



SHIRE OF
HARVEY



Ordinary Council Meeting **Minutes**

Harvey Council Chamber

Tuesday, 27 February 2024

4PM

Shire of Harvey Council Minutes

Minutes of the Ordinary Council Meeting of the Harvey Shire Council, held in the Council Chamber, Young Street, Harvey, on Tuesday, 27 February 2024, commencing at 4pm.

Attendance

Shire President	Ms.	M.	Campbell
	Cr.	A.	Hitchcock
	Cr.	D.	Krispyn
	Cr.	C.	Carbone
	Cr.	M	Boylan
	Cr.	W.	Dickinson
	Cr.	R.	Coleman
	Cr.	J.	Bromham
	Cr.	J.	Capogreco

Staff

Chief Executive Officer	Ms.	A.	Riordan	
Director Infrastructure Services	Mr.	R.	Lotznicker	
Acting Director Sustainable Development	Ms.	E.	Edwards	
Director Corporate Services	Mr.	D.	Winter	<i>Electronically</i>
Co-Director Community and Lifestyle	Mr.	M.	Newman	
Manager Governance and Strategy	Ms.	K.	Williams	
Manager Public Relations and Communications	Ms.	T.	Palmonari	
Manager Waste and Safety Services	Mr.	H.	Jones	
Manager Finance	Mr.	S.	Chopra	
Acting Manager Information Services	Mr.	C.	Burger	
Coordinator Marketing and Communications	Ms.	T.	Carr	
Governance Support Officer	Ms.	J.	Bavaro	
Governance Compliance Officer	Ms.	F.	Schindler	

There were no members of the public and no member of the press present.

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1. Official Opening

The Shire President declared the meeting open at 4.05pm.

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. Capogreco

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

Carried 9-0

24/26

Votes:

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

Against: Nil.

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

Cr. Holly.

Leave of Absence:

Cr. Junio.

3. Applications for Leave of Absence

Nil.

4. Reading from a Book of Learning and Wisdom

Read by Cr. Boylan.

5. Declarations of Members' and Officers' Personal Interest

Cr. Joe Capogreco declared an Impartiality Interest in Item 12.3.2 – Proposed Use Not Listed (Community Home/Specialist Disability Accommodation) – Lot 26 (No. 11) Pinner Street, Harvey. Cr. Capogreco declared that he knows the applicant/land owner although he has no association with him and has declared that he would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. John Bromham declared an Impartiality Interest in Item 12.2.1 – Self Supporting Loan – Bush Fire Brigade Facility. Cr. Bromham declared he is a member of the brigade and has declared that he would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Robyn Coleman declared an Impartiality Interest in Item 12.3.2 – Proposed Use Not Listed (Community Home/Specialist Disability Accommodation) – Lot 26 (No. 11) Pinner Street, Harvey. Cr. Coleman declared that she knows the applicant/land owner and has declared that she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Alicia Hitchcock declared an Impartiality Interest in Item 18.1.4 – Sale of Land – A15459. Cr. Hitchcock declared that she knows the person involved and has declared that she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Craig Carbone declared an Impartiality Interest in Item 18.1.4 – Sale of Land – A15459. Cr. Carbone declared that he knows the person involved and has declared that he would deal with the matter on its merits and stay in the Chamber for the duration of the item.

6. Response to Previous Questions Taken on Notice

Nil.

7. Public Question Time

Nil.

8. Petitions/Deputations/Presentations

Nil.

9. Announcements by Presiding Members or CEO Without Discussion

Nil.

10. Confirmation of Minutes

Ordinary Council Meeting – Tuesday, 30 January 2024.

Recommendation

That the Minutes of the Council Meeting held on Tuesday, 30 January 2024 as printed be confirmed as a true and correct record.

Moved: Cr. Dickinson

Seconded: Cr. Capogreco

That the Minutes of the Council Meeting held on Tuesday, 30 January 2024 as printed be confirmed as a true and correct record.

Carried 9-0 24/27

Votes:

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

Against: Nil.

11. Receipt of Minutes and Recommendations from Committees

Nil.

12. Officer's Reports

12.1. Chief Executive Officer

Nil.

12.2. Infrastructure Services

Item No.:	12.2.1.
Subject:	Self-Supporting Loan – Bush Fire Brigade Facility
Proponent:	Shire of Harvey
Location:	22A Australind Road, Leschenault
Reporting Officer:	Manager Waste and Safety Services
Authorising Officer:	Director Infrastructure Services
File No.:	A008287
Attachments:	Nil

The following additional information is provided in regard to Item 12.2.1

At the Agenda Briefing Session held on Tuesday, 20 February 2024, several questions were asked by Councillors concerning the term of the self-supporting loan and potential impact of future borrowings.

Based on the recent information received an amended Officer Recommendation is now proposed.

Summary

The purpose of this report is to consider a self-supporting loan to fund the redevelopment of facilities for the Leschenault Bush Fire Brigade (BFB) located on Australind Road, Leschenault.

Officers from the Department of Fire and Emergency Services (DFES) have suggested that the Shire may have a better chance of securing an upgrade of the Leschenault BFB if a self-supporting loan was supported. Council has previously supported grant applications to the Department of Fire and Emergency Services (DFES) to build a modern facility to accommodate the brigade's fire appliances and provide areas for the storage of essential protective clothing and equipment, ablutions, and training areas.

Should a self-supporting loan to fund the BFB upgrade be considered appropriate the loan would be established with the West Australian Treasury Corporation (WATC) and be serviced by DFES through the Local Government Grants Scheme (LGGS) capital expenditure.

The value of the loan would possibly be in the order of \$1 million to \$1.2 million over a ten-year period.

If supported this would be the first step in the Shire of Harvey's (the Shire) next application to DFES requesting the construction of a new facility. Should the application to DFES not be successful the loan would not be required.

Background

Each year DFES make an offer of capital and operational expenditure to the Shire to assist in the running of BFBs and the State Emergency Service (SES). Included in the capital expenditure is the requirement to replace or upgrade ageing BFB or SES facilities.

The Shire has submitted an application to DFES to build a new BFB in Leschenault every year since 2021–2022 through the LGGS.

The existing Leschenault BFB is over 40 years old and has the following issues:

- Substandard station size for the number of members
- Due to the height of the new 3.4m Urban Tanker, the radio aerials are continually damaged by the roller door. The roller door is unable to be raised to address this issue

- Limited ablution facilities
- Limited room for lockers and storage
- Issues with rising dampness.

The official response from DFES to the Shire's previous application for a new building was *"the Committee acknowledged and took into consideration the funding availability. As such the facility request was not considered within the available funding."*

Further feedback from a DFES Officer was that *"they were over-committed with applications received against current budget."*

To strengthen the Shire's application a commitment to a self-supporting loan may improve the Shire's chances of being favourably considered.

Policy 2.2.7 – Loans – Self Supporting states that self-supporting loans may be considered by the Shire on written request to sporting clubs or community organisations which are resident and operative within the Shire of Harvey. However, self supporting loans have previously been used in the LGGS for the construction of volunteer BFB/SES facilities, including the redevelopment of the Emergency Services facilities in Harvey in September 2014.

Comment

Self-supporting loans are offered to Local Governments as an option for the funding of capital building grants:

- This allows the BFB/SES Capital Grants Committee to approve more capital grant requests within the available funding.
- Self-Supporting Loans are usually with the WATC and over a 10-year period.
- Local Government will make the payment of the principal, interest, and guarantee fee of the loan in accordance with the loan repayment schedule once the loan is drawn upon.
- On receipt of a tax invoice from the Local Government, DFES will reimburse the Local Government for the loan repayment costs.
- A copy of the approved loan repayment schedule and debenture documents must be provided to DFES.
- The annual repayment is automatically submitted for approval to the Capital Grants Committee each year for the length of the loan period. There is no requirement for the Local Government to apply for the funding.

Existing loan capacity

The Leschenault BFB project has been identified within the Shire's Forward Capital Works Plan being fully funded through grants. The Shire's Long Term Financial Plan does not currently include a self-supporting loan for a new BFB building.

It should be noted that any additional new loans may have a negative impact on the Shire's loan capacity to fund existing major projects as included in the Forward Capital Works Plan (FCWP).

However, if Council were to support a self-supporting loan for this project, the Shire's FCWP would need to be reviewed and updated to ensure that the Shire's capacity to fund projects via loan funding is maintained.

Statutory/Policy Environment

Section 6.20 of the *Local Government Act 1995*, provides a Local Government with the general power to borrow, obtain credit or other approved financial arrangements to perform its functions.

This proposed self-supporting loan will be repaid by the State Government and secured by a loan document between the Shire and the WATC with a copy to DFES.

Policy 2.2.7 – Loans – Self Supporting

This Policy states that self-supporting loans may be considered by the Shire on written request to sporting clubs or community organisations which are resident and operative within the Shire.

Strategic Framework

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

<i>Goal 1:</i>	<i>A diversified and thriving economy that offers a wide range of business and work opportunities as well as consumer choice.</i>
<i>Objective 1.4</i>	<i>Appropriate infrastructure is in place to support economic growth.</i>
<i>Goal 2:</i>	<i>A safe, accessible and connected community where everyone has the opportunity to contribute and belong.</i>
<i>Objective 2.3</i>	<i>Active and resilient community groups and volunteers.</i>
<i>Goal 4:</i>	<i>A liveable, sustainable and well-designed built environment that is accessible to all.</i>
<i>Objective 4.5</i>	<i>Shire buildings, gardens and grounds are fit for purpose and well maintained.</i>
<i>Goal 5:</i>	<i>A representative leadership that is future thinking, transparent and accountable.</i>
<i>Objective 5.2</i>	<i>Build partnerships and work collaboratively to amplify the outcomes that can be achieved.</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.

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.

Involve: We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.

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 Profile identified as part of this report is **Business and Community Disruption, Inadequate Asset Sustainability Practices, Inadequate Work Health and Safety Practices and Ineffective Management of Facilities**. The Consequence could be **Property, Financial, Reputational or People Health and Safety** if the Leschenault Bush Fire building is not replaced. The risk is considered **Moderate/Extreme** and the likelihood **Likely/Almost Certain/Possible/Rare**, given that funding for this project has not been successful and there are existing issues with the building. This results in a **Medium/High** risk being present.

Budget Implications

Should Council support the application for a self-supporting loan for the Leschenault BFS and the application with DFES is successful, Council will need to include an allocation of between \$1 million to \$1.2 million for this project in the 2024–2025 draft Budget.

Also, it should be noted that all repayments relating to the self-supporting loan would be met by DFES.

However, should the application to DFES not be successful the loan would not be required in 2024–2025 the project would not proceed.

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. Supports allocating funding in the 2024–2025 draft Budget for the redevelopment of facilities for the Leschenault Bush Fire Brigade Building to be funded from a self-supporting loan.
2. Advises the Department of Fire and Emergency Services that the Shire of Harvey intends to make available a self-supporting loan to the Department to fund the redevelopment of the Leschenault Bush Fire Brigade Building, subject to approval of the project.
3. Subject to a successful application, authorise the Chief Executive Officer to apply to the Western Australian Treasury Corporation for a loan of between \$1 and \$1.2 million.
4. Notes that potential project/s which are the subject of loan funding currently listed in the Forward Capital Works Plan may need to be reviewed in favour of the Leschenault Bush Fire Brigade building project.

Moved: Cr. Bromham

Seconded: Cr. Dickinson

That Council:

1. **Supports allocating funding in the 2024–2025 draft Budget for the redevelopment of facilities for the Leschenault Bush Fire Brigade Building to be funded through Local Government Grants Scheme over two financial years.**
2. **Advises the Department of Fire and Emergency Services that the Shire of Harvey's preference is for the redevelopment of the Leschenault Bush Fire Brigade Building to be funded over two financial years.**
3. **Subject to a successful application, authorise the Chief Executive Officer to apply to the Western Australian Treasury Corporation for a loan of between \$1 and \$1.2 million.**
4. **Notes that potential project/s which are the subject of loan funding currently listed in the Forward Capital Works Plan may need to be reviewed in favour of the Leschenault Bush Fire Brigade building project.**

Carried 8-1

24/28

Votes:

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

Against: Cr. Coleman.

12.3. Sustainable Development

Item No.:	12.3.1.
Subject:	Over Height Outbuilding and Building Envelope Modification – Lot 138 (No. 13) Grosmont Glade, Leschenault
Proponent:	Ms. L. Lazarus
Location:	Lot 138 (No.13) Grosmont Glade, Leschenault
Reporting Officer:	Planning Officer
Authorising Officer:	Director Sustainable Development
File No.:	P424/23, A7463, C291/00351
Attachments:	<ol style="list-style-type: none"> 1. Application [12.3.1.1 - 3 pages] 2. Location Plan [12.3.1.2 - 1 page] 3. Building Envelope [12.3.1.3 - 2 pages]

Summary

An Application for Development Approval has been received for an Over Height Outbuilding and a Building Envelope Modification on Lot 138 (No. 13) Grosmont Glade, Leschenault (refer **Attachment 1**). The application is referred to Council as Officers do not have delegation to make a determination on an outbuilding that has a height in excess of the provisions of Local Planning Policy 4.1.18 – Outbuildings. It is recommended that the application be approved subject to appropriate conditions.

Background

Site Description

Lot 138 (No. 13) Grosmont Glade, Leschenault is zoned “Special Residential – Area 4” under the Shire of Harvey’s (the Shire) District Planning Scheme No. 1 (the Scheme). The site is of regular shape with an area of 4,027.691m² and is densely vegetated in the eastern portion of the lot (refer **Attachment 2**).

History

The lot currently occupied by a dwelling and swimming pool in the western portion of the lot and a carport that extends east from the northern end of the dwelling. The wall of the carport extension is 5m from the northern boundary. The current building envelope was approved on Thursday, 11 February 2021 and is setback 40m from the front, 10m from the rear and 6m from the side boundaries.

Proposal

The application proposes a 12m x 10m (120m²) colorbond outbuilding with a skillion roof having wall heights of 1.199m and 4.074m. With a skillion roof, the wall height of 4.074m is also the ridge height. The Applicant has requested the additional height for the purpose of the storage of their boat, which has a height of 3.4m. It is proposed to be located 20m east of the existing dwelling, 5m from the northern boundary, 37m from the northern section of the eastern (front) boundary and 34m from the southeast corner of the boundary at the driveway entry (refer **Attachment 1**).

To accommodate the proposed outbuilding, and ensure the full extent of the existing carport and swimming pool is within the Building Envelope, the Building Envelope is proposed to be modified as follows (refer **Attachment 3**):

Boundary	Current Setback	Proposed Setback
Front (East)	40m	37m
Rear (West)	10m	7m
Side (North)	6m	5m
Side (South)	6m	6m

Advertising

Pursuant to Clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Deemed Provisions), the application was advertised to the adjoining affected landowner for a period of 14 days concluding on Friday, 26 January 2024. The adjoining landowner has supported the proposal with no additional comments provided.

Comment

Outbuilding

The proposed wall height of 4.074m is inconsistent with Part 2 – Special Residential Zone Clause 1 of the Shire's Local Planning Policy 4.1.18 – Outbuildings, which stipulates a maximum wall height of 3m and a maximum ridge height of 4.5m, unless otherwise approved.

Clause 2 of the Policy provides for an increase in the wall and ridge heights to a maximum of 3.6m and 5.1m respectively where the Applicant can demonstrate, to the satisfaction of the Shire:

- The increase in height is warranted on the basis of a reasonable need being demonstrated that is related to the domestic use of the property.
- The increase in height will not create an adverse impact on the amenity of adjoining properties.
- The local government has consulted with the adjoining landowners and no reasonable objections have been received.

Officers have determined that the increase in wall height:

- Will not adversely impact the amenity of adjoining properties or cause undue overshadowing. The adjoining affected neighbour has supported the proposal and existing vegetation will assist with screening.
- Can be considered warranted as the Applicant has demonstrated that the additional height is required for the storage of their boat, which has a height of 3.4m.

Building Envelope

The proposed Building Envelope, having a 5m setback from the northern boundary and a 7m setback from the western boundary, rationalises the location of the existing carport and swimming pool. A reduction in the front (eastern) boundary to 37m will provide for the proposed outbuilding to be located within the proposed Building Envelope.

The reduction of the front boundary is understood to not result in tree removal; however, it may involve some pruning of branches.

Conclusion

It is considered by Officers that the proposed over height outbuilding is capable of being approved for the following reasons:

- The Applicant has demonstrated a specific need associated with the domestic use of the property to justify the increase in the wall height.
- Officers consider that the increase in the wall height will not impact the amenity of the adjacent properties and the wall that is non-compliant with the Policy is on the 'lower impact' side of the outbuilding. The lower height wall is the one that will face the neighbour's boundary.
- Support for the proposal has been obtained from the affected adjoining landowner.

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 5.2 – Special Residential Development Requirements
- Schedule 3 – Additional Requirements – Special Residential Zone – Area 4

Shire of Harvey Local Planning Policies

- Local Planning Policy 4.1.18 – Outbuildings

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. Approves the Application for Development Approval for an Over Height Outbuilding and Building Envelope Modification on Lot 138 (No. 13) Grosmont Glade, Leschenault, 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 of Harvey.
 - 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 approved outbuilding shall not be used for habitable and/or commercial purposes, unless otherwise approved by the Shire of Harvey.
 - d) The approved Building Envelope is defined by the following setbacks:

Front (East):	37m
Rear (West):	7m
Side (North):	5m
Side (South):	6m
 - e) All development shall be contained within the approved Building Envelope as indicated on the approved plan.
-

- f) No vegetation shall be removed between the boundaries of the property and the approved Building Envelope, unless otherwise approved by the Shire of Harvey.
- 2. Advises the Applicant of the following additional requirements that are not included as conditions of the approval:
 - a) 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.

Moved: Cr. Bromham

Seconded: Cr. Capogreco

That Council:

- 1. Approves the Application for Development Approval for an Over Height Outbuilding and Building Envelope Modification on Lot 138 (No. 13) Grosmont Glade, Leschenault, 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 of Harvey.
 - 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 approved outbuilding shall not be used for habitable and/or commercial purposes, unless otherwise approved by the Shire of Harvey.
 - d) The approved Building Envelope is defined by the following setbacks:
 - Front (East): 37m
 - Rear (West): 7m
 - Side (North): 5m
 - Side (South): 6m
 - e) All development shall be contained within the approved Building Envelope as indicated on the approved plan.
 - f) No vegetation shall be removed between the boundaries of the property and the approved Building Envelope, unless otherwise approved by the Shire of Harvey.
- 2. Advises the Applicant of the following additional requirements that are not included as conditions of the approval:
 - a) 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.

Carried 9-0

24/29

Votes:

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

Against: Nil.

Item No.:	12.3.2.
Subject:	Proposed Use Not Listed (Community Home/Specialist Disability Accommodation) – Lot 26 (No. 11) Pinner Street, Harvey
Proponent:	Mr. R. Pergoliti
Location:	Lot 26 (No. 11) Pinner Street, Harvey
Reporting Officer:	Manager Planning Services
Authorising Officer:	Director Sustainable Development
File No.:	A001409, P384/23, C291,00320
Attachments:	<ol style="list-style-type: none"> 1. Application [12.3.2.1 - 10 pages] 2. Location Plan [12.3.2.2 - 1 page] 3. 2015 Approval [12.3.2.3 - 3 pages] 4. Submissions Summary [12.3.2.4 - 1 page]

Summary

An application for Development Approval has been received for a 'Use Not Listed' (Specialist Disability Accommodation) on Lot 26 (No. 11) Pinner Street, Harvey (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 "Residential" zone.

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 26 (No. 11) Pinner Street, Harvey is zoned "Residential" under the Shire of Harvey's (the Shire's) District Planning Scheme No. 1 (the Scheme) with a density code of R15/30/50. The site is of regular shape with an area of 2,026m² and flat with no native vegetation (refer **Attachment 2**).

Site History

Development Approval for four grouped dwellings was granted by Council at its Ordinary Meeting on 21 April 2015, for the construction of three new dwellings at the rear of the existing dwelling (refer **Attachment 3**). One of the three new dwellings has been constructed, with the rear two sites remaining vacant.

Conditions imposed on the 2015 approval have been satisfied with respect to the existing two dwellings on the site. The Shire currently retains a bond of \$2,000 for landscaping of the two vacant sites.

Proposal

The Application proposes to develop the last two grouped dwelling sites for Specialist Disability Accommodation (SDA) dwellings. The dwellings are designed to cater for disabled tenants, with facilities for an overnight carer. Dwelling 3 has a floor area of 162m² with two-bedrooms, one bathroom and a carer's room with its own ensuite. Dwelling 4 is slightly larger with a floor area of 207.6m² with three-bedrooms, two bathrooms and a carer's room with its own ensuite. Each dwelling has a double carport, store and alfresco.

Comment

Land Use

The National Disability Insurance Scheme (NDIS) website describes SDA dwellings “as *housing designed for people with extreme functional impairment or very high support needs*.” The dwellings “*have accessible features to help residents live more independently and allow other supports to be delivered better or more safely*.”

The proposal could be classified as one of the following land uses:

Community Home – “*a building used primarily for living purposes by a group of physically or intellectually handicapped or socially disadvantaged persons living together with or without paid supervision or care and managed by a constituted community-based organisation, a recognised voluntary charitable or religious organisation, a government department or instrumentality of the Crown*.” Despite this use being defined by the Scheme, it is not listed in the Zoning and Development Tables and is therefore considered a ‘Use Not Listed’.

Dependent Persons’ Dwelling – “*housing for a person with a recognised form of disability requiring special accommodation for independent living or special care*”.

Council’s determination of the use classification for this proposal will set a precedent for other applications for similar proposals and Officers are currently assessing ten other applications for SDA dwellings in Treendale, that are likely to be referred to Council in March 2024.

Despite the proposal being initially considered as a ‘Community Home’, further assessment has resulted in Officers determining that neither of the above use classifications are suitable for this proposal and other applications currently being assessed for the following reasons:

Land Use	Comments
Community Home	The managing entity of the new dwellings is unknown and the definition specifically refers to the dwellings being managed by “ <i>constituted community-based organisation, a recognised voluntary charitable or religious organisation, a government department or instrumentality of the Crown</i> ”. In addition, the managing entity of the other applications being assessed would not be considered as one of the above.
Dependent Persons’ Dwelling	The Residential Design Codes (RCodes) restricts the floor area of the dwellings to a maximum of 100m ² and, amongst other matters, requires a minimum of five dwellings in any development. This proposal (and those currently under assessment) are not able to comply with these requirements.

Officers therefore consider the most appropriate use is ‘Specialist Disability Accommodation’. Clause 4.2.4(b) makes provision for a ‘Use Not Listed’ to be considered and provides that Council can “*determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone*”. The Policy Statement contained within Tables 2 and 3 (“Residential” zone) of the Scheme refers to “*primarily single storey dwelling houses on separate lots. Uses reasonably associated with residential areas will be permitted by Local government only after consideration of the likely nuisance that such uses could create*.”

Advertising

If Council determines that a proposed ‘Use Not Listed’ may be consistent with the objectives and purposes of the zone, pursuant to Clause 64 of the Planning and Development (Local Planning Schemes) Regulation 2015 (the Deemed Provisions), the application is required to be advertised for a

period of at least 28 days for public comment. For the purpose of reducing assessment timeframes, the application has been advertised pursuant to Clause 64 of the Deemed Provisions, in the following manner:

- Letters to landowners and occupiers within 200m of the development site.
- Sign advertising the proposal was placed on the development site.
- Advertised on the Shire's website.
- Advertised between Tuesday, 12 December 2023 and Tuesday, 16 January 2024, being a period of 35 days (including the 'excluded holiday period').

At the conclusion of the advertising period, a total of 15 submissions were received with 13 supporting the proposal and two objecting to the proposal. All submissions have been summarised and provided in **Attachment 4**.

Discussion

The dwelling design has been assessed against the RCodes and both are compliant with the 'deemed-to-comply' requirements. Officers consider there is no requirement for specific conditions relating to the intended occupants. The advertising results demonstrate that the community surrounding the development site is accepting of the proposal. Whilst it is acknowledged that objections were received, the objections did not provide any reasons or justification and therefore cannot be responded to.

The bin pad required by the 2015 approval has been constructed and measures approximately 6m, which is considered to be sufficient to service four dwellings. In addition, it is noted that the development does not have a visitor parking bay. Both the RCodes in effect at the time of the 2015 approval and the current version, requires one visitor parking bay per four dwellings.

Conclusion

Officers consider the most appropriate use classification for the proposed grouped dwellings as a 'Use Not Listed' is 'Specialist Disability Accommodation', which may be consistent with the objectives and purpose of the "Residential" zone. The proposal is compliant with the RCodes and is therefore recommended for approval, 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:

(1) *"The local government – "*

(a) *must advertise a complex application for development approval in accordance with subclause (3); and*

(b) *must advertise an application for development approval in accordance with subclause (4) if the application is not a complex application –*

i. *relates to development that is a class A use in relation to the zone in which the development is located; or*

- ii. *relates to the extension of a non-conforming use; or*
- iii. *relates to development that does not comply with the requirements of this Scheme; or*
- iv. *relates to development of which the local government requires a heritage assessment to be carried out under clause 11(1); or*
- v. *is of a kind identified elsewhere in this Scheme as an application is this required to be advertised; and*

(c) *may advertise any other application for development approval in accordance with subclause (4).*

(2) *Subclause (1)(b)(iii) does not apply if the local government is satisfied that the non-compliance with the requirements of this Scheme is of a minor nature."*

Shire of Harvey District Planning Scheme No.1

- Clause 4.2.4 – Zoning and Development Tables

"If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the land use categories the Council May: -

(b) Determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 64 of the Deemed Provisions in considering an application consent. In approving such an application, the local government may apply any conditions or development standard it deems necessary."

- Table 2 and 3 – Zoning and Development Standards (Residential Zone):
- Schedule 13 – Interpretations

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 1.3 | <i>Sustainable urban, rural and industrial development.</i> |
| Goal 2: | <i>A safe, accessible and connected community where everyone has the opportunity to contribute and belong.</i> |
| Objective 2.1 | <i>To support people through all stages of life.</i> |

Community Engagement

Community Participation Goal

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

Promise to the Community

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

Risk Management

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

Budget Implications

Nil.

Authority/Discretion

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

Voting Requirements

Recommendation 1 of 2 – Absolute Majority

Recommendation 2 of 2 – Simple Majority

Officer's Recommendation 1 of 2

That Council, pursuant to Clause 4.2.4(b) of the Shire of Harvey's District Planning Scheme No. 1, determines that the proposed 'Use Not Listed' detailed in the Application for a Development Approval for Lot 26 (No. 11) Pinner Street, Harvey can be considered as 'Specialist Disability Accommodation' which may be consistent with the objectives and purposes of the "Residential" zone.

BY ABSOLUTE MAJORITY

Moved: Cr. Dickinson

Seconded: Cr. Boylan

That Council, pursuant to Clause 4.2.4(b) of the Shire of Harvey's District Planning Scheme No. 1, determines that the proposed 'Use Not Listed' detailed in the Application for a Development Approval for Lot 26 (No. 11) Pinner Street, Harvey can be considered as 'Specialist Disability Accommodation' which may be consistent with the objectives and purposes of the "Residential" zone.

Carried by Absolute Majority 9-0

24/30

Votes:

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

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 submission received and endorses the Schedule of Submissions at **Attachment 4** on the Application for Development Approval for a 'Use Not Listed' – Specialist Disability Accommodation on Lot 26 (No. 11) Pinner Street, Harvey.
2. Approves the Application for Development Approval for a 'Use Not Listed' – Specialist Disability Accommodation on Lot 26 (No. 11) Pinner Street, Harvey, 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 of Harvey.
 - 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) Prior to occupation of the approved development, a minimum of one visitor car parking bay shall be provided and marked, and thereafter maintained, to the satisfaction of the Shire of Harvey.
 - d) Prior to occupation of the approved development, the approved development shall be connected to a reticulated sewer system to the satisfaction of the Shire of Harvey.
 - e) Prior to occupation of the approved development, all landscaping and reticulation shown on the approved plan shall be installed, and thereafter maintained, to the satisfaction of the Shire of Harvey.
 - f) The \$2,000 Bond held by the Shire of Harvey will be eligible for return upon satisfactory completion of the required landscaping and reticulation works.
3. Advises the Applicant of the following that are not included as conditions:
 - a) In accordance with the *Building Act 2011*, a Building Permit, reflecting the use of the dwellings as a Class 3 building is required to be obtained prior to the commencement of any works on the site.
 - b) The development is required to comply with the Disability (Access to Premises Building) Standards 2010 and AS 1428.1 Design for Access and Mobility.

Moved: Cr. Boylan

Seconded: Cr. Bromham

That Council:

1. In accordance with Schedule 2, Clause 67(2)(y) of the Planning and Development (Local Planning Schemes) Regulations 2015, considers the submission received and endorses the Schedule of Submissions at *Attachment 4* on the Application for Development Approval for a 'Use Not Listed' – Specialist Disability Accommodation on Lot 26 (No. 11) Pinner Street, Harvey.
2. Approves the Application for Development Approval for a 'Use Not Listed' – Specialist Disability Accommodation on Lot 26 (No. 11) Pinner Street, Harvey, 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 of Harvey.
 - 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) Prior to occupation of the approved development, a minimum of one visitor car parking bay shall be provided and marked, and thereafter maintained, to the satisfaction of the Shire of Harvey.
 - d) Prior to occupation of the approved development, the approved development shall be connected to a reticulated sewer system to the satisfaction of the Shire of Harvey.
 - e) Prior to occupation of the approved development, all landscaping and reticulation shown on the approved plan shall be installed, and thereafter maintained, to the satisfaction of the Shire of Harvey.
 - f) The \$2,000 Bond held by the Shire of Harvey will be eligible for return upon satisfactory completion of the required landscaping and reticulation works.
3. Advises the Applicant of the following that are not included as conditions:
 - a) In accordance with the *Building Act 2011*, a Building Permit, reflecting the use of the dwellings as a Class 3 building is required to be obtained prior to the commencement of any works on the site.
 - b) The development is required to comply with the Disability (Access to Premises Building) Standards 2010 and AS 1428.1 Design for Access and Mobility.

Carried 9-0

24/31

Votes:

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

Against: Nil.

Item No.:	12.3.3.
Subject:	Over Height Outbuilding – Lot 67 Hayward Street, Cookernup
Proponent:	Mr. D. and Ms. M. Smith
Location:	Lot 67 Hayward Street, Cookernup
Reporting Officer:	Planning Officer
Authorising Officer:	Director Sustainable Development
File No.:	P439/23, A12490, C291/00372
Attachments:	<ol style="list-style-type: none"> 1. Application [12.3.3.1 - 4 pages] 2. Location Plan [12.3.3.2 - 1 page]

Summary

An Application for Development Approval has been received for an Over Height Outbuilding on Lot 67 Hayward Street, Cookernup (refer **Attachment 1**). The application is referred to Council as Officers do not have delegation to make a determination on an outbuilding that has a height in excess of Local Planning Policy 4.1.18. It is recommended that the application be approved subject to appropriate conditions.

Background

Site Description

Lot 67 Hayward Street is zoned “Special Rural – Area 2” (refer **Attachment 2**) under the Shire of Harvey’s (the Shire’s) District Planning Scheme No. 1 (the Scheme). The site is of regular shape with an area of 2.68ha and is flat with no vegetation except for one tree that is not near the development area.

Site History

The lot is vacant of buildings and has not had any development approvals or building permits issued.

Proposal

The application proposes a 13m x 12.3m (160m²) steel clad and roofed outbuilding, with an attached lean-to. The proposed wall height of the outbuilding is 3.8m with a ridge height of 4.947m. It is proposed to be located 80m from the front boundary and 20m from the western (nearest) boundary. The outbuilding is proposed to be used for the storage of property maintenance equipment and a boat. The Applicant requires a roller door height of at least 3.2m for their boat.

Advertising

Pursuant to Clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Deemed Provisions), the application was advertised to adjoining affected landowners for a period of 14 days concluding on Wednesday, 31 January 2024 and no comments were received.

Comment

The proposed wall height is inconsistent with the Shire of Harvey Local Planning Policy (Policy) 4.1.18 – Outbuildings, Part 3 – Special Rural Zone, Clause 1, which stipulates a maximum wall height of 3m and a maximum ridge height of 4.5m, unless otherwise approved.

Clause 2 of the Policy provides for an increase in the wall and ridge heights to a maximum of 3.6m and 5.1m respectively where the Applicant can demonstrate, to the satisfaction of the Shire that:

- a) The increase in height is warranted on the basis of a reasonable need being demonstrated that is related to the domestic use of the property.
- b) The increase in height will not create an adverse impact on the amenity of adjoining properties.
- c) Where the local government has determined that adjoining land may be impacted, the proposal has been advertised to those owners. Upon receipt of any comments the local government shall consider and balance those comments with its technical opinion in the exercise of judgement.

Officers have determined that the increase the wall and ridge heights:

- Will not adversely impact the amenity of adjoining properties.
- Can be considered as warranted as the Applicant has demonstrated that the additional height is required for the storage of a boat which requires a minimum door height of 3.2m.

Conclusion

It is considered by Officers that the proposed over height outbuilding is capable of being approved for the following reasons:

- The Applicant has demonstrated a specific need associated with the domestic use of the property to justify the increase in the wall and ridge heights.
- Officers consider that the increase in the wall and ridge heights will not impact the amenity of the adjacent properties as the proposed shed is distant from boundaries and not of a scale that is inappropriate for rural/residential purposes in the Special Rural zone.
- No comments were received during the advertising period.

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 5.3 – Special Rural Development Requirements
- Schedule 4 – Additional Requirements – Special Rural Zone – Area 2

Shire of Harvey Local Planning Policies

- Local Planning Policy 4.1.18 – Outbuildings

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. Approves the Application for Development Approval for an Over Height Outbuilding on Lot 67 Hayward Street, Cookernup 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 of Harvey.

- 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 approved outbuilding shall not be used for habitable and/or commercial purposes, unless otherwise approved by the Shire of Harvey.
2. Advises the Applicant of the following additional requirements that are not included as conditions of the approval:
- a) 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.

Moved: President Campbell

Seconded: Cr. Dickinson

Amendment

President Campbell proposed the following amendment:

3. Amends Delegation 9.1.2 Development Applications as follows:

- a) Include the following additional 'Function':

"12. Approve an Application for Development Approval for an outbuilding that is inconsistent with Local Planning policy 4.1.8 - Outbuildings. [cl.68]"

- b) Include the following additional 'Condition':

"7. Delegation 12 is subject to no objections being received during advertising."

- c) Include the following 'Policy' reference:

"Local Planning Policy 4.1.18 - Outbuildings".

BY ABSOLUTE MAJORITY

Reason: This amendment to the delegation will reduce Officer time in report preparation for consideration by Council, make for a more streamlined process and reduce the approval/non approval time frame for the applicants. It does not remove the need for the Development Approval to be considered by Council should an objection be received.

Moved: President Campbell

Seconded: Cr. Bromham

Carried 9-0

24/32

Votes:

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

Against: Nil.

Substantive Motion

Moved: President Campbell

Seconded: Cr. Dickinson

That Council:

1. Approves the Application for Development Approval for an Over Height Outbuilding on Lot 67 Hayward Street, Cookernup 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 of Harvey.
 - 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 approved outbuilding shall not be used for habitable and/or commercial purposes, unless otherwise approved by the Shire of Harvey.
2. Advises the Applicant of the following additional requirements that are not included as conditions of the approval:
 - a) 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.
3. Amends Delegation 9.1.2 Development Applications as follows:
 - a) Include the following additional 'Function':

"12. Approve an Application for Development Approval for an outbuilding that is inconsistent with Local Planning policy 4.1.8 - Outbuildings. [cl.68]"
 - b) Include the following additional 'Condition':

"7. Delegation 12 is subject to no objections being received during advertising."
 - c) Include the following 'Policy' reference:

"Local Planning Policy 4.1.18 - Outbuildings".

Carried by Absolute Majority 9-0

24/33

Votes:

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

Against: Nil.

Item No.:	12.3.4.
Subject:	Proposed Use Not Listed (Telecommunications Infrastructure) – Lot 90 Logue Road, Mornington
Proponent:	Tecon Australia (on behalf of Swoop)
Location:	Lot 90 Logue Road, Mornington
Reporting Officer:	Planning Officer
Authorising Officer:	Director Sustainable Development
File No.:	A17017, P405/23, C291/00337
Attachments:	<ol style="list-style-type: none"> 1. Application [12.3.4.1 - 2 pages] 2. Location Plan [12.3.4.2 - 1 page]

Summary

An application for Development Approval has been received for a 'Use Not Listed' (Telecommunications Infrastructure) on Lot 90 Logue Road, Mornington (refer **Attachment 1**). The application is referred to Council as Officers do not have delegation to determine that a 'Use Not Listed' may be consistent with the objectives and purpose of the zone.

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

Background

Lot 90 Logue Road, Mornington is zoned "General Farming" under the Shire of Harvey's (the Shire's) District Planning Scheme No. 1 (the Scheme) and is also within a "Place of Landscape". The site is located approximately 5kms south-east of the Harvey townsite, is of irregular shape with an area of 50ha and has undulating terrain, being on the western side of the Darling Scarp.

The site contains an existing outbuilding, dwelling, ancillary dwelling and water tank located in the southern portion of the site (refer **Attachment 2**).

The application proposes a 40.6m high guyed telecommunications tower within an associated fenced enclosure of 5m x 6m. Additionally, the application proposes a 10m x 3m solar array (refer **Attachment 1**).

Comment

Land Use

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

"premises used to accommodate the infrastructure used by or in conjunction with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network"

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 4.2.4(b) makes provision for a 'Use Not Listed' to be considered and provides that Council can *"determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone"*. The Policy Statement contained within Table 27 (General Farming zone) of the Scheme refers to:

"Local Government intends to encourage these areas to be continued to be used for viable large scale farming activity. Local Government will encourage and promote good farming, animal husbandry and soil conservation. Some limited tourist and recreational activity may be permitted where no adverse effect to the primary agricultural purpose of the zone will result."

The draft Local Planning Scheme No. 2 (draft Scheme) currently proposes the subject land parcel be zoned "Rural" with 'Telecommunications Infrastructure' being a 'D' use (a use that can be considered at the discretion of the local government).

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 'Telecommunications Infrastructure' is a discretionary use that could be considered under the draft Scheme, 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) Regulations 2015 (the Deemed Provisions). The application was advertised to nearby landowners and on the Shire's website between Friday, 12 January 2024 and Thursday, 8 February 2024. During the advertisement period, no submissions were received.

Discussion

Swoop will be providing telecommunication infrastructure in the Shire following appointment by the Department of Primary Industry and Regional Development to construct and operate vital telecommunications infrastructure as part of the Regional Connectivity Program. As per the Program objectives, the proposed telecommunication infrastructure aims to contribute to providing coverage to an additional 5,000 addresses within the Shire of Harvey.

The infrastructure will be funded by Swoop alongside grants from the State and Commonwealth Governments. Following the construction of the proposal, Swoop will be responsible for the operation and ongoing maintenance of the infrastructure.

The proposal can be considered to be consistent with Section 5 of State Planning Policy 5.2 Telecommunications Infrastructure (the SPP) for the following reasons:

- The infrastructure has been sited to minimise visual impacts wherever possible. The siting of infrastructure has been selected to ensure the proposed infrastructure is not located near significant viewing locations, landmarks, or in a place where there is significant environmental, cultural heritage, social and visual landscape values.
- The location of the proposal has been selected to ensure continuous network coverage is provided to the community.
- The proposal is not considered to be contrary to the rural use of the land, which may continue to operate as such despite the towers.

The Shire's Local Planning Policy 4.1.10 – Structures on Farming Land requires structures to be setback from the boundaries in accordance with the setback requirements for a dwelling under the Scheme, being 20m from all boundaries. The proposal complies with the minimum setback requirements.

Conclusion

It is considered that the proposed 'Use Not Listed' (Telecommunications Infrastructure) may be consistent with the objectives and purpose of the "General Farming" zone. Additionally, it is considered that the proposal is consistent with the objectives and rationale of the SPP. Officers therefore recommend that Council determine the proposed 'Use Not Listed' application may be consistent with the objectives and purpose of the zone and approves the applications 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:

State Planning Policy 5.2 – Telecommunications Infrastructure

- This Policy provides guidance for the assessment of telecommunications infrastructure in relation to:
 - Appearance/visual character
 - Siting, location, and design
 - Electromagnetic Emissions

Shire of Harvey District Planning Scheme No.1

- Clause 4.2.4 – Zoning and Development Tables

“If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the land use categories the Council May: -

(b) Determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 64 of the Deemed Provisions in considering an application consent. In approving such an application, the local government may apply any conditions or development standard it deems necessary.”

Shire of Harvey Local Planning Policy 4.1.10 – Structures on Farming Land

- This Policy requires all structures to be setback from the property boundaries a minimum of 20m as if they were a dwelling.

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

Budget Implications

Nil.

Authority/Discretion

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

Voting Requirements

Recommendation 1 of 2 – Absolute Majority

Recommendation 2 of 2 – Simple Majority

Officer's Recommendation 1 of 2

That Council, pursuant to Clause 4.2.4(b) of the Shire of Harvey's District Planning Scheme No. 1, determines that the proposed 'Use Not Listed' detailed in the Application for a Development Approval for Lot 90 Logue Road, Mornington, can be considered as "Telecommunications Infrastructure" which may be consistent with the objectives and purpose of the "General Farming" zone.

BY ABSOLUTE MAJORITY

Mr. Dean Winter left the Meeting at 4.20pm.

Moved: Cr. Dickinson

Seconded: Cr. Krispyn

That Council, pursuant to Clause 4.2.4(b) of the Shire of Harvey's District Planning Scheme No. 1, determines that the proposed 'Use Not Listed' detailed in the Application for a Development Approval for Lot 90 Logue Road, Mornington, can be considered as "Telecommunications Infrastructure" which may be consistent with the objectives and purpose of the "General Farming" zone.

Carried by Absolute Majority 9-0

24/34

Votes:

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

Against: Nil.

Officer's Recommendation 2 of 2

That Council:

1. Approves the Application for Development Approval for a 'Use Not Listed' (Telecommunications Infrastructure) on Lot 90 Logue Road, Mornington, 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 of Harvey.
 - 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.
2. Advises the Applicant of the following advice notes that are not included as conditions of the Development Approval:
 - a) 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.
 - b) The development is required to comply with the *Telecommunications Act 1997* and the Telecommunications Code of Practice 2018.

Moved: Cr. Bromham

Seconded: Cr. Dickinson

That Council:

1. Approves the Application for Development Approval for a 'Use Not Listed' (Telecommunications Infrastructure) on Lot 90 Logue Road, Mornington, 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 of Harvey.
 - 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.
2. Advises the Applicant of the following advice notes that are not included as conditions of the Development Approval:
 - a) 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.
 - b) The development is required to comply with the *Telecommunications Act 1997* and the Telecommunications Code of Practice 2018.

Carried 9-0

24/35

Votes:

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

Against: Nil.

Item No.:	12.3.5.
Subject:	Moka – 2024 Visit
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Economic Development Officer
Authorising Officer:	Chief Executive Officer
File No.:	F/13/00003
Attachments:	1. Policy 3.2.3 - International Relations [12.3.5.1 - 4 pages]

The following additional information is provided in regard to Item 12.3.5

At the Agenda Briefing Session held on Tuesday, 20 February 2024, a report was prepared and presented to Council by Officers who may be considered as having a direct or indirect financial interest with the matter. This report was prepared in response to a Notice of Motion proposed by Cr Carbone at the Ordinary Council Meeting held on Tuesday, 28 November 2023. The report was not initiated by Shire Officers.

The Notice of Motion was subsequently adopted by Council at its Ordinary Council Meeting held Tuesday, 19 December 2023, and was accompanied by Officers comments acknowledging that the report would include consideration of both Councillors and/or Shire Officers to be included within the delegation.

The Chief Executive Officer has the authority, pursuant to Organisational Directive: Employee Attendance at Conferences/ Seminars/Events/Training, to approve travel for Shire Officers, and to attend events, training and conferences. To this end listing specific Officers within that report was not required, nor does their attendance require Council approval.

Officer inclusion (i.e. total numbers) was outlined to understand the proposed Budget allocation listed for consideration within the current Officer Recommendation.

It is recommended that this allocation not be amended, however, in the avoidance of any doubt for there being any direct or indirect interest by those Officers under the Local Government Act 1995, no further involvement by these Officers, in the consideration of this matter, will occur. Additionally, reference to these Officers within the Officer's Recommendation requires to be amended.

The following amended Officer Recommendation is now proposed:

That Council:

1. Nominates the Shire President, Deputy President, Chief Executive Officer, to visit Moka on behalf of the Shire.
2. Includes an allocation of \$20,000 in the Shire's draft 2024–2025 Budget to accommodate a Shire of Harvey delegation to attend Moka City, Japan as part of the Shire's Friendship City relationship.
3. Acknowledges smaller delegations should be considered for future trips.
4. Invites and encourages Principals and teachers from schools within the Shire to be part of the
5. delegation at their own expense.
6. Invites other Councillors and appropriate Officers (e.g. Directors) to form part of the delegation at their own expense.
7. Acknowledges that attendance by Shire Officers will be determined by the Chief Executive Officer in accordance with Organisational Directive: Employee Attendance at Conferences/ Seminars/Events/Training.

Summary

The Shire of Harvey (the Shire) has a Friendship City Agreement with the City of Moka (Moka) in Japan to establish goodwill and friendly relations between both regions and countries to facilitate common prosperity within social, cultural and economic development.

The Shire has been invited by Moka to attend their 70th anniversary celebration that will be held from Friday, 4 October 2024 to Saturday, 5 October 2024. This visit will represent the Shire's inaugural visit to Moka following the signing of the Friendship City Agreement in June 2022.

At the Ordinary Council Meeting held on Tuesday, 28 November 2023, a Notice of Motion was proposed by Cr. Carbone that requested the Chief Executive Officer to prepare a report into the likely makeup of the delegation and associated costs.

In response the Officer's recommendation is presented to Council for its consideration.

Background

Correspondence was received from the Mayor of Moka on 14 January 2019, requesting the formation of a sister city relationship with the Shire. The city was hoping to build on the existing relationship that existed between Moka Junior High School and Australind Senior High School with the aim of providing cultural exchanges and educational learning.

At the Ordinary Council Meeting of 26 March 2019, the Chief Executive Officer presented a report to Council outlining the request from Moka with the recommendation that an International Relations Policy be developed.

At the Ordinary Council Meeting of 8 October 2019, Council adopted an International Relations Policy (refer **Attachment 1**) and agreed to enter into a friendship agreement with Moka. This Policy allows for funding of both incoming and outgoing Delegations.

On Tuesday, 21 June 2022, the Shire signed a Friendship City Agreement with Moka. Due to COVID-19 this occurred online via ZOOM.

On Tuesday, 31 October 2023, Moka sent over eight delegates to visit the Shire and Harvey Region for three days and two nights. The delegation included their Mayor, Chairman, Superintendent and five Staff Officers. At the same time, a delegation of Principals, Teachers and students from Kugeta Junior High School, Naganuma Junior High School and Monobe Junior High School also visited our Region.

During their stay, the Moka Mayor invited the Shire to their 70th anniversary celebrations to be held in October 2024. They have also invited their two other Sister Cities to attend this event. Moka's other Sister Cities are Glendora, United States of America and Douliu, Taiwan.

At the Ordinary Council Meeting held on Tuesday, 28 November 2023, a Notice of Motion was proposed by Cr. Carbone that requested the Chief Executive Officer to:

"That Council:

- 1. Prepare a report for consideration with budget for a Shire delegation visit to Moka.*
- 2. Inform local schools offering Japanese, and/or have existing relationships with Moka, of the Shire's proposed delegation visit and encourages their joint attendance."*

This item is in response to the Notice of Motion.

Comment

Draft Itinerary

Moka 70th anniversary celebration events are proposed as follows:

Friday, 4 October 2024		
Start	End	
2:00PM	4:20PM	Welcome Ceremony/ Symposium
5:00PM	5:20PM	Group Photo
5:30PM	8:00PM	Welcome Dinner

Saturday, 5 October 2024		
Start	End	
10:00AM	12:00PM	70th Anniversary Ceremony
12:00PM	12:30PM	Pole Sign Unveiling Ceremony
2:00PM	4:00PM	70th Anniversary Parade
TBC	TBC	Dinner

Visits to schools and other activities will be planned once the Shire confirms the dates of visit to Moka. The Shire delegation should consider arriving in Moka by no later than the morning of Thursday, 3 October 2024 to allow time to visit schools and other activities.

It is recommended the Shire delegation depart from Perth on Tuesday, 1 October to arrive in Tokyo on Wednesday, 2 October 2024. There are flights available on Sunday, 6 October 2024 to return to Perth.

Therefore, the suggested trip will be approximately four nights in length.

Proposed Delegation

Moka has suggested a delegation of up to 20 from the Shire of Harvey and relevant schools.

To better understand what would be appropriate, Shire Officers undertook background research into existing relationships within Western Australia with other local authorities.

It is understood there is no uniform approach to handling overseas visits. Who is included in travelling delegations is dependent on numerous factors, including the purpose/significance of the trip, whether it is the first or proceeding visit and budget available. A common theme is that local Council representation in the travelling delegations is kept to a minimum. Examples are as follows:

- For the City of Bunbury's visit to Japan in 2018, the City paid for the Mayor and Economic Development Officer who manages the relationship to attend.
- The City of Busselton would usually send their Mayor (or Deputy Mayor) and the President of their Sister City committee.
- In 2018, the City of Rockingham allocated \$35,000 for six people, being the Mayor, two Councillors, two Global Friendship committee members and the Chief Executive Officer, to travel to their sister city.

However, for all of the above, their inaugural visit involved a much larger delegation.

As this will be the Shire's first visit to Moka, it is recommended the Shire's delegation, paid for by the Shire, consists of the following:

1. Shire President
2. Deputy Shire President
3. Chief Executive Officer
4. Director Sustainable Development
5. Manager Economic Development
6. Economic Development Officer.

Principals and Japanese Teachers from Harvey Region schools offering Japanese and/or with a Moka Friendship City Relationship are invited to be part of the travelling delegation at their own cost. An Expression of Interest was sent to Principals and Teachers on Wednesday, 31 January 2024.

Similarly, should Councillors or appropriate Officers (e.g. Directors) wish to be a party to the delegation and are not listed above, the opportunity for them to attend at their cost exists however to preference by Moka to limit the numbers to 20, needs to be considered.

It is also recommended that the travelling delegation size should not be used as a precedent for future trips.

Cost Estimates

Moka has confirmed it will cover the following costs:

- Travel to and from the Tokyo airport
- Travel within Moka
- Entertainment and celebration activities
- Lunches and dinners while in Moka.

Dependent on the itinerary, a draft estimate of cost per person based on current prices could be as follows:

Draft Estimate	\$ per person	Allowance for
Airfares	2,000	Economy tickets
Accommodation – Moka per night	100	Three-star hotel
Accommodation – Tokyo per night	200	Three-star hotel
Breakfasts	Included	
Lunches – Tokyo per meal	25	
Dinner – Tokyo per meal	40	
Incidentals (including travel within Tokyo) per day	50	

In addition to the above, the following costs would also need to be considered:

- Extra luggage (for the transport of gifts)

- Gifts (one large gift and many smaller gifts)
- Interpretation: It is hoped that a local Japanese teacher from the Harvey Region will also attend to negate this cost. If not, additional budget will be required to source an English-Japanese interpreter in Japan.

The Shire currently has worldwide coverage for Corporate Travel Insurance valid until 30 June 2024. Councillors and Shire staff are covered under this policy. It is expected that the Shire will renew this policy in the coming months. Therefore, the cost of travel insurance does not have to be considered for the purpose of this report.

Budget

Based on the assumption there will be one night spent in Tokyo and three nights spent in Moka, a budget of \$3,000 per person (total \$18,000) will be sufficient.

A budget of \$1,000 will be sufficient to cover the costs of any gifts and extra baggage associated with such.

Interpretation to be confirmed. If required, between \$1,000–\$3,000.

It is proposed that flights and accommodation are paid for immediately to maximise the lower airfares currently on offer.

Anticipated overall budget with a delegation of six is \$20,000 on general ledger 132103.

This cost is not within Council's 2023–2024 Annual Budget as this financial year's Budget was fully expended on the Moka Delegation visit in October 2023.

However, there will be minimal budget expenses in the 2024–2025 Annual Budget with no further delegation visits anticipated until late 2025.

Statutory/Policy Environment

Nil.

Strategic Framework

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

- | | |
|----------------------|---|
| <i>Goal 1:</i> | <i>A diversified and thriving economy that offers a wide range of business and work opportunities as well as consumer choice.</i> |
| <i>Objective 1.1</i> | <i>The Shire is a tourist destination of choice.</i> |
| <i>Objective 1.2</i> | <i>Create a business friendly environment to support and attract investment, competition and productivity.</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, Financial, Reputational or Compliance** if an incorrect assessment of the land use occurs or insufficient community engagement occurs. The risk is considered **Minor** and the likelihood **Unlikely**, given that the report has been thoroughly researched, peer reviewed and provided by a qualified Shire Officer with a recommendation for the proposal to be advertised. This results in a **Low** risk being present.

Budget Implications

It is proposed a \$20,000 allocation for the Friendship City visit in October 2024 be included in the draft 2024–2025 Budget.

To facilitate cheaper cost of airfare tickets, it is proposed the flights be booked in the current financial year utilising an unused budget allocation for Destination Marketing Collateral Development (Job number 61971) which will not proceed until 2024–2025. In 2024–2025 the Friendship City budget allocation will then be transferred back to for Destination Marketing Collateral Development account.

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. Nominates six people, being the Shire President, Deputy President, Chief Executive Officer, Director Sustainable Development, Manager Economic Development and Economic Development Officer to visit Moka on behalf of the Shire.
2. Includes an allocation of \$20,000 in the Shire's draft 2024–2025 Budget to accommodate a Shire of Harvey delegation to attend Moka City, Japan as part of the Shire's Friendship City relationship.
3. Acknowledges smaller delegations should be considered for future trips.
4. Invites and encourages Principals and teachers from schools within the Shire to be part of the delegation at their own expense.
5. Invites other Councillors and appropriate Officers (e.g: Directors) to form part of the delegation at their own expense.

Mr. Winter entered the meeting at 4.22pm.

Moved: Cr. Carbone

Seconded: Cr. Bromham

That Council:

1. **Nominates the Shire President, Deputy President, Chief Executive Officer, to visit Moka on behalf of the Shire.**
2. **Includes an allocation of \$20,000 in the Shire's draft 2024–2025 Budget to accommodate a Shire of Harvey delegation to attend Moka City, Japan as part of the Shire's Friendship City relationship.**
3. **Acknowledges smaller delegations should be considered for future trips.**
4. **Invites and encourages Principals and teachers from schools within the Shire to be part of the delegation at their own expense.**
5. **Invites other Councillors and appropriate Officers (e.g. Directors) to form part of the delegation at their own expense.**
6. **Acknowledges that attendance by Shire Officers will be determined by the Chief Executive Officer in accordance with Organisational Directive: Employee Attendance at Conferences/ Seminars/Events/Training.**

Carried 8-1

24/36

Votes:

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

Against: Cr. Coleman.

12.4. Corporate Services

Item No.	12.4.1.
Subject:	Payments January 2024
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 January 2024 [12.4.1.1 - 17 pages]

Summary

A listing of payments for goods and services for January 2024 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. 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 also been included.

Comment

The list of accounts paid for January 2024 is presented as an **Attachment 1**, as summarised below.

<u>Voucher</u>	<u>Amount</u>
Schedule of Accounts	
Municipal	
EFT 69651 – EFT 70046	\$ 2,201,175.28
117566 – 117573	\$ 13,303.27
DD26437.1 – DD26510.25	\$ 185,719.59
CBA Credit Cards	\$ 7,164.08
Electronic Funds Submitted	\$ 126,101.98
Total	<u>\$ 2,533,464.20</u>

Prepaid Cards Payments included in the Municipal payments above

AMPOL Fuel Card	\$ 1,440.59
BP Fuel Card	\$ 5,995.59
Puma Fuel Card	\$ 1,273.64
Coles Card	\$ 1,566.16
Total	<u>\$ 10,275.98</u>

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 January 2024 totalling \$2,533,464.20.

Moved: Cr. Carbone

Seconded: Cr. Dickinson

That Council notes the list of accounts paid at Attachment 1 for the period of January 2024 totalling \$2,533,464.20.

Carried 9-0

24/37

Votes:

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

Against: Nil.

Item No.	12.4.2.
Subject:	Financial Statements as at 31 January 2024
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 31 Jan 2024 [12.4.2.1 - 11 pages]

Summary

The Financial Statements as of 31 January 2024 are provided at **Attachment 1**.

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

	ACTUAL 31 January 2024	BUDGET 2023–2024	VARIANCE
Statement of Financial Performance			
Ordinary Revenue	\$37,298,349	\$39,931,013	\$ 2,632,664
Ordinary Expenditure	\$26,994,771	\$47,439,708	\$20,444,937
Capital Revenue	\$ 1,487,838	\$62,348,478	\$60,860,640
Capital Expenditure	\$ 4,613,852	\$82,128,516	\$77,514,664
End of Period Profit/(Loss)			\$18,590,782
Statement of Financial Position			
Current Assets			\$ 52,432,122
Net Assets			\$831,525,783

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 81% of the rates were collected by Wednesday, 31 January 2024 compared to 81% for the previous year.

Cash Flow and Interest Earnings

The Shire holds by way of cash and term deposit \$17.29 million in Municipal funds and \$29.4 million in restricted Trust and Reserve funds. The average interest rate on these funds is 4.90%. New term deposits are attracting an interest rate for 90 days of approximately 5.05%.

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 second instalment of FAGS quarterly grant was also received in November 2023.

Employee Costs

Although these accounts only reflect the first seven months 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 seven months of the financial year, it is anticipated the Shire will operate within its means and in line with the Shire's adopted Budget for the 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 \$3,267,206 on capital works has been reported at the end of January 2024. 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
- 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 identifying reasons for variances between budgets and actuals.

It should be noted that the Financial Statements for January 2024, 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:

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

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

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

Community Engagement

Community Participation Goal

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

Promise to the Community

Inform: We will keep you informed.

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The Consequence could be **Financial**, **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 31 January 2024 at ***Attachment 1.***

Moved: Cr. Coleman

Seconded: Cr. Carbone

That Council receives the Financial Statements as of 31 January 2024 at *Attachment 1.*

Carried 9-0

24/38

Votes:

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

Against: Nil.

Item No.	12.4.3.
Subject:	Budget Review 2023–2024
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Finance
Authorising Officer:	Director Corporate Services
File No.:	FM/U/001
Attachments:	<ol style="list-style-type: none"> 1. Statement of Financial Performance and Activities [12.4.3.1 - 72 pages] 2. Mid Year Budget Review Detailed Sheet with Material Variances 23-24 [12.4.3.2 - 2 pages]

Summary

Local governments are required to conduct a Budget review between 1 January and 31 March each financial year. This is a requirement covered by Regulation 33A of the Local Government (Financial Management) Regulations 1996.

This review provides Council with the opportunity to re-evaluate the current Budget as a result of the many factors that affect works and services including income streams over the first half of the financial year.

It is recommended that Council adopts the 2023–2024 Budget Review outlined in this report and in **Attachments 1 and 2**.

Background

To ensure local governments take the opportunity to review their Budget through the course of a financial year, Regulation 33A of the Local Government (Financial Management) Amendment Regulations 2023 was gazetted, which states:

- (1) *“Between 1 January and the last day of February in each financial year a local government is to carry out a review of its annual budget for that year.*
- (2A) *The review of an annual budget for a financial year must –*
 - (a) *consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) *consider the local government’s financial position as at the date of the review; and*
 - (c) *review the outcomes for the end of that financial year that are forecast in the budget; and*
 - (d) *include the following -*
 - (i) *the annual budget adopted by the local government;*
 - (ii) *and update of each of the estimates included in the annual budget;*
 - (iii) *the actual amounts of expenditure, revenue and income as at the date of the review;*
 - (iv) *adjacent to each item in the annual budget adopted by the local government that states an amount, the estimates end-of-year amount for the item.*
- (2) *The review of an annual budget for a financial year must be submitted to the council on or before 31 March in that financial year.*

- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

**Absolute majority required.*

- (4) Within 14 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.”

Comment

This review attempts to project the end of year outlook for the Shire's finances on an account-by-account basis. Officer note that major works remain to be completed between now and the end of the financial year along with the receipt of major income streams. Every attempt has been made to include all material variances as they relate to this review.

Attachment 1 includes a Statement of Financial Performance and a Statement of Financial Activities by Directorates 2023–2024, which includes a summary of the service areas of the Shire. Following the summary page is the individual accounts under review by the Council. Individual accounts which include material variance have been highlighted in yellow to assist the Council.

Council's Policy 2.2.14 – Materiality, gives a definition of materiality as being:

“Information is to be considered material if by its omission it misstates or has the potential to adversely affect the decisions about the allocation of scarce resources made by users of a general purpose financial report or the rendering of accountability by preparers.

An amount of \$30,000 in any one account, transaction or variance is considered to be material.”

Attachment 2 highlights the accounts and job numbers which have a material variance defined under Council's Policy 2.2.14 and includes new Budget line items approved by Council resolutions in various Council Meetings held in this financial year.

Surplus Carried Forward

Although it is not mandatory to have a balanced Budget, Officer proposes to the Council a balanced Budget with no surplus and deficit to be carried forward for the next financial year.

Listed below are the material variances to the budget which include the reason for each variance:

Account/Job Name	Income/ Expense	Cashflow +In(-Out)
Executive Directorate		
Harvey Community Precinct – Stage 1 Planning and Documentation	Expense	(320,000)
Description: Project carried forward from the Last financial year, incl. increase cost due to variations		
Building Reserve Transfer	Income	320,000
Description: 100% of the Harvey Community Precinct to be funded from Building Reserve.		
Corporate Services		
Interim Rates	Income	100,000
Description: Increase in Interim Rates received (Sub division of properties)		
ESL Levy Collections	Income	(35,391)
Description: Decreased ESL Collections, because of decrease ESL rate from 0.005675 to 0.004883		

ESL Levy Transfers	Expense	35,391
Description: Increased ESL Collections, remitted back to the dept.		
Valuation Expense	Expense	50,000
Description: Most of the Valuation works completed last FY 2021/2022 and 2022/2023		
General Purpose Grant	Income	230,723
Description: After budget was adopted the Shire was advised of Financial Assistance Grant (FAGs)		
Local Roads Grant	Income	109,610
Description: After budget was adopted the Shire was advised of Financial Assistance Grant (FAGs)		
Special Purpose Grant	Income	(174,000)
Description: After budget was adopted the Shire was advised of Financial Assistance Grant (FAGs)		
Municipal Investment Interest	Income	161,974
Description: Increased Interest Rates		
B.C.I.T.F Payments	Expense	(45,000)
Description: Council Acts as an agent for the Building and Construction Training fund, more collection and more payments		
B.C.I.T.F Receipts	Income	45,000
Description: Council Acts as an agent for the Building and Construction Training fund, more collection and more payments		
Loan Interest Payments – Rec & Culture	Expense	30,120
Description: Interest and Principal repayment of Brunswick River Cottages, drawing of loan delayed.		
Refuse Management Reserve	Expense	(1,500,000)
Description: Last FY council approved \$3 Million for capping of BHRC, draw down of loan on 4/7/23.		
Community and Lifestyle Directorate		
Brunswick River Cottages Stage 3 – Construction	Expense	250,083
Description: Forecast was \$665,288 in Budget, actual expd. in the FY 2022/2023 was \$1,130,034. ie.\$464,746 more, add 214,663 variation due to stormwater upgrade		
Social Housing Economic Recovery Package Grant	Income	(373,845)
Description: Increased works last FY leads to increased grants utilisation in the last FY		
Harvey Senior Citizens Centre	Expense	(357,445)
Description: As approved by council in the January 2024 OCM		
Leschenault Mens Shed – Extn.	Expense	526,463
Description: As approved by council in the November 2023 OCM, Works completed and handled by Leschenault Men's Shed		
Grant Funding	Income	(416,878)
Description: As approved by council in the November 2023 OCM, Works completed and handled by Leschenault Men's Shed		
Contribution	Income	(50,000)
Description: As approved by council in the November 2023 OCM, Works completed and handled by Leschenault Men's Shed		
Self-Supporting Loan for Leschenault Mens Shed	Income	(59,585)
Description: As approved by council in the November 2023 OCM, Works completed and handled by Leschenault Men's Shed		
Brunswick Tennis Club – Resurfacing	Expense	(70,000)
Description: \$50,000 approved for this project in the FCWP for the FY 2024/2025, brought it forward to FY 2023/2024		
Community Grants Reserve – Fund Brunswick Tennis Club	Income	20,000
Description: As approved by Council in September OCM		

HRCC Grant funding – in the house grant (Expenditure)	Expense	(40,000)
Description: Increased grant received from DLGSC for HRCC		
HRCC Grant funding – in the house grant (Income)	Income	40,000
Description: Increased grant received from DLGSC for HRCC		
Holiday Program	Expense	46,000
Description: Staff Shortages program cannot be conducted, savings in Salaries		
Holiday Program Fees	Income	(88,000)
Description: Staff Shortages program cannot be conducted, savings in Salaries		
Aquatic Employee Cost	Expense	108,000
Description: Budget for Aquatic Salaries at LLC transferred to Harvey Pool Salaries Budget		
Pool Salaries	Expense	(100,000)
Description: Budget for Aquatic Salaries at LLC transferred to Harvey Pool Salaries Budget		
Sustainable Development Directorate		
H-9091	Expense	(52,936)
Description: Plant Cost carried forward from the last financial year		
Trade in H-9091	Income	23,182
Description: Trade in Income for Sale of old H-9091		
Plant Reserve	Income	29,754
Description: Reserve transfer for Net cost of Vehicle H-9091		
SW LG Biodiversity Project	Expense	(30,000)
Description: Biodiversity Project-Approved in Dec OCM		
Scheme Amendments/Recoups	Income	26,000
Description: Grant for funding Biodiversity Project		
Heritage Grants	Income	43,500
Description: Grants Carried forward from the last Financial year		
Harvey Region Trails and Adventure Master plant Grant	Income	105,000
Description: Grants Carried forward from the last Financial year		
Infrastructure Services Directorate		
Bushfire Mitigation Program	Expense	(70,040)
Description: BRMC Agreement between Shire of Harvey, Shire of Boddington and DFES.		
Bushfire Mitigation Program Recoup	Income	50,052
Description: 75% of the Cost to be Recouped from Shire of Boddington and DFES		
Tip Passes	Expense	(50,000)
Description: Increase in utilisation of Tip Passes by Rate payers		
Urban Rubbish Charge	Income	35,440
Description: Increased collection of Rubbish collection charge – Natural Growth		
CDS Recycling Income	Income	(40,000)
Description: Refund is included in the recycling gate fee, instead of separate income		
Caddies and Bags	Expense	45,000
Description: Less bags required to be purchases this year		
Contribution towards financial Support BHRC	Expense	(950,000)
Description: Contribution towards operational expd. of BHRC, Approved by Council in Nov 2023 OCM		
Stanley Road Refuse Capital Works	Expense	950,000
Description: As approved by council in Nov 2023 OCM, reduction in the Capital expenditure to fund operation expd. of BHRC		

Loan for Standley Road Refuse Capital Works	Income	3,000,000
Description: Last FY council approved \$3 Million for capping of BHRC, draw down of loan on 4/7/23		
Cemetery Major Mtce.	Expense	80,000
Description: Approved by council in Jan 2024, to fund increased expenditure towards Brunswick Oval ground lighting		
Brunswick Pool Reserve Mtce.	Expense	(20,000)
Description: LGIS assessment for Brunswick Pool, for fencing and signages etc.		
Australind Town Precinct	Expense	(40,000)
Description: Under estimation of expenditure in the Annual Budget, increase in the cost of Fertilizers		
LRCI Grant Income (Phase 2) Parks & Improvements	Income	115,078
Description: Grants from Unspent grant reserve, as well as pending to be received from the Govt.		
LRCI Program (Phase 3) – Community Infrastructure Project	Expense	
Harvey Skatepark		(73,085)
Description: Variation to the total project cost for Harvey Skatepark		
LRCI Program (Phase 4) – Community Infrastructure	Expense	
Meriden Park Path/Landscaping		73,085
Description: Savings in the cost to fund variation in the Harvey Skatepark		
Brunswick Rec Ground Masterplan – Lighting	Expense	(407,971)
Description: Increased in expenditure for lighting as approved by Jan 24 OCM		
Grant Funding	Income	80,000
Description: Increased funding from WA football commission to Brunswick Rec ground lighting		
Contribution for Brunswick Rec Ground Masterplan – Lighting	Income	23,000
Description: Increased contribution by Brunswick Ag Society for 200 Lux Lighting		
Roadwork Construction		
Ray Road Myalup	Expense	90,000
Description: C/f to FY 2024/2025, Direct Grant will carry forward to next FY		
Myalup Beach Road	Expense	375,000
Description: C/f to FY 2024/2025, 40% of RRG grant received c/f to next FY		
Johnston Road	Expense	50,000
Description: C/f to FY 2024/2025		
Melville Road	Expense	(50,000)
Description: Increase in the Construction cost		
Clifton Road George St to Vincent St.	Expense	24,000
Description: Reduction in the Construction Cost		
Hope Avenue	Expense	(64,000)
Description: Increase in the Construction cost		
Old Coast Road	Expense	(138,325)
Description: Carried forward from the last financial year		
Hackett Street (Cookernup)	Expense	69,563
Description: Project Completed Last FY, budget transferred to Roadworks Below		
Alverstoke Road	Expense	(28,500)
Description: Road was upgraded in 2022–2023. Requires a second coat seal to be applied to ensure longevity of the asset		
Salisbury Rd. Cookernup – Riverdale Rd to York St	Expense	(12,000)
Description: Road was upgraded in 2022–2023. Requires a second coat seal to be applied to ensure longevity of the asset		

Seven Hills Road	Expense	(21,563)
Description: Road was upgraded in 2022–2023. Requires a second coat seal to be applied to ensure longevity of the asset		
Seventh Street-Harvey Beef	Expense	(7,500)
Description: Road was upgraded in 2022–2023. Requires a second coat seal to be applied to ensure longevity of the asset		
Total Variations in Roadworks Project		286,675
Roads to Recovery	Income	(110,282)
Description: Reduced grants from Main Roads		
Direct Grants	Income	(21,074)
Description: Some projects linked to Direct Grants C/f to next financial year		
RRG Grants	Income	(111,675)
Description: Some projects linked to RRG C/f to next financial year		
Bridges Expenditure	Expense	136,793
Description: Reduction in Budget as grant from grants commission not recd. for Hill Road-BR4931		
Car parks	Expense	
Australind Elbow Carpark	Expense	215,000
Description: Savings in Net expenditure to fund Brunswick Rec. ground Lighting		
Grant – parking Australind	Income	(143,000)
Description: Savings in Net expenditure to fund Brunswick Rec. ground Lighting		
Road Maintenance Expenditure	Expense	(54,250)
Description: Increase in the Road Mtce. cost		
Drains Maintenance Expenditure	Expense	(40,000)
Description: Increase in Drains Mtce. Cost		
Salaries LSL Reserve	Expense	(57,216)
Description: Excess utilised of LSL then budget		
Transfer LSL from LSL Reserve	Income	57,216
Description: Excess utilised of LSL then budget		
Total Savings		1,546,466
Surplus Brought Forward from 2022–2023		(1,444,884)
Savings for revisions in Budget allocation not considered		
Material		(101,582)
Surplus/Deficit to be Carried forward to the next financial year		Nil

Statutory/Policy Environment

Local Government (Financial Management Regulations) 1996

- Regulation 33A – requirements to carry out a Budget review.

Shire of Harvey Policy 2.2.14 – Materiality.

Strategic Framework

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

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

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

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

Community Engagement

Community Participation Goal

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

Promise to the Community

Inform: We will keep you informed.

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The Consequence could be **Financial and Compliance**. By Council working through its proven budget process and with the Budget being prepared by qualified, professional Officers this helps to mitigate financial and compliance risks. As such it is considered that a **Low** risk is present.

Budget Implications

The Budget review has highlighted a number of accounts where both income and expenditure has deviated from that budgeted, and also accounts for previous Council resolutions relating to the Budget review. The Budget review outcome provides a balanced Budget.

Authority/Discretion

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

Voting Requirements

Absolute Majority

Officer's Recommendation

That Council adopts the 2023–2024 Budget Review, which includes a total expenditure of \$124,537,481 (as per the Summary of Financial Activity by Directorate) and which highlights a balanced Budget with Nil Surplus and Deficit to be carried forward for next financial year as per the table below and within **Attachment 1** and **2**.

Account/Job Name	Income/ Expense	Cashflow +In(-Out)
Executive Directorate		
Harvey Community Precinct – Stage 1 Planning and Documentation	Expense	(320,000)
Building Reserve Transfer	Income	320,000
Corporate Services		
Interim Rates	Income	100,000
ESL Levy Collections	Income	(35,391)
ESL Levy Transfers	Expense	35,391
Valuation Expense	Expense	50,000
General Purpose Grant	Income	230,723
Local Roads Grant	Income	109,610
Special Purpose Grant	Income	(174,000)
Municipal Investment Interest	Income	161,974
B.C.I.T.F Payments	Expense	(45,000)
B.C.I.T.F Receipts	Income	45,000
Loan Interest Payments – Rec & Culture	Expense	30,120
Refuse Management Reserve	Expense	(1,500,000)
Community and Lifestyle Directorate		
Brunswick River Cottages Stage 3 – Construction	Expense	250,083
Social Housing Economic Recovery Package Grant	Income	(373,845)
Harvey Senior Citizens Centre	Expense	(357,445)
Leschenault Mens Shed – Extn.	Expense	526,463
Grant Funding	Income	(416,878)
Contribution	Income	(50,000)
Self-Supporting Loan for Leschenault Mens Shed	Income	(59,585)
Brunswick Tennis Club – Resurfacing	Expense	(70,000)
Community Grants Reserve – Fund Brunswick Tennis Club	Income	20,000
HRCC Grant funding – in the house grant (Expenditure)	Expense	(40,000)
HRCC Grant funding – in the house grant (Income)	Income	40,000
Holiday Program	Expense	46,000
Holiday Program Fees	Income	(88,000)
Aquatic Employee Cost	Expense	108,000
Pool Salaries	Expense	(100,000)
Sustainable Development Directorate		
H-9091	Expense	(52,936)
Trade in H-9091	Income	23,182
Plant Reserve	Income	29,754
SW LG Biodiversity Project	Expense	(30,000)
Scheme Amendments/Recoups	Income	26,000
Heritage Grants	Income	43,500
Harvey Region Trails and Adventure Master plant Grant	Income	105,000
Infrastructure Services Directorate		
Bushfire Mitigation Program	Expense	(70,040)

Bushfire Mitigation Program Recoup	Income	50,052
Tip Passes	Expense	(50,000)
Urban Rubbish Charge	Income	35,440
CDS Recycling Income	Income	(40,000)
Caddies and Bags	Expense	45,000
Contribution towards financial Support BHRC	Expense	(950,000)
Stanley Road Refuse Capital Works	Expense	950,000
Loan for Standley Road Refuse Capital Works	Income	3,000,000
Cemetery Major Mtce.	Expense	80,000
Brunswick Pool Reserve Mtce.	Expense	(20,000)
Australind Town Precinct	Expense	(40,000)
LRCI Grant Income (Phase 2) Parks & Improvements	Income	115,078
<u>LRCI Program (Phase 3) – Community Infrastructure Project</u>	Expense	
Harvey Skatepark		(73,085)
<u>LRCI Program (Phase 4) – Community Infrastructure</u>	Expense	
Meriden Park Path/Landscaping		73,085
Brunswick Rec Ground Masterplan – Lighting	Expense	(407,971)
Grant Funding	Income	80,000
Contribution for Brunswick Rec Ground Masterplan – Lighting	Income	23,000
<u>Roadwork Construction</u>		
Ray Road Myalup	Expense	90,000
Myalup Beach Road	Expense	375,000
Johnston Road	Expense	50,000
Melville Road	Expense	(50,000)
Clifton Road George St to Vincent St.	Expense	24,000
Hope Avenue	Expense	(64,000)
Old Coast Road	Expense	(138,325)
Hackett Street (Cookernup)	Expense	69,563
Alverstoke Road	Expense	(28,500)
Salisbury Rd. Cookernup – Riverdale Rd to York St	Expense	(12,000)
Seven Hills Road	Expense	(21,563)
Seventh Street-Harvey Beef	Expense	(7,500)
Total Variations in Roadworks Project		286,675
Roads to Recovery	Income	(110,282)
Direct Grants	Income	(21,074)
RRG Grants	Income	(111,675)
Bridges Expenditure	Expense	136,793
<u>Car parks</u>	Expense	
Australind Elbow Carpark	Expense	215,000
Grant – parking Australind	Income	(143,000)
Road Maintenance Expenditure	Expense	(54,250)
Drains Maintenance Expenditure	Expense	(40,000)
Salaries LSL Reserve	Expense	(57,216)
Transfer LSL from LSL Reserve	Income	57,216

Total Savings	1,546,466
Surplus Brought Forward from 2022–2023	(1,444,884)
Savings for revisions in Budget allocation not considered Material	(101,582)
Surplus/Deficit to be Carried forward to the next financial year	Nil

BY ABSOLUTE MAJORITY**Moved: Cr. Bromham****Seconded: Cr. Coleman**

That Council adopts the 2023–2024 Budget Review, which includes a total expenditure of \$124,537,481 (as per the Summary of Financial Activity by Directorate) and which highlights a balanced Budget with Nil Surplus and Deficit to be carried forward for next financial year as per the table below and within *Attachment 1* and *2*.

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HRCC Grant funding – in the house grant (Income)	Income	40,000

Holiday Program	Expense	46,000
Holiday Program Fees	Income	(88,000)
Aquatic Employee Cost	Expense	108,000
Pool Salaries	Expense	(100,000)
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Infrastructure Services Directorate		
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Bushfire Mitigation Program Recoup	Income	50,052
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Contribution for Brunswick Rec Ground Masterplan – Lighting	Income	23,000
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Seven Hills Road	Expense	(21,563)

Seventh Street-Harvey Beef	Expense	(7,500)
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Direct Grants	Income	(21,074)
RRG Grants	Income	(111,675)
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Car parks	Expense	
Australind Elbow Carpark	Expense	215,000
Grant – parking Australind	Income	(143,000)
Road Maintenance Expenditure	Expense	(54,250)
Drains Maintenance Expenditure	Expense	(40,000)
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Transfer LSL from LSL Reserve	Income	57,216
Total Savings		1,546,466
Surplus Brought Forward from 2022–2023		(1,444,884)
Savings for revisions in Budget allocation not considered		
Material		(101,582)
Surplus/Deficit to be Carried forward to the next financial year		Nil

Carried by Absolute Majority 9-0

24/39

Votes:

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

Against: Nil.

12.5. Community and Lifestyle

Nil.

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

Cr. Coleman put forth the following Notice of Motion to be placed in the Ordinary Council Meeting held in February 2024:

That Council remove "Reading from a Book of Learning and Wisdom" as a standing item on the Council Agenda.

Reason: Readings are not relevant to Council Business and are not accurately reflected in the minutes.

Officers Comment:

The Chief Executive Officer (CEO) is responsible for all matters relating to the creation and distribution of Agenda's and Minutes. An Elected Member may recommend, through the Shire President, for the CEO to have a matter included on a meeting Agenda. The Standing Orders Local Law 2017 does not refer to the "Reading from a Book of Learning and Wisdom" as a standing item and therefore does not need to be included within the Ordinary Council Meeting Agenda's.

Traditionally, the Ordinary Council Meeting Agendas have included a reading; originally known as a "Reading From the Bible", the title was changed to "Reading From a Book of Learning and Wisdom" as part of the Standing Order Local Law amendments gazetted in November 2001. Historically, the readings have not been captured as part of the minutes, however with Council's direction, the administration can begin to record these.

Moved: Cr. Coleman

Seconded: Cr. Bromham

That Council remove "Reading from a Book of Learning and Wisdom" as a standing item on the Council Agenda.

Carried 7-2

24/40

Votes:

For: President Campbell, Cr. Hitchcock, Cr. Krispyn, Cr. Carbone, Cr. Coleman, Cr. Bromham and Cr. Capogreco.

Against: Cr. Boylan and Cr. Dickinson.

Cr. Carbone put forth the following Notice of Motion to be placed in the Ordinary Council Meeting held in February 2024:

That Council:

1. That Officers prepare a Draft policy for consideration by Council, to provide an assessment criteria as to the appropriateness of holiday homes (short stay accommodation) within rural and urban areas of the Shire.
2. The CEO be authorised to lobby the Department of Communities to develop its vacant blocks within the Shire of Harvey, and the greater Bunbury Area in general, for affordable accommodation, to mitigate the current housing crisis.

Officer's Comments

Officers previously commenced drafting a Local Planning Policy (LPP) relating to holiday homes (short stay accommodation), however this was put on hold awaiting finalisation of the draft new Local Planning Scheme No. 2 (new Scheme). A review of existing and previously drafted LPPs has commenced in preparation of the final approval of the new Scheme. Therefore, the previously drafted LPP for holiday homes (short stay accommodation) will be included in this review, with all LPPs proposed to be referred to Council in April 2024.

Officers understand there are a number vacant residentially zoned lots within the Shire of Harvey (the Shire) and Greater Bunbury Region and support representation from the Shire towards the inclusion of these properties for consideration within Government Regional Officers' Housing (GROH) Program.

Moved: Cr. Carbone

Seconded: President Campbell

That Council:

1. That Officers prepare a Draft policy for consideration by Council, to provide an assessment criteria as to the appropriateness of holiday homes (short stay accommodation) within rural and urban areas of the Shire.
2. The Chief Executive Officer be authorised to lobby the Department of Communities to develop its vacant blocks within the Shire of Harvey, and the greater Bunbury Area in general, for affordable accommodation, to mitigate the current housing crisis.

Carried 9-0

24/41

Votes:

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

Against: Nil.

14. Notice of Motion for Following Meeting

Motion:

Cr. Carbone requested that the following Notice of Motion be placed in the Ordinary Council Meeting Agenda for March 2024.

That Council make provisions in the 2024–2025 Budget for either a Shire vehicle for the Shire President or a negotiated lease agreement put in place.

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:

February:

- Joint Development Assessment Panel Training
- Meeting with the Brunswick Tennis Club Committee
- Private Citizenship Ceremony
- Harvey Community Radio
- Meeting at the Harvey Community Resource Centre
- Regional Joint Development Assessment Panel
- Meeting with Robyn Clarke MLA
- Access and inclusions Bus Tour
- Talking Tourism at Melville Park
- WALGA South West Zone Meeting
- South West Development Commission - Strategic Planning Forum
- The Chamber of Minerals and Energy WA Dinner at VAT 2
- Consulate General of Japan Function.

Cr. Coleman reported on her attendance at the following:

February:

- Victoria Cross Presentation at the RSL Hall with Cr. Dickinson, Cr. Junio, RSL Member and Historical Society Members.
- Concept Forum
- District Health Advisory Group Meeting
- Cookernup Markets
- Agenda Briefing Session
- Senior Citizens Meeting with Cr. Junio
- Wagerup Community Network Meeting

- Annual General Electors' Meeting
- Ordinary Council Meeting.

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

Nil.

18. Matters Behind Closed Doors

Moving Behind Closed Doors

Moved: Cr. Coleman

Seconded: Cr. Carbone

That Council moves behind closed doors.

Carried 9-0

24/42

Votes:

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

Against: Nil.

Council moved behind closed doors at 4.44pm.

18.1. Corporate Services

Motion

That with the exception of 18.1.4 and 18.1.8, which are to be considered separately, the Officers Recommendation for Items 18.1.1, 18.1.2, 18.1.3, 18.1.5, 18.1.6 and 18.1.7 be adopted as the Council Resolution.

Moved: Cr. Carbone

Seconded: Cr. Coleman

Carried 9-0

24/43

Votes:

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

Against: Nil.

18.1.1. Sale of Land – A13381

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

s.5.23(2)(b): “the personal affairs of any person”

Item No.:	18.1.1
Subject:	Sale of Land – A13381
Proponent:	Rates Assessment A13381
Location:	Rates Assessment A13381, Australind
Reporting Officer:	Coordinator Rates
Authorising Officer:	Director Corporate Services
File No.:	A013381
Attachments:	Nil

Summary

Council approval is sought to commence legal proceedings to sell property with Rates Assessment Number A13381 to recover unpaid rates and charges in accordance with section 6.64 of the *Local Government Act 1995* (the Act).

Voting Requirements

Simple Majority

Officer's Recommendation

That Council proceeds with the sale of property with Rates Assessment Number A13381 in accordance with section 6.64 of the *Local Government Act 1995* to recover unpaid rates imposed along with all costs associated with the recovery of those rates.

OFFICERS RECOMMENDATION ADOPTED BY EXEMPTION RESOLUTION – REFER TO RESOLUTION 24/43 APPEARING AT ITEM 18.1.

18.1.2. Sale of Land – A14427

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

s.5.23(2)(b): “the personal affairs of any person”

Item No.:	18.1.2
Subject:	Sale of Land – A14427
Proponent:	Rates Assessment A14427
Location:	Rates Assessment A14427 Australind
Reporting Officer:	Coordinator Rates
Authorising Officer:	Director Corporate Services
File No.:	A014427
Attachments:	Nil

Summary

Council approval is sought to commence legal proceedings to sell property with Rates Assessment Number A14427 to recover unpaid rates and charges in accordance with section 6.64 of the *Local Government Act 1995* (the Act).

Voting Requirements

Simple Majority

Officer's Recommendation

That Council proceeds with the sale of property with Rates Assessment Number A14427 in accordance with section 6.64 of the *Local Government Act 1995* to recover unpaid rates imposed along with all costs associated with the recovery of those rates.

OFFICERS RECOMMENDATION ADOPTED BY EXEMPTION RESOLUTION – REFER TO RESOLUTION 24/43 APPEARING AT ITEM 18.1.

18.1.3. Sale of Land – A16208

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

s.5.23(2)(b): “the personal affairs of any person”

Item No.:	18.1.3
Subject:	Sale of Land – A16208
Proponent:	Rates Assessment A16208
Location:	Rates Assessment A16208, Australind
Reporting Officer:	Coordinator Rates
Authorising Officer:	Director Corporate Services
File No.:	A016208
Attachments:	Nil

Summary

Council approval is sought to commence legal proceedings to sell property with Rates Assessment Number A16208 to recover unpaid rates and charges in accordance with section 6.64 of the *Local Government Act 1995* (the Act).

Voting Requirements

Simple Majority

Officer's Recommendation

That Council proceeds with the sale of property with Rates Assessment Number A16208 in accordance with section 6.64 of the *Local Government Act 1995* to recover unpaid rates imposed along with all costs associated with the recovery of those rates.

OFFICERS RECOMMENDATION ADOPTED BY EXEMPTION RESOLUTION – REFER TO RESOLUTION 24/43 APPEARING AT ITEM 18.1.

18.1.4. Sale of Land – A15459

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

s.5.23(2)(b): “the personal affairs of any person”

Item No.:	18.1.4
Subject:	Sale of Land – A15459
Proponent:	Rates Assessment A15459
Location:	Rates Assessment A15459, Australind
Reporting Officer:	Coordinator Rates
Authorising Officer:	Director Corporate Services
File No.:	A015459
Attachments:	Nil

Summary

Council approval is sought to commence legal proceedings to sell property with Rates Assessment Number A15459 to recover unpaid rates and charges in accordance with section 6.64 of the *Local Government Act 1995* (the Act).

Voting Requirements

Simple Majority

Officer's Recommendation

Moved: Cr. Bromham

Seconded: Cr. Boylan

That Council proceeds with the sale of property with Rates Assessment Number A15459 in accordance with section 6.64 of the *Local Government Act 1995* to recover unpaid rates imposed along with all costs associated with the recovery of those rates.

Carried 9-0

24/44

Votes:

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

Against: Nil.

18.1.5. Sale of Land – A13308

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

s.5.23(2)(b): “the personal affairs of any person”

Item No.:	18.1.5
Subject:	Sale of Land – A13308
Proponent:	Rates Assessment A13308
Location:	Rates Assessment A13308, Australind
Reporting Officer:	Coordinator Rates
Authorising Officer:	Director Corporate Services
File No.:	A013308
Attachments:	Nil

Summary

Council approval is sought to commence legal proceedings to sell property with Rates Assessment Number A13308 to recover unpaid rates and charges in accordance with section 6.64 of the *Local Government Act 1995* (the Act).

Voting Requirements

Simple Majority

Officer's Recommendation

That Council proceeds with the sale of property with Rates Assessment Number A13308 in accordance with section 6.64 of the *Local Government Act 1995* to recover unpaid rates imposed along with all costs associated with the recovery of those rates.

OFFICERS RECOMMENDATION ADOPTED BY EXEMPTION RESOLUTION – REFER TO RESOLUTION 24/43 APPEARING AT ITEM 18.1.

18.1.6. Sale of Land – A7828

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

s.5.23(2)(b): “the personal affairs of any person”

Item No.:	18.1.6
Subject:	Sale of Land – A7828
Proponent:	Rates Assessment A7828
Location:	Rates Assessment A7828, Australind
Reporting Officer:	Coordinator Rates
Authorising Officer:	Director Corporate Services
File No.:	A007828
Attachments:	Nil

Summary

Council approval is sought to commence legal proceedings to sell property with Rates Assessment Number A7828 to recover unpaid rates and charges in accordance with section 6.64 of the *Local Government Act 1995* (the Act).

Voting Requirements

Simple Majority

Officer's Recommendation

That Council proceeds with the sale of property with Rates Assessment Number A7828 in accordance with section 6.64 of the *Local Government Act 1995* to recover unpaid rates imposed along with all costs associated with the recovery of those rates.

OFFICERS RECOMMENDATION ADOPTED BY EXEMPTION RESOLUTION – REFER TO RESOLUTION 24/43 APPEARING AT ITEM 18.1.

18.1.7. Sale of Land – A5585

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

s.5.23(2)(b): “the personal affairs of any person”

Item No.:	18.1.7
Subject:	Sale of Land – A5585
Proponent:	Rates Assessment A5585
Location:	Rates Assessment A5585, Australind
Reporting Officer:	Coordinator Rates
Authorising Officer:	Director Corporate Services
File No.:	A005585
Attachments:	Nil

Summary

Council approval is sought to commence legal proceedings to sell property with Rates Assessment Number A5585 to recover unpaid rates and charges in accordance with section 6.64 of the *Local Government Act 1995* (the Act).

Voting Requirements

Simple Majority

Officer's Recommendation

That Council proceeds with the sale of property with Rates Assessment Number A5585 in accordance with section 6.64 of the *Local Government Act 1995* to recover unpaid rates imposed along with all costs associated with the recovery of those rates.

OFFICERS RECOMMENDATION ADOPTED BY EXEMPTION RESOLUTION – REFER TO RESOLUTION 24/43 APPEARING AT ITEM 18.1.

18.1.8. T032023 Enterprise Resource Planning (ERP) Solution

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.:	18.1.8
Subject:	T032023 Enterprise Resource Planning (ERP) Solution
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Director Corporate Services
Authorising Officer:	Chief Executive Officer
File No.:	F/37/00076
Attachments:	Confidential Attachment 1

Summary

Tender T032023 for an Enterprise Resource Planning (ERP) solution, closed on Wednesday, 5 April 2023 and eight submissions were received to the advertised expression of interest (EOI).

The evaluation of Tenders was conducted in a two-phase process. Phase one ranked submissions based on responses to questions in the EOI. At the conclusion of this process, Council at its Ordinary meeting held on 25 July 2023 authorised the Chief Executive Officer to invite Datacom Solutions Pty Ltd (Datacom), IT Vision Australia Pty Ltd (IT Vision) and Technology One Limited (Technology One) to provide a submission for phase two.

Phase two included in-depth demonstrations by the three shortlisted companies to the assessment panel including a review of documented functional requirements. Demonstrations were also provided to a wide range of key Shire Officers with a further demonstration provided for the Executive Leadership Team.

Voting Requirements

Simple Majority

Officer's Recommendation

Moved: Cr. Bromham

Seconded: Cr. Dickinson

That Council:

- 1. Awards Tender T032023 – Enterprise Resource Planning Solution to Datacom Solutions Pty Ltd in accordance with the Tendered price of \$2,536,422 (exc GST) over a five-year Contract Period.**
- 2. Authorises the Chief Executive Officer to prepare and sign the required contract documentation.**
- 3. Receives further progress reports during the Enterprise Resource Planning implementation regarding any issues and potential financial implications.**

Carried 9-0 24/45

Votes:

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

Against: Nil.

Returning from Behind Closed Doors

Moved: Cr. Coleman

Seconded: Cr. Carbone

That Council return from behind closed doors.

Carried 9-0 24/46

Votes:

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

Against: Nil.

Council returned from behind closed doors at 4.48pm.

19. Closure of Meeting

There being no further business to discuss, the meeting was declared closed at 4.49pm.

I, Ms. Michelle Campbell, certify that the aforesaid Minutes of the meeting held on Tuesday, 27 February 2024, are a true and correct record of that meeting on Tuesday, 27 February 2024.

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

Mrs. Michelle Campbell
Shire President