## TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. OFFICIAL OPENING.</td>
</tr>
<tr>
<td>B. RECORD OF APOLOGIES AND LEAVE OF ABSENCE</td>
</tr>
<tr>
<td>C. APPLICATIONS FOR LEAVE OF ABSENCE</td>
</tr>
<tr>
<td>D. READING FROM A BOOK OF LEARNING AND WISDOM</td>
</tr>
<tr>
<td>E. DECLARATIONS OF MEMBERS’ AND OFFICERS’ PERSONAL INTEREST</td>
</tr>
<tr>
<td>F. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE</td>
</tr>
<tr>
<td>G. PUBLIC QUESTION TIME</td>
</tr>
<tr>
<td>H. PETITIONS/DEPUTATIONS/PRESENTATIONS</td>
</tr>
<tr>
<td>I. ANNOUNCEMENTS BY PRESIDING MEMBER OR CEO WITHOUT DISCUSSION</td>
</tr>
<tr>
<td>J. CONFIRMATION OF MINUTES</td>
</tr>
<tr>
<td>K. RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES</td>
</tr>
<tr>
<td>L. OFFICER’S REPORTS</td>
</tr>
</tbody>
</table>


### K. RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES

- Work Safety Advisory Committee | 5th September 2019
- Harvey Local Emergency Management Committee | 9th September 2019
- Yarloop Townscape Strategy Advisory Committee | 24th September 2019
- Community Safety and Crime Prevention Advisory Committee | 24th September 2019
- Corporate Services Committee | 17th September 2019
- Harvey Recreation Ground Advisory Committee (to be tabled) | 3rd October 2019
- **Development Services Committee** | 1st October 2019
  *(Including Planning Reports listed below)*

### 8.1 PLANNING REPORT

- **8.1.1** Modified Local Development Plan for Hope Christian College, Roelands - WML Consultants representing Hope Christian College - Lot 42 (No.68) Government Road, Roelands (A15013)
- **8.1.2** Modification to Designated Building Envelope and Oversized Shed - Jonathon and Jodi Read - Lot 123 (No. 6) Fletcher Court, Leschenault (A009458)

### L. OFFICER’S REPORTS

#### CORPORATE SERVICES

1. Sister City Relationships - Shire of Harvey (GR/L/010) | 9
2. Terms of Reference for Advisory Groups - Shire of Harvey (CC/C/0131) | 13
3. Audit Committee - Shire of Harvey (CC/C/093) | 15
4. CEO Employment Committee - Shire of Harvey (CC/C/0132) | 17
5. Bush Fire Advisory Committee - Shire of Harvey (CC/C/060) | 19
6. Local Emergency Management Committee - Shire of Harvey (C/C/098) | 21
7. Meetings for Coming Months – Shire of Harvey (CCC001) | 23
M. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN ................................................................. 23
N. NOTICE OF MOTION FOR FOLLOWING MEETING ........................................................................................................ 23
O. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN ......................................................... 23
P. REPORTS OF MEMBERS .................................................................................................................................................... 23
Q. SEAL REGISTER ................................................................................................................................................................. 25
R. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING .................................................. 25
S. MATTERS BEHIND CLOSED DOORS ................................................................................................................................. 25
T. CLOSURE OF MEETING ...................................................................................................................................................... 32
ORDINARY COUNCIL MINUTES
8th October 2019

SHIRE OF HARVEY
COUNCIL MINUTES

MINUTES OF THE ORDINARY MEETING OF THE HARVEY SHIRE COUNCIL, HELD IN THE COUNCIL CHAMBER, MULGARA STREET, AUSTRALIND, ON TUESDAY, 8th OCTOBER 2019, COMMENCING AT 4.01PM.

ATTENDANCE

Shire President
Deputy Shire President
Cr. T. Jackson
Cr. P. Beech
Cr. B. Adams
Cr. F. Burgoyne AFSM
Cr. M. Campbell
Cr. C. Carbone
Cr. W. Dickinson
Cr. P. Gillett
Cr. P. Monagle (4.01pm – 4.50pm)
Cr. A. Shortland (4.52pm – 5.41pm)

STAFF

Chief Executive Officer
Executive Manager Corporate Services
Acting Executive Manager Technical Services
Principal Building Surveyor
Principal Environmental Health Officer
Manager Planning Services
Manager Community & Economic Development
Finance Manager
Accountant
Manager Special Projects
Marketing and Communications Officer
Agendas and Minutes Officer
Ms. A. Riordan
Mr. S. Collie
Mr. P. Kay
Mr. M. Stewart
Mr. S. Dandridge
Mr. S. Hall
Mr. P. Quinlivan (4.06pm – 5.41pm)
Mr. D. Winter (4.01pm – 5.15pm)
Ms. L. Davies
Ms. P. Pietersen
Ms. C. Eadie
Ms. K. Hough

There was one (1) member of the public and one (1) member of the press present.
A. OFFICIAL OPENING

The Shire President opened the meeting at 4.01pm.

Acknowledgement of Country

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

B. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Approved Leave of Absence

Cr. A. Lovitt
Cr. D. Simpson

Apology

Cr. M. Boylan

C. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

D. READING FROM A BOOK OF LEARNING AND WISDOM

Read by Cr. Gillett.

E. DECLARATIONS OF MEMBERS’ AND OFFICERS’ PERSONAL INTEREST

- Financial Interest

Cr. Carbone declared a Financial interest in Confidential Item 1 - SAT Invitation to Amend Extractive Industry Approval Conditions – Phytophthora Dieback - B & J Catalano Pty Ltd - Lots 104 and 202 Martin Road, Brunswick (A012126/EX/004 and A012126/EX/005).

Reason

Cr. Carbone advised that he is the manager of extractive industries for MGM. Cr. Carbone declared he would leave the Chamber for the duration of the item.

Cr. Burgoyne declared a Financial interest in Confidential Item 1 - SAT Invitation to Amend Extractive Industry Approval Conditions – Phytophthora Dieback - B & J Catalano Pty Ltd - Lots 104 and 202 Martin Road, Brunswick (A012126/EX/004 and A012126/EX/005).

Reason

Cr. Burgoyne advised that his employer is involved in extractive industries. Cr. Burgoyne declared he would leave the Chamber for the duration of the item.
F. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

G. PUBLIC QUESTION TIME

Question 1 - Neil Espinos

Mr. Espinos put forward his frustrations regarding the Kingston Drive extension and the impact on local businesses and residents. Mr. Espinos enquired to the date of completion for this project.

Answer 1 – Acting Manager Technical Services

Mr. Kay advised that the Shire of Harvey is waiting on a clearing permit and Native Title clearance and is not able to expedite the process.

Answer 2 – Manager Planning Services

Mr Hall advised that solutions to the delays have been thoroughly investigated however at this stage there has been no resolution.

Answer 3 - Shire President.

Cr. Jackson detailed her recent meeting with the Chief Executive Officer and Main Roads WA and advised that these concerns were put forward and while no promises can be made, Main Roads WA will look into this issue.

H. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

I. ANNOUNCEMENTS BY PRESIDING MEMBER OR CEO WITHOUT DISCUSSION

The Shire President noted that this was the last meeting of the current Council and thanked all Councillors for their work in the last two years. The Shire President thanked Cr. P. Monagle and Cr. A. Shortland and wished all candidates best wishes for the upcoming elections.

J. CONFIRMATION OF MINUTES

ORDINARY COUNCIL MEETING – Tuesday, 17th September 2019.

Recommendation

That the Minutes of the Council Meeting held on Tuesday, 17th September 2019, as printed be confirmed as a true and correct record.

19/248. Burgoyne/Adams

“That the Minutes of the Council Meeting held on Tuesday, 17th September 2019, as printed be confirmed as a true and correct record.”

CARRIED 10-0
K. RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES

Work Safety Advisory Committee
5th September 2019.

MINUTES

19/249. Shortland/Gillett
“That the Minutes of the Work Safety Advisory Committee, held on Thursday, 5th September 2019, as printed, be received and the recommendations contained therein be adopted by Council.”

CARRIED 10-0

Harvey Local Emergency Management Committee
9th September 2019.

MINUTES

19/250. Monagle/Burgoyne
“That the Minutes of the Harvey Local Emergency Management Committee, held on Monday, 9th September 2019, as printed, be received and the recommendations contained therein be adopted by Council.”

CARRIED 10-0

Yarloop Townscape Strategy Advisory Committee
24th September 2019.

MINUTES

19/251. Dickinson/Monagle
“That the Minutes of the Yarloop Townscape Strategy Advisory Committee, held on Tuesday, 24th September 2019, as printed, be received and the recommendations contained therein be adopted by Council.”

CARRIED 10-0

Community Safety and Crime Prevention Advisory Committee
24th September 2019.

MINUTES

19/252. Adams/Dickinson
“That the Minutes of the Community Safety and Crime Prevention Advisory Committee, held on Tuesday, 24th September 2019, as printed, be received and the recommendations contained therein be adopted by Council.”

CARRIED 10-0
Corporate Services Committee  
17th September 2019.

MINUTES

19/253. Carbone/Gillett
“That the Minutes of the Corporate Services Committee, held on Tuesday, 17th September 2019, as printed, be received and the recommendations contained therein be adopted by Council.”
CARRIED 10-0

Harvey Recreation Ground Advisory Committee  
3rd October 2019.

MINUTES

19/254. Beech/Campbell
“That the Minutes of the Harvey Recreation Ground Advisory Committee, held on Thursday, 3rd October 2019, as tabled, be received and the recommendations contained therein be adopted by Council.”
CARRIED 10-0

Development Services Committee  
1st October 2019.

MINUTES

19/255. Carbone/Burgoyne
“That the Minutes of the Development Services Committee Meeting, held on Tuesday, 1st October 2019, be received and the recommendations listed hereunder be adopted en-bloc.”

8.1 PLANNING REPORT

8.1.1 Modified Local Development Plan for Hope Christian College, Roelands - WML Consultants representing Hope Christian College - Lot 42 (No.68) Government Road, Roelands (A15013)

8.1.2 Modification to Designated Building Envelope and Oversized Shed - Jonathon and Jodi Read - Lot 123 (No. 6) Fletcher Court, Leschenault (A009458)
CARRIED 10-0
In January 2019, two approaches were received by the Shire of Harvey to form a sister city relationship, one from Moka City, Japan and another from Xiuzhou District, Jiaxing City, China. Correspondence was received directly from the Mayor of Moka City, with the Chief Executive Officer of the Bunbury Geographe Economic Alliance presenting the request from Xiuzhou District.

At the Ordinary Council Meeting of 26 March 2019, Council requested the Chief Executive Officer to develop an International Relations Policy prior to progressing any requests for international relationships. A policy has been developed (refer Attachment 1) and it is recommended that the Shire proceed with Friendship City relationships with both Xiuzhou District, Jiaxing City, China, and Moka City, Japan.

**Background**

**Moka City, Japan**
Correspondence was received from the Mayor of Moka City on 14 January 2019, requesting the formation of a sister city relationship with the Shire of Harvey. The City was hoping to build on the existing relationship that exists between Moka Junior High School and Australind Senior High School with the aim of providing cultural exchanges and educational learning. The relationship between the two (2) schools has been established for over fifteen years.

**Xiuzhou District, Jiaxing City, China**
The Chief Executive Officer of the Bunbury Geographe Economic Alliance (BGEA), Mr Chris McNamara met with the Shire of Harvey in January 2019 to discuss the formalising of a sister city relationship with Xiuzhou District, Jiaxing City, China. The Shire was also provided with a Letter of Intent of Xiuzhou District, Jiaxing City identifying a sister city. The long term plan of BGEA is to have a 'Sister Region' with the Jaixing Region in China and gain recognition as the first Sister Region in W.A.

Correspondence has been sent to both Moka City and Xiuzhou District by the Shire President, thanking the cities for their proposals and advising that Council would consider the matter further and advise of any decision in regards to progressing a sister city relationship.

At the Ordinary Council Meeting of 26 March 2019, the Chief Executive Officer presented a report to Council outlining the requests from Xiuzhou District and Moka City with the recommendation that an International Relations Policy be developed:

*That Council:*

1. **Authorises the Chief Executive Officer to:**
   a) **Investigate the costs and benefits of a long term economic development relationship through developing a sister city relationship; and**
b) Develop an International Relations Policy to articulate Council’s objectives in
establishing international sister city or other relationships;

2. Lists for consideration an amount of $10,000 in the 2019/20 draft Budget for Shire
cultural exchange activities with Xiuzhou District, Jiaxing City, China; and

3. Receives a further report on the matter once the draft International Relations Policy
has been prepared.

19/065. Adams/Dickinson
“That the Officer’s Recommendation be adopted.”
CARRIED 9-1

Comment

The development of the International Relations Policy outlines the Shire’s objectives of
entering into an international relationship as well as assessment criteria to be met for future
international relationship requests. The proposed policy is based on the importance of
building long lasting relationships to benefit both parties which can be achieved by:

- Assessing potential relationships against meaningful criteria;
- Ensuring all international relationships contribute to the strategic objectives in the
Shire’s Strategic Community Plan; and
- Regularly assessing international relationships to ensure continued relevance to
both parties.

International Relationships

Formal requests for international relationships have been received by Xiuxhou District, China
and Moka City, Japan however there are other cities who could also seek a relationship with
the Shire of Harvey.

In July 2019, the Harvey Main Street Committee put forward a suggestion that the Shire of
Harvey enter into a relationship with Reggio Calabria, Italy which could build on the strong
Italian heritage that exists in the town of Harvey. There has also in the past been an informal
relationship between Yarloop and Ypres, Belgium.

In considering the formal requests which have been received, Council should be cognisant
that there may be other future requests or considerations that may need to be made. Adoption of the draft International Relations Policy would assist in assessment of these
requests.

Assessment

In assessing the requests for an international relationship from Xiuxhou District, China and
Moka City, Japan reference has been made to the selection criteria detailed in the draft
International Relations Policy and as detailed below:

General
- Population and demographics
- Geographic location
- Relevance to local community
- History of diplomatic relationships
- Existing regional or state based international relationships
Economic
- Comparison of key industries
- Trade and investment opportunities
- Tourism opportunities

Social/Cultural
- Similar social infrastructure and issues
- Opportunity for social or sporting activity
- Community interest, energy and commitment

Educational
- Existing or opportunity for school exchange programs
- Linkages between TAFE/Universities

Assessment against these criteria can be found at Attachment 2.

In considering the assessment against the criteria, it is recommended that the Shire enter into Friendship City relationships with both Xiuxhou District, China and Moka City, Japan. A Friendship City relationship is a less formal relationship with the level of required community support and involvement not as high as for a Sister City relationship. It is considered that establishing this international relationship and undertaking a review in line with the draft International Relations Policy would be the first step prior to potentially committing to a Sister City relationship.

Activities to foster an international relationship could include:
- exchanges of individuals, information and ideas across a wide range of interests
- visits to and from cities
- compilation of brochures providing information on aspects of life in the city
- arranging exchanges of news items and reports between newspapers, radio and television in the respective cities
- supporting lectures by individuals from their respective countries
- correspondence between individuals of the cities
- exchanges and communications between churches, educational institutions, sporting bodies, clubs, societies or groups with common interest
- exchanges of arts, crafts and educational material between schools and other groups
- promotion of trade through continual cultural and goodwill visits.

Source: City of Rockingham

Xiuxhou District Delegation

An approach was made to the Shire of Harvey by the Xiuxhou District in July 2019 requesting the Shire host a delegation in conjunction with the City of Bunbury. In consultation with the Shire President (and in line with the draft International Relations Policy), the Chief Executive Officer issued correspondence (refer Attachment 3) inviting representatives to the Shire. Discussions with Bunbury Geographe Economic Alliance (Mr Chris McNamara) and the South West China Business Association (Mr Yan Lyu) confirm that the delegation will consist of four representatives, with the City of Bunbury to host the delegation for two days, and the Shire of Harvey for one day. The delegation which was due to visit in September/October 2019 has now been scheduled for December 2019. Costs associated with the visit of the delegates to the Shire will consist of hosting lunch and dinner for the delegates, a small cultural gift and travel within the Shire, with Xiuxhou District responsible for all other outgoings.
**Statutory/Policy Environment**

There are no statutory requirements to developing a relationship between cities.

The Shire is currently developing an Economic Development Strategy which is to identify a range of strategies and actions to facilitate economic development and employment growth in the Shire. There may be the opportunity to consider whether the development of an international relationship may aid in the attainment of the objectives of the Strategy.

**Strategic Framework**

Within the Shire’s Strategic Community Plan 2017 – 2027, Strategy 1.2.9 states:

“Continue to collaborate with our partners to promote regional tourism initiatives.”

**Risk Management**

The Risk Theme Profile identified in relation to this item is **Inadequate Engagement Practices**. The Consequence could be **Reputational** and **Financial** if there is inadequate consideration of the objectives and financial implications of entering into an international relationship. The Risk Consequence is considered to be “Moderate” (3) and the Likelihood “Unlikely” (2) resulting in a “Moderate” (6) level of risk.

**Budget Implications**

An allocation of $10,000 has been provided in the 2019/20 Budget towards cultural exchange activities.

**Voting Requirement**

Simple Majority.

**Officer’s Recommendation**

That Council:

1. Adopts the International Relations Policy as at Attachment 1;
2. Notes the incoming delegation from XiuXhou District, Jiaxing City, China and approves the Shire President to sign a Memorandum of Understanding to establish a Friendship City relationship;
3. Notes the request from Moka City to form an international relationship and corresponds with the Mayor of Moka City advising that the Shire of Harvey will establish a Friendship City agreement; and
4. Advises the Harvey Main Street Committee that at this time the Shire will not pursue an international relationship with Reggio Calabria, Italy.

19/256. Adams/Dickinson

“That the Officer’s recommendation be adopted.”

CARRIED 7-3
Summary

Terms of Reference for the Shire of Harvey Advisory Committees are presented to Council for adoption.

Background

Council, at its meeting on the 17th September 2019, reviewed the Committees of Council and resolved to direct the Chief Executive Officer (CEO) to:

1) Redraft terms of reference to change the following to advisory groups;
   a) The Community Safety and Crime Prevention Advisory Committee,
   b) The Community Sail Training Trust Committee,
   c) The Disability Access and Inclusion Advisory Committee,
   d) The Heritage Advisory Committee, and
   e) The Leschenault Leisure Centre Advisory Committee;

2) Draft terms of reference for a Brunswick Place Advisory Group, a Harvey Place Advisory Group and a Yarloop Place Advisory Group to replace the;
   a) Brunswick Junction Town Centre Redevelopment Advisory Committee,
   b) Harvey Community Precinct Steering Committee,
   c) Harvey Recreation Ground Advisory Committee,
   d) Yarloop Town Development Working Group,
   e) Yarloop Townscape Strategy Advisory Committee and,
   f) Yarloop Townscape Strategy Interpretive Signage Working Group, and;


Comment

Advisory Groups are a key component of a Community Engagement Strategy. They bring key stakeholders together to advise the Shire on strategy and policy for particular services, facilities and individual communities within the Shire of Harvey.

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

The creation of Place Advisory Groups for individual communities will assist the Shire with the development, implementation and monitoring of the Shire of Harvey’s Integrated Planning and Reporting Framework. Each group could advise on priorities for services, facilities and projects.

This report includes Terms of Reference for Place Advisory Groups in Brunswick, Harvey and Yarloop. The CEO may recommend Place Advisory Groups for other communities.
Terms of Reference improve efficiency by removing the need for each individual group member to be appointed by Council. Council will determine the representation on each group by approving the Terms of Reference. It is proposed that Council will approve the Councillor representation on each group and the CEO can recruit other members to fulfil the representation requirements. Councillor representation is recommended for all Advisory Committee.

Councillors will be appointed to the various Advisory Committees following the local government elections on the 19th October 2019.

**Statutory/Policy Environment**

Division 2 (Section 5.8) of the *Local Government Act 1995* applies to Council meetings, committees and their meetings and Electors’ meetings.

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

**Strategic Framework**

Within the Shire’s Strategic Community Plan 2017 – 2027, Strategy 4.4.1 states:

>“Provide opportunities for the community to engage with Councillors and Staff.”

**Risk Management**

The Risk Theme Profile identified as part of this report is *Inadequate Engagement Practices*. The Consequence is Reputational and Compliance should meeting requirements not be met or if the advisory groups are ineffective. The Risk is mitigated by the report being thoroughly researched, peer reviewed and provided by a qualified Shire officer, resulting in LOW Risk being present.

**Budget Implications**

The cost of supporting the Advisory Groups will be covered within the 2019/20 Budget. The number of groups and committees have been reduced so it is expected that this change will allow staff resources to be reallocated to implementing other forms of community engagement when the Community Engagement Policy is adopted.

**Voting Requirements**

Simple Majority.

**Officer’s Recommendation**

That Council adopts the Terms of Reference (refer, *Attachment 1*) for the:

1. Awards, Honours and Prizes Advisory Group;
2. Brunswick Place Advisory Group;
3. Community Safety and Crime Prevention Advisory Group;
4. Community Sail Training Trust Advisory Group;
5. Disability Access and Inclusion Advisory Group;
6. Harvey Place Advisory Group;
7. Heritage Advisory Group;
8. Leschenault Leisure Centre Advisory Group;
9. Sports and Recreation Advisory Group, and;
19/257. **Campbell/Adams**

“That the Officer’s recommendation be adopted with the following amendments;

- All Advisory Groups have two (2) Councillor representatives and a deputy;
- Establish Place Advisory Groups for Australind/Leschenault, and the Coastal Communities of Binningup/Myalup;
- Add 1.12 That membership to all Advisory Groups with the exception of the Sport and Recreation Advisory Group be a maximum of 10 members;
- That clause 4.3, 8.3 and 12.3 include the words “that are incorporated associations as determined by the CEO; and
- That clause 7.3 (6) change to include the words ‘One representative from the disability services sector’.”

**CARRIED 10-0**

Reason: The recommendation was changed to increase Councillor representation on the Advisory Groups and to encompass all areas within the Shire of Harvey.

Cr. P. Monagle left the Chamber at 4.50pm.

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<thead>
<tr>
<th>Item No.</th>
<th>3</th>
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<tbody>
<tr>
<td>Subject:</td>
<td>Audit Committee</td>
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<tr>
<td>Proponent:</td>
<td>Shire of Harvey</td>
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<tr>
<td>Location:</td>
<td>Shire of Harvey</td>
</tr>
<tr>
<td>Reporting Officer:</td>
<td>Executive Manager Corporate Services</td>
</tr>
<tr>
<td>File No.:</td>
<td>CC/C/093</td>
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**Summary**

A revised Terms of Reference for an Audit Committee are presented to Council for adoption.

**Background**

Council, at its meeting on the 17th September 2019 reviewed the Committees of Council and resolved to direct the Chief Executive Officer (CEO) to draft Terms of Reference for the Audit Committee.

This Audit Committee function was previously undertaken by Council’s Corporate Services Committee which will no longer be in operation.

**Comment**

An Audit Committee plays a key role in assisting a local government to fulfil its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management systems, legislative compliance, ethical accountability and the internal and external audit functions.

Terms of Reference for the Audit Committee include model terms provided in Local Government Operational Guidelines Number 09, Audit in Local Government. Adjustments have been made for the new requirements to use the Auditor General for External Audits. Example documents from other local governments were also used to include additional duties for the oversight of the risk management function.

Cr. P. Monagle entered the Chamber at 4.52pm.
The draft Terms of Reference for the Committee are per Attachment 1.

It is recommended that the membership of the Audit Committee comprise six (6) members of Council with those members being confirmed following the 19th October 2019 local government elections.

Statutory/Policy Environment

Local Government Act 1995:

s7.1A. Audit committee

(1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.

(2) The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be Council members.

* Absolute majority required.

Strategic Framework

Within the Shire’s Strategic Community Plan 2017 – 2027, Strategy 4.3.4 states:

“Monitor and ensure compliance with the regulatory framework for local government business.”

Risk Management

The Risk Theme Profile identified as part of this report is Failure to Fulfil Compliance Requirements (Statutory, Regulatory). The Consequence is “Compliance” and the Consequence Rating is considered Moderate (3) and the Likelihood Rare (1) that Council would not operate without an Audit Committee in place. A LOW risk is therefore present.

Budget Implications

The cost of supporting the Audit Committee is contained within the Shire’s operating budget.

Voting Requirements

Simple Majority as members are not being appointed at this stage.

Officer’s Recommendation

That Council:

1. Adopts the Terms of Reference for the Audit Committee (refer Attachment 1);
2. Sets the number of Councillors to form the Committee as six (6)
3. Confirms those Councillors to be on the Committee following the 19th October 2019 local government elections.
Adams/Gillett

“That Council;
- Adopts the Terms of Reference for the Audit Committee (refer Attachment 1);
- Sets the number of Councillors to form the Committee as six (6) and one (1) deputy
- Confirms those Councillors to be on the Committee following the 19th October 2019 local government elections.”

CARRIED 10-0

Reason: The recommendation was changed to compensate for the potential need for a deputy to attend in place of a Councillor.

<table>
<thead>
<tr>
<th>Item No.</th>
<th>4</th>
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<tr>
<td>Subject:</td>
<td>CEO Employment Committee</td>
</tr>
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<td>Shire of Harvey</td>
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<td>Location:</td>
<td>Shire of Harvey</td>
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<tr>
<td>Reporting Officer:</td>
<td>Executive Manager Corporate Services</td>
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<tr>
<td>File No.:</td>
<td>CC/C/0132</td>
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Summary

Terms of Reference for a Chief Executive Officer (CEO) Employment Committee are presented to Council for adoption.

Background

Council, at its meeting on the 17th September 2019 reviewed the Committees of Council and resolved to direct the CEO to draft Terms of Reference for the CEO Employment Committee.

Comment

The CEO is the only employee of the Council and the support of the Council is critical to the CEO’s successful implementation of Council decisions and delivering the strategic priorities of the community. The Council can support the CEO by providing clear expectations about performance and providing the resources to develop their skills and knowledge.

A CEO Employment Committee plays a key role in assisting a local government to fulfil its responsibilities in relation to recruitment and performance of the CEO. Terms of Reference (Attachment 1) for the CEO Employment Committee provide guidance to the fulfil the role.

It is recommended that the membership of the comprise of five (5) members – four (4) elected members and the Shire President, to be confirmed following the 19th October 2019 local government elections.

Statutory/Policy Environment

Local Government Act 1995:

- Section 5.38 Annual review of employee’s performance.
- Section 5.36(1)(a) A local government is to employ a person to be the CEO of the local government.
Strategic Framework

Within the Shire’s Strategic Community Plan 2017 – 2027, Strategy 4.3.4 states:

“Monitor and ensure compliance with the regulatory framework for local government business.”

Risk Management

The Risk Theme Profile identified as part of this report is **Failure to Fulfil Compliance Requirements (Statutory, Regulatory).** The Consequence is “Compliance” and the Consequence Rating is considered Moderate (3) and the Likelihood Rare (1) that Council would not undertake actions relating to the CEO’s employment without having an effective decision making mechanism in place. A LOW risk is therefore present.

Budget Implications

The cost of supporting the CEO Employment Committee will be covered within the 2019/20 Budget.

Voting Requirements

Simple Majority.

Officer’s Recommendation

That Council:

1. Adopts the Terms of Reference for the CEO Employment Committee (refer Attachment 1);
2. Sets the number of Councillors to form the Committee as five (5) members – four (4) elected members and the Shire President; and
3. Confirms those Councillors to be on the Committee following the 19th October 2019 local government elections.

19/259. Gillett/Dickinson

“That Council:  
1. Adopts the Terms of Reference for the CEO Employment Committee (refer Attachment 1);
2. Sets the number of Councillors to form the Committee as five (5) members – four (4) elected members and the Shire President and one (1) deputy; and
3. Confirms those Councillors to be on the Committee following the 19th October 2019 local government elections.”

CARRIED 10-0

Reason: The recommendation was changed to compensate for the potential need for a deputy to attend in place of a Councillor.
Summary

Terms of Reference for the Bushfire Advisory Committee (BFAC) are presented to Council for adoption.

Background

Council, at its meeting on the 17th September 2019 reviewed the Committees of Council and resolved to direct the Chief Executive Officer (CEO) to draft Terms of Reference for the BFAC.

Section 67 of the Bush Fires Act 1954 provides for the formation of a BFAC for the purpose of;

“advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of firebreaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection”.

The Shire’s Bush Fire Brigades Local Law 2017 stipulates that Council may set rules or policy as to how the BFAC operates. Previously this has been undertaken by Council Policy 2.3.11. The adoption of Terms of Reference for the Committee achieves that same aim.

Comment

Terms of Reference (Attachment 1) have been drafted to ensure compliance with the Bush Fires Act 1954 and the Shire of Harvey Bush Fire Brigades Local Law 2017. It is recommended that a Shire of Harvey Councillor (non-voting), the Chief Bush Fire Brigade Captain and one delegate from each of the eight Bush Fire Brigades be appointed as voting members.

As the proposed Terms of Reference replace the current Shire of Harvey BFAC Policy 2.3.11 it is recommended that Policy be deleted.

Statutory/Policy Environment

Strategic Framework

Within the Shire's Strategic Community Plan 2017 – 2027, Outcome 4.7 states:

"Maintain appropriate emergency services and planning."

Risk Management

The Risk Theme Profile identified as part of this report is **Failure to Fulfil Compliance Requirements (Statutory, Regulatory)**. The Consequence is “Compliance” and the Consequence Rating is considered Moderate (3) and the Likelihood Rare (1) that Council would not operate without a BFAC in place. A LOW risk is therefore present.

Budget Implications

The cost of supporting the BFAC is contained within the Shire’s operating budget.

Voting Requirements

Simple Majority.

Officer's Recommendation

That Council:

1. Adopts the Terms of Reference for the Bush Fire Advisory Committee per Attachment 1;
2. Deletes Policy 2.3.11 Bush Fire Advisory Committee – Functions/Make Up from the Shire of Harvey Policy Manual; and
3. Appoints a Councillor to the BFAC following the holding of the 19th October 2019 local government elections.

19/260.  
Dickinson/Burgoyne  
"That the Officer’s recommendation be adopted with the following amendments:  
1. Move clause 3.1 (1) – One Shire of Harvey Councillor to clause 3.2 (6) Non-voting member;  
2. Include one (1) deputy to clause 3.2 (6); and  
3. Deletes clause 3.2 (5)(c) The State Emergency Services (SES) and 4.7 (5)(f) SES."

CARRIED 10-0

Reason: The recommendation was changed to recognise the preference for the Council representative to be non-voting as well as noting that the SES do not have a formal role in this committee.
Summary

Terms of Reference for a Local Emergency Management Committee (LEMC) are presented to Council for adoption.

Background

Council, at its meeting on 17th September 2019 reviewed the Committees of Council and resolved to direct the Chief Executive Officer (CEO) to draft Terms of Reference for the LEMC.

The Emergency Management Act 2005 s38, requires a local government to form a LEMC.

Section 39 states – “The functions of a local emergency management committee are, in relation to its district or the area for which it is established -

a) to advise and assist the local government in ensuring that local emergency management arrangements are established for its district; and

b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and

c) to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.”

Comment

Terms of Reference (Attachment 1) have been drafted to ensure compliance with the legislation while providing some flexibility around attendance. Voting rights have been restricted to the core agencies to simplify decision making. Other agencies are only required to attend in an advisory role where an emergency risk would be specific to that agency.

The intention of these changes is to simplify the operations of this committee while limiting numbers of attendees to what is considered reasonable.

Statutory/Policy Environment

Emergency Management Act 2005, s38 and 39 prescribe the creation and functions of a LEMC.

Strategic Framework

Within the Shire’s Strategic Community Plan 2017 – 2027, Outcome 4.7 states:

“Maintain appropriate emergency services and planning.”
Risk Management

The Risk Theme Profile identified as part of this report is *Failure to Fulfil Compliance Requirements (Statutory, Regulatory)*. The Consequence is “Compliance” and the Consequence Rating is considered Moderate (3) and the Likelihood Rare (1) that Council would not operate without a LEMC in place. A LOW risk is therefore present.

Budget Implications

The cost of supporting the BFAC is contained within the Shire’s operating budget.

Voting Requirements

Simple Majority.

Officer’s Recommendation

That Council:

1. Adopts the Terms of Reference for the Local Emergency Management Committee *(Attachment 1)*; and

2. Appoints the following as voting members of the committee;

   a. The Shire President;
   b. The Chief Bush Fire Control Officer;
   c. The Community Emergency Services Manager (CESM);
   d. The most senior officer of the Western Australian Police Force in the district or their delegate;
   e. The most senior officer of the Department of Fire and Emergency Services (DFES) in the district or their delegate;
   f. The most senior officer of the Volunteer Fire and Rescue Service in the district or their delegate;
   g. The most senior officer of the Department of Biodiversity Conservation and Attractions in the district or their delegate;
   h. The most senior officer of the State Emergency Service (SES) in the district or their delegate, and;
   i. The most senior officer of the St John Ambulance in the district or their delegate.

19/261.  

**Burgoyne/Carbone**

   a. The Shire President and the Deputy Shire President;
   b. The Chief Bush Fire Control Officer;
   c. The Community Emergency Services Manager (CESM);
   d. The most senior officer of the Western Australian Police Force in the district or their delegate;
   e. The most senior officer of the Department of Fire and Emergency Services (DFES) in the district or their delegate;
   f. A nominee of the Volunteer Fire and Rescue Service in the district or their delegate;
   g. The most senior officer of the Department of Biodiversity Conservation and Attractions in the district or their delegate;
   h. A nominee of the State Emergency Service (SES) in the district or their delegate;
i. A nominee of the St John Ambulance in the district or their delegate; and
j. A representative of the Department of Communities.”

CARRIED 10-0

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Subject:</th>
<th>7</th>
<th>Meetings for Coming Month</th>
<th>CCC001</th>
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<tr>
<td>Location</td>
<td>Date</td>
<td>Time</td>
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<td></td>
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<tr>
<td>Special Council Meeting</td>
<td>Harvey Chamber</td>
<td>21/10/2019</td>
<td>4.00pm</td>
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<td>Concept Forum</td>
<td>Australind Chamber</td>
<td>05/11/2019</td>
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<td>12/11/2019</td>
<td>4.00pm</td>
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<td>Ordinary Council</td>
<td>Australind Chamber</td>
<td>19/11/2019</td>
<td>4.00pm</td>
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Voting Requirement
Simple Majority.

Officer’s Recommendation
That the meetings for coming month be noted.

19/262. Carbone/Gillet
“That the Officer’s recommendation be adopted.”

CARRIED 10-0

Mr. S. Dandridge left the Chamber at 5.21pm.

M. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
Nil.

N. NOTICE OF MOTION FOR FOLLOWING MEETING
Nil.

O. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN
Nil.

P. REPORTS OF MEMBERS
Cr. Beech

Cr. Beech reported on his attendance at the following:

- Harvey Recreation and Cultural Centre AGM
- Bunbury Geographe Sub-Regional Strategy Steering Group meeting as an observer with Shire President
- Harvey Community Resource Centre who were awarded $1000 for the innovation of conducting a basic budgeting seminar during Adult Learners Week
- Harvey Community Radio AGM where David Marshall was re-elected as Chairman. Cr. Beech passed on his appreciation to the dedicated team

**Cr. Burgoyne**

Cr. Burgoyne put forward his best wishes to Councillors renominating for the upcoming election and thanked staff and Councillors for their support and comradery over the last 4 years.

**Cr. Dickinson**

Cr. Dickinson reported on her attendance at the following:

- Bunbury Harvey Regional Council where Cr. Cook served his last meeting as Chair and Cr Shortland attended her last meeting
- Harvey District Historical Society Inc meeting to organise the 50th Anniversary Special Open Day, being held at the Harvey Railway Station Museum on Sunday 3 November 2019
- Yarloop Workshops meeting

**Cr. Monagle**

Cr. Monagle thanked Council and highlighted the many wonderful people he has worked with during his career in Local Government.

*The Shire President made note of Cr. Monagle’s 23 years of service to the Shire of Harvey Council and thanked him for his hard work.*

**Cr. Adams**

Cr. Adams put forward his best wishes to those Councillors renominating for the upcoming elections.

**Cr. Shortland**

Cr. Shortland thanked Councillors and Staff for their service and everything that has been achieved for the community. Cr. Shortland extended her best wishes for candidates in the upcoming elections.

*The Shire President made note of Cr. Shortland’s 8 years’ service to the Shire of Harvey and thanked her for her contribution.*

**Cr. Jackson**

Cr. Jackson reported on her attendance at the following:

- Bunbury Geographe Economic Alliance meeting
- Community Café meeting for the WA Country Health Service
- Bunbury Geographe Sub-Regional Planning Strategy meeting
- Alcoa CCN, also attended by Harvey shire residents
- Shire of Harvey structural review meeting
- Farewelled 3 community members on the Leeuwin Sail program
Q. SEAL REGISTER

Nil.

R. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

Nil.

S. MATTERS BEHIND CLOSED DOORS

Moving Behind Closed Doors

19/263. Burgoyne/Gillett

“That Council Moves Behind Closed Doors in accordance with Section 5.23 (2)(d) of the Local Government Act 1995, to deal with matters that relate to legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.”

CARRIED 10-0

Council moved behind closed doors at 5.31pm.

Cr. F. Burgoyne and Cr. C. Carbone left the Chamber at 5.31pm.

PLANNING ITEM 1 – SAT Invitation to Amend Extractive Industry Approval Conditions – Phytophthora Dieback - B & J Catalano Pty Ltd - Lots 104 and 202 Martin Road, Brunswick (A012126/EX/004 and A012126/EX/005)

19/264. Beech/Campbell

“That Council, pursuant to section 31(2)(b) of the State Administrative Tribunal Act 2004:

1. Endorses the Phytophthora Dieback and Extractive Industries Information Brochure for Lots 104 and 202 Martin Road, Brunswick as provided in Attachment 4.

2. Amends condition (l) of the Development Approval for gravel extraction for Lot 202 Martin Road, Brunswick (A012126/EX/005) in relation to review DR309/2018 to be reworded as follows:

“The Applicant is required to provide a copy of the endorsed Phytophthora Dieback and Extractive Industries Information Brochure:

i. To each new customer of the extractive industry operation; and

ii. Once to each existing customer of the extractive industry operation as an updated version.”

3. Amends condition (g) of the Development Approval for gravel extraction for Lots 104 and 202 Martin Road, Brunswick (A012126/EX/004) in relation to the review DR310/2018 to be worded as follows:

“The Applicant is required to provide a copy of the endorsed Phytophthora Dieback and Extractive Industries Information Brochure:

i. To each new customer of the extractive industry operation; and

ii. Once to each existing customer of the extractive industry operation as an updated version.”
4. Amends condition (14) of the Extractive Industry Licence for gravel extraction for Lots 104 and 202 Martin Road, Brunswick (A012126/EX/004) in relation to review CC2589/2018 to be reworded as follows:

“The Applicant is required to provide a copy of the endorsed Phytophthora Dieback and Extractive Industries Information Brochure:

i. To each new customer of the extractive industry operation; and

ii. Once to each existing customer of the extractive industry operation as an updated version.”

5. Reissues the Development Approval for gravel extraction for Lot 202 Martin Road, Brunswick (A012126/EX/005) as a result of review DR309/2018 as follows:

a. No extraction works associated with this Development Approval are permitted to occur on the property until such time as all conditions as required under this Development Approval have been satisfactorily achieved and an Extractive Industry Licence has been issued by the Manager of Planning Services;

b. A reinstatement bond of $29,200 (5.84ha at $5,000 per hectare) is to be provided to the Shire in the form of an irrevocable and unconditional bank guarantee prior to the issue of an Extractive Industry Licence. The Shire:

   (i) may call on the bank guarantee for the purpose of carrying out or maintaining rehabilitation work required by the Rehabilitation Management and Monitoring Plan, where that work has not been satisfactorily carried out by the Applicant;

   (ii) may with one week’s written notice to the applicant enter Lot 202 for the purpose of carrying out or maintaining the rehabilitation work;

   (iii) may retain the bank guarantee and/or enter Lot 202 in accordance with the preceding paragraph for three years after the expiration of this approval, or until the works prescribed by the Rehabilitation Management and Monitoring Plan have been satisfactorily completed (whichever is the later); and

   (iv) must return the bank guarantee (or the balance thereof) to the applicant at the expiration of that period.

c. The Applicant is to have the approved pit boundaries surveyed and fenced by a suitably qualified surveyor, with the location of such pegs being to the satisfaction of the Shire prior to the issue of an Extractive Industry Licence. The pegs are to remain in place for the duration of the operation;

d. Any subsequent extraction stage shall not begin until rehabilitation of the previous stage has substantially commenced, to the satisfaction of the Shire;

e. All required stormwater detention ponds, diversion bunds and channels be completed to the satisfaction of the local government, prior to any stage of the extractive industry operations commencing;

f. The Applicant is required to provide a copy of the endorsed Phytophthora Dieback and Extractive Industries Information Brochure:
(i) To each new customer of the extractive industry operation; and
(ii) Once to each existing customer of the extractive industry operation as an updated version.

Ongoing Conditions

- Following the occurrence of a rainfall event greater than the 10 year/2 hour Average Recurrence Interval, the proponent shall inspect the site and provide a report to the Local Government, including details of impacts and remediation actions, if required;
- This approval is valid for a period of five (5) years from the date of the issue of the Extractive Industry Licence. If development is not substantially commenced within this period, a new approval must be obtained before commencing or continuing development;
- The Approved Development shall, at all times, comply with the approved plans submitted on 9th August 2018, by Lundstrom Environmental (18/30600) as modified by this approval;
- All extraction to achieve compliance with:
  (i) The Shire of Harvey Extractive Industry Local Law 2017, including the holding of a valid licence for all periods of operation; and
  (ii) The Department of Water and Environmental Regulation’s “Water Resource Considerations for Extractive Industries 2014”.
- Stockpiles are to be kept to a maximum height of 5m to avoid visual impact and/or material wind drift;
- Operating hours are restricted to 7.00am – 5.00pm, Monday to Friday and 7.00am – 12.00 noon on Saturday. No activities to occur on Sunday or Public Holidays;
- Weed control shall be undertaken in accordance with the approved Weed Management Plan to the satisfaction of the Shire and the Department of Primary Industries and Regional Development;
- Any refueling activities must be undertaken in accordance with the Department of Water and Environmental Regulations’ Water Quality Protection Note - Toxic and Hazardous Substance Storage and Use. There is to be no storage of hydrocarbons on-site and no major vehicle or machinery repairs or maintenance is to take place on-site;
- The Applicant shall engage a suitably qualified independent expert to carry out an Annual Audit of Compliance (AAC) of the conditions of Development Approval and Extractive Industry Licence and the Annual Audit of Compliance shall include a progress report on the approved Environmental Improvement Plan including:
  (i) Details of completed, ongoing and future rehabilitation areas;
  (ii) Photos of rehabilitated areas;
  (iii) Monitoring and reporting details if available;
  (iv) Start and completion dates, and expected start dates if applicable; and
  (v) A map depicting the rehabilitation areas and their completion progress.
  The Annual Audit of Compliance shall be submitted prior to an annual renewal licence being issued by the Shire;
- The approved Dust Management Plan (Document No. A012126/EX/005 – MP1) shall be implemented to the satisfaction of the Shire;
- The approved Rehabilitation Management and Monitoring Plan Plan (Document No. A012126/EX/005 – MP2) shall be implemented to the satisfaction of the Shire;
r. The approved Water Management Plan (Document No. A012126/EX/005 – MP3) shall be implemented to the satisfaction of the Shire.

Advice Notes:

i. The Applicant is advised that this Development Approval supersedes the Development Approval dated 18th October 2018 (A012126/EX/005 – Ref: 18/30600).

ii. The Applicant is advised of their obligations under the Environment Protection and Biodiversity Conservation Act 1999;

iii. The Department of Aboriginal Affairs recommends that reference be made to the State’s Aboriginal Heritage Due Diligence Guidelines; and

iv. Activities such as crushing and screening, may be prescribed and as such, require a Works Approval, License or Registration under Part V of the Environmental Protection Act 1986 (EP Act).

6. Reissues the Development Approval for gravel extraction for Lots 104 and 202 Martin Road, Brunswick (A012126/EX/004) as a result of review DR310/2018 as follows:

a. No extraction works associated with this Development Approval are permitted to occur on the property until such time as all conditions as required under this Development Approval have been satisfactorily achieved and an Extractive Industry Licence has been issued by the Manager of Planning Services;

Conditions to be fulfilled prior to the issue of an Extractive Industry Licence

b. A bank guarantee of $6,000 (to make a total of 6.3ha at $5,000 per hectare (with $26,000 having been lodged on 6/10/2017) for A012126/EX/003)) is to be received prior to the issue of an Extractive Industry Licence, and retained for up to three (3) years beyond the completion of rehabilitation works, to ensure success of planting;

c. The Applicant is to have the approved pit boundaries surveyed and fenced by a suitably qualified surveyor, with the location of such pegs being to the satisfaction of the Shire prior to the issue of an Extractive Industry Licence. The pegs are to remain in place for the duration of the operation;

d. A detailed Water Management Plan (WMP) shall be submitted for approval by the Department of Water and Environmental Regulation (DWER) and the Shire prior to the issue of an Extractive Industry Licence. The WMP should contain monitoring and management measures to address the following items:

   (i) The maximum excavation depth shall be stipulated as 1.2m on any Extractive Industry Licence issued for the site subject to this application;
   (ii) The extractive industry shall not intercept the water table at any time;
   (iii) Dewatering of the extraction area is not permitted without authorisation under the ‘Rights in Water and Irrigation Act 1914’;
   (iv) There shall be no standing water occurring at the end of the extractive operation / post rehabilitation;
   (v) If the groundwater table is exposed (standing water appear) work shall cease and the incident reported to the Department of Water within 48 hours, and remedial action occur;
   (vi) There will be no storage of hydrocarbons, coolants or lubricants on-site;
(vii) On-site refueling of equipment will be from a mobile service vehicle carrying appropriate spill prevention and clean-up equipment;
(viii) No major repairs or maintenance will take place on the site;
(ix) No stormwater is to leave the extraction areas; and
(x) All stormwater is to be managed on site

And mapping contained within the WMP should be at a scale of no less than 1:500 indicating:
(i) Contours;
(ii) Watershed boundaries;
(iii) Property boundaries;
(iv) Proposed extraction areas; and
(v) Availability of water for the purposes of rehabilitation and dust suppression;

e. The Applicant is required to provide a copy of the endorsed Phytophthora Dieback and Extractive Industries Information Brochure:
   (i) To each new customer of the extractive industry operation; and
   (ii) Once to each existing customer of the extractive industry operation as an updated version.

f. A contribution shall be made towards the maintenance and upgrading of Martin Road and Sandalwood Road in accordance with the methodology adopted by WALGA in the document “Estimating the Incremental Cost Impact on Sealed Local Roads from Additional Freight Tasks, May 2015” to the satisfaction of the Shire, prior to an Extractive Industry Licence being issued;
g. A suitable temporary demarcation barrier shall be erected 15m from the crown drip zone of retained trees to protect the trees and root systems from accidental machinery damage to the satisfaction of the Shire, prior to an Extractive Industry Licence being issued;

Ongoing Conditions

h. A person shall not without the written approval of Council, undertake a land use in respect of which Council has granted planning consent subject to conditions, until all of those conditions have been complied with to the satisfaction of Shire;
i. This approval is valid for a period of five (5) years. If development is not completed within this period, a new approval must be obtained before commencing or continuing development;
j. The Approved Development shall, at all times, comply with the approved plans submitted on 25th October 2017, by Lundstrom Environmental (17/33009) as modified by this approval;
k. All extraction to achieve compliance with:
   (i) The Shire of Harvey Extractive Industry Local Law 2017, including the holding of a valid licence for all periods of operation; and
   (ii) The Department of Water and Environmental Regulation’s “Water Resource Considerations for Extractive Industries 2014”.
l. Stockpiles are to be kept to a maximum height of 5m to avoid visual impact and/or material wind drift;
m. Operating hours are restricted to 7.00am – 5.00pm, Monday to Friday and 7.00am – 12.00 noon on Saturday. No activities to occur on Sunday or Public Holidays;
n. Any proposed clearing of native vegetation is prohibited unless done under a clearing permit issued in accordance with the Environmental Protection Act 1986, or the clearing is exempt from the need for a clearing permit;
o. No extraction activities occur within 10m (as requested in the November 2016 approval) of any native tree crown drip zones within the site along the boundaries of the proposed extraction areas;
p. The proposed topsoil stockpiles are located to the north of the recommended temporary demarcation barrier;
q. Weed control shall be undertaken in accordance with the approved Weed Management Plan to the satisfaction of the Shire and the Department of Primary Industries and Regional Development;
r. Any refuelling activities must be undertaken in accordance with the Department of Water and Environmental Regulations’ Water Quality Protection Note - Toxic and Hazardous Substance Storage and Use. There is to be no storage of hydrocarbons on-site and no major vehicle or machinery repairs or maintenance is to take place on-site;
s. The Applicant shall engage a suitably qualified independent expert to carry out an Annual Audit of Compliance (AAC) of the conditions of Development Approval and Extractive Industry Licence and the AAC shall include a progress report on the approved Environmental Improvement Plan including:
   (i) Details of completed, ongoing and future rehabilitation areas;
   (ii) Photos of rehabilitated areas;
   (iii) Monitoring and reporting details if available;
   (iv) Start and completion dates, and expected start dates if applicable; and
   (v) A map depicting the rehabilitation areas and their completion progress.
The AAC shall be submitted prior to an annual renewal licence being issued by the Shire;
t. The approved Dust Management Plan (Document No. A012126/EX/004 – MP1) shall be implemented to the satisfaction of Shire;
u. The approved Rehabilitation Management and Monitoring Plan (Document No. A012126/EX/004 – MP2) shall be implemented to the satisfaction of the Shire;
v. The approved Water Management Plan (Document No. A012126/EX/004 – MP3) shall be implemented to the satisfaction of the Shire; and
w. Activities such as crushing and screening, may be prescribed and as such, require a Works Approval, License or Registration under Part V of the Environmental Protection Act 1986 (EP Act).

Advice Notes
i. The Applicant is advised that this Development Approval supersedes the Development Approvals dated 15th November 2016 (A012126/EX/003 – Ref: 16/24923) and 9th March 2018 (A012126/EX/004 – Ref: 17/33009).
ii. The Applicant is advised of their obligations under the Environment Protection and Biodiversity Conservation Act 1999; and
iii. The Department of Aboriginal Affairs recommends that reference be made to the State’s Aboriginal Heritage Due Diligence Guidelines; and
7. Reissues the Extractive Industries License for gravel extraction for Lots 104 and 202 Martin Road, Brunswick (CC2589/2018) as a result of review DR310/2018 as follows:
1. Compliance with the approved plans submitted 20th March 2018 (Ref: 18/10643) submitted by Lundstrom Environmental;
2. No extraction activities should occur within 15m of any native tree crown drip zones unless approved to be cleared. A suitable temporary demarcation barrier being erected 15m from the crown drip zone of trees along the proposed extraction areas to protect the trees and root systems from accidental machinery damage;
3. All extraction to achieve compliance with:
   (i) The Shire of Harvey Extractive Industry Local Law 2017, including the holding of a valid licence for all periods of operation; and
   (ii) The Department of Water and Environmental Regulation's "Water Resource Considerations for Extractive Industries 2014".
4. Stockpiles are to be kept to a maximum height of nine (9) m to avoid visual impact and/or material wind drift;
5. Any proposed clearing of native vegetation is prohibited unless done under a clearing permit issued in accordance with the *Environmental Protection Act 1986*, or the clearing is exempt from the need for a clearing permit;
6. Compliance with the Water Management Plan (17/33009 – Appendix 5) to the satisfaction of the Department of Water;
7. Compliance with the Dust Management Plan to the satisfaction of the Shire, Council Reference 17/33009 – Appendix 7.
8. Compliance with the Weed Management Plan to the satisfaction of the Department of Agriculture and Food (DAFWA) and the Shire, Council Reference 17/33009 – Appendix 4 & (DAFWA Endorsement 17/33009).
9. Compliance with the Noise Management Plan to the satisfaction of the Shire, Council Reference 17/33009 – Appendix 6;
10. The site is to be rehabilitated using a variety of local endemic tree and understorey species in accordance with the approved rehabilitation plan (17/33009 – Body of Report) to the satisfaction of the Shire;
11. Compliance with the Shire of Harvey Local Laws including the holding of a valid licence for all periods of operation;
12. Activities such as crushing and screening, may be prescribed and as such, require a Works Approval, License or Registration under Part V of the *Environmental Protection Act 1986* (EP Act);
13. Prior to the annual renewal of this licence, the contractor is required to provide the Shire with a compliance audit, prepared by a suitably qualified independent consultant, outlining the volumes of material removed, progress of the approved extraction area and demonstrating compliance with the conditions of the Development Approval and the Extractive Industry Licence;
14. The Applicant is required to provide a copy of the endorsed *Phytophthora* Dieback and Extractive Industries Information Brochure:
   (i) To each new customer of the extractive industry operation;
(ii) Once to each existing customer of the extractive industry operation as an updated version.

15. Operating hours are restricted to 7.00am — 5.00pm, Monday to Friday and 7.00am — 12.00 noon on Saturday. No activities to occur on Sunday or Public Holidays.

16. This licence is valid for a period of five (5) years from Council’s decision to approve the operation. The date of expiry for this licence is 8th October 2024.

17. This Extractive Industry Licence supersedes the Extractive Industry Licence dated 26th June 2018 (A012126/EX/004 – Ref: 17/33009)."

CARRIED 8-0

Returning from Behind Closed Doors

19/265. Gillett/Dickinson
"That Council Returns from Behind Closed Doors."

CARRIED 8-0

Council returned from behind closed doors at 5.40pm.

Cr. F. Burgoyne and Cr. C. Carbone entered the Chamber at 5.41pm.

T. CLOSURE OF MEETING

There being no further business to discuss, the meeting was declared closed at 5.41pm.

I, Cr. Tania Jackson certify that the aforesaid Minutes of the meeting held on Tuesday, 8th October 2019, are confirmed as a true and correct record of that meeting on Tuesday, 8th October 2019.

__________________
Cr. Tania Jackson
SHIRE PRESIDENT