the amenity of adjoining properties including visual impact and noise.
- The scale and intensity of the proposal is not considered to be incidental to the residential use of the property.

Background

Site Description

Lot 349 (No. 39) Latour Street, Australind is zoned "Residential R15/30/50" under the Shire's District Planning Scheme No. 1 (the Scheme). The site is of regular shape with an area of 953m² and has a higher elevation than the adjoining southern property (refer **Attachment 2**).

Site History

The property is developed with an existing dwelling and associated outbuilding.

Current Approval

An application was received in March 2021 for the parking of two coffee vans. This application was advertised to adjoining/nearby landowners and one objection and two support were received. Despite the objection, Officers considered the application was capable of approval and with the support of the Executive Leadership Team, the application was approved in April 2021, subject to conditions, under Delegation.

The objection raised a number of concerns including:

- Landowner was considering building a second storey and didn't want to see vehicles all day and night.

- Too many vehicles when you include their personal vehicles.
- Landowner had five large windows, patio, living area and kitchen overlooking the adjoining property and didn't want to see the vehicles.

A complaint was received by the Shire in February 2022 regarding the location the coffee vans were being parked, and a number of matters that were not relevant to the Shire. As per the approval, the coffee vans were required to be parked at the rear of the dwelling and as a result of the complaint, Officers confirmed that the coffee vans were not being parked in accordance with the approval. A number of subsequent complaints were received and Officers continued to liaise with both the complainant and the coffee van owner. Officers confirmed in March 2023 that the parking of the coffee vans was being undertaken in accordance with the approval. Despite this, complaints have continued, largely for reasons outside the control of the Shire.

Proposal

The application proposes to park a third coffee van on the property towards the rear of the dwelling, however the application includes all three vehicles being:

- Hyundai iLoad x 2
- Volkswagen Caddy.

The application proposes the following hours for when the coffee vans would leave from, and return to, the property each day in comparison to the hours currently approved:

Day	Leave Property		Return to Property	
	Proposed	Approved	Proposed	Approved
Monday – Friday	5.30am	6.00am	5.30pm	6.00pm
Saturday	6.00am	7.00am	5.30pm	2.00pm
Sunday	5.30am	7.30am	4.00pm	2.00pm

The Applicant has advised that the requested earlier start times are to allow for attendance at one off events.

The application further states that:

- Only one van is used daily.
- Vans being parked on the property will be rotated as one van will be stored at a property in another local government.
- On rare occasions, all three vans will be parked on the property.

Advertising

Pursuant to Clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Deemed Provisions), the application was advertised to nearby landowners and tenants for a period of 14 days concluding on Tuesday, 10 October 2023. A total of five submissions were received with two supporting the proposal and three objecting to the proposal. A summary of the submissions received is provided in **Attachment 3**. The main concerns from the submissions are:

- Vehicles leaving the property at 5.30am causing disturbance to neighbours.

- Increase in vehicles (coffee vans, personal vehicles and staff vehicles).
- Impact on amenity of surrounding properties.

Scheme Requirements

Officers obtained legal advice with respect to commercial vehicle parking, which is provided in **Confidential Attachment 1**.

Commercial vehicle parking is not treated as a separate land use under the Scheme and therefore does not require Development Approval. However, clause 8.3 requires an 'Approval' to park commercial vehicles on residential land as an 'activity' that requires regulating as an incidental aspect of the residential use.

The Scheme defines a 'commercial vehicle' as *"a vehicle used for commercial or industrial purposes"* and clause 8.3 requires approval for the parking of commercial vehicles in excess of three tonnes tare weight on any residential lot. Therefore, if a commercial vehicle of less than 3 tonnes tare weight is proposed to be parked on a residential lot, it does not require an approval.

Notwithstanding, Development Approval may still be required, as a 'Use Not Listed' if the parking of commercial vehicles (of any tare weight) on a residential lot is not incidental to that residential use. The Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions) defines an 'incidental use' as *"a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use"*.

Comment

Advertising

As evidenced by the summary of submissions provided at **Attachment 3**, the proposal received objections from both adjoining properties with respect to impacts of the parking of the existing approved commercial vehicles and the proposed additional commercial vehicle.

Proposal – Additional Information

In response to previous concerns raised regarding the number of vehicles at the subject property, Officers requested additional information from the Applicant with respect to the drivers of the coffee vans to ascertain whether the drivers are occupants of the dwelling or other employees. The Applicant advised:

- The Applicant is the main driver.
- Staff get dropped off in the afternoon to take a van to their property when they have consecutive shifts, which can be over two – five days, when the Applicant is unable to deliver the van to them.
- On occasions, staff meet at the property to travel to events together.
- On a Monday, a staff member will park their vehicle on the vacant property across the road (landowner's permission has been obtained) and pick up a van.

Commercial vehicle parking on a residential property could be considered, in some respects, comparable to a Home Occupation. By definition, a Home Occupation is not permitted to have employees that are not members of the occupier's household. It could therefore be considered reasonable that the parking of commercial vehicles on residential properties does not involve

employees coming to/from the property to drive or be a passenger when they do not reside at the property.

In addition, the Shire's Home Occupation Local Planning Policy No. 4.1.2, specifies a commencement time of 7.00am.

Discussion

Land Use Classification

Giving consideration to the legal advice obtained, Officers consider the current application warrants classification as a 'Use Not Listed' – Parking of Multiple Commercial Vehicles as the parking of three commercial vehicles on a residential property is not considered incidental to the residential use.

Clause 4.2.5 of the Scheme makes provision for a 'Use Not Listed' to be considered and provides that Council can:

- (a) *"Determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted; or*
- (b) *determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone."*

The Policy Statement contained within Table 2 to 3 (Residential zone) of the Scheme refers to "... Uses reasonably associated with residential areas will be permitted by Local Government only after consideration of the likely nuisance that such uses could create."

As a result of previous complaints and submissions received, the following have been identified as a "likely nuisance" of the proposed vehicle parking:

- Visual impact on adjoining property of multiple commercial vehicles being parked on the property, in conjunction with multiple personal vehicles.
- Amenity and noise impacts of the commercial vehicles leaving from, and returning to, the property at various times.

Matters to be Considered

Clause 67(2) of the Deemed Provisions provides a range of matters to be given due regard when determining an application. Matters relevant to this application are:

- (a) Aims and provisions of the Scheme – clause 1.6.1(a) provides an objective *"to encourage and control the continued orderly development of land within the Shire in a manner that enhances the quality of life of the Shire community"*. As indicated by submissions received, the current approval is having a negative impact on the quality of life of the adjoining property owner and therefore the proposed additional commercial vehicle may exacerbate this.
- (b) Requirements of orderly and proper planning – the assessment and determination of the proposal needs to be done in an 'orderly' way with planning discretion being directed to identify the 'proper' use of the land having regard to any applicable legislation, subsidiary legislation, planning schemes and policy instruments.
- (n) The amenity of the locality including (iii) social impacts of the development – as per (a) above.

(w) The history of the site – as provided earlier in this Report, there is a history of complaints relating to the current approval with respect to impacts on the amenity of the adjoining property owner.

(z) Submissions received.

Conclusion

Officers consider that the correct and preferable classification of the subject application is as a 'Use Not Listed' – Parking of Multiple Commercial Vehicles. Giving regard to the history of complaints relating to the existing approval to park two commercial vehicles, submissions received, and the relevant matters to be considered, Officers recommend that Council determines the proposed 'Use Not Listed' is not consistent with the objectives and purposes of the Residential zone and therefore the application cannot be approved.

Statutory/Policy Environment

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

- Schedule 2 – Deemed Provisions
 - Clause 64 – Advertising Applications
 - Clause 67 – Matters to be considered by Local Government

Shire of Harvey District Planning Scheme No.1

- Clause 1.6 – Scheme Objectives
- Clause 4.2 – Zoning and Development Tables
- Clause 8.3 – Parking of Commercial Vehicles
- Schedule 13 – Interpretations

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 1.3 Sustainable urban, rural and industrial development.

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 **Environmental, Financial, Reputational or Compliance** if incorrect advice is given or a condition missed. The risk is considered **Minor** and the likelihood **Unlikely**, given that the report has been thoroughly researched, peer reviewed and provided by a qualified Shire Officer. This results in a **Low** risk being present.

Budget Implications

Nil.

Authority/Discretion

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Pursuant to Clause 4.2.5 of the Shire of Harvey's District Planning Scheme No. 1, determines that the correct and preferable land use classification for the Application for Development Approval for the parking of three commercial vehicles on Lot 349 (No. 39) Latour Street, Australind, is a 'Use Not Listed' – Parking of Multiple Commercial Vehicles.
2. Pursuant to Clause 4.2.5(a) of the Shire of Harvey's District Planning Scheme No. 1, determines that the proposed 'Use Not Listed' – Parking of Multiple Commercial Vehicles on Lot 349 (No. 39) Latour Street, Australind, is not consistent with the objectives and purposes of the Residential zone, and is therefore not permitted, for the following reasons:
 - a) The proposal is likely to create nuisance by impacting the amenity of adjoining properties including visual impact and noise.
 - b) The scale and intensity of the proposal is not considered to be incidental to the residential use of the property.
3. Refuses the Application for Development Approval for the Parking of Three Commercial Vehicles on Lot 349 (No. 39) Latour Street, Australind, as the use is not permitted given Council determined:
 - a) The proposed use was classified to be a 'Use Not Listed' – Parking of Multiple Commercial Vehicles.
 - b) The proposed 'Use Not Listed' – Parking of Multiple Commercial Vehicles was not consistent with the objectives and purposes of the Residential zone.

OFFICERS RECOMMENDATION ADOPTED BY EXEMPTION RESOLUTION – REFER TO RESOLUTION 23/222 APPEARING AT ITEM 12.

Item No.:	12.3.3.
Subject:	Creating Age Friendly Communities
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Economic Development Officer
Authorising Officer:	Chief Executive Officer
File No.:	F/05/00012
Attachments:	<ol style="list-style-type: none"> 1. Creating Age Friendly Communities Survey Results [12.3.3.1 - 20 pages] 2. SoH Age Friendly Strategy 2022-2027 - Extract [12.3.3.2 - 2 pages] 3. Creating Age Friendly Communities Survey Advertising - Facebook [12.3.3.3 - 1 page]

Summary

At the Ordinary Council Meeting held on Tuesday, 22 November 2022, Council agreed to consult the community to gain information to assess the need for development of independent living facilities/lifestyle villages within the Shire of Harvey (the Shire).

The survey results (refer **Attachment 1**) have been assessed by Officers and are presented to Council to be received.

Background

At the November 2022 Ordinary Council Meeting, a notice of motion was provided by Cr. Capogreco, Council subsequently resolved:

“Advertises an Expressions of Interest within the Shire of Harvey for the purpose of gaining information to assess if there is a need for development of independent living facilities / lifestyle villages within the Shire”

In March 2022, Council endorsed the Shire’s Age Friendly Strategy – Ageing Together (relevant extract contained within **Attachment 2**) which identified that *“many older adults wish to remain in their home in the community which they are connected.”*

The Shire in the past 18 months has completed one of the priority actions, with two currently in development and twenty of all the actions (50%), including completed maintenance of Shire infrastructure (Australind and Districts Senior Citizens Centre), the development of the Brunswick River Cottages and several workshops (e.g. Elder Abuse).

In response, a draft survey was workshopped with Council at the Concept Forum held on Tuesday, 9 May 2022 resulting in a number of suggested modifications to the survey questions.

Comment

The Survey

The survey targeted Shire residents who are 55 years or older.

Shire Economic Development Officers, with the assistance of Community and Lifestyle Officers, conducted the survey via the following methods:

- Online via the Shire of Harvey ‘Have Your Say’ page

- Hard copies at:
 - Pop-up sessions at:
 - Australind Library
 - Leschenault Leisure Centre
 - Brunswick Community Resource Centre
 - Harvey Community Resource Centre.
 - Harvey Library.
 - Australind Library.
 - Harvey and Australind senior citizen centres.
 - Harvey Italian Club.
 - Harvey Aboriginal Corporation.
 - Harvey, Brunswick and Yarloop community resource centres.

The online survey was available between Tuesday, 20 June 2022 and Friday, 1 September 2022.

Advertising

Shire Economic Development Officers, with the assistance of Public Relations and Communications Officers promoted the survey via the following:

- Facebook and Instagram posts (refer **Attachment 3**)
- Four O'clock Report in the Harvey Reporter
- Community radio
- Shire of Harvey website advertising
- Posters and flyers at points of interest such as libraries, recreation centres and community resource centres.

Feedback Received

At the close of the survey period, 54 responses were received. In 2021, according to Economic ID, the Shire had 8,700 residents that were 55 years or older. This would indicate no more than 0.5% of residents aged 55 or older participated in the survey.

There were 23 hard copy surveys and 31 online surveys completed.

Key findings of the survey were as follows:

- 94% of respondents lived at a home they own (either with or without a mortgage)

- 79% of respondents owned their house outright (no mortgage)
- 83% of respondents lived with their spouse.
- In response to the question “*do you anticipate needing to move to a new residence within the next five years*”, the numbers of responses were as follows:

17	No, as I wish to age in place
14	Unsure
9	No, because I do not need additional care/support
8	Yes, I wish to downsize
5	Yes, for other personal reasons
3	Yes, for health and care support requirements
2	No, I do not need to downsize

Please note: this question allowed for more than one answer to be selected.

- Respondents currently live in the following area:

15	Harvey
8	Australind
8	Leschenault
6	Brunswick Junction
3	Binningup
3	Not disclosed
2	Uduc
2	Yarloop
1	Warrawarup
1	Usher (not in the Shire of Harvey)
1	Roelands
1	Eaton (not in the Shire of Harvey)
1	Cookernup
1	Benger
1	Wokalup

- Age brackets of the respondents were as follows:

11	55–59 years
24	60–69
18	70–84
1	85+

- There was little appetite from the respondents to share facilities including bathrooms, living spaces and kitchens
- Most respondents prefer their home to be close to medical care, grocery stores and family/friends.

A detailed report of the survey responses is provided in **Attachment 1**.

Discussion

Shire Officers note, that despite extensive consultation, the limited survey responses provided within **Attachment 1** do not provide adequate data and compromise the conclusions drawn.

The survey did clearly identify that most respondents, excluding those who were unsure, wished to either age in place or downsize.

These survey results align with the previous findings of the Shire's Age Friendly Strategy – Ageing Together and more recent national research. For instance, an Anglicare Australia's Australia Fair Series Ageing in Place Survey (2022) found that 87% of people wanted to remain at home. Similarly, the Australian Housing and Urban Research Institute recently found that between 78% and 81% of Australians aged over 55 years want to live in their own home as they age.

Shire Officers believe it is not clear from the survey results whether respondents are aware of what is required to age in place such as layout of residence, family support needed and possibility of becoming unwell in the future. This assumption is supported by a 2018 report released by McCrindle; Australia Towards 2031 identified that almost nine in 10 Australians aged 50 years and above would prefer to live out their days in their own home (87%). Despite these intentions, most older Australians have not given much thought, if any, to the support they will need to remain in their own home. Three in four older Australians (75%) have not taken any steps to ensure they will receive the care they may require.

A key concern with ageing in place is home ownership, as this is more difficult and financially unaffordable for renters. Positively, the survey identified that 94% of Shire respondents owned their house compared to the national average of 81% (Australian Bureau of Statistics).

For those who wish to downsize, ancillary dwellings such as granny flats are allowed within the Shire's residential zones. Furthermore, the Shire's new Planning Framework allows for greater flexibility for ancillary dwellings in non-residential zones.

Conclusion

Shire Officers will continue to implement actions within the Shire's Age Friendly Strategy – Ageing Together, including advocating State and National stakeholders to implement policy and initiatives that assist ageing in place within the Shire.

Statutory/Policy Environment

Nil.

Strategic Framework

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

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

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 Profiles identified as part of this report are **Inadequate Engagement Practices** and **Providing Inaccurate Advice/Information**. The Consequence could be **Reputation** if the Shire fails to provide an effective and relevant approach to accommodating aged living that is informed by feedback from the community. The risk is considered **Minor**, and the Likelihood **Unlikely**, resulting in a **Low** Risk being present.

Budget Implications

Nil.

Authority/Discretion

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council

1. Receives the Creating Age Friendly Communities - Results from Age Living Survey as contained within **Attachment 1**.
2. Notes that Shire Officers will continue to implement the recommendations contained within the Shire's Age Friendly Strategy – Ageing Together.

OFFICERS RECOMMENDATION ADOPTED BY EXEMPTION RESOLUTION – REFER TO RESOLUTION 23/222 APPEARING AT ITEM 12.

Item No.:	12.3.4.
Subject:	Harvey Region RV Friendly Trial Review
Proponent:	Shire of Harvey
Location:	Australind
Reporting Officer:	Manager Economic Development
Authorising Officer:	Director Sustainable Development
File No.:	
Attachments:	1. Unused Basket Ball Courts [12.3.4.1 - 1 page]

The following additional information is provided in regard to Item 12.3.4

Following the Agenda Briefing Session which was held Thursday, 26 October 2023, Officers provided additional information to the Comment section of this report and provided an alternative Officer's Recommendation to address the issues raised.

Summary

This report recommends that Council notes the six-month review (from Saturday, 1 April 2023 to Friday, 29 September 2023) of the Harvey Region Recreation Vehicle Friendly Trial (RV Trial).

This report also recommends Council approves an alternative RV free stay site to Snell Park, Harvey for the remainder of the six-months of the RV Trial.

Background

At its Ordinary Council Meeting held on Tuesday, 22 November 2022, Council resolved:

"That Council:

- 1. Accepts the findings of Phase 1 of the RV Friendly Implementation Plan and the RV Friendly Trail Consultation Report as per Attachment 1.*
- 2. Approves the implementation of 12-month RV Friendly Trial officer 48-hours short stay rest areas to commence in March 2023.*
- 3. Endorses the sites of Brunswick – Brunswick Junction Showgrounds; Australind – Leschenault Estuary Eco Museum and Harvey – Snell's Park North and Yarloop – Teesdale Street Recreation Ground.*
- 4. Requests a report to come back to Council after six months to enable a review of the trial."*

Council made the decision after it was presented with the outcomes from the Recreation Vehicle Friendly Trial Community Consultation Report. The report was the result of a comprehensive community consultation process. The move towards the implementation of an RV Trial was spurred on by the Harvey Region Strategic Report released in 2021, that highlighted a severe lack of accommodation in the Harvey Region for the visitor market.

Comment

The Harvey Region RV Trial commenced in April 2023 offering a limited number of bays for free for up to 48 hours to RV and caravan travellers located in Australind, Brunswick, Harvey, and Yarloop.

To monitor the RV Trial sites' usage, an off-the-shelf online booking system "Skedda" was used. This booking platform was linked to a dedicated website page on the Harvey Region and Shire of Harvey websites, both of which were linked to each other.

The Skedda system had several limitations around the booking 48-hour time blocks, only allowing users to book one 24-hour period at a time. This issue resulted in several calls to both Shire Rangers and Shire Officers seeking assistance with the platform. In all instances Shire Officers were able to successfully lodge the bookings on behalf of the RV traveller.

It is anticipated that if the Harvey Region is to provide RV Friendly sites on a permanent basis, the Shire of Harvey's new Bookable platform will become the system used to manage the bookings of RV sites. This system has been custom built and is reported to be user friendly.

The Skedda data report recorded that the RV Trial attracted 731 bookings through the booking platform from a total of 252 users. This translated into several users making multiple bookings around the Harvey Region adhering to the restrictions of one 48 hour stay per location without returning to the site for five consecutive days. Of the 12 users with the highest number of bookings, one user made 34 bookings over the six-month period. Rangers discovered that the family of five were unable to find permanent accommodation and were living in their van full-time and rotating around the Region.

A Harvey Region RV Friendly Trial User Survey was conducted with each registration receiving a link to complete the survey on-line. The results of the survey were as follows:

- 125 users completed the 10-question survey
- The highest users of the RV sites were aged 51 years and above
- The most popular destinations were Harvey and Australind
- 123 respondents said they shopped locally specifically on groceries, fuel, dining and retail
- 73% of respondents spent \$100 or more during their stay in the Harvey Region
- Thursday, Friday and Saturday were the most popular nights for stays
- Travellers used the smartphones to research places to stay and things to do.

In July 2023, the Shire of Harvey (the Shire) received a request from Arc Infrastructure to cease promoting the Snell's Park, Hayward Street, Harvey site to RV travellers based on safety concerns.

The Shire promptly shut down the site for overnight use and blocked the ability for RV travellers to book the Harvey site through the Skedda system.

The Shire is currently in negotiations with Arc Infrastructure regarding the leased area along the rail corridor. The safety concerns have been brought to the Shire's attention under our existing arrangements with the Public Transport Authority and the proposed licence arrangement with Arc Infrastructure.

For the continuation of the RV Trail, an alternate site in Harvey is required. It is proposed that the unused basketball court site within the Harvey Recreation Grounds off Sir James Avenue, Harvey be supported (refer **Attachment 1**).

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.*

Community Engagement

Community Participation Goal

Collaborate: To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution. This will be achieved through communication with residents on changes to the preferred site in Harvey.

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. This will be achieved through the provision of information based on data received on the RV Trial through the Skedda system.

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 **Low** 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 implement the RV Trial, the Shire required some initial funding to erect specially designed signage in the designated areas and potential minor upgrades to the proposed sites. A Budget allocation was made through the Shire's Destination Harvey Region budget (\$15,000). Modification and minor upgrades to the Australind site was part of the Shire's ongoing maintenance budget for the area. Overall, the costs associated with the implementation of the RV Trial were as follows:

Regulatory Signage	\$1,236
Information Boards	\$705
Signage Poles	\$405
Line Marking	\$2,289.65

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 review of the first six-months of the RV Trial.
2. Endorses the continuation of the RV Trial for a further six-months at the sites of Brunswick – Brunswick Junction Showgrounds; Australind – Leschenault Estuary Eco Museum and Yarloop – Teesdale Street Recreation Ground.
3. Approves the unused basketball court site within the Harvey Recreation Grounds off Sir James Avenue, Harvey, as identified within **Attachment 1**, as the alternative site to Snell Park, Harvey for the remainder of the six-months of the RV Trial, subject to a favourable consultation period with likely affected landowners within Sir James Avenue.

Moved: Cr. Dickinson

Seconded: Cr. Bromham

That Council:

1. **Accepts the review of the first six-months of the RV Trial.**
2. **Endorses the continuation of the RV Trial for a further six-months at the sites of Brunswick – Brunswick Junction Showgrounds; Australind – Leschenault Estuary Eco Museum and Yarloop – Teesdale Street Recreation Ground.**
3. **Approves the unused basketball court site within the Harvey Recreation Grounds off Sir James Avenue, Harvey, as identified within Attachment 1, as the alternative site to Snell Park, Harvey for the remainder of the six-months of the RV Trial, subject to a favourable consultation period with likely affected landowners within Sir James Avenue.**

Carried 10-0 23/228

Votes:

For: President Campbell, Cr. Hitchcock, Cr. Krispyn, Cr. Carbone, Cr. Boylan, Cr. Dickinson, Cr. Coleman, Cr. Holly, Cr. Bromham and Cr. Junio.

Against: Nil.

12.4. Corporate Services

Item No.	12.4.1.
Subject:	Financial Statements as at 30 September 2023
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Finance
Authorising Officer:	Director Corporate Services
File No.:	FM/S/006
Attachments:	1. Financial Statements as at 30 September 2023 [12.4.1.1 - 11 pages]

Summary

The Financial Statements as of 30 September 2023 are provided at **Attachment 1**.

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

	ACTUAL 30 September 2023	BUDGET 2023–2024	VARIANCE
Statement of Financial Performance			
Ordinary Revenue	\$34,433,097	\$39,931,013	\$ 5,497,916
Ordinary Expenditure	\$ 9,330,821	\$47,439,708	\$38,108,887
Capital Revenue	\$ 889,547	\$62,348,478	\$61,458,931
Capital Expenditure	\$ 986,624	\$82,128,516	\$81,141,892
End of Period Profit/(Loss)			\$32,390,528
Statement of Financial Position			
Current Assets			\$ 65,479,675
Net Assets			\$845,564,017

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 \$27.44 million and rubbish rates of \$11.79 million including the waste levy were raised in August 2023. The due date for rates payment was 29 September 2023. Approximately 56% of the rates were collected by the due date.

Cash Flow and Interest Earnings

The Shire holds by way of cash and term deposit \$21.54 million in Municipal funds and \$ 28.79 million in restricted Trust and Reserve funds. The average interest rate on these funds is 4.85%. New term deposits are attracting an interest rate for 90 days of approximately 4.80%.

Operating Grants and Subsidies

The Shire received \$4.03 million as advance payment for Financial Assistance Grants 2023–2024 in the last quarter of the 2022–2023 financial year. The first instalment of FAGS quarterly grant was also received in August 2023.

Employee Costs

Although these accounts only reflect the first quarter of the financial year, it is anticipated employee costs will remain in line with the Workforce and Diversity Plan and Budget 2023–2024.

Material, Contracts, Utilities and Other Expenses

Although these accounts only reflect the first quarter 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 2023–2024 financial year.

Capital Expenditure

The Shire budgeted to spend \$82.13 million on capital projects throughout the Shire in 2023–2024. Major capital work projects budgeted for the financial year 2023–2024 are yet to commence. Expenditure totalling \$986,624 on capital works has been reported at the end of September 2023. As major projects are completed, and as the Shire is invoiced for these 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 and 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 by Nature and Type identifying reasons for variances between budgets and actuals.

It should be noted that the Financial Statements for September 2023, actual figures reported for the 2022–2023 financial year do not include the final figures and the end of year adjustments for the year ended 30 June 2023. The final position for the 2022–2023 financial year will be reported in the 2022–2023 Annual Financial Statements.

Statutory/Policy Environment

Local Government Act 1995

- Section 6.4

Local Government (Financial Management) Regulation 1996

- Regulation 34

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 5.3</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

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**, **Reputation** or **Compliance** if the financial statements are not reported accurately, timely or in the required format. The risk is considered **Minor** and the Likelihood **Unlikely**. 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 of 30 September 2023 at ***Attachment 1***.

OFFICERS RECOMMENDATION ADOPTED BY EXEMPTION RESOLUTION – REFER TO RESOLUTION 23/222 APPEARING AT ITEM 12.

Item No.	12.4.2.
Subject:	List of Accounts Paid September 2023
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Finance
Authorising Officer:	Director Corporate Services
File No.:	FM/S/006
Attachments:	1. Payments September 23 v 2 [12.4.2.1 - 20 pages]

Summary

A listing of payments for goods and services for September 2023 is provided as **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 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. Also, with the inclusion of Clause 13A in the Local Government (Financial Management) Regulations 1996, a list of payments using the purchasing cards (fuel and store) has been included for the first time.

Comment

The list of accounts paid for the period of September 2023 is presented as **Attachment 1**, as summarised below.

<u>Voucher</u>	<u>Amount</u>
Schedule of Accounts	
Municipal	
EFT 67730 – EFT 68158	\$ 2,763,491.62
117530–117539	\$ 93,354.69
DD25980.1–DD26030.2	\$ 101,118.84
CBA Credit Cards	\$ 7,990.70
Electronic Funds Submitted	\$ 1,108,243.88
Total	\$ 4,074,199.73

Prepaid Cards Payments included in the Municipal payments above

AMPOL Fuel Card	\$ 1,467.99
BP Fuel Card	\$ 9,120.23
Puma Fuel Card	\$ 672.53
Coles Card	\$ 120.30
Total	\$ 11,381.05

Statutory/Policy Environment

Local Government Act 1995

- Section 5.42

Local Government (Financial Management) Regulation 1996

- Regulation 13
- Regulation 13A

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 2023–2024 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 September 2023 totalling \$4,074,199.73

OFFICERS RECOMMENDATION ADOPTED BY EXEMPTION RESOLUTION – REFER TO RESOLUTION 23/222 APPEARING AT ITEM 12.

12.5. Community and Lifestyle

Item No.:	12.5.1.
Subject:	Terms of Reference Advisory Groups
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Community and Recreation
Authorising Officer:	Director Community and Lifestyle
File No.:	F/36/00041
Attachments:	<ol style="list-style-type: none"> 1. Terms of Reference Advisory Groups - Final [12.5.1.1 - 32 pages] 2. Terms of Reference Advisory Groups - Tracked Changes [12.5.1.2 - 32 pages]

The following additional information is provided in regard to Item 12.5.1

Following discussions at the Agenda Briefing Session held Thursday, 26 October 2023, Officers provided an Addendum to **Attachment 1** (L.E.A.P Terms of Reference).

Summary

This report presents recommendations that Council adopts the updated Terms of Reference (**Attachment 1**) for the Shire Advisory Groups and invites nominations onto each group for a term of two years until October 2025.

Background

At the Ordinary Council Meeting of 26 October 2021, Council endorsed the following recommendation:

“That Council adopts the Terms of Reference for the:

- *Australind and Leschenault Place Advisory Group;*
- *Access and Inclusion Advisory Group;*
- *Arts and Culture Advisory Group;*
- *Awards, Honours and Prizes Advisory Group;*
- *Brunswick and Surrounding Areas Advisory Group;*
- *Coastal Place Advisory Group;*
- *Community Safety and Crime Prevention Advisory Group;*
- *Community Sail Training Trust Advisory Group;*
- *Harvey Place Advisory Group;*
- *Harvey Recreation and Culture Centre Advisory Group;*
- *Heritage Advisory Group;*
- *Leschenault Leisure Centre Advisory Group;*

- *Library Advisory Group;*
- *Sports and Recreation Advisory Group;*
- *Yarloop and Cookernup Place Advisory Group, and*
- *Youth Collective.”*

On Thursday, 8 June 2023, the Cookernup Community Association advised Shire Officers that they would not attend future Yarloop and Cookernup Place Advisory Group meetings and that they would run their own monthly meetings. A Shire Officer attends the Cookernup Community Association's meetings every three months to maintain communication channels between the community and the Shire. To reflect the change in direction of the Advisory Group, the Yarloop and Cookernup Place Advisory Group reverted to the Yarloop Place Advisory Group.

At the Ordinary Council Meeting held Tuesday, 22 August 2023, Council endorsed in part the following recommendation regarding the Advisory Groups:

“That Council:

1. *Approves the continuation of Council Representation on the following:*

Place Advisory Groups:

- *Australind Leschenault Place Advisory Group*
- *Brunswick and Surrounding Areas Place Advisory Group*
- *Coastal Place Advisory Group*
- *Harvey Place Advisory Group*
- *Yarloop Place Advisory Group*

Portfolio Advisory Groups:

- *Access and Inclusion Advisory Group*
- *Awards, Honours and Prizes Advisory Group*
- *Community Safety and Crime Prevention Advisory Group*
- *Community Sail Training Trust Advisory Group*
- *Heritage Advisory Group*
- *Harvey Recreation and Cultural Centre Advisory Group*
- *Sport and Recreation Advisory Group*

2. *Approves the discontinuation of Council Representation to come into effect on 1 October 2023:*

Portfolio Advisory Groups:

- *Leschenault Leisure Centre Advisory Group*
 - *Library Advisory Group*
3. *Approves amalgamating the Arts and Culture Advisory Group, Early Years Advisory Group and Library Advisory Group into one Portfolio Advisory group and reducing the Council representation to one Council Delegate and one Council Deputy, to come into effect on 1 October 2023.*
 4. *Approves the reduction in meeting frequency of the Youth Task Force to annually and changes the Council representation to one delegate and one deputy.*
 5. *Approves the reduction on the Harvey Recreation and Cultural Centre Advisory Group to one Council Delegate and one Council Deputy, to come into effect on 1 October 2023.”*

Comment

Advisory Groups are a key component of the aspirations set out in Council Policy 3.1.8 – Community Engagement. They bring key stakeholders together to advise the Shire on strategies and policies, and on community needs within the Shire of Harvey.

The attached Terms of Reference (refer **Attachment 1**) consists of general terms that apply to all groups and specific terms for each Advisory Group.

The Terms of Reference aim to improve efficiency by removing the need for each individual group member to be appointed by Council. Council will determine the representation of each group by approving the Terms of Reference and Councillor representation, and Shire Officers will recruit and endorse other members to fulfil the representation requirements.

The existing Terms of Reference for the Advisory Groups with tracked changed amendments are provided as **Attachment 2** for consideration with the amended Terms of Reference presented in **Attachment 1**.

General Terms for all Groups

- The amendment of determinant of members of the Advisory Groups from the Chief Executive Officer to Shire Officers
- The amendment that the Chairperson of each Advisory Group will be nominated by the members of the Advisory Group at the first meeting and can be either a Councillor or a community representative
- The removal of the requirement of previous members of Advisory Groups to renominating by providing written advice to the Chief Executive Officer.

Specific Terms

- The updated title from the Manager Place to the Manager Community and Recreation.
- The addition of advocating for Access and Inclusion in the community as a role of the Access and Inclusion Advisory Group.

- The changing of the role of the Brunswick and Surrounding Areas Place Advisory Group to include the communities of the surrounding areas.
- The addition of the Manager Waste and Safety Services and one representative from key stakeholder groups including but not limited to WA Police, local schools, government agencies and relevant service organisations (e.g., outreach services) to the Community Safety and Crime Prevention Advisory Group and the removal of community representatives.
- The reduction on the Harvey Recreation and Cultural Centre Advisory Group to one Council Delegate and one Council Deputy as adopted by Council at its Ordinary Council Meeting held Tuesday, 25 July 2023 (resolution number 23/168).
- The addition of advocating for sport and recreation in the community as a role of the Sport and Recreation Advisory Group and the change in community representation from a defined number (20) to the wording Representatives from sporting and recreational groups. This will enable all clubs irrespective of size to have a seat at the table.
- The Yarloop and Cookernup Place Advisory Group be renamed to the Yarloop and Surrounding Areas Place Advisory Group to represent the fabric of the group. The change in the role of the Advisory Group reflects this name change.
- The addition of advocating for youth in the community as a role of the Youth Advisory Group and the change in age from 10 to 12 to align with Council Policy 3.1.9 – Youth Engagement.
- The addition of advocating for youth in the community as a role of the Youth Taskforce and the change in Council representation to one delegate and one deputy, as adopted by Council at its Ordinary Council Meeting held Tuesday, 25 July 2023 (resolution number 23/172).
- The amalgamation of the former Arts and Culture Advisory Group, Early Years Advisory Group and Library Advisory Group into one Portfolio Advisory group to be called the L.E.A.P. (Library, Early Years, Art and Culture and Performing Arts) Advisory Group.

A communications campaign will be delivered to support the nomination of community and business representatives onto the Advisory Groups with the aim of highlighting the aspirational opportunity and to encourage diverse representation.

Statutory/Policy Environment

Local Government Act 1995

- Section 5.8 – applies to Council Meetings, committees and their meetings and Elector's meetings.

There are no legislative requirements governing the creation or administration of Advisory Groups.

Strategic Framework

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

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

- Objective 5.2* *Build partnerships and work collaboratively to amplify the outcomes that can be achieved.*
- Objective 5.6* *A customer centred approach to everything we do*

Community Engagement

Community Participation Goal

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

Promise to the Community

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

Risk Management

The Risk Theme Profile identified as part of this report is **Inadequate Engagement Practices**. The Consequence could be **Reputational** if the Shire does not adequately involve and engage diverse community representation onto Advisory Groups. This risk is mitigated through the proposed nomination process. The Risk Consequence is considered to be **Minor** and the likelihood **Possible** resulting in a **Moderate** level of risk.

Budget Implications

An allocation of \$5,000 is listed in the Shire's annual Budget 2023–2024 for administration of Advisory Groups.

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 adopts Terms of Reference for, and invites community and business nominations for a two-year term onto each of the following:

- a) Australind and Leschenault Place Advisory Group
- b) Access and Inclusion Advisory Group
- c) Awards, Honours and Prizes Advisory Group
- d) Brunswick and Surrounding Areas Advisory Group
- e) Coastal Place Advisory Group
- f) Community Safety and Crime Prevention Advisory Group

- g) Community Sail Training Trust Advisory Group
- h) Harvey Place Advisory Group
- i) Harvey Recreation and Culture Centre Advisory Group
- j) Heritage Advisory Group
- k) Sports and Recreation Advisory Group
- l) Yarloop Place Advisory Group
- m) Youth Collective
- n) Youth Task Force
- o) LEAP (Library, Early Years, Art and Culture and Performing Arts) Advisory Group.

Amendment

Cr. Bromham put forth the following amendment:

That Council adopts Terms of Reference for, and invites community and business nominations for a two-year term onto each of the following:

- f) Community Safety and Crime Prevention Advisory Group – amended to retain community representation.

Reason: To ensure we are aligning with our commitment to the community to listen, liaise and consult with.

Moved: Cr. Bromham

Seconded: Cr. Coleman

Carried 9-1

23/229

Votes:

For: President Campbell, Cr. Hitchcock, Cr. Krispyn, Cr. Carbone, Cr. Boylan, Cr. Dickinson, Cr. Coleman, Cr. Holly and Cr. Bromham.

Against: Cr. Junio.

Substantive Motion

Moved: Cr. Dickinson

Seconded: Cr. Hitchcock

That Council adopts Terms of Reference for, and invites community and business nominations for a two-year term onto each of the following:

- a) Australind and Leschenault Place Advisory Group**
- b) Access and Inclusion Advisory Group**

- c) Awards, Honours and Prizes Advisory Group
- d) Brunswick and Surrounding Areas Advisory Group
- e) Coastal Place Advisory Group
- f) Community Safety and Crime Prevention Advisory Group – amended to retain community representation.
- g) Community Sail Training Trust Advisory Group
- h) Harvey Place Advisory Group
- i) Harvey Recreation and Culture Centre Advisory Group
- j) Heritage Advisory Group
- k) Sports and Recreation Advisory Group
- l) Yarloop Place Advisory Group
- m) Youth Collective
- n) Youth Task Force
- o) LEAP (Library, Early Years, Art and Culture and Performing Arts) Advisory Group.

Carried 10-0 23/230

Votes:

For: President Campbell, Cr. Hitchcock, Cr. Krispyn, Cr. Carbone, Cr. Boylan, Cr. Dickinson, Cr. Coleman, Cr. Holly, Cr. Bromham and Cr. Junio.

Against: Nil.

Mr. Simon Hall left the chamber at 4.54pm.

12.1. Chief Executive Officer

Item No.	12.1.2.
Subject:	Appointments to Council Committees, Advisory Groups and Delegate Committees 2023–2025
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Governance Compliance Officer
Authorising Officer:	Chief Executive Officer
File No.:	
Attachments:	1. Council Committees, Advisory Groups, Delegate Committees and Partnership Committees [12.1.2.1 - 7 pages]

Summary

Councillors are required to be appointed to Council Committees, Advisory Groups, Delegate Committees and Partnership Committees for a new term of two years from October 2023 to October 2025.

Background

As a result of the Local Government reforms there was a reduction of Councillors after the October 2023 Local Government elections. Prior to the reduction, Officers conducted a review of Councillor representation on all its Council Committees, Advisory Groups, Delegate Committees and Partnership Committees.

On Tuesday, 22 August 2023, Council resolved in part to discontinue representation on five Portfolio Advisory Groups, eight Delegate Committees and three Partnership Committees. In addition, Council approved the amalgamation of the Arts and Culture Advisory Group, Early Years Advisory Group and Library Advisory Group (now known as L.E.A.P), the reduction of meeting frequency for the Youth Task Force and the reduction in Council representation on both the Youth Task Force and the Harvey Recreation and Cultural Centre Advisory Group.

Following this decision, Council has six Committees of Council, five Place Advisory Groups, 12 Portfolio Advisory Groups, eight Delegate Committees and 11 Partnership Committees; each one of these are independent and therefore have their own meeting schedule (refer **Attachment 1**).

Appointments to Council Committees, Advisory Groups, Delegate Committees and Partnership Committees are for a term of two years coinciding with the Local Government Elections in October. Given the Local Government Elections that occurred on 21 October 2023, all Council Committees, Advisory Groups, Delegate Committees and Partnership Committees require new appointments.

Comment

Whilst the *Local Government Act 1995* does not stipulate the method for Council to determine appointments to Committees, it is generally accepted practice to utilise a secret ballot under the same provision as Local Government elections if nominations exceed the numbers required for a Council Committee, Advisory Group, Delegate Committee or Partnership Committee.

Council has previously determined that Deputies are to be appointed and these should be appointed at this time. Councillors are to nominate their preferences before the Ordinary Council meeting held Tuesday, 31 October 2023, and appointments will be made on a “first past the post” basis.

Communications have been received from the Director General of the Department of Planning, Lands and Heritage in relation to the Development Assessment Panel (DAP). All existing DAP members are currently appointed for a term ending 26 January 2024; two of the four Shire of Harvey representatives are no longer Elected Members, the remaining two, Cr. Carbone and Cr. Dickinson, will continue as Local Members (Delegates) on the DAP with no Alternate Local Members (Deputies) until 26 January 2024. The Council Resolution associated with this report is for the nomination of four DAP members, for a two-year term commencing 27 January 2024.

The newly amalgamated Advisory Group L.E.A.P (Library, Early Years, Art and Culture and Performing Arts) aims to advise the Shire of Harvey on strategies, programs and policies that support L.E.A.P within the Shire of Harvey. The Terms of Reference for this Advisory Group are contained in a separate report within this Agenda; however, the Advisory Group will require the nomination of one Council Delegate and one Council Deputy which is dealt with in this Officer's Recommendation.

Statutory/Policy Environment

Local Government Act 1995

- Section 5.8 – refers to the establishment of Committees
- Section 5.10 – refers to the appointment of Committee members
- Section 5.11A – refers to the appointment of deputy Committee members.

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 5.2</i> | <i>Build partnerships and work collaboratively to amplify the outcomes that can be achieved.</i> |
| <i>Objective 5.4</i> | <i>Sound governance, including financial, asset and risk management.</i> |

Community Engagement

Community Participation Goal

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

Promise to the Community

Inform: We will keep you informed.

Risk Management

The Risk Theme Profile identified as part of this report is **Compliance**. The Consequence could be **Compliance** if appointment to Committees is non-compliant with the statutory requirements. The Risk is considered **Minor** and the likelihood **Unlikely** as the risk is being mitigated by the report recommending appointments to Committees being by Absolute Majority, resulting in a **Low** Risk being present.

Budget Implications

Councillors are paid an annual allowance in lieu of individual meeting fees and the Budget includes an allocation for travel costs for meeting attendance.

Authority/Discretion

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

Voting Requirements

Absolute Majority

Officer's Recommendation

That Council, pursuant to sections 5.10(1) and 5.11A(1) of the *Local Government Act 1995*:

1. Appoints the following Delegates and Deputies to its Committees of Council for a two-year term expiring at the Ordinary Local Government Election in October 2025:
 - a) Audit Committee (6 Delegates and 1 Deputy)
 - b) Behaviour Complaints Committee (3 Delegates and 3 Deputies)
 - c) Chief Executive Officer Employment Committee (Shire President, 4 Delegates and 1 Deputy)
 - d) Shire of Harvey Bush Fire Advisory Committee (1 Delegate and 1 Deputy)
 - e) Shire of Harvey Local Emergency Management Committee (Shire President, Deputy Shire President and 1 Deputy)
 - f) Shire of Harvey and Shire of Dardanup Joint Town Planning Committee (3 Delegates and 2 Deputies).
2. Appoints the following Delegates and Deputies to its Place Advisory and Portfolio Advisory Groups for a two-year term expiring at the Ordinary Local Government Election in October 2025:
 - a) Australind/Leschenault Place Advisory Group (2 Delegates and 1 Deputy)
 - b) Brunswick and Surrounding Areas Place Advisory Group (2 Delegates and 1 Deputy)
 - c) Coastal Place Advisory Group (2 Delegates and 1 Deputy)
 - d) Harvey Place Advisory Group (2 Delegates and 1 Deputy)
 - e) Yarloop and Surrounding Areas Place Advisory Group (2 Delegates and 1 Deputy)
 - f) Access and Inclusion Advisory Group (2 Delegates and 1 Deputy)
 - g) Awards, Honours and Prizes Advisory Group (4 Delegates and 1 Deputy)
 - h) Cemetery Advisory Group (2 Delegates and no Deputy)
 - i) Community Safety and Crime Prevention Advisory Group (2 Delegates and 1 Deputy)

- j) Community Sail Training Trust (2 Delegates and 1 Deputy)
 - k) Harvey Recreation and Cultural Centre Advisory Group (1 Delegate and 1 Deputy)
 - l) Heritage Advisory Group (2 Delegates and 1 Deputy)
 - m) Library, Early Years, Art and Culture and Performing Arts (LEAP) Advisory Group (1 Delegate and 1 Deputy)
 - n) Lot 208 Youth Inc. Board of Management Committee (1 Delegate and 1 Deputy)
 - o) Sport and Recreation Advisory Group (2 Delegates and 1 Deputy)
 - p) Tourism Advisory Group (2 Delegates and no Deputy)
 - q) Youth Task Force (1 Delegate and 1 Deputy)
3. Appoints the following Delegates and Deputies to the following Delegate Committees for a two-year term expiring at the Ordinary Local Government Election in October 2025:
- a) Australind Community Precinct Reference Group (2 Delegate and 1 Deputy)
 - b) Binningup Water Sports Centre Management Committee (1 Delegate and 1 Deputy)
 - c) Brunswick River Cottages Management Committee (2 Delegates and 1 Deputy)
 - d) Harvey Community Precinct Reference Group (3 Delegates and 1 Deputy)
 - e) Harvey Community Radio 96.5fm (1 Delegate and 1 Deputy)
 - f) Harvey Senior Citizens Centre Committee (1 Delegate and 1 Deputy)
 - g) Kemerton Industrial Park Coordinating Committee (1 Delegate and 1 Deputy)
 - h) Yarloop Mill Workshop Committee (1 Delegate and 1 Deputy).
4. Appoints the following Delegates and Deputies to the following Partnership Committees for a two-year term expiring at the Ordinary Local Government Election in October 2025:
- a) Alcoa Harvey Sustainability Fund Advisory Committee (Shire President and Chief Executive Officer and no Deputy)
 - b) Bunbury Harvey Regional Council (2 Delegates and 1 Deputy)
 - c) Bunbury Geographe Economic Alliance (1 Delegate and 1 Deputy)
 - d) Development Assessment Panel (2 Delegates and 2 Deputy)
 - e) Peel Harvey Biosecurity Committee (1 Delegate and 1 Deputy)
 - f) Peron Naturaliste Partnership (1 Delegate and 1 Deputy)
 - g) Regional Road Group (1 Delegate and 1 Deputy)
 - h) South West and Peel Coastal Management Group (COASTSWAP) (1 Delegate and 1 Deputy)

- i) South West Zone of WALGA (1 Delegate and 1 Deputy)
- j) Wagerup Community Consultative Network (1 Delegate and 1 Deputy)
- k) Worsley Alumina Community Liaison Committee (1 Delegate and 1 Deputy).

BY ABSOLUTE MAJORITY

Suspension of Local Law

President Campbell put forth the following:

That Council suspends the Standing Orders Local Law to allow for consideration of this item.

BY ABSOLUTE MAJORITY

Moved: President Campbell Seconded: Cr. Dickinson

That Council suspends the Standing Orders Local Law to allow for consideration of this item.

Carried by Absolute Majority 10-0 23/231

Votes:

For: President Campbell, Cr. Hitchcock, Cr. Krispyn, Cr. Carbone, Cr. Boylan, Cr. Dickinson, Cr. Coleman, Cr. Holly, Cr. Bromham and Cr. Junio.

Against: Nil.

Reinstatement of Local Law

President Campbell put forth the following:

That Council reinstates the Standing Orders Local Law.

BY ABSOLUTE MAJORITY

Moved: President Campbell Seconded: Cr. Dickinson

That Council reinstates the Standing Orders Local Law.

Carried by Absolute Majority 10-0 23/232

Votes:

For: President Campbell, Cr. Hitchcock, Cr. Krispyn, Cr. Carbone, Cr. Boylan, Cr. Dickinson, Cr. Coleman, Cr. Holly, Cr. Bromham and Cr. Junio.

Against: Nil.

Moved: Cr. Carbone

Seconded: Cr. Krispyn

That Council, pursuant to sections 5.10(1) and 5.11A(1) of the *Local Government Act 1995*:

- 1. Appoints the following Delegates and Deputies to its Committees of Council for a two-year term expiring at the Ordinary Local Government Election in October 2025:**

a) Audit Committee (6 Delegates and 1 Deputy)

Delegates:

- 1. Cr. Hitchcock**
- 2. Cr. Holly**
- 3. Cr. Coleman**
- 4. Cr. Bromham**
- 5. Cr. Krispyn**
- 6. President Campbell**

Deputy:

- 1. Cr. Dickinson**

b) Behaviour Complaints Committee (3 Delegates and 3 Deputies)

Delegates:

- 1. Cr. Holly**
- 2. Cr. Boylan**
- 3. President Campbell**

Deputy:

- 1. Cr. Hitchcock**
- 2. Cr. Bromham**
- 3. Cr. Krispyn**

c) Chief Executive Officer Employment Committee (Shire President, 4 Delegates and 1 Deputy)

Delegates:

Shire President

- 1. Cr. Coleman**
- 2. Cr. Bromham**
- 3. Cr. Boylan**
- 4. Cr. Krispyn**

Deputy:

- 1. Cr. Dickinson**

d) Shire of Harvey Bush Fire Advisory Committee (1 Delegate and 1 Deputy)

Delegates:

1. Cr. Bromham

Deputy:

1. Cr. Holly

e) Shire of Harvey Local Emergency Management Committee (Shire President, Deputy Shire President and 1 Deputy)

Delegates:

President Campbell
Deputy Shire President

Deputy:

1. Cr. Dickinson

f) Shire of Harvey and Shire of Dardanup Joint Town Planning Committee (3 Delegates and 2 Deputies).

Delegates:

1. Cr. Dickinson
2. Cr. Carbone
3. President Campbell

Deputy:

1. Cr. Hitchcock
2. Cr. Bromham

2. Appoints the following Delegates and Deputies to its Place Advisory and Portfolio Advisory Groups for a two-year term expiring at the Ordinary Local Government Election in October 2025:

a) Australind/Leschenault Place Advisory Group (2 Delegates and 1 Deputy)

Delegates:

1. Cr. Hitchcock
2. Cr. Bromham

Deputy:

1. Cr. Dickinson

b) Brunswick and Surrounding Areas Place Advisory Group (2 Delegates and 1 Deputy)

Delegates:

1. Cr. Hitchcock
2. Cr. Dickinson

Deputy:

1. Cr. Carbone

c) Coastal Place Advisory Group (2 Delegates and 1 Deputy)

Delegates:

1. Cr. Bromham
2. Cr. Krispyn

Deputy:

1. Cr. Dickinson

d) Harvey Place Advisory Group (2 Delegates and 1 Deputy)

Delegates:

1. Cr. Capogreco
2. Cr. Dickinson

Deputy:

1. Cr. Holly

e) Yarloop and Surrounding Areas Place Advisory Group (2 Delegates and 1 Deputy)

Delegates:

1. Cr. Dickinson
2. Cr. Coleman

Deputy:

1. Cr. Junio

f) Access and Inclusion Advisory Group (2 Delegates and 1 Deputy)

Delegates:

1. Cr. Holly
2. Cr. Bromham

Deputy:

1. Cr. Coleman

g) Awards, Honours and Prizes Advisory Group (4 Delegates and 1 Deputy)

Delegates:

1. Cr. Hitchcock
2. Cr. Coleman
3. Cr. Boylan
4. Cr. Krispyn

Deputy:

1. Cr. Dickinson

h) Cemetery Advisory Group (2 Delegates and no Deputy)

Delegates:

1. Cr. Holly
2. Cr. Dickinson

Deputy:

Nil.

i) Community Safety and Crime Prevention Advisory Group (2 Delegates and 1 Deputy)

Delegates:

1. Cr. Junio
2. Cr. Bromham

Deputy:

1. Cr. Coleman

j) Community Sail Training Trust (2 Delegates and 1 Deputy)

Delegates:

1. President Campbell
2. Cr. Boylan

Deputy:

1. Cr. Bromham

k) Harvey Recreation and Cultural Centre Advisory Group (1 Delegate and 1 Deputy)

Delegates:

1. Cr. Coleman

Deputy:

1. Cr. Dickinson

l) Heritage Advisory Group (2 Delegates and 1 Deputy)

Delegates:

1. Cr. Hitchcock
2. Cr. Dickinson

Deputy:

1. Cr. Coleman

m) Library, Early Years, Art and Culture and Performing Arts (LEAP) Advisory Group (1 Delegate and 1 Deputy)

Delegates:

1. Cr. Hitchcock

Deputy:

1. Cr. Dickinson

n) Lot 208 Youth Inc. Board of Management Committee (1 Delegate and 1 Deputy)

Delegates:

1. Cr. Bromham

Deputy:

1. Cr. Hitchcock

o) Sport and Recreation Advisory Group (2 Delegates and 1 Deputy)

Delegates:

1. Cr. Dickinson
2. President Campbell

Deputy:

1. Cr. Coleman

p) Tourism Advisory Group (2 Delegates and no Deputy)

Delegates:

1. Cr. Junio
2. Cr. Coleman

Deputy:

Nil.

q) Youth Task Force (1 Delegate and 1 Deputy)

Delegates:

1. Cr. Coleman

Deputy:

1. Cr. Krispyn

3. Appoints the following Delegates and Deputies to the following Delegate Committees for a two-year term expiring at the Ordinary Local Government Election in October 2025:

a) Australind Community Precinct Reference Group (2 Delegate and 1 Deputy)

Delegates:

1. Cr. Bromham
2. Cr. Hitchcock

Deputy:

1. Cr. Coleman

b) Binningup Water Sports Centre Management Committee (1 Delegate and 1 Deputy)

Delegates:

1. Cr. Bromham

Deputy:

1. Cr. Krispyn

c) Brunswick River Cottages Management Committee (2 Delegates and 1 Deputy)

Delegates:

1. Cr. Coleman
2. Cr. Carbone

Deputy:

1. Cr. Krispyn

d) Harvey Community Precinct Reference Group (3 Delegates and 1 Deputy)

Delegates:

1. Cr. Capogreco
2. Cr. Dickinson
3. Cr. Coleman

Deputy:

1. Cr. Holly

e) Harvey Community Radio 96.5fm (1 Delegate and 1 Deputy)

Delegates:

1. Cr. Capogreco

Deputy:

1. Cr. Bromham

f) Harvey Senior Citizens Centre Committee (1 Delegate and 1 Deputy)

Delegates:

1. Cr. Coleman

Deputy:

1. Cr. Junio

g) Kemerton Industrial Park Coordinating Committee (1 Delegate and 1 Deputy)

Delegates:

1. Cr. Junio

Deputy:

1. Cr. Krispyn

h) Yarloop Mill Workshop Committee (1 Delegate and 1 Deputy).

Delegates:

1. Cr. Dickinson

Deputy:

1. Cr. Bromham

4. Appoints the following Delegates and Deputies to the following Partnership Committees for a two-year term expiring at the Ordinary Local Government Election in October 2025:

a) Alcoa Harvey Sustainability Fund Advisory Committee (Shire President and Chief Executive Officer and no Deputy)

Delegates:

**President Campbell
Chief Executive Officer**

Deputy:

Nil.

b) Bunbury Harvey Regional Council (2 Delegates and 1 Deputy)

Delegates:

1. Cr. Dickinson
2. Cr. Krispyn

Deputy:

1. Cr. Bromham

c) Bunbury Geographe Economic Alliance (1 Delegate and 1 Deputy)

Delegates:

1. President Campbell

Deputy:

1. Cr. Krispyn

d) Development Assessment Panel (2 Delegates and 2 Deputies)

Delegates:

1. Cr. Carbone
2. President Campbell

Deputy:

1. Cr. Krispyn
2. Cr. Dickinson

e) Peel Harvey Biosecurity Committee (1 Delegate and 1 Deputy)

Delegates:

1. Cr. Dickinson

Deputy:

1. Cr. Bromham

f) Peron Naturaliste Partnership (1 Delegate and 1 Deputy)

Delegates:

1. Cr. Dickinson

Deputy:

1. Cr. Bromham

g) Regional Road Group (1 Delegate and 1 Deputy)

Delegates:

1. Cr. Bromham

Deputy:

1. Cr. Coleman

h) South West and Peel Coastal Management Group (COASTSWAP) (1 Delegate and 1 Deputy)

Delegates:

1. Cr. Dickinson

Deputy:

1. Cr. Bromham

i) South West Zone of WALGA (1 Delegate and 1 Deputy)

Delegates:

1. President Campbell

Deputy:

1. Cr. Bromham

j) Wagerup Community Consultative Network (1 Delegate and 1 Deputy)

Delegates:

1. Cr. Coleman

Deputy:

1. Cr. Dickinson

k) Worsley Alumina Community Liaison Committee (1 Delegate and 1 Deputy).

Delegates:

1. Cr. Coleman

Deputy:

1. Cr. Dickinson

Carried by Absolute Majority 10-0

23/233

Votes:

For: President Campbell, Cr. Hitchcock, Cr. Krispyn, Cr. Carbone, Cr. Boylan, Cr. Dickinson, Cr. Coleman, Cr. Holly, Cr. Bromham and Cr. Junio.

Against: Nil.

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

Nil.

14. Notice of Motion for Following Meeting

Cr. Carbone put forth the following motion to be placed in the Ordinary Council Meeting held November 2023

That the Shire of Harvey abolishes the welcome or acknowledgement to Country from all Shire meetings and events.

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

Nil.

16. Reports of Members

President Campbell reported on her attendance at the following:

October:

- Citizenship Ceremony in Harvey
- Australind Senior High School Year 12 Graduation
- Photoshoot with the Community Grant recipients
- Brunswick Show
- Moka City Delegation events.

Cr. Dickinson reported on her attendance at the following:

October:

- Citizenship Ceremony in Harvey
- Bunbury Harvey Regional Council Meeting
- Peel Harvey Biosecurity Event – Annual General Meeting.
- WA Planning Commission reforms overview of the Bill
- Brunswick Show
- Moka City Delegation events.

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

Nil.

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

Moved: President Campbell **Seconded:** Cr. Coleman

That Council moves behind closed doors.

Carried 10-0 23/234

Votes:

For: President Campbell, Cr. Hitchcock, Cr. Krispyn, Cr. Carbone, Cr. Boylan, Cr. Dickinson, Cr. Coleman, Cr. Holly, Cr. Bromham and Cr. Junio.

Against: Nil.

Council moved behind closed doors at 5.16pm.

18.1. Infrastructure Services

18.1.1. Tender T082023 – New Yarragadee Irrigation Production Bore at Leschenault Leisure Centre

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 relates 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.”

Item No.:	18.1.1
Subject:	Tender T082023 – New Yarragadee Irrigation Production Bore at Leschenault Leisure Centre
Proponent:	Shire of Harvey
Location:	Leschenault Recreation Ground, Australind
Reporting Officer:	Manager Parks Services
Authorising Officer:	Director Infrastructure Services
File No.:	T082023
Attachments:	Confidential Attachment 1
	Confidential Attachment 2

Summary

The current irrigation production bore for Leschenault Leisure Centre Oval 1, Australind has reached the end of its life.

As a result, Tender T082023 for the Provision of a new Yarragadee Irrigation Production Bore at Leschenault Leisure Centre, Australind was advertised on Wednesday, 30 August 2023, and at the close of Tender on Wednesday, 27 September 2023, three Tender submissions were received.

It is recommended that Council awards Tender T082023 as per the confidential Officers Recommendation.

Voting Requirements

Simple Majority

Moved: Cr. Dickinson

Seconded: Cr. Carbone

That Council:

1. **Awards Tender T082023 for a New Yarragadee Irrigation Production Bore at Leschenault Leisure Centre to the value of \$414,971 (excluding GST) to Western Irrigation Pty Ltd in accordance with their schedule of prices.**
2. **Approves the additional funds of \$19,776 (excluding GST) required to complete the project being sourced from the Plant and Equipment Reserve.**
3. **Authorises the Chief Executive Officer to prepare and sign the required contract documentation.**

Carried 10-0 23/235

Votes:

For: President Campbell, Cr. Hitchcock, Cr. Krispyn, Cr. Carbone, Cr. Boylan, Cr. Dickinson, Cr. Coleman, Cr. Holly, Cr. Bromham and Cr. Junio.

Against: Nil.

18.1.2. Tender T112023 – Supply and Delivery of one 4x4 Front End Loader

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 relates 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.”

Item No.:	18.1.2
Subject:	Tender T112023 – Supply and Delivery of one 4x4 Front End Loader
Proponent:	Shire of Harvey
Location:	Richardson Road Waste Facility, Uduc
Reporting Officer:	Waste and Sustainability Coordinator
Authorising Officer:	Director Infrastructure Services
File No.:	T112023 and F/32/00022
Attachments:	Confidential Attachment 1

Summary

There is an operational requirement for a Front End Loader to be permanently located at the Shire’s Richardson Road Waste Facility and funds were allocated in the 2023–2024 Budget for the purchase of this item of plant.

As a result, Tender T112023 for the Supply and Delivery of one 4x4 Front End Loader was advertised on Wednesday, 30 August 2023 and at the close of tender on closed on Friday, 29 September 2023 three tenders were received.

The products offered by two of the tenderers did not comply with the specification and therefore they were not assessed further.

It is recommended that Council awards Tender T112023 as per the confidential Officers Recommendation for a Caterpillar 950GC Front End Loader with a 4 in 1 bucket in accordance with their submitted schedule of prices.

Voting Requirements

Recommendation 1 of 2 – Simple Majority

Recommendation 2 or 2 – Absolute Majority

Officer’s Recommendation 1 of 2

Moved: Cr. Bromham

Seconded: Cr. Carbone

That Council awards Tender T112023 – Supply and Delivery of one 4x4 Front End Loader to Westrac Equipment for the tendered price of \$451,105.00 (excluding GST).

Carried 10-0

23/236

Votes:

For: President Campbell, Cr. Hitchcock, Cr. Krispyn, Cr. Carbone, Cr. Boylan, Cr. Dickinson, Cr. Coleman, Cr. Holly, Cr. Bromham and Cr. Junio.

Against: Nil.

Officer's Recommendation 2 of 2

Moved: Cr. Bromham

Seconded: Cr. Dickinson

That Council approves the reallocation of \$101,105 from within the 2023–2024 Budget allocation of \$600,000 for Richardson Road for the purchase of the 4x4 Front End Loader as outlined in the report.

Carried by Absolute Majority 10-0 23/237

Votes:

For: President Campbell, Cr. Hitchcock, Cr. Krispyn, Cr. Carbone, Cr. Boylan, Cr. Dickinson, Cr. Coleman, Cr. Holly, Cr. Bromham and Cr. Junio.

Against: Nil.

Returning from Behind Closed Doors

Moved: Cr. Coleman

Seconded: Cr. Dickinson

That Council Return from behind closed doors.

Carried 10-0 23/238

Votes:

For: President Campbell, Cr. Hitchcock, Cr. Krispyn, Cr. Carbone, Cr. Boylan, Cr. Dickinson, Cr. Coleman, Cr. Holly, Cr. Bromham and Cr. Junio.

Against: Nil.

Council returned from behind closed doors at 5.20pm

19. Closure of Meeting

There being no further business to discuss, the meeting was declared closed at 5.22pm.

I, Michelle Campbell, certify that the aforesaid Minutes of the meeting held on 31 October 2023, are a true and correct record of that meeting on 31 October 2023.



Michelle Campbell
Shire President