



**Shire of Harvey**

**ORDINARY COUNCIL  
MEETING  
MINUTES**

**8<sup>th</sup> November 2016**

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SHIRE OF HARVEYCOUNCIL MINUTESMINUTES OF THE ORDINARY MEETING OF THE HARVEY SHIRE COUNCIL, HELD IN THE COUNCIL CHAMBERS, YOUNG STREET, HARVEY, ON TUESDAY, 8<sup>TH</sup> NOVEMBER 2016, COMMENCING AT 4:00P.M.ATTENDANCE

Shire President	Cr.	T.G.	Jackson	
Deputy Shire President	Cr.	P.J.	Beech	
	Cr.	B.	Adams	
	Cr.	F.	Burgoyne	4.00p.m. – 5.17p.m. 5.20p.m. – 5.25p.m. 5.35p.m. – 6.20p.m. 6.29p.m. – 6.30p.m.
	Cr.	C.	Carbone	4.00p.m. – 5.08p.m. 5.09p.m. – 5.17p.m. 5.20p.m. – 6.20p.m. 6.29p.m. – 6.30p.m.
	Cr.	G.	Campbell	
	Cr.	P.	Giancono	
	Cr.	A.	Lovitt	
	Cr.	P.	Monagle	
	Cr.	A.J.	Shortland	4.00p.m. – 5.08p.m. 5.09p.m. – 6.20p.m. 6.29p.m. – 6.30p.m.
	Cr.	K.J.	Wood	

STAFF

Chief Executive Officer	Mr.	M.	Parker	
Executive Manager Corporate Services	Mr.	S.	Collie	
Executive Manager Technical Services	Mr.	T.	Naudé	4.00p.m. – 5.35p.m. 5.41p.m. – 6.30p.m.
Principal Building Surveyor	Mr.	M.	Stewart	4.00p.m. – 5.15p.m.
Principal Environmental Health Officer	Mr.	S.	Dandridge	4.00p.m. – 5.21p.m.
Manager Planning Services	Mr.	S.	Hall	
Manager Community & Economic Development	Mr.	P.	Quinlivan	4.00p.m. – 5.40p.m.

GALLERY

	Ms.	C.	Gelmi	4.00p.m. – 6.19p.m.
	Mr.	I.	Gould	4.00p.m. – 5.00p.m.
	Mr.	R.	White	4.00p.m. – 5.51p.m.

PRESS

Harvey Reporter	Ms.	H.	Hepburn	4.00p.m. – 6.19p.m.
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**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. Wood.

**D. APOLOGIES AND LEAVE OF ABSENCE**

Apology: Cr. J. Sabourne O.A.M. J.P.

Leave of Absence: Cr. D. Simpson

**E. DECLARATIONS OF MEMBERS' AND OFFICERS' PERSONAL INTEREST****• Impartiality Interests**

Cr. Beech declared an impartiality interest in Corporate Services Item 2 – Lease Agreement – Harvey Community Radio – Harvey Mainstreet Incorporated – Lot 6 Young Street, Harvey (A004803 & CZ040).

**Reason**

Cr. Beech advised that he is Council's delegate on the Harvey Community Radio 95.5FM Committee. Cr. Beech declared he would deal with the matter on its merits.

Cr. Giancono declared an impartiality interest in Corporate Services Item 2 – Lease Agreement – Harvey Community Radio – Harvey Mainstreet Incorporated – Lot 6 Young Street, Harvey (A004803 & CZ040).

**Reason**

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

Mr. Hall declared an impartiality interest in Confidential Item 1 – DR 240 of 2016 – Ashlane Pty Ltd v Shire of Harvey – Moharich & More representing Ashlane Pty Ltd – Lot 9 Old Coast Road, Australind (A003517).

**Reason**

Mr. Hall advised that the Applicant is the partner of his ex-wife. Mr. Hall declared that if required to provide advice in regards to the application he would provide such advice on its merits.

- **Financial Interests**

Cr. Carbone declared a financial interest in Planning Item 8.1.5 – Application for Planning Consent – Extractive Industry (Gravel) – B & J Catalano – Lot 104 and 202 Martin Road, Mornington (A012126/EX/003).

**Reason**

Cr. Carbone advised that he is a Director of Carbone Bros, a company who deals in Extractive Industries. Cr. Carbone declared he would leave the Chamber for the duration of this item.

Cr. Carbone declared a financial interest in the Minutes of the Shire of Harvey and Shire of Dardanup Joint Town Planning Scheme No. 1 Committee.

**Reason**

Cr. Carbone advised that he is a Director of Carbone Bros, a company that has been appointed to undertake roadworks on Eaton Drive which is within the Joint Town Planning Scheme area. Cr. Carbone declared he would leave the Chamber for the duration of this item.

Cr. Burgoyne declared a financial interest in Planning Item 8.1.5 – Application for Planning Consent – Extractive Industry (Gravel) – B & J Catalano – Lot 104 and 202 Martin Road, Mornington (A012126/EX/003).

**Reason**

Cr. Burgoyne advised that his employer is involved in extractive industries. Cr. Burgoyne declared he would leave the Chamber for the duration of the item.

Cr. Burgoyne declared a financial interest in the Minutes of the Shire of Harvey and Shire of Dardanup Joint Town Planning Scheme No. 1 Committee

**Reason**

Cr. Burgoyne advised that his employer is involved in roadworks being undertaken with the Joint Town Planning Scheme area. Cr. Burgoyne declared he would leave the Chamber for the duration of the item.

Cr. Shortland declared a financial interest in the Minutes of the Shire of Harvey and Shire of Dardanup Joint Town Planning Scheme No. 1 Committee.

**Reason**

Cr. Shortland advised that Treendale Developers support the Not For Profit Organisation that she works for. Cr. Shortland declared she would leave the Chamber for the duration of this item.

- **Proximity Interest**

Cr. Burgoyne declared a proximity interest in Corporate Services Item 1 – Application for Exemption to Keep More Than the Prescribed Number of Dogs – Mr. M. Winwood – 7 Heppingstone Road, Brunswick (A006145).

**Reason**

Cr. Burgoyne advised that he resides on the same road as the applicant. Cr. Burgoyne declared he would leave the Chamber for the duration of the item.

**F. PETITIONS/DEPUTATIONS**

**PLANNING ITEM 8.1.1 – APPLICATION FOR DEVELOPMENT APPROVAL – WOKALUP TAVERN – DRIVE-THRU BOTTLE SHOP – VIDEX PTY LTD – LOTS 65-67 SOUTH WESTERN HIGHWAY, WOKALUP (A002050).**

Mr. Ian Gould addressed Council in relation to this item, provided pictures of the south side of the Wokalup Tavern and sought Council’s approval of the Officer’s Recommendation with the following two (2) exceptions.

1. Mr. Gould believes that the requirement for 10% landscaping is too much; and
2. Mr. Gould has concerns that sealing of the carpark area will create a drainage issue as there is no drainage in the area. He believes the size of the storage pits required on site are extensive and not achievable and the requirement to seal, drain and kerb the carpark is not viable given the scale of the proposed works.

Mr. Gould explained that drainage from Council’s roads and the highway comes across his lot and as Council roads aren’t sealed there is an ongoing dust issue.

Mr. Gould concluded by seeking advice from Council as to when Hocart and Station Roads would be sealed.

**G. CONFIRMATION OF MINUTES**

**ORDINARY COUNCIL MEETING – Tuesday, 18<sup>th</sup> October 2016.**

**Recommendation**

That the Minutes of the Council Meeting held on Tuesday, 18<sup>th</sup> October 2016, as printed be confirmed as a true and correct record.

- 16/294. **Wood/Giancono**  
“That the Minutes of the Council Meeting held on Tuesday, 18<sup>th</sup> October 2016, as printed be confirmed as a true and correct record.”  
**CARRIED 11-0**

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

Shire President, Cr. Jackson advised that she had attended a rally in Brunswick of the “Lock the Gate Group” on fracking opposition and was presented with a “Certificate of Dedication”.

Cr. Jackson also advised that the Yarloop Library had its re-opening this afternoon with Dr. Margaret Nowak visiting from the State Library WA Board.

Chief Executive Officer, Mr. Parker advised that on Friday, 21<sup>st</sup> October 2016, at the Annual Building Surveyors Conference the Shire of Harvey was announced as the winner of the WA Charter of the Australian Institute of Building Surveyors 2016 Local Government of the Year Award.

Mr. Parker also advised that in recognition of the 100<sup>th</sup> Year Anniversary, Pozières Relics that were donated to the Shire of Harvey at the time of building the Harvey War Memorial have been mounted in a display box to be hung in the Harvey Memorial Library.

### Change in Order of Business

- 16/295.           **Carbone/Burgoyne**  
                           “**That the Agenda be taken out of order to consider Planning Item 8.1.1.**”  
**CARRIED 11-0**

<b>Item No.</b>	<b>8.1.1</b>	
<b>Subject:</b>	<b>Application for Development Approval – Wokalup Tavern – Drive-Thru Bottle Shop</b>	
<b>Proponent:</b>	<b>Videx Pty Ltd</b>	
<b>Location:</b>	<b>Lots 65-67 South Western Highway, Wokalup</b>	
<b>Reporting Officer:</b>	<b>Senior Planning Officer</b>	
<b>File No.:</b>	<b>A002050</b>	<b>Attachment Reg. No. 16/24654</b>

### Summary

Council has received an Application for Development Approval in respect of the Wokalup Tavern at Lots 65-67 South Western Highway, Wokalup for a drive-thru bottle shop. It is recommended that Council grant Development Approval, subject to conditions.

### Background

Lots 65-67 South Western Highway, Wokalup are bound by South Western Highway to the east, Station Street to the south and Hocart Road to the west (refer **Attachment 1 – Location Plan**). Lots 65-67 accommodate the Wokalup Tavern and have a combined area of 4,483m<sup>2</sup>. The Tavern is located on Lots 66 and 67 and Lot 65 is used for car parking. Lots 65-67 are zoned ‘Hotel’ by the Shire of Harvey District Planning Scheme No. 1. The portion of the site at the rear of the tavern is vacant except for an existing shed which is proposed to be removed (refer **Attachment 2 – Aerial Photo**).

On 1<sup>st</sup> June 2016, Council received an Application for Development Approval from the Applicant proposing to relocate the bottle shop from the front of the tavern to a proposed Colorbond shed at the rear of the tavern. Attached to the shed will be a covered drive-thru (refer **Attachment 3**).

SIGNED \_\_\_\_\_ DATED 29<sup>th</sup> November 2016.



The Applicant advises that the bottle shop will be attached to the rear of the tavern. To access the drive-thru, customers will enter from South Western Highway, travel through the existing car park then turn left into the drive-thru bottle shop and exit onto Station Street.

The relocation of the bottle shop to the rear of the tavern will allow the existing bottle shop to be converted into an art gallery/museum.

Previous approvals which have relevance to the current proposal were granted by Council in 2006. At its meeting on 27<sup>th</sup> June 2006, Council granted Development Approval for verandah extensions and on 15<sup>th</sup> November 2006, Council granted Development Approval for the existing bottle shop. In keeping with these approvals a minimum of 40 car parking bays will need to be provided on-site. Furthermore, Lots 65, 66 and 67 will need to be amalgamated.

### **Comment**

#### **Setbacks**

District Planning Scheme No. 1 stipulates a front setback of 20m, a 15m rear setback and a 10m side setback for development in the 'Hotel' zone. The application complies with the front and rear setback requirements.

In relation to the side setback of 10m from Station Street, the application proposes a setback of approximately 8m which is considered acceptable and can be considered by Council in accord with clause 4.4.1 of the Shire of Harvey District Planning Scheme No 1.

#### **Septic System**

The Applicant has advised that there is a disused septic system at the rear of the hotel. A condition is required for the decommissioning of the existing septic system and removal from the property.

#### **Internal Accessway and Carparking**

Access to the drive-thru bottle shop is via the existing car park which is constructed to a gravel standard. A condition is required for all internal roads and access ways to be drained, kerbed and sealed to the satisfaction of the Executive Manager of Technical Services.

As evidenced above, previous approvals of Council have required the need for 40 carparking bays to be provided on-site (which is a reduced amount from the 140 required by the current Scheme provisions). The proposal represents a relocation of an existing use and the inclusion of a drive thru component is not in itself a use which would generate the need for any additional on-site carparking. To this effect, the requirement to provide the 40 on-site bays is considered appropriate as part of this approval, however will need to be kerbed, drained and sealed due to its use as an accessway.

#### **Road Upgrading**

The drive-thru is configured such that vehicles will exit the site onto Station Street which is currently constructed to a gravel standard. Given that the proposed development increases the volume of traffic on Station Street, it is appropriate that the Applicant contributes to the upgrading of Station Street via the construction of the portion of Station Street from the proposed access to the drive thru to South Western Highway. Staff advise, that in recent meetings the owner is aware and supportive of the need to seal this portion of Station Street to the satisfaction of the Executive Manager of Technical Services.

A further condition is required for the Applicant to engage a suitably qualified consultant to prepare a traffic impact assessment report to demonstrate how the traffic impact of the development will be mitigated.

### Landscaping

District Planning Scheme No. 1 stipulates a requirement that 10% of the site shall be landscaped. It is recommended that a condition is imposed on the drive-thru bottle shop proposal for a landscaping plan to be prepared and implemented.

### Heritage Considerations

The Wokalup Tavern is listed on Council's Municipal Heritage Inventory. The Inventory states that any additions should reinforce the significance of the place, and original fabric should be retained wherever feasible. The proposed bottle shop replaces an existing shed located at the rear of the tavern and in this regard will have minimal impact on the heritage values of the site. A condition is required to ensure that the external colours of the bottle shop complement the external colours of the Tavern.

### Amalgamation of Lots

At present the Wokalup Tavern traverses three lots. Amalgamation to one lot has been a previous condition of approval which has yet to be completed, however has been recently discussed and supported by the owner. A condition requiring the lots be amalgamated is recommended.

### **Statutory/Policy Environment**

#### District Planning Scheme No.1

Lots 65-67 are zoned 'Hotel' by the Shire of Harvey District Planning Scheme No. 1.

#### Municipal Heritage Inventory

According to the Inventory, conservation of the Wokalup Hotel is highly desirable. Any alterations or additions should reinforce the significance of the place, and original fabric should be retained wherever feasible.

#### District Planning Scheme No. 1

Clause 4.4.1 provides Council with the discretion to modify the development standards stipulated in the Scheme.

### **Strategic Framework**

Within the Shire's Strategic Community Plan 2013 – 2023, Strategy 2.3.1 states:

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

- *Minimise land use conflict.”*

**Risk Management**

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

**Budget Implications**

Nil.

**Officer's Recommendation**

That Council:

1. Exercises discretion under Clause 4.4.1 of the Shire of Harvey District Planning Scheme No. 1 to vary the 10m setback from Station Street stipulated in the Scheme and supports a reduced setback of 8m for the proposed drive-thru bottle shop at Lots 65-67 South Western Highway, Wokalup;
2. Grants Development Approval in accordance with Application for Development Approval 16/24654 received on 3<sup>rd</sup> June 2016, proposing a drive-thru bottle shop at Lots 65-67 South Western Highway, Wokalup subject to the following conditions:
  - a. The development and/or use shall be generally in accordance with the attached approved plans, subject to modifications required as a consequence of any condition(s) of this approval. The approved plans shall not be modified or altered without the prior written approval of Council;
  - b. This approval is valid for a period of two (2) years. If the development is not substantially commenced within this period, a new approval must be obtained before commencing or continuing development;
  - c. Any signage, including advertising signs, does not form part of this approval;

**Prior to Building Permit**

- d. The Applicant shall prepare and implement a landscaping plan to the satisfaction of the Manager Planning Services;
- e. A \$1,000 landscaping bond being lodged with the Shire of Harvey to ensure the successful implementation of landscaping works;
- f. The disused septic system at the rear of the tavern to be decommissioned and removed from the property;
- g. Details to be provided with the Application for Building Permit confirming the external colours and materials of the proposed drive-thru bottle shop shall complement the external colours of the existing tavern;

Prior to Occupation and/or Use

- h. On-site storage of stormwater runoff (1m<sup>3</sup> for every 65m<sup>2</sup> for sandy areas or 1m<sup>3</sup> for every 100m<sup>2</sup> for clay areas and connection to drainage system) of impermeable area to be provided in accordance with a drainage strategy endorsed by the Executive Manager of Technical Services;
  - i. The Applicant shall engage a suitably qualified consultant to prepare a traffic impact assessment report to demonstrate how the traffic impact of the development will be mitigated to the satisfaction of the Executive Manager of Technical Services;
  - j. A car park capable of accommodating a minimum of 40 bays shall be constructed to a drained, kerbed and sealed standard to the satisfaction of the Executive Manager of Technical Services;
  - k. All internal roads and access ways to be drained, kerbed and sealed to the satisfaction of the Executive Manager of Technical Services;
  - l. The Applicant, at their cost, construct the portion of Station Street from the proposed access to the drive thru to South Western Highway to a sealed standard to the satisfaction of the Executive Manager of Technical Services; and
  - m. Lots 65, 66 and 67 being amalgamated prior to the commencement of the drive thru operations.
3. In accordance with its delegation under Clause 27 Notice and Delegations Instruments advises the Applicant that Application 16/24654 shall be deemed to be approved under the Greater Bunbury Region Scheme.

16/296.           **Shortland/Carbone**  
                      **“That Council:**

1.       **Exercises discretion under Clause 4.4.1 of the Shire of Harvey District Planning Scheme No. 1 to vary the 10m setback from Station Street stipulated in the Scheme and supports a reduced setback of 8m for the proposed drive-thru bottle shop at Lots 65-67 South Western Highway, Wokalup;**
2.       **Grants Development Approval in accordance with Application for Development Approval 16/24654 received on 3rd June 2016, proposing a drive-thru bottle shop at Lots 65-67 South Western Highway, Wokalup subject to the following conditions:**
  - a.       **The development and/or use shall be generally in accordance with the attached approved plans, subject to modifications required as a consequence of any condition(s) of this approval. The approved plans shall not be modified or altered without the prior written approval of Council;**

- b. This approval is valid for a period of two (2) years. If the development is not substantially commenced within this period, a new approval must be obtained before commencing or continuing development;
- c. Any signage, including advertising signs, does not form part of this approval;

**Prior to Building Permit**

- d. The Applicant shall prepare and implement a landscaping plan to the satisfaction of the Manager Planning Services;
- e. A \$1,000 landscaping bond being lodged with the Shire of Harvey to ensure the successful implementation of landscaping works;
- f. The disused septic system at the rear of the tavern to be decommissioned and removed from the property;
- g. Details to be provided with the Application for Building Permit confirming the external colours and materials of the proposed drive-thru bottle shop shall complement the external colours of the existing tavern;

**Prior to Occupation and/or Use**

- h. On-site storage of stormwater runoff (1m<sup>3</sup> for every 65m<sup>2</sup> for sandy areas or 1m<sup>3</sup> for every 100m<sup>2</sup> for clay areas and connection to drainage system) of impermeable area to be provided in accordance with a drainage strategy endorsed by the Executive Manager of Technical Services;
- i. The Applicant shall engage a suitably qualified consultant to prepare a traffic impact assessment report to demonstrate how the traffic impact of the development will be mitigated to the satisfaction of the Executive Manager of Technical Services;
- j. A car park capable of accommodating a minimum of 40 bays shall be continued to be provided on the site;
- k. All internal roads and access ways to be drained, kerbed and sealed to the satisfaction of the Executive Manager of Technical Services;

- I. The Applicant, at their cost, construct the portion of Station Street from the proposed access to the drive thru to South Western Highway to a sealed standard to the satisfaction of the Executive Manager of Technical Services; and
  - m. Lots 65, 66 and 67 being amalgamated prior to the commencement of the drive thru operations.
3. In accordance with its delegation under Clause 27 Notice and Delegations Instruments advises the Applicant that Application 16/24654 shall be deemed to be approved under the Greater Bunbury Region Scheme.”

CARRIED 6-5

Mr. Gould left the Meeting at 5.00p.m.

The Order of Business as listed within the agenda was resumed at 5.00p.m.

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

Local Recovery Coordinating Group  
28<sup>th</sup> September 2016.

MINUTES

- 16/297. Beech/Carbone  
“That the Minutes of the Local Recovery Coordinating Group, held on Wednesday, 28<sup>th</sup> September 2016, as printed, be received and the recommendations contained therein be adopted by Council.”

CARRIED 11-0

Community Safety and Crime Prevention Committee  
25<sup>th</sup> October 2016.

MINUTES

- 16/298. Campbell/Giancono  
“That the Minutes of the Community Safety and Crime Prevention Committee, held on Tuesday, 25<sup>th</sup> October 2016, as printed, be received and the recommendations contained therein be adopted by Council.”

CARRIED 11-0

Cr. Carbone and Cr. Shortland, having declared financial interests in the following Minutes, left the Chamber at 5.08p.m.

**Shire of Harvey and Shire of Dardanup Joint Town Planning Scheme No. 1**  
**4<sup>th</sup> November 2016.**

**MINUTES**

*Note: during consideration of the Minutes of the Shire of Harvey and Shire of Dardanup Joint Town Planning Scheme No. 1 the Shire President decided to defer dealing with these Minutes to section Q. Matters Behind Closed Doors.*

Cr. Carbone and Cr. Shortland returned to the Chamber at 5.09p.m.

**Yarloop Bushfire Anniversary Event Working Group**  
**2<sup>nd</sup> November 2016.**

**MINUTES**

16/299.        **Adams/Wood**  
                  **“That the Minutes of the Yarloop Bushfire Anniversary Event Working Group, held on Wednesday, 2<sup>nd</sup> November 2016, as printed, be received and the recommendations contained therein be adopted by Council.”**

**CARRIED 11-0**

**Yarloop Town Development Working Group**  
**7<sup>th</sup> November 2016.**

**MINUTES**

16/300.        **Beech/Campbell**  
                  **“That the Minutes of the Yarloop Town Development Working Group, held on Monday, 7<sup>th</sup> November 2016, as printed, be received and the recommendations contained therein be adopted by Council.”**

**CARRIED 11-0**

Mr. Stewart left the Meeting at 5.15p.m.

**Development Services Committee**  
**1<sup>st</sup> November 2016.****MINUTES**

Cr. Burgoyne and Cr. Carbone, having declared financial interests in the following Item, left the Chamber at 5.17p.m.

<b>Item No.</b>	<b>8.1.5</b>	
<b>Subject:</b>	<b>Application for Planning Consent – Extractive Industry (Gravel)</b>	
<b>Proponent:</b>	<b>B &amp; J Catalano</b>	
<b>Location:</b>	<b>Lot 104 and 202 Martin Road, Mornington</b>	
<b>Reporting Officer:</b>	<b>Planning Officer (ND)</b>	
<b>File No.:</b>	<b>A012126/EX/003</b>	<b>Attachment Reg. No. 16/24923</b>

**Summary**

Council has received an Application for Development Approval for a gravel extractive industry at Lots 104 and 202 Martin Road, Mornington. It is proposed to extract gravel from a total area of 5.2ha in two stages. Stage two of the proposal is within the usual setback area, however is proposed to be extracted to ensure a contiguous ground level between the two properties. It is recommended that Council approves the proposal subject to conditions.

**Background**

The subject site is located approximately 10km south of the Harvey town site and approximately 6km east of the Benger townsite on South Western Highway (refer **Attachment 1 – Location Map**). The site is zoned 'General Farming' under the Shire of Harvey District Planning Scheme No. 1 and 'Rural' under the Greater Bunbury Region Scheme.

Lot 202 includes active gravel quarries (Areas 1-5), bluegum tree plantation and native vegetation areas. Lot 104 is tree plantation in the eastern half and native vegetation in the western half with cleared areas.

**Natural Environment**

The majority of the site varies in height between 265m and 270m AHD. Drainage is mainly to the south into a tributary of Wokalup Creek. There is a thin veneer of topsoil overlying approximately 1m thickness of gravel and laterite cap rock.

**Wetlands**

The closest wetlands to the proposed operations are three resource enhancement wetlands located 475m, 560m and 570m from the extraction areas respectively. An environmentally sensitive area (ESA) containing a conservation wetland is located 780m north of the extraction areas and this distance exceeds the 200m buffer recommended by the Department of Water (DoW).

**Hydrology**

Groundwater resources are limited due to low permeability and poor drainage. Small quantities are available at 15-25m below ground level which lies below the weathered clays.

SIGNED \_\_\_\_\_ DATED 29<sup>th</sup> November 2016.



### Vegetation and Habitats

There is 1.3ha of native vegetation within the extraction area on Lot 104 and 0.2ha on Lot 202. A clearing permit has been applied for through the Department of Environment Regulation (DER) to clear 1.3ha on Lot 104. The 0.2ha on Lot 202 is already covered by the CPS 5985 clearing permit (copy of approval provided in Appendix 2 of the application report (16/24943)).

It is proposed that all the extraction areas will be progressively rehabilitated as required by the clearing permit conditions which are still to be determined for Lot 104.

According to a report prepared by Mr. Greg Harwood (zoologist) in May 2016 there are 37 potential Black Cockatoo habitat trees. Three of these trees appeared to contain hollows and none were considered suitable for black cockatoos to utilise for nesting. The Black Cockatoos are listed as a threatened species under the Commonwealth of Australia's *Environment Protection and Biodiversity Act 1999* and Western Australia's *Wildlife Conservation Act 1950*. Major threats to Black Cockatoos include habitat loss and fragmentation.

In the conclusion of the report it is stated as follows:

*"While the removal of this vegetation comprises some of the DoE EPBC Act referral criteria for black cockatoos (SEWPaC 2012), the limited area of clearing, the lack of existing nesting/roosting trees and large expanse of better quality habitat within close proximity of the subject site suggests that significant impact on black cockatoos could in reality be regarded as unlikely.*

*It is also considered very unlikely that the proposed clearing will have any substantial impact on any other fauna species of conservation significance. No evidence of any fauna utilising the subject site was found during the course of the field survey and this coupled with observations made in the field relating to habitat quality strongly suggest that the area proposed to be cleared would not under normal circumstances, support individuals or a population of most of the species listed. For those species that have some potential to occur, possible impacts are not considered likely to be significant given the relatively small area of clearing involved and the presence of large expanses of better quality habitat in nearby state forest and reserve areas."*  
(Harwood, May 2016)

### **The Development Proposal**

It is proposed to extract 120,000 tonnes of gravel from a total area of 5.2ha over two stages (refer **Attachments 2** and **3**). Stage 2 is an area of 1.2ha on the border of Lot 202 which needs to be levelled to ensure there are no setbacks between the EILs of both properties and the property boundaries which also enables Stage 1 of 4ha to be mined on the boundary of Lot 104. The proposed extraction depth is 1.2m which exceeds the minimum 2m clearance from the water table as required by DoW.

A clearing permit application was submitted to the DER to clear 1.2ha of native vegetation within stage 1, while the trees on stage 2 are already approved for clearing under CPS 5985.

Site access is from established sealed access onto Martin Road and via Sandalwood Road which then joins to the South Western Highway being approximately 8kms west by road. The consultant estimates an average of 8 truck trips (in and out) per day, however during busy periods this may increase to 40 trips per day.

Operating times are stated as Monday to Friday from 7am – 7pm (excluding public holidays) and Saturdays from 7am – 12pm. Staff note that the Applicant has requested an operating time up to 7pm in the evening, however for consistency with other approvals a limitation to 5pm is recommended.

### **Advertising**

The proposal was advertised in accordance with Clause 2.3 of the Scheme for a minimum period of 21 days. Seven (7) submissions were received, all being from referral agencies, which are supportive of the proposal subject to appropriate conditions. No submissions from adjoining or nearby landowners were received. A summary of the submissions is provided in **Attachment 4 – Schedule of Submissions**.

### **Comment**

Of particular note are comments from the DoW which has previously identified the foremost risk from operations on Lot 202 as being:

*“the management of surface water runoff, particularly turbidity and sedimentation and this remains the case for this current application.”*

*Management of runoff from the proposed operations will be critical to ensure that pollutants, such as turbidity, sedimentation, hydrocarbons, etc, are appropriately managed, prior to stormwater discharging to the receiving surface and/or sub-surface environment,*

*In terms of surface water management, the Lundstrom WMP has identified the retention of stormwater in ponds in the operational areas of Stage 1 and Stage 2 as being key to the management of surface (storm) water.*

*The Shire of Harvey should ensure that the design and construction of diversion drains, contour banks/bunds, stormwater detention basins and associated works is sufficiently detailed to ensure that appropriate storm water management is attained.*

*DoW holds the view that the risk of downstream impacts occurring to water resources from the extractive industry can be managed at an acceptable risk, if the Lundstrom Water Management Plan is properly resourced and implemented.”*

Given the above the DoW recommends that regular monitoring of erosion control be undertaken by the proponent, reported as required and repairs implemented. The DoW suggests a regulatory site visit prior to the licence being issued.

DER advises that the current operations on Lot 202 Martin Road are subject to an Environmental Protection Act 1986 Part V Licence No: L8550/2011/1. This however relates to another portion of the lot to the north of the area that relates to this development application.

### **Potential Environmental Impacts**

#### **Flora and Fauna**

It is stated by the proponent that the vegetation to be cleared contains a few large or old trees and has a degraded understorey mainly consisting of grasses. There is potential for impact on fauna from the clearing of vegetation. A fauna assessment was carried out by a qualified zoologist. The fauna habitat assessment focussed on black cockatoo habitat but also commented on the chudich and ring tailed possum habitats. The consultant's report is included as **Attachment 6**.

SIGNED \_\_\_\_\_ DATED 29<sup>th</sup> November 2016.

### Weeds

The Applicant states that weeds are not a problem on these properties. Some cotton bush exists on Lot 202 however, is in the process of being eradicated. A weed management plan for the site was approved by the Department of Agriculture (16/27605) and is contained in Appendix 4 of the application report.

### Alteration of the Land Surface & Visual Impacts

The Applicant states that no steep slopes will remain after extraction and that this will ensure that the extraction will blend in with the landscape. The final land surface will be approximately 1.2 metres below the original ground level. Remaining cut faces will be battered down to a gradient of 1:6. The extraction area is not visible to surrounding roads or nearby property owners.

### Surface and Stormwater Management

The Department of Water (DoW) has advised that the risk of downstream impacts occurring to water resources from the extractive industry can be managed at an acceptable risk, as long as the Water Management Plan is properly resourced and implemented. With regard to an earlier site visit to Lot 202, regular monitoring of erosion is required. See comments in the DoW submission in **Attachment 5**. Standard conditions are also to apply.

### Groundwater Management

The project does not involve abstracting ground water for operational purposes. The floor of the pit will be 15 to 20m above the water table level. The potential for groundwater contamination is therefore considered low.

### Noise

The site is surrounded by rural land with native vegetation and tree plantations. There is one noise sensitive premises located within 1,500m of the proposed extraction area. This is a residence which is located about 1,300m to the north east of stage 2 and is screened by a 900m wide are of mainly plantation vegetation. Noise mitigation measures are listed on page 12 of the Development Application report in **Attachment 4**. A Noise Management Plan is provided in Appendix 6 of the report.

### Dust

Staff note that the issue of dust has not been raised by any adjoining landowner during the life of the current pits in the area. Notwithstanding the need for a condition requiring an ongoing commitment to dust minimisation it is recommended as part of the Development Approval. See page 13 and Appendix 6 of the application report.

### Dieback Management

No obvious signs of dieback were observed in the remnant native vegetation on the proposed extractions stages. It is stated that these areas can thus be classified as "uninterpretable" and hence managed as per the guidelines by the Dieback Working Group, 2010.

### Proposed Revegetation/Rehabilitation

The available topsoil will be removed and stored in stockpiles placed along the edges of the operations areas, with overburden being kept separately. It is stated that the topsoil stockpile will be no more than 2m high and 10m wide with batters having a gradient of 1:4. Rehabilitation methodology is described in section 6 of the application report (refer **Attachment 4**).

### Road Maintenance

In relation to the applicant's contribution towards road upgrading, it is recommended that the WALGA methodology as prescribed by the document: *"Estimating the Incremental Cost Impact on Sealed Local Roads from Additional Freight Tasks, May 2015"*, be utilised.

### Statutory/Policy Environment

District Planning Scheme No. 1 – zones the property as 'General Farming' within which an Extractive Industry is an 'SA' use.

Clause 9.13 – sets out the requirements for lodging an extractive industry application.

Shire of Harvey Extractive Industries Local Law 2007 requires the issue of an EIL prior to the commencement of any site works. Section 6.1 outlines the required setbacks for excavations near boundaries and allows for these to be varied subject to receiving the written approval of Council.

### Strategic Framework

Within the Shire's Strategic Community Plan 2013 - 2023, Strategies 2.3.1 and 2.3.2 state, in part:

- 2.3.1 *"Continue to implement integrated environmental, social and land use planning which will:*
- *Minimise land use conflict.*
  - *Protect significant vegetation, where possible.*

2.3.2 *"Ensure compliance of rehabilitation plans for extractive industry areas."*

### Risk Management

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

### Budget Implications

Nil

**Officer's Recommendation**

That Council:

1. Approves a nil setback to the northern boundary of Lot 104 and a nil setback to the southern boundary of Lot 202 Martin Road, Mornington (Reference 16/24923), as a variation allowable, with the written consent of Council in accordance with section 6.1 of the Shire of Harvey Extractive Industries Local Law 2007;
2. Grants Development Approval for the extraction of gravel from Lots 104 and 202 Martin Road, Mornington (Reference 16/24923) subject to the following conditions:
  - a. A person shall not without the written approval of Council, undertake a land use in respect of which Council has granted planning consent subject to conditions, until all of those conditions have been complied with to the satisfaction of Council;
  - b. Compliance with the approved plans submitted on 3<sup>rd</sup> August 2016, by Lundstrom Environmental (16/24923) as modified by this approval;
  - c. All extraction to achieve compliance with:
    - i) The Shire of Harvey Extractive Industry Local Law 2007, including the holding of a valid licence for all periods of operation;
    - ii) The Department of Industry and Resources (DoIR) "*Environmental Management of Quarries: Development, Operation and Rehabilitation Guidelines*"; and
    - iii) The Department of Water's "Water Resource Considerations for Extractive Industries 2014".
  - d. The Applicant is to submit and implement a dust management plan to the satisfaction of the Executive Manager of Technical Services prior to the issue of an Extractive Industry Licence;
  - e. Stockpiles are to be kept to a maximum height of 5m to avoid visual impact and/or material wind drift;
  - f. Operating hours are restricted to 7.00am – 5.00pm, Monday to Friday and 7.00am – 12.00 noon on Saturday. No activities to occur on Sunday or Public Holidays;
  - g. Any proposed clearing of native vegetation is prohibited unless done under a clearing permit issued in accordance with the Environmental Protection Act 1986, or the clearing is exempt from the need for a clearing permit;
  - h. No extraction activities occur within 10m of any native tree crown drip zones within the site along the boundaries of the proposed extraction areas;
  - i. A suitable temporary demarcation barrier be erected 10m from the crown drip zone of any retained trees within Lots 104 and 202 to protect the remaining black cockatoo habitat trees and root systems from accidental machinery damage;

- 
- j. The proposed topsoil stockpiles are located to the north of the recommended temporary demarcation barrier;
- k. Prior to the issue of an extractive industry licence, the applicant is required to provide a rehabilitation management and monitoring plan to the satisfaction of the Manager of Planning Services and is to include:
- i) Revegetation and rehabilitation of the extraction area the subject of this approval and include details of current and completed revegetation areas;
  - ii) The use of local endemic species within the rehabilitation of the proposed extraction area;
  - iii) The proposed rehabilitation of the current project area is rehabilitated back to native vegetation with no areas of pasture rehabilitation, to ensure the ecological linkages are maintained;
  - iv) Rehabilitation is to achieve a success criteria of 90% with planted native vegetation cover after two (2) summers, and 80% vegetation cover after five (5) years of growth (i.e. 5 years after the initial planting);
  - v) Details of species types and maintenance and monitoring measures;
  - vi) The site is reinstated with a minimum of 400mm cover of overburden and topsoil to a finished rehabilitated level at least 1m above the highest water table level; and
  - vii) All slopes of the batters at the end of excavation, being retained at no more than 1:6 vertical to horizontal.
- l. A reinstatement bond of \$26,000 (for 5.2ha at \$5,000 per hectare) is to be received prior to the issue of an Extractive Industry Licence, and retained for up to three (3) years beyond the completion of rehabilitation works, to ensure success of planting;
- m. The Applicant is to have the approved pit boundaries surveyed and fenced by a suitably qualified surveyor, with the location of such pegs being to the satisfaction of the Manager of Planning Services prior to the issue of an Extractive Industry Licence. The pegs are to remain in place for the duration of the operation;
- n. Provision of a detailed Water Management Plan for approval by the Department of Water prior to the issue of an Extractive Industry Licence. The Water Management Plan should contain monitoring and management measures in addition to mapping at a scale of no less than 1:500 indicating:
- i) Contours;
  - ii) Watershed boundaries;
  - iii) Property boundaries;
  - iv) Proposed extraction areas; and

- v) Availability of water for the purposes of rehabilitation and dust suppression.

The Water Management Plan may be combined with the Storm Water Management Plan and is to be compiled and implemented to the satisfaction of the Executive Manager of Technical Services and the Department of Water;

- o. A detailed Storm Water Management Plan being prepared to the satisfaction of the Department of Water and approved by the Executive Manager of Technical Services prior to the issue of an Extractive Industry License which includes the following items:
  - i) The maximum excavation depth shall be stipulated as 3.8 metres on any Extractive Industry Licence issued for the site subject to this application;
  - ii) The extractive industry shall not intercept the water table;
  - iii) Excavation is permitted only to a depth that is at least 0.3m above the maximum seasonal groundwater level;
  - iv) If the groundwater table is exposed (standing water appear) work shall cease and the incident reported to the Department of Water within 48 hours, and remedial action occur;
  - v) Dewatering of the extraction area is not permitted; and
  - vi) There shall be no standing water occurring at the end of mining.

The Storm Water Management Plan may be combined with the Water Management Plan and is to be compiled and implemented to the satisfaction of the Executive Manager of Technical Services and Department of Water;

- p. Weed control shall be undertaken in accordance with the approved Weed Management Plan to the satisfaction of the Manager of Planning Services and the Department of Agriculture and Food;
- q. The Applicant is to provide an information brochure, which has been prepared to the satisfaction of the Department of Parks and Wildlife and the Manager of Planning Services, to all purchasers of material intended for landfill detailing the following:
  - i) The extracted material is considered to be 'uninterpretable' and may therefore contain Phytophthora Dieback;
  - ii) The material should not be used adjoining any vegetation which is known to be susceptible to Phytophthora Dieback;
  - iii) A list of vegetation which is known to be susceptible is to be attached; and
  - iv) The Applicant is to retain a list of purchasers to which the above information has been provided, a copy of which is to be included in the annual audit report.

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- r. Any refuelling activities must be undertaken in accordance with the Department's Water Quality Protection Note - Toxic and Hazardous Substance Storage and Use. There is to be no storage of hydrocarbons on-site and no major vehicle or machinery repairs or maintenance is to take place on-site;
  - s. The Applicant making a contribution towards the maintenance and upgrading of Martin and Sandalwood Road in accordance with the methodology adopted by the Western Australian Local Government Association in the document "Estimating the Incremental Cost Impact on Sealed Local Roads from Additional Freight Tasks, May 2015" to the satisfaction of the Executive Manager of Technical Services;
  - t. The Applicant is to engage a suitably qualified independent expert to carry out an annual audit of compliance of the conditions of planning consent and extractive industry license. Such an audit must be submitted prior to an annual renewal licence being issued by Council;
  - u. Activities such as crushing and screening, may be prescribed and as such, require a Works Approval, License or Registration under Part V of the Environmental Protection Act 1986 (EP Act); and
  - v. This approval is valid for a period of five (5) years from the date of the planning approval letter. If development is not completed within this period, a new approval must be obtained before commencing or continuing development.
3. Advises the Applicant of their obligations under the Environment Protection and Biodiversity Conservation Act 1999; and
4. Advises the Applicant that the Department of Aboriginal Affairs recommends that reference be made to the State's Aboriginal Heritage Due Diligence Guidelines.

16/301. **Campbell/Giancono**  
**"That the Officer's Recommendation be adopted."**

**CARRIED 9-0**

**Cr. Burgoyne and Cr. Carbone returned to the Chamber at 5.20p.m.**



**8.2 HEALTH REPORT (Caramel)**

<b>Item No. 8.2.1</b>		
<b>Subject</b>	<b>Health Report – 2015/2016</b>	
<b>Proponent:</b>	<b>Principal Environmental Health Officer</b>	
<b>Location:</b>	<b>Shire of Harvey</b>	
<b>Reporting Officer:</b>	<b>Principal Environmental Health Officer</b>	
<b>File No.:</b>	<b>HSH005</b>	<b>Attachment Reg. No.</b>

**Summary**

This report is a summary of the major duties undertaken by Council's Environmental Health Department for the period commencing July 2015 and finalising June 2016.

A statistical report is tabulated (refer **Attachment 1**) which indicates activities and duties undertaken by the Environmental Health Department. This is supported by a number of operational statistics of specific interest. It is to be noted that due to its complexity a separate report on mosquito control activities was presented to Council in August of this year.

It is recommended that Council notes and receives this report.

**Background**

Council at its Meeting held 17<sup>th</sup> August 2010, adopted the document entitled, "*The Shire of Harvey- Environmental Health Operational Plan*" (EH Plan).

The EH Plan is consistent with the aspirations and objectives of Council's Strategic Community Plan 2013 – 2023 and provides the mechanism to satisfy Council's legislative obligations under the Health Act 1911 and the Food Act 2008. Furthermore, the EH Plan also addresses, the Waste Avoidance Resource Recovery Act of 2007, and the Caravan and Camping Grounds Act 1995.

Health activities are not restricted to the pursuit of just legislation, but considerable effort is directed at the dissemination of public health education.

Microbiological food surveys, mosquito health education programmes and food safety and on-line food training through Council's "I'm Alert" package, are examples of activities undertaken for the benefit of the public without particular regard to legislation.

Environmental Health Officers, (EHOs), pursue a range of legislation regulated by the Health Act 1911, and Food Act 2008. To achieve compliance; monitoring, advice, and education is preferable to exclusively relying on a legal remedy. A stepped approach relevant to the level of the breach is undertaken; however, a serious breach of legislation is required to be pursued with urgency, with "on the spot" infringements or prosecution.

Waste management, which includes the administration of the refuse and recycling contracts, as well as, the Richardson Road landfill site, now consumes a considerable percentage of Environmental Health Officers' (EHOs') time. The waste and recycling reports are attached for Council's information (refer **Attachment 2**).

Annual reporting to the Federal Department of Environment continues for the Richardson Road Landfill site, in the form of the National Pollution Inventory and for the entire Shire for all waste collected and processed.

SIGNED \_\_\_\_\_ DATED 29<sup>th</sup> November 2016.

**Comment****The Environment Health Operational Plan**

The EH Plan, describes numerous environmental health strategies, and legislation to achieve positive public health outcomes. Since the adoption of the EH Plan new environmental health issues have emerged which require enhanced knowledge and in some circumstances, new or amended legislation. The EH Plan has been amended to reflect any modifications in legislation or procedures.

Environmental Health Officers record statistics for the purpose of reporting and comparing annual performances against the EH Plan objectives. Key points for the 2015/16 Health Report are as follows:

**Food Premises**

The inspection frequency of a food premises is primarily dictated by the risk rating which is defined by the food types and food processing methods. Staff's aim is to inspect a high risk business three times per year and low risk, once per year. This will also vary depending upon the outcomes of an inspection. A premise which requires more rigorous surveillance can be inspected more often, until satisfactory standards are achieved and maintained. For this reporting period one (1) infringement and six (6) Improvement Notices were issued pursuant to the Food Act 2008. All Improvement Notices were compiled with.

There are 289 food businesses registered within the Shire, which is an increase of 16 from last year. There are 138 businesses that notified the Shire of their existence but are exempt from the requirement to register or pay a fee.

The following table describes the number of anticipated inspections set by Staff:

- 267 inspections will be targeted for low, medium and high risk premises.
- Inspection numbers for Community Exempt Groups cannot be anticipated as this is calculated by the risk type. The term Exempt only relates to the non-payment of a fee and the risk nature of the business.

<b>Risk Categories</b>	<b>Number of Registered Premises</b>	<b>Frequency of Inspection per year</b>	<b>Anticipated Number of Inspections</b>	<b>Total</b>
Very Low Risk and Community Group Exempt	138	Only when necessary	Depending on food activity	N/A
Low Risk	39	1	1	39
Medium Risk	85	2	2	176
High Risk	27	2	3	60
<b>Total</b>	<b>289</b>			<b>267</b>

Staff achieved a total of 295 (303 for 2014/15) food premise inspections out of the anticipated 267. These inspections exceeded the EH Plan's annual target by 10%.

The sustained increase in commercial developments continues to place pressure on Staff to achieve target expectations. To facilitate this Staff has adjusted inspection regimes to focus on low, medium and high risk by reducing inspections on the very low risk categories. Not captured by the statistics is the time dedicated to assisting businesses with the initial food premise fit out or follow-up inspections to ensure compliance with Improvement Notices.

With the establishment of a major hardware store in Treendale, there has been a dramatic increase in the number of Community exempt businesses bring processed for permits with multiple groups trading every weekend and public holidays. The processing of these applications takes considerable time and does not attract a fee.

In addition to premise inspection, duties also include the recall of compromised food with 33 recalls being undertaken for this reporting period. In most situations the food is returned to the manufacturer or in extreme circumstances destroyed in the presence of an EHO.

### Water Sampling

The surveillance of various types of waters sources are scheduled into annual programmes of:

- Environmental;
- Potable water; and
- Swimming pools.

For this reporting period 254 samples were taken compared to 377 for the previous year. This decline in the number of samples taken is due to the reduction of non-mandatory routine samples over the bushfire recovery period. The majority of potable samples are defined as private supplies which are available to the public, such as caravan parks and roadhouses. Potable and public swimming pool waters are sampled once per month. Any site which fails to meet the biological standards are re-sampled immediately and investigated for the possible source of contamination.

Environmental water samples are undertaken for the purpose of long term surveillance and trends. If, however, the sampling site exhibits gross contamination, the closure of the water body to the public could be considered, however this is difficult to enforce.

### Mosquito Control

Mosquito control is one of the Shire's most important public health issues and is subject to a separate annual report which was presented to Council in August 2016. The intensity of Mosquito control activities is determined by a variety of climatic conditions and virus activity. Staff will continue to vigorously control mosquito populations to endeavour to prevent the spread of disease to the human population.

In February 2015, the Shire being a member of the Leschenault CLAG signed an agreement in the form of an MOU between its membership and the Department of Health to formalise each signatory's responsibilities. The MOU continues to operate effectively.

In 2015, the CLAG was successful in obtaining Department of Health funding for the extension of mosquito equipment shed which was completed in March 2016, doubling the floor area. Funds were also applied for in the 2016 funding and again the CLAG was successful and has purchased additional mosquito control equipment.

Meat Inspection

In addition to the Environmental Health Officers, Council provides three (3) staff who undertake meat inspection duties at Goodchild Abattoir, Rosamel Road, Kemerton.

The service is funded through a gazetted meat inspection fee paid per carcass which covers all operational costs. This fee can be adjusted by a prescribed procedure when required by Council on the recommendation of Staff.

Every animal processed is inspected for compliance for human consumption. A statistical record of the type and number of animals processed for 2015/16 financial year is attached for Council's information (refer **Attachment 3**).

Dwellings Unfit for Human Habitation

The health standards of dwellings which are used for accommodation particularly older style rental homes are of interest to Staff. In the past twelve (12) months fifteen (15) inspections have been undertaken in response to complaints or Staff observation, to ascertain fitness for habitation. This compares to thirty eight (38) in the previous year. The reduction in inspections is a reflection of Staff's previous actions in managing potential dilapidated dwellings within the Shire of Harvey.

When time limitations are placed upon compliance orders, owners are generally pursued on or approximately one month before the date of expiry to ascertain the owner's intent. Legal proceedings are pursued where ongoing offences have occurred and the owner is recalcitrant, however, to date Staff has been able to achieve the desired Health Act outcomes without requiring Court action.

Needles and Syringes

Council's EHOs respond immediately to locate and remove any reported illegally disposed of needles and syringes (refer **Attachment 1**). Further to this, Staff are also responsible for the replacement of damaged units, and sharps containers of the 14 disposal units throughout this Shire. One complete disposal unit was replaced due to vandalism.

New Buildings

Input to the approval of building plans is also required by the Health Act 1911. Such aspects of ventilation, facilities, laundries/bathroom, effluent disposal, occupancy rates and various aspects of public building safety are assessed. For the reporting period, 560 building plans and 86 effluent disposal applications were processed with 58 'Permits to Use' certificates issued.

Refuse and Recycling Services

In addition to Council's kerbside recycling collection, a number of initiatives to divert waste from landfill, are in place as listed below. It is to be noted that dry cell battery and mobile phone recycling has been introduced at the Australind Administration centre.

1. Used oil recycling (Richardson Road Landfill site);
2. House hold hazardous waste (Richardson Road Landfill site);
3. E-waste (Richardson Road Landfill site);
4. Drum muster (Richardson Road Landfill site);
5. Cardboard (Richardson Road Landfill site);
6. Office paper (Harvey Admin);

7. Dry cell battery collection (Harvey and Australind Admin);
8. Mobile phone Muster (Harvey and Australind Admin); and
9. Tyre recycling (Richardson Road Landfill site).

Collection statistics for all of the above including the disposal quantities for kerbside refuse are attached for Council's reference (refer ***Attachment 2***).

#### Richardson Road Waste Facility

In a previous Health Report reference was made to a report commissioned to assess the operational efficiencies of the Richardson Road Waste Facility. Staff has pursued the report's recommendations and improvements have been achieved with the overall site management. The longer storage of recyclables on site, mainly ferrous metals is due to little market demand under the current economic environment. The site has been subject to two inspections by the DER who have made no adverse comment.

All kerbside refuse has been re-directed to the Bunbury Harvey Regional Council (BHRC) at Stanley Road site in response to the DER's rejection to allow landfill over a previously filled area. Furthermore bulk bin cardboard recycling was introduced in January 2016 and has been well supported with approximately 320 cubic metres being diverted from landfill.

The issue of the future direction of the Richardson Road site remains complicated with the potential extension to the longevity of the BHRC site and continued investigation of a shared regional landfill facility with other South West local governments. If the extension to the BHRC is forthcoming then the most practical solution to waste management at the Richardson Road facility would be to establish a transfer station. Staff has undertaken the collection of baseline data which establish that 10-15 tonnage per week of general putrescible domestic waste could be directed to BHRC. With reference to the above potential solution at the BHRC Staff is cautious in pursuing expensive consultancies for a comprehensive hydrogeological study and landfill cell development at the Richardson Road site.

#### Australind Ditchingham Road Landfill Site

The Australind landfill site located on Reserve 26271, Ditchingham Road was gazetted in 1962 and decommissioned in 1990. This was reported to the former Department of Environment Conservation in 2007 as "A *Known or Suspected Contaminated Site*" pursuant to the Contaminated Sites Act 2003.

In early 2015 Council was required by the Department of Environment Regulation to undertake a Contaminated Site Investigation (CSI) to determine the contamination status of the site. This is a staged process by which each level of investigation is determined by results of the previous stage. That is, if the initial investigation determines a low level or minor risk then further investigations may not be required.

A scope of works was compiled and an appropriately qualified consultant appointed to complete the CSI. The CSI has commenced and has been allowed for in Council's 2016/17 Budget.

#### Septage site

For the disposal of effluent from septic tanks and low strength industrial waste, Council operates a licensed septage disposal facility, which consists of four (4) anaerobic lagoons, totalling 1,440m<sup>3</sup> in volume and two (2) aerobic lagoons totalling 2,177m<sup>3</sup> in volume.

EHOs attend onsite to supervise the acceptance of each load, checking compliance documents and to register those documents on the Department of Environment Regulation Controlled Waste Tracking System. Staff continues to carefully manage the facility to maximise income to Council, whilst maintaining the site's integrity. To assist with maintaining the biological integrity and reducing the biological oxygen demand in the aerobic lagoons a combination of bacterial cultures and enzymes were applied periodically.

For the 2015/16 year this facility received 2,705 kilolitres of waste (refer **Attachment 4**) at a disposal fee of \$55 per kilolitre. This generates a substantial annual income for Council. The site was closed down for major maintenance in November 2015.

Council is required to submit an annual report to the DER on various criteria which was submitted in August 2016.

### Public Events

Public events are required to be assessed by Council's Health Department for compliance with the Health (Public Building Regulations) 1992. Event organisers are required to submit an Events Package which addresses, public safety, temporary buildings, food facilities, sanitation, ablutions, insurances, etc. The documentation is assessed and the facilities inspected for compliance prior to the event. Furthermore Council's Health Department act in a co-ordinating role to ensure that other issues for the running of the event are considered.

For this reporting period 39 events were assessed (44 in 2014/15) with the most significant being:

- Cross Country Club
- Camp Doogs
- Harvey Show
- Harvey Harvest Festival
- Harvey Gala Night
- Ultra Marathon
- Brunswick Show
- Various Christmas celebrations
- Binningup Triathlon
- Australia Day Breakfast
- Fun Run
- South West Horse Trials
- Myalup Easter Fair
- Worsley Christmas Party

Shortly after most events there is a debriefing session which involves Council's Health Department to discuss any points of concern. It is to be noted that there have been no incidences of concern from events for the reporting period (refer **Attachment 1**).

### Cleaning Services

Council in April 2013 decided to employ its own cleaning staff for the majority of public facilities. Council's Health Department is responsible for the supervision of cleaning staff, excluding Recreation Centres and is very satisfied with their performance. Several compliments have been received from the public in respect to the presentation of public toilets. These compliments are communicated to the cleaning staff who continue to be dedicated to their duties. The cleaners van, signed with the Shire of Harvey logo, has been in operation since March of this year and has proved to be a valuable asset. This allows flexibility to attend cleaning emergencies and the provision of cleaning equipment and consumables to the other cleaning staff. This was previously undertaken by the EHO's and therefore has increased efficiencies.

Yarloop Fire Response

Council's Environmental Health Staff were called upon by DFES to immediately assess the Environmental Health status of Yarloop in the aftermath of the January bushfire. Some of the key issues addressed were as follows:

- Asbestos response:
  - Immediate asbestos assessment with a report to DFES;
  - Source and provide large quantities of emergency Personal Protective Equipment;
  - Provision and installation of warning signs and barriers;
  - Liaise and co-ordinate with DoH and DFES;
  - Formulating and staging a recovery response for the immediate threats;
  - Co-ordinate the engagement of a suitably qualified and experienced environmental consultant;
  - Liaison with the DPC concerning contractor engagement;
  - Air monitoring;
  - Site stabilization;
  - Dissemination of information.
  
- Sanitation:
  - Solid waste management:
    - bulk waste removal;
    - emergency rubbish bags distributed to residence;
  - Liquid waste management, co-ordination of 190 septic tanks pump-outs;
  - Provision at the Yarloop oval community centre of:
    - Toilet and ablution facilities;
    - Emergency water supply,
    - Provision of hot water;
    - Cleaning of facilities.
  
- Water supply:
  - Co-ordination of emergency water supplies to 35 rural residences;
  - Engaging potable water supply cartage contractors;
  - Decontamination of 26 rural water supply tanks;
  - Coordinated townsite emergency water supply with Water Corporation;
  - Dissemination of information on potable water.
  
- Other matters:
  - Direct and constant communications with DFES Incident Controller;
  - Co-ordinating the entry permits for required contractors associated with health duties;
  - Location, identification and sign posting of septic tanks at razed buildings;
  - Location, identification of gas cylinders and co-ordinating the removal thereof;
  - Assisting the identification of buildings outside the townsite for stabilisation;
  - Co-ordination of the DoH, (Environmental Health Hazards and Toxicology), technical and ground surveys;
  - Communicating with public enquiries on environmental health issues concerning all of the above mentioned points.

The PEHO presented at the State Environmental Health Conference on the Yarloop response. This was one of a three part presentation with separate contribution from the DoH Toxicologist and Mr Michael Wright from ERC consultants. This presentation was very well received.

### Statutory/Policy Environment

- Health Act 1911

Section 26 of the Health Act 1911, empowers and obligates the Local Government to undertake the provisions of the Act, Regulations, Local Laws and the service of notices.

- Food Act 2008

Section 118 empowers the Enforcement Agency (Local Government) to undertake the provision of the Act and Regulations, including meat inspection. The Act also empowers “authorised persons” to service notices to issue infringement notices.

- Caravan and Camping Grounds Act 1995

Empowers and obligates the Local Government to undertake the provisions of the Act and Regulations.

Delegates, (Authorised Person), powers of entry and limited enforcement powers for the specific purpose of tobacco control.

- Local Government Act 1995

Empowers and obligates the Local Government to undertake the provisions of the Act, Regulations and Local Law.

- Biosecurity and Agriculture Management Act 2007

Delegates, (Authorised Person), powers of entry and limited enforcement powers for the specific purpose for the control of Stable/biting Fly.

- Environmental Protection Act 1986

Empowers and obligates the Department of Environmental Regulation to undertake the provisions of the Act make regulations and set licence conditions for the Richardson Road Landfill Site and the Septage Site.

- Contaminated Sites Act 2003

Requires the reporting of a suspected or a known contaminated site to the Department of Environment.

### Strategic Framework

Within the Shire’s Strategic Community Plan 2013 – 2023, Strategy 4.3.4 states:

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

### Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. There is no Consequence identified therefore it is deemed that there is no Risk present.



**Budget Implications**

Environmental operations were undertaken within the provisions of the 2015/16 Budget.

**Officer's Recommendation**

That Council notes and receives the 2015/16 Health Report.

- 16/302.           **Adams/Campbell**  
                    **“That Council notes and receives the 2015/16 Health Report and acknowledges the efforts of staff.”**

**CARRIED 11-0**

**Scott Dandridge left the meeting at 5.21p.m.**

**Development Services Committee**  
**1<sup>st</sup> November 2016.**

**MINUTES**

- 16/303.           **Burgoyne/Monagle**  
                    **“That the Minutes of the Development Services Committee Meeting, held on Tuesday, 1<sup>st</sup> November 2016, be received and the recommendations listed hereunder be adopted en-bloc.”**

**8.1        PLANNING REPORT**

- 8.1.2    Application for Amendment to Allocated Building Envelope – R. and J. Bruce – Lot 7 (No.55) Thornton Drive, Uduc (A013431).  
8.1.3    Amendment to Condition - Development Approval for Oversized Shed – Mr. S. Slimint – Lot 11 (No. 13) Sherlock Place, Uduc (A005347).  
8.1.4    Application for Amendment to Allocated Building Envelope – Mr. S. Edwards – Lot 206 (No. 15) Tributary Place, Leschenault (A007719).

**9.        CONFIDENTIAL REPORT**

Confidential Item 1 – DR 240 of 2016 – Ashlane Pty Ltd v Shire of Harvey – Moharich & More representing Ashlane Pty Ltd – Lot 9 Old Coast Road, Australind (A003517).

**CARRIED 11-0**

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

<b>Item No.</b>	<b>1</b>
<b>Subject:</b>	<b>Proclamation of On Ramp H260 – Australind Bypass H57</b>
<b>Proponent:</b>	<b>Main Roads Western Australia</b>
<b>Location:</b>	<b>Australind Bypass at Raymond Road</b>
<b>Reporting Officer:</b>	<b>Executive Manager Technical Services</b>
<b>File No.:</b>	<b>R000005 (35) Attachment Reg. No. 16/30574</b>

**Summary**

As a result of the constructed northbound acceleration lane where the Forrest Highway (Australind Bypass) intersects with Raymond Road, Main Roads Western Australia (MRWA) has requested Council's endorsement for the proclamation of the on ramp (refer **Attachment 1**). To reflect the abovementioned changes and subsequent roles of the affected roads, MRWA is in the process of updating and formalising the road hierarchy accordingly. Staff recommend that Council endorses the proclamation as requested by MRWA.

**Background**

MRWA are constantly reviewing the State road network and where significant changes are made to the network or where traffic patterns change dramatically, they may consider road proclamations be gazetted. The road upgrade subject to this report, reflects a significant change to the State road network, hence the proposed proclamation.

In order for the changes to be formalised and in accordance with Section 13 of the Main Roads Act 1930, a recommendation will be made by the Commissioner of Main Roads to the Hon. Minister for Transport, to proclaim the on ramp as shown on Drawings 1121-0230-02 and 201621-0016-00 as a "main road" (refer **Attachment 2**).

MRWA is now seeking endorsement by Council of the proclamation drawings, as it is a requirement under the Main Roads Act 1930 - Section 13A, that the Local Government be consulted before making a recommendation to the Minister to proclaim any roads.

**Comment**

Staff consider that there will be no adverse impact on the road network of the Shire of Harvey and the proposed changes will have no effect on the physical management of the roads and on ramp, which will still be maintained by MRWA.

Subject to Council's agreement, the recommendation will be sent to the Minister for Transport for formal proclamation after which a copy of the final drawings, showing the gazettal details will be sent to Council.

Proclamation of the on ramp as proposed maintains a 'main road' status. To this effect, there is no decrease in the access or development rights of private landowners with frontage to the Australind Bypass. As is presently the situation, all access arrangements will be required to be designed and constructed to the specifications and standards of MRWA.

**Statutory/Policy Environment**

Main Roads Act 1930 – Section 13, deals with the proclamation of highways and other main roads.

Section 13A (2) of the Main Roads Act 1930, provides for Local Government to be consulted, as well as for Council to lodge an objection with the Commissioner of Main Roads.

**Strategic Framework**

Within the Shire's Strategic Community Plan 2013 - 2023, Strategy 3.6.1 states:

*“Provide a safe standard of roads and ancillary infrastructure.”*

**Risk Management**

The Risk Theme Profile identified as part of this report is ***Providing Inaccurate Advice***. There is no Consequence associated as Council is commenting on a MRWA asset as requested.

**Budget Implications**

Nil.

**Officer's Recommendation**

That Council:

1. Advises Main Roads WA that it does not object to the Commissioner's request to recommend to the Hon. Minister for Transport to proclaim the on ramp for Australind Bypass H57 at Raymond Road as a “main road”; and
2. Endorses the drawing (Drawing Numbers 1121-0230-02 and 201621-0016-00) to this effect and advises Main Roads WA accordingly.

16/304. **Campbell/Giancono**  
**“That the Officer's Recommendation be adopted.”**

**CARRIED 11-0**

**CORPORATE SERVICES**

Cr. Burgoyne, having declared a proximity interest in the following item, left the Chamber at 5.25p.m.

Item No.	1	
Subject:	Application for Exemption To Keep More Than The Prescribed Number of Dogs	
Proponent:	Mr. M. Winwood	
Location:	7 Hepingstone Road, Brunswick	
Reporting Officer:	Administrator Law & Safety Services	
File No.:	A006145	Attachment Reg. No.

**Summary**

An application for exemption to keep more than the prescribed number of dogs has been received from Mr. Michael Winwood (the Applicant) of 7 Hepingstone Road, Brunswick. A copy of the application received is attached (refer **Attachment 1**) to this report and it is recommended that this application be approved subject to conditions.

**Background**

The Applicant currently has one (1) dog that is registered with the Shire that being a Golden Retriever, Male, aged 2 years, Kai, Registered Number 161755. His partner has recently moved from another Shire and is living with the Applicant.

She has two (2) dogs, those being a Staffordshire Cross, Male, aged 1 year, Griff, Registered Number 172377 and Great Dane Cross, Male, aged 7 months, Caboose, Registered Number 172419.

The property at 7 Hepingstone Road, Brunswick is rented by the Applicant, zoned Residential and is 809m<sup>2</sup> in area. Correspondence was sent to the owner (refer **Attachment 2**) requesting any objections to this application and no reply was received. The Applicant has stated the owners of the property are aware of this application and they have no objections (refer **Attachment 3**).

The Applicant has advertised in the Harvey Reporter newspaper advising residents of his intentions and inviting submissions to be made to Council within the prescribed time (refer **Attachment 4**). The surrounding property owners were also notified by Staff of the application with no objections being received within the prescribed response time. A Location Plan of the property and the owners written to is noted as **Attachment 5**.

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.

**Comment**

This application has been considered and reviewed in line with the general indicia established by the State Administrative Tribunal, GADD V SHIRE OF HARVEY CC 1153 OF 2007, being:

SIGNED \_\_\_\_\_ DATED 29<sup>th</sup> November 2016.

- **Attributes of the dogs, such as their breed, size, nature whether de-sexed and any history of complaints:**

The Applicant currently has three dogs registered with the Shire as listed previously in this report. All three are micro chipped and the Staffordshire Cross is sterilised. The other two dogs are not sterilised. The Applicant previously resided in the Shire of Corrigin.

Contrary to what the Applicant has stated in his application, there were complaints concerning the Golden Retriever in the Shire of Corrigin. This dog was rushing aggressively at people, however it did not bite anyone. The reason given for this behaviour by the Local Ranger in Corrigin was the substandard fencing on the property where the Applicant was residing and location to a nearby shopping centre.

- **The size, location and zoning of the premises at which the dogs are housed:**

The property at 7 Heppingstone Road, Brunswick is Zoned Residential within the Residential area of Brunswick comprising of 809m<sup>2</sup> in area. The size of the property does provide sufficient area for three dogs of the size and breed nominated.

- **The conditions of the dogs accommodation, for example, the standard of fencing shade, security, cleanliness; and factors that may affect their welfare;**

An inspection of the property by Staff found (refer **Attachment 6**):

- Provision of shade/water - Adequate shade, sufficient food and water provided;
  - Property fences - Suitable fencing, and in particular noting the height of the fences;
  - General Condition of dogs - All dogs are clean and well cared for;
  - Cleanliness of property - Property is clean and tidy.
- **Other factors such as aggregation of dogs in the same area, the Applicant's experience in and methods of handling dogs and motivation in obtaining more than the prescribed number of dogs.**
    - There are five (5) dogs registered in properties surrounding the Applicant and no other properties have approval for more than two dogs.

The reason for the application is that the Applicant and his partner have moved in together and they do not wish to dispose of one of the dogs (refer **Attachment 3**).

During the advertising period there were no objections received.

### **Statutory/Policy Environment**

Dog Act 1976 - Section 26. Controls the number of dogs permitted.

Shire of Harvey Dog Local Law 2008 - Clause 3.2. Limitations on the number of dogs permitted.

**Strategic Framework**

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

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

**Risk Management**

The Risk Theme Profile identified as part of this report is ***Providing Inaccurate Advice/Information***. The Consequence could be Property or Environment if the approval results in any complaints being received regarding the dogs. The Consequence rating would Moderate (3) and Likelihood Possible (3) resulting in a MODERATE risk rating.

**Budget Implications**

Nil.

**Officer's Recommendation**

That Council approves the application from Mr. Michael Winwood of 7 Heppingstone Road, Brunswick, for exemption to keep three (3) dogs subject to:

1. The exemption applies only to the dogs listed on the application and once any of the dogs are deceased, sold or otherwise disposed of, the exemption automatically lapses;
2. The exemption will automatically lapse on any offence relating to the Dog Act 1976, by the dogs or any person in charge of these dogs;
3. The property must be kept clear of all animal excreta using proper disposal methods;
4. Adequate cover and protection is available for the dogs at all times;
5. The dogs being at all times adequately confined in accordance with the Dog Act 1976;
6. Access be given to the Council for annual inspections or more regularly if the Council so determines;
7. The exemption may be revoked or varied at any time in a manner provided for in Section 26 (3)(c) of the Dog Act 1976.; and
8. The exemption only applies to 7 Heppingstone Road, Brunswick and should the Applicant move to another address or the dogs be relocated to another address the approval shall lapse.

16/305.

**Carbone/Adams**

**"That Council defer this Item pending clarification of the number and type of dogs included with the application."**

**CARRIED 9-1**

**Cr. Burgoyne returned to the Chamber at 5.35p.m.**

**Mr. Naudé left the Chamber at 5.35p.m.**

SIGNED \_\_\_\_\_ DATED 29<sup>th</sup> November 2016.

<b>Item No.</b>	<b>2</b>
<b>Subject:</b>	<b>Lease Agreement – Harvey Community Radio</b>
<b>Proponent:</b>	<b>Harvey Mainstreet Incorporated</b>
<b>Location:</b>	<b>Lot 6 Young Street, Harvey</b>
<b>Reporting Officer:</b>	<b>Executive Manager Corporate Services</b>
<b>File No.:</b>	<b>A004803 &amp; CZ040</b> <b>Attachment Reg. No. 16/29475</b>

### **Summary**

Harvey Mainstreet (Inc.) trading as Harvey Community Radio has requested that its lease with the Shire of Harvey for the property known as the Harvey Community Radio Station be renewed (refer **Attachment 1**).

### **Background**

The Shire of Harvey entered into a lease agreement with Harvey Mainstreet (Inc.) trading as Harvey Community Radio for a period of three years expiring on 31<sup>st</sup> August 2012, with the lease offering a further option of three (3) years which was taken up and expired on 31<sup>st</sup> August 2015. Occupation has continued with agreement on an ongoing basis since that time.

Discussions on a new lease have been underway for some time.

### **Comment**

Staff are not aware of any breach of the lease terms by Harvey Mainstreet (Inc.) during the term of the lease that has been in existence and there are no unresolved difficulties arising between the association and the Shire of Harvey.

Recommended to be included in the new lease document is the requirement for Harvey Mainstreet (Inc.) to increase its Public Liability Insurance cover to \$20 million in line with Council's standard lease agreements.

Prior to the Yarloop bushfire in January this year, Harvey Mainstreet had written to the Shire expressing an interest in relocating the Harvey Community Radio station to the former Harvey Health and Community Services premises in Becher Street, Harvey. Although that building is being used as the Bushfire Recovery Centre, Harvey Mainstreet has indicated that the current premises are not suitable for a variety of reasons and wish to be considered as a potential future tenant of the Becher Street building when the Recovery Centre eventually closes.

Another consideration is Council's long term aim to develop a multi-purpose Community centre within the civic precinct that may involve a number of potential tenants including the Harvey Community Radio.

In view of the uncertainty surrounding the current Harvey Community Radio premises, it is recommended that Council approves a new lease agreement with Harvey Mainstreet Inc. as per the following terms and conditions:

- Term of five (5) years expiring 1<sup>st</sup> September 2020.
- Lease fee of \$1 per annum.
- A clause be included that allows Council to terminate the lease and the tenant to relocate should an alternative facility become available.
- The lessee to be responsible for maintenance of the lawns and gardens.
- All other conditions as per Council's standard lease agreement.

SIGNED \_\_\_\_\_ DATED 29<sup>th</sup> November 2016.

**Statutory/Policy Environment**

Section 3.5.8 of the Local Government Act 1995 deals with the disposal of property which includes licences, leasing or sale. However within Regulation 30 of the Local Government (Functions and General) Regulations 1996 an exemption is provided for charitable, not-for-profit, sporting groups etc., in respect to the provisions of Section 3.58 of the Act.

**Strategic Framework**

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

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

**Budget Implications**

Nil.

**Risk Management**

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

The Consequence rating associated with this matter is Moderate (3), and the Likelihood being Unlikely (2), resulting in a LOW Risk being present.

**Officer's Recommendation**

That Council agrees to enter into a new lease agreement with the Harvey Mainstreet Inc. for the premises known as the Harvey Community Radio located on Lot 6 Young Street, Harvey subject to the following conditions:

- Term of five (5) years expiring 1<sup>st</sup> September 2020.
- Lease fee of \$1 per annum.
- A clause be included that allows Council to terminate the lease and the tenant to relocate should an alternative facility become available.
- The lessee to be responsible for maintenance of the lawns and gardens.
- All other conditions as per Council's standard lease agreement.

16/306. **Wood/Burgoyne**  
**"That the Officer's Recommendation be adopted."**

**CARRIED 11-0**

**Mr. Quinlivan left the Meeting at 5.40p.m.**

**Mr. Naudé returned to the Chamber at 5.41p.m.**



<b>Item No.</b>	<b>3</b>
<b>Subject:</b>	<b>Plastic Bag Ban Survey</b>
<b>Proponent:</b>	<b>WA Local Government Association</b>
<b>Location:</b>	<b>State of Western Australia</b>
<b>Reporting Officer:</b>	<b>Executive Manager Corporate Services</b>
<b>File No.:</b>	<b>GRL004 (23)</b> <b>Attachment Reg. No. 16/32937</b>

### Summary

The WA Local Government Association (WALGA) through the Municipal Waste Advisory Council (MWAC) are seeking the views of Western Australian local governments on pollution caused by plastic bags, and specifically whether they would support a ban on the use of plastic bags.

The survey has relevance to the current Notice of Motion put forward by Cr. Adams and ideally Council's position in respect of the Notice of Motion and the outcome of this report should be consistent. Comments are sought by 23<sup>rd</sup> November 2016, and this report recommends a response be forwarded.

### Background

As indicated in the comment accompanying the Notice of Motion by Cr Adams, this matter has been raised over recent times at the Shire of Denmark and City of Fremantle. The City of Fremantle has tried unsuccessfully to introduce a Local Law in respect of this matter. A Local Government industry wide response to the issue, or a State or Federal position, is preferred given the wider environmental application.

The letter associated with the WALGA survey is **Attachment 1** to this report along with a Discussion Paper (August 2016) on the subject.

### Comment

The following questions are asked as part of the survey:

1. Is plastic pollution and litter an issue for your Local Government? Why/why not?
2. What actions is your Local Government taking to address littering and prevent plastic entering the environment (e.g. provision of public waste bins, gross pollutant traps, facilitating Adopt a Spot projects)?
3. Does your Council support a state-wide plastic bag ban?
4. Would your Council like to introduce a Local Law to ban plastic bags?

Given this matter is in its relative infancy and is an issue that is best dealt with in a collective manner rather than by individual local governments, the Shire's response to the above should reflect a broad position and one that is based on principle rather than specific circumstances. Issues such as alternatives to plastic bags, education programs, environmental considerations, and the practicalities of single use plastic bags are all important points that would need to be considered in a broad position on this matter.

The recommended responses to the questions in the survey are contained in the Officer's recommendation to this report.

### **Statutory/Policy Environment**

Nil, though the Local Government Act 1995 may have some application if a Local Law is considered, and likewise the Litter Act 1979 may be relevant if looking at controls or a ban on plastic bags.

### **Strategic Framework**

Within the Shire's Strategic Community Plan 2013 - 2023, Strategy 2.5.2 states:

*“Support a regional approach to waste management, which may include transfer stations, kerb-side collections, waste education, landfill sites and recycling facilities.”*

### **Risk Management**

The Risk Theme Profile identified as part of this report is ***Inadequate Environment Management***. The Consequences identified are Property and Environment. The Consequence rating is considered Minor (2) and the Likelihood Unlikely (2) giving a LOW risk rating given that Council is participating in a survey only at this stage and practical action is not yet a consideration.

### **Budget Implications**

Nil in terms of the survey response, however should there be any Local Government involvement in the implementation of any controls or ban associated with plastic bags some financial impact could result.

### **Officer's Recommendation**

That Council responds to the WA Local Government Association (WALGA) survey questions relating to single use plastic bags as waste and the consideration of a ban as follows:

1. Is plastic pollution and litter an issue for your Local Government? Why/why not?

***Plastic bags as pollution and litter remain a concern for the Shire of Harvey and the local government industry as a whole. Council supports an industry wide, State wide or a Federal approach to resolving the issue, inclusive of the following principles –***

- ***Reduction in waste to landfill***
  - ***Better environmental outcomes***
  - ***Reduction in the number of light weight plastic shopping bags***
2. What actions is your Local Government taking to address littering and prevent plastic entering the environment (e.g. provision of public waste bins, gross pollutant traps, facilitating Adopt a Spot projects)?
    - ***Public bins at most recreation areas***
    - ***Tidy Towns participation***
    - ***Supporting the Keep Australia Beautiful Council***
    - ***Community clean up days (support of)***
    - ***Beach clean-up days (Coast Care groups)***

3. Does your Council support a state-wide plastic bag ban?

***Council is supportive of the principle of such a ban on the basis that a considered State-wide or National implementation plan is developed which covers issues such as community education, environmental alternatives and an equitable transition period.***

4. Would your Council like to introduce a Local Law to ban plastic bags?

***No. This could lead to an ad hoc and inconsistent approach to an issue that has wider implications than individual local governments. Again an industry wide, State wide or Federal action plan incorporating the principles noted in question 1 is Council's preferred position.***

16/307. **Adams/Campbell**  
"That the Officer's Recommendation be adopted."

**CARRIED 11-0**

<b>Item No.</b>	<b>4</b>
<b>Subject:</b>	<b>Meetings for Coming Months</b>
<b>File No.:</b>	<b>CCC001</b>

<b>Meeting</b>	<b>Location</b>	<b>Date</b>	<b>Time</b>
Disability Access and Inclusion Advisory Committee	Harvey Senior Citizen's Centre	15 <sup>th</sup> November 2016	2:00p.m.
Bush Fire Advisory Committee	Harvey Chamber	21 <sup>st</sup> November 2016	7:00p.m.
Development Services Committee	Australind Chamber	22 <sup>nd</sup> November 2016	4:00p.m.
Audit Committee	Australind Chamber	29 <sup>th</sup> November 2016	1:00p.m.
Corporate Services Committee	Australind Chamber	29 <sup>th</sup> November 2016	2:00p.m.
Ordinary Council	Australind Chamber	29 <sup>th</sup> November 2016	4:00p.m.
Work Safety Committee	Harvey Chamber	1 <sup>st</sup> December 2016	3:00p.m.
Leschenault Leisure Centre Advisory Committee	LLC	2 <sup>nd</sup> December 2016	8:00a.m.
Harvey Local Emergency Management Committee	Harvey Chamber	12 <sup>th</sup> December 2016	5:30p.m.
Development Services Committee	Harvey Chamber	13 <sup>th</sup> December 2016	4:00p.m.
Corporate Services Committee	Harvey Chamber	20 <sup>th</sup> December 2016	2:00p.m.
Ordinary Council	Harvey Chamber	20 <sup>th</sup> December 2016	4:00p.m.

### **Officer's Recommendation**

That the Meetings for Coming Months be noted.

16/308. **Campbell/Burgoyne**  
"That the Officer's Recommendation be adopted."

**CARRIED 11-0**

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

Council, at its meeting held 18<sup>th</sup> October 2016, resolved to defer the following Notice of Motion to be considered at its meeting held 8<sup>th</sup> November 2016.

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

Adams/\_\_\_\_\_

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

**EXECUTIVE MANAGER CORPORATE SERVICE’S COMMENT**

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

Subsequent to the above Notice of Motion being received WALGA have advised through the Municipal Waste Advisory Council of a survey on this matter closing on 23<sup>rd</sup> November 2016 which also includes a background Discussion Paper. A response to this survey has been drafted for Council’s consideration and appears as Item 3 of the Corporate Services area of this agenda.

16/309.

**Adams/Lovitt**

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

**CARRIED 11-0**

**Mr. White left the Meeting at 5.51p.m.**

**L. NOTICE OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING**

Nil.

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

Nil.

**N. REPORTS OF MEMBERS****Cr. Beech**

Cr. Beech reported on his attendance at:

- The retirement celebration of Kevin Harnett after his 28 years of service held on Friday, 30<sup>th</sup> September 2016;
- The Bike Trek afternoon tea held on Tuesday, 11<sup>th</sup> October 2016, hosted in the Council Chamber along with Cr. Sabourne where he presented a donation cheque on behalf of the Shire;
- A meeting of the Environmental Sub Committee held on Wednesday, 19<sup>th</sup> October 2016;
- Harvey Senior High School Awards held Friday, 21<sup>st</sup> October 2016, where he presented the Shire's Outstanding Commitment to Workplace Learning Award and Dux Award;
- WALGA Webinar held Wednesday, 26<sup>th</sup> October 2016;
- A meeting of the Stories from the Fireground Working Group along with Cr. Jackson held Monday, 31<sup>st</sup> October 2016;
- The AGM of the Brunswick River Cottages Inc. along with Mr. Parker and Mr. Quinlivan held Wednesday, 2<sup>nd</sup> November 2016;
- The first meeting of the Yarloop Town Development Working Group along with Cr. Jackson, Cr. Campbell, the Chief Executive Officer and staff held Monday, 7<sup>th</sup> November 2016; and
- Yarloop Library reopening on 8<sup>th</sup> November 2016.

**Cr. Adams**

Cr. Adams reported on his attendance at:

- The AGM of the Leschenault Catchment Council held Wednesday, 19<sup>th</sup> October 2016;
- The AGM of the Riverlinks Child Care Centre Committee;
- A Bunbury Harvey Regional Council meeting on 27<sup>th</sup> November 2016;
- The opening of the new Harvey Hospital Emergency Department; and
- A meeting of the Shire of Harvey and Shire of Dardanup Joint Town Planning Scheme No. 1 held on Friday, 4<sup>th</sup> November 2016.

**Cr. Lovitt**

Cr. Lovitt reported on her attendance at:

- A meeting of Alcoa Community Consultative Network at which an update on regulatory processes now with the Minister and farmland management updates were provided;
- A Public Infrastructure Summit held in Sydney on Wednesday, 26<sup>th</sup> October 2016;
- The Bunbury Wellington Economic Alliance Chairman's Dinner with guest speaker Professor Cobe Rudd;
- The opening of the new Harvey Hospital Emergency Department; and
- A training day at Wheeler Airfield along with Cr. Campbell and the Principal Environmental Health Officer.

**Cr. Burgoyne**

Cr. Burgoyne congratulated Staff on the high standard of the annual Health Report and reported on the disbanding of the Brunswick Self-Help Group.

**Cr. Wood**

Cr. Wood reported on the following:

- Main Roads WA Victoria Cross Plaques on the South Western Highway are being well supported; and
- The AGM of the Harvey Visitors Centre.

**Cr. Monagle**

Cr. Monagle reported on the following:

- Winding up of the Self Help Group noting they have made an important contribution and also noted that the Annual Community Resource Centre is now providing a good community hub;
- Attended the first meeting of the new Harvey Visitors Centre Board; and
- Advised a community meeting is to be held in Brunswick on Wednesday, 23<sup>rd</sup> November 2016, to determine the support for a Men's Shed.

**Cr. Jackson**

Cr. Jackson reported her attendance at:

- Adaption Climate Change Workshop;
- The AGM of the Peron Naturaliste Partnership Board;
- Two South West Development Commission meetings;
- SEGRA Conference in Albany with a high focus on business start-ups;
- South West Joint Development Assessment Panel meeting regarding Myalup Service Station;
- Along with the CEO and LotteryWest representative Mr. Ron Sackville, a \$72,000 LotteryWest cheque was received from Murray Cowper MLA for bushfire issues;
- Alcoa Stakeholders Forum along with the CEO;
- Opening of Anglican Hall in Yarloop for Christian Fellowship;
- Stories from the Fireground Working Group meetings;
- Harvey High School Board meetings;
- Opening of the new Harvey Hospital Emergency Department;
- Bunbury Wellington Economic Alliance AGM and Chairman's Dinner;
- "Lock the Gate" Brunswick Community event;
- Chalbury Park Farming Women's Morning Tea; and
- Reopening of Yarloop Library held on Tuesday, 8<sup>th</sup> November 2016.

**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 – Bushfire Management – Lot 200 Hill Road, Brunswick.  | Prepared By<br>Shire of Harvey |
| 2. | Section 70A – Bushfire Management – Lot 105 Iluka Road, Binningup. | Shire of Harvey                |
| 3. | Deed of Novation – Bin Supply and Maintenance Service (CS078).     | WALGA                          |
| 4. | Deed of Novation – Kerbside Collection Service (CS079).            | WALGA                          |

*Note: Items 3 and 4, Deed of Novation's are for Cleanaway's acquisition of Warren Blackwood Waste business. The Deed of Novation documents were prepared by WALGA's legal provider.*

- 16/310. **Campbell/Monagle**  
"That the Officer's Recommendation be adopted."

**CARRIED 11-0**

**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)****Suspension of Standing Orders**

- 16/311. **Burgoyne/Campbell**  
"That Council suspends Standing Orders and Moves Behind Closed Doors in accordance with Section 5.23 (2)(c) of the Local Government Act 1995, to deal with matters that relate to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."

**CARRIED 11-0**

Standing Orders were suspended at 6.19p.m.

Ms. Gelmi and Ms. Hepburn left the Meeting at 6.19p.m.

**CONFIDENTIAL ITEM 1 – DR 240 OF 2016 – ASHLANE PTY LTD V SHIRE OF HARVEY – MOHARICH & MORE REPRESENTING ASHLANE PTY LTD – LOT 9 OLD COAST ROAD, AUSTRALIND (A003517).**

*Note: Confidential Item 1 was adopted en-bloc with the Development Services Committee Minutes in section I page 24.*

SIGNED \_\_\_\_\_ DATED 29<sup>th</sup> November 2016.

Cr. Burgoyne, Cr. Carbone and Cr. Shortland, having declared financial interests in the following Shire of Harvey and Shire of Dardanup Joint Town Planning Scheme No. 1 Minutes, left the Chamber at 6.20p.m.

**SHIRE OF HARVEY AND SHIRE OF DARDANUP JOINT TOWN PLANNING SCHEME NO. 1 MINUTES HELD 4<sup>TH</sup> NOVEMBER 2016.**

- 16/312.       **Campbell/Wood**  
          " That the Minutes of the Shire of Harvey and Shire of Dardanup Joint Town Planning Scheme No. 1, held on Friday, 4<sup>th</sup> November 2016, as printed, be received and the recommendations contained therein be adopted by Council."  
CARRIED 8-0

Cr. Burgoyne, Cr. Carbone and Cr. Shortland returned to the Chamber at 6.29p.m.

**Resumption of Standing Orders**

- 16/313.       **Campbell/Burgoyne**  
          " That Standing Orders be resumed."  
CARRIED 11-0

Standing Orders were resumed at 6.29p.m.

**R.        CLOSURE**

There being no further business to discuss, the meeting was declared closed at 6.30p.m.

I, Tania Gae Jackson certify that the aforesaid Minutes of the meeting held on Tuesday, 8<sup>th</sup> November 2016, are confirmed as a true and correct record of that meeting on Tuesday, 8<sup>th</sup> November 2016.

\_\_\_\_\_  
Tania G. Jackson  
**SHIRE PRESIDENT**