



Shire of Harvey

**ORDINARY COUNCIL
MEETING**

MINUTES

19th June, 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, 19th June, 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

15th June, 2012.

A G E N D A

A. OFFICIAL OPENING

The Shire President opened the meeting at 4.00 p.m.

B. PUBLIC QUESTION TIME

Nil.

C. READING FROM A BOOK OF LEARNING AND WISDOM

Read by Cr. Sabourne.

D. APOLOGIES/LEAVE OF ABSENCE

Leave of Absence: Cr. Monagle

SIGNED _____ DATED 10th July, 2012.

E. DECLARATIONS OF MEMBERS' AND OFFICERS' PERSONAL INTEREST

Cr. Hill declared an impartiality interest in Item 7.10 of the Corporate Services Committee Minutes, "Southern Seawater Desalination Plant community Benefits Package – Budget Submissions".

Reason

Cr. Hill's Mother is the Secretary of the Binningup Christian Youth Camp Committee. Cr. Hill advised that she would leave the Chambers for the discussion of this item.

Cr. Hill declared a proximity interest in Item No. 1 of Technical Services, "2012/2013 Capital Works Program".

Reason

Cr. Hill owns property within McKenna Mews and works are listed for this area within the program. Cr. Hill advised that she would leave the Chambers during discussion of this item.

Cr. Beech declared an impartiality interest in Item No. 6 of the Planning Report, "Application for Planning Consent – "Use Not Listed"– Fire Wood Supply – S. Lewer – Lot 115 (299) Uduc Road, Harvey".

Reason

The applicant and owners of the premises where the business is to be conducted are family friends and colleagues in another association he is involved with. Cr. Beech advised that he would consider the matter on its merits.

Cr. Bertolini declared a proximity interest in Item No. 1 of the Planning Report, "Application for Planning Consent – Proposed Seven Grouped Dwelling – Development – Ventura Homes on Behalf of the Department of Housing – Lot 765 (2) Star Street, Australind".

Reason

Cr. Bertolini is a leaseholder within the Treendale Shopping Centre. Cr. Bertolini advised that he would leave the Chambers for the discussion of the item.

Cr. Bertolini declared a proximity interest in Item No. 3 of the Planning Report, "Modified Treendale District Centre Structure Plan – Town Planning Management Engineering (TME) representing Treendale – Treendale Estate, Australind".

Reason

Cr. Bertolini is a leaseholder within the Treendale Shopping Centre. Cr. Bertolini advised that he would leave the Chambers for the discussion of the item.

Cr. Bertolini declared a proximity interest in Item No. 1 of Technical Services, "2012/13 Capital Works Program".

Reason

Cr. Bertolini owns property on Travers Drive, Brunswick Townsite and Old Coast Road and works are included within the program for these areas. Cr. Bertolini advised that he would leave the Chambers for the discussion of this item.

Cr. Bertolini declared an impartiality interest in Item No. 1 of the Corporate Services Report, "Application for Exemption to Keep More than the Prescribed Number of Dogs".

Reason

The applicants for this item are members of an association in which Cr. Bertolini is a member. Cr. Bertolini advised that he would leave the Chambers for the discussion of this item.

Cr. Campbell declared an impartiality interest in Item No. 5 of the Planning Report, "Scheme Amendment No. 101 – Hope Christian College – Lot 42 Government Road, Roelands."

Reason

Cr. Campbell has children attending the Hope Christian College. Cr. Campbell advised that he would leave the Chambers for the discussion of this item.

Cr. Marshall declared an impartiality interest in Item No. 7.10 of the Corporate Services Committee Minutes "Southern Seawater Desalination Plant Community Benefits Package – Budget Submissions".

Reason

There is an application for funding for the Binningup Christian Youth Camp within this item and Cr. Marshall is the Shire delegate for this Group. Cr. Marshall advised that she would deal with the matter on its merits.

Cr. Marshall declared an impartiality interest in Item No. 4 of the Corporate Services Report, "Harvey Diversion Drain Artwork Project – Harvey Main Street Committee - Uduc Road, Harvey".

Reason

Cr. Marshall's husband has been involved with the Community Group promoting the project for Harvey.

F. PETITIONS/DEPUTATIONS

- | | | |
|----|--|----------------------------------|
| 1. | Modified Treendale District Centre Structure Plan – Town Planning Management Engineering (TME) representing Treendale – Treendale Estate, Australind | Mr. K. Coote and
Mr. C. Platt |
|----|--|----------------------------------|

G. CONFIRMATION OF MINUTES**ORDINARY COUNCIL MEETING – Tuesday, 29th May, 2012****Recommendation**

That the Minutes of the Council Meeting held on Tuesday, 29th May, 2012, 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 Committee Minutes	24 th May, 2012
Community Safety and Crime Prevention Committee Minutes	28 th May, 2012
Work Safety Committee Minutes	7 th June, 2012
Corporate Services Committee	19 th June, 2012

J. MATTERS BEHIND CLOSED DOORS (under Section 5.23 (2) of the Local Government Act, 1995)

Nil.

K. REPORTS BY OFFICERS OF COUNCIL**PLANNING REPORT**

1	Application for Planning Consent – Proposed Seven Grouped Dwelling –Development – Ventura Homes on Behalf of the Department of Housing – Lot 765 (2) Star Street, Australind	13
2	Lot 10 (No. 41) Old Coast Road, Australind – Proposed Extension Australind Tavern (Formerly Collie Bridge Tavern) – South Coast Design representing the Bridge Bar Pty Ltd – Lot 1 (A003516)	20
3	Modified Treendale District Centre Structure Plan – Town Planning Management Engineering (TME) representing Treendale – Treendale Estate, Australind	24
4	Lot 144 (23) Garfield Drive, Australind – Request to Modify Conditions of Planning Consent – Family Day Care – Casey Duncan – Lot 144 (23) Garfield Drive, Australind	32
5	Scheme Amendment No. 101 – Hope Christian College – Lot 42 Government Road, Roelands (A004892 & P001101)	37
6	Application for Planning Consent – “Use Not Listed” – Fire Wood Supply – S. Lewer – Lot 115 (299) Uduc Road, Harvey (A002668)	41
1	Proposed Shed and Variation to Required Setback – Peter Fiorenza – Lot 84 (59) Fifth Street, Harvey	46
2	Closure of Private Road being Lot 77 on Diagram 3129 – Harley Global Representing G. & O. van Burgel (A002708, S145313 & R000002)	49

HEALTH REPORT

1	Mosquito Borne Disease Control – 2011/2012 – Principal Environmental Health Officer – Shire of Harvey (HSH005)	55
2	Richardson Road Landfill Site, Licence Condition Amendments – Department of Environment and Conservation (A007458)	64
3	Regional Waste Education Program – Wellington Group of Council’s (HSA009)	70

BUILDING REPORT

1	Building Applications Received – Building Licenses Issued (BSR017)	75
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TECHNICAL SERVICES

1.	2012/13 Capital Works Program	75
2	Five Year Plant Replacement	77
3	Steam Weed control Trial	79

CORPORATE SERVICES

1.	Application for Exemption to Keep More Than The Prescribed Number of Dogs – Murray Wooldridge – 1 Martin Court, Binningup	81
2.	Delegations Register 2012 Review	83
3.	Stirling's Cottage Tea Rooms – Lease Renewal and Assignment – Mrs. Maria Parravicini – Lessee – Part of Reserve 42152, James Stirling Place, Harvey	85
4.	Harvey Diversion Drain Artwork Project – Harvey Main Street Committee – Uduc Road, Harvey	88
5.	Meetings for Coming Months	92

K. 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. Marshall
2. Cr. Shortland
3. Cr. Hollands
4. Cr. Campbell
5. WA Week Dinner – Leschenault Leisure Centre
6. Cr. Jackson

O. ORDERS OF THE DAY**P. MOTIONS WITHOUT NOTICE (by permission of majority of members)**

Nil.

Q. MATTERS BEHIND CLOSED DOORS (Under Section 5.23 (2)(c) of the Local Government Act, 1995)**R. CLOSURE**

SIGNED _____ DATED 10th July, 2012.

SHIRE OF HARVEY

HERITAGE ADVISORY COMMITTEE

MINUTES OF THE MEETING OF THE HERITAGE ADVISORY COMMITTEE
HELD ON THURSDAY, 24TH MAY, 2012, IN THE COUNCIL CHAMBERS,
YOUNG STREET, HARVEY, COMMENCING AT 1:00 P.M.

ATTENDANCE

Presiding Member	Cr. E. Hill
	Cr. A. Lovitt
	Ms. W. Dickinson
	Ms. M. Lofthouse
Planning Officer	Mr. S. Potter

1. **OFFICIAL OPENING**

Cr. Hill opened the meeting at 1:08pm

2. **APOLOGIES**

Manager of Planning Services	Mr. S. Hall
Principal Building Surveyor	Mr. M. Stewart
	Mr. R. Knight
	Ms. K. Davis

3. **PUBLIC QUESTION TIME**

4. **DECLARATION OF MEMBERS' AND OFFICERS' INTEREST**

5. **CONFIRMATION OF PREVIOUS MINUTES**

The Minutes of the Heritage Advisory Committee held on Thursday, 1st March, 2012, are attached hereto.

ATTACHMENT

Recommendation

That the Minutes of the Meeting held on Tuesday, 1st March, 2012, as attached, be confirmed as a true and correct record.

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HA12/003. **Dickinson/Lovitt**
"That the Officer's Recommendation be adopted."

CARRIED 5-0

6. **REPORTS**

Item No.	6.1
Subject	Scheme Amendment No. 98
Reporting Officer:	Planning Officer (SP)/Manager Planning Services
Location:	Shire of Harvey
File No.:	P001098

Summary

At its meeting of the 21st June, 2011 Council resolved to initiate Scheme Amendment 98 which seeks to update and streamline heritage provisions within District Planning Scheme (DPS) No. 1 in accordance with the Model Scheme Text (MST). The amendment was subsequently advertised with five (5) submissions received including correspondence from the Heritage Council of WA (HCWA) which recommended additional changes be considered to incorporate all of the heritage provisions contained within the MST.

The recommended changes have been included and the matter is presented to Council for final consideration. It is recommended that Council, pursuant to Section 75 of the *Planning and Development Act 2005*, grants final approval for the revised omnibus amendment and forwards the matter to the Minister for final consideration.

Background

The Shire of Harvey is undertaking a comprehensive review of its Municipal Inventory (MI) and associated planning framework. The main goals in undertaking this review are:

- to replace the existing hard-copy MI with an updated, more accurate and electronic version referred to as the Shire of Harvey's Local Government Heritage Inventory (LGHI);
- to attribute levels of significance to all places on the revised LGHI, in accordance with current standards recommended by the Heritage Council of WA (HCWA);
- to revise the current planning framework to provide protection for important heritage places and areas within the Shire;

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- to encourage private landowners to protect important buildings through the establishment of incentives for undertaking conservation works.

In order to achieve the above objectives, it was identified that it was necessary for the provisions of the District Planning Scheme (DPS) No. 1 to be modified to support a new planning framework for heritage matters. It is currently the case that development control for heritage places and areas is achieved through the provisions of the Scheme. However, under the revised planning framework, Clause 9.2 of the Scheme will largely reflect Part 7 – *Heritage Protection* - of the Model Scheme Text (MST). Part 7 of the MST contains provisions relating to the establishment and maintenance of Municipal Inventories and Heritage Lists, the designation of Heritage Areas and other administrative matters, however does not contain any provisions that relate to development control. Under the Shire's revised planning framework, development control will largely be achieved through the development and implementation of a *Local Planning Policy for Heritage* and specific LPPs will be developed for any identified heritage areas, such as the Yarloop townsite. Importantly, the revised planning framework will locate the Shire's Heritage List outside of the Scheme to enable modifications to be made to the list without the need to undertake a lengthy scheme amendment process.

Scheme Amendment 98 was initiated by Council at its meeting of the 21st June 2011 and was subsequently advertised. The details of the originally proposed amendment are as follows:

It was proposed to:

- h) Replace Clause 9.2 of District Planning Scheme (DPS) No. 1 *Conservation of Buildings and Places of Heritage Significance* with the provisions of Part 7 – *Heritage Protection* of the Model Scheme Text;
- i) Remove Schedule 1 – *Buildings and Places of Heritage Significance* from DPS No. 1;
- j) Remove Clause 6.6.1 *Precinct Yarloop* from DPS No. 1;
- k) Insert new definitions into Schedule 13 *Interpretations* of DPS No. 1 as follows:

“conservation” has the same meaning as in the *Heritage of Western Australia Act 1990*;

“cultural heritage significance” has the same meaning as in the *Heritage of Western Australia Act 1990*;

“place” in Clause 9.2 (*Heritage Protection*) has the same meaning as in the *Heritage of Western Australia Act 1990*;

“precinct” means a definable area where particular planning policies, guidelines or standards apply;

l) Re-number DPS No. 1 accordingly.

In accordance with the provisions of the *Planning and Development Act 2005* the proposed amendment was advertised for a period of 42 days and referred to relevant agencies with five (5) submissions received as summarised in the following table:

Submission	Comment	Staff Response
Main Roads WA Full submission attached Ref: 11/29721	Has no objections	Noted.
Department of Indigenous Affairs (DIA) Full submission attached Ref:11/30575	<ul style="list-style-type: none"> • DIA offers in principle support to the proposed changes; • DIA understands that the amendments will result in a best practice approach to heritage values in the Shire in accordance with principles outlined by the Heritage Council of WA; • Considers that the proposed Local Government Heritage Inventory appears to be designed to offer protection and better management to heritage values associated with European colonisation of the Shire. 	<ul style="list-style-type: none"> • The points raised in this correspondence are addressed in detail further in the report.

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Submission	Comment	Staff Response
	<ul style="list-style-type: none"> • Advises there are 28 registered Aboriginal heritage sites within the Shire and a further 117 places to which the Aboriginal Heritage Act 1972 (AHA) may apply; • Advises there may be areas as yet unknown which hold Aboriginal heritage values; • Considers that the Shire may wish to consider listing certain sites of Aboriginal heritage significance upon its LGHI which would support the principles of the AHA and ensure the LGHI reflects the diversity of people and values in the Shire; • Advises that the Aboriginal Cultural Material Committee (ACMC) must give primary consideration to “associated sacred beliefs and ritual or ceremonial usage” when assessing sites under the AHA; • Believes that the provisions of the Scheme can be applied to Aboriginal heritage sites; 	

Submission	Comment	Staff Response
	<ul style="list-style-type: none"> Encourages consultation with Aboriginal peoples to occur in relation to the development of the LGHI. 	
<p>Heritage Council of Western Australia</p> <p>Full submission attached</p> <p>Ref: 11/31735</p>	<p><i>The correspondence submitted by the Heritage Council was the catalyst for ongoing collaboration between the HCWA and Staff which resulted in a number of additional changes being identified.</i></p> <p><i>Rather than summarising the ongoing discussions, the original submission provided by the HC which indicates that additional changes may be necessary and a written confirmation expressing the Heritage Council's support for the final proposed amendments as a result of collaboration have been attached to this report.</i></p> <p><i>Details of the ongoing collaboration between the parties in reaching the final consensus are available to Councillors if required.</i></p>	<ul style="list-style-type: none"> Further details outlining the nature of the additional changes are addressed further in this report.
<p>Department of Environment and Conservation (DEC)</p> <p>Full submission attached</p> <p>Ref: 11/31922</p>	<p>Has no objections to the proposal.</p> <p>Advises it is the expectation of DEC that the planning system will appropriately address any environmental planning issues associated with this proposal.</p>	<p>Noted.</p> <p>Noted.</p>

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Submission	Comment	Staff Response
Department of Water (DoW) Full submission attached Ref: 11/32005	The Department has no comments.	Noted.

Comment

From the above table it is evident that the Department of Indigenous Affairs (DIA) and the Heritage Council of Western Australia (HCWA) provided the most substantial responses to the proposed amendment. Each of these submissions will be examined in further detail.

Department of Indigenous Affairs (DIA)

In their submission the DIA has expressed its belief that Indigenous heritage should be considered alongside European 'historic' heritage when compiling the Shire's new Local Government Heritage Inventory (LGHI). Furthermore, the correspondence also indicated that places of significant Indigenous heritage should be subject to the provisions of the Shire's District Planning Scheme.

Staff acknowledge the views of the DIA, however as Council is required under the *Aboriginal Heritage Act 1972* to refer any proposed development which has potential to impact on a recognised Aboriginal heritage site to the DIA for comment, prior to determining the outcome, it is considered that matters of indigenous heritage are protected. To this effect, including a list of known Indigenous Heritage place within the Scheme will provide no greater level of protection.

Furthermore, all places within the LGHI will be allocated a 'level of significance' in accordance with the guidelines outlined by the Heritage Council would also suggest that places of Aboriginal heritage significance should not be incorporated into the LGHI. This is mainly due to the fact that the heritage values associated with Aboriginal heritage are different to those recommended by the Heritage Council for 'historic' heritage, which often relate to the conservation and appropriate development of heritage buildings.

Heritage Council of WA

Heritage Council of WA (HCWA) that whilst the initial amendment proposed to replace the provisions of Clause 9.2 of the Scheme with Part 7 – *Heritage Protection* – of the MST along with some other minor changes, additional provisions concerning heritage within Parts 8, 9 and 10 of the MST should also be included.

As a consequence of ongoing discussions with the HCWA additional amendments which will ensure the appropriate level of heritage protection is provided through the Scheme have been made, particularly to those places which are deemed to be of a high level of heritage significance. The following additional changes have been included in the proposed omnibus amendment. To provide clarity the reason for the inclusion of each additional change is provided.

Additional Change	Reason
To change the title of clause 9.2 – “ <i>Conservation of Buildings and Places of Heritage Significance</i> ” to “ <i>Heritage Protection</i> ”;	Proposed new title is consistent with the corresponding clause in the Model Scheme Text.
To modify the provisions of clause 2.1.2 of the DPS to incorporate heritage provisions consistent with those contained in Part 8 - <i>Development of Land</i> of the Model Scheme Text;	Clause 2.1.2 outlines examples of development where Planning Consent is not required – new provisions highlight exceptions to clause 2.1.2 where heritage may apply.
To modify clause 9.10.5 to achieve consistency with the proposed new provisions of clause 2.1.2(h) of the DPS;	Cl. 9.10 relates to control of advertising in the Shire and Schedule 16 contains a list of examples for advertising signage (eg real estate “For Sale” signs), for which Planning consent is not required. Revised cl. 9.10.5 indicates that exemptions to advertising signage may not apply if a place has heritage significance. This change also updates the clause to incorporate the current heritage framework.

Additional Change	Reason
<p>To add an additional point to clause 2.2 <i>Application for Planning Consent</i> being clause 2.2.3 – <i>Additional Material for Heritage Matters</i>;</p>	<p>Outlines additional material (eg elevation plans) which may need to be included when an application is submitted for a place on the Shire’s Heritage List.</p>
<p>To change the title of clause 2.4 – “<i>Determination of Applications</i>” to “<i>Procedure for Dealing with Applications</i>”;</p>	<p>Change is consistent with corresponding clause in the MST.</p>
<p>To remove clauses 2.4.1 – 2.4.5 (inclusive) from the DPS and replace with clauses 10.1 -10.8 (inclusive) from Part 10 of the MST – <i>Procedure for Dealing with Applications</i>, to be re-numbered 2.4.1 – 2.4.8;</p>	<p>Example of where MST clause is superior to current DPS clause and therefore change will adopt the entire MST clause to replace the current clause.</p>
<p>To remove all places of heritage significance from Schedule 1 – <i>Buildings and Places of Heritage Significance</i>;</p>	<p>Places of Heritage Significance will be contained within the Shire’s new Heritage List and therefore Schedule 1 will only contain Places of Landscape Value.</p>
<p>To remove references to places of heritage significance numbered 1 – 14 (inclusive) and 16-23 (inclusive), as identified in Schedule 1 from the Scheme maps;</p>	<p>References no longer required as places of heritage significance will be contained within the Shire’s Heritage List.</p>
<p>To re-label places of landscape value in the scheme maps with the references L1 – L5;</p>	<p>Schedule 1 currently contains 27 places of which 22 are of heritage significance and 5 are of landscape value. Once the 22 heritage places are removed, the remaining five places in Schedule 1 will be identified as places of landscape value by being given the labels L1 – L5.</p>

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Additional Change	Reason
To change the title of Schedule 1 of the DPS from " <i>Buildings and Places of Heritage Significance</i> " to " <i>Places of Landscape Value</i> ";	As above.
To replace the point " <i>Place of Heritage Value</i> " in clause 4.1 – <i>Zones</i> – under 'Areas' with " <i>Place of Landscape Value</i> ";	Ensures consistency with revised title of Schedule 1
To make minor modifications to clause 9.1 – <i>Places of Landscape Value - Development Requirements</i> to remove references to heritage places;	Clause 9.1 and Schedule 1 will only apply to Places of Landscape Value and therefore references to heritage places will be removed.
Removing clause 6.6 <i>Policy Precincts – Special Design</i> from DPS No. 1 and the corresponding reference on the scheme maps;	Original change referred to the removal of Clause 6.6.1 <i>Precinct Yarloop</i> . However as sub-clause 6.6.1 is the only sub-clause within Clause 6.6, the entire section will be removed.

Staff have also entered into discussions with Department of Planning (DoP) Staff who have advised that as the intent of the original amendment has not changed, the modified scheme amendment does not require re-advertising in order for it to proceed.

The proposed revised omnibus amendment is consistent with 'best practice' principles supported by the Heritage Council of WA and is therefore recommended to be approved by Council and forwarded to the Minister for final endorsement.

Statutory Environment

The *Planning & Development Act 2005*, sets out the requirements and process for undertaking a Scheme amendment.

The Model Scheme Text (MST) provides a template by which all new Local Planning Schemes in Western Australia need to comply. The changes proposed in this omnibus amendment are largely consistent with the MST text which is the format supported by the Department of Planning and the Heritage Council of WA.

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Budget Implications

Nil

Officer's Recommendation

That Council

i) Grants final approval to Scheme Amendment 98 in accordance with the following:

a) **REPLACE CLAUSE 9.2 OF DISTRICT PLANNING SCHEME (DPS) NO. 1 CONSERVATION OF BUILDINGS AND PLACES OF HERITAGE SIGNIFICANCE WITH THE PROVISIONS OF PART 7 HERITAGE PROTECTION OF THE MODEL SCHEME TEXT WITH SLIGHT MODIFICATIONS AS FOLLOWS;**

9.2 – Heritage Protection

9.2.1 Heritage List

- 9.2.1.1 The local government is to establish and maintain a Heritage List to identify those places within the Scheme area which are of cultural heritage significance and worthy of conservation under the provisions of the Scheme, together with a description of each place and the reasons for its entry.
- 9.2.1.2 In the preparation of the Heritage List the local government is to —
- a) have regard to the municipal inventory prepared by the local government under section 45 of the *Heritage of Western Australia Act 1990*; and
 - b) include on the Heritage List such of the entries on the municipal inventory as it considers to be appropriate.
- 9.2.1.3 In considering a proposal to include a place on the Heritage List the local government is to —
- a) notify in writing the owner and occupier of the place and provide them with a copy of the description proposed to be used under clause 9.2.1.1 and the reasons for the proposed entry;

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- b) invite submissions on the proposal from the owner and occupier of the place within 21 days of the day the notice is served;
- c) carry out such other consultations as it thinks fit; and
- d) consider any submissions made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after consideration of the submissions.

9.2.1.4 Where a place is included on the Heritage List, the local government is to give notice of the inclusion to the Commission, the Heritage Council of Western Australia and to the owner and occupier of the place.

9.2.1.5 The local government is to keep a copy of the Heritage List with the Scheme documents for public inspection.

9.2.1.6 The local government may remove or modify the entry of a place on the Heritage List by following the procedures set out in clause 9.2.1.3.

Note:

1. The purpose and intent of the heritage provisions are —

- a) to facilitate the conservation of places of heritage value; and
- b) to ensure as far as possible that development occurs with due regard to heritage values.

2. A “place” is defined in Schedule 13 and may include works, buildings and contents of buildings.

9.2.2 Designation of a heritage area

9.2.2.1 If, in the opinion of the local government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area, the local government may, by resolution, designate that area as a heritage area.

9.2.2.2 The local government is to —

- a) adopt for each heritage area a Local Planning Policy which is to comprise —

- (i) a map showing the boundaries of the heritage area;
 - (ii) a record of places of heritage significance; and
 - (iii) objectives and guidelines for the conservation of the heritage area; and
- b) keep a copy of the Local Planning Policy for any designated heritage area with the Scheme documents for public inspection.

9.2.2.3 If a local government proposes to designate an area as a heritage area, the local government is to —

- a) notify in writing each owner of land affected by the proposed designation and provide the owner with a copy of the proposed Local Planning Policy for the heritage area;
- b) advertise the proposal by —
 - (i) publishing a notice of the proposed designation once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area;
 - (ii) erecting a sign giving notice of the proposed designation in a prominent location in the area that would be affected by the designation; and
 - (iii) such other methods as the local government considers appropriate to ensure widespread notice of the proposal; and
- c) carry out such other consultation as the local government considers appropriate.

9.2.2.4 Notice of a proposal under clause 9.2.2.3(b) is to specify —

- a) the area subject of the proposed designation;
- b) where the proposed Local Planning Policy which will apply to the proposed heritage area may be inspected; and

c) in what form and in what period (being not less than 21 days from the day the notice is published or the sign is erected, as the case requires) submissions may be made.

9.2.2.5 After the expiry of the period within which submissions may be made, the local government is to —

- a) review the proposed designation in the light of any submissions made; and
- b) resolve to adopt the designation with or without modification, or not to proceed with the designation.

9.2.2.6 If the local government resolves to adopt the designation, the local government is to forward a copy of the designation to the Heritage Council of Western Australia, the Commission and each owner of land affected by the designation.

9.2.2.7 The local government may modify or revoke a designation of a heritage area.

9.2.2.8 Clauses 9.2.2.3 to 9.2.2.6 apply, with any necessary changes, to the amendment of a designation of a heritage area.

9.2.3 Heritage agreements

The local government may, in accordance with the Heritage of Western Australia Act 1990, enter into a heritage agreement with an owner or occupier of land or a building for the purpose of binding the land or affecting the use of the land or building insofar as the interest of that owner or occupier permits.

Note:

- 1. A heritage agreement may include a covenant intended to run with the land relating to the development or use of the land or any part of the land.
- 2. Detailed provisions relating to heritage agreements are set out in the *Heritage of Western Australia Act 1990*.

9.2.4 Heritage assessment

Despite any existing assessment on record, the local government may require a heritage assessment to be carried out prior to the approval of any development proposed in a heritage area or in respect of a heritage place listed on the Heritage List.

9.2.5 Variations to Scheme provisions for a heritage place or heritage area

9.2.5.1 Where desirable to —

- a) facilitate the conservation of a heritage place entered in the Register of Places under the Heritage of Western Australia Act 1990 or listed in the Heritage List under clause 9.2.2.1; or
- b) enhance or preserve heritage values in a heritage area designated under clause 9.2.2.1,

the local government may vary any site or development requirement specified in the Scheme or the Residential Planning Codes, subject to consultation with affected parties, including any owners or occupiers adjoining the site in accordance with the provisions of Cl. 2.3.

9.2.5.2 The power conferred by this clause may only be exercised if the local government is satisfied that —

- a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 2.4.2; and
- b) the variance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

1. **CHANGE THE TITLE OF CLAUSE 9.2 - "CONSERVATION OF BUILDINGS AND PLACES OF HERITAGE SIGNIFICANCE" TO "HERITAGE PROTECTION";**

2. **MODIFY THE PROVISIONS OF CLAUSE 2.1.2 OF THE DPS TO INCORPORATE HERITAGE PROVISIONS CONSISTENT WITH THOSE CONTAINED IN PART 8 - DEVELOPMENT OF LAND OF THE MODEL SCHEME TEXT AS FOLLOWS:**

2.1 REQUIREMENTS FOR PLANNING CONSENT

2.1.2 The requirements for planning consent do not apply to the following development of land:-

- (a) the use of land in a zone, where such land is held by the Council or vested in a Public Authority;
 - (i) for the purpose for which the land is zoned under the Scheme; or
 - (ii) in the case of land vested in a Public Authority, for any purpose for which the land may be lawfully used by that Authority.
- (b) the erection of a boundary fence except as otherwise required by the Scheme;
- (c) the erection on a lot of a single dwelling or two grouped dwellings, including ancillary outbuildings and swimming pools, in a zone where the proposed use is designated with the symbol "P" in the cross reference to that zone in the zoning table, provided that the proposed development is in accordance with the development requirements of this Scheme and the Residential Planning Codes except where –
 - (i) the development will be located in a heritage area designated under the Scheme.
- (d) the carrying out of any works on, in, over or under a street or road by a Public Authority acting pursuant to the provisions of any Act;
- (e) the carrying out of works for maintenance, improvement or alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building, provided also that such works do not constitute a change of the use of the building, except where the building is -
 - (i) located in a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or

- (iii) included on the Heritage List under clause 9.2.1 of the Scheme.
- (f) the carrying out of works urgently necessary in the public safety or for the safety of plant or equipment or for the maintenance of essential services;
- (g) the demolition of any building or structure except where the building or structure is -
 - (i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*;
 - (iii) included on the Heritage List under clause 9.2.1 of the Scheme; or
 - (iv) located within a heritage area designated under the Scheme.
- h) any of the exempted classes of advertisements listed in Schedule 16 except in respect of land, places, or buildings which are either:
 - (i) Listed on the Register of Places under the *Heritage of Western Australia Act 1990*;
 - (ii) Listed on the Shire's Heritage List;
 - (iii) Contained within a designated Heritage Area in accordance with clause 9.2.2;
 - (iv) Listed in Schedule 1 *Places of Landscape Value*.

3. MODIFY CLAUSE 9.10.5 OF THE DPS TO ACHIEVE CONSISTENCY WITH THE PROPOSED NEW PROVISIONS OF CLAUSE 2.1.2(h) OF THE DPS AS FOLLOWS;

9.10.5 Exemptions from the Requirement to Obtain Consent

Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of clause 9.10.1, the Council's prior consent is not required in respect of those advertisements listed in Schedule 16 which for the purpose of this Part are referred to as "exempted advertisements" and a sign that stands alone and is under 4m² in area. The exemptions listed in Schedule 16 do not apply to places, buildings, or places of landscape value which are either:-

- a) Listed on the Register of Places under the *Heritage of Western Australia Act 1990*;
- b) Listed on the Shire's Heritage List;
- c) Contained within a designated Heritage Area in accordance with clause 9.2.2;
- d) Listed in Schedule 1 *Places of Landscape Value*.

4. ADD AN ADDITIONAL POINT TO CLAUSE 2.2 APPLICATION FOR PLANNING CONSENT BEING CLAUSE 2.2.3 – ADDITIONAL MATERIAL FOR HERITAGE MATTERS AS FOLLOWS;

2.2.3 Additional material for heritage matters

Where an application relates to a place entered on the Heritage List or within a heritage area, the local government may require an applicant to provide one or more of the following to assist the local government in its determination of the application —

- a) street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;

- b) a detailed schedule of all finishes, including materials and colours of the proposed development and, unless the local government exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot;
 - c) a heritage assessment to be carried out by a suitably qualified consultant to the satisfaction of Council and the Heritage Council.
- f) **CHANGE THE TITLE OF CLAUSE 2.4 – “DETERMINATION OF APPLICATIONS” TO “PROCEDURE FOR DEALING WITH APPLICATIONS”;**
- g) **REMOVE CLAUSES 2.4.1 – 2.4.5 (INCLUSIVE) FROM THE DPS AND REPLACING WITH CLAUSES 10.1 - 10.8 (INCLUSIVE) FROM PART 10 OF THE MST – PROCEDURE FOR DEALING WITH APPLICATIONS, TO BE RE-NUMBERED 2.4.1 – 2.4.8 AS FOLLOWS;**

2.4.1 Consultation with other authorities

- a) In considering an application for planning approval the local government may consult with any other statutory, public or planning authority it considers appropriate.
- b) In the case of land reserved under the Scheme for the purposes of a public authority, the local government is to consult that authority before making its determination.

2.4.2 Matters to be considered by local government

The local government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development the subject of the application —

- a) the aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area (including the Greater Bunbury Region Scheme);
- b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
- c) any approved statement of planning policy of the Commission;

- d) any approved environmental protection policy under the *Environmental Protection Act 1986*;
- e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;
- f) any Local Planning Policy adopted by the local government under clause 11.6, any heritage policy statement for a designated heritage area adopted under clause 9.2.2.2, and any other plan or guideline adopted by the local government under the Scheme;
- g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- h) the conservation of any place that has been entered in the Register within the meaning of the *Heritage of Western Australia Act 1990*, or which is included in the Heritage List under clause 9.2.1, and the effect of the proposal on the character or appearance of a heritage area;
- i) the compatibility of a use or development with its setting;
- j) any social issues that have an effect on the amenity of the locality;
- k) the cultural significance of any place or area affected by the development;
- l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;
- m) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;
- n) the preservation of the amenity of the locality;
- o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;

- p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- r) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;
- s) whether public utility services are available and adequate for the proposal;
- t) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- u) whether adequate provision has been made for access by disabled persons;
- v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- w) whether the proposal is likely to cause soil erosion or land degradation;
- x) the potential loss of any community service or benefit resulting from the planning approval;
- y) any relevant submissions received on the application;
- z) the comments or submissions received from any authority consulted under clause 10.1.1;
- aa) any other planning consideration the local government considers relevant.

2.4.3 Determination of applications

In determining an application for planning approval the local government may —

- a) grant its approval with or without conditions; or
- b) refuse to grant its approval.

2.4.4 Form and date of determination

- a) As soon as practicable after making a determination in relation to the application, the local government is to convey its determination to the applicant in the form prescribed in Schedule 11 and the date of determination is to be the date given in the notice of the local government's determination.
- b) Where the local government refuses an application for planning approval the local government is to give reasons for its refusal.

2.4.5 Term of planning approval

- a) Where the local government grants planning approval for the development of land —
 - (i) the development approved is to be substantially commenced within 2 years, or such other period as specified in the approval, after the date of the determination; and
 - (ii) the approval lapses if the development has not substantially commenced before the expiration of that period.
- b) A written request may be made to the local government for an extension of the term of planning approval at any time prior to the expiry of the approval period in clause 2.4.5 (a).

2.4.6 Temporary planning approval

Where the local government grants planning approval, the local government may impose conditions limiting the period of time for which the approval is granted.

Note: A temporary planning approval is where the local government grants approval for a limited period, for example, where the land may be required for some other purpose in the future, and is different to the term of the planning approval which is the period within which the development must commence.

2.4.7 Scope of planning approval

Planning approval may be granted —

- a) for the use or development for which the approval is sought;
- b) for that use or development, except for a specified part or aspect of that use or development; or
- c) for a specified part or aspect of that use or development.

2.4.8 Approval subject to later approval of details

- a) Where an application is for a development that includes the carrying out of any building or works, the local government may grant approval subject to matters requiring the subsequent planning approval of the local government. These matters may include the siting, design, external appearance of the buildings, means of access, landscaping, and such other matters as the local government thinks fit.
- b) In respect of an approval requiring subsequent planning approval, the local government may require such further details as it thinks fit prior to considering the application.
- c) Where the local government has granted approval subject to matters requiring the later planning approval of the local government, an application for approval of those matters must be made not later than 2 years after the date of the determination of the first approval, or such other period as is specified in the approval.

- h) REMOVE ALL PLACES OF HERITAGE SIGNIFICANCE FROM SCHEDULE 1 – BUILDINGS AND PLACES OF HERITAGE SIGNIFICANCE BEING PLACES NUMBERED 1 – 14 (INCLUSIVE) AND 16 - 23 (INCLUSIVE);**
- i) REMOVE REFERENCES TO PLACES OF HERITAGE SIGNIFICANCE NUMBERED 1 – 14 (INCLUSIVE) AND 16-23 (INCLUSIVE), AS IDENTIFIED IN SCHEDULE 1, FROM THE SCHEME MAPS,**
- j) RE-NUMBER “PLACES OF LANDSCAPE VALUE” IN THE SCHEME MAPS WITH THE REFERENCES L1 – L5 AS INDICATED IN REVISED SCHEDULE 1;**
- k) CHANGE THE TITLE OF SCHEDULE 1 OF THE DPS FROM “BUILDINGS AND PLACES OF HERITAGE SIGNIFICANCE” TO “PLACES OF LANDSCAPE VALUE”;**

Revised Schedule 1 as a result of changes h) – k).

SCHEDULE 1 – PLACES OF LANDSCAPE VALUE

Clause 9.1 and Schedule 2 applies

CODE NO.	NAME PLACE	OF	LOCATION	DESCRIPTION
L1	Cathedral Avenue		Scenic Drive along the eastern side of the Leschenault Inlet extending north from the Old Coast Road to Buffalo Road.	Avenue of paperbarks and other native trees lining an original section of the Old Coast Road.
L2	Coastal Lakelands		That part of the Scheme Area between the Old Coast Road and the Indian Ocean including the area 200 metres east of Old Coast Road as depicted on the Scheme Map.	An area of significant landscape value including Leschenault Estuary and the Indian Ocean coastline.
L3	Darling Range		That part of the Scheme Area generally between South Western Highway and the eastern boundary of the Shire as depicted on the Scheme Map.	An area of significant landscape value including the Darling Scarp and the Range plateau and valleys.

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L4	Benger Swamp	West of the township of Benger and generally south of Mitchell Road.	A wetland of significant ecological value.
L5	La Porte Bird Rookery	South West corner of Leschenault Loc. 4 (Old Coast Road), Australind.	A natural swamp which is a breeding ground for White Egrets.

- l) REPLACE THE POINT “PLACE OF HERITAGE VALUE” IN CLAUSE 4.1 – ZONES – UNDER ‘AREAS’ WITH “PLACE OF LANDSCAPE VALUE”;**
- m) MAKE MINOR MODIFICATIONS TO CLAUSE 9.1 – PLACES OF LANDSCAPE VALUE - DEVELOPMENT REQUIREMENTS TO REMOVE REFERENCES TO HERITAGE PLACES AS FOLLOWS;**

9.1 PLACES OF LANDSCAPE VALUE - DEVELOPMENT REQUIREMENTS

9.1.1 The places and buildings described in Schedule 1 and situated on the lands shown as Places of Landscape Value on the Scheme maps are considered by the Council to be of scenic or other value and should be retained in their present state, or restored to their original state, or to a state acceptable to the Council.

Specific policies relating to Places of Landscape Value are outlined in Schedule 2.

9.1.2 A person shall not without the special approval of the Council at or on a place of landscape value carry out any development including, but without limiting the generality of the foregoing:-

- (a) the erection, demolition or alteration of any building or structure (not including farm fencing, wells, bores or troughs and minor drainage works ancillary to the general rural pursuits of the locality);
- (b) the removal of trees associated with established buildings;
- (c) the erection of advertising signs; and

(d) the clearing of native vegetation.

n) **REMOVE CLAUSE 6.6 POLICY PRECINCTS – SPECIAL DESIGN FROM
DPS NO. 1 AND THE CORRESPONDING REFERENCE ON THE
SCHEME MAPS;**

o) **INSERT NEW DEFINITIONS INTO SCHEDULE 13 INTERPRETATIONS
OF DPS NO. 1 AS FOLLOWS:**

*“conservation” has the same meaning as in the Heritage of Western
Australia Act 1990;*

*“cultural heritage significance” has the same meaning as in the Heritage
of Western Australia Act 1990;*

*“place” in Clause 9.2 (Heritage Protection) has the same meaning as in the
Heritage of Western Australia Act 1990;*

*“precinct” means a definable area where particular planning policies,
guidelines or standards apply.*

p) **RE-NUMBER DPS NO. 1 ACCORDINGLY WHERE NECESSARY.**

ii) Forwards the documentation to the Western Australian Planning
Commission for final approval.

HA12/004. Dickinson/Lovitt
“That Council:”

i) Grants final approval to Scheme Amendment 98 in
accordance with the following:

a) **REPLACE CLAUSE 9.2 OF DISTRICT PLANNING SCHEME
(DPS) NO. 1 CONSERVATION OF BUILDINGS AND
PLACES OF HERITAGE SIGNIFICANCE WITH THE
PROVISIONS OF PART 7 HERITAGE PROTECTION OF
THE MODEL SCHEME TEXT WITH SLIGHT
MODIFICATIONS AS FOLLOWS;**

9.2 – Heritage Protection

9.2.1 Heritage List

9.2.1.1 The local government is to establish and maintain a Heritage List to identify those places within the Scheme area which are of cultural heritage significance and worthy of conservation under the provisions of the Scheme, together with a description of each place and the reasons for its entry.

9.2.1.2 In the preparation of the Heritage List the local government is to —

- a) have regard to the municipal inventory prepared by the local government under section 45 of the *Heritage of Western Australia Act 1990*; and**
- b) include on the Heritage List such of the entries on the municipal inventory as it considers to be appropriate.**

9.2.1.3 In considering a proposal to include a place on the Heritage List the local government is to —

- a) notify in writing the owner and occupier of the place and provide them with a copy of the description proposed to be used under clause 9.2.1.1 and the reasons for the proposed entry;**
- b) invite submissions on the proposal from the owner and occupier of the place within 21 days of the day the notice is served;**
- c) carry out such other consultations as it thinks fit; and**
- d) consider any submissions made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after consideration of the submissions.**

9.2.1.4 Where a place is included on the Heritage List, the local government is to give notice of the inclusion to the Commission, the Heritage Council of Western Australia and to the owner and occupier of the place.

9.2.1.5 The local government is to keep a copy of the Heritage List with the Scheme documents for public inspection.

9.2.1.6 The local government may remove or modify the entry of a place on the Heritage List by following the procedures set out in clause 9.2.1.3.

Note: 1. The purpose and intent of the heritage provisions are;

c) to facilitate the conservation of places of heritage value; and

d) to ensure as far as possible that development occurs with due regard to heritage values.

2. A “place” is defined in Schedule 13 and may include works, buildings and contents of buildings.

9.2.2 **Designation of a heritage area**

9.2.2.1 If, in the opinion of the local government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area, the local government may, by resolution, designate that area as a heritage area.

9.2.2.2 The local government is to —

a) adopt for each heritage area a Local Planning Policy which is to comprise —

(i) a map showing the boundaries of the heritage area;

- (ii) a record of places of heritage significance; and
 - (iii) objectives and guidelines for the conservation of the heritage area; and
- b) keep a copy of the Local Planning Policy for any designated heritage area with the Scheme documents for public inspection.

9.2.2.3 If a local government proposes to designate an area as a heritage area, the local government is to —

- a) notify in writing each owner of land affected by the proposed designation and provide the owner with a copy of the proposed Local Planning Policy for the heritage area;
- b) advertise the proposal by —
 - (i) publishing a notice of the proposed designation once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area;
 - (ii) erecting a sign giving notice of the proposed designation in a prominent location in the area that would be affected by the designation; and
 - (iii) such other methods as the local government considers appropriate to ensure widespread notice of the proposal; and
- c) carry out such other consultation as the local government considers appropriate.

9.2.2.4 Notice of a proposal under clause 9.2.2.3(b) is to specify —

- a) the area subject of the proposed designation;

- b) where the proposed Local Planning Policy which will apply to the proposed heritage area may be inspected; and
- c) in what form and in what period (being not less than 21 days from the day the notice is published or the sign is erected, as the case requires) submissions may be made.

9.2.2.5 After the expiry of the period within which submissions may be made, the local government is to —

- a) review the proposed designation in the light of any submissions made; and
- b) resolve to adopt the designation with or without modification, or not to proceed with the designation.

9.2.2.6 If the local government resolves to adopt the designation, the local government is to forward a copy of the designation to the Heritage Council of Western Australia, the Commission and each owner of land affected by the designation.

9.2.2.7 The local government may modify or revoke a designation of a heritage area.

9.2.2.8 Clauses 9.2.2.3 to 9.2.2.6 apply, with any necessary changes, to the amendment of a designation of a heritage area.

9.2.3 Heritage agreements

The local government may, in accordance with the Heritage of Western Australia Act 1990, enter into a heritage agreement with an owner or occupier of land or a building for the purpose of binding the land or affecting the use of the land or building insofar as the interest of that owner or occupier permits.

Note:

- 1. A heritage agreement may include a covenant intended to run with the land relating to the development or use of the land or any part of the land.**
- 2. Detailed provisions relating to heritage agreements are set out in the Heritage of Western Australia Act 1990.**

9.2.4 Heritage assessment

Despite any existing assessment on record, the local government may require a heritage assessment to be carried out prior to the approval of any development proposed in a heritage area or in respect of a heritage place listed on the Heritage List.

9.2.5 Variations to Scheme provisions for a heritage place or heritage area

9.2.5.1 Where desirable to —

- a) facilitate the conservation of a heritage place entered in the Register of Places under the Heritage of Western Australia Act 1990 or listed in the Heritage List under clause 9.2.2.1; or**
- b) enhance or preserve heritage values in a heritage area designated under clause 9.2.2.1, the local government may vary any site or development requirement specified in the Scheme or the Residential Planning Codes, subject to consultation with affected parties, including any owners or occupiers adjoining the site in accordance with the provisions of Cl. 2.3.**

9.2.5.2 The power conferred by this clause may only be exercised if the local government is satisfied that —

- a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 2.4.2; and**

- b) the variance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

- b) CHANGE THE TITLE OF CLAUSE 9.2 – “CONSERVATION OF BUILDINGS AND PLACES OF HERITAGE SIGNIFICANCE” TO “HERITAGE PROTECTION”;

- c) MODIFY THE PROVISIONS OF CLAUSE 2.1.2 OF THE DPS TO INCORPORATE HERITAGE PROVISIONS CONSISTENT WITH THOSE CONTAINED IN PART 8 - DEVELOPMENT OF LAND OF THE MODEL SCHEME TEXT AS FOLLOWS:

2.1 REQUIREMENTS FOR PLANNING CONSENT

2.1.2 The requirements for planning consent do not apply to the following development of land:-

- (a) the use of land in a zone, where such land is held by the Council or vested in a Public Authority;
 - (i) for the purpose for which the land is zoned under the Scheme; or
 - (ii) in the case of land vested in a Public Authority, for any purpose for which the land may be lawfully used by that Authority.

- (b) the erection of a boundary fence except as otherwise required by the Scheme;

- (c) the erection on a lot of a single dwelling or two grouped dwellings, including ancillary outbuildings and swimming pools, in a zone where the proposed use is designated with the symbol "P" in the cross reference to that zone in the zoning table, provided that the proposed development is in accordance with the development requirements of this Scheme and the Residential Planning Codes except where –

- (i) the development will be located in a heritage area designated under the Scheme.
- (d) the carrying out of any works on, in, over or under a street or road by a Public Authority acting pursuant to the provisions of any Act;
- (e) the carrying out of works for maintenance, improvement or alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building, provided also that such works do not constitute a change of the use of the building, except where the building is -
 - (i) located in a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on the Heritage List under clause 9.2.1 of the Scheme.
- (f) the carrying out of works urgently necessary in the public safety or for the safety of plant or equipment or for the maintenance of essential services;
- (g) the demolition of any building or structure except where the building or structure is -
 - (i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*;
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*;
 - (iii) included on the Heritage List under clause 9.2.1 of the Scheme; or

- (iv) located within a heritage area designated under the Scheme.
- h) any of the exempted classes of advertisements listed in Schedule 16 except in respect of land, places, or buildings which are either:
 - (i) Listed on the Register of Places under the *Heritage of Western Australia Act 1990*;
 - (ii) Listed on the Shire's Heritage List;
 - (iii) Contained within a designated Heritage Area in accordance with clause 9.2.2;
 - (iv) Listed in Schedule 1 *Places of Landscape Value*.
- d) MODIFY CLAUSE 9.10.5 OF THE DPS TO ACHIEVE CONSISTENCY WITH THE PROPOSED NEW PROVISIONS OF CLAUSE 2.1.2(h) OF THE DPS AS FOLLOWS:

9.10.5

Exemptions from the Requirement to Obtain Consent

Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of clause 9.10.1, the Council's prior consent is not required in respect of those advertisements listed in Schedule 16 which for the purpose of this Part are referred to as "exempted advertisements" and a sign that stands alone and is under 4m² in area. The exemptions listed in Schedule 16 do not apply to places, buildings, or places of landscape value which are either:-

- a) Listed on the Register of Places under the *Heritage of Western Australia Act 1990*;
- b) Listed on the Shire's Heritage List;
- c) Contained within a designated Heritage Area in accordance with clause 9.2.2;

- d) Listed in Schedule 1 *Places of Landscape Value*.
- e) **ADD AN ADDITIONAL POINT TO CLAUSE 2.2 APPLICATION FOR PLANNING CONSENT BEING CLAUSE 2.2.3 – ADDITIONAL MATERIAL FOR HERITAGE MATTERS AS FOLLOWS;**

2.2.3 Additional material for heritage matters

Where an application relates to a place entered on the Heritage List or within a heritage area, the local government may require an applicant to provide one or more of the following to assist the local government in its determination of the application —

- a) street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;
- b) a detailed schedule of all finishes, including materials and colours of the proposed development and, unless the local government exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot;
- c) a heritage assessment to be carried out by a suitably qualified consultant to the satisfaction of Council and the Heritage Council.
- h) **CHANGE THE TITLE OF CLAUSE 2.4 – “DETERMINATION OF APPLICATIONS” TO “PROCEDURE FOR DEALING WITH APPLICATIONS”;**

- i) **REMOVE CLAUSES 2.4.1 – 2.4.5 (INCLUSIVE) FROM THE DPS AND REPLACING WITH CLAUSES 10.1 - 10.8 (INCLUSIVE) FROM PART 10 OF THE MST – PROCEDURE FOR DEALING WITH APPLICATIONS, TO BE RE-NUMBERED 2.4.1 – 2.4.8 AS FOLLOWS;**

2.4.1 Consultation with other authorities

- a) In considering an application for planning approval the local government may consult with any other statutory, public or planning authority it considers appropriate.
- b) In the case of land reserved under the Scheme for the purposes of a public authority, the local government is to consult that authority before making its determination.

2.4.2 Matters to be considered by local government

The local government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development the subject of the application —

- a) the aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area (including the Greater Bunbury Region Scheme);
- b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
- c) any approved statement of planning policy of the Commission;
- d) any approved environmental protection policy under the *Environmental Protection Act 1986*;

- e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;
- f) any Local Planning Policy adopted by the local government under clause 11.6, any heritage policy statement for a designated heritage area adopted under clause 9.2.2.2, and any other plan or guideline adopted by the local government under the Scheme;
- g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- h) the conservation of any place that has been entered in the Register within the meaning of the *Heritage of Western Australia Act 1990*, or which is included in the Heritage List under clause 9.2.1, and the effect of the proposal on the character or appearance of a heritage area;
- i) the compatibility of a use or development with its setting;
- j) any social issues that have an effect on the amenity of the locality;
- k) the cultural significance of any place or area affected by the development;
- l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;
- m) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;
- n) the preservation of the amenity of the locality;

- o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;**
- p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;**
- q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;**
- r) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;**
- s) whether public utility services are available and adequate for the proposal;**
- t) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);**
- u) whether adequate provision has been made for access by disabled persons;**
- v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;**
- w) whether the proposal is likely to cause soil erosion or land degradation;**
- x) the potential loss of any community service or benefit resulting from the planning approval;**

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- y) any relevant submissions received on the application;
- z) the comments or submissions received from any authority consulted under clause 10.1.1;
- aa) any other planning consideration the local government considers relevant.

2.4.3 Determination of applications

In determining an application for planning approval the local government may —

- a) grant its approval with or without conditions; or
- b) refuse to grant its approval.

2.4.4 Form and date of determination

- a) As soon as practicable after making a determination in relation to the application, the local government is to convey its determination to the applicant in the form prescribed in Schedule 11 and the date of determination is to be the date given in the notice of the local government's determination.
- b) Where the local government refuses an application for planning approval the local government is to give reasons for its refusal.

2.4.5 Term of planning approval

- a) Where the local government grants planning approval for the development of land —
 - (i) the development approved is to be substantially commenced within 2 years, or such other period as specified in the approval, after the date of the determination; and

(ii) the approval lapses if the development has not substantially commenced before the expiration of that period.

- b) A written request may be made to the local government for an extension of the term of planning approval at any time prior to the expiry of the approval period in clause 2.4.5 (a).

2.4.6 Temporary planning approval

Where the local government grants planning approval, the local government may impose conditions limiting the period of time for which the approval is granted.

Note: A temporary planning approval is where the local government grants approval for a limited period, for example, where the land may be required for some other purpose in the future, and is different to the term of the planning approval which is the period within which the development must commence.

2.4.7 Scope of planning approval

Planning approval may be granted —

- a) for the use or development for which the approval is sought;
- b) for that use or development, except for a specified part or aspect of that use or development; or
- c) for a specified part or aspect of that use or development.

2.4.8 Approval subject to later approval of details

- a) Where an application is for a development that includes the carrying out of any building or works, the local government may grant approval subject to matters requiring the subsequent planning approval of the local government. These matters may include the siting, design, external appearance of the buildings, means of access, landscaping, and such other matters as the local government thinks fit.
- b) In respect of an approval requiring subsequent planning approval, the local government may require such further details as it thinks fit prior to considering the application.
- c) Where the local government has granted approval subject to matters requiring the later planning approval of the local government, an application for approval of those matters must be made not later than 2 years after the date of the determination of the first approval, or such other period as is specified in the approval.
- h) REMOVE ALL PLACES OF HERITAGE SIGNIFICANCE FROM SCHEDULE 1 – BUILDINGS AND PLACES OF HERITAGE SIGNIFICANCE BEING PLACES NUMBERED 1 – 14 (INCLUSIVE) AND 16 - 23 (INCLUSIVE);
- i) REMOVE REFERENCES TO PLACES OF HERITAGE SIGNIFICANCE NUMBERED 1 – 14 (INCLUSIVE) AND 16-23 (INCLUSIVE), AS IDENTIFIED IN SCHEDULE 1, FROM THE SCHEME MAPS,

- j) RE-NUMBER “PLACES OF LANDSCAPE VALUE” IN THE SCHEME MAPS WITH THE REFERENCES L1 – L5 AS INDICATED IN REVISED SCHEDULE 1;
- k) CHANGE THE TITLE OF SCHEDULE 1 OF THE DPS FROM “BUILDINGS AND PLACES OF HERITAGE SIGNIFICANCE” TO “PLACES OF LANDSCAPE VALUE”;

Revised Schedule 1 as a result of changes h) – k).

SCHEDULE 1 – PLACES OF LANDSCAPE VALUE

Clause 9.1 and Schedule 2 applies

CODE NO.	NAME OF PLACE	LOCATION	DESCRIPTION
L1	Cathedral Avenue	Scenic Drive along the eastern side of the Leschenault Inlet extending north from the Old Coast Road to Buffalo Road.	Avenue of paperbarks and other native trees lining an original section of the Old Coast Road.
L2	Coastal Lakelands	That part of the Scheme Area between the Old Coast Road and the Indian Ocean including the area 200 metres east of Old Coast Road as depicted on the Scheme Map.	An area of significant landscape value including Leschenault Estuary and the Indian Ocean coastline.
L3	Darling Range	That part of the Scheme Area generally between South Western Highway and the eastern boundary of the Shire as depicted on the Scheme Map.	An area of significant landscape value including the Darling Scarp and the Range plateau and valleys.
L4	Benger Swamp	West of the township of	A wetland of significant

SIGNED _____

DATED TBA

		Benger and generally south of Mitchell Road.	ecological value.
L5	La Porte Bird Rookery	South West corner of Leschenault Loc. 4 (Old Coast Road), Australind.	A natural swamp which is a breeding ground for White Egrets.

I) REPLACE THE POINT “PLACE OF HERITAGE VALUE” IN CLAUSE 4.1 – ZONES – UNDER ‘AREAS’ WITH “PLACE OF LANDSCAPE VALUE”;

m) MAKE MINOR MODIFICATIONS TO CLAUSE 9.1 – PLACES OF LANDSCAPE VALUE - DEVELOPMENT REQUIREMENTS TO REMOVE REFERENCES TO HERITAGE PLACES AS FOLLOWS;

9.1 PLACES OF LANDSCAPE VALUE - DEVELOPMENT REQUIREMENTS

9.1.1 The places and buildings described in Schedule 1 and situated on the lands shown as Places of Landscape Value on the Scheme maps are considered by the Council to be of scenic or other value and should be retained in their present state, or restored to their original state, or to a state acceptable to the Council.

Specific policies relating to Places of Landscape Value are outlined in Schedule 2.

9.1.2 A person shall not without the special approval of the Council at or on a place of landscape value carry out any development including, but without limiting the generality of the foregoing:-

(a) the erection, demolition or alteration of any building or structure (not including farm fencing, wells, bores or troughs and minor drainage works ancillary to the general rural pursuits of the locality);

(b) the removal of trees associated with established buildings;

- (c) the erection of advertising signs; and
- (d) the clearing of native vegetation.
- n) **REMOVE CLAUSE 6.6 POLICY PRECINCTS – SPECIAL DESIGN FROM DPS NO. 1 AND THE CORRESPONDING REFERENCE ON THE SCHEME MAPS;**
- o) **INSERT NEW DEFINITIONS INTO SCHEDULE 13 INTERPRETATIONS OF DPS NO. 1 AS FOLLOWS:**
 - “conservation” has the same meaning as in the Heritage of Western Australia Act 1990;*
 - “cultural heritage significance” has the same meaning as in the Heritage of Western Australia Act 1990;*
 - “place” in Clause 9.2 (Heritage Protection) has the same meaning as in the Heritage of Western Australia Act 1990;*
 - “precinct” means a definable area where particular planning policies, guidelines or standards apply.*
- p) **RE-NUMBER DPS NO. 1 ACCORDINGLY WHERE NECESSARY.**
 - ii) Forwards the documentation to the Western Australian Planning Commission for final approval.
 - iii) Authorises Staff to investigate opportunities for including the list of Indigenous heritage sites as provided by the Department of Indigenous Affairs in the revised Local Government Heritage Inventory (LGHI).

CARRIED 5-0

Item No.	6.2
Subject	Heritage Council Database – Additional Places for Consideration
Reporting Officer:	Planning Officer (SP)/Manager Planning Services
Location:	Shire of Harvey
File No.:	P001098

Summary

It has recently been brought to Staff's attention that the online database of heritage places that the Heritage Council of WA (HCWA) administers contains a number of listings for the Shire of Harvey which are not contained within the Shire's Municipal Inventory (MI).

It is recommended that the Committee considers the places listed and makes recommendations to Council for any places which it considers should be nominated for assessment during the current review process, or alternatively identifies those which have been mistakenly included and/or which require correction by the Heritage Council of WA.

Background

The Heritage Council's draft online database for the Shire of Harvey (which has prepared and will be maintained by the HCWA) contains a number of places which are not contained within the Shire's Municipal Inventory (MI) nor have they been fully considered by the Committee.

The places on the draft online data base include the details of private land holdings and as such is included as a confidential attachment to this report.

Comment

As the Shire is currently undertaking its review of the MI, it is considered appropriate that all of the relevant places on the database be considered to determine whether the Committee wishes to consider nominating any additional places for inclusion on the new LGHI.

In addition the Committee is requested to identify any errors in the list in order to provide feedback to the Heritage Council to enable them to update their records.

Statutory Environment

Shire of Harvey Municipal Inventory – contains places of local heritage significance from throughout the Shire.

Budget Implications

Nil.

Officer's Recommendation

That Council:

- i) Requests the Heritage Council of WA to withhold releasing Shire information online until such time as all inconsistencies have been identified and rectified;
- ii) Authorises Staff to liaise with the Heritage Council of WA to rectify any inconsistencies with the online database as identified by the Heritage Advisory Committee;
- iii) Endorses any additional places for nomination to be considered for inclusion in the Local Government Heritage Inventory as identified by the Heritage Advisory Committee as a result of reviewing the draft online database.

HA12/005. **Dickinson/Lovitt**
"That the Officer's Recommendation be adopted."

CARRIED 5-0

7. **NEXT MEETING**

The next meeting of the Heritage Advisory Committee is to be advised.

8. **CLOSURE**

There being no further business to discuss, the meeting was declared closed at 3:06 p.m.

SIGNED _____ DATED TBA

SHIRE OF HARVEY

COMMUNITY SAFETY AND CRIME PREVENTION COMMITTEE

MINUTES OF THE MEETING OF THE COMMUNITY SAFETY AND CRIME PREVENTION COMMITTEE HELD ON THURSDAY, 28TH MAY, 2012, IN THE COUNCIL CHAMBERS, YOUNG STREET, HARVEY, COMMENCING AT 2.05 P.M.

Councillor	Cr.	B.	Hollands
Councillor	Cr	A.	Shortland
Community Representative	Mrs.	L.	Watt
Community Representative	Mrs.	H.	Thomas
Yarloop Police	Sgt.	L.	Morley

STAFF

Manager of Community & Economic Development	Mr.	P.	Quinlivan
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OBSERVERS

Community Development Officer	Miss	C.	Gibson
Community Development Officer	Miss	J.	Entwistle
	Mr.	G.	Hayllar
	Ms.	J.	Stringer
	Mrs.	M.	Campbell
	Sgt.	T.	Cools

SIGNED _____ DATED 28th August, 2012.

AGENDA

1. **OPENING & WELCOME**

The Manager of Community and Economic Development, Patrick Quinlivan, opened the meeting at 2.05pm and welcomed those in attendance.

2. **ELECTION OF PRESIDING MEMBER**

As this is the first meeting of the Community Safety and Crime Prevention Committee following the 2011 Local Government Election, it will be necessary to elect a Presiding Member, in accordance with Section 5.12 of the Local Government Act 1995.

The Manager of Community and Economic Development called for nominations for the position of Presiding Member. Cr Shortland nominated Cr Hollands.

As there were no further nominations, the Manager of Community and Economic Development declared Cr. Hollands as Presiding Member for the term expiring October, 2013.

Cr Hollands took the Chair.

3. **APOLOGIES**

Sgt. M Emmett
Sgt. B Cassidy
Mrs. L Caudle

4. **PUBLIC QUESTION TIME**

Nil.

5. **DECLARATION OF MEMBERS' AND OFFICERS' INTEREST**

Nil.

6. **CONFIRMATION OF PREVIOUS MINUTES**

The Minutes of the Community Safety Crime Prevention Committee meeting held on 18th August, 2011, are attached hereto.

ATTACHMENT

SIGNED _____ DATED 28th August, 2012.

Recommendation:

That the Minutes of the Meeting held on 18th August, 2011 as attached, be confirmed as a true and correct record.

CSCP12/001. **Watt/Quinlivan**

“That the Officer’s Recommendation be adopted.”

CARRIED 6-0

7. **REPORTS**

Item No.	7.1	
Subject	Community Safety and Crime Prevention Plan 2012 – 2015 Community Consultation and Key Objectives	
Proponent:	Community Safety and Crime Prevention Committee	
Location:	Shire of Harvey	
Reporting Officer:	Community Development Officer (CG)	
File No.:	B000080	ATTACHMENT

Summary

Community consultation has been undertaken to obtain community feedback on the review of the Shire of Harvey’s Community Safety and Crime Prevention Plan (CSCPP) 2012 – 2015. As a result of this process, a number of key themes have emerged.

These themes have been developed into key priorities for inclusion within the draft CSCPP 2012 - 2015. Staff recommend that Council endorse the draft priorities as presented in this report and continue working with the Committee to develop a range of strategies to meet these priority areas.

Background

The aim of the Community Safety and Crime Prevention Plan is to guide crime prevention initiatives for Local Government, local community groups and key government agencies in collaboration with the Shire of Harvey community to improve community safety. It is designed to be a flexible and versatile document to guide planning and to cater for the changing needs of the community over the next three years. As a result of the community consultation, the plan will also be a useful tool that can be used by various stakeholders to develop future project opportunities.

The Plan identifies community safety and crime prevention priorities for the Shire of Harvey. It also documents the strategies and activities that will be implemented and evaluated.

The 2009-2011 CSCPP was developed by Consultant, ARID Group and endorsed by the Office of Crime Prevention. During 2007, the Community Safety and Crime Prevention Committee was formed to oversee the implementation of the Plan and to provide recommendations to Council.

SIGNED _____ DATED 28th August, 2012.

The Shire's 2009-2011 CSCPP was funded through the Office of Crime Prevention for the implementation of local initiatives. However as of the 1st July 2011, Local Government Authorities no longer receive the previously 'guaranteed' \$20,000 allocations upon endorsement of original or renewed plans. Funding will instead be determined by a case by case basis through scheduled grant rounds. Local communities are still encouraged to continue to develop and review their CSCP plans as the intent of the plans is to develop suitable responses to local crime issues.

All implementation strategies within the current CSCPP either have been completed or continue to be an ongoing function of Staff.

Comment

A review of the CSCPP will result in the development of a new Plan for the period 2012 – 2015. It is proposed that the new Plan be developed by Staff in consultation with the general community, relevant organisations and the Community Safety and Crime Prevention Committee.

The table below provides an indication of the expected timeframes required to review the CSCPP before final endorsement by Council and the W.A. Police Superintendent.

Stage of Review	Timeline
1. Community consultation (completed)	Sept – Dec 2011
2. Gather and review crime trends and statistics (completed)	Jan – April 2012
3. Council to assess and approve priority areas	May 2012
4. Development of draft plan, including specific strategies and timeframes	May – June 2012
5. Council endorsement of the CSCPP 2012 - 2015	July 2012
6. Western Australia Police to endorse CSCPP 2012 - 2015	August 2012

Community Consultation

To obtain community feedback, surveys were distributed and promoted widely during September and October, 2011. A range of methods were utilised to ensure that all community members were provided with the opportunity to participate. These methods are outlined below:

- Random Sample Survey

A survey questionnaire was sent to 500 households within the Shire, inviting their participation and comments. These were randomly selected by Australia Post and included all towns within the Shire of Harvey. To encourage participation, surveys were free to return in the post.

- Online Survey

An online survey was developed to ensure greater accessibility and ease of completion. The survey was made available via a link on the Shire of Harvey website.

SIGNED _____ DATED 28th August, 2012.

- Youth Survey and focus groups

A specific survey was developed to gauge young people's attitudes towards community safety, alcohol and other drugs. Focus groups were also conducted by representatives from the Shire of Harvey and Lot 208 Youth Inc. at Harvey Senior High School, Australind Senior High School, Hope Christian College and Harvey Agricultural College. The focus group theme concentrated on young people's concerns within their communities.

- Collaboration with Community Organisations

- Community Resource Centres – Staff visited Yarloop, Harvey and Brunswick Junction Community Resource Centres to provide information on the review of the CSCP. In addition to providing a drop-off / pick-up point for surveys, these Centres acted as a central point for encouraging residents to participate.
- Harvey Senior Citizens Centre - provided space for a display and acted as survey pick-up point for members.

- Liaison with Shire of Harvey Employees

Internal consultation took place with employees of the Shire of Harvey to obtain their comments and feedback. Information was sought on how their services could be enhanced to increase community safety.

- Promotion

- Posters - a number of posters were printed and displayed at towns throughout the Shire. Particular focus was made on those smaller towns without a Community Resource Centre or local library.
- Pick-up Points - Shire of Harvey Libraries, Administration Centres and Recreation Centres acted as survey pick-up / drop-off points. Staff at these locations actively encouraged patrons to participate. As outlined above, there were several community organisations who also acted as pick-up points.
- Harvey Reporter - the availability of surveys was promoted weekly throughout the consultation period. A large feature was also published within the 4 O'clock Report.
- Online Networking - the CSCPP review was promoted through the online networking group SWAP. This group has over 500 members throughout the South West region.
- Department of Health- advertisements of the community consultation were also placed in the community health monthly events e-newsletter. This publication is advertised throughout the Shire, with a particular focus on the Harvey and Yarloop communities.

Community Consultation – Results

The total number of participants was 198.

SIGNED _____ DATED 28th August, 2012.

A total of 198 surveys were completed and returned to the Shire of Harvey. Of these, thirty (30) general community surveys were completed online and forty four (44) general community surveys via the hard-copy version. 124 youth surveys were received at the completion of the focus group workshops.

Attached to this report are graphs providing an overall pictorial summary of the responses. These charts identify what the community believe are the main crime prevention and safety issues that need to be addressed. Detailed responses are also included for Council's information.

CSCP Priorities

Based on an analysis of the consultation results, crime statistics and desktop research, it is recommended that the priority areas below are included in the review of the CSCP.

1. Identifying and targeting priority offences

Some crimes have a greater impact on the community than others and therefore are given a higher priority by government and services. The local Police play an integral role in identifying priority offences and crime trends in the three various policing districts within the Shire of Harvey.

2. Promoting safer communities

The Shire of Harvey acknowledges the importance of the community being aware of safety issues within the environment and practical steps that can reduce or discourage crime. To equip the community and deter opportunities for crime, this priority focus area has an emphasis on community education and developing local resources on safety and crime prevention.

3. Supporting families, children and young people

What happens to children in the early years has consequences right through the course of their lives. While there are many opportunities to intervene and make a difference to the lives of children and young people, research suggests that intervening in early childhood, is the most effective phase to impact on the future development of the child. Early intervention and education aims to reduce risk factors of young people engaging in antisocial and offending behaviour and enhance to protective factors.

4. Addressing alcohol and other drug related issues

Drug and alcohol use can have significant consequences that result in crime and erosion of the public confidence in community safety. Preventing and reducing the adverse effects of drugs and alcohol requires a comprehensive and coordinated approach involving a range of relevant agencies.

5. Promoting safe physical environments

Environments where people feel safe encourage active and healthy participation in the community and elicit further positive use of public spaces, resulting in increased commerce and tangible social benefit. This priority area focuses on developing and maintaining a welcoming environment and includes Designing Out Crime strategies (DOC) along with other proactive strategies to counter and reduce anti social behaviour.

Staff recommend that the Community Safety and Crime Prevention Committee review the community consultation results and endorse the draft priorities as presented in this report. Once this has occurred, it is proposed that the Committee commence the task of developing strategies for each of the five (5) priority areas.

In addition to these priorities and strategies, further specific actions, timeframes and evaluation methods will later be developed and presented to Council in the form of the Draft Community Safety and Crime Prevention Plan 2012 – 2015. Some of the results of the community consultation process will also be utilised to develop these specific strategies.

Statutory/Policy Environment

Nil.

Budget Implications

\$5,000 has been allocated within Council's 2011/12 Budget to undertake a review of the Community Safety and Crime Prevention Plan.

General discussion took place and the Committee identified a range of strategies that could be considered for inclusion in the draft Community Safety and Crime Prevention Plan. The Committee agreed that these ideas be further researched and wherever feasible, be included in the initial draft of the new plan.

Officer's Recommendation

That Council;

- i) Endorses the following priority areas for inclusion in the Shire's draft Community Safety and Crime Prevention Plan 2012 – 2015:
 - a) Identifying and targeting priority offences
 - b) Promoting safer communities
 - c) Supporting families, children and young people
 - d) Addressing alcohol and other drug related issues
 - e) Promoting safe physical environments

SIGNED _____ DATED 28th August, 2012.

-
- ii) Receives a further report, including a copy of the draft Community Safety and Crime Prevention Plan 2012 - 2015, with the inclusion of specific actions and timelines to meet the Plan's priority areas.

CSCP12/002. **Morley/Watt**

“That the Officer’s Recommendation be adopted.”

CARRIED 6-0

8. **NEXT MEETING**

The next meeting of the Community Safety and Crime Prevention Committee is to be advised.

9. **CLOSURE**

There being no further business to discuss, the meeting was declared closed at 3:39 p.m.

SHIRE OF HARVEY

WORK SAFETY COMMITTEE MEETING

MINUTES OF THE MEETING OF THE WORK SAFETY COMMITTEE HELD ON THURSDAY, 7TH JUNE, 2012, IN THE COUNCIL CHAMBERS, YOUNG STREET, HARVEY, COMMENCING AT 3.00 P.M.

ATTENDANCE

Presiding Member	Cr. B.E Hollands
Executive Manager of Corporate Services	Mr. R. Scantlebury
Manager Works & Services	Mr. P. Kay
Works Supervisor	Mr. B. Dack

Safety Representatives:

Administration	Mr. H. Jones
Parks & Gardens	Mr. R. Burgoyne
Parks & Gardens – Harvey	Mr. J. Conedera
Leschenault Leisure Centre	Mr. W. Done
Depot	Mr. W. Charchalis
Drainage	Mr. B. Dearden
Construction/Maintenance	Mr. C. Bingham
Regional Risk Coordinator	Ms. N. Logan

1. **OFFICIAL OPENING**

Cr. Brian Hollands opened the meeting at 3.08 p.m.

2. **APOLOGIES**

Apology: Executive Manager of Technical Services, Mr. T. Naudé
Apology: Engineering Technical Officer, Mr. L. Brown

3. **PUBLIC QUESTION TIME**

Nil.

4. **DECLARATION OF MEMBERS' AND OFFICERS' INTEREST**

Nil

SIGNED _____ DATED 6TH September, 2012.

5. CONFIRMATION OF PREVIOUS MINUTES

The Minutes of the Work Safety Committee held on Thursday, 1st March, 2012, are attached hereto.

ATTACHMENT

Recommendation

That the Minutes of the Meeting held on Tuesday, 1st March, 2012, as attached, be confirmed as a true and correct record.

HA12/007. **Jones/Burgoyne**
"That the Officer's Recommendation be adopted."

CARRIED 8-0

6. REPORTS**Item No. 6.1**

Subject:	Incident/Accident Reports
Proponent:	Various
Location:	Various
Reporting Officer:	Manager of Works and Services
File No:	CCC002

Summary

All incident/accident reports are completed by employees and investigations of these reports are carried out by the Safety Representative and Supervisor.

Background

All incident/accident reports that are made are submitted to the Works Supervisor or Section Manager and a copy is also provided to the Safety Coordinator.

The Works Supervisor and appropriate Safety Representative are then required to investigate reports, make comments and submit their completed documents to the Safety Coordinator who then submits the documents to the Works Safety Committee for assessment and appropriate recommendations as necessary.

Comment

The following incident/accident reports have been followed up since the Work Safety Committee meeting;

SIGNED _____ DATED 6TH September, 2012.

No. 216 Engineering – Vehicle Damage

Supervisor's Comment

Whilst loader operator was putting grab bucket onto front end loader another staff member parked a utility behind the loader whilst the operator climbed into his seat. He did not see the utility on reversing the loader and made contact with the front of the utility.

Injury - Nil.

Safety Representative's Comments

More care needs to be taken when on a work site where larger vehicles are in use.

Lost Time

Nil. Vehicle damage only.

No. 217 Engineering – Trench Filling

Supervisor's Comment

The employee had used a sledgehammer to break up a thick piece of concrete footpath earlier in the day. The action of using a shovel caused pain to the forearm and loss of strength. It could be the jarring of the sledgehammer that has caused a slight delay in feeling the injury.

Injury – painful forearm – lack of movement and loss of strength.

Safety Representative's Comments

It looks likely to be a delayed reaction after the use of the sledgehammer on a thick piece of concrete prior to shoveling.

Lost Time

12 days.

Statutory/Policy Environment

Nil

Budget Implications

Nil

SIGNED _____ DATED 6TH September, 2012.

Officer's Recommendation

That the above reports be noted and the Safety Coordinator be authorized to sign off on these reports.

HA12/008. **Dack/Burgoyne**
"That the Officer's Recommendation be adopted."

CARRIED 8-0

Item No. 6.2

Subject:	Regional Risk Coordinator – Progress Report	
Location:	Regional Risk Coordinator	
Reporting Officer:	Executive Manager of Corporate Services	
File No:	B000048	Registration No.
	12/13462	

Summary

The Regional Risk Coordinator, Ms Neroli Logan, provides to Council a regular report on what activities are undertaken by her within the Shire of Harvey.

Comment

The Regional Risk Coordinator's Report for the period November 2011 to April 2012 is attached and will be presented to the meeting.

Statutory/Policy Environment

Nil.

Budget Implications

Nil.

Officer's Recommendation

That the information contained within the progress report be noted.

HA12/009. **Charchalis/Dack**
"That the Officer's Recommendation be adopted."

CARRIED 8-0

SIGNED _____ DATED 6TH September, 2012.

Item No. 6.4

Subject:	Media Statements	
Proponent:	Department Of Commerce (Worksafe)	
Location:	Perth	
Reporting Officer:	Executive Manager of Corporate Services	
File No:	CCC002	Registration No.
	12/13461	

Summary

Worksafe, being a division of the Department of Commerce regularly distribute media statements to inform workplaces of various safety issues. This was done previously by the Department of Consumer and Employment Protection now known as the Department of Commerce.

Background

Safety Alert 1/2012 "Guarding for Powered Bin Tippers", Safety Alert 2/2012 "Supervision of Apprentices and Detection of Underground Services", Safety Alert 3/2012 "Mobile Cranes with a Free Fall Feature" Safety Alert 4/2012 "15 year old worker injured while washing coolroom floor in fast food outlet", Safety Alert 5/2012 "Pumping of Hazardous Chemicals", have been released since the OS&H Committee meeting held on 1st March, 2012.

Statutory/Policy Environment

Nil

Budget Implications

Nil

Officer's Recommendation

That the information within this Report be received.

HA12/010. **Jones/Kay**
"That the Officer's Recommendation be adopted."

CARRIED 8-0

7. GENERAL BUSINESS

7.1 Appointment to Works Safety Committee – Representative – B. Dearden

HA12/011. **Burgoyne/Bingham**
"That Council appoints Mr. Brian Dearden as the drainage representative to the Work Safety Committee."

CARRIED 8-0

SIGNED _____ DATED 6TH September, 2012.

7.2 Leschenault Leisure Centre – Mould Issue

Warwick Done advised that the Leschenault Leisure Centre is dealing with mould issues on equipment in the storeroom near the pool area. The air handling problem is contributing. Haydn Jones requested a clean up be completed by a contractor from Perth. The area has been secured until the problem has been resolved.

NEXT MEETING

The next meeting of the Work Safety Committee is to be held on Thursday, 6th September, 2012, commencing at 3.00 p.m.

CLOSURE

There being no further business to discuss, the meeting was declared closed at 3.56 pm.

SIGNED _____ DATED 6TH September, 2012.

SHIRE OF HARVEY

CORPORATE SERVICES COMMITTEE MINUTES

MINUTES OF THE MEETING OF THE CORPORATE SERVICES COMMITTEE HELD ON TUESDAY, 19TH JUNE, 2012 IN THE COUNCIL CHAMBERS, YOUNG STREET, HARVEY, COMMENCING AT 1.03 P.M.

ATTENDANCE:

Shire President	Cr. T.G	Jackson	
Deputy Shire President	Cr. B.E.	Hollands	
	Cr. P.	Beech	
	Cr. G.	Campbell	
	Cr. E.	Hill	1.03pm – 1.24pm
			1.38pm – 1.40pm
	Cr. J.L	Sabourne O.A.M. J.P.	

STAFF:

Chief Executive Officer	Mr. M.	Parker
Executive Manager of Corporate Services	Mr. R.	Scantlebury
Executive Manager Technical Services	Mr. T	Naudé
Manager of Community and Economic Development	Mr. P.	Quinlivan
Finance Manager	Mr. D	Winter
Principal Building Surveyor	Mr. M.	Stewart

OBSERVERS:

Cr. A. Shortland

1. OFFICIAL OPENING

The Shire President opened the Meeting at 1.03 p.m.

2. PUBLIC QUESTION TIME

Nil.

SIGNED

DATED 31st July, 2012.

3. APOLOGIES AND LEAVE OF ABSENCE

Nil.

4. COUNCILLORS' AND OFFICERS' DECLARATION OF PERSONAL INTEREST

Cr. Hill declared an impartiality interest in Item 7.10 "Southern Seawater Desalination Plant – Community Benefits Package". Cr. Hill advised that she would leave the Chambers for discussion of this item.

Reason

Cr. Hill's Mother is the Secretary of the Binningup Christian Youth Camp.

5. PETITIONS AND DEPUTATIONS**6. CONFIRMATION OF PREVIOUS MINUTES****6.1 CORPORATE SERVICES COMMITTEE MEETING – Tuesday, 29th May, 2012.**

That the Minutes of the meeting held on Tuesday, 29th May, 2012, be confirmed.

RECOMMENDATION

That the Minutes of the Meeting, held on Tuesday, 29th May, 2012, as printed be confirmed as a true and correct record.

CS-12/061. **Hollands/Hill**

"That the Minutes of the Meeting, held on Tuesday, 29th May, 2012, as printed be confirmed as a true and correct record."

CARRIED 6-0

7. REPORTS

Item No.	7.1	
Subject	Financial Statement	
Proponent:	Shire of Harvey	
Location:	Shire of Harvey	
Reporting Officer:	Finance Manager	
File No.:	FMS006	ATTACHMENT

Attached to the Agenda is a copy of the Financial Report for the period ending 31st May, 2012, 2012. This report includes:

Operating Statement	\$4,633,744	Surplus
Graph of Total Income & Total Expenditure		
Restricted Assets – Reserves	\$9,572,763	
Restricted Assets – Trust	\$407,596	

SIGNED

DATED 31st July, 2012.

Trust Fund (monies held in trust)	\$11,424,829
Restricted Assets – Other	\$1,626,258
Cash at Bank Reconciliation	

Recommendation

That the Financial Statement as at 31st May, 2012, with the balances shown above, be received.

12/062. **Campbell/Sabourne**
 “That the Officer’s Recommendation be adopted.”

CARRIED 6-0

Item No.	7.2	
Subject	Debtors Reconciliation	
Proponent:	Shire of Harvey	
Location:	Shire of Harvey	
Reporting Officer:	Finance Manager	
File No.:	FMS006	CONFIDENTIAL ATTACHMENT

Attached to the Agenda is the Debtor’s Reconciliation for the month ended 31st May, 2012.

Total of Debtors Submitted	\$294,406.64
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Recommendation

That the Debtor’s Reconciliation for the period ending 31st May, 2012, showing the balance of \$294,406.64 be received.

12/063. **Hill/Hollands**
 “That the Officer’s Recommendation be adopted.”

CARRIED 6-0

Item No.	7.3	
Subject	Statement of Investments	
Proponent:	Shire of Harvey	
Location:	Shire of Harvey	
Reporting Officer:	Finance Manager	
File No.:	FMS006	ATTACHMENT

Attached to the Agenda is a Statement of Investments.

Recommendation

That the Statement of Investments for the period dated 31st May, 2012 be received.

12/064. **Hollands/Beech**
 “That the Officer’s Recommendation be adopted.”

CARRIED 6-0

Item No.	7.4		
Subject	Accounts for Payment		
Proponent:	Shire of Harvey		
Location:	Shire of Harvey		
Reporting Officer:	Finance Manager		
File No.:	FMS006		ATTACHMENT

The following list of accounts is submitted for consideration:

<u>Voucher</u>		<u>Amount</u>
Municipal	EFT 13737– EFT 14102	\$1,157,356.22
	112316 - 112419	\$222,195.91

Recommendation

That the accounts as listed from EFT 13737 - 14102 and cheques 112316 - 112419 totalling \$1,379,552.10 be passed for payment or payment confirmed.

12/065. **Beech/Campbell**
“That the Officer’s Recommendation be adopted.”

CARRIED 6-0

Item No.	7.5		
Subject	Accounts for Payment by Electronic Fund Transmission		
Proponent:	Shire of Harvey		
Location:	Shire of Harvey		
Reporting Officer:	Finance Manager		
File No.:	FMS006		ATTACHMENT

The following list of funds submitted electronically is submitted for consideration:

<u>Voucher</u>	<u>Amount</u>
Payments	\$1,201,218.77

Recommendation

That the accounts, as listed to the 19th June, 2012 be passed for payment or payment confirmed.

12/066. **Campbell/Hollands**
“That the Officer’s Recommendation be adopted.”

CARRIED 6-0

SIGNED

DATED 31st July, 2012.

Item No.	7.6	
Subject	Schedule of Credit Card Payments Submitted	
Proponent:	Shire of Harvey	
Location:	Shire of Harvey	
Reporting Officer:	Finance Manager	
File No.:	FMS006	ATTACHMENT

The following list of Credit Card payments is submitted for consideration:

<u>Voucher</u>	<u>Amount</u>
CBA Credit Card	\$134.85

Recommendation

That the credit card payments as listed and indicated above, be received.

12/067. **Hill/Campbell**
“That the Officer’s Recommendation be adopted.”

CARRIED 6-0

Item No.	7.7	
Subject	Major Projects – Status Report	
Proponent:	Shire of Harvey	
Location:	Shire of Harvey	
Reporting Officer:	Finance Manager	
File No.:	FMS006	ATTACHMENT

Attached to the Agenda is a schedule showing the progress of the Major Works of the Shire.

Recommendation

That the Major Projects – Status Report for May, 2012, be received.

12/068. **Sabourne/Hill**
“That the Officer’s Recommendation be adopted.”

CARRIED 6-0

Item No.	7.8	
Subject:	Desair (In Administration) – Pool Heating Replacement Contract	
Proponent:	Shire of Harvey	
Location:	Shire of Harvey	
Reporting Officer:	Principal Building Surveyor	
File No.:	A005529	Attachment Reg. No. 12/15150

Summary

This report is to inform Council of issues which have arisen due to the failure of the Hastie Group Ltd.

SIGNED

DATED 31st July, 2012.

Background

Council has a number of service contracts in addition to proposed major maintenance works with Desair, a subsidiary company of the Hastie Group. On or about 6th June, 2012, PPB Advisory (based in Melbourne) have been appointed administrators for the Hastie Group of companies.

Comment

Council had placed a purchase order for substantial major maintenance to be performed at the Leschenault Leisure Centre's Pool Hall. The works were programmed for the week beginning 9th July, 2012, however with the demise of the Hastie Group this plan is compromised.

Staff have been in contact with the Administrator to cancel previous purchase orders with Desair to enable planned major maintenance to proceed with alternative contractors.

Staff can confirm that the major plant required for the project is not subject to the control of the Administrators, with Council being able to deal direct with the supplier for its procurement.

Steens Gray and Kelly Pty. Ltd. were appointed by Council to act as project managers for the works. Staff have requested that they seek quotes from alternative contractors for the installation of the plant, as supplied by Council with the installation commencing on 9th July, 2012.

Council considered tenders for the replacement of the heat pump HP3 at its meeting on 6th December, 2011, and accepted a tender submitted by Desair Air-conditioning and Refrigeration (Bunbury) for \$84,850, excluding GST.

Staff seeks Council's authorisation to accept quotes for the installation of HP3 in lieu of recalling tenders for this project as it is anticipated that the cost to install will be below the threshold requiring a tender process.

At the time of preparing this report, Staff have received verbal and written advice acknowledging the cancellation of purchase orders placed with Desair from the Administrator (PPB Advisory).

Given the circumstances and the emergency nature of the works required, to ensure suitable pool temperatures and the short window of opportunity during the July School Holidays to carry out the required works, alternative arrangements need to be carried out as soon as possible.

Budget Implications

This project has been included in planned works for 2011/2012, however funds will need to be carried forward into 2012/2013 as due to unforeseen circumstances as the project will not be completed prior to 30th June, 2012.

The original tendered sum of \$84,850 was for the supply and installation of HP3, with Council now in a position to purchase the plant, the quotes to install may not reflect the original tendered sum.

Statutory Environment

Section 3.57 of the Local Government Act, 1995 – Part 4 – Local Government (Functions and General) Regulation 1996 – provides the purchase of goods and services by Public Tenders. Although Council has accepted a tender from Desair. Given the current circumstances, the Administrator PPB Advisory has accepted that the contract/tender is now cancelled. With the urgent nature of the works suitable quotes are now being obtained for project completion.

Council's Purchasing Policy for Goods and Services under \$100,000 requires quotes and not tenders.

Officer's Recommendations:

That Council

1. Acknowledge that Purchase Order Numbers 10799, 10362 and the letter of intent in relation to the installation of Heat Pump HP3 in favour of Desair Airconditioning and Refrigeration are hereby cancelled.
2. Authorises Staff to obtain and accept suitable quotations for the works required for the replacement and installation of heat pump HP3 for the Leschenault Leisure Centre.

12/069.

Campbell/Hollands

“That the Officer's Recommendation be adopted.”

CARRIED 6-0

Item No. 7.9

Subject:	2012/2013 Yearly Rubbish Charges
Proponent:	Shire of Harvey
Location:	Within the Shire of Harvey
Reporting Officer:	Finance Manager
File No:	FMR0003

Summary

The following rubbish charges for the 2012/2013 financial year are presented to Council for consideration and adoption;

Residential Rubbish Charge

\$213 per annum for the weekly removal of one 240 litre mobile garbage bin and fortnightly removal of one 240 litre mobile recycling bin.

Rural Rubbish Charge

\$74 per annum for a rural rubbish charge on those rural properties which do not have a weekly 240 litre mobile garbage bin service.

Comment

Staff have, in previous years, presented the rubbish charges for Council to adopt at its annual Budget Adoption Meeting. These charges are presented to Council now to allow the additional time required to print and emboss tip passes for distribution with Council's 2012/2013 rate notices.

Over the past two (2) years Council adopted the following rubbish charges,
2010/2011

Residential Rubbish Charge

\$197 per annum for the weekly removal of one 240 litre mobile garbage bin and fortnightly removal of one 240 litre mobile recycling bin.

Rural Rubbish Charge

\$69 per annum for a rural rubbish charge on those rural properties which do not have a weekly 240 litre mobile garbage bin Service.

The proposed new charge below constitutes a CPI (1.9%) increase on last year's charge and is sufficient to cater for the cost of providing this service.

2011/2012*Residential Rubbish Charge*

\$209 per annum for the weekly removal of one 240 litre mobile garbage bin and fortnightly removal of one 240 litre mobile recycling bin.

Rural Rubbish Charge

\$73 per annum for a rural rubbish charge on those rural properties which do not have a weekly 240 litre mobile garbage bin service.

2012/2013 (Recommended)*Residential Rubbish Charge*

\$213 per annum for the weekly removal of one 240 litre mobile garbage bin and fortnightly removal of one 240 litre mobile recycling bin.

Rural Rubbish Charge

\$74 per annum for a rural rubbish charge on those rural properties which do not have a weekly 240 litre mobile garbage bin Service.

Statutory/Policy Environment

Waste Avoidance and Resources Recovery Act 2007 – provides authority for Council to collect refuse waste and to recoup the cost of same.

Budget Implications

The application of a rubbish charge is to provide sufficient funds to carry out that service. The charge is not to provide additional surplus or subsidy to Council's general rates.

The estimated income from the proposed 2012/2013 rubbish charges is,

Residential Rubbish \$2,114,238

Rural Rubbish \$36,852

Officer's Recommendation

That Council adopts the following charges within the Shire of Harvey for the 2012/2013 financial year;

1. *Residential Rubbish Charge*

\$213.00 per annum for the weekly removal of one 240 litre mobile garbage bin and fortnightly removal of one 240 litre mobile recycling bin.

2. *Rural Rubbish Charge*

\$74.00 per annum for a rural rubbish charge on those rural properties which do not have a weekly 240 litre mobile garbage bin Service.

ABSOLUTE MAJORITY REQUIRED

12/070.

Hill/Beech

"That this item be deferred and be considered at the Special Council Meeting/Draft Budget Meeting, to be held on 26th June, 2012."

CARRIED 6-0

Cr. Hill declared an impartiality interest in Item No. 7.10, as her Mother is the Secretary of the Binningup Christian Youth Camp, and left the Chambers at 1.24 p.m.

Item No. 7.10

Subject: Southern Seawater Desalination Plant Community Benefits Package – Budget Submissions

Proponent: Binningup & Myalup Community Groups

Location: Shire of Harvey

Reporting Officer: Manager Community & Economic Development

File No.: FM/U/003

Summary

Council has received funding from the Water Corporation that is to be used for the benefit of the Shire's Coastal communities in and around the townsites of Binningup and Myalup. The funds have been placed into a specific Reserve Account for that purpose and are managed by Council. Nine (9) submissions have been received for Council to consider for inclusion in the Draft 2012/2013 Budget.

Background

The local benefits package was provided by the Water Corporation, as a result of the Southern Seawater Desalination Plant project. It has been set up as a long term reserve fund, managed and operated by the Shire of Harvey for the benefit of the residents in and around the towns of Binningup and Myalup. In accordance with an agreement between the Shire of Harvey and the Water Corporation the funds are not to be used for normal operational or maintenance activities.

Incorporated community groups within Binningup and Myalup have been given an opportunity to apply for funding through the Community Benefits Package Programme Round 3 for projects that have a local significance. Advertisements seeking submissions were placed in the local press and on Council's website closing on 8th May 2012. As a result, nine (9) applications were received compared to fourteen (14) for Round 1 in 2010/2011 and nine (9) for Round 2 in 2011/12.

Guidelines were prepared to assist with the assessment of any applications received.

Comment

The submissions received are listed below:

Applicant	Summary	Project Budget (Ex GST)	Applicant Request (Ex GST)	Amount Recommended (Ex GST)
Lions Club of Binningup Waters	Contribution towards the cost of installing two (2) additional bench seats and two (2) timed floodlights in the Lion's Park	\$4,500	\$2,250	\$2,250

Comment

This application is supported and it is acknowledged that the Lions Club will be providing fifty percent (50%) of the total cost of the project including installation.

The Lions Club of Binningup Waters Inc has eighteen members and is actively involved in the Binningup community. The members have given an ongoing commitment, in writing, *"to the upkeep, care and general maintenance of Lions Park, Binningup."*

The park is located just west of the Binningup store on the corner of Pioneer Street and Ilyarrie Street. It is well sheltered and protected from the wind making it an ideal location for an informal park.

The proposal is to provide two (2) additional bench seats and two (2) timed floodlights to encourage use of the park. This project will compliment previous work completed by the club on a similar basis with funding from this reserve.

Applicant	Summary	Project Budget (Ex GST)	Applicant Request (Ex GST)	Amount Recommended (Ex GST)
Binningup Beach Christian Youth Camp	Replacement of old mattresses on bunk beds	\$24,880	\$8,930	\$8,930

Comment

This submission is for the replacement of old mattresses on bunk beds for the Binningup Beach Christian Youth Camp.

The Binningup Beach Christian Youth Camp Committee is upgrading the interior walls and floors at their costs (\$10,950 cash & \$5,000 in-kind) and wishes to purchase seventy (70) mattresses for the existing beds they are going to renovate.

The Binningup Beach Christian Youth Camp provides for families staying at the camp for reunions and special events.

Staff recommends that this application is supported up to \$8,930 with the balance of funds being provided by the applicant.

Applicant	Summary	Project Budget (Ex GST)	Applicant Request (Ex GST)	Amount Recommended (Ex GST)
Binningup Community Association (1)	Purchase of equipment to use at the Spring Fair	\$24,803 (cost of Spring Fair)	\$1,262	\$1,262

Comment

The applicant is seeking funding to purchase four (4) temporary gazebos and four (4) temporary tables which will be available to Local Community Groups for other local events.

The Binningup Spring Festival provides an opportunity for local community, environmental and sporting organizations to promote their cause and enhance the local community spirit. The festival has been in existence for an estimated twenty years. This event is supported by sponsors and community groups.

Staff recommends that this application is supported up to \$1,262 with the balance of funds being provided by the applicant.

Applicant	Summary	Project Budget (Ex GST)	Applicant Request (Ex GST)	Amount Recommended (Ex GST)
Binningup Community Association (2)	Cost of booking the Scitech Roadshow	\$24,803 (cost of Spring Fair)	\$2,195	Nil

SIGNED

DATED 31st July, 2012.

Comment

The Binningup Community Association requested funding for the Scitech Roadshow believing the Spring Fair will be enhanced by providing an educational and science based show to fascinate and amaze all ages.

Staff recommend that this allocation be funded from it's Area Promotion budget as it is deemed operational in nature being the provision of a one off show.

Applicant	Summary	Project Budget (Ex GST)	Applicant Request (Ex GST)	Amount Recommended (Ex GST)
Binningup Community Association (3)	Purchase of new dishwasher for the Country Club	\$4,113	\$3,763	\$3,763

Comment

The applicant is seeking funding to purchase a new commercial dishwasher to replace the old dishwasher which is not functioning and in need of repair. Currently crockery and cutlery are being washed in the commercial sink which is considered by the applicant as not suitable.

Staff recommends that this application is supported up to \$3,763 with the balance of funds being provided by the applicant.

Applicant	Summary	Project Budget (Ex GST)	Applicant Request (Ex GST)	Amount Recommended (Ex GST)
Binningup Occasional Child Care Services	Air-conditioning of the Binningup Hall	\$12,000	\$12,000	\$8,000

Comment

The Binningup Occasional Child Care Services is seeking funding to install air-conditioning to the Binningup Hall. The project is to provide a more comfortable atmospheric environment for the children using the centre. The applicant puts that the hall becomes very warm in summer and uncomfortably cold in winter.

It is considered by the applicant that more community groups will use the Hall if air-conditioned as they are requiring air-conditioned premises due to summer temperatures.

Although Council does not usually provide air-conditioning in its halls, Staff recommends that this application is supported up to \$8,000 with the balance of funds being provided by the applicant. The applicant had requested that 3 air conditioners be installed but staff believe this to be excessive. Reason for support is this benefits package it to provide for services over and above what would usually be provided by Council or in a time line quicker than Council would otherwise be able to consider in its own budget.

Applicant	Summary	Project Budget (Ex GST)	Applicant Request (Ex GST)	Amount Recommended (Ex GST)
Shire of Harvey (1)	Power supply upgraded for Binningup Foreshore	\$20,000	\$20,000	\$20,000

Comment

Staff have identified that power supplies for the Binningup Foreshore are fully utilised leaving no additional provision for expanded services to the Surf Club, public BBQs or any other community electrical application.

For Council consideration is an allocation for upgrading the power supply to the Binningup Foreshore area to allow such additional services.

Applicant	Summary	Project Budget (Ex GST)	Applicant Request (Ex GST)	Amount Recommended (Ex GST)
Shire of Harvey (2)	Ottrey Park toilet block	\$125,000	\$62,500	\$62,500

Comment

The Myalup Foreshore - Ottrey Park Development Plan includes the provision for upgraded toilet facilities to Ottrey Park. As this project is also identified in Council's 5 Year Capital Works Plan, it is proposed this new facility be included with 50% of funds coming from the Reserve account and 50% from Council funds.

Staff comments

In recommending projects that should or should not be supported, staff has been mindful of the intent of the agreement between the Shire of Harvey and Water Corporation in that projects submitted are for the benefit of the coastal communities of Binningup and Myalup. It should also be noted that the funds are not being used for Council's normal operational or maintenance activities but rather for projects that will provide ongoing benefit to the community.

It is not the intention to expend all of the funds that have been made available by Water Corporation but to provide a long term funding source for the communities of Binningup and Myalup. If carefully administered, the funds will be available well into the future providing for increasing demands and opportunities for both communities.

Statutory/ Policy Environment

Southern Seawater Desalination Plant Community Benefits Package Agreement 2009.

Budget Implications

Funding for these applications can be made from the Southern Seawater Desalination Plant – Community Benefits Package Reserve Fund, which has an uncommitted balance of approximately \$1,470,000.

Officer's Recommendation

That Council;

1. Receives the funding applications as presented.
2. Lists for consideration in the Draft 2012/2013 Budget the following applications for funding via the Southern Seawater Desalination Plant – Community Benefits Package Reserve Fund ;

a) Lions Club Binningup Waters (Inc)	\$2,250	Bench and timed floodlights
b) Binningup Beach Christian Youth Camp	\$8,930	Mattresses for bunk beds
c) Binningup Community Association (Inc)	\$5,025	Temporary Gazebos & tables, dishwasher
d) Binningup Occasional Child Care Services	\$8,000	Air-conditioning Binningup Hall
e) Shire of Harvey	\$20,000	Power supply – Binningup Foreshore
	\$62,500	Toilet block – Ottrey Park
3. Lists the Binningup Community Association (Inc) request for funding (\$2,195) to cover the cost of the Scitech Roadshow for consideration within the 2012/13 Area Promotion budget .

12/071.

Beech/Sabourne

“That the Officer's Recommendation be adopted.”

CARRIED 5-0

Cr. Hill returned the Chambers at 1.38 p.m.

8. MATTERS BEHIND CLOSED DOORS (under Section 5.23 (2) of the Local Government Act, 1995)

Nil.

9. CLOSURE

There being no further business to discuss, the meeting was declared closed at 1.40pm.

SIGNED

DATED 31st July, 2012.

SHIRE OF HARVEYCOUNCIL MINUTESMINUTES OF THE ORDINARY MEETING OF THE HARVEY SHIRE COUNCIL, HELD IN THE COUNCIL CHAMBERS, YOUNG STREET, HARVEY, ON TUESDAY, 19th JUNE 2012, COMMENCING AT 4.00 P.M.ATTENDANCE

Shire President	Cr. T.G	Jackson	
Deputy Shire President	Cr. B.E.	Hollands	
	Cr. P.	Beech	4.00pm – 5.36pm
			5.38pm – 6.00pm
	Cr. R.	Bertolini	4.00pm – 4.06pm
			4.15pm – 4.16pm
			4.18pm – 4.42pm
			4.46pm – 4.55pm
			5.00pm – 6.00pm
	Cr. G.	Campbell	4.00pm – 4.20pm
			4.22pm – 6.00pm
	Cr. C.	Carbone	
	Cr. E.	Hill	4.00pm – 4.42pm
			4.46pm – 5.27pm
			5.33pm – 6.00pm
	Cr. A.	Lovitt	
	Cr. S.J.	Marshall J.P.	
	Cr. J.L	Sabourne O.A.M. J.P.	
	Cr. A.J	Shortland	
	Cr. K.J	Wood	

STAFF:

Chief Executive Officer	Mr. M.	Parker	
Executive Manager of Corporate Services	Mr. R.	Scantlebury	
Executive Manager of Technical Services	Mr. T.	Naudé	
Principal Building Surveyor	Mr. M.	Stewart	4.00pm – 4.42pm
Senior Environmental Health Officer	Mr. S.	Dandridge	4.00pm – 4.42pm ¹⁰
Manager of Community and Economic Development	Mr. P.	Quinlivan	
Manager of Planning Services	Mr. S.	Hall	

GALLERY:

McDonalds Australia Ltd.	Mr. C.	Platt	4.00pm – 4.18pm
Treendale	Mr. K.	Coote	4.00pm – 4.18pm
	Mr. R.	White	
YMCA	Ms. J.	Savage	4.00pm – 4.36pm

SIGNED _____

DATED 10th July, 2012.

Harvey Reporter

Mr. K. Utting

A. OPENING AND WELCOME

The Shire President opened the meeting at 4.00p.m.

B. PUBLIC QUESTION TIME

Nil.

C. READING FROM A BOOK OF LEARNING AND WISDOM

Read by Cr. Sabourne.

Cr. Marshall sought a Leave of Absence from 25th June, 2012 – 25th July, 2012.

12/162. **Hollands/Campbell**

“That Cr. Marshall be granted a Leave of Absence from 25th June, 2012 to 25th July, 2012.”

CARRIED

D. APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence: Cr. Monagle

E. DECLARATIONS OF MEMBERS' AND OFFICERS' PERSONAL INTEREST

Cr. Hill declared an impartiality interest in Item 7.10 of the Corporate Services Committee Minutes, “Southern Seawater Desalination Plant community Benefits Package – Budget Submissions”.

Reason

Cr. Hill's Mother is the Secretary of the Binningup Christian Youth Camp Committee. Cr. Hill advised that she would leave the Chambers for the discussion of this item.

Cr. Hill declared a proximity interest in Item No. 1 of Technical Services, “2012/2013 Capital Works Program”.

Reason

Cr. Hill owns property within McKenna Mews and works are listed for this area within the program. Cr. Hill advised that she would leave the Chambers during discussion of this item.

SIGNED _____

DATED 10th July, 2012.

Cr. Beech declared an impartiality interest in Item No. 6 of the Planning Report, "Application for Planning Consent – "Use Not Listed"– Fire Wood Supply – S. Lewer – Lot 115 (299) Uduc Road, Harvey".

Reason

The applicant and owners of the premises where the business is to be conducted are family friends and colleagues in another association he is involved with. Cr. Beech advised that he would consider the matter on its merits.

Cr. Bertolini declared a proximity interest in Item No. 1 of the Planning Report, "Application for Planning Consent – Proposed Seven Grouped Dwelling – Development – Ventura Homes on Behalf of the Department of Housing – Lot 765 (2) Star Street, Australind".

Reason

Cr. Bertolini is a leaseholder within the Treendale Shopping Centre. Cr. Bertolini advised that he would leave the Chambers for the discussion of the item.

Cr. Bertolini declared a proximity interest in Item No. 3 of the Planning Report, "Modified Treendale District Centre Structure Plan – Town Planning Management Engineering (TME) representing Treendale – Treendale Estate, Australind".

Reason

Cr. Bertolini is a leaseholder within the Treendale Shopping Centre. Cr. Bertolini advised that he would leave the Chambers for the discussion of the item.

Cr. Bertolini declared a proximity interest in Item No. 1 of Technical Services , "2012/13 Capital Works Program".

Reason

Cr. Bertolini owns property on Travers Drive, Brunswick Townsite and Old Coast Road and works are included within the program for these areas. Cr. Bertolini advised that he would leave the Chambers for the discussion of this item.

Cr. Bertolini declared an impartiality interest in Item No. 1 of the Corporate Services Report, "Application for Exemption to Keep More than the Prescribed Number of Dogs".

Reason

The applicants for this item are members of an association in which Cr. Bertolini is a member. Cr. Bertolini advised that he would leave the Chambers for the discussion of this item.

Cr. Campbell declared an impartiality interest in Item No. 5 of the Planning Report, "Scheme Amendment No. 101 – Hope Christian College – Lot 42 Government Road, Roelands."

Reason

Cr. Campbell has children attending the Hope Christian College. Cr. Campbell advised that he would leave the Chambers for the discussion of this item.

Cr. Marshall declared an impartiality interest in Item No. 7.10 of the Corporate Services Committee Minutes "Southern Seawater Desalination Plant Community Benefits Package – Budget Submissions".

Reason

There is an application for funding for the Binningup Christian Youth Camp within this item and Cr. Marshall is the Shire delegate for this Group. Cr. Marshall advised that she would deal with the matter on its merits.

Cr. Marshall declared an impartiality interest in Item No. 4 of the Corporate Services Report, "Harvey Diversion Drain Artwork Project – Harvey Main Street Committee - Uduc Road, Harvey".

Reason

Cr. Marshall's husband has been involved with the Community Group promoting the project for Harvey.

F. PETITIONS/DEPUTATIONS

ITEM 3 – PLANNING REPORT – MODIFIED TREENDALE DISTRICT CENTRE STRUCTURE PLAN – TLWN PLANNING MANAGEMENT ENGINEERING (TME) REPRESENTING TREENDALE – TREENDALE ESTATE, AUSTRALIND

Mr. Kevin Coote and Mr. Chris Platt addressed Council in relation to Modified Treendale District Centre Structure Plan.

Mr. Kevin Coote advised that the largest issue which is of concern to McDonalds is the allocation of traffic flows, however relocating the proposed development from the south west corner of the District Centre to the north west is logical and makes common sense, as it is further from residential properties. This is further emphasised by the fact that McDonalds will be operating 24 hours per day.

J. REPORTS BY OFFICERS OF COUNCIL

Cr. Bertolini impartiality interest in Item No. 1 of the Planning Report and left the Chambers at 4.06 p.m.

PLANNING REPORT

Item No.	1
Subject	Application for Planning Consent – Proposed Seven Grouped Dwelling Development
Applicant	Ventura Homes on behalf of the Department of Housing
Location:	Lot 765 (No. 2) Star Street, Australind
Reporting Officer:	Planning Officer (CZ)/Manager Planning Services
File No.:	A013272 Attachment Reg. No. 12/06958

Summary

Council has received an Application for Planning Consent from Ventura Home Group on behalf of the Department of Housing for a proposed seven grouped dwelling development at Lot 765 Star Street, Australind. The Application was referred to adjoining owners for comment and total of 47 submissions which includes persons other than adjoining owners were received.

The proposal is referred to Council for determination given that Units 1 and 4 do not satisfy the Acceptable development criteria of the Residential Design Codes (R-Codes) and the objections raised during the public submission period. It is recommended that Council grant Planning Consent to the proposal, subject to conditions.

Background

An Application for Planning Consent has been lodged by Ventura Home Group (current landowner and developer of the proposed units) on behalf of the Department of Housing (DoH). The DoH and Ventura have advised the Shire that the arrangement for the development after completion is for Ventura to on-sell the completed units to the DoH. It is understood that the DoH will then offer the units for sale to the general public on a shared equity basis, which will allow for joint home ownership between an individual or family and the DoH, allowing more affordable home ownership options within the area.

Lot 765 Star Street, Australind, is zoned 'Residential Development' under District Planning Scheme No. 1 and consists of 2,404m² in area. Grouped Dwellings are an 'SA' use under the Scheme and to this effect, referral to neighbours is required by Clause 2.3 prior to Planning Approval.

The site is located on the corner of Star Street, Pluto and Denebola Drive within the estate of Treendale and is approximately 200m south of the District Centre. The lot is identified as a grouped housing site on the endorsed Treendale Structure Plan, with an assigned Residential Design Code density of R40. Whilst the lot could potentially accommodate up to 10 units, 7 have been proposed for the lot, resulting in a developed density of R30.

SIGNED _____

DATED 10th July, 2012.

The development proposal involves access for three dwellings onto Denebola Drive and a common property accessway onto Pluto Drive to service the remaining four units. All seven units are single storey and are to be clad in external materials consistent with other single dwellings and grouped dwelling developments throughout Treendale.

An assessment of the proposal by Staff has concluded that most of the development complies with the requirements of the Scheme and the Acceptable development requirements of the R-Codes. However, there are some aspects that do not comply with the development standards applicable under R-Codes, including:

- The standard of fencing adjacent to Star Street, Denebola and Pluto Drive. The proposal does not provide permeable fencing as required under Clause 6.2.4 A4.1.
- The Outdoor Living Areas for Units 1 and 4 do not meet the minimum 'Acceptable development' requirements as required under Clause 6.4.2 A2.

Comment

Standard of Fencing

Good planning solutions for developments can contribute to a reduction in crime through various approaches to design elements. The R-Codes identify that increasing levels of surveillance of dwellings onto the street can serve as a large deterrent to antisocial behaviour. Measures such as permeable fencing provide one way of increasing a dwelling's presence and its ability to serve as a visual surveillance tool, which can otherwise form a barrier to the streetscape if blocked by a non-permeable fence or wall.

Clause 6.2.4 A4.1 of the R-Codes requires that: "*At least one habitable room window of the dwelling has a clear view of the street and the approach to the dwelling.*"

Specifically, Units 1 and 4 are located on corner lots within the development, which are currently proposed to be developed with non-permeable Colorbond fencing. Whilst these units have a view of the approach to the dwelling (internal driveway on common property), no view of the street is currently provided for.

Staff consider it appropriate for Council to impose, as a condition of Planning Consent, requiring a standard of fencing that will allow for passive surveillance onto the streetscape. Further, such a condition will achieve consistency with other recent approvals, the Acceptable development criteria of the R-Codes and the recently endorsed Planning Control Guidelines for grouped housing sites elsewhere within Treendale whereby brick and pier fencing with permeable inlays are required.

Outdoor Living Areas

The R-Codes stipulate minimum dimensions and standards for Outdoor Living Areas under Clause 6.4.2, that being:

SIGNED _____

DATED 10th July, 2012.

“Performance criteria

P2.1 An outdoor living area capable of use in conjunction with a habitable room of the dwelling, and if possible, open to winter sun.

P2.2 An outdoor area that takes best advantage of the northern aspect of the site.

Acceptable development

A2 An outdoor living area to be provided:

- *In accordance with table 1;*
- *Behind the street setback area;*
- *Directly accessible from a habitable room of the dwelling;*
- *With a minimum length and width dimension of 4m; and*
- *To have at least two-thirds of the required area without permanent roof cover.”*

Units 1 and 4 do not meet the minimum criteria for the prescribed outdoor living areas as they are not located behind the street setback area and therefore do not meet the minimum length and width dimensions of 4m. The Applicant has requested that Council consider this aspect of the proposal with regards to the Performance criteria.

In light of this, it is considered that the total aggregate area for the outdoor living area for these units is provided in excess of what is required by the R-Codes and that the proposal satisfies the Performance criteria in that it is capable of use in conjunction with a habitable room of the dwelling. Furthermore, it is considered that the outdoor living area, being closer to the streetscape, would compliment permeable fencing along Star Street, Pluto and Denebola Drive and facilitate greater passive surveillance. It is therefore recommended that approval be given for this consideration under the Performance criteria of the R-Codes subject to permeable fencing being in place.

Public Submissions from Referral Period

The Application was referred to adjoining owners for a minimum of 21 days in accordance with the Scheme. A total of 47 submissions were received from the public, consisting of 32 proforma letters highlighting matters of concern with regard to:

1. Increased levels of antisocial behaviour due to the type of residents living within the proposed dwellings.
2. The landowners have been misled by the marketing of the developer and real estate agent with respect to Treendale being a ‘private estate’.
3. Lack of resources and effective maintenance by the Department of Housing for dwellings.

SIGNED _____

DATED 10th July, 2012.

4. Concerns with safety as a result of the potential occupiers who may inhabit the dwellings.

The 15 individual letters highlighted, often in addition to the above matters, concerns with regard to:

5. Negative impact on house prices.
6. Potential traffic congestion issues.

It must be noted that many of the comments submitted by the public raised matters that are not planning related and therefore cannot be considered in the determination of this or other applications as they make assumptions as to the nature of occupancy. Staff did not consider it appropriate to include all individual comments for the aforementioned reason.

During the referral period, the Department of Housing (DoH) advised the Shire and released a press statement, advising that the intention of the proposed units is to market the dwellings on a shared equity basis, not being the Department's intention to rent these units out. Staff must emphasise that Council should have consideration to the proposal on planning merits as with any other application for Planning Consent.

In response to the aforementioned issues raised during the public submission period, the following comments were made:

1. Is not considered appropriate to speculate on potential residents or their associated behaviour within any development proposal
2. This is not a planning matter that can be considered in the determination of this proposal. However, as a point of clarification a private estate does not preclude the acquisition of land by a government agency nor preclude the ability for a private landowner to rent their dwelling(s) to any individual or government agency.
3. This is not a planning matter that can be considered in the determination of this proposal. The matter has been raised with the respective authority – the DoH. It is also not considered appropriate to speculate on potential landowner's ability to maintain a property/dwelling.
4. This is not a planning matter that can be considered in the determination of this proposal. Is not considered appropriate to speculate on potential residents or associated safety risks.
5. There is no evidence to suggest that these proposal dwellings will have a detrimental impact on house prices within the area. It must also be noted that this site has always been identified for grouped housing and furthermore the density of development is less than that provided for by the Scheme.
6. The road infrastructure has been designed and constructed taking into account higher densities than what is actually being developed at. Therefore the roads should adequately cater for this proposal.

SIGNED _____

DATED 10th July, 2012.

A majority of the submissions received, referred to the proximity of these grouped dwellings to the Treendale District Centre, the adjoining public open space and potential antisocial behaviour. It is an established planning principle for increased densities around key service nodes and activity centres such as the Treendale District Centre. The endorsed Treendale structure plan acknowledges these principles and has been designed accordingly. To this effect Staff consider that the density and dwelling design is appropriate for this site and achieves the planned outcome for the Treendale Estate.

Statutory/Policy Environment

Endorsed Treendale Structure Plan

The structure plan identifies the land for residential development at a density of R40.

Shire of Harvey District Planning Scheme No 1

The land is zoned "Residential Development" and Grouped Dwellings are an 'SA' within this zone and referral to neighbours is required by Clause 2.3 prior to Planning Approval.

Council Policy 15.10 'Grouped Dwelling Development'

The Policy states:

"Four (4) or more unit developments will be advertised in accordance with the provisions of District Planning Scheme No. 1 prior to being presented to Council where:

- i. The applicant is seeking Council to exercise its discretion under the Residential Design Codes, as the proposal does not meet the 'Acceptable Criteria' standards, and this relaxation is considered by Staff to have an impact on surrounding landowners;*
- ii. The proposed development is determined to be of a scale and form which may have impact on surrounding landowners or the wider community."*

Council Policy 19.1.6 'Performance Based Solutions under the provision of the Residential Design Codes'

The Policy states:

"Administration of requests to process applications under the provisions of the performance criteria of the Residential Design Codes, it is Council's Policy to:

- Where an application has been referred to the adjoining landowners for comment and no adverse comments have been received the application shall be processed on its merit.*
- Where an application has been referred to the adjoining land owners for comment with adverse comments being received the application shall be referred to Council for determination on its merit."*

SIGNED _____

DATED 10th July, 2012.

Budget Implications

Nil.

Officer's Recommendation

That Council, grants Planning Consent for seven (7) grouped dwellings at Lot 765 (No. 2) Star Street, Australind, subject to the following conditions:

- a) A person shall not without the written approval of Council, use a building or part of a building in respect of which Council has granted Planning Consent subject to conditions, until all of those conditions have been complied with to the satisfaction of Council.
- b) The development to comply with the Building Codes of Australia and Health Act 1911.
- c) The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered without the further written consent of Council.
- d) The visitors bay, denoted on the approved plan, must be appropriately marked and signed, outlining that it is to be used for visitor parking only.
- e) Car parking areas, crossovers and access ways to be suitably constructed, sealed and drained to the satisfaction of the Shire's Engineering Department prior to the occupation of any unit.
- f) All landscaping, including the verge treatment (as highlighted in yellow on the attached landscaping plan and is to include deciduous tree planting of Jacaranda cuspidifolia and roll on turf) must be installed within 60 days of completion of the final dwelling, fully reticulated and maintained to Council's satisfaction at all times.
- g) Lodgement of a Landscaping Bond, associated with the works contained within condition f) of this Planning Consent, with the Shire of Harvey for \$5000 to be held in trust, subject to completion of the required works to the satisfaction of Council.
- h) Once landscaping has been established, the Applicant is to facilitate a site inspection by Council's Staff to ensure that it has been completed satisfactorily to the Landscaping Plan.
- i) The bond being returned to the applicant after a period of two (2) years, subject to the landscaping works having been completed satisfactory to conditions f), g), h), i) and j) required by Council.
- j) The bin collection area being modified as per the red mark-up on the approved plan.

SIGNED _____

DATED 10th July, 2012.

Footpaths and two (2) Pram Ramps being installed on Pluto Drive and Denebola Drive prior to the occupation of any unit and to the satisfaction of the Shire of Harvey. The location of which, being in accordance with the attached 'Pram Ramp and Footpath Plan' dated the 8th June, 2012.

- k) The Applicant obtaining a Building Permit from Council's Building Department for any retaining wall construction and/or modification.
- l) An external clothes drying facility being provided for each unit prior to the occupation of any unit, as per the combined site plan.
- m) Uniform Colorbond fencing being provided to match the colour and style of fencing used throughout the Treendale Estate, except that fencing marked in green along Star Street, Pluto and Denebola Drive. The fencing areas marked in green on the approved plan are to be constructed prior to the occupation of any unit of rendered brick columns with rendered brick up to 1200mm and visually permeable between 1200mm and 1800mm with either ornamental metal or wooden inlays. Details of the fencing are to be provided to the satisfaction of Council prior to the issuing of a Building Licence.
- n) The external material selections of the units including face brickwork, coloured render, roofing materials and colours being complementary to achieve a single consistent building design theme for the unit complex.
- o) This approval is valid for a period of two (2) years. If development is not completed within this period, a new approval must be obtained before commencing or continuing development.

12/165.

Hollands/Lovitt

"That the Officer's Recommendation be adopted."

CARRIED 10-1

Cr. Carbone requested that it be recorded he voted against the motion.

Cr. Bertolini returned to the Chambers at 4.15 p.m.

SIGNED _____

DATED 10th July, 2012.

Item No.	2
Subject	Lot 10 (No. 41) Old Coast Road, Australind - Proposed Extension Australind Tavern (Formerly Collie Bridge Tavern)
Applicant	South Coast Design representing 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 & 12/06535

Summary

In January 2012, Council considered 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. Council resolved to defer consideration of the Application to allow discussions to take place between Staff and the Applicant, particularly on the issue of car parking. Staff recommend that the proposed beer garden component be refused and for Council to grant retrospective Planning Consent for the building works associated with the recent renovation.

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 (*see Attachment 1*). 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, cool room, 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 included within *Attachment 2*. 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.

At its meeting on 24th January, 2012, Council resolved:

"That 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) lie on the table for further discussions with the applicant, in particularly the parking requirements."

SIGNED _____

DATED 10th July, 2012.

Comment**Car parking**

The Applicant argues that because the Liquor Licence stipulates a maximum occupancy of 200 at any one time, the proposed extension will not increase the number of patrons beyond that which is currently permitted. The Applicant further argues that because the number of patrons cannot be increased, there will be no need for any additional car parking. The liquor licence granted by the Department of Racing, Gaming and Liquor does not specify a limit on the number of patrons that can be accommodated on site, rather a combination of building size, nature and location of exits and the Shire's Certificate of Approval issued under the Health (Public Buildings) Regulations 1992 has resulted in a restriction in the number of patrons. In this case a limit of 200 persons at any one time has been imposed by Council in response to the capacity of the existing on-site effluent disposal system.

The current car parking requirement for the tavern is 80 bays, however only 46 bays are constructed on-site. The Applicant has now prepared a revised plan (refer to **Attachment 3**) showing that it is possible to provide 58 car parking bays on-site, although two of the bays (namely bays 51 and 52) encroach into the Old Coast Road reserve. After subtracting bays 51 and 52, a total of 56 bays can be provided on-site resulting in a shortfall of 24 bays. Council has previously approved a plan showing that 82 bays can be accommodated on-site however, the implementation of that plan is not possible, particularly given the proposed extensions.

The proposed beer garden will generate the need for a further 83 bays under District Planning Scheme No. 1, resulting in the required number of car parking bays for the tavern increasing to 163. Council has the option of exercising its discretion to not require the provision of any additional car parking bays over what is currently required for the tavern, given that the Shire's Certificate of Approval issued under the Health (Public Buildings) Regulations 1992 restricts the number of patrons to 200. This option is not recommended due to the significance in the shortfall. To this effect the current application for the beer garden should be refused.

To address the shortfall in the amount of car parking required, the Applicant is requesting that Council support the use of adjoining Lot 50 for car parking and has provided a plan (**see Attachment 4**) demonstrating how a total of 102 bays could be provided. This amount is still well below that required and the sale/lease of Lot 50 to the Applicant can not be guaranteed, due to Council's obligations under the Local Government Act 1995 as it relates to the disposal of land. In light of this, an approval which includes the proposed beer garden is not considered appropriate due to the significant shortfall in car parking and as the proponent has no legal claim over the use now or possibly in the future over Lot 50.

SIGNED _____

DATED 10th July, 2012.

Retrospective Approval

In addition to the beer garden extension, the application proposes the retrospective approval of the works associated with converting the previous alfresco area (pergola) into a permanently enclosed portion of the restaurant. All works have been done without a planning consent or building licence and do not achieve compliance with the finished floor levels (FFL) required for any new works on this site. Staff acknowledge that to achieve the required FFL will result in a significant change in floor level within a small portion of the building and to do so would be problematic and not provide any additional benefit to the premises in terms of flood protection. Given this and as no net increase in floor area has resulted retrospective planning consent 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 and Control Act. The current Tavern Licence issued by the Department of Racing, Gaming and Liquor (DRGL), does not stipulate a maximum number of permitted patrons. Rather, 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. There is concern that the approval of extra floor space may increase patronage and impact upon the property functioning of the on-site effluent disposal system.

Future Development Requirements:

As evidenced by this report any further development of the site should not be supported until such time as additional car parking can be provided. Furthermore, the existing effluent disposal system will need to be upgraded or the site connected to reticulated sewer.

All further development must also meet the minimum Finished Floor Levels required for this site.

Statutory/Policy Environment

Shire of Harvey District Planning Scheme No. 1

Lot 10 Old Coast Road, Australind is zoned 'Hotel' by District Planning Scheme No. 1. A Tavern is a permitted 'P' use. The Scheme stipulates the need for one car parking bay for every 3m² of public area.

SIGNED _____

DATED 10th July, 2012.

Liquor Control Act 1988

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

The Regulations stipulate the permitted occupancy rates for public buildings.

Local Government Act 1995

Section 3.58 of the Local Government Act 1995 describes the process required to be undertaken by a local government seeking to dispose (sell or lease) land.

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:
 - a) Council is not prepared to support any further extensions to the tavern given that 80 bays are currently required for the tavern yet only 56 bays can be provided on-site. The proposed extension would generate the need for 163 car parking bays in total exacerbating the current under provision of car parking.
 - b) The existing effluent disposal system is not suitable to accommodate the potential additional patronage arising from the proposed extension.
2. Advises the Applicant that the building licence Application 20110752, for the proposed beer garden is refused.
3. Subject to the Applicant providing plans to Council for the restaurant dining area which was previously a pergola and identified as such on the 'Site Plan Overlay' prepared by South Coast Design dated 11 September 2011, grants retrospective Planning Consent for the recent conversion of the pergola area to a restaurant dining room area, subject to the following Conditions:
 - a) A person shall not without the written approval of Council, use a building or part of a building in respect of which Council has granted Planning Consent subject to conditions, until all of those conditions have been complied with to the satisfaction of Council.

SIGNED _____

DATED 10th July, 2012.

- b) The proposal to comply with the Health Act 1911 and the Building Code of Australia.
- c) The Applicant is to construct, drain and line mark the car parking area, prior to the issue of a building licence, to the satisfaction of the Executive Manager of Technical Services, in accordance with the car parking plan prepared by South Coast Design (Drawing 1:2) dated 14 March 2012, except that those car parking bays on Council owned Lot 51 are not approved along with car parking bays 51 and 52 given that they encroach into the Old Coast Road reserve.
- d) Crossovers onto Old Coast Road and Lucy Victoria Road are to be constructed prior to the issue of a building licence and maintained by the Applicant at all times to the satisfaction of the Executive Manager of Technical Services.
- e) The Applicant obtaining a building permit from Council's Building Department. The Applicant shall lodge an application for a retrospective building permit with Council within 2 months of the date of this approval.
- f) This approval is valid for a period of two (2) years. If development is not completed within this period, a new approval will be required.

Additional Information

The Manager of Planning Services advised that the applicant had requested a deferral of this item, as he wishes to address Council but was unavailable to do so at today's Council Meeting.

12/166. **Wood/Shortland**
 "That Council defers this Item to the next Development Services
 Committee Meeting, scheduled for Tuesday, 3rd July, 2012."
CARRIED 11-1

Cr. Bertolini declared an interest in Item No. 3 of the Planning Report and left the Chambers at 4.16 p.m.

Item No.	3
Subject	Treendale District Centre - Modified Structure Plan
Applicant	Town Planning Management Engineering (TME) representing Treendale
Location:	Treendale Estate, Australind
Reporting Officer:	Senior Planning Officer
File No.:	B000115, B000107 & P001090
	Attachments: 12/13321

Summary

At its meeting on 6th March, 2012, Council resolved to advertise:

SIGNED _____ DATED 10th July, 2012.

- A modified Scheme Amendment No. 90 to District Planning Scheme No. 1;
- A modified Treendale District Centre Structure Plan; and
- A modified Treendale Commercial/Light Industrial Precinct Structure Plan.

Due to unresolved issues associated with the revised community purpose site, this report presents only the modified Treendale District Centre Structure Plan for final approval by Council. Modified Scheme Amendment No. 90 and the modified Treendale Commercial/Light Industrial Structure Plan will be presented to Council in the near future once discussions have taken place between Staff and Treendale, as per Council's resolution dated 6th March, 2012.

The granting of final approval to the modified Treendale District Centre Structure Plan has been requested by the Applicant so as not to delay planning for a McDonald's Restaurant. This report recommends that Council grants final approval to the modified structure plan and refers the proposal to the Western Australian Planning Commission (WAPC) for final approval.

Background

Treendale are proposing to relocate the fast food precinct so that it is located either side of Grand Entrance, with two to three drive-thru fast food outlets to be located on the eastern side of Grand Entrance adjacent to the proposed Woolworths Petrol service station, and McDonald's to be located to the west of Grand Entrance on the corner of Constellation Drive. The fast food precinct located to the east of Grand Entrance is subject to modified Amendment No. 90 and the proposed modified Treendale Commercial/Light Industrial Precinct Structure Plan, which will be presented to Council at a later stage. The land to the west of Grand Entrance is subject to the Treendale District Centre Structure Plan.

This report focuses solely on the land to the west of Grand Entrance to accommodate a proposed McDonalds Restaurant. Land to the east of Grand Entrance will be considered by Council in the near future when modified Amendment No. 90 and the Treendale Commercial/Light Industrial Structure Plan are referred back to Council for determination. Staff confirm that support for the relocation of the McDonalds site does not infer support the location of fast food outlets on the eastern side of Grand Entrance nor does it compromise ongoing discussions in regard to the location, size and configuration of the proposed Community Purpose Site.

At its meeting on 6th March, 2012, Council considered:

1. A request from TME representing Treendale and McDonald's Australia that Council support modification of the Treendale District Centre Structure Plan to relocate the fast food precinct from the south western corner of the District Centre to the corner of Grand Entrance and Constellation Drive and replacing the precinct with office residential. The proposal also involves replacing the Showrooms/Nursery precinct bound by Grand Entrance, Ditchingham Place and The Promenade with a "public purpose" site.
2. A modified Amendment No. 90 for Council's consideration given that the structure plan modification proposes to relocate part of the fast food precinct and public purpose site outside of the District Centre onto land subject of Amendment No. 90 to District Planning Scheme No.1; and

SIGNED _____

DATED 10th July, 2012.

3. A modified Treendale Commercial/Light Industrial Precinct Structure Plan for Council's consideration for adoption under Clause 9.14 of District Planning Scheme No. 1.

Council resolved as follows:

"That Council:

- i) *Adopts modified Scheme Amendment No. 90 to District Planning Scheme No. 1 for the purpose of:*
- a) *Rezoning the northern portion of Lot 201 (Deposited Plan 37204) from "General Farming" zone to "Other Commercial – Showroom" zone and reserving a portion "Recreation" in accordance with the Scheme Amendment map.*
 - b) *Rezoning portion of Lot 9010 (Deposited Plan 51961) from "Residential Development" zone to "Other Commercial – Showroom", "Special Use" denoted as Service Station and "No Zone" and reserving a portion "Recreation" in accordance with the Scheme Amendment map.*
 - c) *Amending the Scheme maps accordingly.*
 - d) *Inserting A10 into Schedule 7 – 'Schedule of Additional Uses' of the Scheme as follows:*

	<i>STREET LOCALITY</i>	<i>PARTICULARS OF LAND</i>	<i>ONLY USE PERMITTED</i>
<i>A10</i>	<i>Ditchingham Place/ Grand Entrance, Australind</i>	<i>Portion of Lot 201 (Deposited Plan 37204) and portion of Lot 9010 (Deposited Plan 51961)</i>	<i>Factory Unit Building Community Purpose Motor Vehicle Repair Station Car Wash Civic Use Public Purpose Educational Establishment Produce Market</i>

- e) *Inserting A11 into Schedule 7 – 'Schedule of Additional Uses' of the Scheme as follows:*

	<i>STREET LOCALITY</i>	<i>PARTICULARS OF LAND</i>	<i>ONLY USE PERMITTED</i>
<i>A11</i>	<i>Grand Entrance, Australind</i>	<i>Portion of Lot 9010 (Deposited Plan 51961)</i>	<i>Eating House Fast Food Outlet</i>

SIGNED _____

DATED 10th July, 2012.

- f) *Amending Schedule 13 'Interpretations' by replacing the definition of 'Showroom' with "premises used to display, sell by wholesale or retail or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature."*
- ii) *In accordance with Clause 9.14.5.1 of District Planning Scheme No. 1, determines that the modified Treendale District Centre Structure Plan and modified Treendale Commercial/Light Industrial Structure Plan are suitable for advertising and advertises the structure plans for 42 days concurrently with Amendment No. 90.*
- iii) *Reviews any submissions received on Scheme Amendment No. 90 and the structure plans following the conclusion of the 42 day advertising period.*
- iv) *Advises the Applicant that:*
- a) *In considering an Application for Planning Consent for the McDonald's restaurant, Council will require the restaurant to be orientated towards Grand Entrance and Constellation Drive; and*
- b) *Prior to Council granting final approval to Amendment No. 90 and the structure plans, Council will require the Applicant to submit a modified traffic management plan which addresses the implications of relocating the entire fast food precinct and not just the proposed McDonald's restaurant.*
- c) *Any possible improvements to the local road system, such as the installation of the roundabout at the intersection of Constellation Drive and Grand Entrance, are costs that will be borne by Treendale and are not infrastructure works that are to be funded by the Joint Shires of Harvey and Dardanup Town Planning Scheme No. 1.*
- d) *During the advertising period the proponent is to discuss with Council the opportunity of achieving a design with the same allocation of land for civic purposes as the current Treendale District Centre Structure Plan, being an additional 4000m² of land (total 2.0ha) to be ceded to Council free of cost and the option of a further 1.2ha which may be offered for sale to Council."*

In relation to Item d), this issue requires further discussion between Staff and the Applicant and a report will be presented to Council in the near future. This report focuses solely on the modified Treendale District Centre Structure Plan.

Submitter	Submission	Staff Comments
	<p>ensure proposed infrastructure and site works do not create additional mosquito breeding habitat;</p> <ul style="list-style-type: none"> • New residents be warned of the risk of mosquito-borne disease and the potential for nuisance mosquitoes via an appropriately worded notification on the property titles; • Built form design measures (insect screening on doors and windows and screened outdoor enclosures), public education packages and public signage are included as part of the Scheme Amendment to protect future residents/workers/visitors from mosquitoes. 	<p>The impost of conditions during the subdivision process is the mechanism of ensuring that new property titles created through subdivision contain a notification regarding mosquitoes.</p> <p>Agreed. When Council considers Amendment 90 for final approval, there is scope to insert the built form design measures recommended by the Department of Health into Schedule 7 – ‘Schedule of Additional Uses’ of the Scheme pertaining to proposed Additional Use areas A10 and A11. No modification of the modified District Centre Structure Plan is necessary.</p>
<p>Department of Indigenous Affairs PO Box 7770 CLOISTERS SQUARE PERTH WA 6850 (Reg. No. 12/14360)</p>	<p>There are no Aboriginal heritage places on the Department of Indigenous Affairs (DIA) database within the proposed Treendale District Centre. There are, however, several heritage sites within the vicinity of the subject District Centre Area – approximately 200 metres to the south (Collie River)</p>	<p>Noted.</p>

Application for Planning Consent

Council received an Application for Planning Consent for a McDonald's Restaurant on 11th April 2012. Following assessment by Council's Planning Department, the Application will be referred to Council for determination once the proposed modified structure plan has been endorsed by the WAPC.

SIGNED _____

DATED 10th July, 2012.

Traffic Management Plan

The developer has appointed Riley Consulting to prepare a modified traffic management plan. The plan suggests that the relocation of the fast food precinct will not necessitate the need for additional modifications to the local road system, other than the roundabout which the Applicant has previously agreed to construct at the intersection of Constellation Drive and Grand Entrance.

The traffic report was assessed by Council's Executive Manager of Technical Services and whilst in general agreement with the plan, one issue of concern is the performance of the existing roundabout at the intersection of Constellation Drive and Mercury Pass. The concern relates to the limited stacking distance between the two roundabouts of only 40 metres. If stacking of vehicles occurs due to vehicles seeking to turn right at the roundabout into McDonald's, it is important that other vehicles travelling straight ahead or left are able to use it, otherwise it will impact upon the performance of the roundabout. The recommendation is that the Applicant carries out widening of the roundabout so it is wide enough for other vehicles to be able to use the roundabout. Similarly, the same improvements will minimise the potential disruption caused by vehicles that may be stacking to turn left at the roundabout. For vehicles travelling east along Constellation Drive, the improvements will allow other users of the roundabout to turn right or go straight ahead at the roundabout if they wish to do so.

The cost of constructing the proposed roundabout at the intersection of Grand Entrance and Constellation Drive and the cost of upgrading the roundabout at the intersection of Constellation Drive and Mercury Pass will be borne solely by the Applicant and will not be funded by the Shires of Harvey and Dardanup Joint Town Planning Scheme No. 1 or the Shire of Harvey.

Summary

In summary, whilst the primary motivation for the relocation of the fast food precinct is to enhance the commercial success of the proposed McDonald's restaurant, the proposal has merit for the following reasons:

- It is not desirable for fast food outlets to be located in close proximity to residential when land use conflicts are likely to arise from impacts such as noise, odour and vehicle headlights;
- The location of this fast food site on Grand Entrance will help create a vibrant entry into the District Centre for vehicles that have turned into Grand entrance from the Australind Bypass;
- Council is able to impose conditions on the Application for Planning Consent for the McDonald's restaurant to ensure that it is of a high standard and achieves the desired streetscape objectives; and
- It is acknowledged that the proposed site is still within proximity of residential allotments, however, none of these have been developed as yet and the future purchasers will be fully aware of the existence of this outlet and the potential impact it may have on their residential amenity. Treendale are aware of this issue and supportive of the new location in regard to future residential lots.

SIGNED _____

DATED 10th July, 2012.

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

The subject land is zoned '*Urban*' by the Greater Bunbury Region Scheme.

Shire of Harvey District Planning Scheme No. 1

The Treendale District Centre is zoned '*Residential Development*' by District Planning Scheme No. 1. The Scheme requires preparation of a structure plan for adoption by Council and the WAPC prior to subdivision and development in the '*Residential Development*' zone. The process for adopting and modifying a structure plan is outlined in Clause 9.14 of the Scheme, introduced as part of Amendment No. 93 gazetted on 23rd September, 2011. Following the final adoption of the modified structure plan, Council will be required to refer it to the WAPC for its consideration and endorsement.

Budget Implications

Nil.

Officer's Recommendation

That Council:

- i) Acknowledges that modified Amendment 90 and modified Treendale Commercial/Light Industrial Structure Plan will be referred to Council in the near future once Staff and the Applicant have discussed the matter of the relocated community purpose site, as per Council's resolution of 6th March, 2012.
- ii) Advises the Applicant that Council requires:
 - a) The construction of a roundabout at the intersection of Grand Entrance and Constellation Drive, which shall be designed and constructed to the satisfaction of Council's Executive Manager of Technical Services; and
 - b) Modification of the existing roundabout at the intersection of Constellation Drive and Mercury Pass, to ensure that the performance of the roundabout is not compromised by stacking vehicles travelling to McDonald's performing left and right turning movements. The upgrading of the roundabout is to be carried out at a time agreed by the Executive Manager of Technical Services, however it shall be carried out before vehicle movements on Constellation Drive exceed 3,000 vehicles per day.
- iii) Receives the submissions received during the public advertising period on the modified Treendale District Centre Structure Plan, in accordance with the Table of Submissions contained in the report to Council dated 19th June, 2012.

SIGNED _____

DATED 10th July, 2012.

- iv) Adopts for final approval modified Treendale District Centre Structure Plan and pursuant to Clause 9.14.5.14 of District Planning Scheme No. 1, forwards the structure plan to the Western Australian Planning Commission for final endorsement.

12/167.

Lovitt/Wood**“That the Officer’s Recommendation be adopted.”****CARRIED 11-0****Cr. Bertolini returned to the Chambers at 4.18 p.m.****Cr. Coote and Mr. Platt left the Chambers at 4.18 p.m.**

Item No.	4
Subject:	Lot 144 (23) Garfield Drive, Australind – Request to Modify Conditions of Planning Consent – Family Day Care
Proponent:	Casey Duncan
Location:	Lot 144 (23) Garfield Drive, Australind
Reporting Officer:	Planning Officer (CZ)
File No.:	A007809
	Attachment Reg. No. 12/02939

Summary

Council has received a request to modify the hours and days of operation for a recently approved Family Day Care at Lot 144 (23) Garfield Drive, Australind. The request includes two options, the first for unrestricted 24 hour care, the other includes an increase in the days and times available. It is recommended that Council approves a modification to the request for 24 hour care, subject to conditions.

Background

Council, at its meeting held on the 13th September, 2011, granted Planning Consent to the proponent for the operation of a Family Day Care at the above premises. The Family Day Care known as ‘Little Treasures Family Day Care’ has approval to operate between the hours of 7:00am – 6:00pm Monday to Friday and 9:00am – 3:00pm on Saturday with no operations permitted on Sunday. The proponent has permission from Council and the Department of Communities Child Care Licensing and Standards Unit to care for up to seven children (including the operator’s own children) at any one time within the aforementioned operating hours.

The operator seeks an amendment to the hours and days of operation for the reasons outlined below:

- *Current permissible trading hours by Council do not coincide with many families routines including shift working hours;*
- *The intention to offer ‘crisis care’ in the event of circumstances where the parent(s) need to attend to an urgent or emergency situation and the capacity to attend to children is restricted.*

SIGNED _____

DATED 10th July, 2012.

It must be noted that 'crisis care' as sought by the proponent is more aptly described as emergency care as it does not involve matters of family disturbance. The proponent has indicated two (2) options that she would prefer Council to consider in the amendment to the hours and days of operation (see letter attached for additional information), these being:

1. 24 hours a day, 7 days a week trading; or
2. 5:30am - 7:30pm, 7 days a week.

Subsequently, the request to amend the trading hours and days was advertised to the adjoining neighbours for a minimum of 21 days.

Council at its meeting held on 8th May 2012 resolved:

"That the item lay on the table to allow further information to be obtained in relation to legislative control."

Since the determination, Staff have met with the Licensee (YMCA) in regard to their legislative controls over such uses.

Comment

The proposed amendment to trading hours was advertised to the broader neighbourhood for a minimum of 21 days in accordance with the Scheme requirements, with no objections being received. Whilst no objections were received, it must be noted that the initial Application for establishment of a Family Day Care was advertised with a neighbour strongly objecting to the proposal.

Consideration must also be given to the location for the proposal in the sense that it is within a moderately dense residential area and whether the requested times and days of operation are suitable for this area. It is highlighted for Council's reference that no operations for Family Day Care are currently permitted to operate these requested hours within the Shire.

In any circumstance where a proposed landuse or change to landuse characteristics (such as operating hours) is requested, consideration must be given for consistency with the objectives and expectations associated with a residential area.

It is acknowledged that the increase in hours provides greater flexibility in operating hours for various families and offers more appropriate choice to families that are occupied in shift work. However the residence is within a reasonably populated residential area that may have detrimental impacts on surrounding neighbours. In response to the request, Staff from Council's Health and Planning Services Sections conducted a site visit to the property to assess the premises on the suitability for additional hours and days of operation.

24 hours a day, 7 days a week proposal

Concerns have been raised by Staff with regards to the following components, associated with such a proposal, being:

SIGNED _____

DATED 10th July, 2012.

- Space and appropriate area(s) for children to rest overnight
- Bedding standards for children staying overnight
- Children's wellbeing and safety
- The impact of the landuse on the surrounding neighbourhood

Space and appropriate area(s) for children to rest overnight

It is considered by Staff that appropriate areas should be provided to children that adequately address standards imposed by Council under relevant Health Legislation. The licensee (YMCA), have a specific policy that addresses this item, with detailed reference to overnight care. The ability for the operator to provide aesthetically pleasing rest environments is one component that needs to be addressed for accommodating children overnight, which can be achieved within the spare bedroom of the house.

With respect to the Shire of Harvey's Health Local Laws 2008, a maximum of two children can be accommodated overnight within the spare bedroom. Calculations are made under Clause 22 *Overcrowding* and Clause 23 *Calculated Sufficient Space*, for sleeping arrangements within a room. Considering the aforementioned, Staff consider that, should approval be granted for overnight accommodation, as a condition of approval, that no more than two children are cared for overnight.

Bedding standards for children staying overnight

The policy which the operator must adhere to under the licensee's agreement, specifically addresses safe sleeping and bedding, which identifies practices that Council's Staff are satisfied with. This includes the provisions of a bed and laundered sheets, which must be washed and cleaned on a regular basis. As witnessed by Staff during a site visit, this is provided to a satisfactory level.

Children's wellbeing and safety

Staff have previously expressed their concerns over children's wellbeing and safety associated with overnight accommodation. However, upon further investigation, Staff are now satisfied that the "Safeguarding Children and Young People Policy" of the YMCA, which the operator must work within, includes appropriate guidelines addressing the concerns of Staff. The impost of conditions requiring adherence to this Policy is considered appropriate.

The impact of the landuse on the surrounding neighbourhood

The current approval provides for the caring of up to seven (7) children (including the carers own children) from the hours of 7am – 6pm Monday to Friday and 9am – 3pm Saturday. The proposal seeks to increase the time available on Saturday and include Sunday. Furthermore, should support for 24 hour care be considered this would also allow for up to 2 children only to be cared for outside these hours.

In response Staff support the increase of time for Saturday, however remain opposed to Sunday for reasons of protecting the residential amenity of the locality. Notwithstanding the caring of 2 children over night is not considered to adversely impact on the amenity of the area and can be favourably considered.

SIGNED _____

DATED 10th July, 2012.

In light of the above the proposed hours recommended by Staff include:

Monday – Saturday: 7am – 6pm for a maximum of 7 children (including the carer's own children)

 6pm – 7am for a maximum of 2 children (not including the carer's own children)

Staff consider that the aforementioned days and hours of operation are more suitable to the location's setting and should present a sufficient compromise for both Council and the operator. Regarding this compromise proposed by Staff, the following would apply:

It is recommended that Planning Consent for the additional hours sought by limited to a period of twelve months during which time it can be determined if there is a negative effect on the neighbourhood. Should no adverse issues arise this restriction can be removed under delegated authority by the Manager of Planning Services. It must be noted however, the even after the restriction is lifted Council can still take action should adverse impacts arise.

Statutory/Policy Environment

District Planning Scheme No. 1 – The property is zoned “Residential” under the Scheme.

Local Planning Policy 15.13 – *Day Care/Child Care Services* – provides Staff and Council with guidance when assessing proposals of this nature.

Department for Communities: *Child Care Services (Family Day Care) Regulations 2006* – Regulates the operations of Family Day Care services in Western Australia.

Budget Implications

Nil.

Officer's Recommendation

That Council grant Planning Consent for the amendment to the hours and days of operation of the “Family Day Care” at Lot 144 (23) Garfield Drive, Australind, subject to the following conditions:

- a) The hours of operation and number of children permitted to be cared for being limited to the following:

Monday – Saturday: 7am – 6pm for a maximum of 7 children (including the carer's own children) and

6pm – 7am for a maximum of 2 children (not including the carer's own children)

- b) Once the development has commenced, it shall be valid for a period of twelve (12) months after which time it shall expire unless, at the request of the Applicant, Council agrees to extend the approval.

SIGNED _____ DATED 10th July, 2012.

-
- c) Compliance with the Food Act 2008, Food Regulations and Health Act 1911.
 - d) Adequate lighting being provided and maintained at all times for the drop off and pick up area for the driveway.
 - e) Supervision of all children is in accordance with Clause 23 *Supervision of enrolled children*, of the Child Care Services (Outside School Hours Family Day Care) Regulations 2006, at all times of operation.
 - f) Compliance with the Child Care Services (Outside School Hours Family Day Care) Regulations 2006.
 - g) All other conditions of Planning Consent, dated the 21st September, 2011, being adhered to the satisfaction of Council.
 - h) A change in Sponsor or removal of Sponsor will require a new Application for Planning Consent to be lodged and approved by Council prior to continuation of operations.
 - i) When the operator's State Government License expires, a new Application for Planning Consent must be lodged and approved by Council prior to continuation of operations.
 - j) All children being accommodated overnight for sleeping purposes must be located within a habitable bedroom.
 - k) The operator having due regard to compliance with Sections 22 and 23 of the Shire of Harvey Health Local Laws 2008, with respect to overnight accommodation.
 - l) Operations at all times must be in accordance with the YMCA Family Day Care Service Policy Manual.

12/168.

Campbell/Sabourne**"That the Officer's Recommendation be adopted."****CARRIED 12-0****Ms. Jodie Savage, YMCA, left the Chambers at 4.20 p.m.**

SIGNED _____

DATED 10th July, 2012.

Cr. Campbell declared an interest in Item No. 5 of the Planning Report and left the Chambers at 4.20 p.m.

Item No.	5	
Subject	Scheme Amendment No. 101	
Applicant	Hope Christian College	
Location:	Lot 42 Government Road, Roelands	
Reporting Officer:	Senior Planning Officer	
File No.:	A004892 & P001101	Attachment Reg. No. 12/11168

Summary

Council resolved at its meeting on 13th September, 2011 to support amendments to District Planning Scheme No. 1 and the Greater Bunbury Region Scheme (GBRS) so that Lot 42 Government Road, Roelands can be used by Hope Christian College to cater for future growth of the school.

Council subsequently initiated Amendment No. 101 to District Planning Scheme No. 1 however before requesting that the Western Australian Planning Commission (WAPC) initiate an amendment to the GBRS, Council required Staff to liaise with the owner of the adjoining Lot 34 Colton Street, Roelands with a view to determining the owner's long-term development expectations. Despite two letters, an email and telephone calls, the owner of Lot 34 has not forwarded his position in writing however the owner did not object to the rezoning proposals when speaking to Staff on the telephone or in person with the Manager of Planning Services at the recent Brunswick Community Meeting.

In order to further the amendment, it is recommended that Council request the Applicant to prepare Scheme Amendment No. 101 to District Planning Scheme No. 1 for referral to the WAPC and the Environmental Protection Authority.

Background

Council considered a request from Hope Christian College at its meeting on 13th September, 2011, on whether it would support the use of Lot 42 Government Road, Roelands as a school. Hope Christian College is currently located on Reserve 8969 Government Road, Roelands under a 22 year lease granted to the Applicant by Council. The lease is due to expire on 30th June, 2022. As of September, 2011, the College had 200 enrolments with the current site close to capacity. Lot 42 Government Road, Roelands has been identified by the school for future growth (refer to **Attachment 1** for a Location Plan). A concept plan for the school, prepared by the Applicant is contained within **Attachment 2**.

The use of Lot 42 as a school requires the land to be rezoned under District Planning Scheme No. 1 and the GBRS. At its meeting on 13th September, 2011, Council supported the rezoning of the land and resolved as follows:

SIGNED _____

DATED 10th July, 2012.

“That Council:

1. *In pursuance of Part V of the Planning and Development Act 2005, initiates Amendment No. [101] to the Shire of Harvey District Planning Scheme No. 1, for the purposes of rezoning Lot 42 Government Road, Roelands, from the ‘General Farming’ zone to ‘Public Purpose - School’.*
2. *Following preparation of the Scheme Amendment documents to the satisfaction of Council’s Manager of Planning Services, 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. 99 for a period of 42 days, in accordance with the Planning and Development Act 2005 and the Town Planning Regulations 1967.*
4. *Liaise with the adjoining landowners of Lot 42 Government Road, specifically the owner of Lot 34 Colton Street, with a view to determining their long term development expectations prior to requesting the Western Australian Planning Commission to amend the Greater Bunbury Region Scheme.*
5. *The request seeking support from the Western Australian Planning Commission to amend the Greater Bunbury Region Scheme, be considered by Council following appropriate consultation with adjoining landowners.”*

Comment

Landowner Consultation

In order to satisfy the requirements of Items 4 and 5 of the Council’s resolution of 13th September, 2011, Staff wrote to the owner of Lot 34 Colton Street, Roelands on several occasions, namely:

1. By letter dated 27th October, 2011, advising of Council’s resolution of 13th September, 2011, and seeking confirmation that the landowner is supportive of his landholding being rezoned from the ‘Rural’ zone to the ‘Urban Deferred’ zone under the Greater Bunbury Region Scheme.
2. By letter dated 19th March, 2012, essentially a follow-up letter to Council’s letter dated 27th October, 2011.
3. By email on 10th May 2012, forwarding a copy of the concept plan prepared by the Applicant and seeking advice from the owner on whether he had any concerns with the concept plan.

SIGNED _____

DATED 10th July, 2012.

The owner of Lot 34 has not provided a written response to the above correspondence however Staff have made contact with him by telephone. In summary, the main items raised by the landowner include:

- b. Whether the school had given any thought to how Lot 42 was to be developed so that he could ascertain the potential impact of a school on his landholding. The landowner was subsequently forwarded a copy of the concept plan prepared by the Applicant that forms **Attachment 2**. The concept plan shows the location of a caretaker's residence and proposed screening vegetation to be planted along the boundary adjacent to Lot 34 to help mitigate any potential impacts on amenity.
- c. The landowner holds the view that the Harvey Water channel that runs parallel to Colton Street presents a safety issue to his kids and for school students. The Applicant previously brought this issue to Council's attention in an email received on 23rd February, 2011. Harvey Water advises that the channel cannot be relocated, however it may be, fenced in the same manner as the channel which traverses the nearby Heritage Hills subdivision. It is recommended that Hope Christian College be advised that the open channel is an issue which needs to be properly considered as part of the Scheme Amendment.

Staff are mindful that the amendment should not be delayed any further given that the owner of Lot 34 has had adequate opportunity and time to provide written comment on the proposals. It should also be noted that the owner of Lot 34 will again be invited to provide written comments when Amendment No. 101 is advertised for public comment and the WAPC will also invite comments from the landowner when the GBRS amendment is advertised.

Statutory/Policy Environment

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

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

Lot 42 is zoned 'Rural' by the Greater Bunbury Region Scheme. A rezoning of Lot 42 from the 'Rural' zone to the 'Urban' zone is required as a prerequisite to the rezoning of Lot 42 from 'General Farming' zone to 'Public Purpose' zone. A rezoning of Lot 34 Colton Street from 'Rural' zone to 'Urban Deferred' zone is proposed. The purpose of the 'Urban Deferred' zone is:

"Land suitable for future urban development but where there are various planning, servicing and environmental requirements which need to be addressed before urban development can take place"

Shire of Harvey District Planning Scheme No. 1

Lots 34 and 42 are zoned 'General Farming' by District Planning Scheme No. 1.

SIGNED _____

DATED 10th July, 2012.

Budget Implications

Nil.

Officer's Recommendation

That Council:

1. Acknowledges that Staff have sought written comments from the owner of Lot 34 Colton Street, Roelands and that while no written comments have been forthcoming, the owner did not object to the rezoning proposals when speaking to Staff on the telephone;
2. Requests that the Applicant prepare documentation to the satisfaction of the Manager of Planning Services supporting the rezoning of Lot 42 Government Road, Roelands, from the 'General Farming' zone to 'Public Purpose - School'.
3. Advises the Applicant that the open channel which runs parallel to Colton Street is an issue which needs to be properly considered as part of the Scheme Amendment process. It is recommended that the Applicant liaise with Harvey Water to determine appropriate treatment.
4. 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.
5. Requests the Western Australian Planning Commission to amend the Greater Bunbury Region Scheme to rezone Lot 42 Government Road, Roelands, from 'Rural' zone to the 'Urban' zone, and Lot 34 Colton Street, Roelands, from 'Rural' zone to 'Urban Deferred' zone.

12/169.

Carbone/Hollands**"That Council:**

1. **Acknowledges the written comment received from the owner of Lot 34 Colton Street, Roelands, and notes the non objection to the rezoning proposals.**
2. **Requests that the Applicant prepare documentation to the satisfaction of the Manager of Planning Services supporting the rezoning of Lot 42 Government Road, Roelands, from the 'General Farming' zone to 'Public Purpose - School'.**
3. **Advises the Applicant that the open channel which runs parallel to Colton Street is an issue which needs to be properly considered as part of the Scheme Amendment process. It is recommended that the Applicant liaise with Harvey Water to determine appropriate treatment.**

SIGNED _____

DATED 10th July, 2012.

4. 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.
5. Requests the Western Australian Planning Commission to amend the Greater Bunbury Region Scheme to rezone Lot 42 Government Road, Roelands, from 'Rural' zone to the 'Urban' zone, and Lot 34 Colton Street, Roelands, from 'Rural' zone to 'Urban Deferred' zone."

CARRIED 11-0

Cr. Campbell returned to the Chambers at 4.22pm

Cr. Beech declared an impartiality interest in Item No. 6 and dealt with the matter on its merits.

Item No.	6
Subject	Application for Planning Consent – “Use Not Listed” – Fire Wood Supply
Applicant	S. Lewer
Location:	Lot 115 (No. 299) Uduc Road, Harvey
Reporting Officer:	Senior Planning Officer
File No.:	A002668
	Attachment Reg. No. 12/12775

Summary

Council has received an Application for Planning Consent proposing a fire wood supply business on Lot 115 (No. 299) Uduc Road, Harvey. The proposed use is not listed in District Planning Scheme No. 1 but can be considered for approval provided that Council determines by absolute majority that the proposal maybe consistent with the objectives and purpose of the zone and is advertised accordingly.

Background

Lot 115 (No. 299) Uduc Road, Harvey is zoned 'Intensive Farming' by District Planning Scheme No. 1 and is located 1.8km west of the Harvey Post Office (see **Attachment 1**). It has an area of 4.9ha and accommodates a dwelling and outbuildings located towards the northern boundary adjacent to Uduc Road.

The proposal is to use portion of Lot 115 Uduc Road, Harvey as a fire wood supply business. The applicant advises that the fire wood will be sourced from a fire wood supply business in Collie, and will be delivered to the site by a semi-trailer once a month. The semi trailer will carry approximately 20 tonnes of wood. For a copy of the Applicant's letter to the Shire refer to **Attachment 2**.

SIGNED _____ DATED 10th July, 2012.

The sale of fire wood will be by delivery only and not sold direct to customers on-site. The Applicant advises that the business will mainly operate on weekdays between 9am and 5pm and some weekends from 10am to 4pm.

Comment

Tables 25 and 26 of District Planning Scheme No. 1 list a range of 'desirable' land uses in the 'Intensive Farming' zone, however where a land use is not specifically mentioned in the zoning table it can be considered for approval as a 'use not listed' via Clause 4.2.4 of the Scheme. Clause 4.2.4 of the Scheme states:

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

- (a) determine that the use is not consistent with the objective and purpose of the particular zone and is therefore not permitted; or*
- (b) determine by absolute majority that the proposed use may be consistent with the objectives and purposes of the zone and thereafter follow the advertising procedures of Clause 2.3 in considering an application for planning consent. In approving such an application the Council may apply any conditions or development standards it deems necessary."*

The Scheme requires an application lodged as a 'use not listed' to be advertised in accordance with Clause 2.3 of the Scheme, which may include an advertisement being placed in the local newspaper, writing to nearby landowners or a sign being erected on-site. Of these, writing to nearby landowners is considered the most appropriate given:

- The small scale of the business does not generate wider community interest or possible impact that would warrant placement of an advertisement in the Harvey Reporter newspaper; and
- There are very few perceived potential impacts associated with the business, with any potential impacts being limited to immediate landowners.

The proposal was unable to fit the definition of a home occupation given that the business exceeded the maximum permitted area of 20m² stipulated in Council Policy 15.4 'Home Occupations'.

Although the Applicant has obtained written confirmation from the owner of adjoining Lot 116 Uduc Road, Harvey, as evidenced by **Attachment 3**, the owners of adjoining Lot 1 Uduc Road, should be provided with the opportunity to comment on the proposal through the public advertising of the proposal in accordance with the Scheme. However, the Applicant advises that these owners have recently relocated to Perth.

SIGNED _____

DATED 10th July, 2012.

Statutory/Policy Environment

Clause 4.2.4 of District Planning Scheme No. 1 describes the process by which Council may with an absolute majority, approve a “use not listed” in the Zoning Table.

Budget Implications

Nil.

Officer’s Recommendation

That Council:

1. Determines that the proposed firewood supply business at Lot 115 (No. 299) Uduc Road, Harvey, is a ‘use not listed’ in accordance with Clause 4.2.4 of District Planning Scheme No. 1 and may be consistent with the objectives and purpose of the ‘Intensive Farming’ zone;
2. Advertises the proposal for public comment for a period of 21 days in accordance with Clause 2.3 of the Scheme;
3. Subject to no submissions of objection being received during the public comment period, authorises the Manager of Planning Services to issue Planning Consent for the use of Lot 115 (No. 299) Uduc Road, Harvey as a fire wood supply business subject to the following conditions:
 - a) A person shall not without the written approval of Council, use a building, part of a building or land in respect of which Council has granted Planning Consent, subject to conditions, until all of those conditions have been complied with to the satisfaction of Council.
 - b) The Applicant has two (2) years to commence the development once the conditions of Planning Consent have been fulfilled to the satisfaction of Council, otherwise a new approval will be required before commencing development.
 - c) Once the development has commenced, it shall be valid for a period of twelve (12) months after which time it shall expire unless, at the request of the Applicant, Council agrees to extend the approval.
 - d) The development to comply with the Building Code of Australia and the Health Act 1911.
 - e) The Applicant is to construct and maintain the crossover and driveway to Shire requirements and to the satisfaction of the Executive Manager of Technical Services, prior to the commencement of the use, for safe entrance and exiting of intended vehicles delivering and leaving the premises.
 - f) No vehicles including trucks, shall be parked in the Uduc Road reserve for delivery to the site.

SIGNED _____

DATED 10th July, 2012.

- g) Operating hours shall be restricted to 9.00 am and 5.00pm weekdays and 10.00am to 4.00pm on weekends.
- h) The business being carried out on those areas identified on the approved plan.
- i) The Applicant implementing pest control measures to the satisfaction of the Council's Principal Environmental Health Officer. Measures to be approved by Council prior to the commencement of the use.
- j) The direct sale of fire wood to the public is prohibited from the site. All fire wood is to be provided to clients via delivery only.
- k) The applicant is advised that any variation from this approval will require a separate Planning Consent.
- l) The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of Council.
- m) Should the applicant wish to expand the operation or change services offered, a separate approval from Council is required.
- n) The Applicant to implement measures approved by Council prior to the commencement of the use for fire suppression.
- o) Should objections be received during the advertising period the matter is to be brought back to Council for determination.

ABSOLUTE MAJORITY REQUIRED

12/170.

Marshall/Carbone

"That Council:

- 1. Determines that the proposed firewood supply business at Lot 115 (No. 299) Uduc Road, Harvey, is a 'use not listed' in accordance with Clause 4.2.4 of District Planning Scheme No. 1 and may be consistent with the objectives and purpose of the 'Intensive Farming' zone;**
- 2. Advertises the proposal for public comment for a period of 21 days in accordance with Clause 2.3 of the Scheme;**
- 3. Subject to no submissions of objection being received during the public comment period, authorises the Manager of Planning Services to issue Planning Consent for the use of Lot 115 (No. 299) Uduc Road, Harvey as a fire wood supply business subject to the following conditions:**

SIGNED _____

DATED 10th July, 2012.

-
- a) A person shall not without the written approval of Council, use a building, part of a building or land in respect of which Council has granted Planning Consent, subject to conditions, until all of those conditions have been complied with to the satisfaction of Council.
 - b) The Applicant has two (2) years to commence the development once the conditions of Planning Consent have been fulfilled to the satisfaction of Council, otherwise a new approval will be required before commencing development.
 - c) Once the development has commenced, it shall be valid for a period of twelve (12) months after which time it shall expire unless, at the request of the Applicant, Council agrees to extend the approval.
 - d) The development to comply with the Building Code of Australia and the Health Act 1911.
 - e) The Applicant is to construct and maintain the crossover and driveway to Shire requirements and to the satisfaction of the Executive Manager of Technical Services, prior to the commencement of the use, for safe entrance and exiting of intended vehicles delivering and leaving the premises.
 - f) No vehicles including trucks, shall be parked in the Uduc Road reserve for delivery to the site.
 - g) Operating hours shall be restricted to 9.00 am and 5.00pm weekdays and 10.00am to 4.00pm on weekends.
 - h) The business being carried out on those areas identified on the approved plan.
 - i) The Applicant implementing pest control measures to the satisfaction of the Council's Principal Environmental Health Officer. Measures to be approved by Council prior to the commencement of the use.
 - j) The direct sale of fire wood to the public is prohibited from the site. All fire wood is to be provided to clients via delivery only.

- k) The applicant is advised that any variation from this approval will require a separate Planning Consent.
- l) The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of Council.
- m) Should the applicant wish to expand the operation or change services offered, a separate approval from Council is required.
- n) The applicant to implement fire suppression measures to the satisfaction of Council prior to commencement.
- o) Should objections be received during the advertising period the matter is to be brought back to Council for determination.”

CARRIED BY ABSOLUTE MAJORITY 12-0

Item No.	7	
Subject	Proposed Shed and Variation to Required Setback	
Applicant	Peter Fiorenza	
Location:	Lot 84 (No. 59) Fifth Street, Harvey	
Reporting Officer:	Planning Officer (CZ)	
File No.:	A002314	Attachment Reg. No. 12/11558

Summary

Council has received a Application for Planning Consent for a proposed 72m² shed with a request for a relaxation of the required side setback at Lot 84 (No. 59) Fifth Street, Harvey. The setback sought is between 2 – 4m. The proposed setback is consistent with other buildings on the site and will be approximately 70m from the residence on the adjoining lot. In light of this Staff recommends that Council exercises its discretion by permitting a setback of 3m and approves the proposed shed, subject to conditions.

Background

Lot 84 (No. 59) Fifth Street, Harvey, is zoned ‘Intensive Farming’ under the provisions of Council’s District Planning Scheme No. 1 and consists of approximately 4.05 hectares in area. The proposal intends to reduce the standard setback nominated under the Scheme, which requires planning consent. Under the Scheme, the standard setback is 20 metres for properties zoned ‘Intensive Farming’.

SIGNED _____

DATED 10th July, 2012.

The Applicant has advised that it is not desirable and is seeking a reduction down to 2 – 4m for the following reasons:

- A large majority of the site is currently used for stocking sheep. To achieve the standard setback, the shed would be located within a paddock that is utilised and would reduce the overall productivity of the lot.
- Existing infrastructure is already in place (fencing and gates) that supports agricultural activities on the property. Extensive removal would need to occur to achieve the standard setback which would incur additional costs
- The proposed shed location is at an elevated position, compared to the rest of the property which is at a lower level. To achieve the standard setbacks would require additional fill due to the low lying nature of the land and result in additional cost.
- Existing farm buildings are at a reduced setback and the proposal would not be inconsistent with the setback of these.

A site visit has been conducted by Staff who confirm that the reasons stated by the Applicant are fair and valid. The proposed shed is to be 12 metres x 6 metres, and will have a total floor area of 72m² and is proposed to be located near the northern boundary of the property.

Comment

Staff considers that the reasons as stated by the applicant for the proposed shed to be sited less than the standard setback from the northern side boundary of the property are reasonable. The location of the shed, which is supported at 3m from the northern boundary will allow for the retention of viable agricultural land and Staff does not consider that the reduction will have a detrimental effect on the adjacent neighbour as their residence is approximately 70m from the proposed structure that will be in-line with existing buildings all which have been on the property for a considerable time.

Under Clause 4.4.1 of the Scheme, Council has the ability to apply discretion to modify development standards, such as setbacks, if the Council is satisfied that:

- “a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;*
- a) the non-compliance will not have any adverse affect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and*
- b) the spirit and purpose of the requirements or standard will not be unreasonably departed from thereby.”*

Given the characteristics of the property and the existing infrastructure and development, Staff supports Council exercising its discretion to grant Planning Consent for a reduced setback.

SIGNED _____

DATED 10th July, 2012.

Statutory/Policy Environment**District Planning Scheme No. 1:**

- Identifies the land being zoned 'Intensive Farming'
- Clause 4.4.1 provides circumstances where Council can use its discretion to modify development standards.

Budget Implications

Nil.

Officer's Recommendation

That Council:

1. Exercises its discretion under District Planning Scheme No. 1, Clause 4.4.1, and grants planning consent for a reduced setback of 3m to the proposed shed at Lot 84 (no. 59) Fifth Street, Harvey, subject to the following conditions:
 - a. A person shall not without the written approval of Council, use a building or part of a building in respect of which Council has granted Planning Consent subject to conditions, until all of those conditions have been complied with to the satisfaction of Council.
 - b. The layout of the site and the size, design and location of the buildings and works permitted must always be in accordance with the endorsed plan and must not be altered or modified without the further written consent of Council.
 - c. The applicant must obtain a Building Licence from Council's Building Department prior to the commencement of site works.
 - d. The proposed shed is to comply with the Building Codes of Australia and the Health Act 1911.
 - e. The shed must not be used for the purposes of human habitation.
 - f. This approval is valid for a period of two (2) years. If development is not completed within this period, a new approval must be obtained before commencing or continuing development.

12/171.

Campbell/Shortland

"That the Officer's Recommendation be adopted."

CARRIED 12-0

Item No.	8
Subject	Closure of Private Road being Lot 77 on Diagram 3129
Applicant	Harley Global representing G. & O. Van Burgel
Location:	Lot 77 South Western Highway, Warawarrup
Reporting Officer:	Senior Planning Officer/Manager Planning Services
File No.:	A002708, S145313 & R000002
	Attachment Reg. No. 11/30826 & 12/13940

Summary

Council at its meeting on 14th February, 2012 resolved to initiate proceedings to convert a private road identified as Lot 77 on Diagram 3129 to a public road reserve. The Applicant now seeks to purchase Lot 77 rather than dedicate it as a public road, in order to avoid the significant costs associated with having to upgrade the intersection with South Western Highway to satisfy Main Roads WA's requirements.

It is recommended that Council supports this request subject to number of conditions of which include a valuation and a commitment from all adjoining landowners in regard to the purchase of this land prior to the formal process commencing.

Background

Lot 77 on Diagram 3129 is a private lot which has been developed as a roadway located approximately 2.5km north east of the Harvey Post Office. The private road, contained in Certificate of Title Volume 442 Folio 82, was created by subdivision in circa 1909 but has remained in private ownership in the name of the original subdividers Henry Frederick Harvey and William Thornborough Hayward. It is understood that both landowners are now deceased.

The eastern end of Lot 77 is constructed with a bitumen seal for approximately 155m, with a portion of approximately 100m constructed to a gravel standard while the remainder of Lot 77 (approximately 270m) is unconstructed and has been developed as part of the farming pursuits within Lot 401. The road is currently used to gain access to Uduc Concrete Products, a concrete batching plant operating on adjoining Lot 269 South Western Highway. The batching plant makes a range of concrete products such as septic tanks, soak wells, garden kerbing, leach drains and cement blocks.

On 15th December, 2011, the Shire received an application for subdivision from the Western Australian Planning Commission seeking to subdivide Lot 269 into two lots; one of 1.29ha containing the concrete batching plant and a second lot of 8.5ha lot containing the existing dwelling and the balance rural lot (WAPC Ref: 145313). The subdivision application has been lodged on the basis that Lot 77 would be dedicated as a public road.

SIGNED _____

DATED 10th July, 2012.

During the assessment of the proposal staff liaised with the applicant in regard to purchasing and amalgamating this land, however, initial responses were, that such a process was too time consuming and the owners always thought it was a roadway and did not wish to take on the maintenance responsibilities. Notwithstanding, the Applicant now seeks to purchase Lot 77 rather than have it dedicated as a public road, the subdivision application should be withdrawn by the Applicant as the proposal now constitutes an entirely new proposal including land which did not form part of the original application.

At its meeting on 14th February, 2012, Council resolved as follows:

“That Council:

- i) Advertises the proposed acquisition of Lot 77 on Diagram 3129, as Crown Land by the Minister for Lands in accordance with the provisions of Section 52 of the Land Administration Act 1997, which shall include:
 - a. Taking all reasonable steps to give notice of the request to the holder of the freehold land to be acquired and to any adjoining landowner; and*
 - b. Notifying the suppliers of public utility services of the proposal.**
- ii) Refers the application for Road Closure to Main Roads Western Australia for comment;*
- iii) Subject to no objections being received as a result of advertising the proposal in Item (i) above, the Department of Regional Development and Lands – State Lands be requested to:
 - a. Effect the acquisition of the private roads referred to in Item (1) above pursuant to Section 52 of the Land Administration Act 1997; and*
 - b. Dedicate the resultant Crown Land as a public street pursuant to Section 56 of the Land Administration Act 1997.**
- iv) Advises the Department of Regional Development and Lands – State Lands that it will be indemnified from any claims arising from the acquisition and dedication actions.*
- v) Advises the Western Australian Planning Commission that Council will not be responding to the subdivision referral for Lot 269 South Western Highway, Warawarrup (WAPC Ref: 145313) until Lot 77 has been dedicated as a public road.*
- vi) Requires all costs associated with the road dedication process be the responsibility of the landowner/applicant.”*

Comment

The closure of the private road known as Lot 77 on Diagram 3129 and amalgamation into adjoining Lots 269 and 401 South Western Highway, Warawarrup in lieu of dedication of the lot as a public road has now been requested by the Applicant in response to advice received from Main Roads WA during the advertising of the proposal to dedicate Lot 77 as a public road.

1. Main Roads WA advised that:
2. The dedication of the lot as a public road may increase potential/expectations for further subdivision in the area which will increase the potential for traffic conflicts at the intersection with South Western Highway;
3. It is suggested that only the portion of the lot required to facilitate access to the adjoining proposed subdivision could be dedicated as a public road with the balance of the lot area amalgamated with adjoining properties;
4. The intersection of the proposed new local road and South Western Highway will need to be upgraded to the specification and satisfaction of Main Roads WA including eastern side widening along the highway at the full cost of the subdivider to provide for right turning movements into the new local road; and
5. It is noted that the lot is subject to a 17.01m road reserve widening which is reserved for Primary Regional Road under the Greater Bunbury Region Scheme.

The Applicant has discussed the proposal for access to the proposed lots from South Western Highway via a private road (driveway). Main Roads WA has verbally indicated to the Applicant and Staff that it raises no objection to the proposal in principle and advises that it would not generate the need for the upgrading of the intersection with South Western Highway. The Department of Regional Development and Lands – State Lands advises that the process for closure of the private road involves:

1. Council resolves to initiate proceedings to seek support for the road closure under Section 52 of the Land Administration Act 1997.
2. Council to advertise the proposal for public comment for a period of 30 days in accordance with Section 52 of the Land Administration Act 1997, which shall include:
 - a. Taking all reasonable steps to give notice of the request to the holder of the freehold land to be acquired and to any adjoining landowner; and
 - b. Notifying the suppliers of public utility services of the proposal.
3. Council to consider any submissions received during public advertising and resolves to refer the road closure to the Department of Regional Development and Lands – State Lands for final approval.

SIGNED _____

DATED 10th July, 2012.

4. The Department of Regional Development and Lands – State Lands to seek support from the Minister for Lands to acquire the land under Section 52 of Land Administration Act 1997, including the preparation of contract documentation for the sale of the land by the Department to the Applicant and the owner of Lot 401 under Section 87 of the Land Administration Act 1997.

Advertising Costs

Advertising of the road dedication process was undertaken and consistent with the resolution of Council was done so at the Applicant's expense. Advertising included two advertisements being placed in the South Western Times on 8th March, 2012 and 29th March, 2012 and an advertisement in the Harvey Reporter on 13th March, 2012.

Upon receipt of an invoice for \$1,058.80 the Applicant has sought review of this matter. Staff have met with the owner and reaffirmed that the only reason advertising was undertaken was to fulfil the requirements of the Land Administration Act 1997 and as such all costs, regardless as to whether the process is completed, remains the cost of the Applicant. Similarly, all costs associated with the advertising of the revised proposal will also need to be met by the Applicant.

Valuation and Commitment from the Applicant

In response to the Applicants revised proposal, which has been triggered by the costs associated with the required road upgrading, and as the applicant has sought review of the advertising costs to date, staff consider it appropriate that a valuation of the land be received and a commitment from the owners of Lots 269 and 401 to purchase all or part of Lot 77 being provided in writing prior to the administrative processes required by Sections 52 and 87 of the Land Administration Act 1997 be undertaken.

Road widening

Should the landowners of Lot 269 wish to acquire portion of Lot 77, amalgamating the two portions of land may result in MRWA seeking a road widening condition for the entire frontage along South West Highway. This matter will need to be investigated by the owners with MRWA as part of their consideration to acquire a portion of Lot 77.

A 10m road widening within Lot 77 will be sought by MRWA at the subdivision/amalgamation stage with Lot 401.

Statutory/Policy Environment

Zoning

Lot 77 is zoned "Rural" by the Greater Bunbury Region Scheme and Lot 77 is designated "No Zone" by District Planning Scheme No.1.

Land Administration Act 1997

Section 52 of the Land Administration Act 1997, provides for the Shire of Harvey to request the Minister for Lands to acquire a private road as Crown land. Section 87 relates the amalgamation of Crown land with freehold land.

SIGNED _____

DATED 10th July, 2012.

Land Administration Regulations 1998

Regulation 6 of the Land Administration Regulations 1998, outlines the procedures to be followed by Local Government before requesting acquisition of a private road.

Budget Implications

All costs associated with the road closure process are at the expense of the Applicant, including the preparation and lodgement of a new subdivision application with the Western Australian Planning Commission. The cost of a valuation to be arranged by the Department of Regional Development and Lands – State Lands and carried out by the Valuer General's Office, is met by the Department of Regional Development and Lands – State Lands.

Officer's Recommendation

That Council:

1. Acknowledges that the Applicant no longer seeks to dedicate Lot 77 on Diagram 3129 as a public street pursuant to Section 56 of the Land Administration Act 1997 but purchase Lot 77 from the Department of Regional Development and Lands – State Lands once it has been acquired by the Minister for Lands under Section 52 of the Land Administration Act 1997.
2. Requests a valuation of Lot 77 on Diagram 3129 be organised by the Department of Regional Development and Lands – State Lands;
3. Investigates the possibility of Lot 77 being acquired by the Minister for Lands under Section 52 of the Land Administration Act 1997 simultaneously with the purchase of portions of Lot 77 by the owners of Lots 269 and 401 from the Department of Regional Development and Lands – State Lands under Section 87 of the Land Administration Act 1997.
4. Following a satisfactory outcome from item 3 above and the owners of Lots 269 and 401 writing to the Shire acknowledging the valuation mentioned in Item 2, inclusive of a written commitment to purchase portions of Lot 77, advertises the proposed acquisition of Lot 77 on Diagram 3129 as Crown Land by the Minister for Lands in accordance with the provisions of Section 52 of the Land Administration Act 1997, which shall include:
 - i. Taking all reasonable steps to give notice of the request to the holder of the freehold land to be acquired and to any adjoining landowner; and
 - ii. Notifying the suppliers of public utility services of the proposal.
5. Refers the application for private road closure and possibly road widening within Lot 269 South West Highway to Main Roads Western Australia for comment.

SIGNED _____

DATED 10th July, 2012.

6. Subject to no objections being received as a result of advertising the proposal, the Department of Regional Development and Lands – State Lands be requested to effect the acquisition of the private road pursuant to Section 52 of the Land Administration Act 1997 for inclusion of the Crown land into their freehold land under Section 87 of the Land Administration Act 1997.
7. Recommends to the Applicant that the application for subdivision lodged with the Western Australian Planning Commission (WAPC Ref: 145313) be withdrawn as the battleaxe arrangement the Applicant now wishes to pursue constitutes an entirely new proposal and includes land which did not form part of the original application.
8. Requires all costs associated with the road closure process be the responsibility of the Applicant.
9. Reaffirms that costs already incurred by Council for advertising associated with the road dedication process is the responsibility of the land owner.

12/172.

Carbone/Beech**“That Council:**

1. **Acknowledges that the Applicant no longer seeks to dedicate Lot 77 on Diagram 3129 as a public street pursuant to Section 56 of the Land Administration Act 1997 but purchase Lot 77 from the Department of Regional Development and Lands – State Lands once it has been acquired by the Minister for Lands under Section 52 of the Land Administration Act 1997.**
2. **Requests a valuation of Lot 77 on Diagram 3129 be organised by the Department of Regional Development and Lands – State Lands;**
3. **Investigates the possibility of Lot 77 being acquired by the Minister for Lands under Section 52 of the Land Administration Act 1997 simultaneously with the purchase of portions of Lot 77 by the owners of Lots 269 and 401 from the Department of Regional Development and Lands – State Lands under Section 87 of the Land Administration Act 1997.**
4. **Following a satisfactory outcome from item 3 above and the owners of Lots 269 and 401 writing to the Shire acknowledging the valuation mentioned in Item 2, inclusive of a written commitment to purchase portions of Lot 77, advertises the proposed acquisition of Lot 77 on Diagram 3129 as Crown Land by the Minister for Lands in accordance with the provisions of Section 52 of the Land Administration Act 1997, which shall include:**

SIGNED _____

DATED 10th July, 2012.

- i. Taking all reasonable steps to give notice of the request to the holder of the freehold land to be acquired and to any adjoining landowner; and
 - ii. Notifying the suppliers of public utility services of the proposal.
5. Refers the application for private road closure and possibly road widening within Lot 269 South West Highway to Main Roads Western Australia for comment.
6. Subject to no objections being received as a result of advertising the proposal, the Department of Regional Development and Lands – State Lands be requested to effect the acquisition of the private road pursuant to Section 52 of the Land Administration Act 1997 for inclusion of the Crown land into their freehold land under Section 87 of the Land Administration Act 1997.
7. Recommends to the Applicant that the application for subdivision lodged with the Western Australian Planning Commission (WAPC Ref: 145313) be withdrawn as the battleaxe arrangement the Applicant now wishes to pursue constitutes an entirely new proposal and includes land which did not form part of the original application.
8. Requires all costs associated with the road closure process be the responsibility of the Applicant”.

CARRIED 12-0

HEALTH REPORT

Item No. 1	
Subject	Mosquito Borne Disease Control – 2011/2012
Proponent:	Principal Environmental Health Officer
Location:	Shire of Harvey
Reporting Officer:	Principal Environmental Health Officer
File No.:	HSH005

Summary

This report is a description of the mosquito borne disease control activities undertaken by Council's Health Department for the 2011/2012 threat season, and the confirmed cases of Ross River virus (RRv) and Barmah Forest virus (BFv) throughout this Shire. The mosquito borne disease threat season usually occurs from September to May of each year with this season proving unprecedented with the effort required to control mosquitoes.

SIGNED _____

DATED 10th July, 2012.

Background

Mosquito control continues to be the major public health issue for the Shire of Harvey and the neighbouring Local Governments of Bunbury and Dardanup.

The aforementioned Local Governments have been co-operating since 1990 as the Leschenault Mosquito Control Group or CLAG (Contiguous Local Authority Group). Forming a CLAG allows access to funding, with 50% of larvicide costs and 100% of the helicopter hire costs being provided by the State Health Department.

The purpose of the group, which formally meets biannually, is to control mosquito borne diseases on a sub regional basis by undertaking control methods in unison, sharing expertise and equipment.

The CLAG arrangement continues to operate strongly and effectively.

Comment

The 2011/2012 mosquito season proved to be the most intensive since 1989 due to the unpredictability of the tidal regimes. An unprecedented fourteen (14) aerial treatments were undertaken this season compared to twelve (12) in the previous season. The unpredictability of the tidal regimes resulted in staff surveying most sites at least once but often twice a week.

Staff became concerned that their ability to maintain effective mosquito control was in jeopardy due to the intense tidal activity. This unpredictability was generally due to the effects of the La Nina climate phenomena.

High tides which trigger egg hatching occurred almost every week and it was difficult to establish if the low tides would be sufficient to allow sites to drain or dry off or whether an aerial treatment was necessary.

The majority of sites were affected by the extreme high tides including the seasonal sites which are normally only active due to rainfall and are dry by early December. These sites are very close to residents, remained active due to the river foreshores flooding and were the cause of several complaints from residents.

It has been observed over the past two seasons that these fresh water, river sites are changing in nature, that is, the vegetation types which are generally grass are now being replaced by samphire. The presence of samphire indicates regular salt water inundation and is a very conducive mosquito environment.

Control of Lot 100 Buffalo Road continued to be a major larvae site which will mostly impact upon southern residential expansion of Binningup and will effect human encroachments at the northern portion of the Leschenault Estuary.

For the period of August, 2011, to April, 2012, the following control activities were undertaken within this Shire:

SIGNED _____ DATED 10th July, 2012.

Approximately eighty five (85) on ground surveys were undertaken at known larval sites following conditions conducive to larval cycles. This compares with approximately seventy five (75) for the 2010/2011 season.

These surveys resulted in thirty seven (37) treatments comprising of twenty two (22) manual and fifteen (15) aerial applications being undertaken, as compared to last season, with forty six (46) treatments, including twelve (12) aerial applications.

The larvicide usage is shown below in Table 1.

TABLE 1

LARVICIDE USAGE		
Larvicide	2010/2011	2011/2012
Abate 10 SG	0 kg	0 kg
Abate 50 SG (aerial)	0 kg	0 kg
Bti	16.6 litres	49.5 litres
Briquettes (s-methoprene)	121	233
Prosand (s-methoprene)	1,464 kgs	1968 kgs

Aerial treatments were undertaken on the following dates and resulted in an approximate total of 528ha (compared to 366ha 2010/2011); being treated. *It is to be noted that the Table 1 data is for the Shire of Harvey only, not the CLAG inclusive.*

1. Thursday, 8th September, 2010
2. Thursday, 22nd September, 2011
3. Monday, 7th October, 2011
4. Monday 31st October 2011
5. Wednesday 9th November, 2011
6. Wednesday 30th November, 2011
7. Friday, 9th December, 2011
8. Monday, 9th January, 2012
9. Friday, 13th January, 2012
10. Tuesday, 25th January, 2012
11. Monday, 6th February, 2012
12. Monday, 20th February, 2012

SIGNED _____

DATED 10th July, 2012.

13. Tuesday, 28th February, 2012

14. Wednesday, 7th March, 2012

15. Thursday, 16th March, 2012

Application rates for the larvicides are;

- Prosand (S-methoprene) at 4 kgs per hectare,
- Bacillus thuringiensis var israelensis (Bti), at 1.2 litres (concentrate) per hectare
- Prolink (S-methoprene) Briquettes at 1 per 10sqm.

To further refine the accurate application of larvicide quantities Staff has procured a number of catch bags. These bags which are 1 square metre in area and catch the larvicide granules as the helicopter passes overhead. The trapped granules are collected, weighted on very accurate scientific scales then calculated to a kg/ha rate.

The full cost of the helicopter hire and 50% of the larvicide costs are met by the Department of Health in accordance with the CLAG agreement.

Fourteen (14) of the fifteen (15) aerial treatments were undertaken with the larvicide S-methoprene (granules) and one using liquid Bti.

To assess the effectiveness of the aerial treatment, surveys continued for about 7-10 days revealing that the S-methoprene treatment was very successful.

Post aerial treatment surveys undertaken within 1 day revealed that the BTI treatment was not as successful as anticipated. With, however, the continued refinement of the aerial application methods for Bti to increase its effectiveness this larvicide should provide an alternative for the S-methoprene product. S-methoprene based larvicides therefore remained the larvicide of choice.

The use of briquettes was reduced in discreet pools, due to the continued inundation and therefore to prevent a waste of resource.

The alternate use of Bti and S-methoprene is undertaken depending upon the situation, but is also a useful technique to reduce possible larvae resistance.

Both larvicides only target mosquito larvae.

- a) The runnel installations at Crimp Crescent wetland and Barr Island remain functional however were not so effective as the low tides were insufficient to effectively allow water egress due the 400mm to 600mm positive residuals on tide heights.

Minor maintenance was undertaken on the runnels at Lot 131 Clifton Park due to vegetation overgrowth.

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DATED 10th July, 2012.

The 4km of runnels at Point Douro (private property) continue to be destroyed due to unlawful vehicle access, with large sections of the system now rendered inoperable. Again the effectiveness of the functioning runnels was severely impacted by ineffective drainage due to higher tide residuals.

- b) The boat was utilised on two (2) occasions to undertake surveys and treatments on Bar Island and the Collie River environs.
- c) The quad bike was utilised on ten (10) occasions to assist in the application of larvicides and survey work. This piece of equipment has proved extremely useful by allowing Staff to cover considerable distances quickly, to carry equipment, and instigate treatments, particularly Bti applications.
- d) Adulticiding (fogging) was undertaken on occasions with thermal and space spraying equipment due to the complaints about adult mosquitoes received from Lucy Victoria Avenue in Clifton Park. Complaints from this area were anticipated as the aerial treatment failed to have a high impact. These applications targeted specific locations and did not involve broad acre fogging.

Ross River Virus and Barmah Forest Virus Notifications July, 2011 – June, 2012

TABLE 2

Monthly Breakdowns are at Date of Notification (Not Onset)

Monthly Onset Date	Ross River Virus	Barmah Forest Virus
July	0	0
August	0	0
September	1	0
October	3	0
November	6	0
December	2	0
January	7	0
February	5	0
March	5	0
April	N/A	0
May	N/A	0
June		
TOTAL	29	0

SIGNED _____

DATED 10th July, 2012.

Notified Cases of Ross River Virus for the Shire of Harvey 1987 to June, 2012TABLE 3

Note prior to 2009 reporting period was September to May each year

88/ 89	89/ 90	90/ 91	91/ 92	92/ 93	93/ 94	94/ 95	95/ 96	96/ 97	97/ 98	98/ 99	99/ 00
45	1	1	25	4	3	2	71	13	14	23	32
00/ 01	01/ 02	02/ 03	03/ 04	04/ 05	05/ 06	06/ 07	07/ 08	08/ 09	09/ 10	10/ 11	11/ 12
3	1	1	56	2	17	14	13	19	4	14	29

To date the following cases of RRv have been recorded to the 11th April, 2011 inclusive;

- Statewide – 1356, (previous year 707);
- South West –394, (previous year 220);
- Leschenault; includes the local governments of Dardanup and Bunbury -73
- Shire of Harvey - 29.

For the Shire of Harvey this equates to 2.1% (previous year 2%) of total Western Australia cases and 7.3%, (previous year 6.4%) of South West cases.

Notified Cases of Barmah Forest virus for the Shire of Harvey 1987 to June, 2012TABLE 4

Note: Prior to 2009 reporting period was September to May each year.

88/ 89	89/ 90	90/ 91	91/ 92	92/ 93	93/ 94	94/ 95	95/ 96	96/ 97	97/ 98	98/ 99	98/ 99	98/ 99	99/ 00
0	0	0	0	0	0	0	0	2	0	0	0	0	0
00/ 01	01/ 02	02/ 03	03/ 04	04/ 05	05/ 06	06/ 07	07/ 08	08/ 09	09/ 10	10/ 11	11/ 12		
8	3	1	0	0	3	4	1	3	1	2	0		

Data collected to the 11th April, 2012 inclusive.

To date the following cases of BFv have been recorded;

- State-wide –126 (previous year 108)
- South West – 36 (previous year 35)
- Leschenault; includes the local governments of Dardanup and Bunbury – 1
- Shire of Harvey – 0 (previous year 2)

SIGNED _____ DATED 10th July, 2012.

Case Investigations

Each case of RRv or BFv notified is investigated where possible to ascertain the probable source of infection.

The demographics established that generally most people were infected within 1 kilometre of the environs of the Leschenault Estuary. This is very significant when considering the potential future intrusions of human populations to the north of the Leschenault Estuary. However this needs to recognise that generally the residential areas do not extend much further than 1 kilometre from the estuary. Scientific research locally and within the South West has established that *Ae camptorhynchus* are quite capable of travelling up to 1 kilometre per night and up to at least 6 kilometres from a release site.

Virus Activity

The Arbovirus Surveillance and Research Laboratory of the University of Western Australia (UWA) continued to trap and analyse adult mosquitoes from four locations on a fortnightly basis throughout this Shire.

For the period July, 2011 to March, 2012, six (6) isolates of RRv were recovered from the following trap sites within the Shire, with further 27 pending confirmation testing.

TABLE 5

Trap Site	Number of Isolates	Virus ID	Mosquito Species
Point Douro	9, pending confirmation	RRv (NE)	<i>Ae. camptorhynchus</i> , <i>Cq. nr linealis</i> , <i>Cx. Globocoxitus</i> ,
Belvedere; (DEC camping ground Leschenault Peninsula)	2, confirmed 15, pending confirmation	RRv (NE) Flavi	<i>Ae camptorhynchus</i> <i>Ae. vigilax</i>
Fresh water larval site , (Leschenault Peninsula)	4, pending confirmation		<i>Ae camptorhynchus</i> <i>Ae. vigilax</i>
Crimp Crescent	1 confirmed 1 pending confirmation		<i>Ae camptorhynchus</i> <i>Cx. Globocoxitus</i>

(NE) denotes North Eastern phenotype

It is noted that a high percentage of isolates pending confirmation result in a positive result.

Public Education

The CLAG has reviewed its public education strategy to assess its relevance and effectiveness. This has resulted in an enhanced health education advertising package including the following;

SIGNED _____ DATED 10th July, 2012.

- Production of new digital advertisements, which are compatible with television and cinema formats.
- Television adverts through GWN.
- Radio adverts, broadcaster to be decided.
- Grand Cinema's Bunbury via CINE Ads Australia.
- Busselton Drive-In and cinema.
- Uniform

Cinema advertising will be trialled for the first time in the forthcoming 2012/13 season. In brief it was decided to trial this form of media as 85% of the population visit the cinema and there is the advantage of having a "captive audience". The Local Governments Capel and Busselton were invited to participate, which was accepted, as the educational messages are of regional relevance. Budget estimates have established that \$3000 per local government will be sufficient to achieve the strategy. This amount is equal to the current budget allocation.

Television Advertising

With environmental indicators suggesting significant RRv activity at the commencement of the season, the Leschenault CLAG, in conjunction with the Shires of Capel and Busselton initiated the television advertising programme. The adverts were shown on the Golden West Network for the initial campaign, 09/10/11 to 03/12/11 and due to a perceived increase in the disease threat an extension from 25/12/11 to 21/01/12.

Radio Interviews

The Principal Environmental Health Office (PEHO) again undertook live interviews on the local ABC radio station on a three weekly intervals commencing in August, 2011. Staff were able to communicate the control actions undertaken by this Shire and the CLAG as well as the disease risk as the season progressed. It was also considered important to advise the public of unsuccessful treatments and explain those reasons.

It was anticipated that this would alleviate criticisms that mosquito control was lacking from Local Government and Staff received very positive feedback from the public. ABC is again willing to undertake a similar format during the forthcoming mosquito season.

Signage

The large interpretive sign at Knapp's Channel wetland, describing Council's mosquito control measures remains undamaged and Staff have observed that the passing public often stop and read the sign with interest.

State Administrative Tribunal

Council may recall that the PEHO was required to attend the State Administrative Tribunal (SAT) appeal, as an expert witness for the State Solicitor's Office (SSO) concerning mosquito control with reference to the Lot 102 Cathedral Ave. The appeal was upheld however the SSO in turn appealed the SAT decision to the Supreme Court. This appeal was dismissed with the SAT approval standing, with conditions.

SIGNED _____

DATED 10th July, 2012.

Although Lot 102 is currently incorporated in the aerial treatment programme Staff anticipate that there will be increased pressure to more effectively control this site which is already difficult to contain.

This statement is qualified by understanding the larvae numbers which can often exceed 100,000 per square metre. The entire site when active is approximately 20 to 25 hectares in area. A high kill rate of 90% will still allow 10,000 larvae per square metre to emerge as adults. There are future plans for the Department of Conservation to granted care and control of this lot which may also hinder or even prevent any mosquito management.

Regional Parks Technical Advisory Group

The PEHO has been invited to represent the CLAG on the Technical Advisory Group formed by the Western Australian Planning Commission for the formulation of establishment and management plans for proposed regional parks. Several meetings have been attended in 2011/2012.

Helicopter Safety Training

Council's Environmental Health Officers successfully completed the induction training required to undertake low level helicopter operations. This is mandatory annual training but is cost free.

Gratitude

Whilst Staff always receives complaints during the mosquito season, two complainants also wrote letters of thanks for Staff's remedial action and information on their complaint.

Statutory/Policy Environment

Health Act, 1911 – Obligates the Local Government to undertake control of disease carrying vectors.

CLAG Agreement, 1990 - The full cost of the helicopter hire and 50% of the larvicide costs are met by the Department of Health in accordance with the CLAG agreement.

Budget Implications

The activities described in this report are within the 2011/2012 mosquito control budget and the CLAG budget, which includes Department of Health funding. The CLAG reserve fund however was extensively drawn upon due to extensive control activities.

It is considered necessary to increase the 2012/13 CLAG contribution by \$1500 to replenish the depleted reserve trust account.

The health education/advertising strategy for 2012/13 estimates that \$3000 per Local Government will be sufficient to achieve the strategy. This amount is equal to the current budget allocation.

Officer's Recommendations:

That Council;

1. Receives the report entitled "*Mosquito Borne Disease Control 2011/2012*" and acknowledges the action taken by Staff in an effort to reduce the impacts and associated risks of mosquitoes on the residents of the Shire.
2. List for consideration an amount of \$5,000 for the CLAG contribution in the 2012/2013 Draft Budget.
3. List for consideration an amount of \$3,000 for the Mosquito Awareness Health Education contribution in the 2012/2013 Draft Budget.

12/173. **Campbell/Shortland**
"That the Officer's Recommendation be adopted."

CARRIED 12-0

Item No. 2

Subject	Richardson Road Landfill Site; Licence Condition Amendments
Proponent:	Department of Environment and Conservation.
Location:	Shire of Harvey
Reporting Officer:	Principal Environmental Health Officer
File No.:	A007458

Attachment Reg. No.

Summary

Council's Richardson Road Landfill site is licensed by the Department of Environment and Conservation (DEC). In August 2011, Council received the new license for the site in which reporting criteria were revised and a number of new conditions were included. Since that date Staff has discussed the impact of certain conditions and the required completion dates. There are major projects required to be undertaken and this report will detail those requirements.

The most concerning aspect of new license is that the DEC has limited the landfill aspect to the area currently being utilised, and as a consequence Staff estimate that there may only be sufficient space for two (2) years of landfill operations.

Background

Council in 2008 in response to a previous DEC request for a post closure plan and rehabilitation plan engaged a specialised consultant in landfill operations, to undertake the project. The Richardson Road Waste Management Facility Plan which included future directions was completed in June 2008 and adopted by Council in September 2008. It was subsequently submitted to the DEC in 2009.

SIGNED _____ DATED 10th July, 2012.

The plan addressed such important questions as;

- Site redevelopment and management;
- Landfill site expectancy (at the time of writing 20-22 years);
- Final contour levels, profiles and capping;
- Post Closure Management Plan;
- Rehabilitation.

It is brought to Council's attention that Staff has not received any response to the Richardson Road Waste Management Facility Plan until this new license.

In August 2011 the new license for the Richardson Road Landfill Site was received in which the reporting criteria was revised and a number of new conditions were included.

A large portion of the revised reporting criteria now places the responsibility of proof on Council to scientifically verify that monitoring of the site is complying with the license conditions. For example, the DEC now requires proof that the groundwater monitoring bores are correctly located. Staff finds this request somewhat perplexing as minimum three (3) of the four (4) bores required are located pursuant to previous DEC direction.

Several of the new conditions require complex studies of the site to prove a number of reporting criteria to the DEC. In brief these are;

- **PREPARATION OF CLOSURE PLAN** (This time to Victorian standards);
- **HYDROGEOLOGICAL ASSESSMENT AND GROUNDWATER REVIEW;**
- **ENVIRONMENTAL IMPROVEMENT PLAN,** (including Post closure heights and rehabilitation plan)

The most concerning aspect of new license is that the DEC has limited the landfill aspect to the area currently being utilised, (see Attachment 1) and consequently this will reduced the life of the site by 20 years as estimated in the Richardson Road Waste Management Facility Plan. It is estimated by Staff that there may only be sufficient space for two (2) years of landfill operations.

Comment

With reference to the revised and new license conditions Staff were concerned with the unrealistic timeframes required by the DEC and that little regard was given the for Local Government budgetary process. Furthermore, Staff also queried that much of the work requested had addressed in the "Future Direction and Post Closure Management Plan" submitted to the DEC in 2009 and to date no return comment had been received.

In view of not having received any comment with reference to the Richardson Road Waste Management Facility Plan, Staff was astonished to learn that the landfill operations are expected to cease and that the license would be reviewed on a year by year basis to allow the DEC to review the required Environmental Improvement Plan

To address these new license requirements GHD (Environmental Consultants) whom presently undertake the groundwater monitoring, sampling and reporting to Council on the site have been engaged to undertake the work on the following;

SIGNED _____ DATED 10th July, 2012.

PREPARATION OF CLOSURE PLAN

- 1 The licensee shall by 1 August 2012, provide to the Director a closure plan for the premises.
2. The closure plan required by condition 1 shall be shall be prepared in accordance with EPA Victoria's Publication 788.1: *Best Practice Environmental Management – Siting, Design, Operation and Rehabilitation of Landfills* (2010)

HYDROGEOLOGICAL ASSESSMENT AND GROUNDWATER REVIEW

Condition 36; The licensee shall by 1 October 2011, engage a ***suitably qualified groundwater specialist*** to undertake a hydro geological assessment of groundwater beneath the premises

Condition 37; The licensee shall by 1 October 2012, provide to the Director a Hydro geological Assessment Report required by Condition 36.

Condition 38; The assessment required by Condition 36 shall include, but not be limited to:

- (i) proof of location, occurrence, depth and groundwater flow direction(s) through surveyed monitoring sites (including seasonal groundwater);
- (ii) determine the relationship between groundwater and surface waters;
- (iii) determine the suitability of existing bore locations for detecting all discharges from the premises that may have an impact on groundwater quality;
- (iv) an appraisal of the consequences of leachate escape on the surrounding environment and other beneficial users of groundwater; and
- (v) contingency plans to control further release of leachate into the environment.

ENVIRONMENTAL IMPROVEMENT PLAN

Condition 39 The licensee shall by 1 January 2012, provide to the Director an Environmental Improvement Plan (EIP).

Condition 40 The EIP required by Condition 38 shall include, but not be limited to:

- (i) record keeping procedures;
- (ii) recording of material movements on the premises;
- (iii) waste acceptance quality control procedures to ensure only those wastes specified in condition 3 are accepted at the premises;
- (iv) quality control procedures to ensure only those wastes specified in condition 4 are buried at the premises;
- (v) incident reporting procedures;
- (vi) landfill inspection programme to check for compliance with licence conditions and monitor performance against the EIP;
- (vii) chemical and liquid storage arrangements;
- (viii) maintenance of leachate collection, storage, treatment and management;
- (ix) stormwater management;
- (x) preventing mud/waste being carried off the premises on vehicles;
- (xi) fire prevention;
- (xii) dust management;
- (xiii) litter control, including:

SIGNED _____

DATED 10th July, 2012.

1. measures to prevent the generation of litter; and
 2. measures to prevent off-site litter accumulation within the vicinity of the premises;
- (xiv) vermin control;
- (xv) contingency plans in the event of:
1. off-site odours;
 2. off-site visible particles (i.e. dust);
 3. off-site leachate;
 4. off-site litter or wastes;
 5. receipt and/or disposal of non-approved wastes; and
 6. fire;
- (xvi) notification protocol for advising DEC and/or other relevant agencies in the event of a landfill fire, receipt of non-conforming wastes or other aspects of landfill operation, which may result in an adverse off-site impact;
- (xvii) progressive premises rehabilitation plan, including:
1. proposed timetable for the progressive rehabilitation of the current and previous tipping areas;
 2. after-use options, including the preferred option;
 3. final contour plan of the premises at the completion of waste filling;
 4. final contour plan after capping and rehabilitation of the premises;
 5. capping design and specifications for cap installation;
 6. surface water drainage system;
 7. leachate collection and disposal after landfill closure;
 8. provision for irrigation methods to promote vegetation on the final surface;
 9. proposed cap protection measures and settlement monitoring programme;
 10. proposed period of after care of the premises; and
- (xviii) an EIP review process.

Condition 41 The licensee shall ensure that the EIP required by Condition 38 is signed by the licensee, or by an officer authorised by the licensee to sign on the licensee's behalf.

Staff considered it is advantageous to engage GHD due to their knowledge of the site as well as being on WALGA's Preferred Tenders Schedule. GHD, as part of its project team will have access to the person whom developed the Victorian standard.

GHD have prepared a scope of works on each project based on the DEC license requirements, which has been accepted by Staff and it is expected that works will be commenced by July 2012.

Staff is aware that the DEC often reject reports/plans for various reasons and therefore have requested that the DEC "sign off" on the scope of works prior to commencement.

Revised groundwater monitoring has increased the range of analytes required to be sampled from the groundwater monitoring have been substantially increased from 15 to 44 which has increased the cost of analysis approximately four fold.

Many other aspects of the revised and new license conditions have been discussed with the DEC, several of which have now been either amended or deleted from the new license.

SIGNED _____

DATED 10th July, 2012.

One example is on the acceptance criteria of asbestos which is not consistent with other legislation. The new license condition required the following;

“The licensee shall ensure that;

Type 1 Special Waste (Asbestos Waste) is deposited at the premises according to the following requirements:

- (i) *accept only Asbestos Waste and Material containing asbestos which is **sealed in doublelined or double-bagged**, heavy duty plastic sheeting of at least 0.2 millimetres thickness;”*

This license condition requires that asbestos be, “**double-lined or double-bagged**”, however this is in conflict with the Department of Health, Health (Asbestos) Regulations 1992, which states;

“it is wrapped in plastic so as to prevent asbestos fibres entering the atmosphere, or is contained in such other manner as is approved in writing by the Executive Director, Public Health.”

and the DEC, Environmental Protection (Controlled Waste) Regulations 2004 Part 3 Transportation and disposal of a controlled waste Division 6 Disposal of material containing asbestos which state;

“wrapped or otherwise contained in a manner that prevents asbestos fibres entering the atmosphere during transportation on a road;”

This means that a person may handle asbestos in compliance with both the DOH and DEC regulations but be in breach of the DEC landfill license requirement. Council would therefore breach this license condition if it accepted asbestos.

To correct this inconsistency, Staff were required to make a submission to the DEC on the prerequisite, Form 4 stating the reasons to have the condition altered or removed.

Conclusion

In brief, Council in 1998 received an Officers report detailing the rationalisation of the landfill site operating throughout the Shire. This was strongly encouraged by the then Department of Environmental Protection, (DEP, now the DEC) after a detailed examination of the existing landfill sites. To satisfy the DEP criteria it was considered that the Richardson Road site was preferred as the most suitable alternative of all sites, one being Sandalwood Road which was located in a natural clay environment. Sandalwood Road was not considered suitable due to its clay environment and the consequences of inundation and the damming of storm water. Consequently the following landfill sites were closed and the Richardson Road site staffed and developed;

- Burney Road; Yarloop
- Sandalwood Road; Benger
- Wellesley Road; Wellesley

SIGNED _____

DATED 10th July, 2012.

The future of the Richardson Road Landfill site is difficult to contemplate as this may largely be influenced by the outcomes of the required reports. Further more, the DEC has an ever changing approach to landfill site licenses and to the existence of these sites on the Swan Coastal Plain which again makes it difficult to plan for the future.

A draft document released by the DEC in late May 2012, states that existing licensed landfills on the Swan Coastal Plain can continue to operate however the DEC will require that any new cells on a Class 2 site must meet the Class 3 site standards. Although meeting the Class 3 design criteria only Class 2 wastes could be accepted. It is believed that the cost required to meet the Class 3 specification would therefore prevent most license holders from undertaking such an upgrade, thereby causing landfill site operations to cease. Perhaps the DEC should be queried, that if the site was upgraded to a Class 3 specification then why can't Class 3 wastes be accepted?

Therefore the future operations of the Richardson Road site could be considered that of a transfer station to segregate waste prior to the transport to a regional facility.

Statutory Policy Environment

Environment Protection Act License No L6996/1997/11, details the conditions required to operate the Richardson Landfill site.

- WALGA; Preferred Supplier Arrangements allows the purchase of various good and services by a Local Government without the requirement to undertake the tendering process.

Budget Implications

An increase to the License compliance of Richardson Road Landfill Site for the preparation of;

- Post Closure Management Plan (to Victorian standards); cost estimate of \$20,000. This may vary as the composition post closure plan is dependant on the outcomes of the below plans;
- Hydro-Geological Assessment and Groundwater Review; cost estimate of \$25000;
- Environmental Improvement Plan cost estimate of \$30,000.

Officer's Recommendations:

That Council;

- 1 Receives the report and directs Staff to undertake the license conditions as referred to in this report.

SIGNED _____

DATED 10th July, 2012.

- 2 Includes in the 2012/2013 Draft Budget the following allocations
- Post Closure Management Plan \$20,000;
 - Hydro-geological Assessment and Groundwater Review;\$25,000;
 - Environmental Improvement Plan \$30,000.
- 3 Engages GHD environmental consultants, to undertake the following;
- Post Closure Management Plan;
 - Hydro-geological Assessment and Groundwater Review;
 - Environmental Improvement Plan.

ABSOLUTE MAJORITY REQUIRED

12/174.

Hollands/Carbone

“That the Officer’s Recommendation be adopted.”

CARRIED BY ABSOLUTE MAJORITY 12-0

Item No. 3

Subject	Regional Waste Education Program
Proponent:	Wellington Group of Councils
Location:	Shire of Harvey
Reporting Officer:	Principal Environmental Health Officer
File No.:	HS/A/009

Attachment Reg. No.

Summary

The Local Governments of Harvey, Dardanup, Bunbury, Capel, Collie and Donnybrook Balingup are currently considering the formation of a Regional Council for waste management.

Furthermore this group is also considering the employment of a Waste Education Co-ordinator and an education officer for a three year term to implement a Regional Waste Education Program. The purpose being to;

- Engage the community on waste and recycling related issues;
- Raise awareness about waste minimisation and resource recovery;
- Facilitate the correct use of household recycling bins; and
- Encourage the appropriate disposal of household hazardous waste.

Confirmation of the program support is required by the Bunbury Wellington Group through a Memorandum of Understanding which has been provided to the Chief Executive Officers to sign.

It is recommended that Council support the Regional Waste Education Program and commit to the financial contribution.

SIGNED _____

DATED 10th July, 2012.

Background

The Local Governments of Harvey, Dardanup, Bunbury, Capel, Collie and Donnybrook-Balingup are currently considering the formation of a Regional Council for waste management.

This group of Councils is also attempting to respond to changes in waste management practices following the release of the State Waste Strategy in April 2012, primarily a reduction of waste to landfill.

The Shire of Harvey is also currently reviewing several other significant matters including;

- Recycling Processing Contract;
- Waste and Recycling Bin Collection Contract;
- Procurement of Waste and Recycling Bins;
- Waste Disposal Contract.

With the implementation of new waste contracts in 2013 there is likely to be some significant changes to waste and resource recovery practices. Of particular significance to some Local Governments, is the planned introduction of a three bin system whereby an additional bin will be provided to households for the collection of organic food and garden waste. The cost for providing this service will be passed directly to the ratepayers accessing the service.

To ensure the successful introduction of this system and other new waste initiatives will require extensive community engagement and education. It is therefore proposed to employ two education officers to undertake this role.

Comment

Presently the Local Governments of Dardanup, Harvey, Donnybrook Balingup and Collie have not yet fully committed to the organics processing service, but may be required to do so in order to achieve the target recovery rates required under the State Waste Policy. The policy sets benchmarks of 30% recovery by 2015, with the current rates for most rural s, of between 15% - 20%.

A regional waste survey in 2011 revealed that the community has an expectation that Local Governments will play a greater role in educating and engaging the community in waste and recycling management issues. Of particular interest were methods to reduce contamination in recycling bins and disposal methods for various waste types.

It was also apparent, as it was widely commented that residents did not understand the outcome to recyclables and waste stream once collected. It is also important to promote other waste services that are now available such as E-waste recycling, household hazardous waste, used engine oil and drumMuster programs.

Rather than each Local Government attempting to educate and engage their communities on waste issues independently, a regional approach can be taken to ensure there is a cohesive, effective, and cost efficient waste education and community engagement strategy implemented across the Bunbury-Wellington Region.

SIGNED _____

DATED 10th July, 2012.

It is therefore proposed that a Regional Waste Education Program be established with the specific goals of:

- Engaging the community on waste and recycling related issues;
- Raising awareness about waste minimisation and resource recovery;
- Facilitating the correct use of household recycling bins; and
- Encouraging the appropriate disposal of household hazardous waste.

The Bunbury-Harvey Regional Council (BHRC) will be responsible for the employment and management of the project for its three year duration. Should the concurrent process to establish a new Bunbury-Wellington Regional Council for waste be created, then the project would be transferred to the new regional Council

Chief Executive Officer of the BHRC, Mr Tony Battersby, will undertake the role of Project Manager until the Waste Education Coordinator is employed. From then the Waste Education Coordinator will take the responsibilities of Project Manager with the further employment of a second officer, given the task of delivering the waste education program.

The Project Partners will be those Local Governments that are committed to financially supporting the project for the three year duration on a population basis. The Project Manager will be responsible for reporting to the Project Partners on a regular basis and ensuring that they are satisfied with the levels of service provided.

To ensure that equitable levels of service are provided to the Project Partners the following guiding policy shall be implemented:

- 1) Staff activities will be classified as 'Regionally Significant' or 'Local Government Specific'.

Activities classified as Regionally Significant shall include:

- Administration;
- Development of strategy and policy;
- Development of information, media, and other resources for use by all Project Partners; and
- Applications for external funding opportunities.

Activities classified as Local Government Specific shall include:

- Community workshops and information sessions;
- Community surveys;
- School based programs;
- Group tours of waste treatment facilities;
- Door to door community consultation; and
- Public events.

- 2) Staff will be required to keep accurate records of time spent on Regionally Significant and Local Government Specific activities.

For Local Government Specific activities, the records shall contain:

- The name of the Local Government that the activity was serving;
 - The nature of the activity that was undertaken;
 - The date the activity was undertaken; and
 - The duration of the activity to the nearest half hour.
- 3) The Project Manager shall be responsible for developing an Operations Schedule that will guide the allocation of staff resources to each Project Partner in an equitable manner.

The Schedule will be based on the following principles:

- The allocation of project resources to Local Government Specific activities shall be measured in labour hours,
 - The allocation of labour hours used for Local Government Specific activities will be based on the relative funding contribution provided by the Project Partners. For example, if one Local Government provided 30% of the project funding it would receive 30% of the total time spent on Local Government Specific activities over a 12 month period;
- 4) The Project Manager shall be responsible for ensuring the Operations Schedule is adhered to as close as practicable; and
- 5) Any discrepancies in the allocation of staff resources at the end of the financial year will be accounted for in the Operational Schedule for the following year.

In conclusion, the Bunbury-Wellington Group of Councils has received valuable support from the Regional Organics Officer position, which has been developed through grant funding over the past two years.

With the State Government establishing a framework for waste recovery and setting specific, achievable goals for recovery, it is vital that the local governments work collaboratively to meet these targets. The Bunbury Wellington Group of Council is well placed to make good progress toward meeting and exceeding the recovery targets by 2015 however the successful coordination of the Local Government activities will rely on the Regional Education Program and appointment of the Regional Waste Education Coordinator Officer and Waste Education Officer.

Statutory Policy Environment

State Waste Strategy 2012.
BHRC Agreement.
Proposed MOU, as Attached.

SIGNED _____

DATED 10th July, 2012.

Budget Implications

The table below lists the individual Local Governments contribution (based on population).

ITEM	DESCRIPTION	2011/12	2012/13	2013/14	2014/15
PROJECT PARTNER CONTRIBUTIONS	City of Bunbury	\$0	\$25,055	\$25,055	\$25,055
	Shire of Harvey	\$0	\$18,692	\$18,692	\$18,692
	Bunbury Harvey Regional Council	\$30,000	\$30,000	\$30,000	\$30,000
	Shire of Capel	\$0	\$20,404	\$20,404	\$20,404
	Shire of Dardanup	\$0	\$16,725	\$16,725	\$16,725
	Shire of Collie	\$0	\$12,179	\$12,179	\$12,179
	Shire of Donnybrook-Balingup	\$0	\$6,945	\$6,945	\$6,945
EXTERNAL FUNDING	Regional Funding Program	\$47,000	\$0	\$0	\$0
TOTAL REVENUE:		\$77,000	\$130,000	\$130,000	\$130,000

The contribution requested from the Shire of Harvey is \$18,692 for each year of the project for a period of three years, being a total cost of \$56076.

Officer's Recommendations:

That Council;

1. Confirms its commitment to the Bunbury Wellington Regional Waste Education Program and lists for consideration in the 2012/2013 Budget an allocation \$18,692.
2. Confirms an allocation \$18,692 for each of the following 2013/14 and 2014/15 financial years.
3. Authorises the Chief Executive Officer to sign the Memorandum of Understanding for the Regional Waste Education program, attached to this report

ABSOLUTE MAJORITY REQUIRED

12/175.

Carbone/Campbell

"That the Officer's Recommendation be adopted."

CARRIED 12-0

SIGNED _____

DATED 10th July, 2012.

BUILDING REPORT

Item No. 1		
Subject:	Building Applications Received – Building Licenses Issued	
Proponent:	Shire of Harvey	
Location:	Shire of Harvey	
Reporting Officer:	Principal Building Surveyor	
File No.:	BSR017	Attachment Reg. No. 12/08252

Summary

Seventy Four (74) building applications have been received and fifty nine (59) building licenses issued for the month of May, 2012, details of which are attached.

Officer's Recommendation

That Council receives the report on building activity over the month of May, 2012.

12/176. **Lovitt/Hollands**
 “That the Officer’s Recommendation be adopted.”

CARRIED 12-0

TECHNICAL SERVICES

Mr. Stewart and Mr. Dandridge left the Chambers at 4.42 p.m.

Cr. Hill and Cr. Bertolini declared a proximately interest in Item No. 1 of the Technical Services Report and left the Chambers at 4.42 p.m.

Item No. 1	
Subject	2012/13 Capital Works Program
Proponent:	Technical Services
Location:	Shire of Harvey
Reporting Officer:	Manager of Works and Services
File No.:	ESR002

Summary

The 2012/2013 Capital Works Program has been compiled to reflect the priorities and needs of Council’s roads and drainage network as well as other community infrastructure. This program includes all capital upgrade and capital replacement projects for the 2012/2013 financial year and forecasts for the following four years beyond this, providing Council with a realistic plan for future capital Works.

SIGNED _____ DATED 10th July, 2012.

Background

The annual Capital Works Program is defined directly from Council' previously adopted roads and drainage program, which is funded from various sources including the Municipal Budget, Grants Commission, Direct Grant, Regional Roads Group Project Grants, State and Federal Blackspot Programs, the Roads to Recovery program and Royalties for Regions.

The WA Grants Commission Road Grant is distributed to all Councils annually and is based on Council's road data within the ROMAN program and the Asset Preservation Model. Regional Road Group funding is allocated via the South West Regional Road Group (RRG), using multi criteria analysis and roads identified in the roads 2025 forward plan. These projects are funded on a 2/3 State to 1/3 Council basis.

The State Blackspot Program funding is also distributed on a 2/3 State to 1/3 Council basis and a rigorous Benefit Cost Ratio (BCR) point scoring process determines projects. The Federal Blackspot Program is fully funded by the Federal Government and projects are determined by the same BCR point scoring process as the State Blackspot Program. The Roads to Recover Program is Federally funded and Council's annual allocation is derived from data in the Asset Preservation Model and ROMAN similar to the Grants Commission Road Grant.

The attached tables show the full Capital Works Program and how projects are co funded under the RRG, State Blackspot and R2R programs. Also included is the Reseal Program and Drainage Program that are funded from the Municipal Budget. The Royalties for Regions funding has to date been allocated annually and has been used on some roads and footpath projects.

Comment

The 2012/2013 Program will include the carried forward project for James Stirling Place that was reported to Council on 29th May, 2012.

Some of the larger projects included in the 2012/13 program include Wellesley Road south shoulder widening and sealing of 3 kilometres from just north of Melville Road to Marriot Road. This has a total project cost of \$450,000 funded 2/3 State to 1/3 Council. Other major projects include Peterson Road (RRG) and Mornington Road shoulder widening, which has attracted \$200,000 Federal Blackspot funding that does not require a contribution from Council. A further amount of \$270,000 from the RRG program is included for the continuation of upgrading Mornington Road.

The Aggregate and Asphalt reseals total \$242,500 and \$143,000 respectively, Roads to Recovery Program totals \$440,000 and Path program totals \$169,000.

Statutory/Policy Environment

Council Policy 17.2 provides for the allocation of Road Grant Funds to be spread proportionately to the various localities throughout the Shire.

SIGNED _____

DATED 10th July, 2012.

- Roads to Recovery Program Funding Allocations 2009 – 2014.
- Regional Road Group Road Program.
- National Blackspot Program.
- State Blackspot Program.
- Royalties for Regions Funding.

Budget Implications

Projects have been funded using current unit rates for construction that has been CPI adjusted.

Officers Recommendation

That Council endorses the 2012/2013 Capital Works Program as detailed in the attachment.

12/177.

Campbell/Hollands

“That the Officer’s Recommendation be adopted.”

CARRIED 10-0

Cr. Hill and Cr. Bertolini returned to the Chambers at 4.46 p.m.

Item No.	2
Subject	Five Year Plant Replacement
Proponent:	Technical Services
Location:	Shire of Harvey
Reporting Officer:	Manager of Works and Services
File No.:	ESR003

Summary

A review of Council’s Five Year Plant Replacement is undertaken annually. This ensures that the required funding allocation is realistic and reflects the continued growth of Council’s Capital Works Program, and the effects this will have on existing plant and equipment. It also ensures that optimum periods for plant and equipment changeover can be achieved.

Background

Staff have developed guidelines from ongoing research into optimum changeover periods from both Local Government and the road building industry in general. The following table indicates the current parameters used as guidelines to assist with existing plant replacement by Staff and also provides useful information to elected members.

Naturally there are budgetary limitations that can restrict these parameters, however in recent years Council has recognised the importance of maintaining regular plant replacement with realistic budget allocations to allow the Five Year Replacement Program to proceed as planned without the need for utilising loan funds. The 2012/2013 Plant Replacement Program includes the replacement of one (1) large 6 x 4 tip truck and three smaller tip trucks that have achieved one of the criteria in the table below.

SIGNED _____ DATED 10th July, 2012.

Staff have conducted a review of the current light fleet changeovers and continue to monitor the market for realistic alternatives to the current light fleet.

UNIT TYPE	OPTIMUM PERIOD OF REPLACEMENT	OPTIMUM HOURS/KILOMETRES
Graders	7-10 Years	10,000 hours maximum
Small Loaders	6-7 Years	8-10,000 hours
Rollers, Self Propelled	6-8 years	8-10,000 hours
Backhoe	5 Years	7,000 hours
Tractors	5-7 Years	7,000 hours
Large Trucks	5-6 Years	150-200,000 kms
Small Trucks	5 Years	150-200,000 kms
Sedans	1 Year	10-40,000 kms
Utilities/Dual Cab	1 Year	40,000 kms

Comment

The draft Five Year Plant Replacement Program as shown in the attachment is compiled by utilising the plant replacement parameters mentioned in the table above. Included in the 2012/2013 Draft Plant Replacement Program are the following:-

1. Passenger Fleet Vehicles 16 x vehicles
2. Utility/Dual Cabs 10 x vehicles
3. Trucks 1 x 8 -9 tonne tip truck (maintenance)
 1 x 6x4 tip truck (construction)
 2 x 2-4 tonne tip truck (gardens)
4. Tractors/Mowers 1 x out front tractor mower
 1 x mid deck mower
5. Sundry Plant 72 inch slasher, whipper snippers, multi-purpose
 Generator, chainsaws, mowers and edgers.

Statutory/Policy Environment

Council has adopted an Asset Management Plan for plant replacement.

Budget Implications

Annual Plant Replacement costs for the 2012/2013 financial year amounts to \$857,000. This program is funded from on a rolling basis through the Plant Reserve Account which is sustained through allocations from the Municipal Fund each year.

SIGNED _____

DATED 10th July, 2012.

Officer's Recommendation

That Council endorses the 2012/2013 Five Year Plant Replacement Program, as detailed in the attachment.

12/178.

Shortland/Hill**"That the Officer's Recommendation be adopted."****CARRIED 12-0**

Item No.	3
Subject	Steam Weed Control Trial
Proponent:	Technical Services
Location:	Binningup
Reporting Officer:	Manager of Works and Services
File No.:	HSN003

Summary

A Steam Weed Control process is currently being trialled in the Binningup Townsite as a complementary trial to gauge its success or otherwise for future weed control in the Shire of Harvey.

Background

Council has, to date, undertaken the majority of weed control in road reserves and public reserves by physical removal/control or chemical spraying. The physical control by either whipper snipper or mowing provides a short-term solution, is labour intensive and also has the potential hazards to operators and the public. Chemical control also has potential hazards associated with its use, particularly environmental either via wind borne particles or runoff.

A company called "Weed Technics" provided information at a recent Engineering Conference, including the extensive use by other Local Governments in Australia. Several South West Councils have now engaged this Company, including the Shire of Dardanup, City of Busselton and Shire of Augusta-Margaret River for steam weed control at various locations in their town-sites. Some of the benefits of the steam weed process include reduction in chemical runoff into waterways, mitigation of potential actions and reactions from chemical sufferers, enhancement of the Shire's environment commitment and being able to undertake steam weed control in all weather conditions.

SIGNED _____

DATED 10th July, 2012.

Comment

The trial at Binningup has now been completed and by the fourth day those weeds treated on the first day were yellowed off and destroyed. The trial was provided free of charge to allow Staff to investigate the effectiveness of the results, which has shown to be instant, effective and environmentally preferable. To allow for extended research into this process, the areas treated in Binningup will need to be inspected again in approximately six (6) weeks and then again at the start of Spring to see if regrowth is as extensive with steam weed control as opposed to chemical control.

Should the process be successful, it is recommended that Council commits to this process within the Draft Budget for \$10,000 to target the following areas; Binningup footpaths \$3,000, Stirling's Cottage/Harvey Dam \$2,000, Brunswick Pool and school roads \$2,000, Australind High School roads/paths \$3,000. These target areas are manageable and can be assessed easily as well as being high pedestrian and high environmental areas near waterways.

The actual spray unit is trailer mounted and consists of a small diesel burner that heats only water that is passed via a heat resistance hose to the wand that emits steam at 120°C. The process is undertaken "on the move", thus only requiring minimal traffic management, including revolving orange light and high visibility clothing.

The water tank holds 3,000 litres of water and only requires filling twice in a normal working day.

The operators have provided a copy of their current public liability and insurance cover.

Statutory/Policy Environment

Nil.

Budget Implications

That Council spends an amount of \$10,000 from its 2012/2013 Maintenance Budget for the purpose of steam weed control at Binningup, Harvey Dam, Stirling's Cottage, Brunswick and Australind High School.

Officer's Recommendation

That Council authorises the method of steam weed control, to be used in the areas of Binningup, Stirling's Cottage/Harvey Dam, Brunswick Pool as well as roads and paths around schools.

12/179.

Beech/Carbone

"That the Officer's Recommendation be adopted."

CARRIED 12-0

SIGNED _____

DATED 10th July, 2012.

CORPORATE SERVICES

Cr. Bertolini declared an impartiality interest in Item No. 1 of the Corporate Services Report and left the Chambers at 4.55 p.m.

Item No.	1	
Subject	Application for Exemption to Keep More Than The Prescribed Number of Dogs	
Proponent:	Murray Wooldridge	
Location:	1 Martin Court Binningup	
Reporting Officer:	Administrator Law & Safety Services	
File No.:	A001096	Attachment Reg. No.

Summary

An application for exemption to keep more than the prescribed number of dogs has been received from Mr Murray Wooldridge of 1 Martin Court Binningup. A copy of the application received is attached to this report and it is the recommendation of Staff that this application is refused.

Background

The applicant has applied to keep four (4) dogs intermittently at the above premises. The applicant resides at this property with his wife and they have two dogs (female Maltese Cross and a male Beagle) that are registered with the Shire. The applicant has an adult son who resides in Moora and he has two dogs (female New Zealand Huntaway and a female Rhodesian Ridgeback), both of which are registered with the Shire of Moora.

The applicant's son, Mr Bevan Wooldridge visits every second weekend and at times during the school holidays with his ten year old son. A supporting letter from Mr. Bevan Wooldridge is attached to this report. He claims that he is not in a position to leave his two dogs in Moora for the following reasons;

- The high crime rate in Moora;
- The Rhodesian Ridgeback is a high value pedigree and would be desirable to certain individuals;
- The Huntaway was picked by his son and he considers it his dog;

The property is zoned Residential comprising of 815m² in area.

Comment

It is apparent that Bevan Wooldridge has been visiting his parents with his dogs for sometime on a periodic basis and Staff was alerted to this via telephone contact and an e-mail in April 2012 from a concerned neighbour.

SIGNED _____

DATED 10th July, 2012.

The Shire Rangers have visited the property on a number of occasions to discuss possible solutions between both parties however neither party was either agreeable or compliant and the applicant has now submitted an application to exceed the numbers of dogs permitted at his property. The applicant has advertised in the local media advising residents of his intentions and inviting submissions to be made to Council within a prescribed time.

Surrounding property owners were notified by Staff of the proposed application and six (6) objections were received by Staff in response to the advertisement or the correspondence sent out from the Shire and these include the original complainants. There were also two (2) letters of support received from neighbouring property owners

Provisions under the Dog Act 1976 and Council's Dog Local Law 2008 stipulate that a person may only keep two (2) dogs over the age of three months and the young of those dogs under that age. Section 26 of the Dog Act 1976 does however, allow the Council to approve more than the prescribed number of dogs to be kept on a property.

Council Staff have undertaken an inspection of the property and a copy of the inspection sheet is attached to this report.

The inspection by Staff found:

- Provision of shade – adequate
- Provision of water – sufficient food and water provided
- Property fences – able to contain the dogs to the property.
- General condition of dogs – clean and well cared for.
- Cleanliness of property – no faeces/food scraps.

There have been a number of complaints regarding the dogs with these being barking complaints, the numbers of dogs at the premises and allegations of these dogs roaming the streets and it appears to be ongoing. There has been one previous complaint concerning these dogs however that was approximately two years ago.

In light of the objections received from neighbouring property owners it is recommended that the application be refused

Statutory/Policy Environment

Dog Act 1976 – Section 26. Controls the number of dogs permitted. There is no specific reference to distinguish between the permanent keeping of dogs and visiting dogs when considering the number at any property.

Shire of Harvey Dog Local Law 2008 – Clause 3.2. Allows Council to consider limitations on the number of dogs permitted.

Budget Implications

Nil.

SIGNED _____ DATED 10th July, 2012.

Recommendation

That Council refuses the application from Mr Murray Wooldridge of 1 Martin Court Binningup, for exemption to keep four (4) dogs for the following reasons;

1. The number and content of the objections received from neighbouring properties;
2. The property size 815m² for the number of dogs is not acceptable in a residential area such as the Binningup Townsite;
3. The impact on the amenity due to dogs barking/noise on this residential/suburban area within the Binningup Townsite if such an application was to be approved.
4. That alternative arrangements would be available (i.e. kennel homing) for the two dogs that visit regularly to this property.

12/180. **Carbone/Campbell**
 “That the Officer’s Recommendation be adopted.”

CARRIED 11-0

Cr. Bertolini returned to the Chambers at 5.00 pm.

Item No.	2
Subject	Delegations Register 2012 Review
Proponent:	Chief Executive Officer
Location:	Shire of Harvey
Reporting Officer:	Chief Executive Officer
File No.:	CCU003
	Attachment Reg. No.11/11046

Summary

Council is required to review the delegations of authority that it makes to its Chief Executive Officer and Committees at least once in every financial year. This report provides the opportunity for Council to conduct this review.

Background

Council is able to delegate to its Chief Executive Officer (CEO) and its Committees some of its powers and duties, and is required to maintain a register of such delegations. The delegations are required to be reviewed at least once in every financial year.

The last review was undertaken by Council at its meeting of 10th May, 2011. It should be noted however, that Council does have the opportunity to revisit delegations at any time during the year.

In 2007, Council took the opportunity to update the structure of the Delegations Register into three main areas; Corporate Services, Development Services and Technical Services.

SIGNED _____ DATED 10th July, 2012.

Council also takes the opportunity to review the appointment of its authorised officers and registration officers at this time. A copy of the current list of such officers is attached to the rear of the Delegations Register.

Comment

Delegations of Authority are often used to improve the efficiency of a Council's operations by allowing routine matters to be dealt with in a timely manner and to reduce the number of minor matters requiring Council consideration.

Since the last annual review, the following delegations have been added:

DEVELOPMENT SERVICES

- 2.2.16 Issue of Building and Demolition Permits under the Building Act 2011 (17th April, 2012).
- 2.2.17 Occupancy Permits and Building Approval Certificates under the Building Act 2011 (17th April, 2012).
- 2.2.18 Extension of Duration of Occupancy Permit on Building Approval Certificates under the Building Act 2011 (17th April, 2012).
- 2.2.19 Appointment of Authorised Persons under the Building Act 2011 (17th April, 2012)
- 2.2.20 Building Orders under the Building Act 2011 (17th April, 2012).

These new delegations were as a result of the introduction of the new Building Act 2011. Some of the previous Building delegations will need to be repealed once a transition to the new Act is completed.

Statutory/Policy Environment

Sections 5.18 and 5.46 of the Local Government Act, 1995, require annual review of delegations to the Chief Executive Officer and Council Committees.

Other relevant Legislation includes Section 5.42 of the Local Government Act 1995, which provides the power to delegate some powers and duties to the Chief Executive Officer.

Section 5.43 limits what can be delegated and Section 5.44 provides that the Chief Executive Officer may delegate powers and duties to employees.

Budget Implications

Nil.

SIGNED _____

DATED 10th July, 2012.

Officer's Recommendation

That Council;

1. Having conducted a review of its Delegation Register endorses its previous delegations as outlined in the attached Delegations Register 2012.
2. Endorses the Shire of Harvey's Authorised Officers Schedule 2012.

12/181. **Lovitt/Beech**
"That the Officer's Recommendation be adopted."

CARRIED 12-0

Item No.	3
Subject	Stirling's Cottage Tea Rooms – Lease Renewal and Assignment
Proponent:	Mrs. Mary Parravicini - Lessee
Location:	Part of Reserve 42152, James Stirling Place, Harvey
Reporting Officer:	Executive Manager of Corporate Services
File No.:	A002446, CZ041

Summary

The Stirling's Cottage Tea Rooms are currently leased to Mrs Mary Parravicini and this Lease is due to expire on 30th September, 2012. An application has been received from Mrs Mary Parravicini requesting that the Lease be renewed for a further three (3) year term as provided within the current Lease. Further to this Mrs Parravicini advises that the business has been sold and is requesting an assignment of the Lease to the new operators as from 1st July, 2012. It is recommended that approval be granted to the Lease renewal and assignment.

Background

Since mid 2007 Mrs Parravicini (the lessee) has leased and operated the Stirling's Cottage Tea Rooms with the current lease term expiring on 30th September, 2012. The lease has an option to renew for a further three (3) year period included at clause 7(e) that provides,

Clause 7 (e) of the Lease document states:

*"(e) on the written request of the Lessee made in the prescribed form and not less than **NINETY (90) DAYS** before the expiration of the term hereby created if there shall not be at the time of such request any existing breach or non-observance of any of the covenants on the part of the Lessee herein contained at the expense of the Lessee to grant to them a lease of the demised premises for a further term of **THREE (3) YEARS** from the expiration of the term hereby granted at a rent and on the same terms and conditions contained herein save for the option to renew the term of the lease."*

SIGNED _____

DATED 10th July, 2012.

The lessee has requested that the renewal option be approved together with a request to assign the lease to new operators effective 1st July, 2012. Ms Lee Sewell and Ms Ebony Holt have agreed to purchase the business, subject to Council's approval of the Lease renewal and assignment.

Stirling's Cottage Tea Rooms is located on part of Korijekup Estate Lot 285, being Reserve 42152, which is held by the Shire of Harvey on a Management Order for the purpose of "Tourism and Museum". The Management Order provides the Shire with the power to lease some or all of the land, subject to the approval of the Hon Minister for Lands.

Comment

In respect to the renewal of the lease Staff are not aware of any breach of the lease terms by Stirling's Cottage Tea Rooms lessee during the past three (3) years that the previous agreement has been in existence. There are no known unresolved difficulties arising out of the leasehold relationship between the Lessee (Mrs Parravicini) and the Shire of Harvey.

The lessee is meeting all requirements of the Lease covenants and the Environmental Health Officer reports all food handling and associated matters are being maintained satisfactorily. There are some minor outstanding building maintenance works which the Environmental Health Officer has identified in a recent inspection and the Principal Building Surveyor is arranging completion.

Staff would therefore recommend that in accordance with Clause 7(e) the Lease be renewed for a **THREE (3) YEAR** period expiring 30th September, 2015, subject to the approval of the Minister for Lands.

In respect to the assignment of the Lease, the lessee has advised that the business sale is effective as from 1st July, 2012, subject to Council's approval. Ms Sewell and Ms Holt are both local Harvey residents and have previous experience within the catering and hospitality sector.

Staff recommends that Council approves the assignment of Lease as requested, subject to the approval of the Hon. Minister of Lands.

When seeking legal assistance with the renewal of this Lease in late 2009, Council's Solicitors (Ball & Co.) advised that such leases are subject to the provisions of the Commercial Tenancy (Retail/Shops) Agreements Act, 1985. There has been some comment about operating hours for the Tea Rooms. This matter cannot be regulated within a lease for commercial premises and Council should note the following.

Section 12C of the Act provides;

"Hours of Operation

- (1) *A provision in a retail shop lease which requires a tenant to open the retail shop the subject of the lease at specified hours or specified times is void.*

SIGNED _____

DATED 10th July, 2012.

- (2) *Where –*
- (a) *a landlord has refused to renew a retail shop lease; and*
 - (b) *the tenant under the retail shop lease believes that the refusal was because the tenant did not open the retail shop the subject of the lease at specified hours or specified times,*
- the tenant may apply in writing to the Tribunal for an order that the landlord pay compensation to the tenant in respect of pecuniary loss suffered by the tenant as a result of the failure to renew the retail shop lease.”*

Statutory/Policy Environment

Section 3.58 of the Local Government Act, 1995 deals with disposal of property which includes the lease of property. This provision has previously been exercised with the original lease.

The Commercial Tenancy (Retail Shops) Agreements Act, 1985 applies to the lease which relates to Commercial premises i.e. Tea Rooms/Café.

Budget Implications

Costs associated with the Lease renewal and assignment are recoupable from the lessee.

Officer's Recommendation

That Council subject to the approval of the Hon Minister for Lands;

- (i) Grants approval to renew the Lease with Mrs Mary Parravicini for the Stirling's Cottage Tea Rooms for a further period of three (3) years, commencing 1st October, 2012 as per the terms and conditions outlined in the current Lease document, dated 27th April, 2010;
- (ii) Approves the assignment of the Lease for the Stirling's Cottage Tea Rooms from Mrs Mary Parravicini to Ms Lee Michelle Sewell and Ms Ebony Grace Holt effective from 1st July, 2012.

Additional Information

The following additional information has been provided in support of the application to assign this Lease.

“Lee and her partner bought a house in Harvey last year after renting in the area for 9 months. Lee worked at the Wokalup tavern for 18 months where her duties included stocking the kitchen, cleaning, preparing, cooking and serving meals.

SIGNED _____

DATED 10th July, 2012.

Ebony and her partner moved to Harvey 3 years ago and have bought a house. Ebony has worked at "The Café on Uduc" for the past 2 years and for 6 months on a casual basis at the Wokalup Tavern. Ebony has always worked in the hospitality industry in various roles.

We are very excited with the opportunity to run the Stirling Cottage. We are passionate about food and will give our all to every dish, whether it be a cuppa and scones or a 3 course meal. We would like to open a couple of evenings a week if the demand is there. We would also be available for small functions upon request. We are aware of the cottage's significance to the tourism industry and will cater for this area to the best of our ability using local produce where possible.

12/182.

Marshall/Bertolini**"That the Officer's Recommendation be adopted."****CARRIED 11-1**

Cr. Marshall declared impartiality interest in Item No. 4 of the Corporate Services Report and dealt with the matter on its merits.

Item No. 4

Subject:	Harvey Diversion Drain Artwork Project
Proponent:	Harvey Main Street Committee
Location:	Uduc Road, Harvey
Reporting Officer:	Manager Community and Economic Development
File No:	B000096 Attachment Reg. No.

Summary

This report presents a proposal from the Harvey Diversion Enhancement Project Committee to install a new artwork at the diversion drain on the southern side of the bridge on Uduc Road, Harvey. The report recommends that the concept design for the proposed artwork be advertised for public comment and further advice be provided by the artist in relation possible noise emanating from the artwork in windy conditions prior to final consideration of the matter.

Background

The digging of the 22km Diversion was a significant event in the Shire's history and provided jobs for 2,500 unemployed men during the great depression. The sand section of the Diversion (about 12 km) was dug by men shovelling sand into their wheelbarrows and pushing them up the bank edge to be emptied. As the cut got deeper, the men shovelled sand into carts pulled by horses.

The sand section of the Diversion was completed by the end of 1932 and the clay section was dug by coal fired drag line in 1933. The official opening of the Harvey Diversion took place in 1935.

SIGNED _____

DATED 10th July, 2012.

The Harvey Diversion Enhancement Project Committee was formed in 2006 to identify opportunities for enhancement of the Diversion. Given that the Committee was not incorporated under the *Associations Incorporations Act*, it applied for funding through the Harvey Main Street Committee and was successful in securing a grant of \$200,000. Consultation with the local community took place in 2007 and concept plans were produced in 2008. Due to issues with land tenure along sections of the Diversion and the estimated cost to fully implement the plan, further consultation took place to identify priorities.

The outcome of that process was that the area known as "Coffee Pool", immediately south of the Uduc Road bridge, was identified as the priority for enhancement. Local artists Alex and Nicole Mickle (Safehaven Studios) were engaged to prepare a concept plan for an artwork to enhance the area and interpret the history of the Diversion.

Three concepts were developed and after further consultation, the preferred design was chosen by the Committee. Approval was then sought from the Water Corporation for the artwork to be installed at Coffee Pool and that approval was granted subject to conditions in February 2012.

A presentation on the project was provided to Council by Mr David Marshall on 8th May 2012.

This report provides further information on the proposal and identifies some matters that require consideration by Council should it be supportive of the proposal.

Comment

The proposal to enhance Coffee Pool with a significant public artwork is a positive initiative and worthy of Council's support. The proposed site is a prominent location adjacent to the "Welcome" signs on Uduc Road and would benefit from some form of enhancement. This area is under the management of Water Corporation and in its current state does not present well as an entry point to the Harvey town centre. A major artwork with interpretive signage, appropriate landscaping and lighting could be a feature attraction for local residents and tourists alike.

Should Council be generally supportive of the proposal, the following matters would require further consideration:

Concept Design

The preferred design is titled "an army of men – shovel in hand" and consists of two screens approximately 7 metres in height from the top of the concrete baffle blocks at the base of the Diversion. The screens are constructed from galvanised steel shovels and are supported by two upright poles and a series of steel cables. An artist impression drawing of the proposed artwork is attached to the report.

The proposal is for the artwork structure to be located approximately 30 metres south of the bridge directly above the concrete baffle blocks at the base of the Diversion. The design also includes a series of triangles etched onto the concrete walls of the Diversion, which depict the tents that the men and their families lived in during the construction period.

SIGNED _____

DATED 10th July, 2012.

In addition to the artwork structure there is a need to consider the balance of the site which includes the grey and somewhat unappealing concrete walls immediately south of the bridge, and a suitable viewing area with interpretive signage. Parking is another issue that needs to be looked at and depending on the level of interest that the new artwork generates, dedicated parking bays may need to be considered in the future.

The grant provides sufficient funds for the proposed artwork plus a basic viewing and interpretative area, but does not provide funds for any further artistic treatment of the concrete walls. This is something that perhaps could be considered as a separate stage of the project after the main artwork has been installed.

Another aspect of the design that may also need to be considered is the potential for the artwork to create noise, especially in windy conditions. The artist does not believe this will be a problem but given the size of the artwork sail area, there is likely to be some movement which in turn may create some level of noise.

Water Corporation Conditions of Approval

The Diversion is located on land that is under the management and control of the Water Corporation. Water Corporation has written to the Harvey Main Street Committee advising that it is prepared to approve the installation of the proposed artwork subject to Committee agreeing to the following conditions:

1. Take full responsibility for the maintenance of the attachment including clearing of any debris collected by it.
2. Indemnify the Water Corporation against all claims arising from the erection of the attachment and its presence on the drain structure,
3. Relocate the attachment at their own cost as may be necessary by the future operations and maintenance requirements of the Water Corporation.

The Harvey Main Street Committee does not have the capacity to accept responsibility for the Water Corporation's conditions and has written to the Shire asking if Council would accept those responsibilities to allow the project to proceed.

In considering this request it is noted that Council already has a number of public artworks at various locations throughout the Shire and makes allowance in its Budget each year for maintenance of those artworks. If Council is supportive of this proposal, it would not be unreasonable for the new artwork to be treated in a similar way to existing public art, or indeed any other Shire asset. It is envisaged that the artwork structure would be relatively low maintenance however it would be recommended that some funds also be allocated for maintenance of the viewing area and regular clean up of the base of the Diversion.

SIGNED _____

DATED 10th July, 2012.

With regard to the second condition, the requirement to indemnify the Water Corporation is not considered to be unreasonable and is a standard condition in most agreements where one party approves the use of its land or property to another party. The Shire already has significant Public Liability Insurance cover in place however prior to final consideration of the proposal, advice will be sought as to whether there is likely to be any concerns with regard to Council's policy being extended to include cover for the proposed artwork.

The third condition is unlikely to eventuate however if it was to occur it is acknowledged that there would be some cost to remove the artwork and possibly reinstall it at another location.

If Council is supportive of the proposal, the conditions that have been set by the Water Corporation are considered to be reasonable and are not so onerous that they would prevent the project from going ahead.

In summary, the proposal to install a new public artwork at the area known as "Coffee Pool" at the Harvey Diversion has merit and is considered to be worthy of Council's support. Although the project has already been through a public consultation process some years ago, given the time that has elapsed since the original consultation was done and the potential for proposed artwork to generate noise in windy conditions, it is recommended that the concept be advertised for public comment prior to approval. It would also be recommended that Council write directly to residential properties in Palmer Street to seek their views on the proposal.

Statutory / Policy Environment

N/A

Budget Implications

- No financial contribution has been requested from Council towards the capital costs of the project.
- If the proposal is supported and Council agrees to accept responsibility for maintenance of the artwork, the maintenance costs are estimated to be in the order of \$2,000 - \$3,000 per year.

Officer's Recommendation

That Council:

- i. Advises the Harvey Main Street Committee that in view of the time that has elapsed since the original consultation for the enhancement of the Harvey Diversion, the concept design for the proposed artwork be advertised for public comment for a three week period and the residents of Palmer Street be invited to comment on the proposal.
- ii. Seek further advice from the artist in relation to possible noise emanating from the artwork in windy conditions prior to final consideration of the proposal.

12/183.

Beech/Bertolini

"That the Officer's Recommendation be adopted."

CARRIED 11-1

SIGNED _____

DATED 10th July, 2012.

Item No. 5				
Subject Meetings for Coming Months				
File No.: CCC001				
Meeting	Location	Day	Date	Time
Australind Skate Park Study Steering Committee	LLC	Monday	18/06/2012	4.00pm
Corporate Services Committee	Chambers	Tuesday	19/06/2012	1.00pm
Council	Chambers	Tuesday	19/06/2012	4.00pm
Brunswick Junction Town Centre Redevelopment Advisory Committee	Brunswick Hall	Wednesday	20/06/2012	4.00pm
Draft Budget Meeting	Chambers	Tuesday	26/06/2012	4.00pm
Leschenault Leisure Centre Advisory Committee	LLC	Friday	29/06/2012	8.00am
Development Services Committee	Chambers	Tuesday	03/07/2012	4.00pm
Council (Including Budget Adoption)	Chambers	Tuesday	10/07/2012	4.00pm

Officer's Recommendation

That the Meetings for Coming Months be noted.

12/184.

Lovitt/Hollands

“That the Officer's Recommendation be adopted.”

CARRIED 12-0

Cr. Paul Beech left the Chambers at 5.36 p.m. and returned at 5.38 p.m.

I. **ADOPTION OF STANDING, OCCASIONAL & SUNDRY COMMITTEE MEETINGS MINUTES**

**Heritage Advisory Committee
(24th May, 2012)**

MINUTES

12/185.

Hill/Marshall

“That the Minutes of the Heritage Advisory Committee meeting, held on 24th May, 2012, as printed, be received by Council and the recommendations contained therein be adopted.”

CARRIED 12-0

SIGNED _____

DATED 10th July, 2012.

Community Safety and Crime Prevention Committee
(28th May, 2012)**MINUTES**

- 12/186. **Hollands/Shortland**
 “That the Minutes of the Community Safety and Crime Prevention Committee meeting, held on 28th May, 2012, as printed, be received by Council and the recommendations contained therein be adopted.”

CARRIED 12-0

Work Safety Committee
(7th June, 2012)**MINUTES**

- 12/187. **Hollands/Campbell**
 “That the Minutes of the Work Safety Committee meeting, held on 7th June, 2012, as printed, be received by Council and the recommendations contained therein be adopted.”

CARRIED 12-0

Corporate Services Committee
(19th June, 2012)

Cr. Hill declared an impartiality interest in Item 7.10 of the Corporate Services Committee Minutes and left the Chambers at 5.27 p.m.

Item No. 7.10	
Subject:	Southern Seawater Desalination Plant Community Benefits Package – Budget Submissions
Proponent:	Binningup & Myalup Community Groups

- 12/188. **Carbone/Hollands**
 “That Council;
1. **Receives the funding applications as presented.**
 2. **Lists for consideration in the Draft 2012/2013 Budget the following applications for funding via the Southern Seawater Desalination Plant – Community Benefits Package Reserve Fund;**
 - a) **Lions Club Binningup Waters (Inc) \$2,250**
(Bench and timed floodlights)

SIGNED _____ DATED 10th July, 2012.

b) Binningup Beach Christian Youth Camp (Mattresses for bunk beds)	\$8,930
c) Binningup Community Association (Inc) (Temporary Gazebos & tables, dishwasher)	\$5,025
d) Binningup Occasional Child Care Services (Air-conditioning Binningup Hall)	\$8,000
e) Shire of Harvey (Power supply – Binningup Foreshore)	\$20,000
(Toilet block – Ottrey Park)	\$62,500

3. Lists the Binningup Community Association (Inc) request for funding (\$2,195) to cover the cost of the Scitech Roadshow for consideration within the 2012/13 Area Promotion budget.”

CARRIED 11-0

Cr. Hill returned to the Chambers at 5.33 p.m.

MINUTES

12/189.

Beech/Hollands

“That the Minutes of the Corporate Services Committee meeting, held on 19th June, 2012, as printed, be received by Council and the recommendations contained therein be adopted.”

CARRIED 12-0

K. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

L. NOTICE OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil.

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

Nil.

SIGNED _____ DATED 10th July, 2012.

N. REPORTS OF MEMBERS**Cr. Marshall**

Cr. Marshall reported on attending the following;

- Harvey Mainstreet Committee Meeting held on 5th June, 2012.
- Binningup Christian Youth Camp Committee Meeting, held on 6th June, 2012.
- Harvey Senior Citizens Centre Committee Meeting held on 6th June with discussion on policies and procedures for the Centre.
- Official opening of the Harvey Seniors' Bus Shed on 12th June, 2012.
- Citizenship Ceremony held on 12th June, 2012.
- Harvey Community Radio Committee Meeting held on 18th June, 2012.

Cr. Shortland

Cr. Shortland reported on attending an Aussie Rules Seniors Carnival involving 16 teams from around the State, held at the Leschenault Recreation Park on 3rd June, 2012. All involved appreciated the great facilities provided by the Shire of Harvey.

Cr. Hollands

Cr. Hollands attended a meeting of the Harvey District Tourist Bureau, held on 18th June, 2012, in Australind and noted positive feedback regarding the Shire's response to storm damage clean-up.

Cr. Campbell

Cr. Campbell wished to thank Staff for their assistance in cleaning up following the recent storms.

WA Week Dinner - Leschenault Leisure Centre

Councillors Hollands, Beech and Hill reported on attending the Dinner held on 15th June, 2012, and thanked all involved in organising the function.

Cr. Jackson

Cr. Jackson reported on the following:-

- Attending with the Chief Executive Officer a Regional Forum conducted by the Salaries and Allowances Tribunal explaining the recent review of the Chief Executive Officer remuneration bands and how these compare between a range of Local Governments.
- The opening function for the Harvey Seniors' Bus Shed.
- Attending a meeting with Staff and representatives of the Lester Group for discussion on the Kingston Drive construction issues.
- Attending a meeting with Staff and Cr. Lovitt for discussion on the extension of Kingston Drive issue with the President of the Kingston Residents' Association.
- Attending the Bunbury Wellington Economic Alliance Chairman's dinner.

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 – Australian Vanguard Pty. Ltd. – Removal or Modification of Section 70A – Lot 947 on Deposited Plan 65739 – the Notification is required to be removed from the land described

Prepared By

Shire of Harvey

12/190.

Hollands/Campbell

“That the Officer's Recommendation be adopted.”

CARRIED 12-0

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

Nil.

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

Nil.

SIGNED _____ DATED 10th July, 2012.

R. CLOSURE

There being no further business to discuss, the meeting was declared closed at 6.00 p.m.

I, Tania Gae Jackson, certify that the aforesaid Minutes of the meeting held on Tuesday, 19th June, 2012 are confirmed as a true and correct record of that meeting on Tuesday, 19th June, 2012.

Tania G. Jackson
SHIRE PRESIDENT