



Shire of Harvey

**ORDINARY COUNCIL
MEETING
MINUTES**

15th November, 2011

SHIRE OF HARVEY

COUNCIL MEETING

Dear Councillor,

Notice is hereby given that the next meeting of the Harvey Shire Council will be held on Tuesday, 15th November, 2011, in the Council Chambers, Young Street, Harvey, commencing at 4.00 p.m.

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

Yours faithfully,

MICHAEL PARKER
CHIEF EXECUTIVE OFFICER

11th November, 2011.

A G E N D A

A. OFFICIAL OPENING

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

B. PUBLIC QUESTION TIME

Nil.

C. READING FROM A BOOK OF LEARNING AND WISDOM

Read by Cr. Bertolini

D. APOLOGIES/LEAVE OF ABSENCE

Nil.

E. DECLARATIONS OF MEMBERS' AND OFFICERS' PERSONAL INTEREST

Cr. Carbone declared a financial interest in Item No. 5 – Breach of District Planning Scheme (DPS) No. 1 and the Shire of Harvey Extractive Industries Local Law (2007) – Lot 335 Stanley Road, Wellesley (A008410) - Matters Behind Closed Doors.

Reason

Cr. Carbone advised that he has an interest as he is a Director of Carbone Bros.

F. PETITIONS/DEPUTATIONS

- | | | |
|----|--|---------------------|
| 1. | Item No. 2 – Corporate Services Report – Australian Four Day Enduro Championships Hosting – W.A Trail and Enduro Motorcycle Club – Harvey Area (A002762) | Mr. Collin Jennings |
|----|--|---------------------|

G. CONFIRMATION OF MINUTES

ORDINARY COUNCIL MEETING – Tuesday, 25th October, 2011.

Recommendation

That the Minutes of the Council Meeting held on Tuesday, 25th October, 2011, as printed be confirmed as a true and correct record.

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

Nil.

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

General Purposes Committee	27th October, 2011
Heritage Advisory Committee	8th November, 2011
Australind Skate Park Advisory Committee	10th November, 2011
Audit Committee	15th November, 2011
Corporate Services Committee	15th November, 2011
Development Services Committee	8th November, 2011

(Including Health, Building and Planning Reports listed below)

HEALTH REPORT

- | | | |
|-------|--|----|
| 8.1.1 | Stallholder Application – Mr. Jose Da Silva – Hayward Street, Harvey. (HSI016) | 14 |
|-------|--|----|

BUILDING REPORT

- | | | |
|-------|---|----|
| 8.2.1 | Proposed Building Act 2011 – State Government – State Wide – Principal Building Surveyor. (CSA0013) | 17 |
| 8.2.2 | Building Applications Received – Building Licences Issued – Shire of Harvey. | 24 |

PLANNING REPORT

- | | | |
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| 8.3.1 | Proposed Relocated Dwelling – D. Gunn – Lot 71 Riverdale Road, Cookernup. (A000253) | 5 |
| 8.3.2 | Application for Planning Consent – Proposed Second Dwelling – R. & M. Italiano – Lot 60 South Western Highway, Warawarrup. (A002539) | 8 |
| 8.3.3 | Clearing Referral – Proposed Clearing in State Forest for Apiary Site Maintenance – K. Spurge – State Forest 14 and 15. (RSL003) | 12 |

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

- | | | |
|---|---|---|
| 1 | Ground Mounted Ring Main Unit Construction – Western Power – Devlin Road (CRL040) | 6 |
|---|---|---|

CORPORATE SERVICES

- | | | |
|---|---|----|
| 1 | Three Weekly Meeting Cycle – Review of Trial – Chief Executive Officer – Shire of Harvey (CCC001) | 8 |
| 2 | Australian Four Day Enduro Championships Hosting – W.A Trail and Enduro Motorcycle Club – Harvey Area (| 11 |
| 3 | Appointment of Community Representatives on Council Committees – Shire of Harvey (CCC091) | 14 |
| 4 | Meetings for Coming Months (CCC001) | 16 |

K. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Cr. Wood put forward the following motion for consideration at the Council meeting on Tuesday, 15th November, 2011;

Wood/.....

“That Council investigate the possibilities of having free 24 hour camping areas within the Shire to attract tourists to stop overnight within town limits

Staff notes that any investigation will require assessment of such a proposal against the Caravan and Camping Ground Regulations 1995 and consideration of the practicalities, limitations, commercial implications and management responsibilities of such a service.

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

1. Yarloop Workshops Committee Inc.
2. Cr. Beech
3. Cr. Campbell
4. Cr. Hollands
5. Cr. Shortland
6. Cr. Marshall
7. Cr. Wood
8. Cr. Jackson

O. ORDERS OF THE DAY

Officer's Recommendation:

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

1. Pest Plants Local Law

Prepared By
Shire of Harvey

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

Nil.

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

Item No. 5 – Corporate Services Report – Breach of District Planning Scheme (DPS) No.1 and the Shire of Harvey Extractive Industries Local Law (2007) – Carbone Bros Pty Ltd – Lot 335 Stanley Road, Wellesley (A008410)

R. CLOSURE

SHIRE OF HARVEYCOUNCIL MINUTESMINUTES OF THE ORDINARY MEETING OF THE HARVEY SHIRE COUNCIL, HELD IN THE COUNCIL CHAMBERS, YOUNG STREET, HARVEY, ON TUESDAY, 15TH NOVEMBER, 2011, COMMENCING AT 4.00 P.M.ATTENDANCEMEMBERS:

Shire President	Cr.	T.G. Jackson	
Deputy Shire President	Cr.	B.E. Hollands	
	Cr.	P. Beech	
	Cr.	R. Bertolini	
	Cr.	G. Campbell	
	Cr.	C. Carbone	4.00 p.m. – 5.35 p.m. 6.05 p.m. – 6.06 p.m.
	Cr.	E.M. Hill	
	Cr.	A. Lovitt	
	Cr.	S.J. Marshall J.P.	
	Cr.	P.F. Monagle	
	Cr.	J.L. Sabourne O.A.M. J.P.	
	Cr.	A.J. Shortland	
	Cr.	K.J. Wood	

STAFF:

Chief Executive Officer	Mr.	M. Parker	
Executive Manager of Corporate Services	Mr.	R. Scantlebury	
Executive Manager of Technical Services	Mr.	T. Naudé	
Manager of Community and Economic Development	Mr.	P. Quinlivan	
Manager of Planning Services	Mr.	S. Hall	
Principal Environmental Health Officer	Mr.	S. Dandridge	4.00 p.m. – 5.05 p.m.
Principal Building Surveyor	Mr.	M. Stewart	4.00 p.m. – 5.05 p.m.
Planning Officer	Mr.	S. Potter	4.00 p.m. – 5.35 p.m.
Planning Officer	Mr.	C. Zanotti	4.00 p.m. – 5.35 p.m.
Building Officer	Mr.	F. Fimmano	4.00 p.m. – 5.35 p.m.

GALLERY:

	Mr.	C. Jennings	4.00 p.m. – 5.35 p.m.
	Mrs.	T. Campain	4.00 p.m. – 5.35 p.m.
	Ms.	D. Gunn	4.00 p.m. – 4.31 p.m.
	Mrs.	R. Italiano	4.00 p.m. – 5.35 p.m.

SIGNED _____ DATED 6th December, 2011.

Mrs. M. Italiano	4.00 p.m. – 5.35 p.m.
Mr. K. Howard	4.00 p.m. – 5.35 p.m.

PRESS:

Harvey Reporter	Mr. K. Utting	4.00 p.m. – 5.35 p.m.
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A. OPENING AND WELCOME

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

B. PUBLIC QUESTION TIME

Nil.

C. READING FROM A BOOK OF LEARNING AND WISDOM

Read by Cr. Bertolini

D. APOLOGIES AND LEAVE OF ABSENCE

Nil.

E. DECLARATIONS OF MEMBERS' AND OFFICERS' PERSONAL INTEREST

Cr. Carbone declared a financial interest in Item No. 5 – Breach of District Planning Scheme (DPS) No. 1 and the Shire of Harvey Extractive Industries Local Law (2007) – Lot 335 Stanley Road, Wellesley (A008410) - Matters Behind Closed Doors.

Reason

Cr. Carbone advised that he has an interest as he is a Director of Carbone Bros.

F. PETITIONS/DEPUTATIONS**ITEM NO. 2 – AUSTRALIAN FOUR DAY ENDURO CHAMPIONSHIPS HOSTING – W.A TRAIL AND ENDURO MOTORCYCLE CLUB – HARVEY AREA**

Mr. Collin Jennings, Event Coordinator WA Trail and Enduro Motorcycle Club addressed Council in relation to hosting the event in and around Harvey during July 2013.

Mr. Jennings advised that Western Australia has been selected to run this national event in 2013 and wished to host the event in Harvey. This event was last run in Western Australia in 2002 when facilities in Harvey were used. In relation to the proposed event Mr. Jennings made the following points;

- Enduro events are run over a combination of day events, time trials and 1 day of motocross class racing.
- The request is to use the Harvey Recreation Ground as the event headquarters, a start point for each day and safe, secure storage for all motorcycles when not being used. This would be within the hardstand area around the oval, not the grass surface.
- First riders would leave at 7.30 a.m., three (3) bikes at a time. The bikes are road registered and comply with all normal licensing requirements.
- Approximately 250 riders are expected to register and attend this event. The absolute maximum is 350, however, it is not anticipated that this number will be reached.
- One day of the event involves motocross racing with fields of up to 40 riders and this maybe on private property or on Shire Commonage land if available.
- Held discussions with Dave Marshall, Harvey Recreation and Cultural Centre Manager regarding the event, use of facilities, fund raising possibilities for the local clubs and received a very positive response.
- The riders, support crews and team members would be in Harvey for approximately 8-10 days.
- The local region economic impact would be in the order of \$1.5 to \$2 million over this period.
- As the event coordinator Mr. Jennings is seeking Shire approval for Harvey to host the event and this would involve use of the Harvey Recreation Grounds, Harvey Recreation Centre, and commonage land area to operate the event. The Shire could assist with the provision of additional rubbish bins, collection and disposal of waste. The Shire has also been invited to provide trophies (approximately \$250.00) for a class in the event.
- There have been discussions with Department of Environment and Conservation and private landowners and there is a variety of plans and documents that are required and to be submitted prior to approval being considered and granted.

Councillors then raised a number of questions to which Mr. Jennings responded;

Question

Cr. Hill – What arrangements are in place for accommodation and will camping be approved?

Answer

Mr. Jennings – There will be no camping permitted at all. People will find their own accommodation; this will be in Harvey and surrounding area to Bunbury, Mandurah etc.

Question

Cr. Jackson – What are the DEC controls for the event in respect to transporting dieback throughout the forest areas?

Answer

Mr. Jennings – Department of Environment and Conservation will have strict control and requirements that will be observed. Plans and details of the enduro trails need to be submitted. DEC would only allow the event to be run in “affected” areas and no – one would be permitted to ride in “clear” areas.

Question

Cr. Beech – For 2002 the event was centred on the Shire commonage land, why would the event now be located in the centre of Harvey?

Answer

Mr. Jennings – This will lift the profile of the event, make it more available to the public and there are improved facilities located at the Harvey Recreation Grounds. Could also offer a parade of the riders and motorcycles through the main street of Harvey.

Question

Cr. Beech – You mentioned that part of the event maybe run on private property, where is this located?

Answer

Mr. Jennings – The private landowners involved in discussions are located in Yarloop, PCYC Camp Mornington and Sandalwood Road.

Question

Chief Executive Officer – What motorcycle racing or events are proposed for the short courses on the Shire commonage land?

Answer

Mr. Jennings – There would be testing periods/runs on two (2) of the four (4) days of the event. This would involve a single bike width track, say three (3) to four (4) metres wide and time trials only involve single bikes on the track timed against the clock.

Question

Cr. Beech – If the motocross racing was to be held on the commonage, if the Shire approved, what would be the start and finish times and the program of the events be for the day?

Answer

Mr. Jennings – The day would commence at 10.30 a.m. and conclude at 3.30 p.m. There would be fields of approximately forty (40) bikes in each race and there a number of classes or divisions for the bikes. This would be a noisy day with eight (8) – ten (10) races conducted.

G. CONFIRMATION OF MINUTES

ORDINARY COUNCIL MEETING – Tuesday, 25th October, 2011

Recommendation

That the Minutes of the Council Meeting held on Tuesday, 25th October, 2011, as printed be confirmed as a true and correct record.

11/340. **Monagle/Hollands**
 “That the Officer’s Recommendation be adopted.”

CARRIED 13-0

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

Nil.

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

SIGNED _____ DATED 6th December, 2011.

Suspension of Standing Orders

11/341.

Monagle/Bertolini

“That Council takes the Agenda out of order to consider the following Items of the Development Services Committee Minutes - Item No. 8.3.1 – Proposed Relocated Dwelling – D, Gunn – Lot 71 Riverdale Road, Cookernup (A000253), Item No. 8.3.2 – Application for Planning Consent Proposed Second Dwelling – R. & M. Italiano – Lot 60 South Western Highway, Warrawarrup (A002539), Item No. 8.3.3 Clearing Referral – Proposed Clearing in State Forest for Apiary Site Maintenance – K. Spurge – State Forrest 14 and 15 (RSL003) and Item No. 2 of the Corporate Services Report – Australia Four Day Enduro Championship Hosting – W.A Trail and Enduro Motorcycle Club – Harvey Area (A002762)

CARRIED 13-0**Development Services Committee****Item No. 8.3.1**

Subject:	Proposed Relocated Dwelling	
Proponent:	D. Gunn	
Location:	Lot 71 Riverdale Road, Cookernup	
Reporting Officer:	Senior Planning Officer	
File No:	A000253	Attachment Reg. No. 11/23225, 11/21664 & 11/26287

Summary

Council has received a revised Application for Planning Consent for a transportable dwelling to be relocated to Lot 71 Riverdale Road, Cookernup. Council recently refused an application seeking approval for the same transportable dwelling due to concerns that the dwelling would not enhance the amenity of the town and would not achieve the standard of built form expected for new residential dwellings in the Cookernup townsite. The revised Application proposes significant improvements to the exterior of the dwelling and is supported. It is recommended that Council grants Planning Consent subject to conditions.

Background

Lot 71 Riverdale Road, Cookernup, is located within the Cookernup townsite, approximately 9.2km north of the Harvey town centre. It has an area of 4,046m² and is zoned 'Residential R15/30/50' by District Planning Scheme No. 1.

The relocated dwelling has one bedroom, a separate lounge, combined kitchen/dining area and combined bathroom/laundry. The Applicant proposes to extend the relocated dwelling to add a second bedroom resulting in a total internal floor area of 84m². The proposed dwelling will also have a single carport and a verandah the full way around the dwelling.

The relocated dwelling was previously considered by Council at its meeting on 13th September, 2011.

SIGNED _____ DATED 6th December, 2011.

Council refused the first relocated dwelling application lodged by the Applicant for the following reasons:

- “(i) The proposed relocated dwelling does not comply with Clause 9.8 of District Planning Scheme No. 1, in that the architectural style of the dwelling, external materials and overall appearance, is out of harmony with nearby dwellings and of a lower standard; and*
- (ii) The proposal is not consistent with Council Policy 19.6 ‘Housing Standards and Relocated Dwellings’, where there is a general presumption against the relocation of dwellings within townsites. The general appearance of the proposed dwelling is not supported and does not achieve the standard of residential built form expected for new residential dwellings in the Cookernup townsite.”*

The current application varies from the previous application in the following ways:

- The Applicant proposes to clad the exterior of the relocated dwelling with Hardie planks in lieu of Colorbond metal sheeting;
- The Applicant proposes to attach a metal roof frame to the dwelling to support a Colorbond roof pitched at approximately 21°. The pitched roof is in lieu of a metal canopy structure initially proposed by the Applicant; and
- Enclosing the footings of the dwelling.

A copy of the previously refused plans and those which show the proposed improvements to the relocated dwelling that form the current application are attached.

Comment

In deciding whether to grant Planning Consent for a relocated dwelling within any townsite, Council Policy 19.6 ‘Housing Standards and Relocated Dwellings’ states that Council will consider:

- (i) the appearance and external materials of the dwelling, and any proposed alterations thereto;
- (ii) the amenity of the locality;
- (iii) the visual prominence of the site; and
- (iv) all applicable statutes, local laws and regulations relating to dwelling houses applicable both to the relocated dwelling and lot upon which it is to be located following transportation.

The following comments are made in relation to the modifications proposed to the relocated dwelling:

- (i) Hardie planks feature on the external walls of many dwellings in Cookernup. The Hardie planks, together with the inclusion of a full verandah and Colorbond pitched roof, makes a significant difference to the overall appearance of the dwelling.
- (ii) The dwelling has a similar style and appearance to many other homes in Cookernup.

SIGNED _____ DATED 6th December, 2011.

- (iii) The dwelling will be visually prominent in the absence of significant vegetation on the property. There is merit in the Applicant preparing and implementing a landscaping plan.
- (iv) The proposed dwelling is considered to comply with District Planning Scheme No. 1 and Council Policy 19.6 'Housing Standards and Relocated Dwellings'.

The Applicant has adequately addressed the concerns held by Council, in relation to the initial relocated dwelling proposal. The current proposal is a substantial improvement on the previous application and it is recommended that the current application be supported.

Statutory/Policy Environment

Shire of Harvey District Planning Scheme No. 1

The subject land is zoned 'Residential R15/30/50' by the Shire of Harvey District Planning Scheme No. 1. A 'Relocated Dwelling' is listed as an 'AA' use (discretionary use) in Table 3 of the Scheme.

Clause 9.8 'General Appearance of Buildings' of the Scheme states:

"Council will not permit the erection of a building which by virtue of colour or type of materials, architectural style, height or bulk, ornamental or general appearance has an exterior design which is out of harmony with existing buildings or the landscape character of the area."

Council Policy 19.6 'Housing Standards and Relocated Dwellings'

This Policy states that if in the opinion of the Principal Building Surveyor, a building may be out of harmony with existing buildings, Council may not approve the building consistent with Clause 9.8 of District Planning Scheme No. 1. The Principal Building Surveyor raises no objection to the relocated dwelling.

Budget Implications

Nil.

Officer's Recommendation

That Council;

1. Grants Planning Consent for a relocated dwelling on Lot 71 Riverdale Road, Cookernup, in accordance with the application received on 20th October, 2011, (11/26287) subject to the following conditions:
 - (a) A person shall not without the written approval of Council, use a building or part of a building, in respect of which Council has granted Planning Consent subject to conditions, until all of those conditions have been complied with to the satisfaction of Council.
 - (b) Require the applicant or owner, to obtain a special building licence in accordance with Section 399 of the Local Government (Miscellaneous Provisions) Act, 1960.

SIGNED _____ DATED 6th December, 2011.

- (c) Compliance with Council Policy 19.6, with specific reference to the removal of any asbestos from the dwelling prior to relocation.
- (d) The Applicant providing Council with a bond or bank guarantees of \$2,000 and \$1,000 to ensure that the relocated dwelling and landscaping respectively, is completed to a standard of presentation acceptable to Council.
- (e) Compliance with the Health Act, 1911.
- (f) The Applicant is to prepare and implement a landscaping plan to the satisfaction of the Manager of Planning Services. All plants are to be established within 6 months of the dwelling being completed. Upon satisfactory establishment 50% of the bond can be returned, the remaining 50% upon satisfactory maturity.
- (g) The external walls of the dwelling to be clad with Hardie planks.
- (h) The dwelling to have a pitched roof as shown on the approved plan.
- (i) This approval is valid for a period of two (2) years. If development is not completed within this period, a new approval must be obtained before commencing or continuing development.

11/342.

Monagle/Marshall**“That the Officer’s Recommendation be adopted.”****CARRIED 13-0****Ms. Gunn left the Chambers at 4.31 p.m.**

Item No.	8.3.2		
Subject	Application for Planning Consent – Proposed Second Dwelling		
Applicant	R. & M. Italiano		
Location:	Lot 60 South Western Highway, Warawarrup		
Reporting Officer:	Senior Planning Officer		
File No.:	A002539	Attachment Reg. No.11/25935&11/26479	

Summary

An Application for Planning Consent has been received to replace an existing second dwelling on Lot 60 South Western Highway, Warawarrup. It is recommended that Council grants conditional Planning Consent.

Background

Lot 60 South Western Highway, Warawarrup is located about 4km north east of the Harvey town centre and immediately north of the Warawarrup townsite. The landholding contains two existing dwellings, one is located approximately 50 metres from South Western Highway and the other is located approximately 320 metres from the western boundary. The Applicant advises that the dwelling which is located closest to the western boundary is over 70 years old and is in poor condition, it is occupied by the Applicant's son and his family. The Applicant proposes to replace this dwelling with a new four bedroom, two bathroom home.

Comment

There is a presumption against second dwellings on rural lots according to Council Policy 'Second Dwellings on a Rural Location'. The proposal has been assessed against the specific policy requirements as outlined in the table below.

Specific Requirements for Second Dwellings according to Council Policy 15.8 'Second Dwellings on a Rural Location'	Staff Response
<p>More than one dwelling on a rural lot will not be permitted unless the additional dwelling provides:</p> <p>a) Accommodation for seasonal or permanent workers employed for agricultural and intensive agricultural activities on that holding;</p> <p>b) Accommodation for family members involved in the operation of the agricultural enterprise.</p>	<p>The proposed dwelling will replace one of the two existing dwellings on Lot 60 and will be occupied by family members who participate in farm management.</p>
<p>A second dwelling will only be considered where the subject lot complies with the minimum lot size as specified under District Planning Scheme No. 1 for that zone.</p>	<p>Lot 60 has an area of 58.7ha which satisfies the minimum lot size of 20ha stipulated for the 'Intensive Farming' zone, in Tables 25 and 26 of District Planning Scheme No.1.</p>

SIGNED _____ DATED 6th December, 2011.

Specific Requirements for Second Dwellings according to Council Policy 15.8 'Second Dwellings on a Rural Location'	Staff Response
Any application must clearly state the agricultural use of the property for which the second dwelling is proposed, outlining the nature and scale of the operation, and providing justification for the need for a second dwelling.	Two dwellings already exist on the property. The dwelling the Applicant is seeking approval for is a replacement dwelling which will continue to be used by family members involved in the farming operations. The property is used for annual hay production, cattle agistment and the running of a cattle stud known as Simmental Cattle Stud.
The dwellings should be clustered in one location to avoid future subdivision pressure and minimise constraints on the land and surrounding uses.	The Applicant proposes to locate the new dwelling next to the residence which is proposed to be demolished, which is located approximately 540 metres from the primary dwelling and is, therefore, not clustered. As the property already contains two dwellings and the proposal is replacing one of those two second dwellings neither of which are clustered, there is some justification to depart from the policy on this occasion. Requiring the Applicant to relocate the proposed replacement second dwelling is not considered appropriate given the existing infrastructure such as sheds, water tanks and other farm infrastructure.
All services to the dwellings from the lot boundary (including access roads) are to be shared where practicable.	The existing crossover onto South Western Highway will be used to gain access to the proposed dwelling.
The location of the second dwelling in relation to access, visibility from the road, and general impact on the rural landscape will be required to be justified by the applicant.	The proposed replacement second dwelling will not be visible from South Western Highway and will not have a detrimental impact on the rural landscape value of the

Specific Requirements for Second Dwellings according to Council Policy 15.8 'Second Dwellings on a Rural Location'	Staff Response
	property.
Council will require that a Section 70A Notice be placed on the Certificate of Title, at the applicant's cost, prior to the issue of a building licence. Such a notice is to advise prospective purchasers that the presence of a second dwelling will not be the basis for any subdivision application, and that the second dwelling is to be used for the purposes of farm accommodation only.	Although the current owners have not indicated a desire to pursue subdivision, if the property was sold at some stage in the future the 70A notification would possibly avert the prospective purchasers from attempting to subdivide the landholding.

Statutory/Policy Environment

Greater Bunbury Region Scheme

Lot 60 is zoned 'Rural' by the Greater Bunbury Region Scheme and the adjoining South Western Highway is reserved as a 'Primary Regional Road'. The nearby Perth-Bunbury Railway line is reserved 'Railways', under the Scheme.

In accordance with the Notice of Resolution made under Clause 27 of the Scheme by the Western Australian Planning Commission (WAPC), all development on land abutting a railway reservation requires approval under the Scheme, and certain developments abutting regional road reservations.

Shire of Harvey District Planning Scheme No. 1

Lot 60 is zoned 'Intensive Farming', by District Planning Scheme No. 1. A 100 metre building setback from South Western Highway applies under the Scheme.

Council Policy 15.8 'Second Dwelling on a Rural Location'

Council Policy 15.8 'Second Dwelling on a Rural Location', stipulates the criteria used by Council to assess proposals for second dwellings on rural landholdings.

Budget Implications

Nil.

Officer's Recommendation

That Council;

1. Supports a variation to Council Policy 15.8 'Second Dwelling on a Rural Location', by relaxing the requirement for the second dwelling to be clustered with the main dwelling, given that the existing dwelling to be demolished is not clustered with the main dwelling.

SIGNED _____ DATED 6th December, 2011.

2. Grants Planning Consent for a replacement second dwelling on Lot 60 South Western Highway, Warawarrup in accordance with the plans submitted by the Applicant on 17th October, 2011, subject to the following conditions:
- a) A person shall not without the written approval of Council, use a building, or part of a building in respect of which Council has granted Planning Consent, subject to conditions, until all of those conditions have been complied with to the satisfaction of Council.
 - b) The development to comply with the Building Code of Australia and the Health Act 1911. Council's Building Department will need to issue a building licence for the proposed dwelling and the decommissioning of the existing dwelling.
 - c) Upon practical completion of the proposed dwelling, the redundant dwelling is to be removed within 90 days, to the satisfaction of Council's Building Department, in accordance with the Building Regulations 1989.
 - d) The dwelling is to be setback at least 20 metres from all property boundaries.
 - e) The dwelling is to be setback at least 30 metres from the centreline of any creek(s) or watercourse(s) traversing the property.
 - f) The dwelling is to be setback at least 100 metres from South Western Highway.
 - g) Any additional development which is not in accordance with the original application or conditions of approval, as outlined above, will require further Planning Approval by the Shire of Harvey.
 - h) A Section 70A Notice to be placed on the Certificate of Title of Lot 60, at the applicant's cost, prior to the issue of a building licence. Such a notice is to advise prospective purchasers, that the presence of a second dwelling will not be the basis for any subdivision application, and that the second dwelling is to be used for the purposes of farm accommodation only.
 - i) This approval is granted under delegation from the Western Australian Planning Commission through the Instrument of Delegation adopted by the Western Australian Planning Commission on 18 December, 2007, of applications requiring the approval of the Western Australian Planning Commission under the Greater Bunbury Region Scheme.
 - j) This approval is valid for a period of two (2) years. If development is not completed within this period, a new approval must be obtained before commencing or continuing development.

11/343.

Hollands/Campbell**"That the Officer's Recommendation be adopted."****CARRIED 13-0**

Item No.	8.3.3
Subject	Clearing Referral – Proposed clearing in State Forest for Apiary Site Maintenance
Applicant	K. Spurge
Location:	State Forest 14 and 15
Reporting Officer:	Senior Planning Officer
File No.:	RS/L003
Attachment Reg. No. 11/26943	

Summary

Council has been invited to comment on a proposal to clear approximately 4,000m² of native vegetation across 8 sites within State Forest 14 and 15, for apiary site maintenance. It is recommended that Council advises the Department of Environment and Conservation that it raises no objection to the proposal.

Background

The clearing is proposed to be undertaken by Mr Ken Spurge, of Spurge Apiaries. Mr Spurge has applied to the Department of Environment and Conservation (DEC), to clear approximately 16ha of native vegetation across a total of 318 sites within various Crown lands and unallocated Crown lands throughout Western Australia, however, only 8 sites are located within the Shire of Harvey. All of the 8 sites are contained in State Forest 15 to the east and north east of the Harvey townsite. The eastern most site is located approximately 21km east of the Harvey town centre, with the northern most application located 20.8km north east of the Harvey town centre. The DEC apiary site numbers are 1798, 1799, 2275, 2276, 2339, 4616, 5192 and 5201.

The clearing of each apiary site will cover an area of 500m² and will consist of regrowth vegetation only. The approximate area of vegetation that is proposed to be cleared across the 8 sites is up to 4,000m².

The DEC advises that no major vegetation will be cleared, given that the apiaries were cited in parts of State Forest where there was naturally an absence of significant vegetation. The DEC further advises that State Forest 14 and 15 have been used by apiarists since the 1970's.

Comment

The proposed clearing is on land managed by the DEC. Given that the clearing is only small (up to 4,000m² in total across 8 sites), there are no concerns raised in relation to the proposal. It is recommended that Council advises the DEC that it raises no objection to the proposed clearing application.

Statutory/Policy Environment

Greater Bunbury Region Scheme

State Forest 14 and 15 is zoned 'State Forest', by the Greater Bunbury Region Scheme and is predominantly located in Special Control Area No. 1 (SCA No. 1) associated with the Harvey Dam Water Catchment area.

Shire of Harvey District Planning Scheme No. 1

The proposed clearing is on land zoned 'State Forest', by District Planning Scheme No. 1.

Delegation Register

Council's delegation register does not provide the Chief Executive Officer delegation to process the clearing application and hence, Council determination is required.

Budget Implications

Nil.

Officer's Recommendation

That Council advises the Native Vegetation Conservation Branch of the Department of Environment and Conservation, that it raises no objection to the proposed clearing of up to 4,000m² of native vegetation, for maintenance of apiary sites 1798, 1799, 2275, 2276, 2339, 4616, 5192 and 5201, in accordance with the Department of Environment and Conservation referral (Reg. No. 11/26943).

11/344. **Hollands/Lovitt**
"That the Officer's Recommendation be adopted."

CARRIED 13-0

Corporate Services Report

Item No.	2
Subject	Australian Four Day Enduro Championships Hosting
Proponent:	W.A Trail and Enduro Motorcycle Club
Location:	Harvey Area
Reporting Officer:	Chief Executive Officer
File No.:	A002762
	Attachment Reg. No. 11/27363

Summary

Council's support for the hosting of the 2013 Australian Four Day Enduro Championship is sought from the W.A. Trail and Enduro Motorcycle Club, who have been awarded the event by the National Body.

Background

The proponent met with the former Shire President, Cr. Monagle and the Chief Executive Officer on 14th October, 2011, to discuss their plans to host the 2013 Australian Four Day Enduro Championships (A4DE) in and around Harvey. As a result of the meeting the club were asked to provide further information on the proposal for Council's consideration.

SIGNED _____ DATED 6th December, 2011.

The dates of the competition will be from 17th – 20th July, 2013. In 2002 the proponent hosted the A4DE in Harvey and advise that the event was a great success.

The proposal in this instance is to use the Harvey Recreation Ground as the base for the event. This would entail overnight parking of vehicles and equipment with security. No camping is requested as competitors are required to find their own accommodation. A marshalling area is proposed on the old basketball courts. Each day the competitors will make their way out into the surrounding forests and back to the Recreation Ground at the end of the competitive day. The event will use trails and tracks in the forests to the east of Harvey and in the Myalup Pines. This usage is being negotiated with the Department of Environment and Conservation.

The Enduro combines the endurance of a long distance rally, with a number of short times “special stages”. It is proposed to conduct these two “special stages” on the Harvey Commonage, on specifically designed tracks approximately 3kms in length where each competitor enters, one at a time to race against the clock. These are advised to be relatively narrow tracks that can be designed to cause minimal damage. Any rehabilitation work needed would be undertaken following the event.

After three days of endurance and time trials, there will be a full program of natural terrain motocross racing. The club would like to conduct this motocross day at the Commonage also, but, if this is not possible then they have a private property in the Yarloop area which could be used.

It is proposed that to begin the event a “Ceremonial Start” in Harvey on the day before the event would occur, where all competitors would parade in full racing attire and include an opening ceremony. Following the event a presentation evening is proposed at the Harvey Recreation and Cultural Centre, where local groups would be invited to cater.

The proponent suggests that estimates of about 1.5 million would be injected into the area from the large number of visitors over the week of the event.

The following assistance has been required from the Shire;

- Approval to use the Commonage, Recreation Centre and Harvey Recreation Grounds.
- Supply of suitable rubbish bins at the Showgrounds and Commonage.
- Rubbish removal from the Showgrounds and Commonage during and after the event.
- Trophies for one of the Championship Classes

Further details are included in the attachment.

Comment

From all accounts the 2002 A4DE was a success. That event was based at the Harvey Commonage so that the impact in the Centre of the town was less than what it is proposed for 2013.

In discussion with the group they are confident that the impact of the base being in the centre of town, will not be detrimental and the timing of their events will not unduly interfere with traffic or the amenity of surrounding residents.

A major difference since 2002, is the fact that the Harvey Commonage has not been utilised for such events for a number of years. Rehabilitation works have been carried out on the site with tree planting and fencing works. From discussions with the Shire President and CEO, it appears the major impact at the Commonage would be from the motocross event, if that was to be staged at the Commonage.

This is the noisiest event and given concerns received previously from residents in the vicinity of the Commonage, and that the group has an alternative venue, it is recommended that the motocross event be held elsewhere.

Staff see the potential economic benefits of the event to the local economy and believes the long lead-in time, allows the opportunity for proper planning to take place, to ensure the event is undertaken in the best possible manner. Issues such as fixturing of football matches to accommodate the event will need to be taken into account.

An alternative base from the Recreation ground was suggested at the Harvey Trotting Track, however, the preferred option for the club is the Recreation ground.

Support for the event – particularly the use of the Harvey Commonage would be on a 'one off' basis', as requested by the club and should not be seen as sanctioning further motorsports events at the venue, given the planning requirements that have previously been requested for the site.

If Council is to support the proposal it would be subject to a number of conditions including the completion of a comprehensive Events Package being competed and endorsed by Council, use subject to further consultation with the Grounds Advisory Committee and of the Recreation Ground and Recreation Centre being subject to further consultation with the Grounds Advisory Committee and the Management Committee of the Recreation Centre.

Representatives of the proponent will be attending the Council meeting and will be available to answer any further queries

Statutory Environment

Council's Property Local Law 2008 will apply in relation to use of Council property.

Budget Implications

The proponent is seeking Council support as a sponsor of the event including the provision of trophies for one of the Championship classes (~ \$250). In discussions with the proponent the main contribution from Council is 'in kind' support, such as extra bins and rubbish removal during the event. It may entail assistance with bunting as road barriers etc.

Recommendation

That Council advises the WA Trail and Enduro Motorcycle Club, that it supports the Club hosting the 2013 Australian Four Day Enduro Championships in the Shire of Harvey, as a one off event subject to;

1. A comprehensive Events Management Package being prepared and endorsed by Council, including evidence of insurance cover, emergency management, traffic management, control of patrons, refuse management, accommodation and ablution requirements etc.
2. Use of the Harvey Commonage to be restricted to two short course special stage events only, subject to approval of course layout and rehabilitation plans.
3. Use of the Harvey Recreation Ground and Harvey Recreation and Cultural Centre, to be subject to consultation with Harvey Recreation Ground Advisory Committee and Harvey Recreation and Cultural Centre Management Committee.
4. All other approvals for use of Department of Environment and Conservation controlled land and private lands to be outlined and evidence of same provided to Council.

11/345. **Monagle/Sabourne**

“That Council advises the WA Trail and Enduro Motorcycle Club, that it supports the Club hosting the 2013 Australian Four Day Enduro Championships in the Shire of Harvey, as a one off event subject to;

1. **A comprehensive Events Management Package being prepared and endorsed by Council, including evidence of insurance cover, emergency management, traffic management, control of patrons, refuse management, accommodation and ablution requirements etc.**
2. **Use of the Harvey Commonage for all short course and special stage events including motocross, subject to approval of course layout and rehabilitation plans.**
3. **Use of the Harvey Recreation Ground and Harvey Recreation and Cultural Centre, to be subject to consultation with Harvey Recreation Ground Advisory Committee and Harvey Recreation and Cultural Centre Management Committee.**

4. All other approvals for use of Department of Environment and Conservation controlled land and private lands to be outlined and evidence of same provided to Council.
5. Sponsorship for one class of trophies (approximately \$250) and in kind support such as provision of rubbish bins, waste removal etc from the Shire of Harvey."

CARRIED 13-0

- 11/346. **Carbone/Wood**
"That the order of business be resumed as per the Agenda."

CARRIED 13-0

General Purpose Committee
(27th October, 2011)

MINUTES

- 11/347. **Lovitt/Marshall**
"That the Minutes of the General Purpose Committee meeting, held on 27th October, 2011, as printed, be received by Council and the recommendations contained therein be adopted."

CARRIED 13-0

Heritage Advisory Committee
(8th November, 2011)

MINUTES

- 11/348. **Hollands/Monagle**
"That the Minutes of the Heritage Advisory Committee meeting, held on 8th November, 2011, as printed, be received by Council and the recommendations contained therein be adopted."

CARRIED 13-0

Australind Skate Park Study Steering Committee
(10th November, 2011)

MINUTES

- 11/349. **Bertolini/Hill**
"That the Minutes of the Australind Skate Park Study Steering Committee meeting, held on 10th November, 2011, as printed, be received by Council and the recommendations contained therein be adopted."

SIGNED _____ DATED 6th December, 2011.

CARRIED 13-0

Audit Committee
(15th November, 2011)

Item No. 7.2

Subject:	Shire of Harvey, Annual Report – 2010/2011	
Proponent:	Shire of Harvey	
Location:	Shire of Harvey	
Reporting Officer:	Finance Manager	
File No.:	FM/S/001	Attachment Reg. No. 11/28283

Summary

Following Council's annual financial audit for 2010/2011, Staff present the Shire of Harvey, Annual Report – 2010/2011 for Council to receive and to determine a date for the Annual General Meeting of Electors.

Background

Subject to Sections 5.53 and 5.54 of the Local Government Act 1995, the Local Government is to accept its Annual Report which includes the following;

- Reports from the Shire President and CEO
- An overview of the Plan for the Future
- The Financial Report
- The Auditor's Report
- Other prescribed notes and information

Comment

Attached is the Annual Report for the financial year ending 30th June, 2011. The report is consistent with the requirements of the Local Government Act, 1995 and is presented for Council's acceptance.

With the completion of the Annual Report along with receipt of the independent audit report, Council is in a position to hold its Annual General Meeting of Electors. It is proposed that Council holds this meeting on Tuesday 6th December, 2011, at 6.00pm in the Council Chambers following Council's Ordinary Meeting. This will be the first available Ordinary Council Meeting following the statutory advertising period required for an Annual General Meeting of Electors.

Statutory Environment

Division 5 of the Local Government Act 1995. Dealing with the reporting requirements and acceptance by the Local Government of its Annual Report.

Section 5.27 of the Local Government Act, 1995. – Requirement to hold an Annual General Meeting of Electors. (But not more than fifty six (56) days after acceptance of Annual Report)

SIGNED _____ DATED 6th December, 2011.

Section 5.29 of the Local Government Act, 1995. – Advertising requirements for the Annual General Meeting of Electors. (Fourteen (14) days advertising period)

Budget Implications

Nil.

Officer's Recommendation:

That Council;

1. Accepts the Shire of Harvey, Annual Report 2010/2011;
2. Advertises the availability of the Shire of Harvey, Annual Report 2010/2011;
3. Sets the date of Tuesday, 6th December, 2011, as the date of the Annual General Meeting of Electors, commencing at 6.00 p.m. in the Council Chambers and advertises the meeting as required.

ABSOLUTE MAJORITY REQUIRED.

11/350.

Hollands/Carbone

“That Council;

- 1. Accepts the Shire of Harvey, Annual Report 2010/2011;**
- 2. Advertises the availability of the Shire of Harvey, Annual Report 2010/2011;**
- 3. Sets the date of Tuesday, 6th December, 2011, as the date of the Annual General Meeting of Electors, commencing at 6.00 p.m. in the Council Chambers and advertises the meeting as required.**

CARRIED BY ABSOLUTE MAJORITY REQUIRED 13-0

Audit Committee
(15th November, 2011)

MINUTES

11/351.

Wood/Hill

“That the Minutes of the Audit Committee meeting, held on 15th November, 2011, as printed, be received by Council and the recommendations contained therein be adopted.”

CARRIED 13-0

SIGNED _____ DATED 6th December, 2011.

Corporate Services Committee
(15th November, 2011)

MINUTES

11/352. **Hill/Lovitt**
“That the Minutes of the Corporate Services Committee meeting, held on Tuesday, 15th November, 2011, as printed, be received and the recommendations listed hereunder be adopted en-bloc.”

- 7.1 Financial Statement – Shire of Harvey (FMS006)
- 7.2 Debtors Reconciliation – Shire of Harvey (FMS006)
- 7.3 Statement of Investments – Shire of Harvey (FMS006)
- 7.4 Accounts for Payment – Shire of Harvey (FMS006)
- 7.5 Accounts for Payment by Electronic Fund Transmission – Shire of Harvey (FMS006)
- 7.6 Schedule of Credit Card Payments Submitted – Shire of Harvey (FMS006)
- 7.7 Major Projects – Status Report – Shire of Harvey (FMS006)

CARRIED 13-0

Development Services Committee
(8th November, 2011)

Item No.	8.2.1
Subject	Proposed Building Act 2011
Proponent:	State Government
Location:	State Wide
Reporting Officer:	Principal Building Surveyor
File No.:	CSA0013
	Attachment Reg. No. 11/27131

Summary

The Building Act 2011 (The Act), was passed by State Parliament on 23rd June, 2011 and was to come into operation on 31st October, 2011, however, the Government has advised that the 1st January, 2012, will be the proclamation date.

The new Building Act has been developed to replace the Building Regulations 1989 (the existing Act) and parts of the Local Government (Miscellaneous Provisions) Act 1960. The Act covers all buildings and the whole State of Western Australia and introduces permit issuing authorities, enables private certification of design compliance and is designed to streamline and clarify the approval process.

SIGNED _____ DATED 6th December, 2011.

This report seeks to briefly outline the changes that are proposed in the Act and also to seek approval for amendments to the Schedule of Fees and Charges and Delegations of Authority. It is considered that these are required to ensure that the Building Department is able to continue to operate under the provisions of the Building Act, 2011, to the same extent as it currently does under the existing Act.

Background

Under the current building legislation, being the Local Government (Miscellaneous Provisions) Act 1960, Local Governments have the sole responsibility for assessing applications for compliance with the building standards and issuing building licences and occupation certificates. Council has developed a high level of expertise and competence in providing a building assessment and approval service.

In June, 2011, Parliament passed the new Building Act, 2011, which is to come into effect on 1st January, 2012. The new Building Act 2011 reforms the building approval process and will introduce significant changes for Local Governments. The major change is to separate the process of certifying compliance with building standards from the administrative process of issuing permits. Private certification will be introduced which will remove the sole role of Local Government as the building licence assessor.

The provisions of the new Building Act 2011, allows Local Governments to provide a building certification service that is essentially a continuation of the building assessment role that has traditionally been undertaken by Local Governments. It is proposed that Council establishes a building certification service, in addition to its required role as a Permit Authority, so that this service can continue to be offered to ratepayers and the community.

Comment

The State Government is planning to implement new building legislation that will modernise the regulation of building works in the Western Australian building industry. The new model for applications for building, occupancy and demolition permits is that of "certified applications". This separates regulation of the process of certifying compliance with the building standards from the process of issuing the relevant permit. The process of certification is proposed to be much more flexible and can be offered by appropriately registered building surveyors in private practice, as well as, by Local Governments for buildings located within their municipality and other Local Government areas.

Under the new Building Act 2011 and the accompanying Building Regulations, the fundamental Local Government role will be that of a Permit Authority. Some Local Governments might choose to restrict their role to that of only a Permit Authority, whereby, they are required to accept applications and issue building, occupancy and demolition permits for certified and uncertified applications and retain its enforcement role within its municipal boundaries. Alternatively, some Local Governments might choose to compete with the private sector and other Local Governments in also providing a certification service. A Local Government using the certified application process can effectively continue to offer the same service of certifying and issuing the permits that it currently offers under the Local Government (Miscellaneous Provisions) Act 1960.

Council has established a qualified, well experienced and competent Building Department Staff who are capable of providing services to the community.

This service involves assessing building applications, checking documentation, coordination of approvals from other disciplines and authorities and issuing approval for construction of, or occupation of buildings. In order to retain these skills it is proposed that the Council provides a building certification service in competition with the private sector, as well as, a Permit Authority, so that the Council can continue to provide a high level of building surveying services for building control within the Shire of Harvey. It is proposed that applicants will be able to engage Council's Building Department to provide the following certification services;

- Certificates of Design Compliance.
- Certificate of Construction Compliance.
- Certificate of Building Compliance.
- Building Code of Australia Audits.
- Fire Safety Upgrade Reports.
- Access Appraisal Reports.
- Building Code Alternative Solutions.
- Other specialist technical services including Residential Design Code Compliance.

The Act has been developed to replace the Building Regulations 1989 and parts of the Local Government (Miscellaneous Provisions) Act 1960. The Building Act 2011, covers all building and the whole State of Western Australia, it introduces permit issuing authorities, enables private certification of design compliance and is designed to streamline and clarify the building process, including;

- Whole of State coverage.
- All buildings to be covered including those owned by the Crown.
- Giving a clear definition of what constitutes a building and clear exemptions from the building permit process.
- Nominating Permit Authorities – confirms Local Government's role in issuing building permits, also enables State Government or special permit authorities to issue building and occupancy permits and to enforce building control.
- Enables private registered building surveyors to certify design compliance.
- Introducing separate and streamlined processes for approving domestic and commercial buildings.
- Retaining the option for owners to use the current Local Government combined certification and permit issuing function for residential houses and minor building work (class 1 and 10).
- Taking a risk based approach to inspection requirements so that registered building professionals require less independent checking than lay designers and owner – builders.
- Providing a clear end-point to the construction process, and certification that the building complies with the building permit issued.
- Registering a wider range of industry practitioners to certify compliance.
- Implementing a nationally agreed accreditation framework for building surveyors; and
- Implementing a process for the assessment and approval of building works carried out without a building permit.

The desired outcome of these reforms is intended to be a more responsive and modern building regulatory system that meets the changing needs and aspirations of all building industry participants and consumers.

These reforms are likely to have a significant impact on the operation of the Building Department, however, these impacts are likely to occur over a 12 – 24 month period, as one of the key factors of the new Building Act for Local Governments is that it enables privatisation of the Building Surveying function that was previously provided by Local Government. It will now be open for competition from private approval providers in WA. This has been established in other Australian states for some time and it is expected that in a short period of time this industry will grow rapidly and will have an impact on Local Government's ability to attract and retain suitably qualified personnel to undertake its statutory responsibilities. Furthermore, it is expected that income previously generated by Building Applications will fall for Local Governments, as a greater percentage of these will be assessed by private certifiers.

The minimum functions that Local Governments are required to perform under the Building Act 2011 include;

- Issue prescribed permits (Permit Authority).
- Ensure building works within its district achieve statutory compliance.
- Undertake assessment and issue Certificate of Design Compliance for class 1 (single houses) and 10 (sheds and patios etc).

While Council only has to provide the minimum services specified above, they may also be able to consider providing other services and be able to charge a fee to recover the cost of those services. Before doing so, Council will need to ensure they do not breach the provisions of the Local Government Act 1995 and other legislation such as the National Competition Policy.

It is considered that initially the Shire of Harvey should endeavour to maintain the services to an existing level while positioning itself to be able to either extend or contract that business over time (likely over a two year period) as the development industry begins to understand the systems provided by the Building Act, 2011.

In order to do so, there are two possible options provided under the Local Government Act 1995 that may be considered which include, either the establishment of a 'business unit' under s3.59 of the Act which is not recommended, the preferred option is to expand the current service that the Local Government provides or expanding the current service the Local Government provides, (an 'adjusted service model') as provided for by s3.18 of the Local Government Act 1995.

Adjusted Model Service

This model requires no significant changes to the existing operational environment, other than an assessment of actual costs associated with the operation. The certifying charge will be required to accurately reflect all costs associated with providing that service, including precisely costed operating overheads. Fees for permit issue will be set by statute; however, the Certification process will be set by Council and a proposal for this has been included in this report.

The Act now covers all work and provides that the Certificate of Design Compliance must be issued by a person who is not associated with the building owner. State Buildings must, therefore, now be certified by a building surveyor who is not employed by the State. This also means that a building development proposed by a Local Government will no longer be able to be certified by the Local Government building surveyor, the Shire will, therefore, be required to seek certification externally from a private certifier or other Permit Authority, however, Local Government's will still need to issue a permit.

Delegations

The following delegations of power have been made by Council under the Local Government Act and are implemented in Council's Delegation Register.

- 2.2.1 Building, Issue of Licence
- 2.2.2 Building Licence Fees – Waived for Local Organisations
- 2.2.3 Outbuildings
- 2.2.4 Works, Unlawful
- 2.2.5 Building Licences – Retaining Walls
- 2.2.6 Signs and Billposting
- 2.2.7 Demolition Licences
- 2.2.8 Notices, Issue of Section 401
- 2.2.9 Buildings, Removal of Neglected and Dilapidated
- 2.2.10 Buildings, Dangerous
- 2.2.11 Certificates of Classification
- 2.2.12 Strata Titles
- 2.2.13 Licence to Deposit Materials on or Excavate Adjacent to a Street
- 2.2.14 Additional Accommodation
- 2.2.15 Relocated Dwellings

With the full introduction of the Building Act 2011, the above delegations will become redundant, in that the head of power will move from the Local Government (Miscellaneous Provisions) Act 1960 to the Building Act 2011.

Staff seek Council's approval for new delegations under the Building Act 2011. Given the relevant provisions relating to delegations under the Building Act 2011 have not yet come into operation, the functions of the new delegations cannot be performed by Officers until such time as the relevant provisions are proclaimed. It is, therefore, proposed that Officers continue to perform such functions in accordance with existing delegations with Council adopting the new delegations to be implemented at such future time as these provisions are proclaimed.

Section 127 of the Building Act 2011 enables Local Governments to delegate any powers or duties to an employee.

Council is requested to approve the following new delegations as provided under the following sections of the Building Act 2011:

- S20 Approve or refuse a Building Permit.
- S21 Approve or refuse a Demolition Permit.
- S58 Issue an Occupancy Permit and a Building Approval Certificate.
- S65 Consider Extending the period of duration of an Occupancy permit or a Building Approval Certificate.
- S11 Issue Building Orders.
- S117 Revoke Building Orders.

Authorisations for Building Control

With the introduction of the Building Act 2011, existing authorisations will not be affected; however, additional authorisations are needed for Officers to carry out the relevant provisions under the new Building Act 2011. Given these relevant provisions have not yet come into operation; the new authorisations cannot be undertaken by officers until such as time as this occurs. It is, therefore, proposed that Council appoint authorised officers and adopt the new authorisations to be implemented at such future time as the relevant provisions of the Building Act are proclaimed.

Under S.96 of the Building Act 2011, Permit Authorities (Local Governments) may also designate employees as authorised persons.

The following new Authorisations are, therefore, proposed under various sections of the Building Act:

- S100 - Entry Powers.
- S101 – Powers after entry for compliance.
- S102 – Obtaining information and documents.
- S103 – Use of force and assistance.
- S106 – Apply for an entry warrant.

Revision to schedule of Fees and Charges Budget 2011-2012

Many of the fees to be charged are determined in the draft legislation. These proposed fees have been published in advance by the Building Commission to assist the building industry in preparing for the implementation of the Building Act 2011. It is possible that the final regulations may change the fee structure and in that event further revisions to the fee schedule may be necessary.

Fees for other services have been designed to allow the Shire to continue to provide a full range of services. Although this may be an interim measure while a proper determination of the Shire's longer term involvement in the building approvals process is established, it is considered necessary to provide the building industry with certainty of service in the event that private providers are not immediately available.

These other proposed fees have been calculated on one or other of the following basis:

- Where the method of charging the fee is consistent with the way in which statutory fees have been set. This applies where fees charged are based on a percentage of the construction value with a set minimum.

Using this method can mean that fees charged, do not necessarily reflect the cost of providing the service as required by the Local Government Act 1995. Although Local Governments are permitted to take into account the price which could be obtained from an alternative provider, in the short term that presents difficulties until private providers start to promote their services. It is recommended that a delegated authority be put in place to allow fees for building of significant construction value to be varied to better reflect the cost of the services provided where applicable.

- Full cost recovery which takes into account not only the direct costs associated with the provision of building licensing services, but also the costs of other organisational support such as building maintenance and information technology.

In suggesting the attached Schedule of Fees. Staff have been cognizant of the following sections of the Local Government Act (1995).

- *Section 3.18 - Performing executive functions. A Local Government must satisfy itself that its services do not duplicate, to an extent which is considered inappropriate, services provided by another government agency or private provider.*
- *Section 6.12 - Power to defer, grant discounts, waive or write off debts. A Local Government may waive or grant a concession in relation to any amount of money.*
- *Section 6.16 - Imposition of fees and charges. A Local Government can impose fees and charges during the year.*
- *Section 6.17 - Setting the level of fees and charges. A Local Government is required to consider the cost of providing the service, its importance to the community, and the price at which the services can be obtained from an alternative supplier.*
- *Section 6.19 – Local Government to notice of fees and charges. If fees and charges are adopted at a time other than the adoption of the annual budget, local public notice of the intention to charge fees must be given.*

Staff will further report to Council on the proposed new delegations and authorisations which will be require Council's consideration for the operation of the new Act in the near future.

Statutory/Policy Environment

Building Act 2011, Local Government Act 1995, Local Government (Miscellaneous Provisions) Act 1960.

SIGNED _____ DATED 6th December, 2011.

Budget Implications

The statutory fees for building control under the new Building Act 2011, will not be available until the new Building Regulations are gazetted in January 2012. From discussions with the Building Commission regarding the likely fee schedules to be adopted it appears that the Shire will only receive about 50% of the current building fees if the Shire restricts its activities to the administrative functions of issuing permits. The provision of a building certification service will allow the Shire to charge a market rate for this service and these additional funds can be applied to support the building control function of the Shire.

The longer term financial implications for this proposal will need to be further investigated.

The proposed fee structure set by the Building Commission does not include uncertified commercial applications, being predominantly offices, warehouses, retail shops and factories. New fees and charges are required to be implemented for such applications received by the Shire after 1st January, 2012. As there are few benchmarks at this date, the proposed fee structure is based on what is considered to be a realistic charge to cover service delivery and still maintain market share for the Shire.

Schedule 1 shows the proposed fees for uncertified commercial applications. The fees in this table are in addition to the statutory charges which will be regulated under the Building Regulations.

Officer's Recommendation

That Council;

1. Endorses the proposal for the Shire of Harvey to provide a building certification service in addition to its required role as a Permit Authority in accordance with the Building Act 2011.
2. In accordance with Section 6.16(3)(a) of the Local Government Act 1995, adopts the Fee Schedule for uncertified applications for building and occupancy approval as detailed in Schedule 1, which are to take effect when the relevant provisions for the Building Act 2011 are proclaimed.

ABSOLUTE MAJORITY REQUIRED

11/353. **Monagle/Wood
That Council;**

1. **Endorses the proposal for the Shire of Harvey to provide a building certification service in addition to its required role as a Permit Authority in accordance with the Building Act 2011.**
2. **In accordance with Section 6.16(3)(a) of the Local Government Act 1995, adopts the Fee Schedule for uncertified applications for building and occupancy approval as detailed in Schedule 1, which are to take effect when the relevant provisions for the Building Act 2011 are proclaimed.**

CARRIED BY ABSOLUTE MAJORITY 13-0

Development Services Committee
(8th November, 2011)

11/354. **Wood/Monagle**

“That the Minutes of the Development Services Committee Meeting, held on Tuesday, 8th November, 2011, be received and the recommendations listed hereunder be adopted en-bloc.”

HEALTH REPORT

- 8.1.1 Stallholder Application – Mr. Jose Da Silva – Hayward Street, Harvey. (HSI016) 14

BUILDING REPORT

- 8.2.2 Building Applications Received – Building Licences Issued – Shire of Harvey. 24

CARRIED 13-0

Mr. Stewart and Mr. Dandridge left the Chambers at 5.05 p.m.

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

Item No.	1
Subject	Ground Mounted Ring Main Unit Construction
Proponent:	Western Power
Location:	Devlin Road
Reporting Officer:	Manager of Works and Services
File No.:	CRL040
	Attachment Reg. No. 11/27264

Summary

Western Power have written seeking Council's comment relating to the proposed installation of a Ground Mounted Ring Main Unit within the Devlin Rd, road reserve. Staff have considered this request and recommend Council support the proposal.

Background

Western Power are installing a new underground feeder cable from the Marriot Road Zone Substation, to Pole No. 734779 Clifton Road, Brunswick. The demand on the existing two (2) feeder lines has now reached capacity for Brunswick and power supply may not be guaranteed, if one of the feeder lines is out of service. The new underground feeder cable will be constructed fifteen (15) metres to the west of the existing north/south transmission line.

Due to the critical lengths required for the new feeder cable, there will be a requirement to construct a ground mounted Ring Main Unit (RMU) within the Devlin Rd, road reserve.

The main reasons for requesting to place the Ring Main Unit in the Devlin Rd, road reserve is to ensure that the risk of fire through heat induction is kept to a minimum, and to provide unrestricted access to the switchgear within the RMU for Western Power at any time.

Comment

Generally in built up areas, Council would recommend that such equipment be located within private property, or within its own reserve. However, under the circumstances of this proposal, the unit will be located close to the road reserve boundary and does not pose any obstruction or hazard to the surrounding area. The proposal also provides a more reliable power supply to Brunswick Junction area. The surrounds of the RMU will need to be kept clear and maintained by Western Power on a regular basis.

Statutory/Policy Environment

Western Power – Electricity Corporations Act 2005 (WA) (ACT) – provides Western Power with authority to install State Power asset.

Budget Implications

Nil.

Officer's Recommendation

That Council;

1. Supports the proposal to install a Ring Main Unit (RMU) in the Devlin Rd, road reserve as shown on the attachment to this report.
2. Advises Western Power that they are responsible for all maintenance of the surrounds of the RMU to the satisfaction of the Executive Manager Technical Services.

11/355. **Beech/Wood**
"That the Officer's Recommendation be adopted."

CARRIED 13-0

CORPORATE SERVICES

Item No.	1
Subject	Three Weekly Meeting Cycle – Review of Trial
Proponent:	Chief Executive Officer
Location:	Shire of Harvey
Reporting Officer:	Chief Executive Officer
File No.:	CC/C/001

Summary

Council at its meeting on 26th October, 2010, resolved to trial a three weekly meeting cycle for the 2011 calendar year and to review that schedule in November, 2011.

This report provides an opportunity to review the trial so that Council's meeting schedule can be set for the forthcoming period.

Background

The decision to change from fortnightly Council meetings to one Council meeting every three (3) weeks, has resulted in a reduction from twenty two (22) Council meetings per year (one only in December and January), to sixteen (16) Council meetings per year. A reduction in the number of agenda items being dealt with at each meeting and the constant agenda minute cycle being experienced, precipitated the trial.

SIGNED _____ DATED 6th December, 2011.

At the time a comparison of meeting frequency of the eleven (11) other Local Governments in the South West zone of WALGA, showed the following meeting schedules:

Augusta-Margaret River	Fortnightly
Boyup Brook	Monthly
Bridgetown-Greenbushes	Monthly
Bunbury	Three weekly
Busselton	Fortnightly
Capel	Fortnightly
Collie	Fortnightly
Dardanup	Fortnightly
Donnybrook-Balingup	Monthly
Harvey	Fortnightly
Manjimup	Three weekly
Nannup	Monthly

The shift to the three weekly Council meeting cycle, given that Council conducts its Development Services meetings on the Tuesday prior to the Council meeting, provides one free Tuesday every three (3) weeks.

Comment

The previous fortnightly schedule allowed for items requiring a decision of Council to be dealt with promptly, assisted in meeting planning deadlines and provided flexibility in items needing to be deferred. The fortnightly timetable gave opportunity to provide short turnaround times for urgent items requiring Council consideration.

The previous schedule including Committee meetings meant that a significant meeting was held every Tuesday, except where there was a fifth Tuesday in the month. This resulted in Staff constantly being in a mode of agenda preparation or acting on decisions. From the elected members viewpoint it meant weekly receipt of agendas and minutes and a relentless schedule of meetings.

A shift to monthly meetings was not supported on the basis that there would be too large a gap between meetings and this would hinder turnaround times, particularly for items subject to statutory response times like many planning applications. It was considered that monthly meetings would not provide for efficient decision making turnaround times for proponents who often have much riding on a Council decision. The option of abandoning Committee meetings and simply having two Council meetings per month was also considered. Whilst this does have some appeal the benefit of the Committee system in a fast growing Shire with strong development was acknowledged. The removal of Committees may reduce the opportunity for items to be adequately scrutinised and to 'flesh out' issues between Committee and Council meetings.

The three weekly cycle appears to have worked well and seems to be a suitable compromise between the work volume, meeting attendance, response times and flexibility.

The main governance issue in going to the three (3) weekly cycle has been in accommodating the Corporate Services meetings - particularly ensuring that end of month financial information is available for the last Council meeting in any month, if that that occurs early in the month. This has been well accommodated to date.

The three weekly schedule provides regular meeting opportunities (whether Committee meetings or Council meetings) for briefing sessions and the like to be conducted prior to meetings. The schedule also frees up every third Tuesday which could be used when occasions warrant, for site visits, briefing sessions or special meetings.

It seems that Council and Staff have settled into the three weekly meeting cycle well and its retention is recommended.

Holiday Break

Council has previously amended its meeting timetable during the Christmas – New Year Period to accommodate the Holiday Period. This is due to the availability of Councillors and Staff over the festive season and the reduced demand to meet over this time.

The current meeting schedule indentifies the meeting of 6th December, 2011, as the final Council meeting for the year as the next scheduled meeting date would be Tuesday 27th December - a public holiday.

The proposed meeting schedule for 2012 requires a meeting resumption on Tuesday 17th January 2012 for the Development Services Committee followed by the first Council meeting on Tuesday 24th January, 2012.

Statutory/Policy Environment

In accordance with the Local Government Act 1995 (the Act), the Council has to formally adopt and advertise the meeting schedule for the year. Section 5.3 of the Act requires Council to hold ordinary meetings not more than 3 months apart.

If Council were to change its meeting frequency from the three weekly cycle an adjustment to Council Policy 12.7 (Council Meetings) and a slight adjustment to the frequency of Committee meetings in Policy 12.16 will be required.

Budget Implications

Some reduction in travelling and catering costs has been experienced with a reduction of meetings.

Officer's Recommendation

That Council;

1. Retains its current three weekly meeting cycle for Council meetings;
2. Adjusts Council Policy 12.7 to reflect a three weekly meeting cycle for Council meetings;
3. Goes into recess in terms of its ordinary meeting schedule following the Council meeting on 6th December, 2011, and resumes with the Development Services Committee meeting on 17th January, 2012.

SIGNED _____ DATED 6th December, 2011.

4. Adopts the following meeting schedule for 2012;

Tuesday 24th January
 Tuesday 14th February
 Tuesday 6th March
 Tuesday 27th March
 Tuesday 17th April
 Tuesday 8th May
 Tuesday 29th May
 Tuesday 19th June
 Tuesday 10th July
 Tuesday 31st July
 Tuesday 21st August
 Tuesday 11th September
 Tuesday 2nd October
 Tuesday 23rd October
 Tuesday 13th November
 Tuesday 4th December

5. Gives local public notice of the Council meeting schedule for 2012;

11/356. **Hollands/Monagle**
“That the Officer’s Recommendation be adopted.”

CARRIED13-0

Item No. 3

Subject:	Appointment of Community Representatives on Council Committees
Proponent:	Shire of Harvey
Location:	N/A
Reporting Officer:	Manager Community and Economic Development
File No:	CC/C/091

ATTACHMENT

Summary

This report seeks appointment by Council of community representatives on the Leschenault Leisure Centre Advisory Committee, the Community Safety and Crime Prevention Advisory Committee and the Yarloop Townscape Strategy Advisory Committee for a two year term. The report also seeks Council’s endorsement of the revised Terms of Reference for the respective Committees.

Background

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

SIGNED _____ DATED 6th December, 2011.

Advertisements were placed in local newspapers in the lead up period to the election inviting nominations to serve on ten (10) Council Committees for a two (2) year term expiring in October 2013. Correspondence was also sent to past Committee members inviting them to renominate.

As reported to the Council Meeting held on 25th October, 2011, at the close of nominations there had been no nominations received for certain committees and only one or two nominations for some other committees. Since that time some further nominations have been received although there are still vacancies on most of the committees. Follow up contact has been made with past committee members and further advertising is occurring to try and attract new community representatives onto the committees.

Comment

This report recommends that Council appoint the following community representatives onto Council Committees for a two year term expiring in October 2013:

Leschenault Leisure Centre Advisory Committee

Margaret Lewis	Community Representative
Michael Whitehead	Community Representative

Note: Cr. Lovitt also nominated as a community representative but was subsequently elected as a Council representative on this Committee.

Both Mrs. Lewis and Mr. Whitehead are past committee members and are keen to continue in that role. With the appointment of Mrs. Lewis and Mr. Whitehead there will be two remaining vacancies for community representatives on this Committee.

Community Safety and Crime Prevention Advisory Committee

Sgt Craig Wood	Australind Police
Sgt Mark Emmett	Harvey Police
Sgt Laurie Morley	Yarloop Police
Lynn Watt	Community Representative

All of the above nominees have previously served on the Committee. With the appointment of the above nominees there will be two remaining vacancies for community representatives on this Committee.

Yarloop Townscape Strategy Advisory Committee

Maureen Beattie	Community Representative
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Mrs. Beattie lives in Yarloop and is keen to serve on the committee.

As previously reported, in reviewing the membership of the committees it became evident that the Terms of Reference for a number of the Committees were outdated and did not accurately reflect the role of the Committee. Updated Terms of Reference have been prepared for the Leschenault Leisure Centre Advisory Committee and the Community Safety and Crime Prevention Advisory Committee and are presented for Council's consideration and endorsement as an attachment to the Agenda.

Statutory Environment

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

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

Budget Implications

N/A

Officer's Recommendation

That Council;

1. Appoints the following community representatives onto the Leschenault Leisure Centre Advisory Committee for a two (2) year term expiring in October 2013:

Margaret Lewis	Community Representative
Michael Whitehead	Community Representative

2. Appoints the following community representatives onto the Community Safety and Crime Prevention Advisory Committee for a two (2) year term expiring in October 2013:

Sgt Craig Wood	Australind Police
Sgt Mark Emmett	Harvey Police
Sgt Laurie Morley	Yarloop Police
Lynn Watt	Community Representative

3. Appoints the following community representative onto the Yarloop Townscape Strategy Advisory Committee for a two (2) year term expiring in October 2013:

Maureen Beattie	Community Representative
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4. Endorses the revised Terms of Reference as attached to the Agenda for the following committees:

- Leschenault Leisure Centre Advisory Committee
- Community Safety and Crime Prevention Advisory Committee

ABSOLUTE MAJORITY REQUIRED

SIGNED _____ DATED 6th December, 2011.

11/357. **Bertolini/Monagle**
That Council;

1. **Appoints the following community representatives onto the Leschenault Leisure Centre Advisory Committee for a two (2) year term expiring in October 2013:**

Margaret Lewis	Community Representative
Michael Whitehead	Community Representative

2. **Appoints the following community representatives onto the Community Safety and Crime Prevention Advisory Committee for a two (2) year term expiring in October 2013:**

Sgt Craig Wood	Australind Police
Sgt Mark Emmett	Harvey Police
Sgt Laurie Morley	Yarloop Police
Lynn Watt	Community Representative

3. **Appoints the following community representative onto the Yarloop Townscape Strategy Advisory Committee for a two (2) year term expiring in October 2013:**

Maureen Beattie	Community Representative
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4. **Endorses the revised Terms of Reference as attached to the Agenda for the following committees:**

- **Leschenault Leisure Centre Advisory Committee**
- **Community Safety and Crime Prevention Advisory Committee**

CARRIED BY ABSOLUTE MAJORITY 13-0

Item No.	4
Subject	Meetings for Coming Months
File No.:	CCC001

Bush Fire Advisory Committee	Chambers	Monday	21/11/11	7.00pm
<i>BREAK – 22/11/11</i>				
Disability Access and Inclusion Committee	Chambers	Thursday	24/11/11	3.30pm
Development Services Committee	Chambers	Tuesday	29/11/11	4.00pm
Work Safety Committee	Chambers	Thursday	1/12/11	3.00pm
Leschenault Leisure Centre Advisory Committee	LLC	Friday	2/12/11	8.00am
Australind Skate Park Study Steering Committee	Australind Office	Tuesday	06/12/11	8.00am
Council	Chambers	Tuesday	06/12/11	4.00pm
Annual General Meeting of Electors	Chambers	Tuesday	06/12/11	6.00pm
Ridley Place Foreshore Development Committee	Australind Office	Thursday	15/12/11	9.00am
Heritage Advisory Committee	Chambers	Thursday	15/12/11	1.00pm

Officer's Recommendation

That the Meetings for Coming Months be noted.

11/358. **Monagle/Hollands**
“That the Officer's Recommendation be adopted.”

CARRIED 13-0

K. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Cr. Wood put forward the following motion for consideration at the Council meeting on Tuesday, 15th November, 2011;

Wood/.....

“That Council investigate the possibilities of having free 24 hour camping areas within the Shire to attract tourists to stop overnight within town limits.”

Staff notes that any investigation will require assessment of such a proposal against the Caravan and Camping Ground Regulations 1995 and consideration of the practicalities, limitations, commercial implications and management responsibilities of such a service.

11/359. **Wood/Sabourne**
“That Council investigate the possibilities of having free 24 hour camping areas within the Shire to attract tourists to stop overnight within town limits.”

CARRIED 13-0

SIGNED _____ DATED 6th December, 2011.

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**Yarloop Workshops Committee Inc**

Cr. Lovitt reported on her attendance at a recent Committee meeting noting that building works are progressing, there is a need to increase volunteer numbers and discussion on signage for the old wells.

Cr. Beech

Cr. Beech reported on attending the following;

- Harvey Recreation Centre Management Committee function held on 3rd November, 2011, to acknowledge the contribution made by past Councillor Gordon Godber (9 years) and Frank Bellairs (14 years).
- Brunswick River Cottages meeting on 7th November, 2011, with the Committee together with Councillor Monagle, Chief Executive Officer, Manager of Community and Economic Development and Murray Cowper MLA to discuss the caveat currently placed over Lot 151 Clifton Road.
- Harvey Visitor Centre Committee meeting held on 7th November, 2011.
- Harvey Recreation Centre Management Committee meeting held on 10th November, 2011, to review submissions to select a consultant to undertake a needs assessment for the proposed sports clubrooms.
- The Annual Living Longer Living Stronger Excellence Awards in Perth. Carmel Ietto received the most outstanding instructor award for a regional centre. The Harvey Recreation and Cultural Centre and Leschenault Leisure Centre received gold excellence awards for being involved in the program for over five (5) years.

Cr. Campbell

Cr. Campbell reported on attending the following;

- Leschenault Progress Association meeting.
- Brunswick Show – commended works staff on grounds presentation.
- Skate Park meeting in Australind on 10th November, 2011.
- Bunbury Harvey Regional Council meeting.
- Binningup Community Association meeting on 14th November, 2011, where planning for the spring fair is progressing.

Cr. Hollands

Cr. Hollands reported on attending the following;

- Harvey Recreation Centre held an indoor market day that was very successful.

Cr. Shortland

Cr. Shortland reported on attending the following;

- Leschenault Progress Association meeting where support was offered for the proposed mobile telephone tower that may improve coverage within the area.

Cr. Marshall

Cr. Marshall reported on attending the following;

- Harvey Mainstreet Committee Annual General meeting.
- The Awards night in Perth for the Living Longer Living Stronger Program.
- Indoor Markets Day held at the Harvey Recreation and Cultural Centre.

Cr. Wood

Cr. Wood reported on attending the following;

- Hocart Lodge Committee Annual General meeting but no quorum present.

Cr. Jackson

Cr. Jackson reported on attending the following;

- Harvey Art Prize Exhibition opening function.
- Living Longer Living Stronger Awards in Perth, very pleased with the awards presented to the Shire via Harvey Recreation and Cultural Centre and Leschenault Leisure Centre.

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. Pest Plants Local Law

Prepared By
Shire of Harvey

11/360. **Hollands/Monagle**
"That the Officer's Recommendation be adopted."

CARRIED 13-0

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)

Cr. Carbone having declared a financial interest in the following item left the Chambers at 5.35 p.m.

Mr. Zanotti, Mr. Potter and Mr. Fimmano left the Chambers at 5.35 p.m.

Mr. Jennings, Mrs. Campain, Mrs. R. Italiano, Mrs. M. Italiano and Mr. Howard left the Chambers at 5.35 p.m.

Suspension of Standing Orders11/361. **Campbell/Monagle**

“That Council suspends Standing Orders and Moves Behind Closed Doors in accordance with Section 5.23 (2)(d) of the Local Government Act 1995 to deal with Legal advice obtained or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.”

CARRIED 12-0

Standing Orders were suspended at 5.36 p.m.

ITEM NO. 5 – BREACH OF DISTRICT PLANNING SCHEME (DPS) NO.1 AND THE SHIRE OF HARVEY EXTRACTIVE INDUSTRIES LOCAL LAW (2007) – LOT 335 STANLEY ROAD, WELLESLEY (A008410)11/362. **Sabourne/Wood****“That Council;**

- 1. Determines that Carbone Bros. Pty Ltd. are in breach of the Planning Consent and the Extractive Industry Licence granted for Lot 335 Stanley Rd, Wellesley;**
- 2. Authorises the prosecution of Carbone Bros. Pty. Ltd. under Section 218 of the Planning and Development Act (2005) and Section 3.10 of the Local Government Act (1995), for undertaking extractive industry works at Lot 335 Stanley Road, Wellesley, outside of the areas approved by Council;**
- 3. Advises Carbone Bros. Pty. Ltd. of the pending prosecution;**
- 4. Directs Carbone Bros. Pty. Ltd. by way of a Section 214 Notice under the Planning and Development Act (2005), to submit a full re-instatement and revegetation plan, using native endemic species, for the entire area the subject of over-extraction to return the relevant portion of land back to its original condition and contours;**
- 5. Advises Carbone Bros. Pty Ltd. that the entire extraction area is required to be rehabilitated to native vegetation in line with the submitted Rehabilitation Management Plan and Native Vegetation Clearing Permit granted for the property, upon completion of extraction;**
- 6. Advises the Department of Environment and Conservation (DEC) of the unauthorised clearing that has occurred.**

CARRIED 12-0

Resumption of Standing Orders

11/363. **Lovitt/Hill**
 “That Council resumes Standing Orders.”

CARRIED 12-0

Standing Orders were resumed at 6.05 p.m.

Cr. Carbone returned to the Chambers at 6.05 p.m.

R. CLOSURE

There being no further business to discuss, the meeting was declared closed at 6.06 p.m.

I, Tania Gae Jackson certify that the aforesaid Minutes of the meeting held on Tuesday, 15th November, 2011 are confirmed as a true and correct record of that meeting on Tuesday, 15th November, 2011.

Tania G. Jackson
SHIRE PRESIDENT