



Shire of Harvey

**ORDINARY COUNCIL
MEETING
MINUTES**

18th October 2016

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SHIRE OF HARVEYCOUNCIL MINUTESMINUTES OF THE ORDINARY MEETING OF THE HARVEY SHIRE COUNCIL, HELD IN THE COUNCIL CHAMBER, MULGARA STREET, AUSTRALIND ON TUESDAY, 18TH OCTOBER 2016, COMMENCING AT 4:05P.M.ATTENDANCE

Shire President	Cr.	T.G.	Jackson	
Deputy Shire President	Cr.	P.J.	Beech	
	Cr.	B.	Adams	
	Cr.	C.	Carbone	4.05p.m. – 4.20p.m. 5.05p.m. – 6.35p.m. 7.00p.m. – 7.15p.m.
	Cr.	G.	Campbell	
	Cr.	P.	Giancono	
	Cr.	A.	Lovitt	
	Cr.	P.	Monagle	
	Cr.	J.	Sabourne O.A.M. J.P.	4.05p.m. – 5.30p.m. 5.34p.m. – 7.15p.m.
	Cr.	A.J.	Shortland	
	Cr.	D.	Simpson	
	Cr.	K.J.	Wood	

STAFF

Chief Executive Officer	Mr.	M.	Parker	
Executive Manager Corporate Services	Mr.	S.	Collie	
Executive Manager Technical Services	Mr.	T.	Naudé	
Principal Building Surveyor	Mr.	M.	Stewart	4.05p.m. – 5.05p.m. 5.18p.m. – 6.17p.m.
Principal Environmental Health Officer	Mr.	S.	Dandridge	4.05p.m. – 5.30p.m.
Manager Planning Services	Mr.	S.	Hall	
Manager Community & Economic Development	Mr.	P.	Quinlivan	4.05p.m. – 6.30p.m.

GALLERY

	V.	Bennell	4.05p.m. – 5.05p.m.
Mr.	B.	Catalano	4.05p.m. – 5.05p.m.
Mr.	D.	Cullity	4.05p.m. – 5.05p.m.
Ms.	P.	Doyle	4.05p.m. – 5.18p.m.
Mr.	E.	Doyle	4.05p.m. – 5.18p.m.
Ms.	L.	Fisher	4.05p.m. – 5.18p.m.
Mr.	K.	Fisher	4.05p.m. – 5.18p.m.
Mr.	R.	Fletcher	4.05p.m. – 5.05p.m.
Ms.	R.	Harris	4.05p.m. – 5.18p.m.
Mr.	F.	Khan	4.05p.m. – 5.05p.m.
Mr.	L.	Khan	4.05p.m. – 5.05p.m.
Mr.	J.	Khan	4.05p.m. – 5.05p.m.

GALLERY (continued)

Dr.	J.	Krone	4.05p.m. – 5.05p.m.
Dr.	J.	Male	4.05p.m. – 5.18p.m.
Mrs	L.	Male	4.05p.m. – 5.18p.m.
Mrs	G.	Michael	4.05p.m. – 5.32p.m.
Mr.	S.	Michael	4.05p.m. – 5.32p.m.
Mrs	S.	Pfahl	4.05p.m. – 5.18p.m.
	K.	Quartermaine	4.05p.m. – 5.05p.m.
	G.	Richards	4.05p.m. – 5.05p.m.
Mr.	D.	Smith	4.05p.m. – 5.05p.m.
Mr.	L.	Stephens	4.05p.m. – 5.05p.m.
Ms.	K.	Tame	4.05p.m. – 5.05p.m.
Mr.	L.	Wallam	4.05p.m. – 5.05p.m.
and 2 other members of the public			4.05p.m. – 5.05p.m.

PRESS

Harvey Reporter

Ms.	H.	Hepburn	4.05p.m. – 6.34p.m.
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A. OPENING AND WELCOME

The Shire President opened the meeting at 4.05p.m.

B. PUBLIC QUESTION TIME**Question 1**

Dr. Jörg Krone, in regard to Confidential Item 5, Application for Planning Consent, Proposed Extractive Industry, asked why subterranean water was not addressed in any of the expert views and if the Shire was intending to address this?

Answer 1

Mr. Hall, Manager of Planning Services advised Dr. Krone that this has been given consideration.

Mr. Kelvin Fisher, in regard to Technical Services Item 2, Petition – Proposed Dual Use Path on Old Coast Road, asked the following questions:

Question 2

Mr. Fisher asked if Council is proposing a second path between the Estuary and resident's properties, and the high water mark?

Answer 2

Mr. Naudé, Executive Manager Technical Services advised that yes, this has been identified in Forward Planning documents as part of a path network ultimately linking Bunbury to Myalup.

Question 3

Mr. Fisher asked if Council is looking was aware that one block of land goes to the higher water mark?

Answer 3

Mr. Naudé responded that Staff are aware of that situation and that various options will be looked at and this will be addressed through the study process and reported back to Council.

C. READING FROM A BOOK OF LEARNING AND WISDOM

Read by Cr. Monagle

D. APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence: Cr. F. Burgoyne

Cr. Simpson requested leave of absence for the Council meetings to be held on the 8th November and 29th November 2016.

16/266. **Adams/Lovitt**

“That leave of absence be granted to Cr. Simpson for the Council meetings to be held on the 8th November and 29th November 2016.”

CARRIED 12-0

E. DECLARATIONS OF MEMBERS' AND OFFICERS' PERSONAL INTEREST

- **Impartiality Interest**

Cr. Carbone declared an impartiality interest in Corporate Services Item 2 – Lease Renewal – Binningup Water Sports Centre – Shire of Harvey – Lot 3001 (Reserve 48823), Binningup (CZ045 & A008501).

Reason

Cr. Carbone advised that he is Council's delegate on this Committee. Cr. Carbone declared he would deal with the matter on its merits.

Cr. Monagle declared an impartiality interest in Corporate Services Item 1 – Brunswick Junction Community Resource Centre – Lease Renewal – Brunswick Junction Community Resource Centre – Lot 1 Ridley Street, Brunswick (CA038 & A004314).

Reason

Cr. Monagle advised that he is Council's delegate on this Committee. Cr. Monagle declared he would deal with the matter on its merits.

- **Financial Interest**

Cr. Carbone declared a financial interest in Confidential Item 1 – Tender T062016 – Supply and Delivery of Gravel Basecourse Road Material – Various Tenderers – Shire of Harvey (T062016).

Reason

Cr. Carbone advised he is a Director of Carbone Bros, a company which deal in the same Industry as the Tender relates to. Cr. Carbone declared he would leave the Chamber for the duration of the item.

Cr. Carbone declared a financial interest in Confidential Item 2 – Tender T072016 – Supply and Delivery of Limestone Sub-Base Road Material – Various Tenderers – Shire of Harvey (T072016).

Reason

Cr. Carbone advised he is a Director of Carbone Bros, a company which deal in the same Industry as the Tender relates to. Cr. Carbone declared he would leave the Chamber for the duration of the item.

Cr. Carbone declared a financial interest in Confidential Item 5 – Application for Planning Consent – Proposed Extractive Industry (Granite) – B & J Catalano – Lot 501 (No. 820) Coalfields Road, Roelands (A004761/EX/001).

Reason

Cr. Carbone advised he is a Director of Carbone Bros, a company which deal in Extractive Industries. Cr. Carbone declared he would leave the Chamber for the duration of the item.

F. PETITIONS/DEPUTATIONS

TECHNICAL SERVICES ITEM 2 – PETITION – PROPOSED DUAL USE PATH ON OLD COAST ROAD – DR. J. MALE AND MRS. P. DOYLE – OLD COAST ROAD, AUSTRALIND (R000005).

Mrs Sabine Pfahl addressed Council and advised that she does not want the proposed path to go ahead. Mrs Pfahl explained that the area is a sanctuary for birds and other wildlife and objects to any construction.

Mr. John Male addressed Council and also stated his objection to the proposed path. Mr. Male advised that the proposed area is essential for conservation and does not wish the path to be constructed due to the environmental issues. He requested the path be placed elsewhere.

Cr. Carbone, having declared a financial interest in the following item, left the Chamber at 4.20p.m. during the Petitions/Deputations.

CONFIDENTIAL ITEM 5 – APPLICATION FOR PLANNING CONSENT – PROPOSED EXTRACTIVE INDUSTRY (GRANITE) – B & J CATALANO – LOT 501 (NO. 820) COALFIELDS ROAD, ROELANDS (A004761/EX/001).

Ms. Kylie Tame from the Indigenous Land Corporation addressed Council in relation to this item and advised that the Land Corporation owns the Roelands Village site. Ms. Tame advised that Council's original decision on this matter is supported and urged Council to reaffirm its decision. Ms. Tame suggested that Council was not being asked by the State Administrative Tribunal (SAT) to change its decision but to review it given the further reports that have been submitted.

Ms. Tame referred to their letter of 5th September 2016, and noted the Aboriginal Cultural Heritage of the site, environmental issues and the quarry being in a water catchment which is the only source of water for Roelands Village. She suggested that Management Plans address best practice but indicated there had been noncompliance impacting neighbours in the past.

Mr. Les Wallam, CEO of Woolkabunning Kiaka addressed Council in relation to this item and opposed the proposal to mine hard rock as he has already witnessed negative environmental impacts on the Roelands Village including issues with water quality. Mr. Wallam acknowledged the employment provided by Catalanos but advised that the Roelands Village creates opportunities for employment and training and provides an important role as a 'Healing Centre'. Mr. Wallam advised that he was opposed to the quarry, that it would impact on the environment, Cockatoo resting areas and the Village water supply which is not just a dam but their reservoir. The quarry would also impact on the Collie River which is a place of significance for the Aboriginal people.

Mr. Francis Khan addressed Council in relation to this item. He advised that he had spent 17 years at the Roelands Mission and knows the area well. Mr. Kahn advised that the quarry would have an impact on the Cockatoos and wildlife in the area. He advised there were natural soaks in the hills and noted his concerns with the impacts on the water system which needs to continue to run. Mr. Khan suggested that the cultural and environmental impacts need to be considered and asked who would be responsible if things went wrong.

Dr. Jörg Krone addressed Council in relation to this item explaining that he continues to object to the quarry. Dr. Krone suggested the Applicants should withdraw the application. Dr. Krone referred to his previous letters submitted on the matter. He suggested approval would only be the beginning and would lead to more industrialisation of the site. Furthermore, he expressed that ground water was an issue that had not been suitably addressed and that it was not worth drilling to do the necessary water studies for the amount of rock in question. Dr. Krone advised that there could be no guarantee that nothing adverse would occur to the water and that if this quarry was to go ahead profits would be privatised and losses socialised.

Mr. Denis Cullity addressed Council in relation to this item stating that Council was correct in refusing this proposal in April and he complimented the wording of Council's resolution for refusal. Mr. Cullity suggested the Department of Environmental Regulation would be disturbed with the total industrialisation of Lot 501. He advised that the Applicant has provided no further reports to the Shire whilst Cullitys have provided five further reports including *Environmental Report*, *Review of Water Management Plan by AQ2*, *Environmental Noise Assessment by SLR*, *Review of Blast Management Plan* and *correspondence from the Department of Indigenous Affairs*.

Mr. Cullity suggested the quarry had no place in the landscape and he could find no record of a quarry having been permitted in the past. Mr. Cullity advised that he disagreed with Mr Hall's interpretation of the SAT mediation which he advised was at an end.

Mr. Cullity said that the EPA's decision not to assess the proposal was not an indication of approval. The EPA had confidence that Council would make the right decision – *"they sent it downstairs to the Shire of Harvey"*. Mr. Cullity suggested the Department of Water had not approved the Water Management Plan and with respect to the Roelands Mission he said it would be a social crime if anything adverse occurred.

Mr. David Smith addressed Council in relation to this item, noting he objected to the ruling regarding discussion of reports resulting from the SAT Mediation. Mr. Smith circulated a number of maps, including a map of the whole area in relation to the Collie River, National Park and other landowners, a picture of a similar quarry in operation, a map showing proximity to the Roelands Village and one showing gravel degradation.

Mr. Smith highlighted several incorrect statements in the Applicant's documentation, including that the Shire had no Extractive Industry Local Law and a suggested "cut and paste" document that refers to the Shire of Capel which he suggested calls into question the reliance on the submitted information.

Mr. Smith suggested the supplies of granite may start out at low levels in the early stages but would increase as demand increased. He noted that under the Shire's Planning Scheme the quarry is an "AA" use that can only be approved if Council decides to do so. Mr. Smith referred to Schedule 2 of the District Planning Scheme noting the quarry is in the escarpment and also Precinct 23 of Schedule 14 in relation to the Coalfields Road Landscape and Southern Collie River Span. He noted the potential for tourism and that approval would be in contravention to the Scheme and would impact future tourism opportunities of what is a rare and precious area of the Shire.

Mr. Lindsay Stephens, representing the Applicant, addressed Council in relation to this item and advised that he works with 15 quarries. He described the Applicant as an excellent operator of the land noting the rock pitched drains on the property.

Mr. Stephens noted that the Applicant was conscious of issues surrounding the Roelands Village dam and indicated they would like to clean it out.

Having looked at aerial photography, Mr. Stephens advised that run off into the Village was not attributable to gravel quarries but rather water from the Main Road's land which drains directly into Lot 501 and then on to the dam and that they will need to work with Main Roads WA in regards to that.

Mr. Stephens indicated that the EPA had determined that the quarry was not of a significant impact that would require their assessments, the Department of Water don't make approvals of Water Management Plans and the DER are issuing a works approval. He advised that 50 – 100 tonne per year operation is a very small quarry, that at other sites he deals with, houses are close by along with native vegetation and that the Catalanos will work with the community to make it work.

Mr. Stephens advised that the application complies with the Scheme and generic buffer. He suggested that hydrology had been studied. In relation to new reports he noted that AQ2 Geologists had not been onsite but RPS Geologists did go onsite but that they haven't seen a report from them.

In relation to acoustic assessments, Mr. Stephens noted the Herring Storer Report was fine and that the other report modelled things that won't happen. A flora study was conducted noting the area is mostly pasture and minimal impacts would result. Mr. Stephens sought approval for the application as he suggested it complies with the Planning Scheme.

16/267. **Campbell/Lovitt**
“That the Agenda be taken out of order to consider Technical Services
Item 2.”

Mr. Stewart left the Chamber at 5.05p.m. along with approximately 16 members of the public.

Item No.	2
Subject:	Petition – Proposed Dual Use Path on Old Coast Road
Proponent:	Dr. J. Male and Mrs. P. Doyle
Location:	Old Coast Road, Australind
Reporting Officer:	Executive Manager Technical Services
File No.:	R000005
	Attachment Reg. No. 16/29906

A petition (refer **Attachment 1**) raising concerns about the construction of a dual use path (DUP) on Old Coast Road (OCR) along the Leschenault Estuary has been submitted to Council for consideration. The petition has supporting correspondence from three (3) other residents, which include their comments and concerns about the proposed DUP.

It is recommended that Council receives the petition and proceeds with planning and the design of the DUP on Old Coast Road along the Leschenault Estuary.

A petition containing twenty seven signatures, all from residents on OCR, as well as three separate submissions are attached to the petition. The petitioners registered their concerns and comments relating to the construction of a DUP that would be located to the west of their properties along the Leschenault Estuary.

Concerns raised in the petition relate to the vulnerability of the Estuary and its sedge to people, dogs and fast cycles. It further expresses the view that children who use the area will have less access to play in this area and mentioned the risk of injury from dogs and cycles. The petitioners consider the construction process to be a hazard to wildlife in addition to any negative effect of a completed path. Reference is made to the fact that this area is reticulated and mown by the residents, which may no longer be achievable with a path in place. Further reference is made to the DUP on the eastern side of OCR and the petitioners requested that assurance is given by the Shire that consultation is undertaken before and while considering proposals for construction of a new path.

This project has been identified and included in both the Greater Bunbury Regional Bicycle Master Plan (GBRBMP) and the Shire of Harvey's Local Bike Plan (SHLBP). The aim of the GBRBMP is to identify key regional routes that are linked together to form an integrated path network and joint activity centres and urban expansion areas.

As identified in the GBRBMP, the Old Coast Road path forms part of a potential Coastal Tourist Route stretching from Myalup to Peppermint Beach, which would cater for a wide range of bicycle user groups to enjoy the coastal ride. The SHLBP identified a link as an extension to the existing path (north of Ridley Place) southwards to the Collie River Bridge, linking up with the path in Estuary Drive. This project forms just one component of the abovementioned link that would commence at Ridley Place and terminates at the Christina Street Reserve.

Ideally this section would be designed as a slow speed, recreational facility aimed at inexperienced cyclists, walkers and joggers with commuter cyclists being encouraged to remain on the road shoulder or on the path on the eastern side of Old Coast Road.

Comment

Currently the project has been identified for planning and design in the 2016/17 financial year and construction of the DUP in the 2017/18 financial year. The Department of Transport (DoT) acknowledged the merit of this project and awarded grant funding to the amount of \$85,000 (50% of total project cost) under the Regional Bicycle Network (RBN) Local Government Grants program 2016/17 over a two year period. During the planning process, which will commence soon, all relevant Authorities will be engaged and Staff will undertake community consultation.

Consistent with the RBN Grants Program, the Shire needs to formally respond to the DoT to either “confirm” or “decline” acceptance of the \$85,000 grant towards the Old Coast DUP project.

The foreshore reserve in question is currently being used as a path and contains a range of well-established tracks and wheel paths as a result of pedestrian and vehicular movement in that area.

Staff are aware of issues such as environmental, land tenure, tidal surge, maintenance, safety and other design constraints that have been raised, all which need to be addressed through the planning and design stage. Throughout the planning and design process, community consultation will be undertaken. The Shire’s Environmental Staff will work closely with the design team to ensure all environmental issues are addressed. In addition all the relevant Authorities will be liaised with to ensure compliance as well as enhancement of the foreshore area.

Statutory/Policy Environment

Council’s Forward Capital Works Plan 2015/16 to 2020/21 (FCWP) makes provision for this project that had been included for construction in 2017/18.

Strategic Framework

Within the Shire’s Strategic Community Plan 2013 - 2023, Strategies 1.2.3, 1.2.10, 2.4.3, 2.4.4, 2.4.6, 3.1.2, 3.2.5, 3.4.1, 3.6.4 and 4.5.1 state:

1.2.3 *“Investigate opportunities to increase accessibility and improve the range of amenities and infrastructure at the Leschenault Estuary.”*

1.2.10 *“Maintain a range of high quality facilities to encourage tourist and resident visitation.”*

2.4.3 *“Investigate opportunities to increase accessibility and improve the range of amenities and infrastructure at the Leschenault Estuary.”*

SIGNED _____ DATED 8th November 2016.

- 2.4.4 *“Provide quality amenities and accessible public spaces for our community.”*
- 2.4.6 *“Implement the Regional and Local Path Plans.”*
- 3.1.2 *“Continue to actively engage local community groups to understand needs, improve facilities and source grant funding.”*
- 3.2.5 *“Implement the Regional and Local Path Plans.”*
- 3.4.1 *Continue to monitor the needs of the community, to ensure access to appropriate services and facilities.”*
- 3.6.4 *“Implement the Regional and Local Path Plans.”*
- 4.5.1 *“Maximise Shire grant funding.”*

Risk Management

The Risk Theme Profile identified as part of this report is ***Inadequate Engagement Practices***. The Consequence could be “Reputational” if the community is not supportive of the project, however this project has been identified through the GBRBMP as well as the SHLBP and was included in the Shire’s FCWP, all which were made available for public comments. The Risk Consequence is considered to be “Minor” (2) and the likelihood “Unlikely” (2) resulting in a Low (4) risk being present.

Budget Implications

The estimated project cost for the DUP amounts to \$170,000 of which \$85,000 (50%) grant funding has been secured from the Department of Transport (DoT). The DoT contribution consists of \$5,000 for design in the current financial year and \$80,000 for construction in the 2017/18 financial year. Council included matching funding to the amount of \$85,000 in its FCWP for construction in the 2017/18 financial year.

Officer’s Recommendation

That Council:

1. Receives the petition as attached (refer ***Attachment 1***);
2. Advises Dr. John Male and Mrs. Pia Doyle, on behalf of the petitioners, that planning and design works will be carried out, taking into account the issues raised in the petition and matters raised by other stakeholders and the public during public consultation; and
3. Receives a further report following public consultation and 15% design concept plan for consideration.

16/268. **Adams/Beech**
“That the Officer’s Recommendation be adopted.”

CARRIED 12-0

The Order of Business as listed within the agenda was resumed at 5.18p.m.

Approximately 8 members of the public left the meeting at 5.18p.m.

SIGNED _____ DATED 8th November 2016.

Mr. Stewart returned to the Chamber at 5.18p.m.

G. CONFIRMATION OF MINUTES

ORDINARY COUNCIL MEETING – Tuesday, 27th October 2016.

Recommendation

That the Minutes of the Council Meeting held on Tuesday, 27th October 2016, as printed be confirmed as a true and correct record.

- 16/269. **Wood/Monagle**
“That the Minutes of the Council Meeting held on Tuesday, 27th October 2016, as printed be confirmed as a true and correct record.”
CARRIED 12-0

H. ANNOUNCEMENTS BY THE PERSON PRESIDING OR C.E.O WITHOUT DISCUSSION

Nil.

I. ADOPTION OF STANDING, OCCASIONAL & SUNDRY COMMITTEE MEETING MINUTES (Beige)

Leschenault Leisure Centre Advisory Committee
7th October 2016.

MINUTES

- 16/270. **Lovitt/Simpson**
“That the Minutes of the Leschenault Leisure Centre Advisory Committee, held on Friday, 7th October 2016, as printed, be received and the recommendations contained therein be adopted by Council.”
CARRIED 12-0

Corporate Services Committee
18th October 2016.

MINUTES

- 16/271. **Carbone/Monagle**
“That the Minutes of the Corporate Services Committee Meeting, held on Tuesday, 18th October 2016, as printed, be received and the recommendations contained therein be adopted by Council.”
CARRIED 12-0

Development Services Committee
11th October 2016.

MINUTES

Item No.	8.1.1
Subject:	Consent to Advertise – Draft Coastal Hazard Risk Mapping and Adaptation Plan
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Planning Services
File No.:	B000183
Attachment Reg.16/31408	

Summary

In July 2014 the Shire of Harvey (Shire) through the Peron Naturaliste Partnership (PNP) was successful in obtaining grant funding to undertake the “*Shire of Harvey Coastal Hazard Risk Management and Adaptation Plan*” (CHRMAP). The final draft has now been completed and is referred to Council for consideration and consent to advertise.

The draft has been endorsed by the Steering Committee established to oversee the project and Staff from the PNP and Department of Planning (DoP). A copy of the final draft is contained within ***Attachment 1***.

In addition to the CHRMAP, the consultant was required, as part of the funding agreement from the DoP, to prepare a ‘template’ to assist other local governments in the preparation of their plans. A copy of the template is contained within ***Attachment 2***. Please note this is not required to be advertised for comment.

Background

At its meeting held in January 2014, Council authorised the Manager of Planning Services to seek \$50,000 funding from the Department of Planning under the “Coastal Management Plan Assistance Program” (CMPAP) to prepare the Shire of Harvey Coastal Hazard Risk Management and Adaptation Plan. Council was successful with the grant funding application and an additional \$50,000 of funding by the Peron Naturaliste Partnership (PNP) resulting in a total project budget of \$100,000.

The purpose of the project is to greatly increase the knowledge and understanding of coastal risks and potential adaptation measures. In particular, the outcomes will directly inform the development and implementation of the Myalup and Binningup Foreshore Management Plans. It will also assist in the implementation and review of the Harvey Coastal Management Plan 2006.

At its meeting held 16th December 2014, Council resolved to appoint Damara WA Pty Ltd to undertake the “*Shire of Harvey Coastal Hazard Risk Management and Adaptation Plan*”.

Comment

Preparation of the CHRMAP has been carried out in accord with the endorsed Milestones Report (as amended) (refer ***Attachment 3***). As evidenced by that report community engagement has occurred throughout the process. The CHRMAP, albeit technical in its assessment of coastal processes is considered to offer Council with achievable recommendations in regard to the ongoing management of most of the coastal areas.

SIGNED _____ DATED 8th November 2016.

Specific recommendations in regard to having a greater understanding of the geotechnical attributes surrounding the Binningup Sea Wall have been embraced by Staff and Council has been successful in obtaining further funding in conjunction with the PNP to undertake such investigations. Staff are currently preparing a consultants brief and a further report to Council regarding an appointment will be forthcoming.

Of note within the CHRMAP is the issue of privately owned land and the need for it to be managed to avoid unacceptable loss of the primary dune systems. The report recognises the difficulty Council will have given the land tenure, but makes recommendations for alternative zones or specific management provisions to be contained within the draft Local Planning Strategy (LPS) and town planning scheme. At the time of preparing the draft LPS, recently adopted by Council for advertising, the recommendation of this CHRMAP was not known. To this effect, minor modifications may need to be considered prior to the LPS being finalised.

Staff consider the draft CHRMAP has been prepared to address relevant climate change issues for the Shire's coastline and has provided appropriate management responses. Support for advertising for a three week period is recommended.

Statutory/Policy Environment

State Planning Policy 2.6 – State Coastal Planning Policy (SPP2.6)

SPP 2.6 provides the framework for the preparation and adoption of local government Coastal Hazard Risk Management and Adaptation Plans.

Strategic Framework

Within the Shire's Strategic Community Plan 2013 - 2023, Strategy 1.1.2 states:

"Complete the Local Planning Strategy."

Budget Implications

Council has allocated sufficient funds within the 2016/17 Budget for the completion of this project.

Risk Management

The Risk Theme Profile identified as part of this report is ***Inadequate Engagement Practices***. The Consequence is Compliance should Council not follow the prescriptive milestones report required by the Department of Planning. The consequence rating is Moderate (3) and the likelihood is Rare (1) resulting in a LOW risk being present.

Officer's Recommendation

That Council:

1. Receives the draft Shire of Harvey Coastal Hazard Risk Management and Adaptation Plan September 2016 and associated Template;
2. Consents to a three week community consultation process for the draft Shire of Harvey Coastal Hazard Risk Management and Adaptation Plan September 2016; and

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3. Considers the submissions received on the draft Coastal Hazard Risk Management and Adaptation Plan September 2016, following the conclusion of the three week community consultation period.

16/272. **Campbell/Monagle**

“That Council:

1. **Receives the draft Shire of Harvey Coastal Hazard Risk Management and Adaptation Plan September 2016 and associated Template subject, but not limited to, minor edits to wording in respect to the ownership and integrity of ‘The Cut’ and details relating to the Binningup Seawall;**
2. **Consents to a three week community consultation process for the draft Shire of Harvey Coastal Hazard Risk Management and Adaptation Plan September 2016; and**
3. **Considers the submissions received on the draft Coastal Hazard Risk Management and Adaptation Plan September 2016, following the conclusion of the three week community consultation period.”**

CARRIED 12-0

Development Services Committee

11th October 2016.

MINUTES

16/273. **Beech/Simpson**

“That the Minutes of the Development Services Committee Meeting, held on Tuesday, 11th October 2016, be received and the recommendations listed hereunder be adopted en-bloc.”

8.1 PLANNING REPORT

- 8.1.2 Subdivision Referral – G. and V. Marshall – Lots 1 and 2 Elinor Bell Road, Leschenault (S154226).

8.2 BUILDING REPORT

- 8.2.1 Building Activity Report – September 2016 – Shire of Harvey (BSR017(15)).
- 8.2.2 Riverlinks Childcare and Community Centre Inc. – Proposed Renovations to Riverlinks Childcare Centre – Lot 42 Leisure Drive, Australind (A008371).

CARRIED 12-0

Mr. Dandridge left the Meeting at 5.30p.m.

Cr. Sabourne left the Chamber at 5.30p.m.

SIGNED _____ DATED 8th November 2016.

J. REPORTS BY OFFICERS OF COUNCIL**TECHNICAL SERVICES**

Item No. 1	
Subject:	Partial Closure of Dix Road Thoroughfare
Proponent:	Technical Services
Location:	Lot 2729 (No. 246) Dix Road, Cookernup
Reporting Officer:	Executive Manager Technical Services
File No.:	A000256
	Attachment Reg. No.

Summary

In order to proceed with the partial closure of the Dix Road thoroughfare, Council resolved to enter into discussions with the Department of Parks and Wildlife (DPaW) to upgrade the current forestry track and gazettal thereof. It further resolved that support be sought from DPaW for the partial gazettal of Medway Road and that a further report be subsequently presented to Council.

It is recommended that Council endorses the partial closure of the Dix Road thoroughfare and commences upgrading of the forestry track, whilst it simultaneously proceeds with the Medway Road gazettal as well as amending the gazetted road alignment for Dix Road (refer **Attachment 1**).

Background

Council will recall from the report presented at its meeting on 15th December 2015, the matter of a portion of Dix Road entering the private property at Lot 2729 Dix Road and the request by the landowner to close that section of the thoroughfare and realign Dix Road.

Since the landowner requested to keep the land currently encumbered by the constructed Dix Road thoroughfare, the option of realigning the road reserve to accurately follow the constructed road/thoroughfare was decided against. It was resolved that an existing forestry track be upgraded to a gravel road standard to provide the missing east-west link that would be lost if the proposed Dix Road portion was closed. The existing Dix Road, unmade road reserve would then be relinquished and the new alignment that includes the upgraded forestry track would be gazetted as the new Dix Road reserve (refer **Attachment 2**).

In addition to the Dix Road realignment, gazettal of Medway Road would provide legal access to neighbouring landowners (refer **Attachment 3**).

Council at its meeting held on 15th December 2015, resolved as follows:

"That Council:

1. *Notes the submissions received;*
2. *Informs the Applicant to immediately remove the gates, all signage and any other obstructions within the portion of thoroughfare, the subject of this report; and*
3. *Initiates discussions with the Department of Parks and Wildlife:*
 - a. *In order to upgrade the current forestry track and gazettal thereof on a suitable alignment on Lots 4156 and 4731, Cookernup; and*

SIGNED _____ DATED 8th November 2016.

- b. Seeking support for the gazettal of Medway Road from where it intersects with Honeymoon Road for an approximate distance of 2.6km north to where it meets the forestry track at Lot 4731.*
- 4. Subject to the above being achievable to Council's satisfaction, negotiations be pursued with the Applicant with respect to confirming agreement to establish the standard of as well as their contribution towards the upgrading of the forestry track on Lots 4156 and 4731, Cookernup on the basis of a formal legal agreement will be required should negotiations be to the satisfaction of Council; and*
- 5. Requires a further report that reflects the negotiations with the Department of Parks and Wildlife and the Applicant before making a final decision."*

Comment

Staff initiated discussions with DPaW to obtain their comments and support towards the upgrading and gazettal of the forestry track on Lots 4156 and 4731, Cookernup. At the same time Staff sought support from DPaW for the gazettal of Medway Road in order to provide legal constructed access to properties that may be affected by the amended road alignment of Dix Road.

In the opinion of DPaW no action is necessary to fulfil the access requirements as it expressed its view that even though the gazetted access is not fully trafficable, a practical access is provided by the existing very good quality access that exists via Medway Road, which will in DPaW's opinion be retained into the foreseeable future. This view is not supported by Staff and as long as Medway Road is not a gazetted road, the future of the road cannot be considered as permanent.

Despite DPaW's view that no action is necessary, it is prepared to support Councils' request to amend the gazetted road alignment for that portion of Dix Road, which contains the recently bulldozed (Blue) portion of the CALM Operations Graphics (COG)-mapped track up to the point where the bulldozed track deviates northwards from the COG-mapped track (refer **Attachment 4**).

The gazetted alignment would then follow the COG-mapped track (red) eastwards then the forestry track (blue), through to Medway Road. It is necessary for this alignment to be confirmed as being a suitable long term alignment of the road and DPaW requested to be consulted during investigation of the alignment feasibility. Although most of the road alignment had been cleared of vegetation, the aim is to minimise further clearing while meeting the road standards constraints.

DPaW also confirmed its support for the gazettal of Medway Road from the intersection of Dix and Medway Roads southwards. Medway Road could be gazetted through to the already gazetted portion at the junction of Honeymoon and Medway Roads. The existing gazetted track to the east of Medway Road should be closed as part of the offset to ensure no net loss of State forest area (refer **Attachment 1**). Short sections of gazetted accesses to private properties would be retained to link with Medway Road. It was proposed by DPaW that the width of the current gazetted Dix Road be reduced from the existing 40m to 20m as a further offset opportunity, this is supported by Staff.

In support of Council's proposal DPaW requested that the Shire acknowledges that these roads are needed to continue to serve as essential Parks and Wildlife prescribed burn boundaries and that it would be allowed to continue to use the road for this purpose.

DPaW indicated that the Conservation and Parks Commission WA (CPCWA) would require that there should be no net loss of State forest area or important biodiversity values, which impact on native vegetation, as well as there being no significant impacts on threatened flora or fauna values. Both Medway Road and the forestry track have been substantially cleared and by relinquishing the existing unmade road reserves, together with reducing the Dix Road reserve from 40m to 20m would result in a positive outcome in terms of clearing.

The owner of Lot 2729 previously indicated his willingness to contribute towards the upgrade of the forestry track on Lots 4156 and 4731, Cookernup to the north of the Dix Road. Negotiations have been held with him in order to determine a suitable arrangement agreed by the Shire.

Statutory/Policy Environment

Local Government Act 1995

Section 3.50 of the Local Government Act 1995, provides a framework under which Council is to proceed with the closure of a thoroughfare.

Land Administration Act 1997

Section 56 of the Land Administration Act 1997, provides for the dedication of land for public road reserve.

Land Administration Regulations 1998

Regulation 8 of the Land Administration Regulations 1998, describes the details and process for making the application to the Minister seeking to dedicate a parcel of land as road reserve.

Greater Bunbury Region Scheme

Lot 2729 Dix Road is zoned “*Rural*” in the Greater Bunbury Region Scheme.

Shire of Harvey District Planning Scheme No. 1

Lot 2729 Dix Road is zoned “*General Farming*” in the District Planning Scheme No. 1.

Strategic Framework

Within the Shire’s Strategic Community Plan 2013 – 2023, 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 ***Providing Inaccurate Advice/information***. The Consequence could be Financial, Reputational or Compliance if incorrect procedures are followed for acquiring land under the Land Administration Act (1997). The risk is mitigated as community consultation has taken place and in working closely with DPaW, resulting in a LOW risk being present.

Budget Implications

Council included an amount of \$73,000 in the 2016/17 Budget to upgrade the road alignment of Dix Road, which includes approximately 3.83km of new cadastral road survey, removal of the existing unconstructed reserves of approximately 3.5km as well as road construction.

Officer's Recommendation

That Council:

1. Endorses the partial closure of the Dix Road thoroughfare and commences with the upgrading of the forestry track on Lots 4156 and 4731, Cookernup as depicted in blue on **Attachment 2**, on the basis that the Dix Road thoroughfare remains open to the public until such time that the amendments to road reserves, listed in items 2 and 3 of this Council decision have been completed;
2. Proceeds with the Medway Road gazettal as well as amending the gazetted road alignment for Dix Road; and
3. Proceed with the road closures of the unmade road reserves that would provide further offset opportunities consistent with the Department of Parks and Wildlife's advice to ensure no net loss of State forest area.

16/274. **Carbone/Monagle**
"That the Officer's Recommendation be adopted."

CARRIED 11-0

Mr. and Mrs Michaels left the Meeting at 5.32p.m.

Cr. Sabourne returned to the Chamber at 5.34p.m.

Item No. 3

Subject: Closure of Portion of Victoria Road
Proponent: Harley Dykstra Pty Ltd
Location: Lot 561 Paris Road, Australind
Reporting Officer: Manager Infrastructure
File No.: A005606

Attachment Reg. No.

Summary

At its meeting held 5th July 2016, Council resolved to support a request for a permanent road closure made by Harley Dykstra on behalf of the land owners of Lot 561 Paris Road, Australind. The request was for Council to support the closure of an unformed and unconstructed portion of the western end of Victoria Road, to amalgamate into Lot 561 Paris Road in accordance with Drawing HS018-16 rev 0 (refer to **Attachment 1**) and to initiate the road closure processes. The portion of road reserve to be closed is shaded in red and is 8,213m² in surface area.

Council provided conditional support that includes advertising the proposed closure for 35 days, seeking submissions from providers of public utility services and the general public and if no objections were received to refer the matter to the Minister for Lands for implementation.

SIGNED _____ DATED 8th November 2016.

Submissions have been received with two objections. However, the objectors are open to withdrawing their objection if the matter raised can be resolved. The objections were referred to the applicant who committed to resolving these concerns. The Applicant agreed to extend an easement over the pressure main and to limit the road closure to the section of the road recommended by the Western Australia Planning Commission. It is therefore recommended that Council supports the closure of the portion of Victoria Road as indicated within **Attachment 3**.

Background

Council at its Ordinary Meeting of the 5th November 2015, supported a request from Harley Dykstra Consultants acting on behalf of the land owners of Lot 561 Paris Road, Australind to close an unformed and unconstructed portion of the western end of Victoria Road and to amalgamate into Lot 561 Paris Road.

The existing Subdivision Guide Plan for the property at Lot 561 Paris Road indicates that a road closure is required for the subject portion of unconstructed road reserve. The current subdivision approval (WAPC Ref. 147060) for the property includes a condition of approval requiring "Victoria Road west" to be closed and amalgamated with the adjoining lots. However, the WAPC approval only required the portion of Victoria Road of the western end, currently cleared of vegetation to be closed. Harley Dykstra in their application added to the WAPC approved plan Lot 132 and the portion of Victoria Road currently uncleared of vegetation for closure, refer to Drawing HS018-16 rev 2 as attached in **Attachment 2**.

Council in supporting the application, requested that prior to initiating the road closure process with the Department of Lands, staff:

- Advertises the proposed road closure for 35 days and seeks comments from providers of public utility services and the general public;
- Following the public advertising period, considers the proposal in light of any objections or if no objections are received the matter be referred to the Minister for Lands for implementation;
- Obtains written consent from the land owners of their acceptance to purchase the land in accordance with drawing HS018-16 rev 0; and
- Informs the land owners of Lot 561 Paris Road, Australind that all costs associated with the closure and amalgamation, including advertising will be at their own expense.

Consistent with Council decision to advertise the propose road closure, it was published in the Bunbury Herald, the Harvey-Waroona Reporter and in the South Western Times between the period of 26th July 2016, and 9th August 2016.

Letters were also sent to providers of public utility services, the emergency services and the owners of Lot 561 Paris Road, Australind. The owners were requested to confirm the validity of the request for permanent road closure of the section of Victoria Road, made on their behalf, and to provide written consent to their acceptance to purchase the land and to bear all costs associated with the road closure.

After the end of the submission period no objections were received from the general public. Submissions were however received from all public utility services providers contacted, with objection from the Water Corporation and the Department of Park and Wildlife (DPaW). The objections related in principle to the need to protect built infrastructure and the flora and fauna within the road reserve proposed to be closed.

In its objection to the closure of portion of this portion of Victoria Road and its amalgamation with lot 561 Paris Rd, the Water Corporation raised concern about a 300PVC sewer pressure main under its care and management falling into a private property with no access for future maintenance. The Water Corporation advised that it will lift its objection if a 7m wide easement can be provided over the length of the sewer pressure main via the extension of the easement as shown on the attached Drawing HS018-16 rev 2. The Water Corporation concern was referred to the applicant who consented to creating an easement in the form of extending Easement E9123 in a north-south direction over the sewer pressure main alignment through the road reserve.

DPAW's objection refers to concern about potential adverse impact on the biodiversity values of the vegetation within the road reserve, in particular the remnant vegetation within Lot 132 and portion of the eastern vegetated portion of the road reserve. The concern is mainly about the inevitable clearing of the vegetation within the area described above. DPAW asserts that the subject area is an elevated Bassendean dune and it is highly likely to support Banksia woodland vegetation which is an example of Priority 3 listed Ecological Community (PEC) "Banksia dominated woodlands of the Swan Coastal Plain IBRA region". This vegetation type is known to support declared rare species such as *Drakaea micrantha* and *Drakaea elastic*. DPAW datasets also indicate that the subject area's native vegetation is likely to be good quality and potential habitat for Western Ringtail Possum (WRP) and Black Cockatoos and the DPAW's goal is to retain WRP habitat quality vegetation where possible. The subject area is one of the mapped WRP Habitats with WRP quality habitat vegetation in the South West Region. WRP and Black Cockatoos are listed as threatened species under the Commonwealth of Australia's Environmental Protection and Biodiversity Conservation Act 1999, and Western Australia's Wildlife Conservation Act 1950. Major threats to Black Cockatoos include habitat loss and as a consequence the DPAW requests the eastern vegetated portion of the road reserve and the vegetated Lot 132 road reserve area is retained either as road reserve or as a crown land reserve for the purpose of a native vegetation buffer and fauna corridor linkage to an future vegetation buffer area planned along a portion of the Lot 561 eastern boundary.

DPAW has no objection to the remaining east/west cleared portion of the road reserve being closed as depicted in the WAPC 147060 subdivision plan. The WAPC 147060 subdivision plan depicted a vegetation buffer strip along the Lot 561 northern and eastern boundaries. This vegetation buffer strip forms a continuous vegetation fauna corridor linkage which connects to the western Lot 561 native vegetation and vegetated reserves to the west of Lot 561 and forms part of a vegetated buffer between the Forrest Highway and the general subdivision area. Closing of Lot 132 and portion of the eastern vegetated portion of the road reserve and subsequent clearing of the vegetation within that area will result in a break in continuity of the vegetation fauna corridor linkage.

The DPAW concerns were raised with the applicant who consented to seeking the closure of the east/west cleared portion of the road reserve as depicted in Drawing HS018-16 rev 2. Staff acknowledge that Drawing HS018-16 rev 2 responds to the concerns of DPAW, however, more recently the Applicant has lodged an application to the WAPC for a super lot subdivision (WAPC 153812) over Lot 561, which Council requested the eastern portion of the Road Reserve to remain as part of the Regional Open Space (ROS) adjoining Forrest Highway. This Application remains undetermined by the WAPC, however Council's advice should be consistent and require the closure of the road reserve to alignment with the ROS as depicted in **Attachment 3**.

Comment

The Victoria Road reserve in question is currently unconstructed and due to the presence of the existing Forrest Highway and the existing intersection with Paris Road, the subject road is unlikely to be constructed. The proposal will allow for this section of road reserve to be closed and amalgamated with the adjoining lot to be better utilised as part of the overall development of Lot 561. The portion of road reserve to be closed does not contain any major infrastructure apart from an existing sewer line which runs along the proposed new eastern boundary and will be accommodated and protected by extending the sewer easement E9123 in a north-south direction along the alignment of the sewer line as it crosses over the road reserve.

The existing Subdivision Guide Plan for the property indicates that a road closure is required for the subject portion of unconstructed road reserve. The current subdivision approval (WAPC Ref. 147060) for the property includes a condition of approval requiring "Victoria Road west" to be closed and amalgamated with the adjoining lots. The portion of Victoria Road to be closed and agreed to by DPaW and the WAPC subdivision approval (WAPC Ref 147060) is the east/west cleared portion of the road reserve as depicted in Drawing HS018-16 rev 2. As evidenced above closure should be consistent with Council's advice in regard to WAPC 153812 as detailed within **Attachment 3**.

Following the initial resolution by Council to support the request for road closure, Staff have consulted with relevant authorities and advertised the proposal for public comment for at least 35 days. The proposal was considered in light of the comments and objections received and the proposal amended to comply with the WAPC approval and the Water Corporation and the DPAW requirements.

Should the amended road closure plan as per **Attachment 3** be supported, Council would need to initiate the road closure process through Section 58 of the Land Administration Act 1997. Staff will collate all required information and forward it to the Department of Lands for presentation to the Minister. The Department of Lands will then liaise with the land owners to finalise Deposited Plans and payment.

Statutory/Policy Environment

Section 58 of the Land Administration Act 1997, states that a local government may request that the Minister for Lands closes a public road/road reserve. Section 87 of the Act is used where the land is to be amalgamated with adjoining land. Regulation 9 of the Land Administration Regulations 1998, outlines what documents need to be submitted to the Minister for Lands by Council for the application to be successfully processed, Council's recommendation forms part of those requirements.

Strategic Framework

Within the Shire's Strategic Community Plan 2013 - 2023, Strategy 4.3.4 states:

"Monitor and ensure compliance with regulatory framework for local government business."

Risk Management

The Risk Theme Profile identified as part of this report is ***Providing Inaccurate Advice/Information***. The Consequence could be Financial, Reputational or Compliance if incorrect procedures are followed for acquiring land under the Land Administration Act (1997). The risk is mitigated as this request was previously endorsed by Council as a subdivision development condition. Additionally this road closure is supported by the Western Australia Planning Commission (WAPC) Approval No. 147060 of 29th January 2013 and the proposal was advertised for public comment. Consistency in advice in response to WAPC 153812 will also result in a LOW risk being present.

Budget Implications

Nil – All costs associated with the road reserve closure process will be at the expense of the land owners.

Officer's Recommendation

That Council:

1. Supports the closure of a portion of the western end of Victoria Road, Australind and amalgamation with Lot 561 Paris Road, Australind as indicated within ***Attachment 3***;
2. Requests the Minister for Lands to initiate the permanent closure of this portion of Victoria Road, Australind and amalgamation with Lot 561 Paris Road, Australind in accordance with Section 58 of the Land Administration Act 1997; and
3. Advises the Applicant that all costs associated with the road closure process will be at their own expense including the purchase of the land as determined by the Minister for Lands.

16/275. **Campbell/Carbone**
"That the Officer's Recommendation be adopted."

CARRIED 12-0

CORPORATE SERVICES

Item No.	1
Subject:	Brunswick Junction Community Resource Centre – Lease Renewal
Proponent:	Brunswick Junction Community Resource Centre
Location:	Lot 1 Ridley Street, Brunswick
Reporting Officer:	Executive Manager Corporate Services
File No.:	CA038 & A004314 Attachment Reg. No. 16/30216

Summary

Brunswick Junction Community Resource Centre (BJCRC) has requested by letter (refer **Attachment 1**) that the lease with the Shire of Harvey for the property known as Lot 1 Ridley Street Brunswick (refer **Attachment 2** – Location Plan) be renewed commencing 1st January 2017.

Background

On 1st January 2012, the Shire of Harvey entered into a lease agreement with BJCRC for five (5) years with the option to renew for a further five (5) years.

The lease term will expire on 31st December 2016, and the Lessee has written requesting a further ten (10) year lease period be considered. Staff recommend a 5 year extension be approved as stated within the current lease terms and conditions.

Comment

Staff are not aware of any breach of the lease terms during the course of the current lease to the Brunswick Junction Community Resource Centre. There are no known unresolved difficulties arising out of the leasehold relationship between the BJCRC and the Shire in respect of the operation of the Community Resource Centre.

To be in line with requirements of Council's insurers (LGIS), a public liability policy of no less than \$20 million is required to be held. This will need to be included in the deed of extension document as the current agreement requires only a \$10 million policy.

Council recently approved internal renovations to the kitchen area of this facility with funding sourced by the Committee of BJCRC. This work will be supervised by Council's Principal Building Surveyor.

Statutory/Policy Environment

Section 3.58 of the Local Government Act 1995, deals with the Disposal of Property including leasing and Clause 30(2)(b) of the Local Government (Functions and General) Regulations 1996 provides an exemption for Community, Sporting and other similar groups.

Strategic Framework

Within the Shire's Strategic Community Plan 2013 - 2023, Strategy 3.1.3 states:

"Continue to provide facilities and services to support local community organisations."

Risk Management

The Risk Theme Profile identified as part of this report is ***Business and Community Disruption***. The Consequences identified are Reputational and Property. The risks associated with the possible consequences are mitigated by having a consensual lease in place approved by both parties.

The Consequence rating associated with this matter is Moderate (3), and the Likelihood being Unlikely (2) giving a Risk Rating of Moderate (6).

Budget Implications

Nil.

Officer's Recommendation

That Council grants a lease extension for five (5) years commencing on 1st January 2017, to the Brunswick Junction Community Resource Centre for 1 Ridley Street, Brunswick subject to the Lessee (BJCRC) holding a Public Liability insurance policy with a sum insured of \$20 million for the term of the lease.

16/276. **Campbell/Beech**
"That the Officer's Recommendation be adopted."

CARRIED 12-0

Item No.	2
Subject:	Lease Renewal – Binningup Water Sports Centre
Proponent:	Shire of Harvey
Location:	Lot 3001 (Reserve 48823), Binningup
Reporting Officer:	Executive Manager Corporate Services
File No.:	CZ045 & A008501 Attachment Reg. No. 16/22295 & 16/29727

Summary

On 1st December 2010, Council entered into a lease agreement with the Harvey District Water Sports Association (HDWSA) for the building known as Binningup Water Sports Centre located on part of Lot 3001 (Reserve 48823), Binningup (refer ***Attachment 1*** – Location Map). The lease is held between the HDWSA Inc. and the Shire for this facility, with a sub-lease to the Binningup Surf Lifesaving Club Inc. (BSLC).

The term of the agreement was for three (3) years with the option to renew a further three (3) years for both groups. This lease is due to expire on 30th November 2016.

It is recommended that Council grants a new lease to the Harvey District Water Sports Association Inc. and a sub-lease to Binningup Surf Lifesaving Club Inc. for five years, with an option of extending for a further five years.

Background

Correspondence has been received from the HDWSA requesting Council consider a five year lease with the option of a five year renewal (refer ***Attachment 2***). The sub lessees (BSLC) preferred term is three years with a three year option, however they have no objection if Council grants both groups five years with a five year option (refer ***Attachment 3***).

SIGNED _____ DATED 8th November 2016.

Previously Council had offered a three year term with a three year option to renew as there was a settling in period between the HDWSA and BSLC in the implementation of management requirements to operate this facility. This involved the structure of a Management Committee that had its difficulties in the beginning, however now appears to be operating satisfactorily with each Group running their respective programs within the facility.

Comment

Staff are not aware of any breach of the lease terms by the HDWSA or BSLC during the term of the lease that has been in existence. Apart from some minor issues raised in this report there are no unresolved difficulties arising out of the leasehold relationship between the Management Committee and the Shire of Harvey.

During the current lease period Council would be aware that an additional storage area has been constructed to the boat shed area on the BSLC's sub -lease area. There has also been some office partitioning work completed. The HDWSA has installed a substantial air-conditioning system to the lease area allocated to this group. All these works have been approved in accordance with the lease and sub-lease terms and conditions and supervised by Council's Principal Building Surveyor.

The building has one water connection (metered) that services the building and reticulation of the lawn area. The maintenance and care of the lawn area and playground equipment is the responsibility of the Shire. This makes accurate determination of water consumption for the building difficult to on charge to the occupiers in accordance with the lease terms and conditions. The installation of a sub-meter was considered however the due to a variety of circumstances there would remain an inability to accurately determine a water usage split, which is exacerbated further by their being two lease parties involved.

What has been occurring previously is that an estimated amount of \$300 per annum has been charged. This amount was considered reasonable and represented approximately half the usage of the facilities. As such it is proposed to amend this clause in the lease document to reflect that the Management Committee is responsible for 50% of the water consumed at the site. Based on prior accounts this will approximate \$300 per annum.

Additionally the Building Management Committee meets quarterly to discuss the operations of the premises as described within the lease document. The Committee has however requested that these meetings be held six monthly due to there being insufficient business to discuss. With both parties who form part of the Management Committee agreeing to this it makes sense for Council to consent to this minor change.

Should there be the requirement to hold any additional meetings this should be able to occur. The recommendation to this report reflects this.

To be in line with requirements of Council's insurers (LGIS), a public liability policy of no less than \$20 million is required to be held by each group. This too will be included in the new lease document as the current agreement requires only a \$10 million policy.

The new lease document will be based on the current terms and conditions, except where indicated above.

Statutory/Policy Environment

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

Clause 30 of the Local Government (Functions and General) Regulations 1996, details when the disposition of property is exempt from the provision of Section 3.58 of the Act. A disposition of property to a body:

1. The objects of which one of a charitable benevolent, religions, cultural, educational, recreational sporting or other like nature; and
2. The members of which are not entitled to profit from the body's transactions are considered exempt.

Reserve 48823 is under Council's care and control with a Management Order held for the purpose of *"Recreation and Clubrooms"*.

Strategic Framework

Within the Shire's Strategic Community Plan 2013 - 2023, Strategy 3.1.3 states:

"Continue to provide facilities and services to support local community organisations."

Risk Management

The Risk Theme Profile identified as part of this report is ***Business and Community Disruption***. The Consequences identified are Reputational and Property. The risks associated with the possible consequences are mitigated by having a consensual lease in place approved by all parties.

The Consequence rating associated with this matter is Moderate (3), and the Likelihood being Unlikely (2) giving a Risk Rating of Moderate (6).

Budget Implications

Rent is currently set at \$1.00 per annum with the amount due and payable on demand.

Officer's Recommendation

That Council agrees to renew the lease with the Harvey District Water Sports Association Inc. and the sub-lease to the Binningup Surf Lifesaving Club Inc. for the premises known as the Binningup Water Sports Centre located on part of Lot 3001 (Reserve 48823), Binningup subject to:

1. The term of the lease and sub-lease be offered is to be for a period of five years with an option to renew for a further period of five years, commencing on 1st December 2016;
2. The responsibility for water consumption being 50% Shire, 50% Management Committee;
3. Agrees to modify clause 3(i)(v) to allow for two (2) meetings of the Building Management Committee per year, or any additional meetings as are considered necessary;
4. Clause 3(l) of the lease and sub-lease documents requiring the clubs to hold a Public Liability Insurance Policy with a sum insured of not less than \$20 million, in the name of the Harvey District Water Sports Association Inc. and Binningup Surf Lifesaving Club Inc. respectively for the term of the lease/sub-lease;

SIGNED _____ DATED 8th November 2016.

5. All other current terms and conditions within the current lease/sub-lease documents to remain as is; and
6. Authorises the Chief Executive Officer and Shire President to sign and seal the lease and sub-lease documents.

16/277. **Carbone/Campbell**

“That Council agrees to renew the lease with the Harvey District Water Sports Association Inc. and the sub-lease to the Binningup Surf Lifesaving Club Inc. for the premises known as the Binningup Water Sports Centre located on part of Lot 3001 (Reserve 48823), Binningup subject to:

1. **The term of the lease and sub-lease be offered is to be for a period of five years with an option to renew for a further period of five years, commencing on 1st December 2016;**
2. **The responsibility for water consumption for the building, excluding the public toilets, be that of the Management Committee;**
3. **Agrees to modify clause 3(i)(v) to allow for two (2) meetings of the Building Management Committee per year, or any additional meetings as are considered necessary;**
4. **Clause 3(l) of the lease and sub-lease documents requiring the clubs to hold a Public Liability Insurance Policy with a sum insured of not less than \$20 million, in the name of the Harvey District Water Sports Association Inc. and Binningup Surf Lifesaving Club Inc. respectively for the term of the lease/sub-lease;**
5. **All other current terms and conditions within the current lease/sub-lease documents to remain as is; and**
6. **Authorises the Chief Executive Officer and Shire President to sign and seal the lease and sub-lease documents.”**

CARRIED 11-1

Item No.	3
Subject:	Lease of Property – Optus Mobile Pty Ltd
Proponent:	Optus Mobile Pty Ltd
Location:	Lots 5068 and 250 Honeymoon Road, Uduc Central – Part Reserve 22672
Reporting Officer:	Executive Manager Corporate Services
File No.:	CZ028 & A002464 Attachment Reg. No. 16/18348

Summary

The Shire of Harvey leases part of Reserve 22672 located on Honeymoon Road, Uduc (Stanton Park) to Telstra Corporation Limited with a sub-lease to Optus Mobile Pty Ltd for a telecommunications site (refer **Attachment 1** – Location Plan). Both Telstra and Optus have been offered lease renewals (refer **Attachment 2** – October 2015 Council reference 15/932), however Optus has sought to negotiate on some matters. Staff have negotiated an agreed position with Optus and this is now recommended to Council for endorsement.

SIGNED _____ DATED 8th November 2016.

Background

On 6th October 2015, Council agreed to renew an existing lease for a portion of Reserve 22672 to Telstra Corporation Ltd and a sub-lessee to Optus Mobile Pty Ltd for a further term of five (5) years, with the term commencing 16th December 2015. Telstra has agreed with the terms, conditions and rental fee and have renewed the lease.

The Telstra lease amount is \$6,719.58 per annum for the duration of the lease with no percentage increase figure.

Correspondence from Optus was received 3rd June, 2016 proposing new lease terms for consideration (refer **Attachment 3**). This proposal involved a rent reduction to \$4,000 per annum, paid monthly in advance, with a 2.5% fixed increase every year. The current arrangement sees Optus pay \$4,566.71 for the 2015/16 year with an annual increase of 3%. The amount is not a rounded figure as it increases by the percentage figure of 3% each year.

Comment

Staff do not see the proposed terms submitted by Optus as appropriate and requested that Optus reconsider this matter or advise if their sub lease was not to be renewed. Following further negotiation Optus have now agreed that the rental fee will be \$4,566.71 for 2015/16, however the annual adjustment rate from this point is requested to be 2.5% rather than 3%.

Staff consider this a reasonable outcome given the position of Optus when initially responding to the offer of renewal. To continue the 3% adjustment could have seen Optus remove their equipment which would affect local residents who use the Optus service which could generate some adverse reflective comment on Council. Therefore, staff recommend that Council's previous resolution be updated to agree with the 2.5% annual adjustment in rent for Optus given the relatively small financial figure involved.

Statutory/Policy Environment

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

Clause 30 of the Local Government (Functions and General) Regulations 1996, details when the disposition of property is exempt from the provision of Section 3.58 of the Act. A disposition of property to a body:

The objects of which one of a charitable benevolent, religions, cultural, educational, recreational sporting or other like nature; and

The members of which are not entitled to profit from the body's transactions are considered exempt.

Strategic Framework

Within the Shire's Strategic Community Plan 2013 – 2023, 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 ***Business and Community Disruption***. The Consequences identified are Reputational and Property. The risks associated with the possible consequences are mitigated by having a consensual lease in place approved by both parties.

The Consequence rating associated with this matter is Moderate (3), and the Likelihood being Unlikely (2) giving a Risk Rating of Moderate (6).

Budget Implications

Income generated from the lease is factored into Council's annual budget on an ongoing basis.

Officer's Recommendation

That Council agrees to reduce the annual rental adjustment for the sub-lease between Shire of Harvey and Optus Mobile Pty Ltd in respect to the sublease of portion of Reserve 22672 (Stanton Park), from 3% to 2.5%.

16/278. **Campbell/Adams**
 "That the Officer's Recommendation be adopted."

CARRIED 10-2

Item No.	4
Subject:	Australind Skate Park – Revised Concept Plan
Proponent:	Shire of Harvey
Location:	Leschenault Recreation Park, Australind
Reporting Officer:	Manager Community and Economic Development
File No.:	B000127
	Attachment Reg. No.

Summary

This report presents a revised concept plan for the Australind Skate Park and recommends that Council approve the plan subject to some minor changes, and authorises the Chief Executive Officer to approve the tender documentation and advertise the tender for design and construction of the Australind Skate Park.

Background

Several previous reports have been presented to Council regarding the proposal to construct a new Skate Park facility at the Leschenault Recreation Park in Australind. At its meeting held on 14th June 2016, Council considered a report that included options for addressing the funding shortfall and resolved as follows:

"That Council:

- 1. Supports option 3 as outlined in this report to reduce the scope of the Australind Skatepark project to fit within a total budget of \$950,000 (plus GST);*

2. *Staff consult with the Australind Skatepark Inc. Committee and arrange for a revised concept plan to be prepared for the proposed Australind Skatepark facility; and*
3. *Receives a further report on the Australind Skatepark project following completion of the revised concept plan for the proposed new facility.”*

In line with Council's resolution a revised concept plan (refer **Attachment 1**) has been prepared and is presented for Council's consideration and endorsement subject to some minor changes.

The original design that was endorsed by Council as part of the Feasibility Study (refer **Attachment 2**) included four main components i.e.

- Street Skating area
- Bowl
- Beginners area
- BMX circuit

The cost estimate for the original design was \$1.1 million however due to the reduced funding for the project, the revised design is for a smaller scale facility that is based on the original design but does not include the “Beginners area” or the “BMX circuit”. The Street Skating area has been redesigned to include various elements that are suitable for beginner skaters and BMX riders to ensure that these users are catered for in the new facility.

Comment

The Australind Skate Park committee has been involved in the preparation of the revised design and a “Skype” conference was held at the Leschenault Leisure Centre on 10th October 2016, to consider the draft concept plan and put forward any suggested changes to the design. That meeting was attended by a number of young skaters and BMX riders who were actively involved in the discussions and made some positive suggestions. The main outcomes from the Skype conference were recommendations to:

- Reduce the size and modify the design of the bowl;
- Maintain the depth of the “Bowl” at 2.1m;
- Increase the size of the Street Skating area and modify some of the elements within that area.

The above changes are relatively minor and are not expected to increase the footprint or cost of the facility. In summary, the revised design has sought to retain the main features of the original concept plan and is supported by the Australind Skate Park committee with the inclusion of the above changes. It is therefore recommended that Council approve the design subject to the inclusion of the above changes and any further minor changes.

With regard to the construction of the new facility the most recent report to the Council meeting held on 14th June 2016, identified the two most commonly used methods for delivery of projects of this nature and proposed that a “Design and Construct” contract would be the most suitable approach.

Given the specialised nature of skate park facilities, a number of the new skate parks that have been constructed in Australia over the past 10 years have been built using this method. Some recent examples where this method has been successfully used in WA include the Perry Lakes Skatepark in Floreat, the Wanneroo Skatepark and the Busselton Skatepark.

The main benefits of this approach is that a revised concept design is developed and approved by Council that is within the project budget and tenders are invited to undertake detailed design and construction of the new facility. This allows a single contractor to manage the process from start to finish. This method has been used to deliver a number of successful skatepark facilities in recent times and is the recommended approach for the construction of the new Australind Skatepark.

Statutory/Policy Environment

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

The development of a new skate park facility in Australind is included in the Shire's Plan for the Future and Forward Capital Works Plan for the years 2015/16 and 2016/17.

Strategic Framework

Within the Shire's Strategic Community Plan 2013 - 2023, Outcome 3.4 and Strategy 3.4.2 state:

3.4 *"Services, infrastructure and facilities continue to meet community needs."*

3.4.2 *"Investigate opportunities to better engage our youth through improved access to services, facilities and programs."*

Risk Management

The Risk Theme Profile identified as part of this report is ***Inadequate Engagement Practices***. The Consequence could be Reputational if adequate consultation does not occur regarding the development of a revised concept plan for the proposed Australind Skatepark facility. The Risk Consequence is considered to be "Moderate" (3) and the Likelihood "Unlikely" (2) resulting in a "Moderate" (6) level of risk. The Risk has been mitigated by consulting with the Australind Skate Park committee which is supportive of the revised design for the new facility.

Budget Implications

Funds have been allocated in Council's 2016/17 Budget for the new Australind Skatepark facility which includes approved grants from Lotterywest (\$350,000), Department of Sport and Recreation (\$200,000) and a community contribution of \$50,000. The latest advice from the Australind Skatepark Committee Inc. is that the Committee is within \$2,000 of reaching its fundraising target and has recently launched a "Go Fund Me" on-line campaign to try and raise the balance of its contribution.

Officer's Recommendation

That Council:

1. Subject to the following changes and any further minor changes, endorses the revised concept plan (refer ***Attachment 1***) for the new Australind Skate Park facility:
 - Reduce the size and modify the design of the bowl; and
 - Increase the size of the street skating area and modify some of the elements within that area.

SIGNED _____ DATED 8th November 2016.

2. Authorises the Chief Executive Officer to approve the tender documentation and advertise the tender for the design and construction of the Australind Skate Park facility; and
3. Receives a further report on the Australind Skatepark project following the close of tenders.

16/279. **Monagle/Adams**
"That Council:

1. **Subject to any further minor changes, endorses the revised concept plan (refer – *Drawing Number 000 Revision B Date of Issue 17/10/16*) for the new Australind Skate Park facility;**
2. **Authorises the Chief Executive Officer to approve the tender documentation and advertise the tender for the design and construction of the Australind Skate Park facility; and**
3. **Receives a further report on the Australind Skatepark project following the close of tenders."**

CARRIED 12-0

Item No. 5

Subject:	Greater Bunbury Age Friendly Communities Strategy
Proponent:	South West Development Commission
Location:	Greater Bunbury Region
Reporting Officer:	Manager Community and Economic Development
File No:	B000202
	Attachment Reg. No.

Summary

This report presents the draft "*Greater Bunbury Age-Friendly Communities Strategy*" and recommends that Council invites comment on the draft Strategy prior to further consideration and endorsement.

Background

A report to the Council Meeting held on 17th February 2015, advised that the Shire had received an invitation from the South West Development Commission (SWDC) to participate in a study to develop an Age Friendly Strategy for the Greater Bunbury region. The report indicated that grant funding was available to fully fund the study and aside from staff input, no direct financial contribution was required from Council. Council subsequently resolved (15/039) as follows:

"That Council accepts the invitation from the South West Development Commission to participate in the development of an Age Friendly Community Strategy for the Greater Bunbury region that includes the Shires of Harvey and Dardanup and the City of Bunbury."

An officer level Reference Group was established that included staff from the Shires of Harvey and Dardanup, the City of Bunbury and the SWDC to prepare a brief and oversee the study. The Shire was represented on the Reference Group by the Manager of Community and Economic Development.

SIGNED _____ DATED 8th November 2016.

Grant applications were then prepared and once funding had been approved, quotations were sought from suitable consultants to undertake the study. Following assessment of the quotations and submissions received, consulting firm *Creating Communities* was appointed to undertake the study.

In preparing the brief for the study it was agreed that the Strategy should be a strategic planning document rather than an exhaustive list of actions and projects across the three Local Government areas.

The draft Strategy was completed in August 2016 and is presented for Council's initial consideration. The two parts of the draft Strategy are the "Strategic Report" (refer **Attachment 1**) and "Appendices" (refer **Attachment 2**).

Comment

The Strategic Report follows the framework developed by the *World Health Organisation's Global Age-Friendly Cities Guide* which proposes eight interconnected domains that can help to identify and address barriers to the well-being and participation of older people.

The draft Strategic Report identifies that the Greater Bunbury population is forecast to grow to 112,650 by 2026, a 25% increase from the 2011 census. Approximately 32,870 (29.2%) people will be over the age of 55 years which is a 64% increase from 2011. The projected growth highlights the need for Local Governments to consider the needs of an ageing community in their forward plans and policies.

With regard to the consultation process that was followed in developing the draft Strategy it is acknowledged that despite strong promotion of the study there were low attendances at the various workshops that were held in each Local Government area. Whilst the consultation process provided useful anecdotal information there was insufficient response to be representative of older people living in the Greater Bunbury area.

For ease of referral, the study provides the following recommendations related to the focus areas:

- Federal and State Government agencies and Local Governments support the development of a regional partnership approach to creating age-friendly communities in Greater Bunbury by considering the needs of an ageing community as an important priority in future research, strategic planning and implementation.
- Improve connectivity between places and better support the movement of older people in line with the Department of Planning's Integrated Transport Strategy Framework.
- Encourage the provision of a range of affordable housing options that support older people to 'age-in-place.'
- Continue to support the capacity of older people to improve their technology skills in order for them to access information.
- Advance the principle of universal access and inclusion to encourage participation of older people.
- Foster and encourage volunteerism among older people in the community.
- Encourage an integrated approach to service delivery to support 'ageing-in-place' across Greater Bunbury.
- Encourage the principles of universal access and inclusion into the design of public places and buildings.

SIGNED _____ DATED 8th November 2016.

The recommendations are considered to be strategic in nature and are generally in line with the Shire's Strategic Community Plan. Following the public comment period and consideration of any input from the community, the Strategy would be presented for further consideration and endorsement by the respective Local Governments and the SWDC. Each Local Government would then have the opportunity to identify specific strategies and actions in their local areas that align with the strategic recommendations of the study.

In summary, the Shire's participation in this study has been a worthwhile exercise that may assist Council to identify opportunities to become a more age friendly community and strengthen any funding submissions for related projects that the Shire may wish to make in the future.

Statutory/Policy Environment

The proposal is broadly aligned with the South West Regional Blueprint which identifies key priorities of promoting a *healthy active lifestyle for all ages and generating affordable housing*.

Strategic Framework

Within the Shire's Strategic Community Plan 2013 – 2023, Outcomes 3.4 and 3.5 and Strategy 3.4.7 state:

3.4 *"Services, infrastructure and facilities continue to meet community needs."*

3.5 *"Affordable, diverse and quality accommodation options for both residential and business use."*

3.4.7 *"Facilitate and support expansion of Aged Person's accommodation and facilities."*

Risk Management

The Risk Theme Profile identified as part of this report is ***Inadequate Engagement Practices***. The Consequence could be Reputational if adequate consultation does not occur prior to endorsement of the Strategy. The Risk Consequence is considered to be "Moderate" (3) and the Likelihood "Unlikely" (2) resulting in a "Moderate" (6) level of risk. The Risk is mitigated by the recommendation to invite public comment on the draft Strategy prior to further consideration.

Budget Implications

Nil

Officer's Recommendation

That Council:

1. Receives the draft *Greater Bunbury Age-Friendly Communities Strategy* and invites comment from the community for a three week public consultation period; and
2. Receives a further report on the draft Strategy following the public comment period.

16/280. **Monagle/Giancono**
"That the Officer's Recommendation be adopted."

CARRIED 10-2

SIGNED _____ DATED 8th November 2016.

Mr. Stewart left the Meeting at 6.17p.m.

Item No.	6
Subject:	Council Recess and 2017 Meeting Schedule
Proponent:	Chief Executive Officer
Location:	Shire of Harvey
Reporting Officer:	Chief Executive Officer
File No.:	CC/C/001

Summary

Authorisation for the annual Council recess over the Christmas/New Year period is sought along with the setting of Council Meeting dates for 2017.

Background

Council approved its meeting dates for 2016 at its meeting of 27th October 2015, and set dates for its three weekly cycle until 20th December 2016.

Based on the normal cycle, the following meeting dates would occur over the December/January holiday period after the Council Meeting of 20th December 2016.

Development Services Committee	3 rd January 2017
Council Meeting	10 th January 2017
Development Services Committee	24 th January 2017
Council and Corporate Services	31 st January 2017

It is traditional for the last scheduled meeting in December and/or the first scheduled meeting in January each year to be cancelled or adjusted and for Council to go into a meeting recess during this time. Continuation of a recess is recommended this year with a six (6) week break between Council Meetings.

Comment

Given the timing of Public Holidays, particularly the Easter break and Anzac Day, along with the fact that 2017 is a Local Government Election year, it is recommended that Council commence its meeting schedule from Tuesday 24th January with a Development Services Committee Meeting, followed by the first Council meeting of 2017 on Tuesday, 31st January.

The proposed meeting schedule will see a five (5) week break from 20th December 2016, to 24th January, 2017, and a six (6) week break between Council Meetings. This schedule will best fit with the Local Government Elections cycle with a Development Services Committee Meeting on the Tuesday after the Election as has occurred previously.

The major clash it would seem is the Easter holidays (Good Friday 14th April, Easter Monday 17th April) and Anzac Day occurring on a Tuesday, (25th April) in 2017. To avoid a clash with Anzac Day it is recommended that the meetings which would fall on Tuesday, 18th April, and Tuesday, 25th April, be delayed one day and held on the following Wednesdays. Easter falling in the middle of April will also impact the timing of our Annual Community Meetings, however this will be the subject of a separate report to Council as per our normal process closer to that time.

SIGNED _____ DATED 8th November 2016.

The proposed schedule has the last Council Meeting of 2017 scheduled for 12th December. The Annual Elector's Meeting could be held on 21st November, or 12th December, depending on finalisation of the Annual Report in 2017.

With respect to meeting venues, the schedule of alternate meetings being held at Harvey and Australind seems to be working suitably. It is proposed that this regime continue. Since the December 2016 meeting is planned for Harvey, it is suggested that the January 2017 meeting be in Australind.

Statutory/Policy Environment

Regulation 12 of the Local Government (Administration) Regulations 1996, requires that at least once in every year a Local Government is to give local public notice of the dates on which and the time and place at which:

- a. The Ordinary Council meetings; and
- b. The Committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next twelve (12) months.

Section 5.3 of the Act requires Council to hold Ordinary Council meetings not more than three (3) months apart.

Council Policy 12.7 (Council Meetings) outlines that Council will hold its Ordinary Council meetings on a three (3) weekly cycle.

Strategic Framework

Within the Shire's Strategic Community Plan 2013 – 2023, 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***. The consequence associated is "Compliance". The consequence rating is MODERATE; The likelihood is rare giving a LOW risk rating. The recommendation ensures compliance with Council's statutory requirements in terms of meeting regularity and advertising.

Another Risk Theme Profile identified is ***Inadequate Engagement Practices***. The consequence could be "Reputational" if sufficient meetings were not held or the location of meetings was felt to be inappropriate.

Council's established three weekly meeting cycle and its establishment of a suitable meeting facility at Australind and alternating of meeting venues between its main centres has helped to instigate this risk resulting in a LOW risk rating.

Budget Implications

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

Officer's Recommendation

That Council:

1. Authorises a recess in terms of its Ordinary Council Meeting schedule following the Council Meeting on 20th December 2016, and resumes its meeting schedule with a Development Services Committee Meeting on 24th January 2017;
2. Adopts the following Ordinary Council Meeting Schedule for 2017:

Tuesday	31 st January 2017	Council Chambers Australind
Tuesday	21 st February 2017	Council Chambers Harvey
Tuesday	14 th March 2017	Council Chambers Australind
Tuesday	4 th April 2017	Council Chambers Harvey
Wednesday	26 th April 2017	Council Chambers Australind
Tuesday	16 th May 2017	Council Chambers Harvey
Tuesday	6 th June 2017	Council Chambers Australind
Tuesday	27 th June 2017	Council Chambers Harvey
Tuesday	18 th July 2017	Council Chambers Australind
Tuesday	8 th August 2017	Council Chambers Harvey
Tuesday	29 th August 2017	Council Chambers Australind
Tuesday	19 th September 2017	Council Chambers Harvey
Tuesday	10 th October 2017	Council Chambers Australind
Tuesday	31 st October 2017	Council Chambers Harvey
Tuesday	21 st November 2017	Council Chambers Australind
Tuesday	12 th December 2017	Council Chambers Harvey

3. Adopts the following meeting frequency for its major Committees, in accordance with Council Policy 12.16:
 - a. Generally the Corporate Services Committee will meet prior to the last scheduled Council meeting each month;
 - b. Generally the Development Services Committee will meet on the Tuesday prior to each Council meeting (on a three weekly cycle) with the location of these meetings to be the same as the following Council meeting at which the Committee's recommendations are considered except that the Development Services Committee meeting prior to the Council Meeting on 26th April 2017, be held Wednesday, 19th April 2017; and
 - c. Generally the General Purpose Committee will meet as required.
4. Gives Local Public Notice of the Council meeting schedule for 2017.

16/281. **Lovitt/Beech**
"That the Officer's Recommendation be adopted."

CARRIED 12-0

SIGNED _____ DATED 8th November 2016.

Item No.	7
Subject:	Regional Tourism Strategy Memorandum of Understanding
Proponent:	City of Bunbury
Location:	Bunbury /Wellington Group of Councils (BWGC)
Reporting Officer:	Executive Manager Corporate Services
File No.:	IM/T/005
Attachment Reg. No. 16/29326	

Summary

This report recommends the endorsement of the Memorandum of Understanding (MoU) (refer ***Attachment 1***) between the following stakeholders in respect of the implementation of the Bunbury Wellington and Boyup Brook Regional Tourism Strategy:

City of Bunbury
Shire of Harvey
Shire of Capel
Shire of Collie
Shire of Dardanup
Shire of Donnybrook-Balingup
Shire of Boyup Brook
Australia's South West
South West Development Commission

This report also recommends the provision of a further report in approximately 6 months' time following the implementation of the MoU.

Background

The Bunbury Wellington and Boyup Brook Regional Tourism Strategy ("the Strategy") was endorsed by Council on 3rd May 2016 (16/102). The Strategy seeks to create a unified approach to the management of tourism development, marketing and infrastructure in the region. The Strategy contains a Regional Action Plan and Regional Marketing Plan outlining key focus areas.

The next progression from the endorsement of the Strategy is to that of implementation and the MoU seeks to achieve the framework for this. The City of Bunbury endorsed the draft MoU at its meeting held on 4th October 2016 (refer ***Attachment 2***). It is understood that other local governments in the BWGC are considering similar endorsement reports during the present round of Council meetings.

Comment

The key actions that will occur with the endorsement of the MoU is the employment on a 3 year contract of a Regional Tourism and Marketing Development Manager. The position will be based in Bunbury however will have a regional focus in delivering the outcomes included in the Strategy.

The specific measurables for the position are contained in the MoU Section 4. It is important to note clause VI of that section which clearly indicates the intent to transition to an independent body or corporation at the conclusion of the 3 year period.

There does however appear to have been a change in thinking as to the recommended approach for implementation of the Strategy with the BWGC previously not being supportive of employing an officer to manage the implementation of the Strategy. The initial preferred approach was to identify priority projects from the Strategy and use the financial contributions to progressively implement either directly or with assistance from consultants.

There is no considered objection to the direct employment of an officer to progress the initiatives contained within the Strategy.

The City of Bunbury is committing significant funds to the implementation of the Strategy (refer **Attachment 3** Indicative Budget), which on one hand is positive, however Council will need to be sure that the implementation focus remains regional. Additionally those local governments that are contributing smaller amounts should theoretically receive a lesser return. The Steering Committee set up to oversee the program implementation will need to carefully manage these matters.

A further additional point on this matter is the linkages that can be established between the Harvey Visitors Centre and the Regional Strategy implementation. A positive opportunity presents itself with the Harvey Visitors Centre who are presently undergoing an Organisational Review (funded by Council) as well as having a newly elected Board in place where enthusiasm and buy in can be generated in a regional sense.

Statutory / Policy Environment

Council's Tourism Policy (Policy 21.1 and 21.2) identifies a number of objectives and guidelines for promoting tourism within the Shire.

Strategic Framework

Within the Shire's Strategic Community Plan 2013 – 2023, Strategies 1.2.9 and 4.6.1 state:

1.2.9 *"Continue to collaborate with our partners to promote regional tourism initiatives."*

4.6.1 *"Participate in and seek collaborative resource sharing opportunities."*

Risk Management

The Risk Theme Profile identified as part of this report is **Inadequate Engagement Practices**. The Consequence could be Reputational if Council decided not to support the implementation of the Regional Tourism Strategy. The Risk Consequence is considered to be "Moderate" (3) and the Likelihood "Unlikely" (2) resulting in a "Moderate" (6) level of risk.

Budget Implications

Council has allocated a contribution of \$10,000 in its present budget in support of this initiative. The next two draft budgets will contain the same expenditure pursuant to the MoU should Council adopt the officer's recommendation.

Officer's Recommendation

That Council:

1. Endorses the decision of the Bunbury Wellington Group of Councils to enter into a Memorandum of Understanding between the City of Bunbury, the Shire of Harvey, Shire of Capel, Shire of Collie, Shire of Dardanup, Shire of Donnybrook-Balingup, Shire of Boyup Brook, Australia's South West and South West Development Commission as per ***Attachment 1*** to this report;
2. Receives a subsequent report in approximately six months to assess how the implementation of the MoU and Bunbury Wellington and Boyup Brook Regional Tourism Strategy are progressing; and
3. Authorises the execution of the Memorandum of Understanding by signature as stipulated in the document.

16/282. **Adams/Monagle**
"That the Officer's Recommendation be adopted."

CARRIED 12-0

Item No.	8
Subject:	Meetings for Coming Months
File No.:	CCC001

Meeting	Location	Date	Time
Community Safety and Crime Prevention Advisory Committee	Harvey Chamber	25 th October 2016	2:00p.m.
Development Services Committee	Harvey Chamber	1 st November 2016	4:00p.m.
Ordinary Council	Harvey Chamber	8 th November 2016	4:00p.m.
Disability Access and Inclusion Advisory Committee	Harvey Senior Citizen's Centre	15 th November 2016	2:00p.m.
Bush Fire Advisory Committee	Harvey Chamber	21 st November 2016	7:00p.m.
Development Services Committee	Australind Chamber	22 nd November 2016	4:00p.m.
Corporate Services Committee	Australind Chamber	29 th November 2016	2:00p.m.
Ordinary Council	Australind Chamber	29 th November 2016	4:00p.m.

Officer's Recommendation

That the Meetings for Coming Months be noted.

16/283. **Wood/Monagle**
"That the Officer's Recommendation be adopted."

CARRIED 12-0

Mr. Quinlivan left the Meeting at 6.30p.m.

SIGNED _____ DATED 8th November 2016.

At this time Confidential Items "Q" were dealt with by Council.

Q. MATTER BEHIND CLOSED DOORS (under Section 5.23 (2) of the Local Government Act 1995)

Suspension of Standing Orders

16/284. **Wood/Carbone**

"That Council suspends Standing Orders and Moves Behind Closed Doors in accordance with Section 5.23 (2) (b)(c)(d) of the Local Government Act, 1995, to deal with matters that relate to:

- 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;
- Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
- The personal affairs of any person."

CARRIED 12-0

Standing Orders were suspended at 6.34p.m.

Remaining Members of the Public and Press left the Meeting at 6.34p.m.

Cr. Carbone, having declared financial interests in the following Confidential Items 1, 2 and 5, left the Chamber at 6.35p.m.

CONFIDENTIAL ITEM 1 – TENDER T062016 – SUPPLY AND DELIVERY OF GRAVEL BASECOURSE ROAD MATERIAL – VARIOUS TENDERERS – SHIRE OF HARVEY (T062016).

16/285. **Lovitt/Campbell**

"That Council accepts Tender T062016 submitted by B & J Catalano Pty Ltd for the supply of gravel basecourse road material for the period of 19th October 2016, to 30th June 2017, as per prices in the table below (GST inclusive):

Tenderer	Stockpile \$/m ³	On truck at Quarry \$/ m ³	Supply & cart \$/ m ³	Depot Location
B & J Catalano Pty Ltd	\$28.30	\$28.30	0-10kms \$33.03 10-20kms \$34.68 21-30kms\$35.56"	Martin Road

CARRIED 11-0

CONFIDENTIAL ITEM 2 – TENDER T072016 – SUPPLY AND DELIVERY OF LIMESTONE SUB-BASE ROAD MATERIAL – VARIOUS TENDERERS – SHIRE OF HARVEY (T072016).

16/286.

Monagle/Campbell

“That Council accepts Tender T072016 submitted by B & J Catalano Pty Ltd for the supply of limestone sub-base road material for the period 19th October 2016, to 30th June 2017, as per prices in the table below (GST inclusive):

Tenderer	Stockpile \$/m ³	On Truck at Quarry \$/m ³	Supply and Cart \$/m ³	Depot Location	Sub- contractor Access
B & J Catalano Pty Ltd	\$18.15	\$18.15	0-10 km \$23.66 10-20 km \$26.48 20-30 km \$27.89	Ludlow Road	Yes”

CARRIED 11-0

CONFIDENTIAL ITEM 5 – APPLICATION FOR PLANNING CONSENT – PROPOSED EXTRACTIVE INDUSTRY (GRANITE) – B & J CATALANO – LOT 501 (NO. 820) COALFIELDS ROAD, ROELANDS (A004761/EX/001).

16/287.

Beech/Campbell

“That Council, in response to an invitation from the State Administrative Tribunal under Section 31 of the State Administrative Tribunals Act 2004 (WA) and following a review of all additional information provided, refuses the proposed Extraction of Granite from Lot 501 Coalfields Highway in accord with Application 13/29601 and 14/11545 submitted by Landform Research, for the following reasons:

1. The granite quarry will cause a loss of amenity to nearby landowners for the following reasons:
 - a. Disruption of the tranquillity of the area, especially during blasting;
 - b. Increase in local truck movements causing more noise and dust; and
 - c. Ongoing noise associated with processing (crushing) including the drone of large machinery.
2. The proposal is at variance with the intent of the “General Farming” zone under the Shire of Harvey District Planning Scheme No. 1;
3. The proposal fails to have sufficient regard to the Environmental Protection Authority’s draft Environmental Assessment Guidelines for Separation Distances between Industrial and Sensitive Land Uses 2015 (EPA Guidelines) and the EPA’s existing Guidance Statement 3; Separation Distances Between Industrial and Sensitive Land Uses;

4. The subject land is located within AREA 2 – DARLING SCARP (SCHEDULE 2 POLICIES FOR PLACE OF LANDSCAPE VALUE) of the Shire of Harvey District Planning Section No. 1, whereby it is stated in Clause 2.2.2 “Mining or industrial development of the western escarpment of the Darling Ranges shall be discouraged”;
5. The proposal is contrary to the policy statement for PRECINCT AREA 23 in the Shire of Harvey District Planning Scheme No. 1 where it is stated that “It should be retained as a predominantly rural area for this important use. No subdivision or zoning for non-agricultural purposes should be permitted”; and
6. The proposal is at variance with the Scheme’s Clause 8.1(a) 10, Planning Precinct Area 23 (Coalfields Road Landscape Unit and Southern Collie River Spur) (PP23), which is recognised as an important scenic route and should be protected from non-agricultural purposes.”

CARRIED 7-4

Cr. Carbone returned to the Chamber at 7.00p.m.

CONFIDENTIAL ITEM 3 – TENDER T082016 – SUPPLY AND DELIVERY OF HOT BITUMEN – VARIOUS TENDERERS – SHIRE OF HARVEY (T082016).

16/288.

Campbell/Adams

“That Council accepts the tender submitted by Fulton Hogan Industries Pty Ltd for the Supply and Delivery of hot bitumen for tender T082016, for the 2016/17 financial year from 19th October 2016, to 30th June 2017, at the following rates, GST inclusive:

Fulton Hogan Industries Pty Ltd			
Quantities Litres	Hot Bitumen 98/2 \$ Per Litre	Cutback Primer 90/10 \$ Per Litre	Emulsion Sprayed \$ Per Litre
0 – 2799	1.09	1.12	1.19
2800 – 5499	1.05	1.08	1.14
5500 – 8199	0.98	1.01	1.08
8200 – 10899	0.95	0.98	1.05
10900 – 13599	0.91	0.95	1.01
13600 – 18199	0.88	0.91	0.98
18200 +	0.85	0.88	0.95”

CARRIED 12-0

CONFIDENTIAL ITEM 4 – TENDER T092016 – SUPPLY AND DELIVERY OF DENSE GRADED ASPHALT – VARIOUS TENDERERS – SHIRE OF HARVEY (T092016).

16/289. **Wood/Carbone**

“That Council accepts Tender T092016 submitted by Malatesta Road Paving and Hotmix for the Supply and Delivery of Dense Graded Asphalt for the 2016/17 financial year from 19th October 2016, to 30th June 2017, as per prices in the table below (GST inclusive).”

Tenderer	Lump Sum Price	Range \$/m ² Rate
Malatesta Road Paving and Hotmix	\$308,586.40	\$12.06 to \$16.43”

CARRIED 12-0

CONFIDENTIAL ITEM 6 – APPOINTMENTS TO YARLOOP TOWN DEVELOPMENT AND EVENT WORKING GROUPS – SHIRE OF HARVEY – YARLOOP (ES/I/007 (20)).

16/290. **Campbell/Monagle**

“That Council appoints the following community representatives to the Yarloop Working Groups:

1. *Yarloop Town Development Working Group*

- Mr. Phil Penny
- Mr. David Harvey
- Ms. Julie-Ann McMiles

2. *Yarloop Bushfire Anniversary Event Working Group*

- Mr. Steve Osborne
- Ms. Carmel Hill
- Mrs. Helen Alexander.”

CARRIED 12-0

Resumption of Standing Orders

16/291. **Lovitt/Campbell**

“That Standing Orders be resumed.”

CARRIED 12-0

Standing Orders were resumed at 7.10p.m.

K. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Cr. Adams requested that the following Notice of Motion be placed on the Ordinary Council Meeting Agenda of 18th October 2016:

Adams/_____

“That Council, given the renewed groundswell of interest in introducing a state wide ban on one use, thin (supermarket) shopping bags, request this issue to be discussed at the next South West Zone meeting of WALGA, with a view to promoting such legislation at State level.”

SIGNED _____ DATED 8th November 2016.

EXECUTIVE MANAGER CORPORATE SERVICE'S COMMENT

This matter has been raised over recent times at the Shire of Denmark and City of Fremantle. The City of Fremantle has tried unsuccessfully to introduce a Local Law in respect of this matter. A Local Government industry wide response to the issue, or a State or Federal position, is preferred given the wider environmental application. Cr. Adams notice of Motion is supported to bring this matter to the attention of the South West Zone and ultimately the Western Australian Local Government Association (WALGA) State Council.

Subsequent to the above Notice of Motion being received WALGA have advised through the Municipal Waste Advisory Council of a survey on this matter closing on 23rd November 2016 (which also includes a background discussion paper). This completion of the survey can be undertaken and the determination of Cr Adams' Notice of Motion above will assist in the response provided to the survey.

16/292. **Adams/Sabourne**

"That Council defer this Notice of Motion until the following Ordinary Council meeting to be held Tuesday, 8th November 2016."

CARRIED 12-0

L. NOTICE OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil.

M. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

N. REPORTS OF MEMBERS

Nil.

O. ORDERS OF THE DAY

Officer's Recommendation:

That approval be granted to affix the Common Seal of the Shire of Harvey to the following items:

1. 2 x 70A Notifications – Lots 118 and 119 Australind, Private Estate Subdivision – Deposited Plan 408111.
- Prepared By
Shire of Harvey

16/293. **Campbell/Lovitt**

"That the Officer's Recommendation be adopted."

CARRIED 12-0

SIGNED _____ DATED 8th November 2016.

P. MOTIONS WITHOUT NOTICE (by permission of majority of members)

Nil.

Note: Item 'Q' MATTERS BEHIND CLOSED DOORS were dealt with earlier in the meeting.

R. CLOSURE

There being no further business to discuss, the meeting was declared closed at 7.15p.m.

I, Tania Gae Jackson certify that the aforesaid Minutes of the meeting held on Tuesday, 18th October 2016, are confirmed as a true and correct record of that meeting on Tuesday, 18th October 2016.

Tania G. Jackson
SHIRE PRESIDENT