



**Shire of Harvey**

**ORDINARY COUNCIL  
MEETING  
AGENDA**

**23<sup>rd</sup> April 2019**

SHIRE OF HARVEY

COUNCIL MEETING

Dear Councillor,

Notice is hereby given that the next meeting of the Harvey Shire Council will be held on Tuesday, 23<sup>rd</sup> April 2019, in the Council Chamber, Mulgara Street, Australind, commencing at 4.00p.m.

The business to be transacted is shown in the Agenda hereunder.

Yours faithfully,



ANNIE RIORDAN  
CHIEF EXECUTIVE OFFICER

18<sup>th</sup> April 2019.

AGENDA

A. OFFICIAL OPENING

B. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

C. APPLICATIONS FOR LEAVE OF ABSENCE

Cr. Lovitt has requested a Leave of Absence from 22<sup>nd</sup> May until 4<sup>th</sup> June 2019.

D. READING FROM A BOOK OF LEARNING AND WISDOM

E. DECLARATIONS OF MEMBERS' AND OFFICERS' PERSONAL INTEREST

F. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

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**G. PUBLIC QUESTION TIME****H. PETITIONS/DEPUTATIONS/PRESENTATIONS****I. ANNOUNCEMENTS BY PRESIDING MEMBER OR CEO WITHOUT DISCUSSION****J. CONFIRMATION OF MINUTES**

**ORDINARY COUNCIL MEETING – Tuesday, 26<sup>th</sup> March 2019.**

**Recommendation**

That the Minutes of the Council Meeting held on Tuesday, 26<sup>th</sup> March 2019, as printed be confirmed as a true and correct record.

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

Corporate Services Committee	26 <sup>th</sup> March 2019
Alcoa Harvey Sustainability Fund Advisory Committee	10 <sup>th</sup> April 2019
<b>Development Services Committee</b>	<b>16<sup>th</sup> April 2019</b>
<i>(Including Planning, Building, Health and Confidential Reports listed below)</i>	

**8.1 PLANNING REPORT**

- 8.1.1 Calibre Professional Services Pty Ltd (on behalf of Two Hills Pty Ltd) - Lots 7 to 9 Craigie Drive, Roelands (P001122)
- 8.1.2 Return of Bond to Hocart Lodge - Hocart Lodge Aged Care Inc - Lot 555 Young Street, Harvey (A008244)
- 8.1.3 Extension to Building Envelope - Ms K.D. Annane Lot 154 (No. 13) Craigie Drive, Roelands (A012207)
- 8.1.4 Bunbury-Wellington Sub Regional Strategy, Steering Committee Nominations - Government of Western Australia – Department of Planning Lands and Heritage - Shire of Harvey (and Local Governments within the jurisdiction of the Bunbury-Wellington Sub Region) (GRL005(9))
- 8.1.5 Adoption for Final Approval - Shire of Harvey Local Planning Strategy - Shire of Harvey (P00100)

**8.2 HEALTH REPORT**

- 8.2.1 Stallholders Application - Australind Florist and Gifts – Mrs C. Widmer - Lot 31 Old Coast Road, Australind (Christina Street Reserve) (HSI014)
- 8.2.2 Food Vehicle Event Application - Bare Foot Entertainment and Events - Crown Reserve 2544, Ridley Place, Australind (A0083)

**8.3 BUILDING REPORT**

- 8.3.1 Building Permit Applications Received – Building Permits Issued – March 2019 - Shire of Harvey (BSR017)

**9 MATTERS BEHIND CLOSED DOORS**

- 9.1 Proposed Renaming of Road - Warawarrup

**L. OFFICER'S REPORTS****TECHNICAL SERVICES**

- |    |   |    |
|----|---|----|
| 1. | Urban Forest Project – Proposed Future Works - Shire of Harvey - Clifton Park/Collie River (B0159)  | 7  |
| 2. | Eaton Australind Heritage Walk Trail (Christina Street Reserve to Ridley Place Shared Pathway) – Proposed Future Foreshore Works - Shire of Harvey - Old Coast Road, Australind (R000005) | 11 |
| 3. | Annual Bridge Maintenance - Progress Report - Technical Services - Shire of Harvey (W000002)  | 16 |
| 4. | Application for Development Approval - Private Pressure Sewer Main and Pump Station - Peritas Group - Binningup Road – Portland Road, Binningup (A000895)                                 | 20 |

**CORPORATE SERVICES**

- |    |   |    |
|----|---|----|
| 1. | Tender for Construction of Australind State Emergency Service (SES) Building and Binningup Bush Fire Brigade Station - Various Construction Firms - Lot 5662 Ditchingham Place, Australind (SES), and Lot 1 Lakes Parade in Binningup (Binningup Fire Station (T012019) | 26 |
| 2. | Tender for Construction of Brunswick River Cottages Aged Accommodation Units Stage 2 - Various Construction Firms - Brunswick River Cottages, Lot 151 Clifton Road, Brunswick (T022019)   | 29 |
| 3. | Reconciliation Action Plan for Bunbury Geographe Region Shire of Harvey - Attachment Reg. No. 19/13828  | 33 |
| 4. | Meetings for coming months (CCC001)   | 35 |

**M. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****N. NOTICE OF MOTION FOR FOLLOWING MEETING**

**O. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN****P. REPORTS OF MEMBERS****Q. SEAL REGISTER**Officer's Recommendation:

That Council:

1. Notes the use of the Common Seal under Delegated Authority (1.1.1) in accordance with Shire Policy (1.1.2) on the following items:

- |   |                                |
|---|--------------------------------|
| <ul style="list-style-type: none"> <li>• Section 70A – Robyn Adele Combes of Lot 96 Sixth Street, Harvey and Shire of Harvey – Lot 96 on Plan 2492 – The Ancillary dwelling is only to be occupied by members of the same family as the occupiers of the main dwelling.</li> </ul>  | Prepared By<br>Shire of Harvey |
| <ul style="list-style-type: none"> <li>• Section 70A – Robyn Adele Combes of Lot 96 Sixth Street, Harvey and Shire of Harvey – Lot 96 on Plan 2492 – The presence of the Ancillary dwelling on the land cannot be used as a basis for any subdivision application.</li> </ul>   | Shire of Harvey                |
| <ul style="list-style-type: none"> <li>• Section 70A – Ivo Hubertus Bonekamp and Rosalie Janine Bonekamp – 19 Torrens Loop, Millbridge – Lot 114 on Plan 20500. The land is located within an area designated by DFES as a Bushfire Prone Area. Bushfire Management measures are required in accordance with the approved Bushfire Management Plan and the Shire of Harvey's Annual Fire Break Notice.</li> </ul> | Shire of Harvey                |
| <ul style="list-style-type: none"> <li>• Withdrawal of Caveat associated with payment of Joint Town Planning Scheme Costs – Lot 9004 on DP 413781 – Shire of Harvey – Caveat Number H222817</li> </ul>  | McLeods                        |

2. Notes the use of the Common Seal on items previously authorised by Council as follow:

- |  |                                |
|--|--------------------------------|
| <ul style="list-style-type: none"> <li>• Deed of Extension – Shire of Harvey and Leschenault Sporting Association Inc.</li> </ul>                                  | Prepared By<br>Shire of Harvey |
| <ul style="list-style-type: none"> <li>• Management Agreement – Shire of Harvey and Harvey Tourist Bureau Incorporated trading as Harvey Visitor Centre</li> </ul> | Shire of Harvey                |
| <ul style="list-style-type: none"> <li>• Deed of Extension – Shire of Harvey and Brunswick District Bowling Club Inc.</li> </ul>                                   | Shire of Harvey                |

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

S. **MATTERS BEHIND CLOSED DOORS**

T. **CLOSURE OF MEETING**

**L. OFFICER'S REPORTS**

**TECHNICAL SERVICES**

<p><b>Item No. 1</b>  <b>Subject:</b> Urban Forest Project – Proposed Future Works  <b>Proponent:</b> Shire of Harvey  <b>Location:</b> Clifton Park/Collie River  <b>Reporting Officer:</b> Executive Manager Technical Services  <b>File No.:</b> B0159</p>	<p><b>Attachment Reg. No.</b></p>
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**Summary**

At its meeting held on 5<sup>th</sup> June 2018, Council considered a report on the outcome of community consultation for stages 1 and 2 of the Urban Forest project and approved the implementation of a number of works.

This report provides an overview of previous actions and works undertaken and makes recommendations on the progression of the Urban Forest Project.

**Background**

The following table outlines a summary of previous actions regarding the Urban Forest Project:

<p>Previous Community Consultation:</p>	<p>In April and May 2015 residents in the local area were provided with an Information Sheet containing a number of initiatives for an Urban Forest Project and were asked to rate each initiative from Strongly Support to Strongly Oppose.</p>
<p>Council Meeting held on 11<sup>th</sup> October 2016:</p>	<p>A summary of the community feedback received was presented to a Council workshop, including priorities, and an indicative implementation plan prepared which informed the Shire's adopted Forward Capital Works Plan (FCWP) 2018/19 to 2022/23 for the Urban Forest Project.</p>
<p>Council Meeting held on 6<sup>th</sup> March 2018:</p>	<p>Council resolved to proceed with the following works as part of Stage 1 of the Urban Forest Project:</p> <p><u>Upgrade /Extend Path network – Works completed</u></p> <ul style="list-style-type: none"> <li>• Upgrade 2.0m wide red asphalt path ways including distance markers</li> <li>• Culvert headwall replacement</li> <li>• Wooden pedestrian bridge replacement</li> </ul> <p><u>Access Control - Works completed</u></p> <ul style="list-style-type: none"> <li>• Post and rail fencing - Lucy Victoria Avenue</li> <li>• Bollards to restrict vehicular access</li> <li>• Reserve cable type fencing and gates</li> </ul> <p><u>Nature Play Area – Stage 1 - Works completed</u></p> <p><u>Sutton Court – Fishing Platform - Works completed</u></p> <p>Council further resolved that the following elements of the Stage 1 Urban Forest proposal be advertised for public comment:</p> <ul style="list-style-type: none"> <li>• Dog exercise fencing and gates</li> <li>• Reserve exercise equipment</li> <li>• Enhanced landscaping / seating areas.</li> </ul>

Community Consultation – April 2018	Over 500 letters were distributed to owner/occupiers of Clifton Park and the proposal was posted on the Shire’s website and advertised in the local newspapers encouraging residents to collect a consultation pack at either the Shire offices at Australind or Harvey which outlined background details of Council’s decision, funding plans and a feedback form.
Council Meeting held on 5 <sup>th</sup> June 2018:	<p>The following decision was made in part:</p> <p><i>That Council:</i></p> <p>2. <i>Approves the implementation of the additional Stage 1 Urban Forest Works and incorporates the changes to the proposed dog exercise area and landscaping elements of the proposal.</i></p> <p>The works completed as part of Stage 1 and 2 included dog exercise fencing and gates, reserve exercise equipment and enhanced landscaping / seating areas.</p>

### Future Works:

As previously reported to Council the FCWP 2018/19 to 2022/23 contains the following annual allocations for the Urban Forest Project:

- 2019/20 - \$275,000
- 2020/21 - \$190,000
- 2021/22 - \$200,000

As previously reported to Council on 5<sup>th</sup> June 2018, it was considered that several elements of the proposal may need to be revised and the implementation time line extended.

### Comment

The following elements of the of the Urban Forest Project, Stages 1 and 2, have been completed:

- Upgrade / extend path network
- Access control
- Nature play area
- Sutton Court – fishing platform
- Dog exercise fencing and gates
- Reserve exercise equipment
- Enhanced landscaping / seating areas

These works have enhanced the area and many positive comments continue to be received. The nature play area has been very popular and numerous requests have been received regarding the requirement for a toilet facility near the play area.

During the recent community consultation undertaken in April 2018 the “*Other Comments Received*” were summarised in the report presented to Council on 5<sup>th</sup> June 2018, as follows:

- *It would be great if there was a barbeque and shade area near the park and maybe some bigger kids entertainment (like Eaton’s new park);*
- *Condition of the path between Clifton Park and the Elbow;*



- *Litter bins;*
- *Connect Lot 131 Clifton Park via a walk/cycle path to the elbow in Australind;*
- *Drinking fountain for humans and dogs to access;*
- *Addition of toilet to enhance connection between Australind and Clifton Park walk; and*
- *We need toilets urgently.*

It is therefore considered that the future stages of the Urban Forest Project (in particular Stage 3) should focus on the above elements to complement the works already successfully implemented.

#### Toilet Facility:

On 2<sup>nd</sup> June 2015 Council decided to temporarily relocate an existing toilet facility from the Leschenault Recreation Park to Reserve 31576 Lucy Victoria Avenue, Clifton Park.

The toilet facility was installed in the Clifton Park Reserve on 13<sup>th</sup> May 2016 however following numerous complaints from the community in the weeks following its installation, Council at its meeting held on 14<sup>th</sup> June 2016 decided *to remove the structure to storage for future consideration.*

Following the initial Community Consultation for the Urban Forest Project (undertaken in April and May 2015), a permanent toilet facility was included in the Shire's FCWP in 2016 and listed for implementation in 2019/20. At the time, residents in the local area were provided with an Information Sheet containing a number of initiatives for an Urban Forest Project and were asked to rate each initiative from Strongly Support to Strongly Oppose.

The results were that 45% of respondents strongly supported the provision of permanent toilet facility on the site, 36% supported (*overall 81% were in support*), 11% opposed and 8% strongly opposed.

During the most recent community consultation, undertaken in April 2018 a number of comments were received referring to the *hideous toilet block that was installed near the current play area a year or two ago and that the general feeling was that there was no need for a toilet block, it was an eye-sore, opposite homes, and it would encourage vandalism & drug-users.*

#### Discussion:

Since the construction of the popular nature play area to the west of the existing playground and the other enhancements in Reserve 31576 Lucy Victoria Avenue, Clifton Park the Shire has received numerous requests for a toilet facility in the vicinity of the new play area.

Being mindful of the previous unsuccessful exercise to locate a temporary toilet facility on the site Staff have explored possible alternative facilities that would be more athetically pleasing, would not encourage vandalism and drug use, and would be located away from adjoining residential properties.

A product that has been successfully used throughout Australia, New Zealand and the USA is the Exeloo public toilet which is automated, self-cleaning and has a timed occupancy control mechanism which discourages vagrants from using the restroom.

The concrete shell construction provides resilience to vandalism and the sensor based operation and timed occupancy control creates a hygienic environment. The facility also has reduced operational costs from cleaning and security management.

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The facility would be connected to the nearby Minister's sewer.

Research has shown that it is a common misconception that a public toilet requires multiple pans. Most public toilets have 40 to 50 occupants per day with an average occupation time of between one (1) and two (2) minutes. Based on these statistics it is considered that the proposed facility for Reserve 31576 Lucy Victoria Avenue, Clifton Park comprise a one cubical fully accessible unit (refer **Attachment 1**). The facility would also comprise a stainless steel recessed baby change table, vandal proof recessed Sani pad chute and bin and vandal proof recessed sharps chute and bin.

The proposed location of the proposed toilet is shown in **Attachment 2**.

Other proposed works:

It is proposed that Stage 3 continues with enhancing the path network, identifying suitable locations for the provision of barbeques and a drinking fountain and continues improving the landscaping etc. In accordance with the annual allocations listed in the FCWP 2018/19 to 2022/23 it is proposed that the following works be considered in line with the listed annual budgets:

Items	2019/20	2020/21	2021/22
<b>Stage 3</b>			
BBQ/additional picnic settings	\$15,000	\$20,000	
Toilet Facilities – planning/costing/implementation	\$145,000		
Lighting		\$20,000	
Additional landscaping	\$10,000	\$20,000	\$20,000
Additional seating	\$5,000	\$5,000	
Improved signage		\$5,000	
Improved/extended walk/cycling trail	\$50,000	\$110,000	\$100,000
Improved car parking and access	\$50,000		\$80,000
Litter bins		\$10,000	
<b>TOTAL</b>	<b>\$275,000</b>	<b>\$190,000</b>	<b>\$200,000</b>

**Statutory/Policy Environment**

The FCWP 2018/19 to 2022/23 makes provision for the Urban Forest project.

**Strategic Framework**

Within the Shire's Strategic Community Plan 2017 – 2027, Strategies, 2.4.3, 2.4.4, 3.2.5 and 3.4.1 state:

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

2.4.4 *“Provide quality amenities and accessible public spaces for our community.”*

3.2.5 *“Develop Urban Forest Trail in Australind”*

3.4.1 *“Continue to monitor the needs of the community, to ensure access to appropriate services and facilities.”*

### **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 projects, however community consultation has been undertaken and the project has been included in the Shire’s FCWP, which was made available for public comment. 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 FCWP 2018/19 to 2022/23 includes an amount of \$275,000 in 2019/20 for Urban Forest Implementation. The estimated cost of the toilet facility is in the order of \$145,000 which would leave \$130,000 for additional improvement works.

### **Officer’s Recommendation**

That Council:

1. Endorses the proposed Stage 3 Urban Forest Project works, as outlined in the report, including the provision of a suitable toilet facility as shown in ***Attachments 1 and 2;***
2. Notes the 2018/19 to 2022/23 Forward Capital Works Plan includes an amount of \$275,000 in 2019/20 for Stage 3 of the Urban Forest Project Implementation; and
3. Receives further progress reports on the Urban Forest Project as the project progresses.

<b>Item No.</b>	<b>2</b>
<b>Subject:</b>	<b>Eaton Australind Heritage Walk Trail (Christina Street Reserve to Ridley Place Shared Pathway) – Proposed Future Foreshore Works</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Old Coast Road, Australind</b>
<b>Reporting Officer:</b>	<b>Executive Manager Technical Services</b>
<b>File No.:</b>	<b>R000005</b>
	<b>Attachment Reg</b>

### **Summary**

At its meeting held on 9<sup>th</sup> October 2018, Council considered a report on the outcome of community consultation for the proposed Old Coast Road Foreshore Shared Path where following consideration of the feedback received, it decided to progress with the project implementation.

A number of community members commented that the foreshore area was neglected by the Shire and that some of the adjoining residents maintained portions of the foreshore area to a high standard.

Council considered that should the Foreshore Shared Path be supported that a landscaping plan and associated implementation and maintenance regime would be established following its installation.

This report makes recommendations on proposed landscaping improvements and ongoing maintenance of the foreshore area between Ridley Place and Christina Reserve.

### **Background**

The land adjacent to the Leschenault Estuary, between the high water mark and the rear boundary of the properties along Old Coast Road between Ridley Place and the Christina Street Reserve, comprises part of the Leschenault Regional Park.

The Shire secured contributory funding, from the Department of Transport (DoT), for the installation of a shared pathway to connect to the existing pathway which runs north through the Ridley Place Reserve to a new/upgraded pathway to be constructed to the Collie River Bridge. The proposal is in line with the recommendations of the Bunbury Wellington Cycle Plan 2050.

The following table outlines a summary of previous actions regarding the Urban Forest Project:

<p>Council Meeting held on 18<sup>th</sup> October 2016</p>	<p>Council considered a petition from number of residents, who mainly resided on Old Coast Road between Ridley Place and the Christina Street Reserve, indicating that they did not support the proposed pathway for a number of reasons including</p> <ul style="list-style-type: none"> <li>• Safety, environmental and adverse effect on their current amenity;</li> <li>• The vulnerability of the Estuary and its sedge to people, dogs and cyclists;</li> <li>• That children who used the area would have less access to play;</li> <li>• The risk of injury from dogs and cyclists;</li> <li>• The construction process would be a hazard to wildlife; and</li> <li>• The area was reticulated and mown by the residents.</li> </ul> <p>Following consideration of the matter, Council requested that a further report be prepared, for its consideration, following public consultation and completion of the 15% design concept plan for the proposed shared pathway.</p>
<p>Community Consultation- September 2018</p>	<p>Over 600 consultation packs were distributed to owner/occupiers in Australind within the vicinity of the proposal. In addition the consultation was posted on the Shire's website and advertised in the local newspapers.</p> <p>The consultation pack included; background details of Council's decision, funding details, plans and a feedback form where residents were encouraged to indicate whether they supported, objected, or neither supported or objected to the proposal with an opportunity to provide comments.</p>
<p>Council Meeting held on 9<sup>th</sup> October 2018</p>	<p>Council was advised that at the close of consultation on Monday 1<sup>st</sup> October 2018, 157 responses were received with 125 (80%) <i>in support</i>, 25 (16%) <i>objecting</i> and six (6) (4%) who <i>neither supported or objecting</i> to the proposal. The following decision was subsequently made in part:</p> <p><i>That Council:</i></p>

	2	<i>Approves finalising the project design and associated matters, including securing land tenure, to enable the implementation of the proposed Foreshore Shared Path Old Coast Road between Ridley Place and the Christina Street Reserve in Australind ... to proceed;</i>
Council Meeting held on 5 <sup>th</sup> March 2019		Council was advised that a tender for the Eaton Australind Heritage Walk Trail (Christina Street Reserve to Ridley Place Shared Pathway), was advertised on 10 <sup>th</sup> November 2018 and at the close of the tender period at 3.00pm on Friday 30 <sup>th</sup> November 2018 three (3) tenders were received. Council subsequently awarded the tender for the project.

### Comment

As previously reported to Council, the Department of Water and Environmental Regulation (DWER) supported the proposed pathway along the foreshore of the Leschenault Estuary as *“it will have a low level of risk to water quality for the ground and surface water environments”*.

In addition DWER indicated that a *“dividing line between the properties and the Estuary is a positive for protecting the waterway and wildlife as the path would be located hard up against the existing reeds, ongoing maintenance of the grassed area would be simplified as there would be only one grass/lawn edge”*.

DWER also indicated that they supported the proposal as it would provide the following environmental benefits:

- *Provide a distinct separation between native vegetated areas and landscaped managed areas, on the crown reserve;*
- *Provide an opportunity for the shire to rehabilitate native vegetation along the foreshore;*
- *Reduce the potential for unauthorised use of fertiliser and irrigation on crown reserve by adjacent landholders; and*
- *Reduce the potential for illegal clearing of native vegetation by adjacent landholders.*

### Proposed Landscaping:

Once the path has been installed, it is proposed that works to assist with foreshore stabilisation including ongoing weed control be implemented including planting additional sedges. The existing exotic grasses that have infiltrated the existing sedge, currently in over-abundance in the area, would be controlled as they would ultimately out-compete the existing native vegetation. Additional foreshore stabilisation may also be required to control erosion.

The grasses to be considered for the area would include Water Couch, which is endemic to the Shire and would be planted on the eastern side of the shared path up to the existing sedge line.

In addition it is proposed that the two ‘book ends’ to the foreshore path, at both the Christina Street Reserve and Ridley Place be landscaped with areas of ‘eco zoning’ planted with endemic low height water wise plantings.

It is recommended that the implementation of progressive landscaping works be included in the 2019/20 Draft Budget.

Control of Vehicular access:

Currently the foreshore reserve can be accessed by vehicles at either end, PAWs and via vacant blocks of land. It is proposed to control access by way of:

- Bollards;
- Reserve fencing; and
- Boulders.

Ongoing Annual Maintenance:

As mentioned above, at present, some adjoining owners maintain some adjoining portions of the reserve however the majority of the land receives little maintenance other than occasional mowing by the Shire.

It is proposed that the area will be mowed on more regular intervals and that the existing exotic grasses that have infiltrated the existing sedge would be controlled and additional sedge plantings would be undertaken.

The proposed 'book end' landscaping at both the Christina Street Reserve and Ridley Place ends will be maintained and damaged plants replaced as required and a litter control regime will be scheduled.

In addition the Water Couch would be planted in strategic locations east of the proposed path.

As mentioned above, at present, some adjoining owners maintain some adjoining portions of the reserve however the majority of the land receives maintenance other than occasional mowing by the Shire.

Land Tenure

As Council is aware one property along the path route currently extends to the high water mark. The Shire has been advised that the acquisition of this parcel of land and its inclusion into the Foreshore Reserve is currently being progressed by the Department of Planning Land and Heritage.

**Statutory/Policy Environment**

Nil.

**Strategic Framework**

Within the Shire's Strategic Community Plan 2017 – 2027, Strategies 1.2.3, 1.2.10, 2.4.4, 2.4.6, 3.1.2, 3.2.5. 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."*

2.4.4 *"Provide quality amenities and accessible public spaces for our community."*

2.4.6 *"Implement the Regional and Local Path Plans."*

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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.”*

### **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 Greater Bunbury Regional Bicycle Master Plan as well as the Shire of Harvey Local Bike Plan, has been included in the Shire’s Forward Capital Works Plan and community consultation has been undertaken. 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 cost to undertake landscaping improvement works in the foreshore area between Ridley Place and Christina Reserve is \$35,000.

In addition it is recommended that a new Operating Budget Item for the ‘Old Coast Road Foreshore Reserve’ be created in the 2019/20 Budget with an amount of \$12,000 per annum for maintenance be allocated.

### **Officer Recommendation**

That Council:

1. Supports the proposal to undertake landscaping improvements works along the foreshore area between the Christina Street Reserve and Ridley Place as outlined in this report;
2. Lists \$35,000 for various landscaping improvements and control of access along the Leschenault Estuary Foreshore Reserve between Ridley Place and Christina Reserve for consideration in the 2019/20 Draft Budget;
3. Notes that a new Operating Budget Item for the ‘Old Coast Road Foreshore Reserve’ is proposed to be created in the 2019/20 Budget and considers listing an amount of \$12,000 per annum for consideration in the 2019/20 draft budget, and future Budgets for maintenance activities in ‘Old Coast Road Foreshore Reserve’; and
4. Notes that should items 1 and 2 above be approved, an improved maintenance regime will be implemented along the ‘Old Coast Road Foreshore Reserve’ once the new share pathway and landscaping works have been completed.

<b>Item No</b>	<b>3</b>	
<b>Subject:</b>	<b>Annual Bridge Maintenance - Progress Report</b>	
<b>Proponent:</b>	<b>Shire of Harvey</b>	
<b>Location:</b>	<b>Shire of Harvey</b>	
<b>Reporting Officer:</b>	<b>Manager Infrastructure</b>	
<b>File No.:</b>	<b>W000002</b>	<b>Attachment Reg.</b>

### **Summary**

Local governments are the asset owners of bridges located on local government roads and the Shire of Harvey is responsible for the preservation of 19 bridges located on its local road network.

The annual budget allocation for bridge maintenance is currently not keeping pace with the aging infrastructure, especially on timber structures. Regular unscheduled 'emergency works' are being funded from the maintenance budget, at the expense of very important preservation maintenance works being undertaken.

### **Background**

Of the 19 bridge structures, 12 were originally constructed from timber, some dating back to the mid 1960's. The other seven (7) bridges are constructed from concrete and steel. The expected design lives of timber and concrete bridges are 50 years and 100 years respectively.

Bridge maintenance comprises the following components:

- Routine maintenance;
- Preventative maintenance; and
- Specific maintenance.

#### **Routine maintenance**

This is funded entirely by local government and is generally carried out on an "as needed basis" and includes activities such as:

- Vegetation and debris clearing;
- Repairs to guard rails;
- Repairs to signage, delineators and line marking;
- Drainage maintenance;
- Cleaning of expansion joints;
- Repairs to bridge deck surface and approaches; and
- Termite treatment.

#### **Preventative maintenance**

This is also funded entirely by local government and is carried out on a cyclic basis with the objective of reducing the rate of deterioration of the bridge. Preventative maintenance is to be carried out at a maximum recurrence period of five (5) years. For timber bridges preventative maintenance includes:



- End-grain sealing;
- Fungicide treatment;
- Fastener tightening/maintenance;
- Stringer bolting; and
- Pile banding.

#### Specific Maintenance

Funding for the specific maintenance requirements, for bridges, is provided under the Main Roads WA (MRWA) Local Government Bridge Maintenance Program.

The funding is allocated in accordance with policy set by the Western Australian Local Government Grants Commission (WALGGC). The Commission's Bridge Committee (comprising members from MRWA, WALGGC and the Western Australian Local Government Association) recommends bridges to be funded on this program. The funding targets structural refurbishment and replacement of bridges.

In accordance with the policy, the Bridge Committee will not support grants if the bridge is not given the degree of routine and preventative maintenance necessary to prevent undue deterioration. Local governments therefore are required to demonstrate that they are carrying out the required level of maintenance, by way of the following:

- A program scheduling full preventative maintenance once every five (5) years;
- An annual budget allocation supporting the preventative maintenance program; and
- Preventative maintenance being carried out in accordance with MRWA standards.

MRWA's Asset Management Team (*Structures*), undertake detailed five (5) year inspections of bridges to confirm their integrity. The data collected is fed into the specific maintenance program in order to schedule works. MRWA is also responsible for the installation of speed limits and loads restrictions on bridges where required. The Team provides technical support and advice to local governments as required.

#### Collie River Bridge – No 5370

This bridge opened on 16 March 2018 and is not currently included in the current list as MRWA are currently in the process of establishing an Asset Management Plan for the bridge.

The defects liability period expired on 13<sup>th</sup> February 2019 and the bridge became the Shire of Harvey's responsibility, however MRWA will continue to provide the Shire technical support in terms of detailed inspections, load rating and scoping of any future complex or expensive repairs.

Once the Asset Management Plan has been received the bridge and the relevant routine and preventative maintenance requirements will be arranged.

#### Comment

Currently \$60,000 is allocated annually for routine and preventative maintenance which is allocated as follows:

Note: This was increased by \$5,000 per annum in the 2016/2017 financial year.

Action	Cost / annum	Comments
Annual routine visual inspections	\$7,000	Undertaken by accredited bridge contractor
Routine maintenance on all 19 bridges	\$23,000	
Preventative maintenance - five (5) bridges per annum	\$30,000	
<b>Total</b>	<b>\$60,000</b>	

Due to the age of some bridges, additional emergency works are regularly identified. As these works are over and above the annual maintenance activities, outlined above, the allocated funds are being spent on the unscheduled emergency works and not on the required maintenance.

In the 2018/19 financial year the following items were identified requiring unscheduled emergency works:

Bridge No	Location	Works Description	Estimated cost (\$)
3745A	Hill Road	Prefabricated steel truss Bailey Bridge – repair damage to timber deck planks	\$7,000
4930	Collie River Road	Timber bridge - corbel collapse and stringer damage requiring emergency propping	\$60,000

As previously reported to Council in November 2017 and in early 2018, \$103,256 was spent on emergency repairs on Bridge 4930 Collie River Road (Krone's Bridge) in 2017/18 and \$17,626 was expended in the 2016/17 financial year. This additional expenditure was funded from the annual bridge maintenance allocation and the Bridge Maintenance Reserve. In addition, \$7,440 was spent on Bridge 3745A Hill Road emergency repairs in the 2016/17 financial year.

In summary the current bridge funding allocation is inadequate to keep up with the increasing maintenance requirements of the Shire's bridge infrastructure.

### **Statutory/Policy Environment**

Local governments are the asset owners of bridges located on local government roads.

### **Strategic Framework**

Within the Shire's Strategic Community Plan 2017 – 2027, Outcome 3.6 and Strategy 3.6.1 state:

- 3.6 *“A local transport network that ensures equity across the community to a safe standard”*
- 3.6.1 *“Provide a safe standard of roads and ancillary infrastructure”.*

**Risk Management**

The Risk Theme Profile identified as part of this report is ***Inadequate Asset Sustainability Practices***. The Consequence could be “Property” and “Financial Impact” should the bridge infrastructure not be maintained to the required standard. The Risk Consequence Rating is considered to be Moderate (3) and the Likelihood (3) Possible, giving a MODERATE risk rating.

**Budget Implications****Annual Bridge Maintenance Budget**

Currently \$60,000 per annum is allocated for routine and preventative maintenance of bridges.

For the reasons mentioned earlier in the report, it is recommended that this budget be increased by \$30,000 per annum from the 2019/20 financial year to fund the bridge maintenance program. It is also recommended that any unspent bridge maintenance funding at the end each financial year be allocated to the Bridge Maintenance Reserve.

**Bridge Maintenance Reserve**

A Bridge Maintenance Reserve was set up to fund unscheduled and emergency repair works. No set annual allocation is made to this reserve. The 2018/19 Budget estimates that the reserve will have an approximate balance of \$250,000 at the end of the financial year.

It is recommended that \$50,000 per annum be allocated to the Bridge Maintenance Reserve, from 2019/20, until a balance of \$500,000 is achieved. Thereafter the annual allocation can be reviewed to ensure this balance is maintained.

**Officer’s Recommendation**

That Council:

1. Lists for the following for consideration in the 2019/20 Draft Budget:
  - (a) an increase in the annual routine and preventative bridge maintenance budget, from \$60,000 to \$90,000 per annum, to adequately fund the bridge maintenance program; and
  - (b) an annual budget allocation of \$50,000 to the Bridge Maintenance Reserve to achieve a balance of \$500,000 in time;
2. Supports transferring unspent annual routine and preventative maintenance funds to the Bridge Maintenance Reserve at the end of each financial year, commencing in 2019/20; and
3. Receives an annual progress report on Bridge Maintenance in April/May each year.

<b>Item No.</b>	<b>4.</b>
<b>Subject:</b>	<b>Application for Development Approval - Private Pressure Sewer Main and Pump Station</b>
<b>Proponent:</b>	<b>Peritas Group</b>
<b>Location:</b>	<b>Binningup Road – Portland Road, Binningup</b>
<b>Reporting Officer:</b>	<b>Planning Officer (AR)</b>
<b>File No.:</b>	<b>A000895</b>
	<b>Attachment Reg: 19/09752</b>

### **Summary**

An Application for Development Approval has been received for a private Sewer Pressure Main and Pump Station to be connected to the existing Water Corporation Pump Station located at Lot 244 and extending westward along Binningup Road, north along Portland Drive and connecting into Lot 70 (No.31, Binningup Caravan Park) Portland Drive, Binningup (refer **Attachment 1**).

In 2006, Council refused a proposal to connect the subject site with a private sewer line, principally in regard to issues over liability associated with management and maintenance of such as system to be located within the road reserve.

However recent modifications to the Western Australian Water Corporation (Water Corp) standards, with regards to private sewer infrastructure located in public land, now requires the landowner to enter into “Non-Standard Wastewater Service Agreement” under the *Water Corporation Act 1995*, which assigns all obligations to the owner.

Staff do not have delegation to determine the application as it is development within a Local Government road reserve and adjoins private property. For reasons stated in the report, it is recommended that Council approves the Private Sewer Main and Pump Station application, subject to the Conditions contained within the Officer’s Recommendation.

### **Background**

#### **Site Description**

Lot 244 Binningup Road, Binningup is reserved for ‘Recreation’ under the Shire’s District Planning Scheme No. 1 (the Scheme).

Lot 70 (No. 31) Portland Drive, Binningup is zoned ‘Tourist’ under the Shire’s District Planning Scheme No.1 (the Scheme) and is the location of the Binningup Caravan Park.

The proposal will also include portions of Binningup Road and Portland Drive road reserves, both of which are Local Government road reserves.

#### **Site History**

##### ***2006 Redevelopment Proposal***

- At its meeting on 28<sup>th</sup> November 2006, Council resolved to approve a proposed chalet development consisting of 71 short stay accommodation chalets, a food and beverage facility, pool and manager’s accommodation at Lot 70 Portland Drive, Binningup. One of the conditions included:

*“2(b) The development being connected to the Hon. Minister’s Sewer at the property boundary line, and the developer being advised that a private connection is not acceptable;”*

- An application for review was lodged with the State Administrative Tribunal (SAT) on the 12<sup>th</sup> December 2006, disputing condition 2b (above). The SAT determined that the Shire’s condition was reasonable and appropriate, given the scale and value of the development. This related to a proposal for 71 short stay accommodation units and ancillary development. On 29<sup>th</sup> March 2007, SAT ruled that condition 2b be replaced with “the development to be connected to the Water Corporation sewer”. The proposed re-development of the site did not proceed.
- In a letter to the Manager of Planning dated 1<sup>st</sup> November 2007, the proponent’s (Rapley Wilson Property) indicated as follows:

*“The cost exercise confirms that complying with the sewer condition is relatively expensive but not cost prohibitive at this time. It follows that the development will be connected to the Water Corporation’s infrastructure in accordance with the conditions imposed by the Shire of Harvey”*

#### *2008 Redevelopment Proposal*

- Council at its meeting on the 14<sup>th</sup> October 2008, resolved to grant Planning Consent for the redevelopment which consisted of 54 short stay and 17 long stay accommodation units, conference facility, food and beverage facility, pool and associated recreation facility and incidental development (08/05168).

The approval included the condition:

*“The development being connected to the Hon. Ministers Sewer at the property line”.* The approval was for three years and expired in November 2011 without any development having been undertaken or building permits issued.

#### *2016 Redevelopment Approval*

- On the 26<sup>th</sup> May 2016, a Development Application for seven chalets was received by the Shire. It proposed to develop 5 x two storey (two bedroom) and 2 x single storey (one bedroom) chalets in the south western corner of the Binningup Beach Caravan Park.

A connection to Water Corporation sewer for a project of this scale was not viable at the time and there was no timeframe from the Water Corporation to provide reticulated sewerage to the area. Water Corporation did not specify that connection to reticulated sewer be included as a condition of the approval.

- This planning application for seven chalets received Planning Approval at the 9<sup>th</sup> August 2016 Council meeting and included the condition:

*“Prior to a Building Permit Being Issued:*

- e. *An updated site plan is to be provided demonstrating the leach drains comply with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974 to the satisfaction of the Principal Environmental Health Officer and the Department of Health”*

2019 Current Proposal – Private Sewer Pressure Main and Pump Station

The proponent, Peritas Group (representing the owners of the Binningup Caravan Park) has requested approval for a Development Application for the installation of a private sewer pump station within Lot 70 Portland Drive and a Private Pressure Main within the Shire's road reserve to service the Binningup Caravan Park.

The proposed sewer pressure main will be approximately 470m in length and connect from the existing Water Corporation infrastructure located within Lot 244 Binningup Road, westward along Binningup Road and then travelling north along Portland Drive to connect to Lot 70, being the Binningup Caravan Park (refer **Attachment 1**).

The proposed sewer line will cross Georgia Street, Binningup Road, Allan Road and Portland Drive.

Water Corporation

As part of the approval of private sewer pressure mains, the Water Corporation will enter into an agreement ("Non-Standard Wastewater Service Agreement" under the *Water Corporation Act 1995*) with the landowner/developer with regards to ongoing maintenance and repairs of the private infrastructure. As part of this agreement, the landowner will need to agree to the following conditions (refer **Attachment 2**):

- The developer/owner (of the private sewer main) must sign an agreement with the Water Corporation that states the developer/owner must take full responsibility for all maintenance and repairs of the installed infrastructure;
- Should the Water Corporation consider that the developer/owner has not taken full responsibility for the private main or has not followed through with their obligations, the property will be disconnected from the Minister's sewer which will mean that the development loses its ability to economically remove sewerage from the site;
- The private main is surveyed on completion of construction and the as-constructed information plotted onto the Water Corporations system, which is available to everyone for information purposes;
- The main will also appear on any Dial Before You Dig searches;
- As it is customary for contractors working in the road reserve to undertaken a Dial Before You Dig and often surface scanning prior to any disturbance within the road reserve, it is unlikely that the contractor will be unaware of its existence and will be obliged to take the necessary due care to protect it during the works; and
- Whilst it is not written into the agreement between the developer/owner and the Water Corporation, it is common practice that the Water Corporation will in the case of an emergency, will attend to the repair works when called and the cost will be passed on to the developer/owner. This is then covered by insurance which is in place as per the developer/owner agreement with the Water Corporation.

### **Comment**

Staff consider that since the previous applications of 2006 and 2008, risk mitigation measures implemented by Water Corporation, specifically landowner agreements under the *Water Corporation Act 1995*, adequately address any faults or damage caused by private infrastructure and ensure that they will be dealt with efficiently and appropriately by the owner in consultation with the Water Corporation and not become a financial burden of the Local Government.

### **Advertising**

At the time of writing this report notification to landowners along the route had been issued by the proponent (refer **Attachment 3**). Two submissions have been received and Staff have spoken with the most likely affected residents. Of concern is the quality of the proposed air release valves and the proximity of the pipeline to an existing retaining wall. One submission has requested the proponent undertake a pre and post structural report of the retaining wall. These issues have been referred to the landowner and proponent for consideration.

In response the proponent has confirmed that the air pressure valves are designed and will be installed to the specifications of the Water Corporation and that the pipeline will be no closer than 3m from the existing retaining wall *"in no way will undermine or cause any concern for the structural integrity being compromised"*.

### **Conclusion**

The installation of a Private Pressure main within local government road reserves and private pump station within the property requires a Development Approval.

Given the previous concerns by Staff have now been addressed through improved Water Corporation practices, the private pressure sewer main design is to the satisfaction of Water Corporation and a signed 'Non Standard Wastewater Service Agreement' has been provided, Staff are supportive and consider the design, installation requirements and ongoing maintenance and repair aspects of the proposal are satisfactory.

Staff recommend that conditions of a standard nature in relation to the provision of infrastructure within a roadway and a Traffic Management Report be prepared to the satisfaction of the Shire for the period required for the installation of the private sewer pressure main.

### **Statutory/Policy Environment**

#### **Planning and Development Act 2005**

#### **Planning and Development (Local Planning Schemes) Regulations 2015**

- Schedule 2 – Deemed Provisions,

Section 64 – Advertising Applications:

*"(1) An application for development approval must be advertised under this clause if the proposed development —"*

*"(b) relates to a use if —"*

- (i) *the use is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located; and*
- (ii) *is of a type that this Scheme requires to be advertised*

#### Water Corporation Act 1995

Obligates agreement through provision of the “Non Standard Wastewater Service Agreement”

#### Strategic Framework

Within the Shire’s Strategic Community Plan 2017 - 2027, Strategy 2.3.1 states:

*“Continue to implement integrated environmental, social and land use planning which will:*

- minimise land use conflict.”*

#### Budget Implications

Nil.

#### Risk Management

The Risk Theme Profile identified as part of this report is ***Providing Inaccurate Advice/Information***. The Consequence could be Environmental, Financial, Reputational or Compliance if incorrect advice is given or a condition missed. The Risk is mitigated by the report being thoroughly researched, peer reviewed and provided by a qualified Shire officer, resulting in LOW Risk being present.

#### Officer’s Recommendation

That Council:

1. Approves the Application for Development Approval for a Private Pump Station within Lot 70 Portland Drive and a Private Pressure Sewer Main to be installed in the local government road reserve, commencing at Lot 244 Binningup Road and ceasing at Lot 70 Portland Drive (# 31), Binningup (as shown in ***Attachment 1***) subject to the following conditions:
  - a. The proposed private pressure sewer main being connected to the Water Corporation infrastructure to the satisfaction of the Western Australian Water Corporation;
  - b. Preparation and submission of a Traffic Management Plan to be submitted to the Shire for approval prior to commencement of the work;
  - c. Prior to commencement of the works a Construction Management Plan addressing protection of the existing retaining wall, noise, hours of construction, traffic and vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Shire;



- d. A refundable bond or bank guarantee of \$10,000 shall be lodged prior to the commencement of the works and be held until all works have been completed and the existing infrastructure has been reinstated to the satisfaction of the Shire. An application for the refund/release of the bond or bank guarantee must be made in writing;
  - e. Prior to the commencement of works the owner is to provide the Shire with a copy of the "Non-Standard Wastewater Service Agreement" under the *Water Corporation Act 1995* signed by both the landowner and the Water Corporation; and
2. Advises the Applicant that proposed development is to be undertaken in accordance with the requirements of the *Water Corporations Act 1995*.

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## **CORPORATE SERVICES**

<b>Item No.</b>	<b>1</b>
<b>Subject:</b>	<b>Tender for Construction of Australind State Emergency Service (SES) Building and Binningup Bush Fire Brigade Station</b>
<b>Proponent:</b>	<b>Various Construction Firms</b>
<b>Location:</b>	<b>Lot 5662 Ditchingham Place, Australind (SES), and Lot 1 Lakes Parade in Binningup (Binningup Fire Station)</b>
<b>Reporting Officer:</b>	<b>Principal Building Surveyor</b>
<b>File No.:</b>	<b>T012019</b>

### **Summary**

This report provides a summary of the tender process for the construction of a new headquarter building for State Emergency Services in Australind and a new Fire Station for the Bushfire Brigade in Binningup and recommends that Council accepts the tender as per the recommendation contained in the confidential attachment (refer ***Confidential Attachment 1***).

### **Background**

Planning for the further extensions to the existing development of the new headquarter building for State Emergency Services in Australind and the new fire station for the Volunteer Bush Fire Brigade in Binningup has been underway for a number of years and has been the subject of several previous reports to Council.

Constructing these two emergency services facilities within the Shire will increase the level of fire and emergency services and contribute towards better supporting and protecting the local community in line with increases in population growth. The buildings will assist in improving community safety within the Shire as well as across the South West Region.

### ***New Headquarter Building for State Emergency Services, Australind***

The Shire appointed architectural consultants MCG Architects during October 2018 to undertake the architectural design, documentation and specification for the upgrade and extension of the existing State Emergency Services building for the Department of Fire and Emergency Services at Lot 5662, Ditchingham Place, Australind. Grant funding allocated for this project was \$913,000.

This decision is in line with the Department of Fire and Emergency Services intention to upgrade facilities and boost fire and emergency services around the State in order to have the ability to meet the additional demand for staff and equipment and to accommodate the current and future needs of the community.

The architectural design creates a new facility allowing for a public entrance, a truck entrance and exit with bays for three trucks, a training area, operations area, offices, kitchen, ablution facilities, storage areas, laundry and additional parking bays.

### ***New Fire Station for the Binningup Volunteer Bush Fire Brigade, Binningup***

The preparation for the replacement of the Binningup Fire Station commenced after being successful in obtaining funds through the Local Capital Grants Scheme (Emergency Services Levy distribution). The Shire accepted a 2017/18 grant offer of \$275,000 on 19<sup>th</sup> September 2017 and proceeded to seek public comment on a proposal to locate the replacement Binningup Fire Station to Lot 1 Lakes Parade in Binningup from the current location at Burcham Drive.

Liaison with the Binningup Volunteer Bush Fire Brigade determined that the current location at the northern end of the town of the current fire station is difficult to access, requiring trucks to drive through residential streets with numerous complaints from residents and neighbours being received in the past. The relocation request was considered and approved by Council on 21<sup>st</sup> November 2017. The new location provides a more central location of firefighting resources for Binningup enhancing the response time of many volunteers and also provides a more holistic approach to defence of people when the Bush Fire Brigade is co-located closer to the community. The design for the new facility includes a meeting/training room, offices, kitchen, ablution facilities, operations area, storage and cleaning areas, a covered patio and a vehicle area.

MCG Architects finalised the detail design and specifications for the construction of both emergency services facilities during the beginning of March 2019 and the tender was advertised in The West Australian newspaper on Saturday 2<sup>nd</sup> March 2019 and the Harvey Waroona Reporter on 5<sup>th</sup> March 2019, with a closing date of 5<sup>th</sup> April 2019.

The following assessment criteria and weightings were established and included in the Tender documents:

Criteria	Weighting
Relevant Experience and Capability	40%
Demonstrated Understanding	10%
Tenderer's Resources	10%
Pricing	40%

A Tender Assessment Panel comprising the following Staff members was formed to assess the tenders and to recommend the most advantageous tender:

- Principal Building Surveyor;
- Executive Manager Corporate Services and
- Administrator Law and Safety Services.

### **Comment**

Tenders from the following companies were received by the closing date of 5<sup>th</sup> April 2019:

	Company Name
1.	Pindan
2.	Perkins

	<b>Company Name</b>
3.	MACS
4.	Coastline Building Group
5.	Shelford Construction
6.	Challis Builders
7.	Smith Constructions WA
8.	Civilcon (WA) Pty Ltd
9.	BGC Construction
10.	Matt Daqui

All tenders were assessed against the above criteria and have been independently assessed for compliance with the tender documents and **Confidential Attachment 1** provides information on the tenders received and a recommendation to accept the tender that provides the most advantageous outcome for the Shire.

### **Statutory / Policy Environment**

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

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

The Shire of Harvey's Purchasing Policy 2.2.11 provides compliance with the *Local Government Act 1995*, and the Local Government (Functions and General) Regulations 1996 for procurement of goods and services.

### **Strategic Framework**

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

*"Maintain appropriate emergency services and planning."*

Action 4.7.3 states:

*"Monitor funding opportunities and obtain funding for emergency services, including an emergency hub and career fire fighting services at Australind."*

### **Risk Management**

The Risk Theme Profiles identified as part of this report are:

1. ***Inadequate Supplier/Contract Management.*** The Consequence could be 'Financial Impact' if due process is not followed in terms of the Shire's Purchasing Policy and the *Local Government Act 1995*. The Risk

Consequence is considered to be 'Major' (4) and the likelihood 'Rare' (1), resulting in a LOW (4) Risk being present; and

2. **Failure to Fulfil Compliance Requirements.** The Consequence could be 'Compliance / Reputational' if due compliance process is not followed. The Risk Consequence is considered to be 'Major' (4) and the likelihood 'Rare' (1), resulting in a LOW (4) Risk being present.

### **Budget Implications**

Funding for the two emergency services facilities is included in the Shire's 2018/19 Budget and is anticipated to be carried forward into 2019/20. The securing of funding for both projects has enabled the Shire to proceed to construction of these facilities, notwithstanding there is a shortfall in funding which is explored further in **Confidential Attachment 1**.

### **Officer's Recommendation:**

That Council, in relation to Tender T012019:

1. Accepts the Tender as per **Confidential Attachment 1** for the construction of the State Emergency Service building at Lot 5662, Ditchingham Place, Australind and the Binningup Fire Station at Lot 1 Lakes Parade in Binningup; and
2. Authorises the Chief Executive Officer and Shire President to sign and seal the General Conditions of Contract between the Shire of Harvey and the successful tenderer as per **Confidential Attachment 1** for the construction activities described in the Officer's Recommendation 1.

<b>Item No.</b>	<b>2</b>
<b>Subject:</b>	<b>Tender for Construction of Brunswick River Cottages Aged Accommodation Units Stage 2</b>
<b>Proponent:</b>	<b>Various Construction Firms</b>
<b>Location:</b>	<b>Brunswick River Cottages, Lot 151 Clifton Road, Brunswick</b>
<b>Reporting Officer:</b>	<b>Manager Community &amp; Economic Development</b>
<b>File No.:</b>	<b>T022019</b>

### **Summary**

This report provides a summary of the tender process for the construction of the Brunswick River Cottages Aged Accommodation Units Stage 2 and recommends that Council accepts the tender as per the recommendation contained in the confidential attachment (refer **Confidential Attachment 1**).

### **Background**

Planning for the expansion of the Brunswick River Cottages (BRC) development in Clifton Road, Brunswick Junction has been underway for a number of years and has been the subject of several previous reports to Council.

A report to the Council Meeting held on 17<sup>th</sup> July 2018 advised that a Royalties for Regions grant of \$1.5 million had been approved to construct eight (8) new rental units at the Brunswick River Cottages site. Although the grant was less than requested it provided for sufficient funding to construct eight (8) additional rental units. The new rental units will operate on a similar basis as the existing units and will provide affordable aged accommodation for people on low income and/or limited assets. Confirmed funding for the new rental units is as follows:

Royalties for Regions – Regional Aged Accommodation	\$1,500,000
Royalties for Regions – Local Projects, Local Jobs	\$ 100,000
Shire of Harvey	\$ 200,000
Brunswick River Cottages Inc.	<u>\$ 200,000</u>
Total	\$2,000,000

The report also advised that the BRC Inc. wished to explore the option of a self-supporting loan from the Shire to construct up to four (4) “lease for life” units in addition to the rental units and Council resolved in part as follows:

*That Council:*

3. *Receives a further report regarding Brunswick River Cottages’ proposal to construct four “lease for life” units at the existing site.*

Due to there being no other grant funding available for “lease for life” units, BRC Inc. requested Shire assistance by providing a self-supporting loan to fund the proposed “lease for life” units. Following consideration of a further report to the Council Meeting held on 11<sup>th</sup> December 2018 it was resolved as follows:

*“That Council:*

1. *Subject to the following conditions, supports the Brunswick River Cottages’ Inc. (BRC) request for a self-supporting loan for the purpose of constructing three (3) lease for life units at the existing Brunswick River Cottages development at Lot 500 Clifton Road, Brunswick Junction and an allocation of approximately \$750,000 be included in the Shire’s 2019-20 Budget for this purpose:*
  - a. *Approval from the Treasurer of WA Treasury Corporation is obtained for the proposed loan;*
  - b. *The BRC Inc. is responsible for the cost of preparing of all legal documentation related to the self-supporting loan;*
  - c. *The BRC Inc. is responsible for all costs associated with the design and preparation of documents for the proposed lease for life units;*
  - d. *The tender for construction of the proposed lease for life units is managed by the Shire of Harvey and the tender documents be structured in such a way as to provide separate costs for both the proposed lease for life units and rental units;*
2. *With regard to Council Policy “2.2.7 Loans – Self Supporting,” agrees to waive condition b. for “Guarantors, legally bound by contract, will be required for all self-supporting loans.”*

3. *Authorises the Chief Executive Officer and Shire President to sign and affix the Common Seal to the Loan Agreement between the Shire of Harvey and Brunswick River Cottages Inc. for the construction of three lease for life units at Brunswick River Cottages;*
4. *Notes that the proposed lease for life units at Brunswick River Cottages will be located on freehold land that is owned by the Shire of Harvey, and the units will therefor become an asset of the Shire;*
5. *Notes that Regulation 8A of the Local Government (Functions and General Regulations) 1996 relating to "Commercial Enterprises - Major Land Transaction" does not apply as the transaction value is less than the prescribed amount. As such there is no requirement for a Business Plan to be prepared and advertised to the public."*

Detailed design and preparation of tender documents for the eight (8) rental units and three (3) "lease for life" units was completed by the end of February 2019 and the tender for construction of the new units was advertised in The West Australian on Saturday 2<sup>nd</sup> March 2019 and the Harvey Waroona Reporter on 5<sup>th</sup> March 2019. The tender documents were forwarded to 22 building contractors.

The development includes the construction of:

- Eight (8) aged accommodation units for rental plus new access roads (Area 1); plus
- Three (3) "lease for life" units (Area 2).

The following assessment criteria and weightings were established and included in the Tender documents:

Criteria	Weighting
Relevant Experience and Capability	30%
Demonstrated Understanding	10%
Tenderer's Resources	10%
Local Content, Employment and Indigenous Participation	10%
Pricing	40%

A Tender Assessment Panel comprising the following members was formed to assess the tenders and to recommend the most advantageous tender:

- Manager Community and Economic Development;
- Principal Building Surveyor; and
- Committee Member of Brunswick River Cottages Inc.

### **Comment**

A total of six (6) Tenders were received from the following building contractors by the closing date of 28<sup>th</sup> March 2019:

- BGC Construction
- Civilcon (WA) Pty Ltd

- Coastline Building Group WA Pty Ltd
- Pindan Constructions Pty. Ltd.
- Shelford Construction
- Smith Constructions WA

All tenders were assessed against the above criteria and have been independently assessed for compliance with the tender documents. **Confidential Attachment 1** provides information on the tenders received and a recommendation to accept the tender that provides the most advantageous outcome for the Shire.

### **Statutory / Policy Environment**

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

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

The Shire of Harvey's Purchasing Policy 2.2.11 provides compliance with the *Local Government Act 1995*, and the Local Government (Functions and General) Regulations 1996 for procurement of goods and services.

### **Strategic Framework**

Within the Shire's Strategic Community Plan 2017 – 2027, Strategy 3.4.7 states:

*“Facilitate and support expansion of Aged Persons’ accommodation and facilities.”*

### **Risk Management**

The Risk Theme Profiles identified as part of this report are:

1. ***Inadequate Supplier/Contract Management.*** The Consequence could be 'Financial Impact' if due process is not followed in terms of the Shire's Purchasing Policy and the *Local Government Act 1995*. The Risk Consequence is considered to be 'Moderate' (3) and the likelihood 'Unlikely' (2), resulting in a MODERATE (6) Risk being present; and
2. ***Failure to Fulfil Compliance Requirements.*** The Consequence could be 'Financial Impact / Reputational' if due process is not followed as a result of inadequate compliance framework, which may include the *Local Government Act 1995* and all other legislative based obligations for Local Government. The Risk Consequence is considered to be 'Moderate' (3) and the likelihood 'Unlikely' (2), resulting in a MODERATE (6) Risk being present.

### **Budget Implications**

Funding for Stage 2 (Area 1) of the Brunswick River Cottages development is included in Shire's 2018/19 Budget. Funding for the "lease for life" units is by way of a self-supporting loan to be included in the Shire's 2019/20 Budget.



**Officer's Recommendation:**

That Council:

1. Accepts the Tender as per **Confidential Attachment 1** for the construction of the Brunswick River Cottages Stage 2; and
2. Authorises the Chief Executive Officer and Shire President to sign and seal the General Conditions of Contract between the Shire of Harvey and the successful tenderer as per **Confidential Attachment 1** for the construction of the Brunswick River Cottages Aged Accommodation Units Stage 2.

<b>Item No.</b>	<b>3</b>
<b>Subject:</b>	<b>Reconciliation Action Plan for Bunbury Geographe Region</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Shire of Harvey</b>
<b>Reporting Officer:</b>	<b>Manager Community and Economic Development</b>
<b>File No.:</b>	<b>CR/L/004 Attachment Reg. No. 19/13828 Attachment Reg. No.</b>

**Summary**

This report presents the draft Reconciliation Action Plan (refer **Attachment 1**) and recommends that Council endorses the Plan and an allocation of \$10,000 be listed for consideration of funding in the 2019/20 Draft Budget for the implementation of the Plan.

**Background**

Following consideration of a report to the Council Meeting held on 18<sup>th</sup> July 2017 it was resolved to accept the invitation of the Bunbury Geographe Growth Plan Partnership (BGGPP) to collaborate on the development of a region-wide Reconciliation Action Plan (RAP) with the City of Bunbury and the Shires of Capel and Dardanup. Council was supportive of the proposal subject to being convinced that a regional approach was appropriate to the Shire's local circumstances.

A further report on the proposal was submitted to the Council Meeting held on 10<sup>th</sup> October 2017 and Council resolved as follows:

*"That Council confirms its participation in the development of a regional Reconciliation Action Plan and commits to contributing \$5,000 towards the cost of preparing the Plan."*

As advised in the earlier reports, a RAP is essentially a plan that documents what an organisation commits to do to contribute to Aboriginal Reconciliation in Australia. Under Reconciliation Australia's framework there are four levels for RAPs:

1. Reflect
2. Innovate
3. Stretch
4. Elevate

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At each level there is a prescribed list of Actions and Deliverables which must be completed in order to be formally endorsed by Reconciliation Australia and allow the organisation to progress to the next level.

The consensus of the participating Local Governments was to commence at the introductory level of Reflect which has a timeframe for completion of one year. The Actions required under this level include:

- Establish a RAP Working Group;
- Build internal and external relationships;
- Participate in and celebrate National Reconciliation Week;
- Raise internal awareness of our RAP;
- Investigate Aboriginal and Torres Strait Islander cultural learning and development;
- Participate in and celebrate NAIDOC Week;
- Raise internal understanding of Aboriginal and Torres Strait Islander protocols;
- Investigate Aboriginal and Torres Strait Islander employment; and
- Investigate Aboriginal and Torres Strait Islander supplier diversity

Under each Action there is also a list of deliverables to be completed. The Actions and Deliverables contained within the Plan have been established by Reconciliation Australia.

Once an organisation has completed the required Actions and Deliverables at the Reflect level it is expected that it will progress to the Innovate level which requires a higher level of commitment. Given the level of commitment required at the levels of Stretch and Elevate, organisations can choose whether they wish to remain at the Innovate level or progress to the higher levels.

A Working Group was established to guide development of the RAP and the final draft Plan has now been completed.

### **Comment**

Once the RAP has been endorsed by each member Council, i.e. the City of Bunbury, and the Shires of Capel, Dardanup and Harvey, it will be sent to Reconciliation Australia for their final approval and be published on their website. Provisional approval has been given by Reconciliation Australia for the attached plan.

As advised in an earlier report, some staffing and financial resources will need to be allocated to implement the plan. It is recommended that an allocation of \$10,000 be listed for consideration in the Shire's 2019/20 Draft Budget for the implementation of the RAP.

Some of the Actions contained in the draft Plan have already been completed by the Reference Group and if Council is supportive of this proposal, it would allow staff to continue with the implementation of the RAP in 2019/20. Amongst other things this would include the development of a "Welcome to Country and Acknowledgement of Country" Policy.

### **Statutory/Policy Environment**

N/A

### **Strategic Framework**

Within the Shire of Harvey's Strategic Community Plan 2017 – 2027, Strategy 3.3.4 states:

*“Develop and Implement Aboriginal engagement protocols in liaison with the local Aboriginal Community.”*

### **Risk Management**

The Risk Theme Profile identified as part of this report is **Inadequate Engagement Practices**. The Consequence could be “Reputational” if Council did not wish to support the implementation of the Reconciliation Action Plan. The Risk Consequence is considered to be “Moderate” (3) and the Likelihood “Unlikely” (2) resulting in a “Moderate” (6) level of risk.

### **Budget Implications**

This report recommends that \$10,000 be listed for consideration in the Shire’s Draft 2019/20 Draft Budget for the implementation of the Reconciliation Action Plan.

### **Officer’s Recommendation**

That Council:

1. Endorses the draft Reconciliation Action Plan as attached (refer **Attachment 1**); and
2. Lists for consideration of funding in the 2019/20 Draft Budget an allocation of \$10,000 for the implementation of the Plan.

<b>Item No.</b>	<b>4</b>		
<b>Subject:</b>	<b>Meetings for Coming Months</b>		
<b>File No.:</b>	<b>CCC001</b>		
<b>Meeting</b>	<b>Location</b>	<b>Date</b>	<b>Time</b>
Bunbury Harvey Regional Council	Australind Chamber	02/05/2019	4.00p.m.
Development Services Committee	Harvey Chamber	07/05/2019	4.00p.m.
Disability Access and Inclusion Committee	Myalup Hall	07/05/2019	2.45p.m.
Corporate Services Committee	Harvey Chamber	14/05/2019	2.00p.m.
Ordinary Council	Harvey Chamber	14/05/2019	4.00p.m.
Bunbury Harvey Regional Council	Australind Chamber	30/05/2019	4.00p.m.

### **Officer’s Recommendation**

That the meetings for coming months be noted.