



Shire of Harvey

**ORDINARY COUNCIL
MEETING
MINUTES**

24th January, 2012

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, 24th January, 2012, in the Council Chambers, Young Street, Harvey, commencing at 4.00 p.m.

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

Yours faithfully,

MICHAEL PARKER
CHIEF EXECUTIVE OFFICER

20th January, 2012.

A G E N D A

A. OFFICIAL OPENING

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

B. PUBLIC QUESTION TIME

Nil

C. READING FROM A BOOK OF LEARNING AND WISDOM

Read by Cr. Lovitt

D. APOLOGIES/LEAVE OF ABSENCE

Leave of Absence: Cr Hill

Apologies: Mr Michael Parker – Chief Executive Officer (Annual Leave)

E. DECLARATIONS OF MEMBERS' AND OFFICERS' PERSONAL INTEREST

Cr. Beech declared a financial interest in Item No. 2 of the Corporate Services Report – Elected Member Training – Attendance Authorisation (CCU624).

Reason

Cr. Beech advised that he has an interest as he is one of the Elected Members referred to in the report. Cr Beech advised he would leave the Chambers during the item.

Cr. Beech declared an impartiality interest in Item No. 4 of the Corporate Services Report – Leschenault Recreation Park Pavilion – Shire of Harvey – Leschenault Recreation Park, Australind (F000135).

Reason

Cr. Beech advised that he was the author of the report referred to (dated 31st May 2010) that recommended the budget allocation that is subject of the report. As a consequence there may be a public perception that his impartiality on the matter may be affected. Cr. Beech declared that he would consider the matter on its merits.

Cr Lovitt declared an impartiality interest in Item 8.2.3 of the Development Services Committee Meeting Minutes – Proposed Amendment No. 97 to District Planning Scheme No. 1 – Cardno Representing Australian Vanguard Ltd – Lot 28 Leisure Drive, Australind (P001097)

Reason

Cr Lovitt advised that she is the President of the Kingston Residents Association. As a consequence there may be a public perception that her impartiality on the matter may be affected. Cr. Lovitt declared that she would consider the matter on its merits.

Cr Campbell declared a financial interest in Item No. 2 of the Corporate Services Report – Elected Member Training – Attendance Authorisation (CCU624).

Reason

Cr. Campbell advised that he has an interest as he is one of the Elected Members referred to in the report. Cr Campbell advised he would leave the Chambers during the item.

Cr Marshall declared a financial interest in Item No. 2 of the Corporate Services Report – Elected Member Training – Attendance Authorisation (CCU624).

Reason

Cr. Marshall advised that she has an interest as she is one of the Elected Members referred to in the report. Cr Marshall advised she would leave the Chambers during the item.

Cr Marshall declared an impartiality interest in Item No. 5 of the Corporate Services Report – Harvey Pre - Primary Centre – Options for Future Use– Shire of Harvey – Lot 41 Gibbs Street, Harvey (A001860).

Reason

Cr Marshall advised that she has an interest as she is Council's delegate on the Harvey Resource Centre Committee. Cr Marshall declared that she would consider the matter on its merits.

Cr Hollands declared an impartiality interest in Item No. 5 of the Corporate Services Report – Harvey Pre - Primary Centre – Options for Future Use– Shire of Harvey – Lot 41 Gibbs Street, Harvey (A001860).

Reason

Cr Hollands advised that he has an interest as he is the Chairperson for the Resource Centre Committee. Cr Hollands declared that he would consider the matter on its merits.

Cr. Lovitt declared a financial interest in Item No. 2 of the Corporate Services Report – Elected Member Training – Attendance Authorisation (CCU624).

Reason

Cr. Lovitt advised that she has an interest, as she has expressed an interest in attending the Course. Cr Lovitt advised she would leave the Chambers during the item.

Cr. Shortland declared a financial interest in Item No. 2 of the Corporate Services Report – Elected Member Training – Attendance Authorisation (CCU624).

Reason

Cr. Shortland advised that she has an interest, as she has expressed an interest in attending the Course. Cr Shortland advised she would leave the Chambers during the item.

F. PETITIONS/DEPUTATIONS

- | | | |
|----|--|---|
| 1. | Item 8.2.1 of the Development Services Minutes – Request to Initiate Scheme Amendment No. 100 To District Planning Scheme No. 1 – Burgess Design Group Representing Department Of Water – Lot 6 Elinor Bell Road, Australind (P001100) | Miss Rochelle VanSanten from Burgess Design |
| 2. | Item No. 8.2.4 of the Development Services Minutes – Proposed Extension Australind Tavern (Formerly Collie Bridge Tavern) – The Bridge Bar Pty Ltd – Lot 10 (No. 41) Old Coast Road, Australind (A003516) | Mr Graham Coates |

G. CONFIRMATION OF MINUTES**ORDINARY COUNCIL MEETING – Tuesday, 6th December, 2011****Recommendation**

That the Minutes of the Council Meeting held on Tuesday, 6th December, 2011, as printed be confirmed as a true and correct record.

H. ANNOUNCEMENTS BY THE PERSON PRESIDING OR C.E.O WITHOUT DISCUSSION**I. ADOPTION OF STANDING, OCCASIONAL & SUNDRY COMMITTEE MEETING MINUTES (Beige)**

Heritage Advisory Committee Meeting	15 th December, 2011
Ridley Place Foreshore Advisory Committee Meeting	16 th December, 2011
Australind Skate Park Study Steering Committee	20 th December, 2011
Corporate Services Committee	24 th January, 2012
Development Services Committee	17th January, 2012

(Including Health, Building and Planning Reports listed below)

8.1 BUILDING REPORT (Gold)

- | | |
|-------|---|
| 8.1.1 | Building Applications Received – Building Licence Issued – Shire of Harvey (BSR017) |
| 8.1.2 | Building Applications Received – Building Licence Issued – Shire of Harvey (BSR017) |

8.2 PLANNING REPORT (Green)

- | | |
|-------|---|
| 8.2.1 | Request to Initiate Scheme Amendment No. 100 to District Planning Scheme No. 1 – Burgess Design Group Representing Department of Water – Lot 6 Elinor Bell Road, Australind (P001100) |
| 8.2.2 | Greater Bunbury Region Scheme Amendment 0016/57 – Western Australian Planning Commission – Greater Bunbury Region (PST002) |
| 8.2.3 | Proposed Amendment No. 97 to District Planning |

- Scheme No. 1 – Cardno Representing Australian Vanguard Ltd – Lot 28 Leisure Drive, Australind (P001097)
- 8.2.4 Proposed Extension Australind Tavern (Formerly Collie Bridge Tavern) – The Bridge Bar Pty Ltd – Lot 10 (No. 41) Old Coast Road, Australind (A003516)
- 8.2.5 Proposed Policy – Highly Reflective Materials – Shire of Harvey – Shire of Harvey Local Government Area
- 8.2.6 Lot 200 Raymond Road, Roelands – Revised Structure Plan – Thompson McRobert Edgeloe Group (TME) – Lot 200 Raymond Road, Roelands (A005840 & S131279)

J **REPORTS BY OFFICERS OF COUNCIL**

TECHNICAL SERVICES

- | | | |
|--------|---|----|
| Item 1 | Road Widening Raymond Road – Main Roads– Australind Bypass/Raymond Road (R000003) | 31 |
| Item 2 | Report on Local Government Road Assets and Expenditure 2009/2010 – Western Australian Local Government Assets – State of Western Australia (GRL004) | 32 |

CORPORATE SERVICES

- | | | |
|--------|---|----|
| Item 1 | Telstra Corporation Ltd – Lease Renewal – Jones, Lang, La Salle Pty Ltd on behalf of Telstra Corporation Ltd – Portion of Reserve Number 22672 – Lots 5068 & 250 Honeymoon Road Uduc (CZ028, A002464) | 34 |
| Item 2 | Elected Member Training – Attendance Authorisation (CCU624) | 36 |
| Item 3 | Council Committees - Appointment of Community Representatives – Shire of Harvey (CC/C/091) | 38 |
| Item 4 | Leschenault Recreation Park Pavilion – Shire of Harvey – Leschenault Recreation Park, Australind (F000135) | 40 |
| Item 5 | Harvey Pre - Primary Centre – Options for Future Use– Shire of Harvey – Lot 41 Gibbs Street, Harvey (A001860) | 44 |
| Item 6 | Meetings for Coming Months (CCC001) | 49 |

K. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Cr. Carbone put forward the following motions for consideration at the Council meeting on Tuesday, 24th January, 2012;

Carbone/.....

“That Council provides an information brochure, which has been prepared to the satisfaction of the Department of Environment, to all neighbouring landholders where roadwork’s or construction materials are used which details but is not limited to the following:

- *The raw material is considered to be “uninterpretable” and may therefore contain Phytophthora Dieback;*
- *The Shire of Harvey will not use any raw material adjoining any vegetation which is known to be susceptible to Phytophthora Dieback;*
- *A list of vegetation which is known to be susceptible is to be attached;*
- *The Shire of Harvey is to retain a register of neighbours to which the above information has been provided. A copy of which is to be tabled annually.*

Carbone/.....

That the Shire of Harvey employs the services of a constitutional lawyer to ensure that the \$0.50/ cubic metre roads levy collected by the Shire of Harvey is constitutional.”

Acting Chief Executive Officer Comment

The Department of Local Government advise that Cr Carbone would need to comply with the provisions of “Division 6 – Disclosure of Financial Interests”, Sections 5.59 to 5.73 (both inclusive) of the Local Government Act 1995 as these relate to this notice of motion.

Clause 3.9 within the Shire of Harvey Standing Orders Local Law 2001, provides direction and the procedure to be followed in respect to “Motions of which Previous Notice has been Given”.

L. NOTICE OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING

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

N. REPORTS OF MEMBERS

1. Cr Wood
2. Cr Campbell
3. Regional Road Group Meeting
4. Cr Lovitt
5. Cr Jackson

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. Section 70A – Lot 50, No. 365 Seven Hills Road, Roelands, on diagram 12756 – The presence of a second dwelling will not be the basis for any subdivision application. The dwelling on the eastern side of the property is to be used for the purpose of a short stay accommodation only.

Prepared By
Shire of Harvey

P. MOTIONS WITHOUT NOTICE (by permission of majority of members)**Q. MATTERS BEHIND CLOSED DOORS (Under Section 5.23 (2)(c) of the Local Government Act, 1995)****R. CLOSURE**

SHIRE OF HARVEY

COUNCIL MINUTES

MINUTES OF THE ORDINARY MEETING OF THE HARVEY SHIRE COUNCIL, HELD IN THE COUNCIL CHAMBERS, YOUNG STREET, HARVEY, ON TUESDAY, 24th JANUARY, 2012, COMMENCING AT 4:05 P.M.

ATTENDANCE

Shire President	Cr. T.G	Jackson	
Deputy Shire President	Cr. B.E.	Hollands	
	Cr. P.	Beech	4:05pm – 5:05pm 5:08pm – 5:43pm
	Cr. R.	Bertolini	
	Cr. G.	Campbell	4:05pm – 5:05pm 5:08pm – 5:43pm
	Cr. C.	Carbone	
	Cr. A.	Lovitt	4:05pm – 5:05pm 5:08pm – 5:43pm
	Cr. S.J.	Marshall J.P.	4:05pm – 5:05pm 5:08pm – 5:43pm
	Cr. P.F	Monagle	4:05pm – 5:05pm 5:08pm – 5:43pm
	Cr. J.L	Sabourne O.A.M. J.P.	
	Cr. A.J	Shortland	4:05pm – 5:05pm 5:08pm – 5:43pm
	Cr. K.J	Wood	

STAFF:

Acting CEO – Executive Manager of Corporate Services	Mr. R.	Scantlebury	
Executive Manager of Technical Services	Mr. T.	Naudé	
Principal Environmental Health Officer	Mr. S.	Dandridge	4:05pm – 5:00pm
Principal Building Surveyor	Mr. M.	Stewart	4:05pm – 5:34pm
Manager of Community and Economic Development	Mr. P.	Quinlivan	
Manager of Planning Services	Mr. S.	Hall	
Planning Officer	Mr. S.	Potter	
Planning Officer	Mr. C.	Zanotti	4:05pm–5:00pm

GALLERY:

Miss	R.	VanSanten
Mr	G.	Coatz

PRESS:

Harvey Reporter	Mr.	K.	Utting
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1. OPENING AND WELCOME

The Shire President opened the meeting at 4:05 p.m.

2. PUBLIC QUESTION TIME

Nil.

3. READING FROM A BOOK OF LEARNING AND WISDOM

Read by Cr. Lovitt

4. APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence: Cr Hill

Apologies: Mr Michael Parker – Chief Executive Officer (Annual Leave)

5. DECLARATIONS OF MEMBERS' AND OFFICERS' PERSONAL INTEREST

Cr. Beech declared a financial interest in Item No. 2 of the Corporate Services Report – Elected Member Training – Attendance Authorisation (CCU624).

Reason

Cr. Beech advised that he has an interest as he is one of the Elected Members referred to in the report. Cr Beech advised he would leave the Chambers during the item.

Cr. Beech declared an impartiality interest in Item No. 4 of the Corporate Services Report – Leschenault Recreation Park Pavilion – Shire of Harvey – Leschenault Recreation Park, Australind (F000135).

Reason

Cr. Beech advised that he was the author of the report referred to (dated 31st May 2010) that recommended the budget allocation that is subject of the report. As a consequence there may be a public perception that his impartiality on the matter may be affected. Cr. Beech declared that he would consider the matter on its merits.

Cr Lovitt declared an impartiality interest in Item 8.2.3 of the Development Services Committee Meeting Minutes – Proposed Amendment No. 97 to District Planning

Scheme No. 1 – Cardno Representing Australian Vanguard Ltd – Lot 28 Leisure Drive, Australind (P001097)

Reason

Cr Lovitt advised that she is the President of the Kingston Residents Association. As a consequence there may be a public perception that her impartiality on the matter may be affected. Cr. Lovitt declared that she would consider the matter on its merits.

Cr Campbell declared a financial interest in Item No. 2 of the Corporate Services Report – Elected Member Training – Attendance Authorisation (CCU624).

Reason

Cr. Campbell advised that he has an interest as he is one of the Elected Members referred to in the report. Cr Campbell advised he would leave the Chambers during the item.

Cr Marshall declared a financial interest in Item No. 2 of the Corporate Services Report – Elected Member Training – Attendance Authorisation (CCU624).

Reason

Cr. Marshall advised that she has an interest as she is one of the Elected Members referred to in the report. Cr Marshall advised she would leave the Chambers during the item.

Cr Marshall declared an impartiality interest in Item No. 5 of the Corporate Services Report – Harvey Pre - Primary Centre – Options for Future Use– Shire of Harvey – Lot 41 Gibbs Street, Harvey (A001860).

Reason

Cr Marshall advised that she has an interest as she is Council's delegate on the Harvey Resource Centre Committee. Cr Marshall declared that she would consider the matter on its merits.

Cr Hollands declared an impartiality interest in Item No. 5 of the Corporate Services Report – Harvey Pre - Primary Centre – Options for Future Use– Shire of Harvey – Lot 41 Gibbs Street, Harvey (A001860).

Reason

Cr Hollands advised that he has an interest as he is the Chairperson for the Resource Centre Committee. Cr Hollands declared that he would consider the matter on its merits.

Cr. Lovitt declared a financial interest in Item No. 2 of the Corporate Services Report – Elected Member Training – Attendance Authorisation (CCU624).

Reason

Cr. Lovitt advised that she has an interest, as she has expressed an interest in attending the Course. Cr Lovitt advised she would leave the Chambers during the item.

Cr. Shortland declared a financial interest in Item No. 2 of the Corporate Services Report – Elected Member Training – Attendance Authorisation (CCU624).

Reason

Cr. Shortland advised that she has an interest, as she has expressed an interest in attending the Course. Cr Shortland advised she would leave the Chambers during the item.

6. PETITIONS/DEPUTATIONS**ITEM 8.2.1 OF THE DEVELOPMENT SERVICES MINUTES – REQUEST TO INITIATE SCHEME AMENDMENT NO. 100 TO DISTRICT PLANNING SCHEME NO. 1 – BURGESS DESIGN GROUP REPRESENTING DEPARTMENT OF WATER – LOT 6 ELINOR BELL ROAD, AUSTRALIND (P001100)**

Miss Rochelle VanSanten from Burgess Design addressed the Council in relation to Item 8.2.1.

Miss VanSanten summarised the issue for debate as being the difference between support for 2 lots versus 3 lots. Issues such as land use or zoning appear to be supported by staff.

The land has never nor is it required for its intended purpose as a public utilities site. The land in question is, therefore, considered a transition lot especially when taking into account the adjoining lots sizes and zonings. The original proposal presented to staff reflected this transitional nature and proposed 7 lots ranging in size from 580m² – 2460m².

The proposal now presented includes only 3 lots and responds to discussions with staff and a flora/fauna report commissioned by the Department of Water. It is considered that the revised design of 3 lots protects all significant vegetation and maintains the existing streetscape within Elinor Bell Drive.

Miss VanSanten went on to categorise the outstanding issues into four areas:

1. **Vegetation Clearing** – In her opinion the inclusion of one additional lot will not lessen significantly the amount of vegetation to be cleared, particularly when taking into account the extent of clearing some land owners in the immediate vicinity have undertaken within their lots. They would be willing to include scheme provision to limit with extent of clearing.
2. **Density** – Miss VanSanten acknowledged comments within the staff report that “low density development is logical”. However, reiterated that land immediately adjoining the lot is zoned R15/30/50 and that the design responds to what the market expects being approximately 2,000m².
3. **Streetscape** – Miss VanSanten agreed with staff comments that the ‘vegetation contributes to the streetscape’ and that retention of it is important to their proposal. They would be happy to undertake additional planting if need be.
4. **Public Benefit** – in response to comments made that this land should be left as open space, she reaffirmed that the land is not reserved for Open Space but as a Utility’s Site. It has never been intended for open space and as the land is owned by the Department of Water, monies derived from the sale of lots will be put back into the community.

ITEM NO. 8.2.4 OF THE DEVELOPMENT SERVICES MINUTES – PROPOSED EXTENSION AUSTRALIND TAVERN (FORMERLY COLLIE BRIDGE TAVERN) – THE BRIDGE BAR PTY LTD – LOT 10 (NO. 41) OLD COAST ROAD, AUSTRALIND (A003516).

Mr Graham Coates addressed the Council in relation to Item 8.2.4.

Mr Coates reaffirmed comments he made at the Development Services Meeting which is that the proposal is not increasing the number of patrons permitted, he is simply revitalising the venue to attract a different type of clientele, being families.

In response to the main issues of sewer and carparking he provided the following comments:

Sewer – The previous owner never maintained the on-site disposal system and as such had many problems. They now have a regular maintenance program and there have been no problems with the system since they have taken over.

Carparking – Mr Coates expressed confusion how in 1992 Council could not support a proposal in 1992 unless the Council owned land next door was acquired for car parking. However, in 1993 Council approved a proposal requiring 80 parking bays on-site. The 80 bays have never been constructed and why has it been 20 years since anything was done about it?

Mr Coates summarized by saying if this is not approved then many people in the community are missing out on what could be a great family venue.

Questions:

Cr Wood asked if the land next door was not purchased why are people parking on it?

Mr Coates responded by stating it was for the benefit of the shade from the existing trees.

Cr Monagle asked if he was not intending to increase numbers why is he doing it?

Mr Coates advised he is not increasing his numbers under his liquor licence but simply developing new areas to attract a different type of clientele. If additional numbers were being sought he would need to make a further application to Council and the Liquor Licencing Board.

7. CONFIRMATION OF MINUTES

ORDINARY COUNCIL MEETING – Tuesday, 6th December, 2011

Recommendation

That the Minutes of the Council Meeting held on Tuesday, 6th December, 2011, as printed be confirmed as a true and correct record.

**12/001. Lovitt/Wood
“That the Officer’s Recommendation be adopted.”**

CARRIED 12-0

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

Nil.

9. ADOPTION OF STANDING, OCCASIONAL & SUNDRY COMMITTEE MEETINGS MINUTES

Suspension of Standing Orders

12/002

Monagle/Hollands

That the Agenda be taken out of order to consider the following Items of the Development Services Committee Meeting, Item 8.2.1 Request to Initiate Scheme Amendment No. 100 to District Planning Scheme No. 1 – Burgess Design Group Representing Department of Water – Lot 6 Elinor Bell Road, Australind (P001100) and Item 8.2.4 Proposed Extension Australind Tavern (Formerly Collie Bridge Tavern) – The Bridge Bar Pty Ltd – Lot 10 (No. 41) Old Coast Road, Australind (A003516) at this time.

CARRIED 12-0

Development Services Committee
(17th January, 2012)

Item No.	8.2.1
Subject	Request to Initiate Scheme Amendment No. 100 to District Planning Scheme No. 1.
Applicant	Burgess Design Group representing Department of Water
Location:	Lot 6 Elinor Bell Road, Australind
Reporting Officer:	Senior Planning Officer
File No.:	P001100
	Attachment Reg. No. 11/11209

Summary

The Department of Water is seeking to dispose of Lot 6 Elinor Bell Road, Australind, and has asked whether the Council would support rezoning Lot 6 from 'Public Utilities' Reserve to 'Residential R5'. Staff do not support rezoning Lot 6 to a density of R5, which would result in the creation of 3 lots given the need to preserve existing vegetation on-site, however, would be prepared to support a rezoning to 'Special Residential', which is equivalent to a residential density of R2.5 and result in only 2 lots being created. It is recommended that Council initiates Amendment No. 100 to District Planning Scheme No. 1 for the purposes of rezoning Lot 6 Elinor Bell Road, Australind, from 'Public Utilities' Reserve to 'Special Residential'.

Background

Lot 6 Old Coast Road, Australind is located approximately 1.37km north of the Australind Village Shopping Centre and about 170 metres east of the Leschenault Estuary. It has an area of 7,920m² and is an undeveloped landholding owned in freehold by the Department of Water.

Lot 6 and adjoining Reserve 36031 are designated 'Public Utilities' Reserve by District Planning Scheme No. 1. Reserve 36031 accommodates Water Corporation infrastructure including water sampling points and flow meters. Lot 6 has never been used for public utility purposes and the Department of Water has no need to hold onto the land. In order to dispose of the land, the Department of Water are proposing to rezone it from 'Public Utilities' to 'Residential R5', so that it is able to be used for low density residential purposes.

To the north and east of Lot 6 are 'Special Residential' zoned landholdings developed at an R2.5 density. To the south of Lot 6 are landholdings zoned 'Residential R15/30/50' and immediately west is Reserve 36031 owned by the State of Western Australia.

Comment

Lot 6 is a freehold allotment, the use of which is currently restricted by the Scheme for 'Public Utility' purposes. The 'Public Utilities' reservation under the Scheme applies to land accommodating public infrastructure owned by a government agency or corporation and may include water pumping stations, water tanks and drainage reserves. Given that the public utility use of Lot 6 has never eventuated, and that the Department of Water no longer requires the land. Staff, therefore, have no objection to the removal of the 'Public Utilities' reservation and rezoning the site so that it is able to be used for an alternative land use. Low density residential use of the land appears to be logical, given that it is the prevailing use in the locality.

Staff and the Applicant have a difference of opinion on the density that residential development should take. Staff consider that a rezoning of the land to 'Special Residential' would be appropriate, which is the same density as the land to the north and east of the site. Under the Scheme, a Special Residential zoning is equivalent to a residential density of R2.5. The Applicant proposes to rezone Lot 6 so that it is rezoned to 'Residential R5', which would provide for a possible subdivision of Lot 6 into 3 lots.

Lot 6 at 7,920m² falls marginally short of the required minimum lot size of 8,000m² for a subdivision of Lot 6 under the R2.5 Code, however, the creation of one or two slightly undersized lots is generally consistent with the prevailing lot size to the north and east, and is considered a better outcome than the creation of three smaller lots proposed by the Applicant. The main concerns with the density proposed by the Applicant is the ability to preserve existing native vegetation, particularly after clearing is undertaken for fire management issues and building envelopes are taken into consideration. The other concern is that some retaining may be required, which will further necessitate vegetation removal.

The Table below summarises the arguments raised by the Applicant to support the proposed rezoning of Lot 6 to a density of R5.

Argument	Staff Response
<p>The proposed rezoning of a 'Public Utilities' reserve in Australind has been requested by the Department of Water as part of a state wide land rationalisation and disposal program. It is derived from a recognition that a number of land assets around Western Australia are vacant, undeveloped, confirmed as no longer required for their original reserved purpose and instead are left unmanaged and degrading and costing the wider government significant holding costs that might be better allocated to other purposes elsewhere.</p>	<p>Noted.</p>

Argument	Staff Response
<p>Lot 6 is within a clearly defined townsite location where all normal urban facilities and services are available, including shopping, entertainment, education, recreation, health and business.</p>	<p>Lot 6 is on the edge of more traditional urban development to the south and adjacent to the special residential environs of Leschenault.</p>
<p>Elinor Bell Road bends significantly in a 90 degree angle, almost creating what might ordinarily be a new road intersection and new street name. At the bend an estate signage has been placed, welcoming people to the 'Special Residential' estate to the north of Lot 6. It is therefore clear that the subject property is physically cited at the intersection of Residential land and Special Residential land and that this context is important in selecting an appropriate R Coding so as to ensure the lot sizes reflect its location at the junction.</p>	<p>While acknowledging the surrounding residential densities may provide insight into an acceptable density for Lot 6, primary consideration has been given to the objective of vegetation retention. The three lot proposal put forward by the Applicant is not considered acceptable given that the majority of the vegetation would need to be removed given fire management requirements and the draining and filling of the land to create a level building footprint.</p>
<p>The southern side of the east-west section of Elinor Bell Road is already zoned and developed for residential purposes, generally at an R15 type density with the potential for the higher densities once reticulated sewer is available. A very urban streetscape is already therefore established on the south side of the subject road. The rezoning of Lot 6 therefore simply completes the pre-established streetscape, ensuring that the street still retains the demarcation between types of residential uses, but allowing for some transition and compatibility along the street so as to finalise the theme of the road.</p>	<p>The vegetation on Lot 6 contributes to the streetscape of Elinor Bell Road and should be retained as far as practicable. Creating two lots rather than three lots increases the potential for vegetation retention.</p>
<p>Further inspection of the type of development, landscape treatment, tree preservation and streetscape within the 'Special Residential' estate to the north of the subject land revealed a wide mix and a degree of non-consistency. There is no rationale for requiring future lot sizes within the subject landholding to be identical in size to those further north, variation already occurs, as does variety in how individual landowners choose to present or contribute</p>	<p>The Shire's primary concerns are not streetscape related – they relate to the need for vegetation retention.</p>

Argument	Staff Response
to the streetscape.	

There are examples elsewhere in the Shire of lots developed at the R5 density with an allocated building envelope to control building development. An example would be the larger lots in Sandpiper Parade, Australind. The success of vegetation retention in Sandpiper Parade has been disappointing, as a lot of vegetation has been cleared through building activity, including retaining wall construction.

Flora Survey

A Flora and Vegetation survey was undertaken by Ecoedge Environmental Pty Ltd, on behalf of the Department of Water which did not find any Declared Rare flora on-site.

Building Envelopes

The building envelopes indicatively depicted on the Subdivision Guide Plan have an area ranging from 350m² to 400m². Although recognising the objective of protecting existing vegetation, the building envelopes are considered too small, when taking into account that the building envelope will need to accommodate the dwelling which will typically have a footprint of at least 250m², as well as outbuildings, swimming pools and so on. The average size of an allocated building envelope in Leschenault is 2,000m². It is recommended that the building envelopes are increased in size to be generally consistent with the requirements of the 'Special Residential' zone of District Planning Scheme No. 1, ensuring that the following minimum boundary setbacks apply:

- Front – 20 metres
- Rear – 10 metres
- Side – 5 metres, except secondary street frontage of southern-most lot where a 10 metre setback shall apply.

In light of the above, it is the opinion of Staff that the rezoning of Lot 6 Elinor Bell Road, Australind, from 'Public Utilities' reserve to 'Special Residential' zone, which will facilitate a potential two lot subdivision is preferred given that:

- i) It provides better opportunities to retain existing vegetation;
- ii) Is in keeping with the density of development to the north; and
- iii) Is likely to be preferred by local residents given that some may have mistaken the land as public open space.

The rezoning proposal submitted by the Applicant is not favoured given that:

- i) The creation of lots at a density of R5 will not provide for sufficient vegetation protection, given fire management requirements and the likelihood that building footprints will need to be filled and drained; and
- ii) The public is likely to be unaware that Lot 6 is a private allotment and would prefer to see it retained in its current state. Therefore, a density consistent with landholdings to the north is preferred.

Statutory/Policy Environment**Planning and Development Act 2005**

The Planning and Development Act 2005, provides Council with the head of power to initiate an amendment to District Planning Scheme No. 1.

Town Planning Regulations 1967

The Town Planning Regulations 1967 sets out the process for amending a local planning scheme.

Greater Bunbury Region Scheme

Lot 6 is zoned 'Urban' by the Greater Bunbury Region Scheme.

Shire of Harvey District Planning Scheme No. 1

Lot 6 is designated 'Public Utilities' Reserve by District Planning Scheme No. 1.

Budget Implications

Nil.

Officer's Recommendation

That Council;

1. Pursuant to Section 75 of the Planning and Development Act 2005, initiates Amendment No. 100 to the Shire of Harvey District Planning Scheme No. 1, for the purposes of rezoning Lot 6 Elinor Bell Road, Australind, from 'Public Utilities' Reserve to 'Special Residential' zone to provide for a maximum of 2 residential dwelling units on the landholding, subject to modified Scheme Amendment documents being prepared by the Applicant to the satisfaction of Council's Manager of Planning Services.
2. Following receipt of modified Scheme Amendment documents, refers the amendment documents, setting out and explaining the amendment to the Environmental Protection Authority in accordance with Part V of the Planning and Development Act 2005, and advises the Western Australian Planning Commission of the Council's initiation and intent to advertise.
3. On receipt of a response from the Environmental Protection Authority, that the proposed Amendment is not subject to formal environmental assessment, undertakes advertising of Amendment No. 100 for a period of 42 days in accordance with the Planning and Development Act 2005 and the Town Planning Regulations 1967.

- 12/003. **Monagle/Carbone**
“That Council:
1. Pursuant to Section 75 of the Planning and Development Act 2005, initiates Amendment No. 100 to the Shire of Harvey District Planning Scheme No. 1, for the purposes of rezoning Lot 6 Elinor Bell Road, Australind, from ‘Public Utilities’ Reserve to ‘R5 Residential’ zone to provide for a maximum of 3 residential units on the landholding, subject to modified Scheme Amendment documents being prepared by the Applicant to the satisfaction of Council’s Manager of Planning Services.”
 2. Refers the amendment documents, setting out and explaining the amendment to the Environmental Protection Authority in accordance with Part V of the Planning and Development Act 2005, and advises the Western Australian Planning Commission of the Council’s initiation and intent to advertise.
 3. On receipt of a response from the Environmental Protection Authority, that the proposed Amendment is not subject to formal environmental assessment, undertakes advertising of Amendment No. 100 for a period of 42 days in accordance with the Planning and Development Act 2005 and the Town Planning Regulations 1967.

LOST 3-9

- 12/004. **Sabourne/Campbell**
“That the Officer’s Recommendation be adopted.”

CARRIED 11-1

Item No.	8.2.4
Subject	Proposed Extension Australind Tavern (Formerly Collie Bridge Tavern)
Applicant	The Bridge Bar Pty Ltd
Location:	Lot 10 (No. 41) Old Coast Road, Australind
Reporting Officer:	Senior Planning Officer
File No.:	A003516
	Attachment Reg. No. 11/23056

Summary

Council has received an Application for Planning Consent proposing extensions to the Australind Tavern, (formerly known as the Collie Bridge Tavern) at Lot 10 (No. 41) Old Coast Road, Australind. The extensions are to add a beer garden consisting of a partly covered alfresco area, inclusive of a children’s play area on the western side of the building. The Applicant is unable to provide the required number of car parking bays stipulated in the Shire of Harvey District Planning Scheme No. 1, and there are concerns with the ability of the existing effluent disposal system to function properly with the potential additional patronage. As such, it is recommended that the Application be refused.

Background

Lot 10 (No. 41) Old Coast Road, Australind has an area of 4,128m² and is located adjacent to the Australind Tourist Park and Garden Palace Chinese Restaurant on the corner of Old Coast Road and Lucy Victoria Avenue, Australind. The landholding accommodates the Australind Tavern, renamed from the Collie Bridge Tavern after the landholding was recently purchased by MGA Group Investments Pty Ltd. The Tavern consists of a drive thru bottle shop, coolroom, TAB, public bar, lounge bar, office, kitchen, male and female toilets, storeroom and a bitumen sealed car park. The Tavern operates under Tavern Licence No. 6020018739, issued under the *Liquor Control Act 1988* by the Department of Racing, Gaming and Liquor. It is zoned 'Special Use: Hotel' by District Planning Scheme No.1.

The Applicant seeks approval for a new beer garden at the front of the Tavern, with a total area of 249m². Plans of the proposed beer garden are attached. The covered alfresco portion of the beer garden has an area of 147m² and the open alfresco portion of the beer garden has an area of 102m².

There have been a number of approved modifications and extensions to the Tavern over the years, some of which include:

- | | |
|-----------------|---|
| November, 1987 | Council approved a 54m ² beer garden on the southern side of the Tavern adjacent to the lounge bar. |
| September, 1992 | Council provided preliminary comments to the previous owner supporting various alterations and additions proposed to the Tavern (pergola, courtyards, additional floorspace and relocation of the drive-thru bottleshop). Council was prepared to support the proposal, in principle, subject to the purchase of the adjoining Lot 50 (previously Location 31) and use Lot 50 for car parking. Without utilising Lot 50 the proposed development would be deficient by 30 car parking bays. The purchase price of \$32,800 for Lot 50 was rejected by the previous owner. Only the pergola and courtyards were built. |
| September, 1993 | Council granted Planning Consent for a relocation of the drive-thru bottleshop and TAB, extension of the public bar and provision of an office and storage areas. The total area of the public bars was 206m ² and 69 car parking bays were required. Eighty (80) car parking bays were approved on-site and none of the car parking bays were to encroach onto the adjoining Lot 50. |
| November, 1993 | Council granted a variation to the Planning Consent issued in August, 1993, to increase the size of the TAB by 32m ² . The increase in the size of the TAB generated the need for eleven (11) additional car parking bays, increasing the total number of required bays to 80. This resulted in the site becoming fully developed and all allocated car parking bays are fully utilised. |
| October, 2007 | Council granted Planning Consent for new signage a liquor store franchise. |

Comment**Car Parking**

The current car parking requirement for the Tavern is 80 bays, however, only 46 bays are constructed on-site and shown on the site plan. Council has previously approved a plan showing that a maximum of 80 bays can be accommodated on-site. The proposed beer garden will generate the need for a further 83 bays, resulting in the required number of car parking bays for the Tavern being 163. No reconfiguration of the car parking layout will possibly achieve anything close to an additional 83 bays on-site, which suggests that the Application for Planning Consent should be refused because it does not comply with the car parking requirements stipulated on previous approvals, nor can the site accommodate the additional bays required by District Planning Scheme No. 1.

The need to comply with the previous car parking requirements is a necessity and a recommendation of Council which reflects this expectation is considered appropriate.

Effluent Disposal

Council investigated a complaint in late 2009 concerning the incorrect disposal of effluent from the premises. Council was successful in prosecuting the previous landowner for the incorrect disposal of effluent.

A letter was sent to the current owner of the Tavern on 7th October, 2011 asking for information to demonstrate the adequacy of the male/female toilet and ablution facilities. The Applicant's drafting consultant has advised that no increase in the number of patrons will be allowed under the Liquor Licensing Act. The current Tavern Licence issued by the Department of Racing, Gaming and Liquor (DRGL), does not stipulate a maximum number of permitted patrons.

Staff do not accept the argument that the number of patrons using the Tavern is unlikely to change. The beer garden will increase the Tavern area by 249m² and has potential to attract a significant number of new patrons to the Tavern. Unlike the Tavern Licence issued by the DRGL, the Shire's Certificate of Approval issued under the Health (Public Buildings) Regulations 1992, stipulates a maximum occupancy on 200 persons. This occupancy rate is determined by the amount of ablutions available and the existing on-site system has no capacity to accommodate any additional ablutions. Approval of extra floor space is, therefore, not recommended given the lack of appropriate on-site effluent disposal.

Statutory/Policy Environment**Greater Bunbury Region Scheme**

Lot 10 is zoned 'Urban' by the Greater Bunbury Region Scheme.

Shire of Harvey District Planning Scheme No. 1

Lot 10 is zoned 'Hotel' by District Planning Scheme No. 1. The land use categories applicable to the existing Tavern include:

- 'Tavern' – permitted 'P' use; and
- 'Betting Agency' – discretionary 'AA' use.

These land use categories are defined in Schedule 13 of the Scheme as follows:

'Tavern' "Means land and building the subject of a Tavern Licence granted under the provisions of the Liquor Act, 1970."

The Liquor Act, 1970 is not longer operative and has been replaced by the Liquor Control Act 1988.

'Betting Agency' "Means a building operated in accordance with the Totalisator Agency Board Betting Act 1960."

Liquor Control Act 1988

The purpose of the Liquor Control Act 1988 is:

"An Act to regulate the sale, supply and consumption of liquor, the use of premises on which liquor is sold, and the services and facilities provided in conjunction with or ancillary to the sale of liquor, to minimise harm or ill-health caused to people, or any group of people due to the use of liquor, to provide for orders that may prohibit persons from being employed at, or from entering, licensed premises, to repeal the Liquor Act 1970, and for related matters."

Council is responsible for issuing Certificates under Sections 39 and 40 of the Liquor Control Act 1988 which is a prerequisite to the granting of a liquor licence by the Department of Racing, Gaming and Liquor.

Health (Public Buildings) Regulations 1992 – stipulates the permitted occupancy rates for public buildings.

Planning and Development Act 2005 – provides via Clause 214 the ability for Council to direct a land owner to undertake works to address a breach of the Town Planning Scheme.

Budget Implications

Nil.

Officer's Recommendation

That Council:

1. Refuses to grant Planning Consent for the proposed extension to create a beer garden at the Australind Tavern for the following reasons:
 - i) District Planning Scheme No. 1 requires 163 car parking bays to be provided for the Tavern, however only 46 car parking bays have been provided on-site. Council is not prepared to approve any further extensions to the Tavern unless the required number of car parking bays can be provided on-site.
 - ii) The existing effluent disposal system is not suitable to accommodate the potential additional patronage arising from the proposed extension.

SIGNED _____ DATED 14th February, 2012.

2. Advise the Applicant that the building licence Application 20110752, for the proposed beer garden is refused.
3. Issues a Directions Notice under Section 214 of the Planning and Development Act 2005 requiring the previously approved 80 car parking spaces to be constructed in accordance with planning consent 1522/39 issued 22 September 1993 (modified plan dated 24 November 1993).

12/005. **Monagle/Wood**
"That Item No. 8.2.4 – Proposed Extension Australind Tavern (Formerly Collie Bridge Tavern) – The Bridge Bar Pty Ltd – Lot 10 (No. 41) Old Coast Road, Australind (A003516) lie on the table for further discussions with the applicant, in particular the parking requirements."
CARRIED 12-0

12/006. **Shortland/Wood**
"That the order of business be resumed as per the Agenda."
CARRIED 12-0

Heritage Advisory Committee Meeting
15th December, 2011

MINUTES

12/007. **Lovitt/Campbell**
"That the Minutes of the Heritage Advisory Committee meeting, held on Thursday, 15th December, 2011, as printed, be received by Council and the recommendations contained therein be adopted."
CARRIED 12-0

Ridley Place Foreshore Advisory Committee Meeting
16th December, 2011

MINUTES

12/008. **Monagle/Beech**
"That the Minutes of the Ridley Place Foreshore Advisory Committee meeting, held on Thursday, 16th December, 2011, as printed, be received by Council and the recommendations contained therein be adopted."
CARRIED 12-0

Australind Skate Park Study Steering Committee
20th December, 2011

MINUTES

- 12/009. **Shortland/Monagle**
“That the Minutes of the Australind Skate Park Study Steering Committee meeting, held on Thursday, 20th December, 2011, as printed, be received by Council and the recommendations contained therein be adopted.”
CARRIED 12-0

Corporate Services Committee
24th January, 2012

MINUTES

- 12/010. **Hollands/Monagle**
“That the Minutes of the Corporate Services Committee meeting, held on Tuesday, 24th January, 2012, as printed, be received and the recommendations listed hereunder be adopted en-bloc.”
- 7.1 Harvey Recreation and Cultural Centre Financial Statements for the Period Ending 31st December, 2011 – Harvey Recreation and Cultural Centre (A001861)
 - 7.2 Leschenault Leisure Centre Financial Statements for the Period Ending 31st December, 2011 – Leschenault Leisure Centre (A005529)
 - 7.3 Financial Statement – Shire of Harvey (FMS006)
 - 7.4 Debtors Reconciliation – Shire of Harvey (FMS006)
 - 7.5 Statement of Investments – Shire of Harvey (FMS006)
 - 7.6 Accounts for Payment – Shire of Harvey (FMS006)
 - 7.7 Accounts for Payment by Electronic Fund Transmission – Shire of Harvey (FMS006)
 - 7.8 Schedule of Credit Card Payments Submitted – Shire of Harvey (FMS006)
 - 7.9 Major Projects – Status Report – Shire of Harvey (FMS006)
 - 7.10 Forward Capital Works Program – Shire of Harvey (FM000096)

CARRIED 12-0

Development Services Committee
17th January, 2012

Item No. 8.2.5**Subject** **Proposed Policy - Highly Reflective Materials****Proponent:** **Shire of Harvey****Location:** **Shire of Harvey Local Government Area****Reporting Officer:** **Planning Officer (CZ)****File No.:****Attachment Reg. No****Summary**

The Draft Highly Reflective Materials Policy has been prepared for adoption by Council as a Local Planning Policy under District Planning Scheme No.1. This has been prepared to ensure the orderly control of external building materials in development throughout many areas of the Shire and is intended to mitigate potential issues that often arise from development which proposes the use of highly reflective materials. In accordance with District Planning Scheme No.1, a Local Planning Policy must be advertised for public comment prior to final adoption by Council.

Background

In many rural areas throughout the Shire, the use of zincalume and other highly reflective materials have been commonly used as external cladding in developments such as sheds or rooves. Whilst these can offer some degree of heat reflectivity, resulting in more energy efficient development, detrimental effects such as glare can often result which can detract from the amenity of an area, intrude on surrounding landowners quality of life and present a risk to passing motorists.

Many areas where these issues are prevalent include the Darling Scarp and landholdings which are visible from highly frequented traffic routes. In consideration of these matters, the Scheme sets provisions for the retention of the scenic amenity of designated areas of landscape value, specifically in relation to Clause 9.1 *Places of Landscape Value – Development Requirements* and Schedule 2 *Policies for Place of Landscape Value*.

In consideration of Clause 9.1 and Schedule 2 of the Scheme, Council has consistently applied development conditions to ensure that development in these areas does not compromise the amenity. Conditions are imposed restricting the use of highly reflective materials on development, ensuring that external cladding such as Colorbond are more widely used to provide the ability for development to blend with the landscape to a greater level. However, many applicants have contested this condition and it is considered that introducing a policy such as this, will further support the current conditions and ensure that the objectives of the Scheme are maintained.

Comment

The Draft Local Planning Policy has been prepared in response to this ongoing issue and seeks to provide greater statutory provisions in relation to external building materials for areas included under Clause 9.1 *Places of Landscape Value – Development Requirements* and Schedule 2

SIGNED _____ DATED 14th February, 2012.

Policies for Places of Landscape Value. This has been developed in response to the limited statutory support that the Shire's Planning and Building Departments have in controlling the appearance of development in places identified as 'Places of Landscape Value'.

In consideration of these issues currently presenting to Council, the Draft Local Planning Policy includes a number of areas where the Policy objectives are considered important. These include the following areas:

- *Landholdings designated as being within a Place of Landscape Value as outlined in Schedule 2 of the Scheme.*
- *Where the proposed development is within sight of a road designated under Part VIII of District Planning Scheme No.1 as a road of scenic value.*
- *Where the proposed development is in sight of the South Western Highway, Old Coast Road, the Australind Bypass or Cathedral Avenue.*
- *On a landholding which may be sufficiently screened at the proposal stage in any of the aforementioned circumstances, however which may be visible once development has been completed.*

The Draft Policy seeks to provide Council with the statutory framework for ensuring appropriate development outcomes in many areas of landscape value, effectively reinforcing conditions that Council has applied in many previous approvals. The specific objectives of the Draft Local Planning Policy are as follows:

1. *To ensure that proposed development will not have a detrimental impact on the visual amenity in identified as a Place of Landscape Value by District Planning Scheme No.1.*
2. *To preserve the scenic character of landholdings within a Place of Landscape Value, properties adjacent to or within view of designated scenic roads and other traffic routes of local and regional importance.*
3. *To acknowledge the thermal energy efficiency of highly reflective materials, however only permit such use where the visual impact can be avoided.*

The Policy requirements include the need for all external materials of a development to be of a low reflective level and does not permit the following:

- Reflective materials which have a reflective value greater than 50%
- Zinalume
- White
- Silver
- Metallic coatings
- Aluminium
- Surfsmist

Any new products not mentioned in the above list will still need to comply with the maximum 50% reflectivity index.

The Draft Local Planning Policy will provide an improved statutory framework that will present Council with a greater level of reinforcement to ensure that development within areas of high amenity are not visually impacted. This Draft Policy will provide the means to ensure that the use of highly reflective materials will not be permitted without stringent criteria being met to ensure that development outcomes are consistent with the Scheme's intentions. In addition, the Draft Policy will ensure that the safety of motorists on high frequency traffic routes such as the Old Coast Road and the South Western Highway, will not be compromised as a result of glare.

Statutory/Policy Environment

District Planning Scheme No.1, Clause 11.6 provides Council with the authority to prepare Local Planning Policies. Clause 11.6.3 of the Scheme states:

"The Council having prepared and having resolved to adopt a draft Policy, shall advertise a summary of the Policy once a week over two consecutive weeks in a newspaper circulating in the area giving details of where the draft Policy may be inspected and where, in what form, and during what period (being not less than 21 days) submissions may be made to Council."

Budget Implications

Costs associated with advertising is provided for within the Planning Services 2011/12 Budget.

Officer's Recommendation

That Council;

1. Adopts the attached Draft Local Planning Policy '*Highly Reflective Materials Policy*' for the purpose of advertising for a period of not less than 42 days; and
2. Reviews any submissions received during the public advertising period and decides whether to adopt the Draft Local Planning Policy, with or without modifications, or not to proceed with the Draft Policy.

Additional Information – Manager of Planning Services

Background

At its Development Services Committee meeting held on the 17th January 2012, the Committee adopted the Draft Policy on Highly Reflective Materials for advertising. Staff seek the support of Council to make minor textual changes within Section 4.0 of the Draft Policy prior to its adoption for Consent to Advertise.

Comment

The Addendum seeks to modify with wording within Section 4.0 of the Policy only, as follows. The proposed changes are shown in italics:

4.0 Policy Requirements

Where development is proposed within any of the areas included in this Policy (refer to Clause 3.0), all development must consist of low reflective materials. The following colours or materials will not be permitted as an external cladding in any development covered under this Policy:

- *Highly* reflective materials which have a reflective value greater than 50%
- Zinalume
- White
- Silver
- Metallic coatings
- Galvanized or polished steel
- Aluminium
- *Colorbond* Surfmist
- *Galvanised or polished steel*

In light of the above the following Officer's Recommendation is offered to Council for support.

Officer's Recommendation

That Council:

1. Adopts the attached Draft Local Planning Policy which includes the amended Section 4.0 Policy Requirements below, for the purpose of advertising for a period of not less than 42 days;

"4.0 Policy Requirements

Where development is proposed within any of the areas included in this Policy (refer to Clause 3.0), all development must consist of low reflective materials. The following colours or materials will not be permitted as an external cladding in any development covered under this Policy:

- *Highly* reflective materials which have a reflective value greater than 50%
- Zinalume
- White
- Silver
- Metallic coatings
- Galvanized or polished steel
- Aluminium
- *Colorbond* Surfmist
- *Galvanised or polished steel"*

2. Reviews any submissions received during the public advertising period and decides whether to adopt the Draft Local Planning Policy with or without modifications or not to proceed with the Draft Policy.

12/011. Lovitt/Monagle

SIGNED _____ DATED 14th February, 2012.

“That Council:

1. **Adopts the attached Draft Local Planning Policy which includes the amended Section 4.0 Policy Requirements below, for the purpose of advertising for a period of not less than 42 days;**

“4.0 Policy Requirements

Where development is proposed within any of the areas included in this Policy (refer to Clause 3.0), all development must consist of low reflective materials. The following colours or materials will not be permitted as an external cladding in any development covered under this Policy:

- ***Highly* reflective materials which have a reflective value greater than 50%**
 - **Zincalume**
 - **White**
 - **Silver**
 - **Metallic coatings**
 - **Galvanized or polished steel**
 - **Aluminium**
 - ***Colorbond* Surfsmist**
 - ***Galvanised or polished steel*”**
2. **Reviews any submissions received during the public advertising period and decides whether to adopt the Draft Local Planning Policy with or without modifications or not to proceed with the Draft Policy.”**

CARRIED 12-0

12/012.

Wood/Carbone

“That the Minutes of the Development Services Committee Meeting, held on Tuesday, 17th January, 2012, be received and the recommendations listed hereunder be adopted en-bloc.”

8.1 BUILDING REPORT

- 8.1.1 Building Applications Received – Building Licence Issued – Shire of Harvey (BSR017)
- 8.1.2 Building Applications Received – Building Licence Issued – Shire of Harvey (BSR017)

8.2 PLANNING REPORT

- 8.2.2 Greater Bunbury Region Scheme Amendment 0016/57 – Western Australian Planning Commission – Greater Bunbury Region (PST002)
- 8.2.3 Proposed Amendment No. 97 to District Planning Scheme No. 1 – Cardno Representing Australian Vanguard Ltd – Lot 28 Leisure Drive, Australind (P001097)
- 8.2.6 Lot 200 Raymond Road, Roelands – Revised Structure Plan – Thompson McRobert Edgeloe Group (TME) – Lot 200 Raymond Road, Roelands (A005840 & S131279)

CARRIED 12/0**Mr Dandridge Mr Zanotti, Mr Coatz and Miss VanSanten left the chambers at 5:00pm**

10. REPORTS BY OFFICERS OF COUNCIL

TECHNICAL SERVICES

Item No.	1
Subject	Road Widening Raymond Road
Proponent:	Main Roads
Location:	Australind Bypass/Raymond Road
Reporting Officer:	Executive Manager of Technical Services
File No.:	R000003
	Attachment Reg. No. 12/00271

Summary

Main Roads WA have submitted preliminary drawings of the proposed widening of the west bound lane on Raymond Road, heading into the Australind Bypass (**see Attachment**).

Background

Although Raymond Road is now a Main Road the proposed works mentioned above will cross a portion of unnamed gravel road that is Council's responsibility. The section of gravel road was recently the subject of Road Closure to the south where that portion of the same road reserve was amalgamated into the adjoining property that abuts the Australind Bypass.

The northern section that is affected by the proposed works does not serve any real purpose for access other than an open drain that runs down the east side of the gravel road. There will still be the need for drainage maintenance on this section of gravel road. The proposed works will include the lengthening and widening of the west bound lane on Raymond Road to increase the vehicle stacking capacity. This will also complement the recently completed interchange into Treendale from the Australind Bypass (Grand Entrance).

Comment

Staff have assessed the preliminary design and recommend advising Main Roads of some modifications that will need to be incorporated including:

1. Culvert required under the gravel road intersection with Raymond Road.
2. Transition onto gravel road from Raymond Road to be incorporated in final design.

The works are proposed to be undertaken in March 2012.

Statutory/Policy Environment

Main Roads Act 1930, provides authority for management and administration of the State Road Network.

Budget Implications

Nil

Officer's Recommendation

That Council acknowledges the proposed works and advise Main Roads of the modifications required including;

- i) A culvert is required under the gravel road intersection with Raymond Road.
- ii) Transition onto the gravel road from Raymond Road to be incorporated in final design.

12/013. **Monagle/Marshall**
“That the Officer’s Recommendation be adopted.”

CARRIED 12-0

Item No.	2
Subject	Report Local Government Road Assets and Expenditure 2009/2010
Proponent:	Western Australian Local Government Association
Location:	State of Western Australia
Reporting Officer:	Executive Manager of Technical Services
File No.:	GRL004 Attachment Reg. No. 11/32065

Summary

The Western Australian Local Government Association (WALGA) have submitted the Annual Report on Local Government Road Assets and Expenditure for 2009/2010. The report enables Government and the Community to view information on each Local Governments source of funding and actual expenditure for 2009/2010 financial year. The various tables within the report also show the application of the funds to maintain, upgrade and expand the local road network.

Background

All Local Governments are required to compile data on their individual expenditure on roads and associated infrastructure including preservation of the existing road asset, renewal of existing road asset and Capital Expansion of road asset and maintenance of all infrastructure associated with the road network.

The data is based on actual costs for the various criteria as mentioned above and derived from Council’s end of financial year figures. Once the information has been compiled it is submitted to WALGA and sorted by Region.

The report then allows each Council to gauge its performance against similar local governments, to ascertain whether its road network is deteriorating and whether funding is at appropriate levels for the road asset.

The comprehensive report contains many statistical results included in tables. The tables shown at **Attachment 1 & 2** are just a sample of some of the results for the South West Region group of Councils and shows the Shire of Harvey’s performance with Income and expenditure on its road asset:

Table 20 (**Attachment 1**) – Local Government Road Expenditure Effort from Own Resources.

This table shows Local Governments with the highest and lowest road expenditure effort in each group sorted according to percent of revenue capacity spent on roads.

Comment

The Shire of Harvey has performed well in the South West Region at 37% of Revenue Capacity (own resources), however, a target of 40% would be preferred in the near future, given the age of the road network. It is, therefore, important for Council to recognise the need to continue to increase its “own resources” expenditure on the road network.

Table Appendix 12 (**Attachment 2**) – Road Expenditure by Work Categories 2009–10

This table shows where expenditure has taken place for all the Southwest Councils and percentages of expenditure spent on Maintenance, Renewal, Capital Upgrade and Capital Expansion.

Council’s preservation performance when calculating the “Required Expenditure”, compared to the “Actual Expenditure” in the last column is a reasonable result when compared to the state average.

The Roads to Recovery Program continues to be a valuable source of funds for Council to assist with reducing the backlog of road maintenance and renewal that had built up over past years. The Shire of Harvey has performed very well during the reporting period, particularly in its “Preservation Performance”. This good result also clearly reflects the benefits of Council’s continued investment in its road network and the rolling 5 year Capital Works Program.

Other funding sources for Council’s works Program have included Federal and State Blackspot programs, Roads to Recovery and Royalties for Regions. The full report is available for Council to view from the Technical Services Department.

Statutory/Policy/Environment

Part 8 of the National Land Transport Act 2005, provides mechanism to distribute finance to Local Governments for this program.

Budget Implications:

This report is useful for Council and Staff to view its performance in the past and planning for the future.

Officers Recommendation

That Council receives this report on Local Government Road Assets and Expenditure for 2009/2010 and notes the information contained in Table 20 (**Attachment 1**) and Table Appendix 12 (**Attachment 2**).

12/014. **Hollands/Monagle**
“That the Officer’s Recommendation be adopted.”

CARRIED 12-0

SIGNED _____ DATED 14th February, 2012.

CORPORATE SERVICES

Item No.	1
Subject	Telstra Corporation Ltd – Lease Renewal
Proponent:	Jones, Lang, La Salle Pty Ltd on behalf of Telstra Corporation Ltd
Location:	Portion of Reserve Number 22672 – Lots 5068 & 250 Honeymoon Road Uduc
Reporting Officer:	Executive Manager of Corporate Services
File No.:	CZ028, A002464

Summary

Jones, Lang, La Salle Pty Ltd (JLL), on behalf of Telstra Corporation Ltd has requested that its lease with the Shire of Harvey for a portion of the Reserve 22672 (Stanton Park, used as a site for a communications tower) be extended for a further term of five (5) years plus three (3) x five (5) year options commencing on 16th December 2010. Approval is recommended subject to terms and conditions.

Background

Commencing on 15th December, 1995, the Shire of Harvey entered into a lease agreement with Telstra Corporation Ltd (the Lessee), for a period of five (5) years, expiring on 15th December, 2000, which allowed for two (2) further terms each of five (5) years, with the final term expiring on 15th December, 2010. This lease is in respect to a small portion of the Recreation Reserve 22672, including access to the site, as per the attached plan.

JLL on behalf of Telstra Corporation Ltd has now indicated, in writing that it wishes to enter into a new lease for this property and is seeking a term of five (5) years with three (3) x five (5) year consecutive leases commencing 16th December, 2010. The tower also provides use by Optus under an agreement with Telstra and both parties pay an annual rent to the Shire of Harvey.

Reserve 22672 is land in Council's control by Management Order from the State Government and is held for the purpose of "Recreation and Telecommunication Facility." The Management Order provides Council with the authority to lease some or all of the land subject to approval from the Hon Minister for Lands.

Comment

Staff are not aware of any breach of the lease terms by Telstra Corporation Ltd during the course of the recent lease. There are no known unresolved difficulties arising out of the leasehold relationship between Telstra Corporation Ltd and the Shire. The lease area, approximately 9,000m² is for Telstra Corporation Ltd, for a tower and associated communications infrastructure as shown on the plan attached.

JLL has requested that any new lease be for a period of five (5) years, with three (3) x five (5) years lease options should both parties agree. The lapse in addressing the renewal of the current lease (expired in December, 2010) has been complicated by a change in property management services from United Group to the Jones, Lang, La Salle Pty Ltd for Telstra lease sites.

SIGNED _____ DATED 14th February, 2012.

Whilst the lease is to be agreed and renewed both Telstra and Optus have paid the annual rental as required by the lease which includes a 3% annual increase. For the 2011/12 period Telstra have paid \$6,376 and Optus \$4597 (both GST inclusive).

Jones, Lang, La Salle Pty Ltd have also offered that the base rent for the commencement of the new lease be set at the current rental i.e. for 2011/12 \$6,376 plus 3% increase annually.

Renewal is recommended on this basis for this type of facility.

Statutory/Policy Environment

The Management Order for Reserve 22672 (to be used for the purpose of "Recreation and Telecommunication Facility") includes approval to lease some or all of the land subject to approval from the Hon. Minister for Lands, via section 18 of the Land Administration Act 1997.

Section 3.58 of the Local Government Act 1995, requires that the disposal of property, if not completed via public auction or tender, then local public notice advertising the disposition of the land is to occur. This includes leasing of reserve land, not exempt via Regulation 30 of the Local Government (Function and General) Regulations 1996, as Telstra is now a public company and not an agency or department of the Commonwealth Government.

Budget Implications

Council will continue to receive annual rental from what would otherwise be vacant land. All documentation is prepared by Telstra's Solicitors at their expense, together with registration costs for the lease.

Officer's Recommendation

That Council, subject to the provisions of Section 3.58 of the Local Government Act 1995;

- i) agrees to lease a portion of Recreation Reserve 22672 (Stanton Park) as per the attached plan to Telstra Corporation Ltd for a term of five (5) years, with three (3) options of (5) years each, with lease term commencing 16th December, 2010.
- ii) Requires the rent be payable annually in advance for the 2011/12 year at the rate of \$5,796.37 per annum gross plus GST (total rent including GST \$6,376.00 pa);
- iii) Requires Telstra Corporation Ltd increase the rent payable annually by 3% on the anniversary of the lease commencement date;
- iv) Requires Telstra Corporation Ltd to hold a public liability insurance policy with the sum insured for not less than \$10 million.
- v) Seeks the approval from the Hon. Minister for Lands via Section 18 of the Land Administration Act 1997 for the proposed lease.

12/015. **Hollands/Wood**
"That the Officer's Recommendation be adopted."

CARRIED 12-0

SIGNED _____ DATED 14th February, 2012.

Cr's Campbell, Beech, Marshall, Lovitt and Shortland, left the Chambers at 5.05 p.m. having declared a financial interest in Item No 2, Elected Member Training – Attendance Authorisation – Western Australian Local Government Association (WALGA) – Perth (CCU629, CCU633, CCU630, CCU634 and CCU631)

At this point in the meeting Cr's Lovitt and Shortland declared a financial interest in Item No. 2 of the Corporate Services Report – Elected Member Training – Attendance Authorisation – Western Australian Local Government Association (WALGA), as they both expressed an interest in attending the Course.

Item No.	2	
Subject	Elected Member Training – Attendance Authorisation	
Proponent:	Western Australian Local Government Association (WALGA)	
Location:	Perth	
Reporting Officer:	Executive Manager of Corporate Services	
File No.:	CCU629 & CCU633	Attachment Reg. No.

Summary

Councillors Campbell and Beech have requested to attend a Western Australian Local Government Association (WALGA) Training Course. It is recommended that approval be granted.

Background

Approval to attend the course is sought in accordance with Council Policy 12.1, which deals with Councillor's Conference/Seminar expenses, amongst other items.

The Course which Councillors Campbell and Beech are seeking to attend is "Meeting Procedures and Debating for Elected Members", which is to be held on 20th February, 2012, in Perth. Due to the course running from 9:00am –1:00pm, on a single day, no accommodation would be required, however, registration and travel costs would be involved.

Comment

Councillors were requested in the "For Your Information" Bulletin of 13th January, 2012, to advise if they wished to attend the "Meeting Procedures and Debating for Elected Members" training course. Councillors Campbell and Beech both indicated that they believed that this course would be beneficial in their roles as a Councillor.

The cost of registration for this course is \$230 per Councillor.

Statutory/Policy Environment

Council Policy No. 12.1 deals with Councillors training expenses, telephone allowance, meeting attendance fees, childcare and conference/seminar expenses. Registration and travel expenses can be accommodated from Council's Conference (Governance) account.

Budget Implications

The training course has a \$230 registration fee for each Councillor attending.

Officer's Recommendation

That Council authorises Cr Campbell and Cr Beech's attendance at the "Meeting Procedures and Debating for Elected Members" training course run by WALGA for the 20th February, 2012, in Perth.

Additional Information – Acting Chief Executive Officer

Item 2 of the Corporate Services Section of the Ordinary Council Meeting Agenda, relates to a request for Cr Paul Beech and Cr Greg Campbell to attend the training course "Meeting Procedures and Debating for Elected Members", to be held in Perth on the 20th February, 2012. It has since been discovered that the training course in question is "fully booked" on the 20th February as per the attached WALGA Local Government News received at this office on Monday 23rd January, 2012. Due to the popularity of the course, an additional course has been arranged to be held on 29th February, 2012. The course is also being held on 30th April, and the 13th November, 2012, these dates not fully booked.

Cr Sue Marshall has also expressed an interest in attending the training course. After discussions with the staff at WALGA they have indicated that there may be the possibility of cancellations on the 20th February, 2011 session. It is therefore, recommended that the Officer's Recommendation of Item 2 of the Corporate Services Section of the Ordinary Council Meeting Agenda be amended to read as follows:

That Council authorises Cr Campbell, Cr Beech and Cr Marshall's attendance at the "Meeting Procedures and Debating for Elected Members" training course, in Perth, run by WALGA for either of the following dates:

20th February, 2012
29th February, 2012
30th April, 2012
13th November, 2012

Cr's Lovitt and Shortland also expressed an interest in attending the training Course.

12/016. **Monagle/Carbone**

"That Council;

- i) Authorises Cr Campbell, Cr Beech, Cr Marshall, Lovitt and Shortland's attendance at the "Meeting Procedures and Debating for Elected Members" training course, in Perth, run by Western Australian Local Government Association (WALGA) for either of the following dates:

20th February, 2012
29th February, 2012
30th April, 2012
13th November, 2012

- ii) **Requests staff contact the WALGA to investigate the possibility of the Shire of Harvey holding the training course “Meeting Procedures and Debating for Elected Members” at the Shire of Harvey offices.”**

CARRIED 7-0

Cr’s Campbell, Beech, Marshall, Lovitt and Shortland, returned to the Chambers at 5:08pm.

Item No.	3
Subject	Council Committees - Appointment of Community Representatives
Proponent:	Shire of Harvey
Location:	N/A
Reporting Officer:	Manager Community and Economic Development
File No.:	CC/C/091
	Attachment Reg. No.

Summary

This report seeks appointment by Council of community representatives on the Community Sail Training Trust Committee and the Community Safety and Crime Prevention Advisory Committee. The report also seeks Council’s endorsement of the revised Terms of Reference for the Community Sail Training Trust Committee.

Background

Under section 5.11 of the Local Government Act 1995 the tenure of membership on Council Committees expired on Council Election Day (15th October 2011) and all positions become vacant on that day.

Previous reports to the October, November and December 2011 Council Meetings have presented nominations from community representatives to serve on various committees. Some further nominations have been received and are presented for Council’s consideration and endorsement.

Comment

This report recommends that Council appoint the following community representatives onto Council Committees for the period expiring in October 2013, when the next Local Government Elections are held;

Community Sail Training Trust Committee

Des Rose	Rotary Club of Harvey
Fred Talbot	Lions Club of Brunswick Junction
Glenda Mongan	Lions Club of Australind
Norman Stanford	Lions Club of Harvey
Gary Van Burel	Community Representative

SIGNED _____ DATED 14th February, 2012.

Community Safety and Crime Prevention Advisory Committee

Deanne Fleay Community Representative

Updated Terms of Reference have also been prepared for the Community Sail Training Trust Committee and are presented for Council's consideration and endorsement as an **attachment** to the report.

Statutory Environment

Section 5.10 of the Local Government Act (1995), refers to the Appointment of Committee members.

Appointment of Committee members requires an Absolute Majority decision by Council.

Budget Implications

N/A

Officer's Recommendation

That Council:

1. Appoints community representatives onto Council Committees for the period up until the next Local Government Elections in October 2013 as follows:

Community Sail Training Trust Committee

Des Rose	Rotary Club of Harvey
Fred Talbot	Lions Club of Brunswick Junction
Glenda Mongan	Lions Club of Australind
Norman Stanford	Lions Club of Harvey
Gary Van Burgel	Community Representative

Community Safety and Crime Prevention Advisory Committee

Deanne Fleay Community Representative

2. Endorses the revised Terms of Reference as attached to the Agenda for the Community Sail Training Trust Committee

ABSOLUTE MAJORITY REQUIRED

12/017.

Hollands/Bertolini

"That the Officer's Recommendation be adopted."

CARRIED BY ABSOLUTE MAJORITY 12-0

Item No.	4
Subject	Leschenault Recreation Park Pavilion
Proponent:	Shire of Harvey
Location:	Leschenault Recreation Park, Australind
Reporting Officer:	Manager Community and Economic Development
File No.:	F000135
	Attachment Reg. No.

Summary

This report provides an update on the status of the proposal to construct a new sporting and community pavilion at Leschenault Recreation Park and recommends that Council support the proposal to apply to the Department of Regional Development and Lands (DRDL), for a grant of \$2,821,312 to assist with the construction cost of the new facility, and invite tenders for architectural services for the project.

Background

Previous reports to Council have provided information on the need for staged development of Leschenault Recreation Park (LRP) playing fields to cater for the growing population in local and regional communities. The construction of an additional 13.5 ha of playing fields at Leschenault Recreation Park was completed in early 2011 year and officially opened by the Shire President on 8th July, 2011.

The total cost of the project was over \$4.6 million and was funded through a combination of Federal Government, State Government and Council funds. The State Government Department of Sport and Recreation (DSR), contributed a grant of \$370,000 to stage 1 and the Federal Government provided a grant of \$3.29 million to stage 2. The Shire of Harvey also contributed approximately **\$1 million** in cash and in-kind.

The next stage of development at LRP, and an important strategic priority for Council, is the construction of a new sporting and community pavilion to service the expanded playing fields and meet the needs of the growing local and regional communities.

Concept plans for the proposed new facility were completed in October 2010, following consultation with sporting clubs based at LRP. These plans have been used to support previous funding applications to the Department of Sport and Recreation (DSR) and the Department of Regional Development and Lands (DRDL).

The cost estimate to construct the new pavilion based on the current design is **\$4.65 million**.

The funding proposal put forward in a report to the Council meeting held on 26th October, 2010 was as follows:

<i>Shire of Harvey</i>	<i>\$500,000</i>
<i>Dept of Sport & Recreation</i>	<i>\$1,551,026</i>
<i>Dept of Regional Development</i>	<i>\$2,602,054</i>
Total	\$4,653,080

A report to the Council Meeting held on 31st May, 2011 advised that DSR had approved a grant of \$693,000, which represented one third of the cost of the change rooms component of the proposed pavilion only.

The application submitted to the DRDL (Royalties for Regions - Country Local Government Fund) in 2011, was unfortunately not successful.

This report provides an update on the status of the project and canvases some possible options to progress this important community facility.

Comment

Confirmed funding for the project includes the DSR grant of \$693,000, plus Council's contribution of \$500,000 i.e. \$1,193,000. If Council wishes to retain the current concept design, this leaves a shortfall of **\$3,457,000**.

An additional funding application was submitted to the DRDL (Royalties for Regions – Action Agenda Funding Round) in July 2011, seeking a grant of \$3,457,000, which is the full amount of the shortfall. The outcome of this application was originally to be announced in October/November 2011, however, the latest advice from the DRDL is that it won't be until February, 2012 that the outcome is known.

It is also proposed to reapply to the Country Local Government Fund (CLGF) for a grant of **\$2,821,312**. At the most recent meeting of the Bunbury Wellington Group of Councils held on 20th December 2011, the Group resolved to support the Shire's application for a grant of \$2,821,312. Applications for the next funding round close on 28th February, 2012 and Shire has a good chance of being successful with that application. If the Action Agenda grant application is successful, or partly successful, the amount of CLGF application would be reduced accordingly.

Following recent discussions with the DSR Regional Manager, it would appear unlikely that the Shire would be successful in attracting additional funds from DSR for the project in the next funding round. The Shire would have the option of relinquishing the approved grant of \$693,000, redesigning the building and reapplying for a grant of one third of the total cost. This would be a risky strategy however, and there would be no guarantee that a larger grant would be approved.

Although there is a reasonably good chance that at least one of the two applications to the DRDL will be successful, there are no guarantees that grants for the full amount of the shortfall will be approved. The most likely funding scenario for the project is based on the assumption that the Shire will receive a grant of \$2,821,312 from DRDL (CLGF), but not receive any funding from the Action Agenda program. This is shown as follows:

Shire of Harvey	\$500,000
Dept of Sport & Recreation	\$693,000
Dept of Regional Development	<u>\$2,821,312</u>
Total	\$4,014,312

Should the above funding scenario eventuate, the following options are presented for consideration:

SIGNED _____ DATED 14th February, 2012.

Option 1 – Review the Design and Scope

The draft concept design provides a two storey building with a large function room, bar, cool room, kitchen and toilets on the second storey, and change rooms (4), toilets, referees room, players warm up area, coaches briefing room, first aid room, canteen, store room, office and tiered seating on the ground floor.

An allocation of \$110,000 has been included in Council's 2011-12 Budget to undertake detailed design and documentation for the project. A normal part of this process would be to undertake a critical review of the concept design before proceeding to detailed design.

Whilst the option of a two storey building does have advantages where there is a shortage of space or a need for elevation to enhance spectator viewing, this is not the case at LRP. The main disadvantage is that a double story facility does add to the cost and creates the need for a disabled access ramp and a service lift.

Regardless of the outcome of the DRDL funding applications, it would be recommended that a critical review of the concept design be undertaken as part of the detailed design and documentation phase. If Council is supportive of this approach there may be the opportunity for savings on the construction cost whilst still retaining the main elements of the current design.

Although full funding for the project is yet to be secured, it is recommended that Council invite tenders for detailed design and documentation and commence this process. It is estimated that detailed design would take about 4-5 months to complete and include steps such as preparing the detailed design brief, inviting and evaluating tenders, appointing an architect and preparing all plans and specifications. The advantage of this approach is that it allows Council to undertake this critical stage of the project, whilst awaiting the outcome of the grant applications. The plans and specifications could be prepared in such a way that would allow the construction to occur as a single stage or in two stages, if full funding was not approved.

This is the recommended option.

Option 2 – Wait until the outcome of grant applications is known

This option would be to wait for the outcome of the grant applications before commencing detailed design and documentation. The outcome of the Action Agenda grant application is likely to be announced by the end of February, 2012 and the CLGF by mid 2012.

The advantage of this approach is that it allows Council to have a clearer picture of the funding situation, which in turn may influence the design and scope of the project. The main disadvantage is that little progress is made whilst awaiting the outcome of the grant applications. The other concern with this approach is that a condition of the DSR grant is that the project must be completed by 30th June, 2013 and if no progress is achieved in the next six months or so, it would not be possible to meet this deadline.

Option 3 – Staged Construction

Under this option, if Council wished to retain the current draft design it could elect to construct the building in two stages i.e.

- | | |
|---------|---|
| Stage 1 | Change rooms, store rooms and canteen. |
| Stage 2 | Social room/clubroom, kitchen/canteen & meeting room. |

The advantage of this option is the reduced cost for the initial stage and it would allow the most urgent need for change rooms and storage facilities to be met in the short term (1-2 years). Council would then have the opportunity to hopefully secure the balance of funding for stage 2 within a 3-4 year timeframe.

The main disadvantages with this option are the additional costs associated with staged construction and the disruption that would occur during the construction period. The other disadvantage would be the delay in the completion of the social room/clubroom component of the new facility.

If the CLGF grant application is successful, the majority of funding for the project would be in place and staged construction would not be recommended.

Option 4 – Council to make up the shortfall

If grant funding for the full amount of the shortfall is not approved, and Council wishes to retain the current concept design, it does have the option of increasing its own contribution to make up the balance.

Subject to the outcome of the two applications to the DRDL Council may wish to consider this option, however, at this time it would be considered premature.

In summary, for the reasons outlined in this report the recommended approach is as per option 1 of the report. It is recommended that Council:

1. Supports the proposal to submit a grant application to the Department of Regional Development and Lands (Royalties for Regions - Country Local Government Fund), seeking a grant of \$2,821,312 for the LRP Pavilion.
2. Invites tenders for architectural services for the LRP Pavilion, including detailed design and documentation and a critical review of the current concept design.
3. Receives a further report on the proposal to construct a new sporting and community pavilion at LRP once the outcome of the grant applications to the DRDL are known.

Statutory/Policy Environment

- Local Government Act (1995) – Section 3.57, Tenders for providing goods or services
- Local Government Functions and General Regulations (1996), Division 2, Part 4, Section 11, Tenders to be invited for certain contracts.

Budget Implications

An allocation of \$110,000 is provided in Council's 2011-12 Budget for detailed design and documentation of the LRP Pavilion.

Officer's Recommendation

That Council:

1. Supports the proposal to submit a grant application to the Department of Regional Development and Lands (Royalties for Regions - Country Local Government Fund), seeking a grant of \$2,821,312 for the Leschenault Recreation Park Pavilion.
2. Invites tenders for architectural services for the Leschenault Recreation Park Pavilion, including detailed design and documentation and a critical review of the current concept design.
3. Receives a further report on the proposal to construct a new sporting and community pavilion at Leschenault Recreation Park once the outcome of the grant applications to the Department of Regional Development and Lands are known.

12/018. **Wood/Monagle**
"That the Officer's Recommendation be adopted."

CARRIED 12-0

Item No.	5
Subject	Harvey Pre - Primary Centre – Options for Future Use
Proponent:	Shire of Harvey
Location:	Lot 41 Gibbs Street, Harvey
Reporting Officer:	Manager Community and Economic Development
File No.:	A001860
	Attachment Reg. No.

Summary

This report considers options for the future use of the former Harvey Pre – Primary Centre at Lot 41 Gibbs Street and recommends that Council supports the approach outlined under option 3 of the report.

Background

Lot 41 Gibbs Street, Harvey is owned by the Shire and has been leased to the Department of Education (DOE) for many years for its Kindergarten and Pre – Primary programs. The land is zoned "Special Use – Other Community" and is 1,517m² in area.

The current lease expired on 31st December, 2011 and the DOE has confirmed that it will be relocating the Pre – Primary program onto the School premises, and does not wish to renew the lease. Arrangements have been made for an inspection of the premises by Shire and DOE staff to identify any restoration or repair works that may need to be done by the DOE in accordance with the conditions of the lease.

SIGNED _____ DATED 14th February, 2012.

The relocation of the Pre – Primary School program requires Council to consider the future use of these premises.

Letters have been received from the Harvey Community Resource Centre (HCRS) and Harvey Community Playgroup (see **Attachment 1 & 2**) expressing an interest in relocating to the old Pre – Primary premises when it becomes available.

This report presents some options for consideration by Council, both in the short term and longer term.

Comment

A summary of the two proposals that have been received are as follows:

Harvey Community Resource Centre

Harvey Community Resource Centre is a not for profit community based organisation that provides local residents with access to communications technology, plus various other services. Annual funding is provided by the Department of Regional Development and Lands to employ a part time Manager, plus operating costs.

HCRC currently lease privately owned premises in the “Piazza San Paolo”, that are inadequate for existing activities and provide little scope for expansion of services.

Council provides an annual contribution (\$8,000 in 2011-12) to HCRC to assist with rental costs.

Hours of operation are Monday – Friday, 10am – 5pm. The Centre is staffed by the part time Manager and a small team of volunteers.

The HCRC’s proposal is to lease the premises from the Shire and apply for grants to modify the building to make it fit for purpose.

Harvey Community Playgroup

The Playgroup currently operates one morning each week from the RSL Hall in Becher Street and wishes to relocate to more suitable premises. The reasons for the Playgroup wanting to move to the former Pre – Primary premises include:

- The Pre – Primary has appropriate toilet facilities for young children that are located inside the building whereas the RSL Hall has normal toilets located outside the main hall.
- The existing hall is cold in winter and hot in summer.
- The Pre – Primary is designed to be used as a play and learning environment with a suitable outdoor area.
- At the RSL Hall there is a requirement to pack away all equipment at the end of each session which may dissuade some parents from attending.

- More suitable premises would allow the Playgroup to possibly expand their program and invite professional workers, such as speech therapists and occupational therapists to attend sessions.

The following options are presented for consideration for the future use of the former Pre-Primary premises at Lot 41 Gibbs Street, Harvey:

Option 1 – Lease or Hire the premises

Under this option Council would lease or hire the premises to either the Harvey Community Resource Group or the Harvey Playgroup.

The option of the two groups sharing the building has been investigated but is not considered to be a workable situation. If Council's preference was to lease the premises to the HCRC, considerable expense would be incurred to modify the building to make it suitable. This would include installing partitions for rooms and offices, creation of a reception area and replacement of the small toilets with adult and disabled toilets. Such modifications would make the building unsuitable as a playgroup facility.

If Council's preference was for the premises to be available for the Playgroup, there is some question as to whether the Playgroup would have the capacity to properly maintain the facilities under a lease agreement. The Playgroup is a relatively small group with limited financial resources and it is likely that hiring the building from the Shire at the appropriate hourly rate would be more viable than leasing. This would leave the facility available for hire by other parties, but would also require the Shire to accept responsibility for operating expenses associated with the premises including maintenance of the building and gardens.

Option 2 – Advertise seeking expressions of interest

This option would see Council advertise locally inviting Expressions of Interest from community groups to lease, or hire the premises. It is possible that there may be other community organisations interested in using the building and Council might consider it appropriate to advertise to ensure that any other interested community groups have the opportunity to put forward their proposal.

Option 3 – Dispose of the Land and Premises

A number of community services and groups operate from various premises in the Harvey Town Centre, in most cases from single purpose buildings. As these buildings approach the end of their lifespan and either need to be substantially upgraded or replaced, there is good case for consolidating a number of services and programs within a multi purpose Community Centre building.

The traditional practice of providing stand alone single purpose buildings for each community organisation is no longer viable and the modern approach is to create community "hubs" of activity within a shared use multi purpose facility. Although some informal discussions have occurred about investigating the viability of such a concept for Harvey, the matter has not been formally considered by Council.

If Council did wish to investigate the viability of a multi purpose community centre in the Harvey Town Centre the first step would be to undertake a Needs Assessment and Feasibility Study, to

assess the need and feasibility of the proposal. The cost to do such a study would be in the order of \$50,000.

Should Council decide to further investigate the feasibility of this approach, and the study was to indicate that this was an appropriate and viable longer term strategy for the Shire to pursue, Council may wish to consider rezoning and selling Lot 41 Gibbs Street and using the proceeds as its contribution towards a new multi purpose community facility.

If Council was supportive of the approach outlined under this option, it is considered unlikely that any new facility would be built in the short term. That being the case, an appropriate way to proceed may be to lease or hire the Gibbs Street premises to a local community group for a relatively short term (say 5 years with an option of a further five years) and include a clause that allows the tenant to relocate to a new facility should that eventuate during the term of the lease. Within that period of time Council would have done the study and decided whether or not to proceed with the multi purpose community centre concept.

In summary, the relocation of the Pre – Primary School program requires Council to consider the future use of Lot 41 Gibbs Street, Harvey and the report presents three options for preliminary consideration.

The short term approach would be to find a suitable tenant for the premises as per options 1 or 2. If option 1 is the preferred approach, it would be recommended that Council supports the proposal from the Harvey Community Resource Centre to relocate to the old Pre – Primary premises subject to receipt of a more detailed proposal and compliance with all planning, health and building requirements. Whilst there appears to be a need for the Playgroup to find more suitable premises, the current program operates one morning a week and it would be difficult to justify that activity providing a greater community benefit than the HCRC, which arguably has a stronger need and provides a range of services to the wider community.

The recommended and more strategic approach for Council to adopt would be as per option 3 of the report. If this was the preferred approach, it would be recommended that Council:

1. Notes the expiry of the Lease Agreement with the Department of Education for Lot 41 Gibbs Road, Harvey and the relocation of the Pre – Primary program onto the School premises.
2. Considers the future use of Lot 41 Gibbs Road, Harvey and supports the approach outlined under option 3 of the report.
3. Lists for consideration of funding in its 2012-13 Draft Budget an amount of \$50,000 for a study to assess the need and feasibility of providing a multi purpose community centre in the Harvey Town Centre.
4. Supports the proposal from the Harvey Community Resource Centre to relocate to the old Pre – Primary premises at Lot 41 Gibbs Road, Harvey, subject to receipt of a more detailed proposal and compliance with all planning, health and building requirements.

Statutory/Policy Environment

N/A

Budget Implications

- The report recommends that an amount of \$50,000 be listed for consideration of funding on Council's Draft 2012-13 Budget for a study to assess the need and feasibility of a multi purpose community centre in the Harvey Town Centre.
- The expiry of the Lease Agreement with the DOE on 31st December, 2011 will require Council to accept responsibility for insurance and maintenance of the premises in the short term. The likely cost for the balance of the 2011-12 financial year is estimated to be approximately \$5,000 and will be costed to the Central Reserve maintenance account.

Officer's Recommendation

That Council:

1. Notes the expiry of the Lease Agreement with the Department of Education for Lot 41 Gibbs Road, Harvey and the relocation of the Pre – Primary program onto the Primary School premises.
2. Considers the future use of Lot 41 Gibbs Road, Harvey and supports the approach outlined under option 3 of the report.
3. Lists for consideration of funding in its 2012-13 Draft Budget, an amount of \$50,000 for a study to assess the need and feasibility of providing a multi purpose community centre in the Harvey Town Centre.
4. Supports the proposal from the Harvey Community Resource Centre to relocate to the old Pre – Primary premises at Lot 41 Gibbs Road, Harvey, subject to receipt of a more detailed proposal and compliance with all planning, health and building requirements.

12/019. **Beech/Campbell**
“That Council:

1. **Notes the expiry of the Lease Agreement with the Department of Education for Lot 41 Gibbs Road, Harvey and the relocation of the Pre – Primary program onto the Primary School premises.**
2. **Considers the future use of Lot 41 Gibbs Road, Harvey and supports the approach outlined under option 3 of the report.**
3. **Lists for consideration of funding in its 2012-13 Draft Budget, an amount of \$50,000 for a study to assess the need and feasibility of providing a multi purpose community centre in the Harvey Town Centre.**

4. Invites expressions of interest from Community Groups, by way of advertising for a period of 21 days in the local press for use of the building. Such submissions together with the two already received be presented to Council for a determination. ”

CARRIED 8-4

Item No.	6
Subject	Meetings for Coming Months
File No.:	CCC001

Meeting	Location	Day	Date	Time
Yarloop Townscape Strategy Advisory Committee	Yarloop	Wednesday	01/02/12	10:30am
Development Services Committee	Chambers	Tuesday	07/02/12	4.00pm
Leeuwin Community Sail Training Trust Committee	Chambers	Tuesday	14/02/12	12:00pm
Corporate Services Committee	Chambers	Tuesday	14/02/12	2:00pm
Council	Chambers	Tuesday	14/02/12	4:00pm
Bush Fire Advisory Committee	Chambers	Monday	20/02/12	7:00pm
Disability Access and Inclusion Advisory Committee	Chambers	Tuesday	21/02/12	1:00pm
Leschenault Leisure Centre Advisory Committee	LLC	Friday	24/02/12	8.00am
Development Services Committee	Chambers	Tuesday	28/02/12	4:00pm

Officer’s Recommendation

That the Meetings for Coming Months be noted.

12/020. **Hollands/Monagle**
“That the Officer’s Recommendation be adopted.”

CARRIED 12-0

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Cr. Carbone put forward the following motions for consideration at the Council meeting on Tuesday, 24th January, 2012;

Carbone/.....

“That Council provides an information brochure, which has been prepared to the satisfaction of the Department of Environment, to all neighbouring landholders where roadwork’s or construction materials are used which details but is not limited to the following:

- *The raw material is considered to be “uninterpretable” and may therefore contain Phytophthora Dieback;*
- *The Shire of Harvey will not use any raw material adjoining any vegetation which is known to be susceptible to Phytophthora Dieback;*
- *A list of vegetation which is known to be susceptible is to be attached;*
- *The Shire of Harvey is to retain a register of neighbours to which the above information has been provided. A copy of which is to be tabled annually.*

Additional Information – Manager of Planning Services

Background information – Dieback Information Brochure

In response to concerns regarding the potential spread of Dieback within the Shire and to achieve a higher level of public awareness of the disease, in September 2010 Council, upon communication with DEC began to impose the following condition on Extractive Industry approvals:

“The applicant is to provide the Shire with a copy of a statutory declaration signed by each purchaser of extracted material acknowledging that the soil may contain dieback and will not be used adjacent to vegetation susceptible to the disease. The applicant is to provide each customer with a list of vegetation species susceptible to the disease as determined by the DEC, so that customers can determine the suitability of use of the material.”

The enforcement of a Statutory Declaration was subsequently reconsidered and deemed to be too onerous for all parties. In response the condition was reworded, again with input from DEC, to read as follows:

- a) ***Provide an information brochure, which has been prepared to the satisfaction of the Department of Environment and Council, to all purchasers of material from the approved pit detailing, but not limited to, the following:***
 - i) ***The extracted material is considered to be “uninterpretable” and may therefore contain Phytophthora Dieback;***
 - ii) ***The extracted material should not be used adjoining any vegetation which is known to be susceptible to Phytophthora Dieback;***

- iii) *A list of vegetation which is known to be susceptible is to be attached.*
- b) *Retain a register of purchasers to which the above information has been provided. A copy of which is to be included with the annual audit report, provided by the proponent to Council, demonstrating compliance with all planning conditions prior to the renewal of the extractive industry licence.*

Council's intent when imposing this condition is for the 'producer or supplier' of the material to be the initial and sole source of providing information to all purchasers, which includes the Shire, as it does not operate any of its own pits. The number of different uses the material may be used for within and external the Shire is extensive and therefore, the need for any purchaser to inform adjoining landowners of its status is considered impractical. For Example – If the material was to be purchased by an individual or contractor wishing to build a drive way or verge treatments, would those parties be required to provide their neighbours with such advice?

In the event that Council is required to advise adjoining landowners when road works are undertaken with potentially affected material, this is again considered impractical. Often works are not undertaken by Council, or the contractor is the supplier of the material and the material may be sourced from different pits (possibly external to the Shire), for the one project. To this end, the provision of information from the original source, being the pit operator is most appropriate.

Carbone/.....

"That Council provides an information brochure, which has been prepared to the satisfaction of the Department of Environment, to all neighbouring landholders where roadwork's or construction materials are used which details but is not limited to the following:

- *The raw material is considered to be "uninterpretable" and may therefore contain Phytophthora Dieback;*
- *The Shire of Harvey will not use any raw material adjoining any vegetation which is known to be susceptible to Phytophthora Dieback;*
- *A list of vegetation which is known to be susceptible is to be attached;*
- *The Shire of Harvey is to retain a register of neighbours to which the above information has been provided. A copy of which is to be tabled annually.*

THE MOTION LAPSED DUE TO NO SECONDER

Carbone/.....

That the Shire of Harvey employs the services of a constitutional lawyer to ensure that the \$0.50/ cubic metre roads levy collected by the Shire of Harvey is constitutional."

Acting Chief Executive Officer Comment

The Department of Local Government advise that Cr Carbone would need to comply with the provisions of "Division 6 – Disclosure of Financial Interests", Sections 5.59 to 5.73

(both inclusive) of the Local Government Act 1995 as these relate to this notice of motion.

Clause 3.9 within the Shire of Harvey Standing Orders Local Law 2001, provides direction and the procedure to be followed in respect to "Motions of which Previous Notice has been Given".

Cr. Carbone withdrew his notice of motion as listed above.

12. NOTICE OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil

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

Nil

14. REPORTS OF MEMBERS

Cr. Wood

Cr. Wood reported on attending the following;

- **Rotary Club meeting where there was support for the overnight/ short stay caravan parking idea.**
- **Hocart Lodge board meeting.**

Mr M Stewart left the meeting at 5:34pm.

Cr. Campbell

Cr Campbell reported attending the following;

- **Leschnault Progress Association meeting together with Cr. Shortland.**
- **Skate Park Clinic, one held in Australind on 23 January and another in Harvey on 24 January, both venues well attended.**

Regional Road Group – Meeting 12 December 2011

Cr. Beech reported on his attendance at this meeting together with the Executive Manager of Technical Services. Some of the major items discussed included;

- **Commodity Route Funding replacing the Timber Industry Funding Program that would now consider the Shire of Harvey in terms extractive industries.**

- **Regional Road Group Projects for 2012/13 agreed, Harvey having four projects valued at \$625,000.**
- **Timber bridges are to be treated as key infrastructure, so Main Roads has a program to clear vegetation for ten metres around each bridge.**

Cr. Lovitt

Cr. Lovitt reported on attending the following;

- **District Health Advisory Committee meeting held in December.**
- **Yarloop Workshop meeting and Christmas function together with Cr. Jackson. Noted that the building works look good.**

Cr. Jackson

Cr. Jackson reported on attending the following;

- **Function in Busselton on 21 January where “City” status was proclaimed on the Shire of Busselton by the Minister for Local Government.**
- **Teleconference with members of the South West Zone of Western Australian Local Government Association, together with Cr. Hollands and Acting CEO to discuss a joint position on the submission proposed by WALGA on the “Metropolitan Local Government Review” for presentation to the Metropolitan Local Government Review Panel. The Zone resolved that no comment be offered at this stage as members were unsure of how the proposed model would impact on the structure of local Government in country and regional areas and may make comment following the Committee’s first report release. Furthermore individual Councils would have to consider the report.**

15. ORDERS OF THE DAY

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

1. Section 70A – Lot 50, No. 365 Seven Hills Road, Roelands, on diagram 12756 – The presence of a second dwelling will not be the basis for any subdivision application. The dwelling on the eastern side of the property is to be used for the purpose of a short stay accommodation only.

Prepared By
Shire of Harvey

12/021. **Hollands/Lovitt**
“That the Officer’s Recommendation be adopted.”

SIGNED _____ DATED 14th February, 2012.

CARRIED 12/0

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

Nil.

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

Nil.

18. CLOSURE

There being no further business to discuss, the meeting was declared closed at 5:43pm.

I, Tania Gae Jackson, certify that the aforesaid Minutes of the meeting held on Tuesday, 24th January, 2012 are confirmed as a true and correct record of that meeting on Tuesday, 24th January, 2012.

Tania G. Jackson
SHIRE PRESIDENT