



SHIRE OF  
**HARVEY**



# Ordinary Council Meeting **Minutes**

**Australind Council Chamber**  
**Tuesday, 28 July 2020**  
**4pm**

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Chief Executive Officer Employment Committee – 21 July 2020

*This item was taken out of order and considered at item 19.*

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## Shire of Harvey Council Minutes

Minutes of the Ordinary Council Meeting of the Harvey Shire Council, held in the Council Chamber, Mulgara Street, Australind, on Tuesday, 28 July 2020, commencing at 4pm.

### Attendance

Shire President	Cr. P.	Gillett	
	Cr. B.	Adams	
	Cr. P.	Beech	
	Cr. M.	Boylan	
	Cr. J.	Bromham	
	Cr. F.	Burgoyne	(4.00pm – 4.21pm)
			(4.22pm – 5.55pm)
	Cr. M.	Campbell	
	Cr. R.	Coleman	
	Cr. W.	Dickinson	
	Cr. T.	Jackson	(4.00pm – 4.37pm)
			(4.38pm – 5.55pm)
	Cr. A.	Lovitt JP	
	Cr. D.	Simpson	

### Staff

Chief Executive Officer	Ms. A.	Riordan	(4.00pm – 4.47pm)
			(5.54pm – 5.55pm)
Director Corporate Services	Mr. D.	Winter	(4.00pm – 4.47pm)
			(5.54pm – 5.55pm)
Director Infrastructure	Mr. R.	Lotznicker	(4.00pm – 4.47pm)
			(5.54pm – 5.55pm)
Director Sustainable Development	Mr. S.	Hall	(4.00pm – 4.47pm)
			(5.54pm – 5.55pm)
Acting Manager Corporate Services	Ms. V.	Small	(4.00pm – 4.47pm)
			(5.54pm – 5.55pm)
Manager Building	Mr. M.	Stewart	(4.00pm – 4.47pm)
Manager Environmental Health	Mr. S.	Dandridge	(4.00pm – 4.47pm)
Manager Place	Mr. P.	Quinlivan	(4.00pm – 4.47pm)
Manager Planning Services	Mrs. E.	Edwards	(4.00pm – 4.47pm)
Manager Finance	Ms. L.	Davies	(4.00pm – 4.47pm)
Corporate and Community Engagement Officer	Mrs. A.	Pitts	(4.00pm – 4.47pm)
Manager Waste and Safety Services	Mr. H.	Jones	(4.00pm – 4.47pm)
Manager Special Projects	Ms. P.	Pietersen	(4.00pm – 4.47pm)
			(5.54pm – 5.55pm)
Project Officer	Mr. A.	Morris	(4.00pm – 4.47pm)
Manager Information Technology	Mr. A.	Ewing	(4.00pm – 4.47pm)
			(5.54pm – 5.55pm)
Marketing and Communications Officer	Ms. C.	Moore	(4.00pm – 4.47pm)
Agenda and Minutes Officer	Ms. K.	Hough	(4.00pm – 4.47pm)
			(5.54pm – 5.55pm)

There were 3 members of the public and 1 member of the press present.

## Minutes

### 1. Official Opening

The meeting was declared open at 4pm.

#### Acknowledgement of Country

The Shire of Harvey acknowledges the traditional custodians of the land and their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal communities and their cultures; and to Elders both past and present.

The Shire President put forward his welcome to new Shire of Harvey Officer Andre Morris and birthday wishes to the Shire's Manager Place, Patrick Quinlivan.

### 2. Record of Apologies and Leave of Absence

#### Apologies

Cr. Carbone.

#### Leave of Absence

Nil.

### 3. Applications for Leave of Absence

Nil.

### 4. Reading from a Book of Learning and Wisdom

Read by Cr. Jackson.

### 5. Declarations of Members' and Officers' Personal Interest

Cr. Coleman declared an Impartiality Interest in Item 12.4.3 - 2020 - 2021 Budget Adoption Shire of Harvey (FM/B/001) – Account 82102 and 83301. Cr. Coleman advised that she is a Council delegate on the Harvey Senior Citizens Centre Committee and declared she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Coleman declared an Impartiality Interest in Item 12.4.3 - 2020 - 2021 Budget Adoption Shire of Harvey (FM/B/001) – Account 105147. Cr. Coleman advised that she is a Council delegate on the Disability Access and Inclusion Advisory Committee and declared she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Coleman declared an Impartiality Interest in Item 12.4.3 - 2020 - 2021 Budget Adoption Shire of Harvey (FM/B/001) – Account 114302. Cr. Coleman advised that she is the President of the Harvey Bowling Club and declared she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Coleman declared an Impartiality Interest in Item 12.4.3 - 2020 - 2021 Budget Adoption Shire of Harvey (FM/B/001) – Account 132102. Cr. Coleman advised that she is a member of the Rotary Club of Harvey and declared she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Jackson declared a Financial Interest in Item 12.4.3 - 2020 - 2021 Budget Adoption Shire of Harvey (FM/B/001) – Accounts 132102 to 132104. Cr. Jackson advised that she is a financial member of the Harvey District Tourist Bureau and declared she would leave the Chamber for the duration of the item.

Cr. Jackson declared a Financial Interest in Item 12.4.3 - 2020 - 2021 Budget Adoption Shire of Harvey (FM/B/001) – Account 132146. Cr. Jackson advised that she has a tourism business registered in the Harvey Shire. Cr. Jackson declared she would leave the Chamber for the duration of the item.

Cr. Jackson declared a Financial Interest in Item 12.4.3 - 2020 - 2021 Budget Adoption Shire of Harvey (FM/B/001) – Account 132132. Cr. Jackson advised that she is a financial member of the Harvey District Tourist Bureau. Cr. Jackson declared she would leave the chamber for the duration of the item.

Cr. Jackson declared a Financial Interest in Item 12.4.3 - 2020 - 2021 Budget Adoption Shire of Harvey (FM/B/001) – Account 132145. Cr. Jackson advised that she has a tourism business registered in the Harvey Shire and declared she would leave the chamber for the duration of the item.

Cr. Jackson declared an Impartiality Interest in Item 12.4.3 - 2020 - 2021 Budget Adoption Shire of Harvey (FM/B/001) – Account 116302. Cr. Jackson advised that she is a member of the managing group - Harvey Art Society. Cr. Jackson declared she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Jackson declared an Impartiality Interest in Item 12.4.3 - 2020 - 2021 Budget Adoption Shire of Harvey (FM/B/001) – Job 70525. Cr. Jackson advised that she is a member of the Peron Naturalist Partnership and declared that she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Jackson declared an Impartiality Interest in 12.4.3 - 2020 - 2021 Budget Adoption Shire of Harvey (FM/B/001) – Account 70186. Cr. Jackson advised that she is a member of lessee group of Harvey Art Gallery and declared she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Burgoyne declared a Financial Interest in Item 12.3.1 - Proposed Amendment No. 124 (Additional Use 16) to District Planning Scheme No. 1 - Taylor Burrell Barnett - Lot 9600 Ditchingham Place, Australind (portion of) (P00112). Cr. Burgoyne advised that his employer owns land adjacent to the site and declared he would leave the Chamber for the duration of the item.

Cr. Burgoyne Declared an Impartiality Interest in Item 12.4.3 - 2020 - 2021 Budget Adoption Shire of Harvey (FM/B/001) – Account 113309 and Job 70654. Cr. Burgoyne advised that he is in Charge of an organisation that shares a boundary fence with the recreation ground and declared he would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Burgoyne Declared an Impartiality Interest in Item 12.4.3 - 2020 - 2021 Budget Adoption Shire of Harvey (FM/B/001) – Account 83309, 83310 and 83311. Cr. Burgoyne advised that he is a member of the Brunswick River Cottages committee and declared he would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Lovitt declared an Impartiality Interest in Item 12.4.3 - 2020 - 2021 Budget Adoption Shire of Harvey (FM/B/001). Cr. Lovitt advised that she is a Council representative on the Leschenault Leisure Centre Advisory Committee and the Disability Access and Inclusion Advisory Committee. Cr. Lovitt declared she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Dickinson declared an Impartiality Interest in Item 12.5.5 - Leschenault Men's Shed – Request to Extend the Lease Area - Leschenault Men's Shed Inc. - Lot 42 Leisure Drive, Australind (A005529 and C/Z/053). Cr. Dickinson advised that she is a Committee member of the Brunswick Men's Shed and declared that she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Dickinson declared an Impartiality Interest in Item 12.1.6 - Delegations Register review: Brunswick Selling Complex - Shire of Harvey (CC/U/003). Cr. Dickinson advised that she is a Committee member of the Brunswick Agricultural Society Inc. and declared that she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Dickinson declared an Impartiality Interest in Item 12.4.3 - 2020 - 2021 Budget Adoption Shire of Harvey (FM/B/001) Accounts 132104, 132132 and 132102. Cr. Dickinson advised that she is a Council delegate on the Harvey Visitor Centre Committee and declared that she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Dickinson declared an Impartiality Interest in Item 12.4.3 - 2020 - 2021 Budget Adoption Shire of Harvey (FM/B/001) Account – 132102. Cr. Dickinson advised that she is a Council delegate on the Harvey Historical Society and declared that she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Dickinson declared an Impartiality Interest in Item 12.4.3 - 2020 - 2021 Budget Adoption Shire of Harvey (FM/B/001) Account – 116176. Cr. Dickinson advised that she is a Council delegate on the Yarloop Workshop Committee and declared that she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Beech declared an Impartiality Interest in Item 12.1.5 - Lease Agreement – Harvey Community Radio. - Harvey Mainstreet Incorporated. - Lot 6 Young Street, Harvey (A004803 and C/Z/040). Cr. Beech advised that he is Council delegate on the Harvey Community Radio Committee and declared that he would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Beech declared an Impartiality Interest in Item 12.3.3 - Application for a "Use Not Listed" (Rural Workers Accommodation) - D & L Hanks - Lot 48 (No. 336) Government Road, Harvey (A007984). Cr. Beech advised that as Chair of St John Ambulance Sub Centre he negotiated the sale of the unit subject of the report and declared that he would deal with the matter on its merits and stay in the Chamber for the duration of the item.



Cr. Beech declared an Impartiality Interest in Item 12.4.3 - 2020 - 2021 Budget Adoption Shire of Harvey (FM/B/001). Cr. Beech advised that he is Council delegate on the following committees; Harvey Community Radio Station, Harvey Community Resource Centre, Community Sail Training Trust, Brunswick River Cottages and Harvey Recreation and Cultural Centre. Cr. Beech declared that he would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Beech declared an Impartiality Interest in Item 12.4.3 - 2020 - 2021 Budget Adoption Shire of Harvey (FM/B/001) Job – 0573. Cr. Beech advised that he resides on Whistler Way and declared that he would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Bromham declared an Impartiality Interest in Item 12.1.4 - Settlers Hall Community Centre – Lease Renewal - Leschenault Progress Association (Inc.) - Reserve 44403 (0) Marine Drive Leschenault (C/A/005 & A008355). Cr. Bromham advised that he is Council delegate and declared that he would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Bromham declared an Impartiality Interest in Item 12.4.3 - 2020 - 2021 Budget Adoption Shire of Harvey (FM/B/001) – Account 84107 and 84101. Cr. Bromham advised that he is a Council delegate on the Lot 208 Youth Inc Committee and declared he would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Bromham declared an Impartiality Interest in Item 12.4.3 - 2020 - 2021 Budget Adoption Shire of Harvey (FM/B/001) – Account 111107 and 111305. Cr. Bromham advised that he is a Council delegate on the Settlers Hall Management Committee and declared he would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Campbell declared an Impartiality Interest in Item 12.1.4 - Settlers Hall Community Centre – Lease Renewal - Leschenault Progress Association (Inc.) - Reserve 44403 (0) Marine Drive Leschenault (C/A/005 & A008355). Cr. Campbell advised that she is Council delegate and declared that she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Campbell declared an Impartiality Interest in Item 12.1.5 - Lease Agreement – Harvey Community Radio. - Harvey Mainstreet Incorporated. - Lot 6 Young Street, Harvey (A004803 and C/Z/040). Cr. Campbell advised that she is Council deputy delegate on the Harvey Community Radio Committee and declared that she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Campbell declared an Impartiality Interest in Item 12.1.8 - Leschenault Progress Association Delegates – Shire of Harvey. Cr. Campbell advised that she is the current Council delegate on the Leschenault Progress Association and declared she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Campbell declared an Impartiality Interest in Item 12.4.3 - 2020 - 2021 Budget Adoption Shire of Harvey (FM/B/001) – Account 71106 and 83102. Cr. Campbell advised that she is a Council delegate on the Riverlinks Childcare Centre Committee and declared she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Campbell declared an Impartiality Interest in Item 12.4.3 - 2020 - 2021 Budget Adoption Shire of Harvey (FM/B/001) – Account 84107 and 84108. Cr. Campbell advised that she is a Council delegate on the Lot 208 Youth Inc Committee and declared she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Campbell declared an Impartiality Interest in Item 12.4.3 - 2020 - 2021 Budget Adoption Shire of Harvey (FM/B/001) – Account 82202. Cr. Campbell advised that she is a Council delegate on the Morrissey Homestead Inc Committee and declared she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Campbell declared an Impartiality Interest in Item 12.4.3 - 2020 - 2021 Budget Adoption Shire of Harvey (FM/B/001) – Account 111107 and 111305. Cr. Campbell advised that she is a Council delegate on the Settlers Hall Management Committee and declared she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Campbell declared an Impartiality Interest in Item 12.4.3 - 2020 - 2021 Budget Adoption Shire of Harvey (FM/B/001) – Account 105151. Cr. Campbell advised that she is a deputy Council delegate on the Harvey Community Resource Centre Committee and declared she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Campbell declared an Impartiality Interest in Item 12.4.3 - 2020 - 2021 Budget Adoption Shire of Harvey (FM/B/001) – Account 105152. Cr. Campbell advised that she is a deputy Council delegate in the Harvey Community Radio Committee and declared she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Gillett declared an Impartiality Interest in Item 12.4.3 - 2020 - 2021 Budget Adoption Shire of Harvey (FM/B/001) – Job 70085, 70177, 70622 and 70350. Cr. Gillett advised that he is Council representative on the Binningup Community Association and declared that he would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Gillett declared an Impartiality Interest in Item 12.4.3 - 2020 - 2021 Budget Adoption Shire of Harvey (FM/B/001) – Jobs 117101 to 11704. Cr. Gillett advised that he is a Council representative on the Harvey Recreation and Cultural Centre Committee and declared that he would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Gillett declared an Impartiality Interest in Item 12.4.3 - 2020 - 2021 Budget Adoption Shire of Harvey (FM/B/001) – Job 70352. Cr. Gillett advised that he is a member of the Brunswick Agricultural Society Inc and declared that he would deal with the matter on its merits and stay in the Chamber for the duration of the item.

## **6. Response to Previous Questions Taken on Notice**

Nil.

## **7. Public Question Time**

Nil.

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**8. Petitions/Deputations/Presentations**

Nil.

**9. Announcements by Presiding Member or CEO Without Discussion**

Nil.

**10. Confirmation of Minutes**

**Ordinary Council Meeting – Tuesday, 23 June 2020**

**Recommendation**

That the Minutes of the Council Meeting held on Tuesday, 23 June 2020, as printed be confirmed as a true and correct record.

**Moved: Cr. Boylan    Seconded: Cr. Campbell**

**That the Minutes of the Council Meeting held on Tuesday, 23 June 2020, as printed be confirmed as a true and correct record.**

**Carried 12-0                      20/159.**

**Special Council Meeting – Tuesday, 7 July 2020**

**Recommendation**

That the Minutes of the Special Council Meeting held on Tuesday, 7 July 2020, as printed be confirmed as a true and correct record.

**Moved: Cr. Adams    Seconded: Cr. Coleman**

**That the Minutes of the Council Meeting held on Tuesday, 7 July 2020, as printed be confirmed as a true and correct record.**

**Carried 12-0                      20/160.**

**11. Receipt of Minutes and Recommendations from Committees****Recommendation**

That Council takes the agenda out of order to consider the Chief Executive Officer Employment Committee minutes at section 19. Matters Behind Closed Doors in accordance with Section 5.23(2)(a) of the *Local Government Act 1995*; *a matter affecting an employee or employees.*

**Moved: Cr. Burgoyne                      Seconded: Cr. Dickinson**

**That Council takes the agenda out of order to consider the Chief Executive Officer Employment Committee minutes at section 19. Matters Behind Closed Doors in accordance with Section 5.23(2)(a) of the *Local Government Act 1995*; *a matter affecting an employee or employees.***

**Carried 12-0                      20/161.**

This matter is dealt with on page 115.

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## 12. Officer's Reports

### Chief Executive Officer

Item No.	12.1.1
Subject:	Western Australian Local Government Association (WALGA) – 2020 Annual General Meeting – Voting Delegates
Proponent:	Western Australian Local Government Association
Location:	Perth, Western Australia
Reporting Officer:	Chief Executive Officer
Authorising Officer	Chief Executive Officer
File No.:	GRL004

### Summary

Council is requested to nominate its voting delegates for the Western Australian Local Government Association's (WALGA's) Annual General Meeting (AGM) to be held on Friday, 25 September 2020 and to advise of its nominations by Friday, 28 August 2020.

### Background

Due to the COVID-19 pandemic the Local Government Convention that was scheduled to be held in August, was cancelled. As such the Annual General Meeting has been rescheduled to Friday, 25 September 2020 to be held at Crown Perth. If an in-person event is not able to be held due to social distancing restrictions, the meeting will be conducted virtually.

### Comment

It is recommended that Council endorses the Shire President and Deputy Shire President as its delegates and appoints two proxy delegates should one or both of the delegates be unavailable to attend.

### Statutory/Policy Environment

Clause 24 of the WALGA Constitution details 'Representation and Voting at General Meetings'. This includes voting entitlements at the AGM.

### Strategic Framework

Within the Shire's Strategic Community Plan 2017 – 2027, Strategy 4.6.2 states:

*Nurture strategic alliances with major industry groups and government agencies.*

### Risk Management

The Risk Theme Profile identified as part of this report is **Inadequate Engagement Practices**. The Consequence could be **Reputational** in not being represented at the WALGA AGM. This is mitigated by nominating voting delegates and proxies to represent the Shire should delegates not be able to attend. The Risk Consequence is considered to be **Minor** and the likelihood **Unlikely** resulting in a **Low** risk being present.

### **Budget Implications**

Funds are included in the 2020 - 2021 draft Budget for delegate's travel and accommodation if required.

### **Voting Requirement**

Simple Majority.

### **Officer's Recommendation**

That Council appoints the Shire President and the Deputy Shire President as its voting delegates and Cr. \_\_\_\_\_ and Cr. \_\_\_\_\_ as its proxy voting delegates for the 2020 Western Australian Local Government Association's Annual General Meeting.

**Moved: Cr. Burgoyne                      Seconded: Cr. Lovitt**

**That Council appoints the Shire President and the Deputy Shire President as its voting delegates and Cr. Coleman and Cr. Dickinson as its proxy voting delegates for the 2020 Western Australian Local Government Association's Annual General Meeting.**

**Carried 12-0                      20/162.**

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**Chief Executive Officer**

Item No.	12.1.2
Subject:	Harvey Main Street Committee Delegate
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Chief Executive Officer
Authorising Officer:	Chief Executive Officer
File No.:	

**Summary**

Council is requested to appoint a replacement delegate to the Harvey Main Street Committee following the resignation of delegate, Cr Adams.

**Background**

At the Special Council Meeting of 21 October 2019, Council appointed delegates and deputy delegates to various groups and organisations. Cr Adams and Cr Boylan were appointed as delegate and deputy delegate to the Harvey Main Street Committee.

**Comment**

Cr Adams has tendered his resignation to the Harvey Main Street Committee. It is therefore, necessary to appoint a replacement delegate to the Committee and a deputy delegate (if Cr Boylan is appointed as delegate). The appointment will expire at the Local Government Elections in October 2021.

**Statutory/Policy Environment**

Nil.

**Strategic Framework**

Within the Shire's Strategic Community Plan 2017 – 2027, Strategy 3.1.2 states:

*Continue to actively engage local community groups to understand needs, improve facilities and source grant funding.*

**Risk Management**

The Risk Theme Profile identified as part of this report is **Inadequate Engagement Practices**. The Consequence could be **Reputational** if a replacement delegate to the Harvey Main Street is not appointed. This is mitigated by nominating a delegate to represent the Shire. The Risk Consequence is considered to be **Minor** and the likelihood **Unlikely** resulting in a **Low** risk being present.

**Budget Implications**

Nil.

**Voting Requirement**

Simple Majority.

**Officer's Recommendation**

That Council appoints Cr \_\_\_\_\_ as delegate to the Harvey Main Street Committee.

**Moved: Cr. Beech    Seconded: Cr. Campbell**

**That Council appoints Cr. Coleman as delegate to the Harvey Main Street Committee.**  
**Carried 12-0                      20/163.**

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**Chief Executive Officer**

Item No.	12.1.3
Subject:	Cat Act Delegations
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Acting Manager Corporate Services
Authorising Officer:	Chief Executive Officer
File No.:	CC/U/003

**Summary**

To present Delegations from Council to the Chief Executive Officer (CEO) for the Western Australian *Cat Act 2011* which assigns a statutory power or duty to local government.

It is recommended that the Delegations under the *Cat Act 2011* be adopted.

**Background**

There are over 170 separate pieces of legislation in Western Australian law that assign a statutory power or duty to local government. Each power or duty described in legislation will require a local government to fulfil a mandatory duty or use a discretionary power to make a decision.

Parliament recognised that it would be unreasonable and impossible for every decision and every duty to be fulfilled by Council of each local government. Processes were therefore legislated to enable local governments to pass on decision making powers and duties to others.

Delegations by Council are an effective way to reduce red tape and improve customer satisfaction through prompt decision-making processes. Using the power of delegation appropriately assists local governments to deal with a wide range of operational matters that are minor, administrative in nature and potentially time consuming.

Certain safeguards are incorporated into delegations such as limiting the use of when a delegation can be exercised.

The *Cat Act 2011* (the Act) provides power under s.10AA Delegation of local government powers and duties for Council to delegate to the Chief Executive Officer and *Cat Act 2011* s.44 Delegation by local government. Under s.45 there are powers for the Chief Executive Officer to sub-delegate some powers and duties.

**Comment**

In addition to the Act, the Cat Regulations were gazetted in 2012. These Regulations set down guidelines that dictate how the provisions of the Act are applied. In 2013 the Cat (Uniform Local Provisions) Regulations were additionally gazetted. Under s.77 of the Act, these regulations apply as if they were local laws made by each local government and seek to deal with approval for additional number of cats at prescribed premises. The Shire currently has no Delegations under the Act. Delegations must be approved by an Absolute Majority.



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The maximum number of cats allowed at a prescribed premise in the Shire of Harvey is covered within the Shire of Harvey Health Local Law 2014. Division 2 Keeping of Animals s.64 Cats, identifies three as the maximum number of cats over three months of age that can be kept on premises on any land within the District of the Shire of Harvey.

The Act provides for objection from an applicant to Council under Division 5 Objections and review for refuse to grant, renew or cancel a registration of a cat or refuse to approve, renew or cancel approval of a person to breed cats.

Under the Regulations, a review of a decision by local government to keep an additional number of cats is undertaken by the State Administrative Tribunal.

The following Delegations have been prepared and are attached for Council consideration:

1. Applications to keep additional cats at **Attachment 1**. The number defined under the Shire of Harvey Health Local Law 2014 is three at a prescribed premise.
2. Reduce or waiver Registration fee at **Attachment 2**. This refers to the 50% Pensioner discount already included in the Fees and Charges.
3. Appoint authorised persons at **Attachment 3**. This provides for the CEO to appoint qualified employees to implement sections of the Act relating to authorised persons.
4. Approval to breed cats at **Attachment 4**. This provides for the approval, cancellation and issuing of certificates for applications for breeding.
5. Cat control notices at **Attachment 5**. A cat control notice is to be in a prescribed form and direct a person to comply with provisions of the Act, the regulations or a local law.
6. Cat registrations at **Attachment 6**. Provides for approval, refusal or cancellation of a registration for a cat and authority to reduce or waive a registration or approval to breed fee.
7. Recovery of costs – Destruction of cats at **Attachment 7**. Provides authority for the local government to recover costs associated with the destruction and disposal of a cat.

The Delegations are based on model Delegations that have been prepared by the Western Australia Local Government Association (WALGA) and with reference to Delegations made by other local governments in Western Australia.

## **Statutory/Policy Environment**

### *Local Government Act 1995:*

#### s.5.42 – Delegation of some powers and duties to CEO

(1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under —

(a) this Act other than those referred to in section 5.43;

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.”

#### s.5.44 – CEO may delegate powers and duties to other employees

(1) A CEO may delegate to any employee of the local government the exercise of any of the CEO’s powers or the discharge of any of the CEO’s duties under this Act other than this power of delegation.

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

**The Cat Act 2011:**

## s.44. - Delegation by local government

- (1) the local government may delegate to its CEO the exercise of any of its powers or the discharge of any of its duties under another provision of this Act.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) A decision to delegate under this section is to be made by an absolute majority.

## s.45. – Delegation by CEO of local government

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under another provision of this Act.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 44, but in the case of such a power or duty –
  - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
  - (b) the exercise of that power or the discharge of that duty by the CEO's delegate,are subject to any conditions imposed by the local government on its delegation to the CEO.
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
- (5) In subsections (3) and (4) –  
**conditions** includes qualifications, limitations or exceptions.
- (6) A power or duty under section 63, 64 or 65 cannot be delegated to an authorised person.

**Strategic Framework**

Within the Shire's Strategic Community Plan 2017 - 2027, Strategy 4.2.2 states:

*Maintain, review and ensure relevance of Council's policies and local laws.*

**Risk Management**

The Risk Theme Profile identified as part of this report is **Business and Community Disruption, Failure to Fulfil Compliance Requirements and Inadequate Document and Management Practices**. The Consequence could be **Financial, Service Interruption, Compliance** or **Reputational**. The risk is considered **Minor** and the likelihood **Unlikely**, given that the Delegations are based on model templates in line with legislation, and where identified, checked by qualified professionals. This results in a **Low** risk being present.

**Budget Implications**

Nil.

**Voting Requirement**

Absolute Majority.

**Officer's Recommendation**

That Council adopts the following Delegations:

1. Applications to keep additional cats at ***Attachment 1***;
2. Reduce or waiver Registration fee at ***Attachment 2***;
3. Appoint authorised persons at ***Attachment 3***;
4. Approval to breed cats at ***Attachment 4***;
5. Cat control notices at ***Attachment 5***;
6. Cat registrations at ***Attachment 6***; and
7. Recovery of costs – Destruction of cats at ***Attachment 7***.

**Moved: Cr. Lovitt      Seconded: Cr. Dickinson**

That Council adopts the following Delegations:

1. Applications to keep additional cats at ***Attachment 1***;
2. Reduce or waiver Registration fee at ***Attachment 2***;
3. Appoint authorised persons at ***Attachment 3***;
4. Approval to breed cats at ***Attachment 4***;
5. Cat control notices at ***Attachment 5***;
6. Cat registrations at ***Attachment 6***; and
7. Recovery of costs – Destruction of cats at ***Attachment 7***.

Carried by Absolute Majority 12-0

20/164.

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**Chief Executive Officer**

Item No.	12.1.4
Subject:	Settlers Hall Community Centre – Lease Renewal
Proponent:	Leschenault Progress Association (Inc.)
Location:	Reserve 44403 (0) Marine Drive Leschenault
Reporting Officer:	Governance Officer – Procurement Compliance
Authorising Officer:	Acting Manager Corporate Services
File No.:	C/A/005 & A008355

**Summary**

The Leschenault Progress Association Inc. (LPA) is responsible for management of Settlers Hall under a lease agreement with the Shire. The current lease agreement expires on 31 October 2020 and the LPA has requested that a new lease agreement be established. It is recommended that Council approves a new lease agreement be granted for a five-year term with the option of a further five-year term.

**Background**

In October 2010, the Shire of Harvey entered into a lease agreement with the LPA for a period of five years expiring on 31 October 2015. The lease provided an extension at the end of this term for a further five-year period. The extension of the lease was approved by Council and is due to expire on 31 October 2020.

**Comment**

The LPA has confirmed in writing to the Shire that it wishes to renew the lease for Settlers Hall under the same terms and conditions as the existing lease (refer **Attachment 1**).

Shire officers are not aware of any breach of the lease by the LPA during the term of the lease and there are no unresolved difficulties arising out of the leasehold relationship between LPA and the Shire of Harvey.

As leases are coming up for renewal they are being reviewed to ensure consistency with inclusion of standard clauses. Where anomalies are identified, these are being amended.

In this lease a change is proposed require the lessee to take out Public Liability Insurance to a minimum value of \$20 million. This is in line with all current lease and management agreements between the Shire and other community organisations. This is the standard insurance clause in all new leases. While the current lease refers to the requirement for Public Liability Insurance to indemnify Council, it does not state a value.

It is recommended to replace clause 3(n) with the following:

*To take out and to keep in force during the term of this Lease an insurance policy for public liability to the value of **TWENTY MILLION DOLLARS (\$20,000,000.00)** AND to indemnify and keep indemnified the Shire against the risks covered by such policy and all actions proceedings claims damages costs losses and expenses in respect thereof (including claims in respect of nuisance negligence or absolute liability under the rule in Rylands v. Fletcher) in relation to the demised premises. The Lessee shall at all times effect such insurance with a reputable and substantial insurance company approved by the Shire and shall duly and punctually pay all premiums and other costs valuations and expenses in relation to such insurance policy and forthwith on request produce for inspection by the Shire the said policy and or other sufficient evidence that the policy remains current.*

It is recommended to remove clause 3(i)(ii) *to co-op onto the sub-committee at least two Australind Ward Councillors of the Shire of Harvey as members*. This clause is obsolete as it relates to an administrative matter for the Committee with membership for the LPA. Council can address this through appointing up to two delegates to the LPA and a report to that affect is included in the Agenda for the meeting of 28 July 2020.

In summary, it is recommended that Council approves a new lease agreement being granted to the LPA for a period of five years, commencing on 1 November 2020 and expiring 31 October 2025, with an option to extend for a further five-year period.

### **Statutory/Policy Environment**

Section 3.58 of the *Local Government Act 1995*, deals with the disposal of Property including leasing and Regulation 30(2)(b) of the Local Government (Functions and General) Regulation 1996, provides an exemption for Community, Sporting and other similar groups.

### **Strategic Framework**

Within the Shire's Strategic Community Plan 2017 - 2027, Strategy 3.1.3 states:

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

### **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 Risk Consequence rating associated with this matter is **Moderate** and the Likelihood **Unlikely**, resulting in a **Moderate** level of risk.

### **Budget Implications**

The estimated cost to prepare the new lease document is \$1,000.

### **Voting Requirement**

Simple Majority.

### **Officer's Recommendation**

That Council:

1. Approves, with the inclusion of the following amendments, the granting of a new lease agreement to the Leschenault Progress Association Inc. for the management of Settlers Hall for a period of five years, commencing on 1 November 2020 and expiring 31 October 2025, with an option to extend for a further five-year period;
  - (a) Replace clause 3(n) with the standard insurance clause for Public Liability Insurance for not less than \$20 million;
  - (b) Remove clause 3(i)(ii) as it is obsolete; and
  - (c) Modify section A "*Reserve for Recreation No. 628*" to "*Reserve 44403*".
2. Authorises the Chief Executive Officer and Shire President to sign and seal the lease agreement document.

**Moved: Cr. Dickinson      Seconded: Cr. Bromham**

**That Council:**

- 1. Approves, with the inclusion of the following amendments, the granting of a new lease agreement to the Leschenault Progress Association Inc. for the management of Settlers Hall for a period of five years, commencing on 1 November 2020 and expiring 31 October 2025, with an option to extend for a further five-year period;**
  - (a) Replace clause 3(n) with the standard insurance clause for Public Liability Insurance for not less than \$20 million;**
  - (b) Remove clause 3(i)(ii) as it is obsolete; and**
  - (c) Modify section A “Reserve for Recreation No. 628” to “Reserve 44403”.**
- 2. Authorises the Chief Executive Officer and Shire President to sign and seal the lease agreement document.**

**Carried 12-0**

**20/165.**

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**Chief Executive Officer**

<b>Item No.</b>	<b>12.1.5</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>Governance Officer – Procurement Compliance</b>
<b>Authorising Officer:</b>	<b>Acting Manager Corporate Services</b>
<b>File No.:</b>	<b>A004803 and C/Z/040</b>

**Summary**

Harvey Mainstreet (Inc.), trading as Harvey Community Radio, has requested that the 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 the Harvey Mainstreet (Inc.), trading as Harvey Community Radio, for a period of five years expiring 31 August 2020.

The proponent is an incorporated body and operates with a Management Committee overseeing its day to day activities.

**Comment**

Shire officers are not aware of any breach of the lease terms by Harvey Mainstreet (Inc.) during the term of the lease and there are no unresolved difficulties arising between the association and the Shire of Harvey.

It is recommended that a further lease be signed for a term of three years expiring 31 August 2023. Rent of \$1 is payable annually and in advance on the first day of each and every lease year, if demanded by the Lessor.

As leases are coming up for renewal they are being reviewed to ensure consistency with inclusion of standard clauses. Where anomalies are identified, these are being amended.

The new lease is to be updated to include the standard termination clause which is currently absent;

*“In the event that it is a decision of the Shire of Harvey or the Harvey Community Radio to cease this agreement it shall be deemed terminated on the date three months following written notice of the intention to terminate by either party.”*

**Statutory/Policy Environment**

Section 3.58 of the *Local Government Act 1995* deals with the disposal of property which includes licences, leasing or sale. However, with 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 2017 - 2027, Strategy 3.1.3 states:

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

## 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**, and the Likelihood being, **Unlikely**, resulting in a **Low** Risk being present.

## Budget Implications

The estimated cost to prepare the new lease document is \$1,000.

## Voting Requirement

Simple Majority.

## Officer's Recommendation

That Council:

1. Approves a further lease be signed for a term of three years expiring 31 August 2023. Rent of \$1 is payable annually and in advance on the first day of each and every Lease Year, if demanded by the Lessor; and
2. Includes in the new lease the following termination clause:  
*"In the event that it is a decision of the Shire of Harvey or the Harvey Community Radio to cease this agreement it shall be deemed terminated on the date three months following written notice of the intention to terminate by either party."*

Moved: Cr. Coleman

Seconded: Cr. Burgoyne

That Council:

1. Approves a further lease be signed for a term of three years expiring 31 August 2023. Rent of \$1 is payable annually and in advance on the first day of each and every Lease Year, if demanded by the Lessor; and
2. Includes in the new lease the following termination clause:  
*"In the event that it is a decision of the Shire of Harvey or the Harvey Community Radio to cease this agreement it shall be deemed terminated on the date three months following written notice of the intention to terminate by either party."*

Carried 12-0

20/166.



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**Chief Executive Officer**

Item No.	12.1.6
Subject:	Delegations Register review
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Acting Manager Corporate Services
Authorising Officer:	Chief Executive Officer
File No.:	CC/U/003

**Summary**

Council is required to review the Delegations Register of Authority it makes to the Chief Executive Officer (CEO) and Committees at least once in every financial year. This report provides the opportunity for Council to conduct this review.

**Background**

Council is able to delegate to the CEO and Committees some of its powers and duties and is required to maintain a register of such delegations. The delegations are required to be reviewed at least once in every financial year. The last review was undertaken by Council at its meeting of 14 May 2019. The full review should have been completed by 30 June 2020.

A major review of delegations was commenced as a result of advice received from the Western Australian Local Government Association (WALGA). This review was interrupted as a result of COVID-19 with resources allocated to other high risk activities. A large number of delegations have already been endorsed by Council prior to 30 June 2020. The remaining 16 delegations are presented for endorsement, with 37 delegations to be revoked.

The Minister of Local Government has stated that he and the Department of Local Government, Sport and Cultural Industries will support local governments where non-compliance has resulted from COVID-19 impacts, so long as the matter is attended to at the earliest available time. Presenting the final delegations to the July meeting ensures the Shire is able to meet this compliance requirement.

**Comment**

Delegations of Authority are used to improve the efficiency of the Shire's operations by allowing routine matters to be dealt with in a timely manner and to reduce the number of minor matters requiring Council consideration.

A summary of the Delegation Register of Authority is attached. It outlines the advice provided by WALGA and the action that has been taken, or needs to be taken in the future, against each delegation. In particular, it explains why delegations are being revoked (refer **Attachment 1**).

The following delegations are presented, unchanged from the 2019 review, except for changes to position titles to reflect the current organisational structure. These delegations will be reviewed in line with the WALGA template throughout 2021 (refer **Attachment 2**).

1. 2.1.4 Discounted or free use of Council facilities;
2. 2.1.9 Shire of Harvey Recreation grounds – Camping;
3. 2.1.10 Contractors, plant and equipment;

- 
4. 2.2.1 Creditors, payment of;
  5. 2.2.3 Property – acquisition and disposal;
  6. 2.2.4 Rate book;
  7. 2.2.5 Contract variations;
  8. 2.2.10 Write off of interest charged on rates debtors;
  9. 2.2.12 Corporate Credit card;
  10. 2.3.2 Banning of cooking and campfires;
  11. 4.3.5 *Food Act 2008* – Prohibition notices, certificates of clearance and registration of business;
  12. 4.3.6 Appointment of officers and various functions under *Food Act 2008*;
  13. 4.3.7 Authorisation to approve traders permits only relating to Food trading; and
  14. 5.1.1 Temporary closure of streets.

The following delegations are presented with minor amendments as detailed, and presented in the new WALGA format.

#### *2.2.9 Investment of Council funds*

This delegation referenced the incorrect section of the *Local Government Act 1995*. It was changed from s.5.44 to s.6.14 of the Act. The delegation has been updated into the new template. This change does not alter the intent of the delegation (refer **Attachment 3**).

*4.3.8 Appointment of Environmental Health Officer and Authorised Officer under the Public Health Act 2016*. Retitled *Designate Authorised Officers* and updated in line with WALGA template to remove s.17 Public Health Act from delegation as this referred to appointment of employees. The CEO is responsible for all local government employees under s.541(g) of the *Local Government Act 1995*. Changes also include conditions on the delegation which were not included in the original. The changes have not altered the intent of the delegation (refer **Attachment 4**).

For a delegation to be made by local government, there must be a statutory requirement under the particular legislation for:

- a. The functions of local government that have functions relating to, or are involved in the implementation of, that legislation (**Note a.**); and
- b. Functions relating to that legislation that are conferred on a person who hold any office or appointment under the legislation (**Note b.**).

**Note a.:** An example is that local government has no functions or power to delegate under the *Architects Act 2004*, therefore it is not possible to have delegations to the CEO under that Act.

**Note b.:** An example is that under the *Bush Fires Act 1954* it confers power to local government to delegate to the CEO, as well as in some sections of the Act, conferring functions directly to the Shire President and the Fire Control Officer. As these positions are designated in the Act to those sections, it is not legal to also confer those sections to the CEO.

Where a statutory function does not exist in legislation then a delegation is meaningless and has no legal power. An example is that the *Local Government Act 1995* does not have as a function *The use of Council Chambers, Council meeting rooms and facilities*, therefore decisions and actions regarding this cannot be delegated.

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If local government wants to make a rule or principle to guide better decisions in areas that are not covered by legislation, then policy is used to outline the reason why things are to be done in a certain way and why.

The following Delegations are recommended to be revoked and the reasons outlined;

1. *1.1.1 Use of common seal.* Seal is affixed by Council resolution and CEO implements under s.5.41(c) Functions of CEO.
2. *1.1.2 Use of Council Chambers, Council meeting rooms and facilities.* Not a delegation. No statutory function under legislation. Policy matter
3. *1.1.3 Civic receptions.* Not a delegation. No statutory function under legislation. Could be a policy matter or covered by operational procedures.
4. *1.1.4 Use of Council equipment from Council facilities.* Not a delegation. No statutory function. Day to day operations.
5. *1.1.5 Harvey Art Prize selection.* Not a delegation. No statutory function under legislation. Could be a policy matter or covered by operational procedures.
6. *1.2.1 Elected member training.* Not a delegation. Policy matter. A policy has been developed and endorsed by Council.
7. *1.2.2. Legal representation – costs indemnification.* Not a delegation. No statutory function under legislation. Policy matter.
8. *2.1.1. Market days.* Not a delegation. No statutory function under legislation. Policy matter.
9. *2.1.2 Liquor, sale of from Council property.* Controlled through Property Local Law. Review Local Law to include Authorised Officers or develop Delegation to deal with all decision making under Local Laws by Authorised Officers.
10. *2.1.3 Street appeals.* Controlled through Activities in Thoroughfares and Public Places and Trading Local Law 2017. Review Local Law to include Authorised Officers or develop Delegation to deal with all decision making under Local Laws by Authorised Officers.
11. *2.1.5 Legal advice.* Not a delegation. CEO has duty under s.5.41(d) to act and s.5.41(a) to inform Council where necessary.
12. *2.1.6 Enforcement and legal proceedings.* Not a delegation. CEO has power under the *Local Government Legislation Amendment Act 2019* under 2.9.10 to make appointments.
13. *2.1.7 Conduct of sales – Brunswick selling complex.* Not a delegation. No statutory authority. Permit approval under Property Local Law. Review Local Law to include Authorised Officers or develop Delegation to deal with all decision making under Local Law by Authorised Officers
14. *2.1.8 Reserves – request for use.* Not a delegation. No statutory authority. Permit approval under Property Local Law. Review Local Law to include Authorised Officers or develop Delegation to deal with all decision making under Local Law by Authorised Officers.
15. *2.2.6 Insurance.* Not a delegation Covered under Financial and General Regulations for tenders.
16. *2.2.7 Insurance – Public Liability Claims.* Not delegation. Day to day management by CEO under s.5.41(d). CEO to report to Council if a substantial risk or above budget allocation.
17. *2.2.8 Financial assistance – organisations.* Not a delegation. No statutory function under legislation. Policy matter.
18. *2.2.12 Corporate credit card.* Not a delegation. No statutory function under legislation. Policy matter.
19. *2.3.1 Burning prohibited times (variations).* Covered in new Prohibited Burning Times – Vary delegation adopted by Council on 23 June 2020.
20. *2.3.3 Fire Break exemption / variation.* Covered in new Firebreak delegation adopted by Council on 23 June 2020.

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21. 2.3.4 *Fire Break order – Compliance works*. Covered in new Firebreak delegation adopted by Council on 23 June 2020.
  22. 2.3.5 *Allocation of resources in emergency and emergency recovery situation in the south west of Western Australia*. Not a delegation. Council decision through adopted MOU and or Emergency Management Plan.
  23. 2.3.6 *Issue of ‘unsightly’ property notices*. Not a delegation. Authorised function under s.3.24 of the *Local Government Act 1995*.
  24. 2.4.1 *Vehicles, use of*. Not a delegation. No statutory function under legislation.
  25. 2.4.2 *Conferences, seminars, professional*. Not a delegation. CEO function under s.5.41(g). be responsible for the employment, management, supervision, direction and dismissal of other employees.
  26. 4.3.1 *Septic tank approvals*. Not a delegation. The *Health (Miscellaneous Provisions) Act 1911* does not provide local government with a power of Delegation. Authorisation by Council resolution and decision to be recorded in an administrative register of authorisations.
  27. 4.3.2 *Powers of entry and inspection of caravan parks and camping grounds*. The Act does not provide local government with a power of delegation. The power to appoint authorised person under s.17 of the *Local Government Act 1995* is already vested in the CEO and therefore no role for Council.
  28. 4.3.3 *Temporary accommodation – Building sites*. Not a delegation. The *Health (Miscellaneous Provisions) Act 1911* does not provide local government with a power of delegation. Policy matter.
  29. 4.3.4 *Approval for licenses carriers of controlled wastes to utilise septage disposal facility*. Not a delegation. No statutory authority. Policy matter.
  30. 5.1.2 *Street processions*. Not a delegation. Permit approval provided through the Activities in Thoroughfares and Public Places and Trading Local Law 2017. Review Local Law to include Authorised Officers or develop Delegation to deal with all decision making under Local Law by Authorised Officers.
  31. 5.1.3 *Car rallies*. Not a delegation. No statutory function under legislation. Policy matter.
  32. 5.1.4 *Fun runs*. Not a delegation. Permit approval provided through the Activities in Thoroughfares and Public Places and Trading Local Law 2017. Review Local Law to include Authorised Officers or develop Delegation to deal with all decision making under Local Law by Authorised Officers.
  33. 5.1.5 *Issue and withdrawal of permits for operations of restricted access vehicles*. Not a delegation. No power to delegate under the *Road Traffic Act 1974* or Regulations. Policy matter.
  34. 5.1.6 *Minor land resumptions on main roads*. Not a delegation. No power to delegate under the *Road Traffic Act 1974* or Regulations. Policy matter.
  35. 5.1.7 *Works in streets – Authority to serve notice*. Not a delegation. Delegation provided through the Activities in Thoroughfares and Public Places and Trading Local Law 2017 parts 9 and 10. Review Local Law to include Authorised Officers or develop Delegation to deal with all decision making under Local Law by Authorised Officers.
  36. 5.1.8 *Works undertaken in streets*. Not a delegation. Delegation provided through the Activities in Thoroughfares and Public Places and Trading Local Law 2017. Review Local Law to include Authorised Officers or develop Delegation to deal with all decision making under Local Law by Authorised Officers.
  37. 5.2.1 *Wildflower harvesting – Council reserves*. Not a delegation. By permit through the Department of Biodiversity, Conservation and Attractions.

There are a number of delegations suggested by WALGA that Council currently does not have but should be considered. These will be reviewed during the coming year and presented to Council for endorsement, where appropriate. The additional delegations are covered under the following legislation:

- *Local Government Act 1995;*
- *Building Act 2011;*
- *Food Act 2008;*
- *Graffiti Vandalism Act 2016;* and
- *Public Health Act 2016.*

In addition, and as identified by WALGA, the Shire of Harvey Local Laws will be reviewed to ensure that appropriate delegation for certain functions are provided to Authorised Officers to act under the Local Laws.

## **Statutory/Policy Environment**

*Local Government Act 1995:*

s.5.42 – Delegation of some powers and duties to CEO

(1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under —

(a) this Act other than those referred to in section 5.43;

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.”

s.5.44 – CEO may delegate powers and duties to other employees

(1) A CEO may delegate to any employee of the local government the exercise of any of the CEO’s powers or the discharge of any of the CEO’s duties under this Act other than this power of delegation.

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

## **Strategic Framework**

Within the Shire’s Strategic Community Plan 2017 - 2027, Strategy 4.2.2 states:

*Maintain, review and ensure relevance of Council’s policies and local laws.*

## **Risk Management**

The Risk Theme Profile identified as part of this report is **Business and Community Disruption, Failure to Fulfil Compliance Requirements** and **Inadequate Document and Management Practices**. The Consequence could be **Financial, Service Interruption, Compliance** or **Reputational**. The risk is considered **Minor** and the likelihood **Unlikely**, given that the Delegations are based on model templates in line with legislation, and where identified, checked by qualified professionals. This results in a **Low** risk being present.

## **Budget Implications**

Nil.

## **Voting Requirement**

Absolute Majority.

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## Officer's Recommendation

### 1. That Council adopts the Delegations:

- 1.1 2.1.4 Discounted or free use of Council facilities;
- 1.2 2.1.9 Shire of Harvey Recreation grounds – Camping;
- 1.3 2.1.10 Contractors, plant and equipment;
- 1.4 2.2.1 Creditors, payment of;
- 1.5 2.2.3 Property – acquisition and disposal;
- 1.6 2.2.4 Rate book;
- 1.7 2.2.5 Contract variations;
- 1.8 2.2.10 Write off of interest charged on rates debtors;
- 1.9 2.2.12 Corporate Credit card;
- 1.10 2.3.2 Banning of cooking and campfires;
- 1.11 4.3.5 Food Act 2008 – Prohibition notices, certificates of clearance and registration of business;
- 1.12 4.3.6 Appointment of officers and various functions under Food act 2008;
- 1.13 4.3.7 Authorisation to approve traders permits only relating to Food trading; and
- 1.14 5.1.1 Temporary closure of streets.

### 2. That Council adopts the reviewed Delegations:

- 2.1 2.2.9 Investment of Council funds; and
- 2.2 4.3.8 Appointment of Environmental Health Officer and Authorised Officer.

### 3. That Council revokes the Delegations:

- 3.1 1.1.1 Use of common seal;
  - 3.2 1.1.2 Use of Council Chambers, Council meeting rooms and facilities;
  - 3.3 1.1.3 Civic receptions. Not a delegation;
  - 3.4 1.1.4 Use of Council equipment from Council facilities;
  - 3.5 1.1.5 Harvey Art Prize selection;
  - 3.6 1.2.1 Elected member training;
  - 3.7 1.2.2 Legal representation – costs indemnification;
  - 3.8 2.1.1 Market days;
  - 3.9 2.1.2 Liquor, sale of from Council property;
  - 3.10 2.1.3 Street appeals;
  - 3.11 2.1.5 Legal advice;
  - 3.12 2.1.6 Enforcement and legal proceedings;
  - 3.13 2.1.7 Conduct of sales – Brunswick selling complex;
  - 3.14 2.1.8 Reserves – request for use;
  - 3.15 2.2.6 Insurance;
  - 3.16 2.2.7 Insurance – Public Liability Claims;
  - 3.17 2.2.8 Financial assistance – organisations;
  - 3.18 2.2.12 Corporate credit card;
  - 3.19 2.3.1 Burning prohibited times (variations)
  - 3.20 2.3.3 Fire Break exemption / variation;
  - 3.21 2.3.4 Firebreak order – Compliance work;
  - 3.22 2.3.5 Allocation of resources in emergency and emergency recovery situation in the south west of Western Australia;
  - 3.23 2.3.6 Issue of 'unsightly' property notices;
  - 3.24 2.4.1 Vehicles, use of;
  - 3.25 2.4.2 Conferences, seminars, professional;
  - 3.26 4.3.1 Septic tank approvals;
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- 3.27 4.3.2 Powers of entry and inspection of caravan parks and camping grounds;
  - 3.28 4.3.3 Temporary accommodation – Building sites;
  - 3.29 4.3.4 Approval for licenses carriers of controlled wastes to utilise septage disposal facility;
  - 3.30 5.1.2 Street processions;
  - 3.31 5.1.3 Car rallies;
  - 3.32 5.1.4 Fun runs;
  - 3.33 5.1.5 Issue and withdrawal of permits for operations of restricted access vehicles;
  - 3.34 5.1.6 Minor land resumptions on main roads;
  - 3.35 5.1.7 Works in streets – Authority to serve notice;
  - 3.36 5.1.8 Works undertaken in streets; and
  - 3.37 5.2.1 Wildflower harvesting – Council reserves.

**Moved: Cr. Bromham**

**Seconded: Cr. Simpson**

**1. That Council adopts the Delegations:**

- 2.1 2.1.4 Discounted or free use of Council facilities;
- 2.2 2.1.9 Shire of Harvey Recreation grounds – Camping;
- 2.3 2.1.10 Contractors, plant and equipment;
- 2.4 2.2.1 Creditors, payment of;
- 2.5 2.2.3 Property – acquisition and disposal;
- 2.6 2.2.4 Rate book;
- 2.7 2.2.5 Contract variations;
- 2.8 2.2.10 Write off of interest charged on rates debtors;
- 2.9 2.2.12 Corporate Credit card;
- 2.10 2.3.2 Banning of cooking and campfires;
- 2.11 4.3.5 Food Act 2008 – Prohibition notices, certificates of clearance and registration of business;
- 2.12 4.3.6 Appointment of officers and various functions under Food act 2008;
- 2.13 4.3.7 Authorisation to approve traders permits only relating to Food trading;and
- 2.14 5.1.1 Temporary closure of streets.

**2. That Council adopts the reviewed Delegations:**

- 2.1 2.2.9 Investment of Council funds; and
- 2.2 4.3.8 Appointment of Environmental Health Officer and Authorised Officer.

**3. That Council revokes the Delegations:**

- 3.38 1.1.1 Use of common seal;
  - 3.39 1.1.2 Use of Council Chambers, Council meeting rooms and facilities;
  - 3.40 1.1.3 Civic receptions. Not a delegation;
  - 3.41 1.1.4 Use of Council equipment from Council facilities;
  - 3.42 1.1.5 Harvey Art Prize selection;
  - 3.43 1.2.1 Elected member training;
  - 3.44 1.2.2 Legal representation – costs indemnification;
  - 3.45 2.1.1 Market days;
  - 3.46 2.1.2 Liquor, sale of from Council property;
  - 3.47 2.1.3 Street appeals;
  - 3.48 2.1.5 Legal advice;
  - 3.49 2.1.6 Enforcement and legal proceedings;
  - 3.50 2.1.7 Conduct of sales – Brunswick selling complex;
  - 3.51 2.1.8 Reserves – request for use;
  - 3.52 2.2.6 Insurance;
  - 3.53 2.2.7 Insurance – Public Liability Claims;
  - 3.54 2.2.8 Financial assistance – organisations;
  - 3.55 2.2.12 Corporate credit card;
  - 3.56 2.3.1 Burning prohibited times (variations)
-

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- 3.57 2.3.3 Fire Break exemption / variation;
  - 3.58 2.3.4 Firebreak order – Compliance work;
  - 3.59 2.3.5 Allocation of resources in emergency and emergency recovery situation  
in the south west of Western Australia;
  - 3.60 2.3.6 Issue of ‘unsightly’ property notices;
  - 3.61 2.4.1 Vehicles, use of;
  - 3.62 2.4.2 Conferences, seminars, professional;
  - 3.63 4.3.1 Septic tank approvals;
  - 3.64 4.3.2 Powers of entry and inspection of caravan parks and camping grounds;
  - 3.65 4.3.3 Temporary accommodation – Building sites;
  - 3.66 4.3.4 Approval for licenses carriers of controlled wastes to utilise septage  
disposal facility;
  - 3.67 5.1.2 Street processions;
  - 3.68 5.1.3 Car rallies;
  - 3.69 5.1.4 Fun runs;
  - 3.70 5.1.5 Issue and withdrawal of permits for operations of restricted access  
vehicles;
  - 3.71 5.1.6 Minor land resumptions on main roads;
  - 3.72 5.1.7 Works in streets – Authority to serve notice;
  - 3.73 5.1.8 Works undertaken in streets; and
  - 3.74 5.2.1 Wildflower harvesting – Council reserves.

Carried by Absolute Majority 12-0

20/167.



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**Chief Executive Officer**

<b>Item No.</b>	<b>12.1.7</b>
<b>Subject:</b>	<b>Public statements by Councillors and the Chief Executive Officer Policy</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Shire of Harvey</b>
<b>Reporting Officer:</b>	<b>Chief Executive Officer</b>
<b>Authorising Officer:</b>	<b>Chief Executive Officer</b>
<b>File No.:</b>	<b>CC/P/003</b>

**Summary**

To provide clarity as to the roles and responsibilities for elected members and the Chief Executive Officer when speaking publicly and issuing public statements. It is recommended Council adopts the Public statements by Councillors and the Chief Executive Officer Policy.

**Background**

The Department of Local Government, Sport and Cultural Industries (DLSC) is currently incorporating feedback into drafting of regulations for the proposed Code of Conduct for Councillors and CEO standards.

Council has approved for the development of a Communications Strategy to be included in the 2020 – 2021 Corporate Plan and budget.

This policy will support both the proposed Code of Conduct and outcomes of the Communications Strategy until they are finalised.

**Comment**

On 27 June 2019, the Local Government Legislation Amendment Act 2019 was passed in Parliament. The Act includes a requirement for the introduction of:

- A mandatory code of conduct for Councillors, committee members and candidates (Code of Conduct); and
- Mandatory minimum standards covering the recruitment, selection, performance review and early termination of local government chief Executive Officers (CEO Standards).

The Code of Conduct is intended to ensure that standards of behaviour are consistent between local governments and address community expectations.

The CEO Standards is intended to ensure best practice and greater consistency in these processes among local government.

The DLGSC sought feedback on the draft Code of Conduct and draft CEO standards and accompanying guidelines.

The consultation period of the proposed Code of conduct and CEO Standards closed on 6 December 2019. The feedback is now being incorporated into the drafting of Regulations. There is no indication when the Regulations will come into effect.

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The draft Budget 2020 – 2021 contains an amount for the development of a Communications Strategy. The formulation of this strategy will determine the direction the Shire will take with regards to communication methods and social media platforms.

Until both the Code of Conduct and the Communications Strategy is finalised, the Public statements by Councillors and the Chief Executive Officer Policy supports Councillors and the CEO in their communications with the public and ensures all parties operate within the requirements of the *Local Government Act 1995*.

## **Statutory/Policy Environment**

### *Local Government Act 1995 (LG Act)*

#### s.2.8 Role of mayor or president

##### (1) The mayor or president –

##### (d) speaks on behalf of the local government.

#### s.29 Role of deputy mayor or deputy president

the deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 4.34.

#### s.2.10 Role of councillors;

#### s.5.34 When deputy mayors and deputy president can act

If –

##### (a) the office of Mayor is vacant; or

##### (b) the Mayor is not available, or is unable or unwilling to perform the functions of Mayor.

Then the deputy mayor may perform the functions of mayor and the deputy president may perform the functions of president, as the case requires.

#### s.5.41 Functions of the CEO

##### (f) speak on behalf of the local government if the mayor or president agrees;

#### s.5.93 Improper use of information

A person who is a council member, a committee member or an employee must not make improper use of any information acquired in the performance by the person of any of his or her functions under this Act or any other written law –

##### (a) to gain directly or indirectly an advantage for the person or any other person; or

##### (b) to cause detriment to the local government or any other person.

## **Strategic Framework**

Within the Shire's Strategic Community Plan 2017 - 2027, Strategy 4.2.2 states:

*Maintain, review and ensure relevance of Council's policies and local laws.*

**Risk Management**

The Risk Theme Profile identified as part of this report is **Business and Community Disruption** and **Inadequate Document and Management Practices**. The Consequence could be **Financial**, **Compliance** or **Reputational**. The risk is considered **Minor** and the likelihood **Unlikely**, given that the policy is line with legislation. This results in a **Low** risk being present.

**Budget Implications**

Nil.

**Voting Requirement**

Absolute Majority.

**Officer's Recommendation**

That Council adopts the Public statements by Councillors and the Chief Executive Officer Policy.

**Moved: Cr. Burgoyne      Seconded: Cr. Bromham**

**That Council adopts the Public statements by Councillors and the Chief Executive Officer Policy.**

**Carried by Absolute Majority 12-0      20/168.**

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**Chief Executive Officer**

Item No.	12.1.8
Subject:	Leschenault Progress Association Delegates
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Chief Executive Officer
Authorising Officer:	Chief Executive Officer
File No.:	

**Summary**

Council is requested to appoint one delegate and one deputy delegate to the Leschenault Progress Association (the Association).

**Background**

The lease between the Shire and the Association is being amended to remove clause 3.(i)(ii) *to co-op onto the sub-committee at least two Australind Ward Councillors of the Shire of Harvey*. This is an administrative activity of the Association which can be addressed by appointment of delegates to the Association.

**Comment**

As leases are coming up for renewal, Shire officers are updating and amending contents to ensure they are appropriate and fit for purpose.

Some leases contain a clause that refers to representation of Councillors on the committee and the lease between the Shire and the Association is one such case.

This is an administrative function of any Association or group and can be addressed by two methods:

1. The group amending their Constitution to include membership of Councillors; or
2. Council appointing delegates to the group for representation.

The easier of the two solutions is for Council to appoint delegates.

Where the clause exists in a lease coming up for renewal it will be removed and recommended that Council appoint delegates to the relevant committee.

**Statutory/Policy Environment**

Nil.

**Strategic Framework**

Within the Shire's Strategic Community Plan 2017 – 2027, Strategy 3.1.2 states:

*Continue to actively engage local community groups to understand needs, improve facilities and source grant funding.*

**Risk Management**

The Risk Theme Profile identified as part of this report is **Inadequate Engagement Practices**. The Consequence could be **Reputational** if a delegate to the Leschenault Progress Association Inc. is not appointed. This is mitigated by nominating delegates to represent the Shire. The Risk Consequence is considered to be **Minor** and the likelihood **Unlikely** resulting in a **Low** risk being present.

**Budget Implications**

Nil.

**Voting Requirement**

Simple Majority.

**Officer's Recommendation**

That Council appoints Cr. \_\_\_\_\_ as a delegate and Cr. \_\_\_\_\_ as a deputy delegate to the Leschenault Progress Association Inc.

**Moved: Cr. Bromham      Seconded: Cr. Campbell**

**That Council appoints Cr. Campbell as a delegate and Cr. Bromham as a deputy delegate to the Leschenault Progress Association Inc.**

**Carried 12-0                      20/169.**

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## Technical Services

Item No.	12.2.1
Subject:	Harvey Myalup Road – Rationalisation of Gazetted Road Corridor Boundaries
Proponent:	Shire of Harvey
Location:	State Forest 16, Harvey Myalup Road
Reporting Officer:	Manager Engineering Services
Authorising Officer:	Director Infrastructure Services
File No.:	R000004 Attachment Reg. No. 20/20859

### Summary

In 2018 - 2019 following the completion of reconstruction for road widening and road realignment on Harvey Myalup Road, it was discovered that some sections of the original carriageway had been constructed outside of the gazetted road reserve.

To enable the new road to be identified within the gazetted road reserve, licenced surveyors were engaged to establish a new 20m wide road reserve over several sections of road widening including undertaking the required road closures as shown in **Attachment 1**.

The approval process progressed to the Department of Biodiversity Conservation and Attractions (DBCA) which supported the excision of land from State Forest 16 to rationalise the gazetted road alignment. The DBCA has requested the Department of Planning, Lands and Heritage (DPLH) to support the excision of land from State Forest 16 to rationalise the tenure of Harvey Myalup Road.

The DPLH has indicated that it has no objections in principle to the proposal, however, the Shire must comply with the requirements of the *Native Title Act 1993* (S24KA process) for the road dedication process. This will include a resolution from Council indemnifying the State, the Department and Minister from all liabilities.

### Background

The upgrading of Harvey Myalup Road in 2018 – 2019 was jointly funded from the State Blackspot Program (2/3) and the Shire of Harvey (1/3). The project included the realignment of a short section of road between East Break and West Break where the poor road geometry may have been a contributing factor to the number of accident statistics at this location.

Further road widening either side of this section to a seven metre seal was completed and offset planting of local varieties of trees and shrubs was undertaken as part of the project.

### Comment

Shire officers have considered the request for indemnification of the State of Western Australia, the Department of Planning, Lands and Heritage and the Minister for Lands from all liabilities, obligations, costs, expenses or disbursements of any kind.

In late 2018, legal advice was sought on this very matter with regards to the creation of the Dix Road reserve where the excision of a portion of State Forest was required.

The detailed legal advice at the time concluded that *“generally the risk of contingent liability does not seem to have deflected most agencies from requesting Taking Orders, and in all the circumstances, the risk of a compensation claim, although it’s a real risk, can in my view be low”*.

The Dix Road gazettal could not proceed further until the Shire provided an indemnification as is being requested with the Harvey Myalup Road matter. At the time a Council resolution was not requested and following the receipt of the legal advice, the indemnification was provided by the Shire’s administration.

The Dix Road gazettal progressed and the process was finally successfully completed June 2020.

Therefore, based on the previous detailed legal advice and the successful completion of the Dix Road gazettal it is considered that there is a low risk in Council providing the requested indemnification.

### **Statutory/Policy Environment**

*Section 56 of Land Administration Act 1997* deals with “Dedication of land as road” which requires Council’s support for the formal dedication to proceed.

### **Strategic Framework**

Within the Shire’s Strategic Community Plan 2017 – 2027, Strategies 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/Information**. The consequence could be **Financial, Reputational or Compliance** if correct procedures are not followed for acquiring land under the *Land Administration Act 1997*. As the DBCA have already endorsed the rationalisation of the road reserve boundary within State Forest, and based on previous legal advice received on a similar matter, the Risk Consequence is considered to be **Low** and the likelihood **Unlikely** resulting in a **Low** risk being present.

### **Budget Implications**

The Shire of Harvey have paid all costs in 2019 - 2020 associated with land survey, mapping and the issue of deposited plans. A further minor administrative cost will be incurred in the 2020 - 2021 financial year and this will be funded from the Land Acquisition account.

### **Voting Requirement**

Simple Majority.

**Officer's Recommendation**

That Council, based on previous legal advice received, authorises the Chief Executive Officer to advise the Department of Planning, Lands and Heritage that the Shire of Harvey agrees to indemnify and keep indemnified the State of Western Australia, the Department of Planning, Lands and Heritage and the Minister for Lands and hold them harmless from and against all liabilities, obligations, costs, expenses or disbursements of any kind including without limitation, compensation payable to any party under the *Native Title Act 1993 (Cth)* which may be imposed on, or incurred by the Indemnified Parties relating to or arising directly or indirectly from the road widening dedication from State Forest 16 Harvey Myalup Road (refer **Attachment 1**).

**Moved: Cr. Lovitt    Seconded: Cr. Dickinson**

**That Council, based on previous legal advice received, authorises the Chief Executive Officer to advise the Department of Planning, Lands and Heritage that the Shire of Harvey agrees to indemnify and keep indemnified the State of Western Australia, the Department of Planning, Lands and Heritage and the Minister for Lands and hold them harmless from and against all liabilities, obligations, costs, expenses or disbursements of any kind including without limitation, compensation payable to any party under the *Native Title Act 1993 (Cth)* which may be imposed on, or incurred by the Indemnified Parties relating to or arising directly or indirectly from the road widening dedication from State Forest 16 Harvey Myalup Road (refer *Attachment 1*).**

**Carried 12-0                      20/170.**



## Technical Services

<b>Item No.</b>	<b>12.2.2</b>
<b>Subject:</b>	<b>Application for Exemption To Keep More Than The Prescribed Number of Dogs</b>
<b>Proponent:</b>	<b>Ms Kelly Anne Pratt</b>
<b>Location:</b>	<b>Lot 1, No 23 Sir James Avenue, Harvey</b>
<b>Reporting Officer:</b>	<b>Coordinator Safety Services / Manager Waste and Safety Services</b>
<b>Authorising Officer:</b>	<b>Director Infrastructure Services</b>
<b>File No.:</b>	<b>A001357</b>
<b>Attachment Reg. No. 20/11607</b>	

## Summary

An application has been received from Ms Kelly Anne Pratt (the Applicant) of Lot 1, No 23 Sir James Avenue, Harvey, for an exemption to keep more than the prescribed number of dogs. A copy of the application received is attached (refer **Attachment 1**) to this report.

It is recommended that this application be approved subject to conditions.

## Background

The applicant currently has three dogs registered with the Shire at Lot 1, No 23 Sir James Avenue, Harvey, listed in the below table:

<b>Breed</b>	<b>Sex</b>	<b>Name</b>	<b>Age</b>	<b>Registration number</b>
Kelpie Cross	Female	Jenny	14	2001764
Maltese Cross	Male	Jasper	5	LT02338
Toy Poodle	Male	Chachi	1	2000845

This property is zoned Residential and is 911m<sup>2</sup> in area. (refer **Attachment 1**).

The Applicant has acquired the third dog as a result of the eldest dog's age and medical condition.

Surrounding property owners were notified in writing of the application with **Attachment 2** indicating properties that received letters. The Applicant also placed an advertisement in a local newspaper stating her intentions. Additionally, **Attachment 2** indicates which nearby properties have dogs and the number thereof.

Throughout the consultation process one objection was received. There is no record of the author of the objection making any complaints concerning excessive barking from this property prior to the application.

Provisions under the *Dog Act 1976* and the Shire's Dog Local Law 2017, stipulate that a person may only keep two dogs over the age of three months and the young of those dogs under that age. Section 26(3) of the *Dog Act 1976* does, however, allow the local government to approve more than the prescribed number of dogs to be kept on a property.

**Comment**

The 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, and reinforced more recently in WILES-DAY V SHIRE OF HARVEY CC 357/2017 OF 2017 dealt with by Council in October 2016 and April 2017;

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

There are currently three dogs registered with the Shire at this property. Two of the dogs are sterilized and the Applicant has indicated that the third dog, Chachi will be sterilised in the near future. All of the dogs are microchipped.

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

The property at Lot (1) 23 Sir James Avenue Harvey is zoned Residential comprising of 911m<sup>2</sup> in area. The size of the property does provide sufficient area for three dogs of the size and breeds nominated.

**The conditions of the dog's accommodation, for example, the standard of fencing shade, security, cleanliness; and factors that may affect their welfare:**

An inspection of the property by Officers found the following:

- Provision of shade/water – Adequate, sufficient food and water provided;
- Property fences - Suitable fencing;
- General Condition of dogs – All three dogs are clean and well cared for; and
- 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 no dogs registered in properties surrounding the Applicant and no other properties have approval for more than two dogs.

**Statutory/Policy Environment***Dog Act 1976*

Section 26. Controls the number of dogs permitted.

Section 26(3) allows the local government to grant an exemption in respect of a limit on the keeping of dogs in any specified area.

Shire of Harvey's Dog Local Law 2017 - Clause 3.2, limitations on the number of dogs permitted.

**Strategic Framework**

Within the Shire's Strategic Community Plan 2017 - 2027, 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 **Inadequate Environment Management** (considered the neighbourhood environment). The Consequence would be **Environment** if there are any justified complaints received due to a third dog being located at the premises. The consequence rating is considered **Moderate** and the Likelihood as Possible, giving a **Moderate** rating.

Council has the full authority pursuant to the *Dog Act 1976* to approve or refuse the application. Points 2 and 7 of the recommendation below mitigates the risk by stating that the exemption will automatically lapse on any offence relating to the *Dog Act 1976*.

**Budget Implications**

Nil.

**Voting Requirement**

Simple Majority.

**Officer's Recommendation**

That Council approves the application from Ms Kelly Anne Pratt of Lot 1, No 23 Sir James Avenue Harvey, for an exemption from Clause 3.2, Shire of Harvey Dogs Local Law 2017, subject to the following conditions:

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 is given to the Shire for annual inspections or more regularly if the Shire 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 Lot 1, No 23 Sir James Avenue, Harvey and should the Applicant move to another address or the dogs be relocated to another address the approval shall lapse.

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**Moved: Cr. Simpson****Seconded: Cr. Burgoyne**

**That Council approves the application from Ms Kelly Anne Pratt of Lot 1, No 23 Sir James Avenue Harvey, for an exemption from Clause 3.2, Shire of Harvey Dogs Local Law 2017, subject to the following conditions:**

- 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 is given to the Shire for annual inspections or more regularly if the Shire 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 Lot 1, No 23 Sir James Avenue, Harvey and should the Applicant move to another address or the dogs be relocated to another address the approval shall lapse.**

**Carried 12-0****20/171.**

## Technical Services

<b>Item No.</b>	<b>12.2.3</b>
<b>Subject:</b>	<b>Application for Exemption to Keep More than the Prescribed Number of Dogs</b>
<b>Proponent:</b>	<b>Ms Susanna Ballance</b>
<b>Location:</b>	<b>Lot 32, No 13 Kelston Way, Australind</b>
<b>Reporting Officer:</b>	<b>Coordinator Safety Services / Manager Waste and Safety Services</b>
<b>Authorising Officer:</b>	<b>Director Infrastructure Services</b>
<b>File No.:</b>	<b>A013368</b>
<b>Attachment Reg. No. 20/02868</b>	

## Summary

An application has been received from Ms. Susanna Ballance (the Applicant) from Lot 32, No.13 Kelston Way, Australind, for an exemption to keep more than the prescribed number of dogs. A copy of the application received is attached to this report (refer **Attachment 1**).

It is recommended that this application be approved subject to conditions.

## Background

The applicant currently has two dogs registered with the Shire at Lot 32, No 13 Kelston Way, Australind, listed in the below table:

<b>Breed</b>	<b>Sex</b>	<b>Name</b>	<b>Age</b>	<b>Registration Number</b>
King Charles Cavalier	Female	Lady	11	LT01905
Siberian Husky	Male	Titan	3	LT3030

This property is zoned Residential and is 753m<sup>2</sup> in area.

The King Charles Cavalier (Lady) is aging and spends most of her time indoors struggling with mobility. Given this situation, the Husky (Titan), has been howling when the Applicant is not home. The Applicant is hoping to acquire a third dog to keep Titan company and potentially alleviate his barking.

The applicant placed an advertisement in a local newspaper stating her intentions (refer **Attachment 2**) and also provided letters to surrounding property owners. **Attachment 3** indicates which nearby properties have dogs and the number thereof.

Throughout the consultation process there were no submissions received in relation to the application.

Provisions under the *Dog Act 1976* and the Shire's Dog Local Law 2017, stipulate that a person may only keep two dogs over the age of three months and the young of those dogs under that age. Section 26(3) of the *Dog Act 1976* does, however, allow the local government to approve more than the prescribed number of dogs to be kept on a property.

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

There are currently two dogs registered with the Shire at this property. One dog is sterilised, and they are both microchipped.

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

The property at Lot 32, No.13 Kelston Way, Australind, is zoned Residential comprising 753m<sup>2</sup> in area. The size of the property provides sufficient area for three dogs of the size and breeds nominated.

**The conditions of the dog's accommodation, for example, the standard of fencing, shade, security, cleanliness and factors that may affect their welfare:**

An inspection of the property by Officers found the following:

- Provision of shade/water – Adequate, sufficient food and water provided;
- Property fences – Suitable fencing;
- General condition of dogs – All three dogs are clean and well cared for; and
- 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 two dogs registered in properties surrounding the Applicant and no other properties have approval for more than two dogs.

**Statutory/Policy Environment***Dog Act 1976 –*

Section 26 Controls the number of dogs permitted.

Section 26(3) allows the local government to grant an exemption in respect of a limit on the keeping of dogs in any specified area.

Shire of Harvey Dog Local Law 2017 – Clause 3.2, limitations on the number of dogs permitted.

**Strategic Framework**

Within the Shire's Strategic Community Plan 2017 – 2027, 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 **Inadequate Environment Management** (considered the neighbourhood environment). The Consequence would be **Environment** if there are any justified complaints received due to a third dog being located at the premises. The consequence rating is considered **Moderate** and the Likelihood as **Possible**, giving a **moderate** rating.

**Budget Implications**

Nil.

**Voting Requirement**

Simple Majority.

**Officer's Recommendation**

That Council approves the application from Ms Susanna Ballance of Lot 32, No 13 Kelston Way, Australind, for an exemption from Clause 3.2, Shire of Harvey Dog Local Law 2017, subject to the following conditions:

1. The exemption applies to the additional dog which is the subject of this report only, and once any of the dogs are deceased, sold or otherwise disposed of, this exemption will automatically lapse;
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 property 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 is given to the Shire for annual inspections or more regularly if the Shire 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 Lot 32, No 13 Kelston Way, Australind and should the Applicant move to another address or the dogs be relocated to another address the approval shall lapse.

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**Moved: Cr. Simpson                      Seconded: Cr. Bromham**

**That Council approves the application from Ms Susanna Ballance of Lot 32, No 13 Kelston Way, Australind, for an exemption from Clause 3.2, Shire of Harvey Dog Local Law 2017, subject to the following conditions:**

- 1. The exemption applies to the additional dog which is the subject of this report only, and once any of the dogs are deceased, sold or otherwise disposed of, this exemption will automatically lapse;**
- 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 property 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 is given to the Shire for annual inspections or more regularly if the Shire 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 Lot 32, No 13 Kelston Way, Australind and should the Applicant move to another address or the dogs be relocated to another address the approval shall lapse.**

**Carried 12-0                      20/172.**

**Cr. Burgoyne left the Chamber at 4.21pm.**



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## Development Services

Item No.	12.3.1
Subject:	Proposed Amendment No. 124 (Additional Use 16) to District Planning Scheme No. 1
Proponent:	Taylor Burrell Barnett
Location:	Lot 9600 Ditchingham Place, Australind (portion of)
Reporting Officer:	Manager Planning Services
Authorising Officer:	Director Sustainable Development
File No.:	P001124
	Attachment Reg. No. 18/50753, 19/13891, 20/19398, 20/23877

### Summary

The Shire received a Scheme Amendment proposal for Additional Use 16 (A16) for Lot 9600 Ditchingham Place, Australind (refer **Attachment 1**) on 21 December 2018. The proposed Additional Use was for a “Child Care” centre and “Liquor Store – Large” (refer **Attachment 2**). The Amendment proposal has been modified to remove the “Liquor Store – Large” component and additional information has recently been received (refer **Attachments 3** and **4**).

The Scheme Amendment proposal remains unsupported by site-specific technical reports to assess the required separation distance between the subject site and the service station on Lot 1 and Australind Premix and MJB Industries north of Ditchingham Place. It is therefore recommended that Scheme Amendment No. 124 not be initiated.

### Background

#### Site Description

Lot 9600 Ditchingham Place, Australind is zoned “Other Commercial – Showroom” under the Shire’s District Planning Scheme No. 1 (the Scheme) and is subject to Additional Use A10 (refer **Attachment 1**). The adjoining Lot 1 is subject to Additional Use A15.

#### Site History

##### *Additional Use 10*

Additional Use 10 was included in the Scheme via Amendment No. 90 on 18 June 2013 for the following uses: Factory Unit Building, Community Purpose, Motor Vehicle Repair Station, Car Wash, Civic Use, Public Purpose, Educational Establishment and Produce Market.

##### *Additional Use 15*

Additional Use 15 was included in the Scheme via Amendment No. 120 on 15 November 2019 for “Fast Food Outlet (Drive Through Coffee Shop only)” on a portion of Lot 1.

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## Scheme Amendment Request History

The subject Scheme Amendment has previously been referred to Council on two separate occasions with Officers recommending the Scheme Amendment not be initiated. At the Development Services Committee meeting on 5 February 2019 (refer **Attachment 5**), the applicant requested the report be withdrawn from the agenda. Subsequent to additional information being received, the Scheme Amendment was referred to the Development Services Committee meeting of 28 May 2019 (refer **Attachment 6**) when it was recommended that *“this matter lay on the table, pending further information, to be dealt with by full Council on Tuesday 4<sup>th</sup> June 2019.”* At the 4 June 2019 meeting (refer **Attachment 7**) an addendum to the report was provided which contained the following alternative Officer's recommendation:

*“That Council:*

- 1. Refuses to initiate Amendment No. 124 to the Shire of Harvey's District Planning Scheme No. 1 for Lot 9600 Ditchingham Place (formerly part of Lot 9508 Ditchingham Place), Australind for the reasons contained within the Officers Report dated 28<sup>th</sup> May 2019.*
- 2. Advises the proponent that it will consider a Scheme Amendment to allow for a Child Care use within Lot 9600 Ditchingham Place, Australind, subject to receipt of the following:*
  - a. Confirmation of the proposed Lot within which the Additional Use will be limited to;*
  - b. A technical environmental report, prepared by a suitably qualified professional, to demonstrate that a Child Care Centre land use can be located on the Lot referred to in item b above without impacting on the:*
    - i. health, safety and wellbeing of the child care users; and*
    - ii. future development of adjoining/nearby land for the permitted commercial/light industrial land uses.*
  - c. The technical environmental report shall include an assessment of the nature and extent of possible emissions (including predicted emissions) relating to gaseous, noise, dust odour and risk impacts and acceptable criteria from nearby land uses including:*
    - i. the existing cement product manufacturing works on Ditchingham Place;*
    - ii. the existing concrete batching plant on Ditchingham Place;*
    - iii. the existing service station on Grand Entrance; and*
    - iv. future land uses permitted by the Shire of Harvey's District Planning Scheme No. 1.”*

Notwithstanding, Council resolved that *“at the request of the applicant, this matter lay on the table pending receipt of further information.”*

## Proposal

The Applicant has recently provided additional information (refer **Attachment 3**) *“as a response to matters previously raised by the Shire.”* The additional information includes the following:

- Modification to the Scheme Amendment proposal to remove “Liquor Store – Large”;
- Selection of a specific site for the proposed Child Care centre within Lot 9600; and
- Technical Memorandum to the previously provided ‘Environmental Advice’.

The Environmental Advice (April 2019) concludes that the concrete batching facility (Australind Premix) and concrete manufacturing facility (MJB Industries) appear to be well managed, with the risk of significant off-site dust and noise emissions considered to be low. The Technical Memorandum (May 2020) recommends that environmental investigations for dust and noise should be submitted with a future development application to minimise potential impacts. The Environmental Advice and Technical Memorandum both place a significant weight on the presence of other child care centres within the Perth metropolitan region being located in close proximity to concrete batching facilities.

The Scheme Amendment proposes to include the Child Care use subject to the following being provided with a development application:

- Dust monitoring to assess the impacts of the concrete batching plant;
- Noise assessment to assess the impacts of the concrete batching plant; and
- Traffic assessment to confirm the suitability of the site in terms of the traffic arrangements and safety.

### **Comment**

The EPA’s Guidance Statement No. 3 (*Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses*) provides generic separation distances in the absence of sound site-specific technical analysis. The generic separation distances are based on the experience of the previous Department of Environment and other regulatory authorities and limited site-specific quantitative scientific assessment. The Guidance Statement provides that a “*sound site-specific technical analysis is generally found to provide the most appropriate guide to the separation distance that should be maintained between an industry or industrial estate and sensitive land use. However, in recognition that a site-specific study may not be necessary in all situations, generic separation distances have been developed.*” In addition, it also states “*where the separation distance is **less** than the generic distance, a scientific study based on site- and industry-specific information must be presented to demonstrate that a lesser distance will not result in unacceptable impacts.*”

The proponent previously made a written commitment on 3 October 2019 that “*as per previous feedback we are currently undertaking to modify the Amd 124 to a site specific location and prepare technical reports by the relevant profession in relation to the alternative Officer Recommendation on 4<sup>th</sup> June 2019*”.

Despite this commitment, the Applicant has advised that site-specific technical analysis “*can only be known ... based on the specific scale and design of a child care centre*”. The proponent has indicated they need certainty that the Amendment will be initiated prior to spending funds to design the development and undertake the site-specific technical analysis. However, officers note that the proponent’s Amendment No. 120 request was submitted with noise and odour modelling reports, which did not include detailed designs of the premises to be built.

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If the proposed Amendment is initiated by Council, the Western Australian Planning Commission is the final determining authority resulting in the potential for the Scheme to be amended allowing for a use that has not been demonstrated is capable of being approved or compatible with surrounding existing and permissible uses.

If the proposed Amendment is not initiated by Council, the Amendment process ceases and there are no appeal rights available to the Applicant/proponent.

The EPA's Guidance Statement provides a recommended generic separation distance for the following:

- Concrete batching plant or cement products (bricks) manufacture: 300-500m depending on size;
- Service station (normal operating hours of Monday to Saturday 7am to 7pm: 50m; and
- Service station (all other 24 hour operations): 200m (adjoining service station operates from 4am to 10pm).

The site of the proposed Child Care is approximately 300m from Australind Premix and less than 100m from MJB Industries and the service station. To accept the notion that child care centres within the Perth metropolitan region coexist with similar facilities as being a reason for approval is not considered consistent with the principles of orderly and proper planning, particularly without the demonstration of a sound basis for doing so.

Subsequent to the proponent's deputation to Council on 23 June 2020, additional information has been provided (refer **Attachment 4**) to again request the Amendment be initiated subject to the required technical reports being provided at the time of submitting a development application. The proponent states the following:

*"...have already spent in the order of \$30,000 on this application...and it is simply uncommercial to commit an additional \$20,000+ with no clarity on approval likelihood..."*

*"This is a commercial decision for the Shire and ourselves and not just a planning matter as either process can be accommodated within the planning framework..."*

Whilst the proponent's commercial/financial risk associated with this request is acknowledged, Council's decision on the proposed Amendment is to be based on the principles of orderly and proper planning.

Officers have remained steadfast on the need for the required technical reports since the request was submitted some 18 months ago. A decision to support the Amendment would be contrary to the principles of orderly and proper planning and could result in a land use being permitted that cannot be developed due to separation distances. Officers therefore, maintain that the Amendment should not be supported in the absence of the required technical reports.

## **Conclusion**

The proposed Additional Use for "Child Care" has not been supported by site-specific technical analysis to assess the required separation distance between the subject site and the service station on Lot 1 and Australind Premix and MJB Industries north of Ditchingham Place or to demonstrate that the use is compatible with surrounding existing and permissible uses. It is therefore, recommended that Scheme Amendment No. 124 not be initiated.

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## Statutory/Policy Environment

### Planning and Development Act 2005

#### “75. Amending scheme

*A local government may amend a local planning scheme with reference to any land within its district, or with reference to land within its district and other land within any adjacent district, by an amendment —*

- (a) prepared by the local government, approved by the Minister and published in the Gazette; or*
- (b) proposed by all or any of the owners of any land in the scheme area, adopted, with or without modifications, by the local government, approved by the Minister and published in the Gazette.”*

### Strategic Framework

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

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

- minimise land use conflict.*

### Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inadequate Advice/Information**. The Consequence could be **Environmental, Financial** or **Reputational** if incorrect advice or information is provided. The risk is considered **Minor** and the likelihood **Unlikely**, given that the report has been thoroughly researched, peer reviewed and provided by a qualified Council Officer. This results in a **Low** risk being present.

### Budget Implications

Nil.

### Voting Requirement

Simple Majority.

### Officer’s Recommendation

That Council does not initiate Amendment No. 124 to the Shire of Harvey’s District Planning Scheme No. 1 for Lot 9600 Ditchingham Place, Australind for the following reasons:

1. No sound site-specific technical analysis has been provided to demonstrate that:
  - a) a lesser distance than that recommended in the EPA’s Guidance Statement No. 3 (*Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses*) is appropriate between the proposed site and the existing nearby concrete batching plant or cement products (bricks) manufacture premises and service station; and
  - b) the use would be compatible with surrounding existing and permissible uses.
2. The proposed Additional Use of “Child Care” is considered inconsistent with the following sections of the WAPC’s Planning Bulletin 72/2009 – Child Care Centres:

- 
- a) 3.2 a) and 3.3 i) – locating child care centres appropriately in relation to their surrounding service area and not having a demonstrable adverse impact on the existing or planned level of child care centre services given the existence of an approved child care centre within the District Centre and the existing child care centres of Brilliant Beginnings and Riverlinks nearby;
  - b) 3.2 b) – minimising the impact a child care centre has on its surrounds given the presence of a sensitive land use may prevent permissible land uses from locating on adjacent land; and
  - c) 3.2 c) and 3.3 c) – minimising the impact the surrounds may have on a child care centre and being located in areas where adjoining uses are compatible with a child care centre given no site-specific technical reports have been provided to determine appropriate separation distances from the nearby concrete batching plant or cement products (bricks) manufacture premises and service station.
3. Initiating Amendment No. 124 on the basis that other child care centres within the Perth metropolitan region are located in close proximity to concrete batching facilities is not considered consistent with the principles of orderly and proper planning.

**Moved: Cr. Jackson**

**Seconded: Cr. Bromham**

**That Council does not initiate Amendment No. 124 to the Shire of Harvey's District Planning Scheme No. 1 for Lot 9600 Ditchingham Place, Australind for the following reasons:**

- 1. No sound site-specific technical analysis has been provided to demonstrate that:**
  - a) a lesser distance than that recommended in the EPA's Guidance Statement No. 3 (*Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses*) is appropriate between the proposed site and the existing nearby concrete batching plant or cement products (bricks) manufacture premises and service station; and**
  - b) the use would be compatible with surrounding existing and permissible uses.**
- 2. The proposed Additional Use of "Child Care" is considered inconsistent with the following sections of the WAPC's Planning Bulletin 72/2009 – Child Care Centres:**
  - a) 3.2 a) and 3.3 i) – locating child care centres appropriately in relation to their surrounding service area and not having a demonstrable adverse impact on the existing or planned level of child care centre services given the existence of an approved child care centre within the District Centre and the existing child care centres of Brilliant Beginnings and Riverlinks nearby;**
  - b) 3.2 b) – minimising the impact a child care centre has on its surrounds given the presence of a sensitive land use may prevent permissible land uses from locating on adjacent land; and**
  - c) 3.2 c) and 3.3 c) – minimising the impact the surrounds may have on a child care centre and being located in areas where adjoining uses are compatible with a child care centre given no site-specific technical reports have been provided to determine appropriate separation distances from the nearby concrete batching plant or cement products (bricks) manufacture premises and service station.**
- 3. Initiating Amendment No. 124 on the basis that other child care centres within the Perth metropolitan region are located in close proximity to concrete batching facilities is not considered consistent with the principles of orderly and proper planning.**

**Carried 11-0**

**20/173.**

**Cr. Burgoyne entered the Chamber at 4.22pm.**

## Development Services

Item No.	12.3.2
Subject:	Community Open Space, Binningup - Transfer of Land
Proponent:	Solomon Brothers on behalf of Binningup Nominees Pty Ltd
Location:	Lots 194, 195, 198, 199, 200, 8001 and 8002, Binningup
Reporting Officer:	Director Sustainable Development
Authorising Officer:	Chief Executive Officer
File No.:	A006245, A016443
	Reg. 20/21964

### Summary

Lots 194, 195, 198, 199, 200, 8001 and 8002, (subject lots) Binningup are presently owned freehold by Binningup Nominees Pty Ltd (owner). These land parcels have been developed as Community Open Space (refer **Attachment 1**) and managed by the owner in accordance with the requirements of the Shire of Harvey Town Planning Scheme No 12. The owner no longer wishes to maintain these parcels and is seeking approval of Council for all lots to be transferred free of cost (gifted) to the Shire of Harvey (Shire) (refer **Attachment 2**).

It is recommended that Council approves the transfer and authorises the Chief Executive Officer to enter into appropriate agreements to ensure ongoing access to other infrastructure and water points required to undertake the necessary maintenance.

### Background

On 18 August 1987, Shire of Harvey Town Planning Scheme 12 - Lakewood Shores Guided Development Scheme was Gazetted, which among other things provides for the development and Management of Open Space Areas within the Scheme Area (refer **Attachment 3**). Broadly the Open Space Areas were defined as Public, Community and Golf Course.

The Golf Course remains the owner's responsibility and all Public Open Space has been ceded to the Shire as Recreation Reserves. The Community Open Space, which is the subject of this report, was never transferred to a Community Association and has remained the responsibility of the owner. It is understood that the transfer did not occur due to the problematic Scheme provisions associated with the collection and enforcement of levies and restriction of access.

In 2009, the Shire commenced negotiations with the owner's representative at the time in regard to normalising the management of the Community Open Space. No agreement was reached at the time, however, there was an established position that at some time these Community Open Space areas would be under the management of the Shire.

In recognition of the management being undertaken by the owner, the subject lots since 2001 have been granted a Rates Exemption under Section 6.47 of the *Local Government Act 1995* (Act) as the land has been developed as open space and waiving of the rate was considered appropriate.

The Shire became aware in early April 2020, that the owner was ceasing the management of the Community Open Space and Golf Course. Officers initially met with the owner's representative and agreed that:

- *The Shire will not be seeking to take on any maintenance associated with the Golf Course.*

- *It was agreed that the land described above would be gifted to the Shire and that the Shire would investigate the process and likely cost to do so. It was also supported that an interim Memorandum of Understanding would be warranted prior to the land being transferred to the Shire.*
- *It was agreed that all reticulation, lighting, play equipment etc would also be gifted to the Shire.*
- *Preliminary inspections by the Shire suggest the infrastructure is in satisfactory condition and would be accepting of it being handed over as is.*
- *It was agreed that Binningup Nominees would advise the Shire on the amount of water it generally consumes to undertake the current maintenance regime. It was also agreed that Binningup Nominees would investigate the value of that water supply so further discussions with the Shire could occur. It remained unresolved as to how the existing pump could be transferred/jointly used by both parties.*

### Proposal

As evidenced by **Attachment 2**, the owner no longer wishes to manage the Community Open Space and has offered to gift the land to the Shire. The land specific to this transfer is legally described as:

DESCRIPTION OF LAND	EXTENT	VOLUME	FOLIO
LOT 194 ON PLAN 22692	WHOLE	2131	658
LOT 195 ON PLAN 22694	WHOLE	2131	675
LOT 198 ON PLAN 22692	WHOLE	2131	659
LOT 199 ON PLAN 22694	WHOLE	2131	677
LOT 200 ON PLAN 22692	WHOLE	2131	660
LOT 8001 ON DEPOSITED PLAN 54244	WHOLE	2668	827
LOT 8002 ON DEPOSITED PLAN 49304	WHOLE	2618	583

### Comment

Since the original meeting between the Shire and developer's representatives, considerable progress has been made on the identification of infrastructure, its current status, likely maintenance costs, water demands and the limitations on accessing the bore and reticulation control station.

In the Shire's draft 2020 - 2021 Budget an allocation of \$20,000 has been listed for consideration associated with the ongoing maintenance requirements. This figure does not include the potential replacement of the solar lights within Lakes Parade, which is still being costed in conjunction with Western Power.



The water licence, bore and reticulation control station are on land not included within the list of subject lots. The existing allocation of water provides an amount required to water the golf course and the subject lots. Splitting this allocation into two separate licences is currently being pursued, however, the time frame to complete this process remains unknown.

Discussions to resolve these matters are ongoing and to this effect, it is requested that authorisation be given to the Chief Executive Officer to enter into any interim or ongoing agreements (preferably a Memorandum of Understanding) once a mutually beneficial position has been achieved.

### **Statutory/Policy Environment**

#### **Shire of Harvey Town Planning Scheme 12 - Lakewood Shores Guided Development Scheme**

Part V – Community Open Space - contains provisions for the Development and Management of the Community Open Space and provides an opportunity to transfer the Community Open Space to the Shire of Harvey in the event the management entity (owner or Community Association) is no longer able to undertake the required management.

#### ***Transfer of Land Act 1893***

Part IV – Dealings with Land, Division 1 – Transfers, provides section associated with the transfer of land in freehold from one entity to another.

### **Strategic Framework**

Within the Shire's Strategic Community Plan 2017 - 2027, Strategy 2.2.3 and 2.4.5 states:

2.2.3 *Continue to provide a high standard of town centre presentation and maintenance;*

*and*

2.4.5 *Monitor and maintain current and future playground facilities within the Shire*

### **Budget Implications**

The Shire's draft 2020 - 2021 Budget has listed for consideration an allocation of \$20,000 towards the maintenance of the subject lots.

### **Risk Management**

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The Consequence could be **Environmental, Financial, Reputational** or **Compliance** if an incorrect administration of the Scheme occurs and areas of Community Open Space are not appropriately managed. The Risk is considered **Minor** and the likelihood **Unlikely**, given that the report has been thoroughly researched, peer reviewed and provided by a qualified Shire Officer. This results in a **Low** risk being present.

## Voting Requirements

Simple Majority.

## Officer's Recommendation

That Council:

1. Pursuant to Clause 4.5.2 of the Shire of Harvey Town Planning Scheme 12 - Lakewood Shores Guided Development Scheme accepts the gifting of the following lots from Binningup Nominees Pty Ltd:

DESCRIPTION OF LAND	EXTENT	VOLUME	FOLIO
LOT 194 ON PLAN 22692	WHOLE	2131	658
LOT 195 ON PLAN 22694	WHOLE	2131	675
LOT 198 ON PLAN 22692	WHOLE	2131	659
LOT 199 ON PLAN 22694	WHOLE	2131	677
LOT 200 ON PLAN 22692	WHOLE	2131	660
LOT 8001 ON DEPOSITED PLAN 54244	WHOLE	2668	827
LOT 8002 ON DEPOSITED PLAN 49304	WHOLE	2618	583

2. Authorises the Chief Executive Officer to affix the Common Seal to the Transfer of Land Documents contained within **Attachment 2** of this report; and
3. Authorises the Chief Executive Officer to enter into a Memorandum of Understanding with Binningup Nominees Pty Ltd associated with the allocation of water and access to the bore and reticulation control station.

Moved: Cr. Coleman

Seconded: Cr. Simpson

That Council:

1. Pursuant to Clause 4.5.2 of the Shire of Harvey Town Planning Scheme 12 - Lakewood Shores Guided Development Scheme accepts the gifting of the following lots from Binningup Nominees Pty Ltd:

DESCRIPTION OF LAND	EXTENT	VOLUME	FOLIO
LOT 194 ON PLAN 22692	WHOLE	2131	658
LOT 195 ON PLAN 22694	WHOLE	2131	675
LOT 198 ON PLAN 22692	WHOLE	2131	659
LOT 199 ON PLAN 22694	WHOLE	2131	677
LOT 200 ON PLAN 22692	WHOLE	2131	660
LOT 8001 ON DEPOSITED PLAN 54244	WHOLE	2668	827
LOT 8002 ON DEPOSITED PLAN 49304	WHOLE	2618	583

2. Authorises the Chief Executive Officer to affix the Common Seal to the Transfer of Land Documents contained within **Attachment 2** of this report; and
3. Authorises the Chief Executive Officer to enter into a Memorandum of Understanding with Binningup Nominees Pty Ltd associated with the allocation of water and access to the bore and reticulation control station.

Carried 12-0

20/174.

## Development Services

Item No.	12.3.3
Subject:	Application for a “Use Not Listed” (Rural Workers Accommodation)
Proponent:	D & L Hanks
Location:	Lot 48 (No. 336) Government Road, Harvey
Reporting Officer:	Planning Officer (ND)
Authorising Officer:	Manager Planning Services
File No.:	A007984
Reg. 20/19211	

### Summary

An application for Development Approval has been received for a ‘Use Not Listed’ (Rural Workers Accommodation) on Lot 48 (No. 336) Government Road, Harvey (refer **Attachment 1**). The application is referred to Council as Officers do not have delegation to determine that a ‘Use Not Listed’ may be consistent with the purpose and objectives of the General Farming zone.

It is recommended that Council determines the proposed ‘Use Not Listed’ may be consistent with the objectives of the zone and advertises the proposal.

At the completion of advertising, should no adverse submissions be received, the Manager Planning Services may determine the application in accordance with Delegation 4.1.3.

### Background

#### Site Description

Lot 48 Government Road is zoned ‘General Farming’ under the Shire’s District Planning Scheme No.1 (the Scheme) and zoned ‘Rural’ under the Greater Bunbury Region Scheme. The site is generally regular in shape with an area of approximately 52.4 ha.

The majority of Lot 48 is pasture for grazing cattle. A house, pool and sheds occupy the eastern portion of the Lot within an area of approximately 50 – 150m from Government Road. The Site Plan (refer **Attachment 2**) shows the location of the existing buildings and the proposed Rural Workers Accommodation on the site.

#### Application History

On 11 May 2020, an email was received from the Applicant to request an exemption from the requirement for a Development Application to install a portable single bedroom unit for agricultural worker’s accommodation. The exemption request stated as follows:

*“Please be advised that we wish to apply for the Agricultural Workers Accommodation exemption under item 1.7 of the Schedule.*

*We wish to install a portable 1 x bedroom unit on 336 Government Road Harvey. The Unit is from Cavalier although we are purchasing this unit directly from St John Ambulance Sub Centre in Harvey. The Unit is 18 months old and in as new condition. I have attached a copy of the specification from Cavalier.*

*The purpose of this accommodation unit is for temporary backpacker farm workers on our dairy farm at 336 and 414 Government Road Harvey.*

*Access to the unit would be via our existing driveway at 336 Government Road Harvey and located approximately 40 metres to the rear of our existing house. We have existing power and water connections on this site."*

The exemption is permissible in terms of the Minister for Planning's signed notice of exemptions gazetted on 30 April 2020. Notice of Exemption 1.7 is specific to this proposal is as follows:

Column 1 Requirements	Column 2 - Schemes	Column 3 – Direct Conditions	Column 4 - Discretion To
1.7 Proponents are exempted from the requirement to obtain development approval to the use of, or undertaking of works on, land, where such use or works concern agricultural workers accommodation.	Shire of Harvey District Planning Scheme No.1;  Shire of Manjimup Local Planning Scheme No. 4.	<p>1. Provided that the temporary workers' accommodation applies to a workforce necessary for ongoing operation of agricultural activities.</p> <p>2. Provided that:</p> <p>a) the land to be used is located in the General Farming, Intensive Farming, Priority Agriculture or General Agriculture zones;</p> <p>b) the use is capable of being approved under the scheme;</p> <p>c) if the land can be connected to all reticulated utility services, is so connected; and</p> <p>d) no new permanent buildings or structures are required.</p> <p>3. Provided that the proponent notifies the local government within 7 days of commencing the use, that the use is being undertaken.</p> <p>4. An exemption under this clause will expire 90 days after the date upon which the State of Emergency Declaration ceases to have effect, or is revoked.</p> <p>5.Despite any other condition, this exemption does not apply to temporary worker's accommodation connected with the essential services dealt with in 1.6.</p>	Proponents

Despite the COVID-19 Pandemic Exemption, a Building Permit is still required. This was applied for on 25 May 2020 and issued on 26 June 2020. The unit now exists on the site.

**Proposal**

The application is for Development Approval of the Rural Workers Accommodation unit (refer **Attachments 2 and 3**) that has a Building Permit by virtue of the owner of the property utilising the Minister for Planning's State of Emergency COVID-19 pandemic Exemptions which was gazetted on 30 April 2020. The unit measures 9.6m x 4.2m x 3m and has an area of 40m<sup>2</sup>. It has crème coloured walls and roof.

Despite the Minister's Exemption, it is necessary for the owners to obtain a Development Approval as the Exemption only applies for the term of the State of Emergency Declaration plus a period of 90 days. As the owners wish to make the Rural Workers Accommodation for permanent use, a Development Approval is requested.

**Comment****Rural Workers Accommodation**

The proposed use of "Rural Workers Accommodation" is not consistent with an existing use class in the Scheme. Clause 4.2.4(c) makes provision for a "Use Not Listed" to be considered and provides that Council can *"determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone"*. The Scheme does not provide much guidance on the objectives of the "General Farming" zone, however, the Policy statement contained within Table 27 ("General Farming") of the Scheme refers to encouraging these areas to continue to be used for viable large scale farming activities and promoting good farming, animal husbandry and soil conservation.

The Applicant has advised that the proposed Rural Workers Accommodation is required to accommodate temporary backpackers employed to work on the dairy farm situated on the property.

**Advertising**

If Council determines that the proposed "Rural Workers Accommodation" use may be consistent with the objectives and purposes of the zone, pursuant to Clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Deemed Provisions), the application is required to be advertised for a period of at least 14 days for public comment.

If no objections are received during the advertising period, officers have delegation to approve the application as per Delegation 4.1.3.

**Conclusion**

It is evident that because of the small size of the unit and its location on the Lot, there are no negative impacts on adjoining landowners. It is distant to Government Road due to its placement behind (west of) the house area and it is also, for the most part, screened by vegetation that exists on the site.

Given the intended use of the proposed accommodation unit provided by the Applicant, it is considered that the proposed "Rural Workers Accommodation" may be consistent with the objectives of the 'General Farming' zone given that it supports the rural activities on the Lot. At the completion of advertising, should no adverse submissions be received, officers have delegation to determine the application in accordance with Delegation 4.1.3.

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**Statutory/Policy Environment****Planning and Development (Local Planning Schemes) Regulations 2015****Schedule 2 – Deemed Provisions, Section 64 – Advertising Applications:**

- “(1) An application for development approval must be advertised under this clause if the proposed development —“*
- “(b) relates to a use if —*
- (i) the use is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located; and*
  - (ii) the local government determines that the use may be consistent with the objective of that zone and that notice of the application should be given;”*
- “(3) The local government may advertise, or require the applicant to advertise, an application for development approval in one or more of the following ways —*
- (a) by giving notice of the proposed use or development to owners and occupiers of properties in the vicinity of the development who, in the opinion of the local government, are likely to be affected by the granting of development approval, including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is given to the person;”*

**Shire of Harvey District Planning Scheme No.1****Clause 4.2.4**

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

- (a) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted; or*
- (b) Determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and there after follow the advertising procedures of Clause 64 of the Deemed Provisions in considering an application for consent. In approving such an application, the local government may apply any conditions or development standards it deems necessary”*

**Table 27 – Zoning and Development Standards for the General Farming Zone-**

*Policy Statement – “Local government intends to encourage these areas to continue to be used for viable large scale farming activity. Local government will encourage and promote good farming, animal husbandry and soil conservation. Some limited tourist and recreational activity may be permitted where no adverse effect to the primary agricultural purpose of the zone will result.*

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## Shire of Harvey Delegations Register

### **Delegation 4.1.3**

“9. To approve an Application for Development Approval for a “Use Not Listed” that Council has determined ‘may be consistent with the purpose and objectives of the zone.’”

“Approval for a “Use Not Listed” under Delegation 9. is subject to no objections being received during advertising of the application.”

### **Strategic Framework**

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

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

- *minimise land use conflict.*

### **Budget Implications**

Nil.

### **Risk Management**

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The Consequence could be **Environmental, Financial, Reputational** or **Compliance** if an incorrect assessment of the land use occurs, insufficient community engagement occurs, an incorrect approval is given or a relevant condition missed. The Risk is considered **Minor** and the likelihood **Unlikely**, given that the report has been thoroughly researched, peer reviewed and provided by a qualified Shire Officer. This results in a **Low** risk being present.

### **Voting Requirements**

Officer’s Recommendation 1 – Absolute Majority.

Officer’s Recommendation 2 – Simple Majority.

### **Officer’s Recommendation 1 of 2**

That Council, pursuant to Clause 4.2.4(c) of the Shire of Harvey’s District Planning Scheme No. 1, determines that the proposed ‘Use Not Listed’ detailed in the Application for Development Approval for Lot 48 (No. 336) Government Road, Uduc can be considered as “Rural Workers Accommodation” which may be consistent with objectives and purposes of the ‘General Farming’ zone.

**Absolute Majority Required**

**Moved: Cr. Bromham**

**Seconded: Cr. Jackson**

**That Council, pursuant to Clause 4.2.4(c) of the Shire of Harvey’s District Planning Scheme No. 1, determines that the proposed ‘Use Not Listed’ detailed in the Application for Development Approval for Lot 48 (No. 336) Government Road, Uduc can be considered as “Rural Workers Accommodation” which may be consistent with objectives and purposes of the ‘General Farming’ zone.**

**Carried by Absolute Majority 12-0**

**20/175.**

**Officer's Recommendation 2 of 2**

That Council, pursuant to Clause 4.2.4(c) of the Shire of Harvey's District Planning Scheme No. 1, advertises the Application for Development Approval for Lot 48 (No. 336) Government Road, Uduc for the proposed 'Use Not Listed' (Rural Workers Accommodation) in accordance with Schedule 2, Clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015.

**Moved: Cr. Jackson                      Seconded: Cr. Bromham**

**That Council, pursuant to Clause 4.2.4(c) of the Shire of Harvey's District Planning Scheme No. 1, advertises the Application for Development Approval for Lot 48 (No. 336) Government Road, Uduc for the proposed 'Use Not Listed' (Rural Workers Accommodation) in accordance with Schedule 2, Clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015.**

**Carried 12-0                      20/176.**



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**Development Services**

<b>Item No.</b>	<b>12.3.4</b>
<b>Subject:</b>	<b>Mosquito Borne Disease Control – 2019 - 2020</b>
<b>Proponent:</b>	<b>Manager Environmental Health Services</b>
<b>Location:</b>	<b>Shire of Harvey</b>
<b>Reporting Officer:</b>	<b>Manager Environmental Health</b>
<b>Authorising Officer:</b>	<b>Director Sustainable Development</b>
<b>File No.:</b>	<b>HSN002</b>

**Summary**

This report provides a summary of the mosquito borne disease control activities undertaken by the Shire's Environmental Health Section for the 2019 - 2020 threat season. The threat season usually occurs from September to May of each year, however, is influenced by weather patterns.

**Background**

Mosquito control continues to be the major public health issue for the local governments of Harvey, Bunbury and Dardanup.

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

The purpose of the CLAG, which formally meets biannually, is to control mosquito borne diseases on a sub-regional basis by undertaking control methods in unison, setting budgets, sharing expertise and equipment. Furthermore, in recent years the Leschenault CLAG and the Geographe CLAG (Capel and Busselton local governments) have co-operated to deliver a common health education message more effectively.

The CLAG arrangement continues to operate effectively within the revised Memorandum of Understanding re- signed by all CLAG local governments and the DoH in 2020.

**Comment**

The 2019 - 2020 season resulted with a comparable level of response by Environmental Health staff compared to the previous year. This is qualified by stating that the weather conditions, specifically tidal regimes, did not impact as predicted and the absence of summer storm events. This resulted in four aerial applications of larvicides and low adult mosquito populations. This consequently translated into lower than expected reported cases of RRv and BFv across the Leschenault CLAG.

**Control Activities**

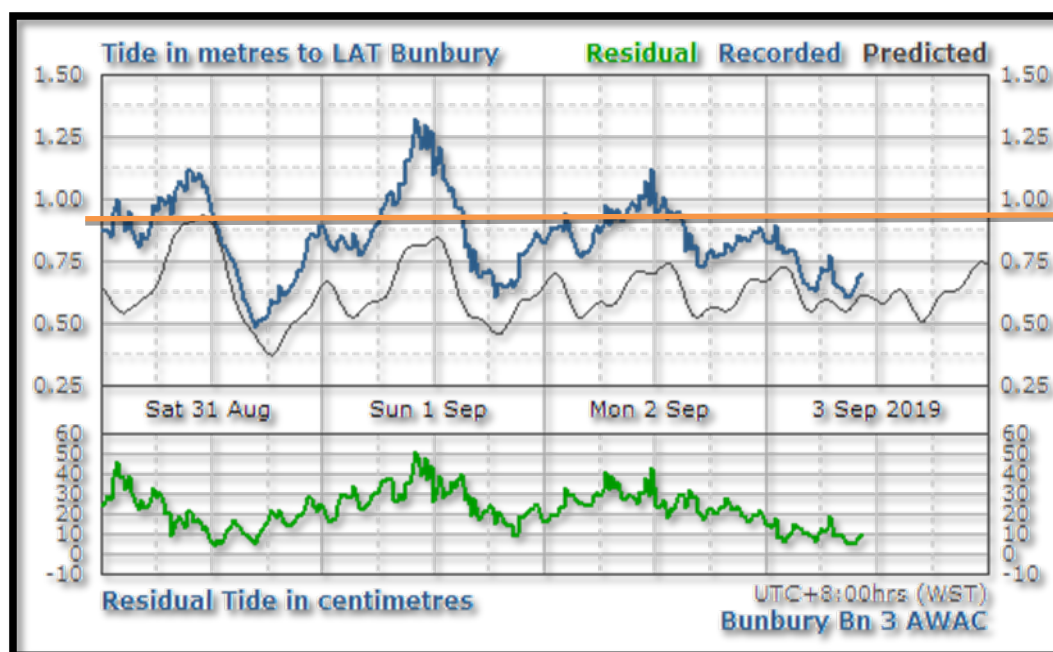
The following report and statistics illustrate the moderate level of response required for this mosquito season.

It is to be noted that mosquito control activity in this Shire and the CLAG, is tidal driven with little impact from rainfall.

Mosquito control activities commenced on 26 August 2019 due to the presence of winter cohorts, with the first aerial treatment being undertaken on the 27 August. The Shire of Harvey undertook four aerial treatments in 2019 - 2020 as compared to three in the previous season.

The below tide chart demonstrates the effects of tidal movement within the Leschenault Estuary on mosquito activity. The orange line indicates the 0.9m tide height which is the trigger level where fringing wetlands can become inundated, resulting in egg hatching. The blue line is the actual tide level and the black being the predicted level. The green line indicates the positive height above and the red line a negative below the predicted level.

The below chart shows three tides that exceeded the 0.9m trigger which resulted in the first aerial treatment for the 2019 - 2020 season.



Resulting from any tide exceeding 0.9m field observations are undertaken about three days after to formulate a response, i.e. aerial treatment, manual treatment or no action.

For this season 24 on ground survey events were undertaken at larval sites following conditions conducive to egg hatching which compares with 16 in the 2018 - 2019 season. A survey event is defined as a survey undertaken on a specific date but usually includes multiple sites e.g. 26 August 2019, when nine sites were surveyed. This equated to approximately 80 individual site surveys for the season.

These surveys resulted in 18 treatments comprising of 14 manual and four aerial applications being undertaken, as compared to last season, with 17 treatments, including three aerial applications.

A treatment is defined as a treatment undertaken on a specific date, but usually includes multiple sites e.g. 9 September 2019, an aerial application resulted in 12 sites treated, totalling 62 hectares (ha), with the application of 320 kg of larvicide at a rate of 6.5kg/ha.

The larvicide usage is shown below in Table 1.

**Table 1**

<b>LARVICIDE USAGE</b>		
<b>Larvicide</b>	<b>2017/18</b>	<b>2018/19</b>
Abate 10 SG	0	0
Abate 50 SG (aerial)	0	0
Bti (As)	0.2 litres	0.9 litres
Bti (vectobac G)	0kg	0kg
Barmac 200GR (Bti)	120kg	0kg
Vectoprime (Bti & s-meth)	0kg	88kg
Briquettes (s-methoprene)	83	99
Prosand (s-methoprene)	454kg	460kg

Aerial treatments were undertaken on the following dates and resulted in an approximately of 100 ha being treated compared to 85 ha 2018 - 2019:

1. Thursday, 4 August 2019;
2. Monday, 9 September 2019;
3. Thursday, 7 November 2019; and
4. Saturday, 21 March 2020.

It is to be noted that the data in Table 1 is only for the Shire of Harvey.

Application rates for the larvicides are:

- Prosand (S-methoprene) at 6 - 6.5 kgs per hectare;
- Prolink (S-methoprene) Briquettes at 1 per 10sqm;
- Vectoprime (Bti 5-10% and S-methoprene <1%) at 1.4 -11.2 kgs per hectare; and
- *Bacillus thuringiensis* var *israelensis* (Bti);
  - (Bti, As), at 1.2 litres (concentrate) per hectare;
  - (Bti, as Vectobac G) at 7kg per hectare; and
  - (Bti, as Barmac 200 GR) at 7kg per hectare.

Three of the four aerial treatments were undertaken using the larvicide S-methoprene (granules), with the fourth using a dual formulation of Bti and S-methoprene. Alternating the types of larvicides used for control is a valuable technique to reduce possible mosquito resistance. All larvicides specifically target mosquito larvae. The aerial application of the liquid formulation of Bti requires very low wind speeds of about that 5kph and as a consequence this formulation is rarely used.

The choice of larvicide is dependent upon a variety of factors, however, most importantly is the age of larvae, water levels, tidal and weather forecast. Bti is very potent against early stage larvae but not so effective against late stage larvae which is where S-methoprene is most effective.

To assess the effectiveness of the aerial treatments, post aerial surveys continued for about seven to ten days after the event. Post survey results showed that the S-methoprene treatments continued to be successful, whilst the single treatment of a dual formulation achieved moderate results. The application was at the moderate rate of 6kg/ha and it is considered the rate may need to be increased for the more heavily vegetated sites.

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Aerial treatments are required to have a high level of reporting as part of the CLAG agreement to the DoH containing the following data:

- Pre-treatment site assessment surveys;
- Aerial treatment details; and
- Post-treatment site assessment surveys.

The use of semi-permanent briquettes stations was minimal due to the timing of aerial applications which treated the same sites. Furthermore, the tidal patterns and weather conditions throughout the season were conducive to aerial treatments as sites were significantly inundated which negated the requirements for large manual applications.

The runnels at Crimp Crescent wetland which were installed in 2000 continue to function effectively with some maintenance required to remove winter debris and vegetation intrusion. Runnels allow the ingress of predators and the egress of impounded water thereby reducing mosquito larvae populations and reducing the use of chemical control.

It was anticipated that some maintenance would be undertaken on the 400m of runnels located on Lot 131 Clifton Park, however, this did not eventuate. It is therefore, hoped that this work can be undertaken in the 2020 - 2021 season. Unauthorised access and destruction of this reserve by four wheel drives and motorbikes has virtually ceased due to the installation of effective boundary fencing by Infrastructure Services. The resulting severe wheel rutting creates further larvae sites, and destroys the runnel system and the delicate vegetation.

The majority of Point Douro is now under the control of the state agency, Department Biodiversity Conservation Attractions (DBCA) and is incorporated into the Leschenault Regional Park, however, six ha remains in private ownership.

The management of this reserve has ceased:

- Illegal dumping;
- Fire risk;
- Vandalism;
- Illegal camping;
- Illegal vehicle activity; and
- Destruction of the delicate vegetation.

The cessation of vehicle access has now protected the four km of runnels at Point Douro which were installed in 1987.

DBCA and the MEHS have been working closely to rehabilitate with:

- Rubbish removal;
- Revegetation;
- Filling rutting caused the vehicle damage ground which created mosquito breeding and destroyed the runnel system and importantly; and
- Sections of the runnel system were rendered inoperable by vehicle activity have been reinstated.

The cable gate installed by the Shire at the entry point off the Old Coast Road was cut on several occasions, however, since being replaced with a robust gate by DBCA access has ceased.

The mosquito control boat was not used due to the requirement of staff to hold a Skippers Ticket. Training and assessment was scheduled but did not occur due to timing with other events. It is hoped to complete the training during the 2020 - 2021 season as the boat is required for the surveillance of several islands in the Collie River and Barr Island in the Leschenault Estuary.

The quad bike was used on several occasions to assist in the application of larvicides and survey work. This piece of equipment has proved extremely useful by allowing officers to cover considerable distances quickly, to carry equipment, survey work and instigate treatments, particularly Bti applications.

Adulticiding (fogging) was not undertaken but would have been at a specific foreshore area in Clifton Park due to a site activating over the Christmas break. A number of complaints were received resulting from the high number of adult mosquitoes. The thermal fogger, which is approximately 20 years old, failed to operate and adulticiding could not be undertaken. Due to the age of the machine and the potential difficulties in repairing it a new machine was purchased.

#### **Notifications of Ross River virus and Barmah Forest virus, July 2019 – June 2020**

Table 2 indicates the monthly statistics of RRV and BFV within the Shire.

**Table 2**

<b>Monthly Onset Date</b>	<b>Ross River Virus</b>	<b>Barmah Forest Virus</b>
July	3	0
August	1	0
September	1	0
October	1	1
November	0	0
December		0
January		0
February		0
March		0
April		0
May		0
June		0
<b>TOTAL</b>	<b>6</b>	<b>0</b>

#### **Notified Cases of Ross River Virus for the Shire of Harvey 1988 to June 2020**

Table 3 demonstrates the historical cases of RRV that have been recorded in the Shire of Harvey to the 30 June 2020.

It is to be noted that prior to 2009 the reporting period was September to May each year, not the fiscal year.

**Table 3**

Years	88/89	89/90	90/91	91/92	92/93	93/94	94/95	95/96	96/97	97/98	98/99
Cases	45	1	1	25	4	3	2	71	13	14	23
Years	99/00	00/01	01/02	02/03	03/04	04/05	05/06	06/07	07/08	08/09/	09/10
Cases	33	3	1	1	56	2	17	14	13	19	4
Years	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20	
Cases	14	29	62	23	30	12	22	15	14	6	

The following cases of RRv have been recorded to the 30 June 2020 throughout Western Australia and are evaluated against the Shire of Harvey data:

- State – 151 (previous year 402);
- South West – 55 (previous year 165);
- Leschenault CLAG – 16 (previous year 28); and
- Shire of Harvey – six (previous year 14).

For the Shire of Harvey this equates (rounded percentages) to:

- 4.0% (previous year 3.5%) of total Western Australia cases;
- 11%, (previous year 8.5%) of South West cases; and
- 37% (previous year 50%) of the Leschenault CLAG.

#### **Notified Cases of Barmah Forest virus for the Shire of Harvey 1988 to June 2020**

Table 4 demonstrates the historical cases of BFv that have been recorded to the 30 June 2020. It is to be noted that:

- Due to the un-reliability of data collected throughout 2012 to 2014, information cannot be provided; and
- Prior to 2009 the reporting period was September to May each year, not the fiscal year.

**Table 4**

Years	88/89	89/90	90/91	91/92	92/93	93/94	94/95	95/96	96/97	97/98	98/99	99/00	00/01
Cases	0	0	0	0	0	0	0	0	2	0	0	0	8
Years	01/02	02/03	03/04	04/05	05/06	06/07	07/08	08/09	09/10	10/11	11/12	12/13	13/14
Cases	3	1	0	0	3	4	1	3	1	2	0	No data	No data
Years	14/15	15/16	16/17	17/18	18/19	19/20							
Cases	2	1	0	3	1	0							

The following cases of BFv have been recorded to the 30 June 2020 throughout Western Australia and evaluated against the Shire of Harvey data.

The following exhibits how this Shire:

- State – seven (previous year, 18);
- South West – one (previous year, eight);
- Leschenault CLAG – zero (previous year, one); and
- Shire of Harvey – zero (previous year, one).

For the Shire of Harvey this equates to:

- 0% (previous year 5.6%) of total Western Australia cases;
- 0% (previous year 13.6%), of South West cases; and
- 0% (previous year 50%) of the Leschenault CLAG.

### Case Investigations

Each case of RRv notified is investigated where possible to ascertain the probable source of infection. This is a useful tool for the identification of an infection as this could be external of the residential local government and/or identify virus activity in previously unknown areas.

For this Shire the demographics have established that most people were generally infected within one kilometre of the environs of the Leschenault Estuary. This is very significant when considering the potential future intrusions of human populations to the north of the Leschenault Estuary. However, it needs to be recognised that generally the residential areas do not extend much further than one kilometre from the estuary. Scientific research undertaken in the Leschenault area by the MEHS/SEHO established that the *Ae camptorhynchus* mosquito is quite capable of travelling up to one kilometre per night into the wind and at least six kilometres from the release site.

### Virus Activity

The DoH undertakes the trapping of adult mosquitoes from four locations on a fortnightly basis throughout this Shire for:

- Species identification;
- Virus detection and identification (isolates); and
- Total numbers.

For the period July 2019 to June 2020, 10 RRv isolates were recovered from a trap site within the Shire (Table 5). This compares to one RRv isolates and no BFv isolates from the 2018 - 2019 season.

**Table 5**

Trap Site	Month	Number of Isolates	Virus ID	Mosquito Species
Fresh Water Larval Site.	11 June 2020	10	RRv	<i>Ae. camptorhynchus</i> ,

Although these detections fall within the 2019 - 2020 reporting period this is extremely concerning for a number of reasons:

- This is unseasonal, as detections are generally not seen until October/November onwards;
- Multiple detections from one site within the Shire of Harvey; and
- Detections have occurred simultaneously in other local government trap sites to the north and south of this Shire, therefore virus activity is widespread.

Recent DoH and local media statements have been released warning of the unseasonal detections in the South West between Mandurah and Capel.

In response, it is staff's intention to bring forward the aerial treatment programme, depending on tidal and weather conditions, to late June or most likely early August 2020. Furthermore, the climatic indicators such as the El Nino- Southern Oscillation (ENSO) reflect a neutral to positive conditions. A positive ENSO generally points toward an above average risk season.

### **The CLAG MoU**

Council at its meeting of 19 November 2019 resolved to adopt the reviewed CLAG MoU and authorised the Chief Executive Officer to sign, subject to all Principal stakeholders signing, the same.

It is to be noted that the previous MoU required that it be reviewed and re-signed at least every five years. The new MoU, however, permit, that if all parties agree that no amendments are required, then the existing MoU may remain in place and will not need re-signing.

A requirement of the MoU is that each CLAG local government is required to submit a Mosquito Management Plan (MMP) to the DoH for approval. The MEHS has submitted a comprehensive MMP which has been accepted by the DoH and received very positive comments.

The MMP is a 27page document, excluding attachments, which provides the Shire with detailed historical information and captures 30 years of the MEHS's corporate knowledge. A copy of the MMP can be provided to Councillors if requested.

Further to the above, the CLAG is required to provide an annual report to the DoH. This is a new requirement and each CLAG member has shared the responsibility of completing the report. All member contributed to the Budget and funding acquittal, which includes funding and chemical carry-over and individual LG activities.

The SoH compiled the:

- Summary of the season;
- Technical reporting of control chemicals;
- Planning for the upcoming seasons which includes;
  - climatic predictions;
  - climate influences;
  - larvicide requirements;
  - number of aerial and ground treatments; and
  - equipment requirements.

SoD compiled the mosquito borne disease case numbers, trapping data and virus isolates.

CoB have complied the;

- CLAG public education and community engagement activities such as the health education campaign of television, print media and Fight the Bite merchandise purchases.



## **Public Education**

In response to the previous year's market research the Leschenault and Geographe CLAG's reviewed and modified its communication strategy which resulted in the following:

- Television advertising through GWN7 commenced on 15 September 2019 for an eight-week period and a further two-week period from 26 December 2019;
- Website management and domain hosting for fightthebite.com.au and Fight the Bite South West Facebook page— ongoing over the calendar year; and
- Radio and newspaper advertising was not undertaken.

The Bull and Barrel Festival Expo was staffed by the Leschenault CLAG officers and attracted considerable interest. It is believed that this festival will not occur this year and the CLAG has agreed to share the SoH marquee at the Brunswick show which is good timing for the forthcoming risk season. The CLAG display has now been shared between all local governments showing a good example of sub-regional co-operation.

It is worthy to note that some of the major components of the public education developed by the Leschenault CLAG have been adopted by the DoH and other local governments.

The DoH, state-wide driven Fight The Bite campaign, supports CLAGs with the supply of branded merchandise as "give-a-ways" at public education displays, such as:

- Hats;
- Drink bottles;
- Repellent;
- Coffee cups (reusable); and
- Dry bags etc.

Separate to, but complimenting the above, the MEHS and the Shire's Marketing and Communications Officer undertook a series of Instagram "posts" which have been well received. The DoH also requested permission to exhibit these "post" to other CLAGs to promote this type of raw footage as a tool for public education. The DoH is optimistic that other local governments will do the same and that a library of film material can be documented.

## **Signage**

The large interpretive sign at Knapp's Channel wetland describing Council's mosquito control measures at that site remains undamaged and continues to be of interest to the public. Further signage will be developed as part of the CLAG and Leschenault Regional Park public education strategy.

## **Helicopter Safety Training**

The Shire's Environmental Health Officers successfully completed the induction training required to be undertaken prior to helicopter operations. As the EHO's from the Shire co-ordinate and supervise CLAG aerial applications, two officers are trained. This is mandatory annual training and is provided free of cost.

The recently appointed SEHO, Ms Juliet Madzvimbo, has completed the mandatory helicopter training. Further operational training on the multi-faceted aspects of mosquito control will be under the supervision of the Manager Environmental Health Services.

Shire Staff are required to:

- Control the ground operations;
- Liaise directly with the helicopter pilot over operational issues;
- Inform the Australind Police of aerial activities;
- Ensure a safe landing and take-off zone;
- Calculate quantities of larvicides and area required for treatment;
- Load (calibrate if necessary) the larvicide hoppers on both sides of the helicopter pre and post treatment;
- Act as the initial Search and Rescue (SAR) co-ordinator; and
- Provide treatment reports to the DoH.

### **Manager Environmental Health Services (MEHS) Activities**

The MEHS continues to be the WALGA non metropolitan representative on the Mosquito Control Advisory Committee (MCAC) under the governance of the DoH. The MCAC met twice in 2019 - 2020 to:

- Scrutinise and approve state-wide CLAG budget;
- Scrutinise and approve scientific research grant applications; and
- Provide a conduit to provide advice to various other state agencies concerning mosquito control.

The MEHS was invited in 2017 to be a participant the Technical Advisory Group (TAG) for the development of the Leschenault Regional Park Establishment Plan to give advice on mosquito control. It was emphasised that mosquito control was a critical public health protection mechanism to reduce mosquito borne disease and that control must remain under the direction of the Shire and the DoH.

The importance of the programme is recognised within the Leschenault Regional Park Establishment Plan as stated below:

#### **4.4.2 Mosquito management**

Much of the area proposed for inclusion within the regional park is subject to the ongoing mosquito control program coordinated by the Department of Health and Leschenault Contiguous Local Authority Group (CLAG). Given the significant public health risks associated with mosquito borne diseases it is essential that the future management plan recognises and establishes that the mosquito control program continues and remains under the absolute control of the Department of Health and the Leschenault CLAG."

Further to the above Staff has worked closely with the Department of Biodiversity, Conservation and Attractions, to guide that agency through the science of the mosquito control programme.

### **Statutory/Policy Environment**

The objects and principles of the *Public Health Act 2016*, predicates that the appropriate enforcement agency, being the Shire of Harvey, undertakes actions to protect, promote, improve public health to prevent disease for its community.

Consequently, the mosquito control program meets the objects and principles which is supported by the CLAG MoU.

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CLAG MOU 2020. This MoU clarifies the roles and responsibilities of the signatories to the document. This was reviewed by all parties in 2019 endorsed in May 2020. The new MoU however permits, that if all parties agree that no amendments are required, then the existing MoU may remain in place and will not need re-signing.

### **Strategic Framework**

Within the Shire's Strategic Community Plan 2017 – 2027, Strategy 2.7.3 states:

*Partner with other government agencies to implement an integrated approach to mosquito management.*

### **Risk Management**

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. There is no Consequence associated as the Shire has the full authority under State Government legislation and MoU to undertake mosquito control. There could be a **reputational** consequence if the Shire is seen not to take remedial action to control a disease risk.

### **Budget Implications**

The activities described in this report were within the 2019 - 2020:

- The Shire's mosquito control budget; and
- Leschenault CLAG budget, which includes Department of Health funding.

### **Voting Requirement**

Simple Majority.

### **Officer's Recommendations:**

That Council:

1. Receives the report entitled Mosquito Borne Disease Control 2019 - 2020; and
2. Authorises the Chief Executive Officer to forward this report to the Contiguous Local Authority Group to assist with its annual report to the Department of Health.

**Moved: Cr. Coleman**

**Seconded: Cr. Adams**

**That Council:**

1. **Receives the report entitled Mosquito Borne Disease Control 2019 - 2020; and**
2. **Authorises the Chief Executive Officer to forward this report to the Contiguous Local Authority Group to assist with its annual report to the Department of Health.**

**Carried 12-0**

**20/177.**

## Development Services

<b>Item No.</b>	<b>12.3.5</b>
<b>Subject:</b>	<b>Trading in Public Places for Food Vendors</b>
<b>Proponent:</b>	<b>Up In Smoke Catering and Food Van(trailer)</b>
<b>Location:</b>	<b>Ridley Place Australind, Crown Reserve 25441(2)</b>
<b>Reporting Officer:</b>	<b>Senior Environmental Health Officer</b>
<b>Authorising Officer:</b>	<b>Manager Environmental Health Services</b>
<b>File No.:</b>	<b>LS/B/032 Attachment Reg. No.20/24419</b>

### Summary

Council at its meeting of 19 November 2019, approved various food vendors to operate under a Power to Licence for Designated Locations within the Shire. As not all locations were approved, a further application from 'Up In Smoke Catering' has been received to operate from Position 2 at Ridley Place, Crown Reserve 25441, Australind.

Officers do not have delegation to determine and it is recommended that Council approves the application from Up In Smoke Catering and authorises the preparation and signing of the required documents between the Shire and the operator for a Power to Licence, Position 2 at Ridley Place, Crown Reserve 25441, Australind.

### Background

Council, at its meeting of 9 October 2018, adopted the revised draft Policy 4.3.7 - Trading in Public Places Policy for Food Vendors and approved five sites for the Power to Licence for food vendor trading. Four of these sites are at Australind and one site is at the Beach Carpark in Binningup.

Council's resolution of 9 October 2018 was as follows:

*"That Council:*

- 1. Notes the submissions received during the six-week advertising period;*
- 2. Approves the following five sites for the 'Power to License' for the purpose trading sites for food vendors:*

<i>Area</i>	<i>Designated location</i>	<i>Number(s) of site(s) permitted</i>	<i>Size</i>
<i>Australind</i>	<i>Eco-Museum (Reserve 25203)</i>	<i>1 site</i>	<i>30m<sup>2</sup></i>
<i>Australind</i>	<i>Christina Street (Lot 31) (Plan D027242)</i>	<i>1 site</i>	<i>30m<sup>2</sup></i>
<i>Australind</i>	<i>Ridley Place (Crown Reserve 25441)</i>	<i>2 sites</i>	<i>30m<sup>2</sup> per site</i>
<i>Binningup</i>	<i>Beach Carpark (Part Reserve 488239)</i>	<i>1 site</i>	<i>30m<sup>2</sup></i>

- 3. Adopts the revised Draft Policy 4.3.7;*
- 4. Undertakes the independent valuation of the sites accepted in Recommendation 1a to formulate a fee based on market values;*
- 5. On completion of the independent valuation, calls for Expressions of Interest from interested parties for the operation of food vendor trading at the sites approved; and*

6. *Updates the Staff Delegations Register, “4.3.7 AUTHORISATION TO APPROVE TRADERS’ PERMITS ONLY RELATING TO FOOD TRADING”, to reflect the adoption of Policy 4.3.7.”*

In response to Resolution 4 an independent valuation was completed on 5 February 2019 to determine the market rental/permit fee for trading at the above locations, allowing for calls for Expressions of Interest from interested parties for the operation of food vendor trading at the approved sites. The market rental for trading at the various locations determined in the valuation are shown below.

POWER TO LICENCE PERMIT LOCATIONS AND PRICE PER SITE					
	Area	Designated location	Number(s) of sites(s) permitted	Size	Market rental/permit fee for trading/per annum.
1.	Australind	Eco-Museum (Reserve 25203)	1 site	30m <sup>2</sup>	\$1,500
2.	Australind	Christina Street (Lot 31) (Plan D027242)	1 site	30m <sup>2</sup>	\$2,000
3.	Australind	Ridley Place (Crown Reserve 25441) Position 1	2 sites	30m <sup>2</sup>	\$2,000
4.	Australind	Ridley Place (Crown Reserve 25441) Position 2		30m <sup>2</sup>	\$1,500
5.	Binningup	Beach Carpark (Part Reserve 48823)	1 site	30m <sup>2</sup>	\$520

These trading locations will operate under a Power to Licence Permit which allows an operator to ‘occupy’ a site at Shire identified foreshore locations in Australind and Binningup.

Council at its meeting of the 19 November 2019 approved two of three applications, being:

- Eco-Museum (Reserve 25203) Australind; and
- Christina Street (Lot 31) (Plan D027242) Australind.

The Shire, however, after the closing date of the EOI received an additional application seeking approval to operate from the location at Position 1 at Ridley Place, Crown Reserve 25441, Australind.

It was considered that the most expedient way to approve any further applications for the remaining two locations, being Ridley Place (Crown Reserve 25441) two separate sites, was for Council to delegate its authority to the Chief Executive Officer to make the decision instead of presenting the matter to Council.

Officer Recommendation 3 was as follows:

*Delegates the authority to the Chief Executive Officer to approve a Power to Licence Permit between the Shire of Harvey and an operator for trading at the chosen Power to Licence locations as described in the “Background” of this item, subject to an evaluation and the demonstration of capability against the assessment criteria included in the Expression of Interest document.*

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The alternate motion presented by Council changed the officers' recommendation to read as follows:

Alternative Motion:

**Authorises the Chief Executive Officer to sign a Contract for a Power to Licence Permit between the Shire of Harvey and the operators for trading at the chosen locations as described in the Officer's Recommendation 1, for a period of two (2) years.**

Reason: The change to the Officer's Recommendation was due to Council being of the view that Binningup does not have a large enough population to accommodate the existing facilities and the food van, and to remove the delegation to approve a Power to Licence at Power to Licence locations as Council wishes to be aware of these operations.

In response to Council's Resolution, the application from Up In Smoke Catering, to trade at Position 2 at Ridley Place, Crown Reserve 25441, Australind is now presented to Council for consideration.

### **Comment**

The Applicant's trading offer (refer **Attachment 1**) is summarised as follows;

- Trading at Ridley Place, Position 2
- Operating for a period of two years;
- Proposed trading times, subject to establishing consumer requirements:
  - Seven days per week
  - 12pm to 8pm on Monday to Sunday
- Offering easy to eat foods
  - e.g. American style BBQ ribs, meats, burgers, salads and chips.

The application was assessed by Environmental Health Officers against the requirements of Policy 4.3.7 - Trading in Public Places Policy for Food Vendors, for compliance and other mobile trade vendors to ensure consistency in the evaluation process.

It is recommended that Council approves the operator Up In Smoke Catering to trade from Ridley Place (Crown Reserve 25441) Position 2.

### **Statutory/Policy Environment**

*Local Government Act 1995:*

#### **2.7. Role of Council**

- (1) *The Council —*
  - (a) *governs the local government's affairs; and*
  - (b) *is responsible for the performance of the local government's functions.*
- (2) *Without limiting subsection (1), the Council is to —*
  - (a) *oversee the allocation of the local government's finances and resources; and*
  - (b) *determine the local government's policies.*

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*Food Act 2008* and *Food Regulations 2009* gives power to the local government (delegated to an authorised person) to approve food businesses and to enforce regulation by infringement or prosecution.

Activities in *Thoroughfares and Public Places and Trading Local Law 2017*. Part 6 deals with trading in thoroughfares and public places, and Part 7 relates to permits and applying for permits.

#### Policy 4.3.7 - Trading in Public Places Policy for Food Vendors:

The Policy applies to all Stallholder and Trader Permit applications offering food for sale in a public place pursuant to the Shire's Activities in Thoroughfares and Public Places and Trading Local Law 2017. The objectives of the Policy are to:

1. Provide Council with a consistent framework to regulate the location of stallholders and traders offering food or food related goods and services for sale in public places within the Shire of Harvey;
2. Provide a framework for Council nominated sites at various foreshore locations, by introducing the 'Power to Licence' permit, a new category of permit where the permit fee is based on an appraisal determined according to economic market trends and conditions; and
3. Encourage a high standard of service delivery to the local community and visitors whilst supporting local economic development, commercial viability, public safety and taking into account existing permanent business premises.

The Power to Licence permit limits the number of food vendors to the licensed areas at the identified designated sites at Australind and Binningup. The Policy includes assessment and selection considerations, as well as Standard Terms and Conditions for determining a food vendor application at Power to Licence sites and includes as part of these conditions that the Power to Licence Permit be granted for a period of up to 24 months from the approval date.

### Strategic Framework

Within the Shire's Strategic Community Plan 2017 – 2027, Strategies, 2.4.3, 2.4.4, 4.2.2 and 4.3.4 state:

- 2.4.3 Progress opportunities to increase accessibility and improve the range of amenities and infrastructure at the Leschenault Estuary.*
- 2.4.4 Provide quality amenities and accessible public spaces for our community.*
- 4.2.2 Maintain, review and ensure relevance of Council's policies and local laws.*
- 4.3.4 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 **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 Shire officer, resulting in **Low** risk being present.

**Budget Implications**

Permit fees for the five identified Power to Licence sites were determined by an independent valuation during February 2019.

An income of \$1,500 per annum, (for a term of two years), is generated from this site in accordance with the market rental/permit site and forms part of the Shire's 2020 - 2021 Budget.

**Voting Requirement**

Simple Majority.

**Officer's Recommendation**

That Council:

1. Approves the application from Up In Smoke Catering to trade from Ridley Place Australind, Crown Reserve 25441, Position 2 for the sum of \$1,500 per annum for a term of two years with the following requirements:
  - a) Trading for seven days per week;
  - b) Operating times between 12pm to 8pm on Monday to Sunday; and
  - c) Subject to standard terms and conditions in accordance with Council's Policy, 4.3.7 Trading in Public Places Policy for Food Vendors; and
2. Authorises the Chief Executive Officer to sign a Contract for a Power to Licence Permit between the Shire of Harvey and the operators of Up In Smoke Catering for trading as described in the Officer's Recommendation 1.

**Moved: Cr. Bromham**

**Seconded: Cr. Dickinson**

**That Council:**

1. **Approves the application from Up In Smoke Catering to trade from Ridley Place Australind, Crown Reserve 25441, Position 2 for the sum of \$1,500 per annum for a term of two years with the following requirements:**
  - a) Trading for seven days per week;**
  - b) Operating times between 12pm to 8pm on Monday to Sunday; and**
  - c) Subject to standard terms and conditions in accordance with Council's Policy, 4.3.7 Trading in Public Places Policy for Food Vendors; and**
2. **Authorises the Chief Executive Officer to sign a Contract for a Power to Licence Permit between the Shire of Harvey and the operators of Up In Smoke Catering for trading as described in the Officer's Recommendation 1.**

**Carried 12-0**

**20/178.**



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**Development Services**

<b>Item No.</b>	<b>12.3.6</b>
<b>Subject:</b>	<b>Proposed Moratorium on Amendments to the Local Planning Strategy and District Planning Scheme</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Shire of Harvey</b>
<b>Reporting Officer:</b>	<b>Manager Planning Services</b>
<b>Authorising Officer:</b>	<b>Director Sustainable Development</b>
<b>File No.:</b>	<b>P001000</b>

**Summary**

The Shire's Local Planning Strategy (LPS) has received final approval and Officers are finalising the draft new Local Planning Scheme (draft new Scheme). Officers are being contacted by landowners and/or their representatives regarding potential amendments to the LPS. Amendments to the LPS prior to finalisation of the Greater Bunbury Strategy (GBS) or amendments to the current District Planning Scheme No. 1 (current Scheme), are likely to delay the progression and finalisation of the draft new Scheme. Therefore, Officers recommend Council imposes a 12-month moratorium on considering amendments to the LPS and the current Scheme.

**Background**

The Shire's LPS received final approval on 22 April 2020. Some submissions received requesting modifications to the LPS were not supported by the Western Australian Planning Commission (WAPC) and many of these are likely to be included in the Greater Bunbury Strategy currently being prepared by the WAPC. Upon release of the finalised Greater Bunbury Strategy (GBS), the LPS is likely to be amended to include the recommendations of the GBS that do not currently form part of the LPS.

Subsequent to finalisation of the LPS, a workshop was held with Councillors on 30 June 2020 on the draft new Scheme. Officers estimate that the draft new Scheme may be referred to Council in October 2020 for endorsement for referral to the Environmental Protection Authority and to seek consent to advertise from the WAPC.

**Proposal**

Officers propose that Council imposes a 12-month moratorium on amendments to the LPS and current Scheme.

**Comment**

Landowners and/or their representatives have been in discussions with the Department of Planning, Lands and Heritage (DPLH) and WAPC regarding their submissions to the LPS that were not initially supported by the WAPC for inclusion in the LPS. The DPLH and WAPC are referring the landowners and/or their representative to the Shire for potential amendments to the LPS. In some instances, amendments to the LPS prior to finalisation of the GBS are considered premature and may delay the finalisation of the draft new Scheme. In addition, amendments to the current Scheme are likely to be impacted by, or delay finalisation of, the draft new Scheme.

In this situation, Council has the ability to impose a moratorium on amendments which would mean that for a period of time (proposed as 12 months) Council would not consider any requests for an amendment to the LPS or current Scheme. This is a common approach by local governments and is often suggested by the DPLH.

It is therefore recommended that Council imposes a 12-month moratorium on considering amendments to either the LPS or current Scheme.

### **Statutory/Policy Environment**

There are no statutory provisions relating to placing a moratorium on amendments.

### **Strategic Framework**

Within the Shire's Strategic Community Plan 2017 – 2027:

Strategy 1.1.1 states:

*Review the Town Planning Scheme*

Strategy 1.1.2 states:

*Complete the Local Planning Strategy*

### **Risk Management**

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The Consequence could be **Reputational** or **Financial** if amendments to the LPS or Scheme delay finalisation of the draft new Scheme. The risk is considered **Minor** and the likelihood **Unlikely**, given that Shire Officers have recommended a 12-month moratorium on amendments and the report has been thoroughly researched, peer reviewed and provided by a qualified Shire Officer. This results in a **Low** risk being present.

### **Budget Implications**

Nil.

### **Voting Requirement**

Simple Majority.

### **Officer's Recommendation**

That Council imposes a 12-month moratorium on considering amendments to either the Shire's Local Planning Strategy or District Planning Scheme No. 1.

**Moved: Cr. Coleman                      Seconded: Cr. Simpson**

**That Council imposes a 12-month moratorium on considering amendments to either the Shire's Local Planning Strategy or District Planning Scheme No. 1.**

**Carried 12-0**

**20/179.**

## Corporate Services

Item No.	12.4.1
Subject	Listing of Accounts Paid – May 2020
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Finance
Authorising Officer:	Director Corporate Services
File No.:	FMS006

## Summary

Presented by way of attachment is a listing of payments for goods and services for May 2020. It is recommended that Council note the attached payments.

## Background

Pursuant to Section 5.42 of the *Local Government Act 1995* (Delegation of some powers and duties to CEO), Council has resolved to delegate to the Chief Executive Officer (Delegation No: 2.2.1) the exercise of its powers to make payments from the municipal and trust funds.

As a result of this delegation there is a requirement under the Local Government (Financial Management) Regulations 1996, Regulation 13(3) for a list of payments to be prepared and presented to Council.

## Comment

The list of accounts paid for the period of May 2020 is presented as an attachment to this report, as summarised below.

<u>Voucher</u>	<u>Amount</u>
Schedule of Accounts	
Municipal	
EFT 49970 - EFT 50294	\$2,478,429.12
116998 - 117019	\$19,986.21
DD20593.1 - DD20651.17	\$128,017.75
CBA Credit Card	\$6,857.49
Electronic Funds Submitted	\$1,013,464.08
Total	<u>\$3,646,754.65</u>

## Statutory/Policy Environment

Local Government (Financial Management) Regulation 1996, Regulation 13 prescribes the reporting of payments to Council.

## Strategic Framework

Within the Shire's Strategic Community Plan 2017 – 2027, 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 associated as Council is receiving financial information only with no recommendation on action or intervention.

**Budget Implications**

The payments listed above have been budgeted for in the Shire's 2019–2020 Budget.

**Voting Requirement**

Simple Majority.

**Officer's Recommendation**

That Council notes the above list of accounts paid for the period of May 2020 totalling \$3,646,754.65.

**Moved: Cr. Dickinson      Seconded: Cr. Campbell**

**That Council notes the above list of accounts paid for the period of May 2020 totalling \$3,646,754.65.**

**Carried 12-0                      20/180.**

## Corporate Services

<b>Item No.</b>	<b>12.4.2</b>
<b>Subject:</b>	<b>Financial Statements as at 31 May 2020</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Shire of Harvey</b>
<b>Reporting Officer:</b>	<b>Manager Finance</b>
<b>Authorising Officer:</b>	<b>Director Corporate Services</b>
<b>File No.:</b>	<b>CC/C/062</b>

## Summary

Presented by way of attachment are the Financial Statements as at 31 May 2020.

The following key balances are provided to assist in reporting the Shire's financial performance.

	<b>ACTUAL</b>	<b>BUDGET</b>	<b>VARIANCE</b>
	31 May 2020	2019 - 2020	
<b>Statement of Financial Performance</b>			
Ordinary Revenue	\$39,028,833	\$36,124,398	<b>-\$2,904,435</b>
Ordinary Expenditure	\$37,099,821	\$44,313,168	\$7,213,347
Capital Revenue	\$8,200,259	\$12,396,656	\$4,196,397
Capital Expenditure	\$9,707,125	\$17,526,329	\$7,819,204
End of Period Profit / (Loss)	\$12,227,104		
<b>Statement of Financial Position</b>			
Current Assets	\$47,936,057		
Net Assets	\$486,471,303		

It is recommended Council receive the Financial Statements (refer **Attachment 1**).

## Background

In accordance with the provisions of Section 6.4 of the *Local Government Act 1995*, and Regulation 34(1) of the Local Government (Financial Management) Regulations 1996, a Local Government is to prepare each month a Statement of Financial Activity (refer **Attachment 1**) reporting on the revenue and expenditure as set out in the Annual Budget under Regulations 22 (1)(d) for the month.

## Comment

Any material variances are highlighted in the Statement of Financial Performance and included by way of Notes to the Statement of Financial Performance (as attached).

Attached to the Agenda is a copy of:

- Statement of Financial Performance
- Statement of Financial Position
- Notes to the Statement of Financial Performance and Financial Position
- Total Municipal Revenue and Expenditure - graph

- Statement of Cash at Bank – Loans
- Statement of Cash at Bank – Reserves
- Statement of Cash at Bank – Bonds and Deposits
- Statement of Cash at Bank – Trust
- Current Ratio – graph
- Outstanding Rates – graph
- Aged Debtors Summary - graph
- Current Account Coverage – graph
- Statement of Investments

### **Statutory/Policy Environment**

Section 6.4 of the *Local Government Act 1995*, requires financial reports to be prepared as prescribed.

Local Government (Financial Management) Regulation 1996, Regulation 34 prescribes the monthly financial reporting requirements of Council.

### **Strategic Framework**

Within the Shire's Strategic Community Plan 2017 – 2027, 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**. The Consequence could be **Financial, Reputational** or **Compliance** if the financial statements are not reported accurately, timely or in the required format. The risk is mitigated by Council receiving financial statements on a monthly basis and in a form that is in accordance with the *Local Government Act 1995* and associated Regulations, resulting in a **Low** risk being present.

### **Budget Implications**

Review of the monthly accounts aids in ensuring works and services are undertaken and the Shire operates within its adopted Budget.

### **Voting Requirement**

Simple Majority.

### **Officer's Recommendation**

That Council receives the Financial Statements as at 31 May 2020.

**Moved: Cr. Lovitt    Seconded: Cr. Dickinson**

**That Council receives the Financial Statements as at 31 May 2020.**

**Carried 12-0**

**20/181.**

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**Corporate Services**

<b>Item No.</b>	<b>12.4.3</b>
<b>Subject:</b>	<b>2020 - 2021 Budget Adoption</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Shire of Harvey</b>
<b>Reporting Officer:</b>	<b>Director Corporate Services</b>
<b>Authorising Officer:</b>	<b>Chief Executive Officer</b>
<b>File No.:</b>	<b>FM/B/001</b>

**Summary**

The purpose of this report is to allow Council to consider and adopt the 2020 - 2021 Budget together with associated matters such as the Schedule of Fees and Charges, Councillor Fees and Allowances along with Rates and Charges for 2020 - 2021. A copy of the 2020 - 2021 draft Budget, which has resulted from Council's Preliminary Budget Meeting, held on 7 July 2020 is included as a separate attachment.

**Background**

On 7 July 2020, a Special Council Meeting was held to review in depth the draft 2020 - 2021 Budget. That meeting included a page by page review of the draft Budget including operating income and expenses as well as capital works. The draft Budget has been prepared with reference to the Shire's Integrated Planning documents such as the Strategic Community Plan, Corporate Business Plan, Workforce Plan, Asset Management Plan, Long Term Financial Plan and other strategic planning documents.

In accordance with the Special Council Meeting, the draft 2020 - 2021 Budget document has been predicated on a zero % increase in general rates, rate in the dollar.

**Comment**

The Shire through its utilisation of reserves accounts and retained surplus carried forward has been able to fund:

- Stimulus capital works as part of its COVID-19 measures;
- Provide for planned capital and operating works; and at the same time; and
- Retain local government rates and fees and charges at the same level as 2019 - 2020.

The CPI is currently 2.1% (Perth, March 2019 – March 2020) and is projected to increase over the next few years.

The Shire has been able to achieve this additional expenditure without increasing revenue in 2020 - 2021, however, having now accessed those reserve accounts, the capacity to fund through reserves or reduce Shire rates in future years is limited.

The draft 2020 - 2021 Budget is presented in the required format for adoption.

**Statutory/Policy Environment**

*Local Government Act 1995*, Section 6.2 – Requirement for local governments to prepare and adopt in the prescribed manner an annual budget, by absolute majority.

## Strategic Framework

This Budget has taken into account information derived from the Shire's Integrated Planning documents as per Strategy 4.1.1 of the Strategic Community Plan including the Long Term Financial Plan, Workforce Plan, Asset Management Plans and Corporate Business Plan.

Within the Shire's Strategic Community Plan 2017 – 2027, Strategies 3.4.1 and 3.6.1 state:

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

3.6.1 *Provide a safe standard of roads and ancillary infrastructure.*

## Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/information**. The Consequence could be **Financial** and **Compliance**. Note that by Council working through its proven budget process helps to mitigate or control financial risk. As such it is considered that a **Low** risk is present.

## Budget Implications

The draft Budget has been formulated with consideration given to Integrated Planning documents such as the Corporate Business Plan and Long Term Financial Plan.

The adoption of the Budget will allow for the imposition of rates revenue for the 2020-2021 year as well as the commencement of new works as highlighted in the Budget document.

## Voting Requirement

Absolute Majority.

## Budget Adoption Recommendations

### 1. Schedule of Fees and Charges 2020 - 2021

All fees and charges have been reviewed as part of the 2020 - 2021 Budget process.

### Officer's Recommendation 1 of 6

That the Schedule of Fees and Charges, as included in the Budget document, be adopted.

**Absolute Majority Required**

Moved: Cr. Coleman

Seconded: Cr. Dickinson

That the Schedule of Fees and Charges, as included in the Budget document, be adopted.

Carried by Absolute Majority 12-0

20/182.



## 2. Councillor Fees and Allowances

### Officer's Recommendation 2 of 6

That the following Councillor fees and allowances be adopted for the 2020 - 2021 Financial Year:

Annual attendance fee (Councillors)	-	\$16,640
Annual attendance fee (Shire President)	-	\$31,149
Communications allowance	-	\$ 1,385
Presidential allowance	-	\$44,280
Deputy Presidential allowance	-	\$11,070

**Absolute Majority Required**

**Moved: Cr. Lovitt      Seconded: Cr. Coleman**

That the following Councillor fees and allowances be adopted for the 2020 - 2021 Financial Year:

Annual attendance fee (Councillors)	-	\$16,640
Annual attendance fee (Shire President)	-	\$31,149
Communications allowance	-	\$ 1,385
Presidential allowance	-	\$44,280
Deputy Presidential allowance	-	\$11,070

**Carried by Absolute Majority 12-0      20/183.**

## 3. Adoption of Draft 2020 - 2021 Budget

### Officer's Recommendation 3 of 6

That the 2020 - 2021 Municipal Fund Budget, showing expenditure and payments of \$64,089,881 and receipts of \$31,899,348 with an amount of \$20,485,006 to be acquired by the imposition of general rates, be adopted by Council.

**Absolute Majority Required**

**Moved: Cr. Bromham      Seconded: Cr. Jackson**

That the 2020 - 2021 Municipal Fund Budget, showing expenditure and payments of \$64,089,881 and receipts of \$31,899,348 with an amount of \$20,485,006 to be acquired by the imposition of general rates, be adopted by Council, excluding accounts: 132102, 132104, 132146, 132132.

**Carried by Absolute Majority 12-0      20/184.**

Cr. Jackson left the Chamber at 4.37pm.

### Officer's Recommendation 3 of 6

That accounts 132102, 132104, 132146, 132132 be adopted by Council.

**Absolute Majority Required**

**Moved: Cr. Burgoyne      Seconded: Cr. Bromham**

That accounts 132102, 132104, 132146, 132132 be adopted by Council.

**Carried by Absolute Majority 11-0      20/185.**

Cr. Jackson entered the Chamber at 4.38pm.

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#### **4. Rates, Concessions, Charges, Payment Options, Penalties and Discounts**

##### **Officer's Recommendation 4 of 6**

That the following rates and charges and related payment options be imposed on rateable properties within the Shire of Harvey for the 2020-2021 Financial Year:

##### Schedule of Rates, Concessions, Charges, Fees, Penalties and Discounts

##### General Rates

8.5534 cents in the \$ on Gross Rental Valuations.  
0.5188 cents in the \$ on Unimproved Valuations.

##### Specified Area Rate – Kingston Landscaping Maintenance

0.9252 cents in the \$ on Gross Rental Valuations on properties within the Kingston Estate.

##### Specified Area Rate – Galway Green Landscaping Maintenance

0.9232 cents in the \$ on Gross Rental Valuations on properties within the Galway Green Estate.

##### Specified Area Rate – Treendale Landscaping Maintenance

1.3521 cents in the \$ on Gross Rental Valuations on properties within Treendale.

##### Specified Area Rate – Treendale District Centre Landscaping Maintenance

0.89844 cents in the \$ on Gross Rental Valuations on properties within the Treendale District Centre.

##### Minimum Rate

\$1,080 per assessment on both Gross Rental Valuations and Unimproved Valuations.

##### Residential Rubbish Charge

\$308 per annum for the weekly removal of one 240 litre mobile 'Organics' garbage bin, fortnightly removal of one 240 litre mobile 'General Waste' garbage bin and fortnightly removal of one 240 litre mobile 'Recycling' Bin plus one (1) tip pass (includes four (4) standard tip entries).

##### Industrial and Non-Residential Rubbish Charge

\$194 per annum for the weekly removal of one 240 litre mobile garbage bin only.

##### Rural Rubbish Charge

\$105 per annum for a rural rubbish charge on those rural properties which do not have a 240 litre Mobile Garbage Bin Service.

##### Swimming Pool Inspection Fee

\$15.50 per annum (GST Exempt).

Rates, Charges and Fees Due and Payable

The General Rates, Specified Area Rates and Rubbish Charges are due and payable by the 25 September 2020.

Interim Rates and Interim Rubbish Charges will be due and payable by the 35<sup>th</sup> day after the date of service of the interim notice.

Discounts

A discount of 7% on all current general rates issued and payments received in full at the Shire of Harvey Offices up to 4.00p.m. on the 25 September 2020, and a discount of 7% on all interim general rates paid in full by the 35<sup>th</sup> day after the date of service of the interim notice.

Options for Payment of Rates, Rubbish Charges and Fees**Option 1 – Prompt Payment**

Due no later than 4.00pm on 25 September 2020, and subject to a 7% discount on the current general rates.

**Option 2 – Two Equal Instalments**

1. First Instalment due no later than 4.00pm on 25 September 2020.
2. Second Instalment due no later than 4.00pm on 27 November 2020.

Administration Charge for Payment by Option 2 – \$0.00.

Note: No Discount Applicable to Option 2

**Option 3 – Four Equal Instalments**

1. First Instalment due no later than 4.00pm on 25 September 2020.
2. Second Instalment due no later than 4.00pm on 27 November 2020.
3. Third Instalment due no later than 4.00pm on 29 January 2021.
4. Final Instalment due no later than 4.00pm on 2 April 2021.

Administration Charge for Payment by Option 3 – \$0.00.

Note: No Discount Applicable to Option 3

Interest Charged on Overdue Rates, Rubbish and Other Charges

Rate of Interest – 5% per annum calculated on a daily basis.

Interest will be charged on all General Rates, Accrued Interest, Rubbish Charges and Instalment Administration Charges outstanding as at 30 June 2020, calculated on a simple interest basis at the rate of 5% per annum.

Where no election has been made to pay the rate notice by instalments, interest will be charged on the General Rates and/or Rubbish Charges raised for the 2020-2021 financial year, that remain outstanding 42 days after the date of issue of the rate notice, for the number of days until the day before the day on which a payment is received, calculated on a simple interest basis at the rate of 5% per annum.

Where an election has been made to pay the rate notice by instalments and an instalment remains unpaid, interest will be charged for the number of days until the day before the day on which a payment is received, calculated on a simple interest basis at the rate of 5% per annum.

Entitled Pensioners will be exempt from being charged the interest charge on Deferred Rates, Current Rates and Current Rubbish Charges.

**Absolute Majority Required**

**Moved: Cr. Burgoyne      Seconded: Cr. Campbell**

**That the following rates and charges and related payment options be imposed on rateable properties within the Shire of Harvey for the 2020-2021 Financial Year:**

**Schedule of Rates, Concessions, Charges, Fees, Penalties and Discounts**

**General Rates**

8.5534 cents in the \$ on Gross Rental Valuations.

0.5188 cents in the \$ on Unimproved Valuations.

**Specified Area Rate – Kingston Landscaping Maintenance**

0.9252 cents in the \$ on Gross Rental Valuations on properties within the Kingston Estate.

**Specified Area Rate – Galway Green Landscaping Maintenance**

0.9232 cents in the \$ on Gross Rental Valuations on properties within the Galway Green Estate.

**Specified Area Rate – Treendale Landscaping Maintenance**

1.3521 cents in the \$ on Gross Rental Valuations on properties within Treendale.

**Specified Area Rate – Treendale District Centre Landscaping Maintenance**

0.89844 cents in the \$ on Gross Rental Valuations on properties within the Treendale District Centre.

**Minimum Rate**

\$1,080 per assessment on both Gross Rental Valuations and Unimproved Valuations.

**Residential Rubbish Charge**

\$308 per annum for the weekly removal of one 240 litre mobile 'Organics' garbage bin, fortnightly removal of one 240 litre mobile 'General Waste' garbage bin and fortnightly removal of one 240 litre mobile 'Recycling' Bin plus one (1) tip pass (includes four (4) standard tip entries).

**Industrial and Non-Residential Rubbish Charge**

\$194 per annum for the weekly removal of one 240 litre mobile garbage bin only.

**Rural Rubbish Charge**

\$105 per annum for a rural rubbish charge on those rural properties which do not have a 240 litre Mobile Garbage Bin Service.

**Swimming Pool Inspection Fee**

\$15.50 per annum (GST Exempt).

**Rates, Charges and Fees Due and Payable**

The General Rates, Specified Area Rates and Rubbish Charges are due and payable by the 25 September 2020.

Interim Rates and Interim Rubbish Charges will be due and payable by the 35<sup>th</sup> day after the date of service of the interim notice.

**Discounts**

A discount of 7% on all current general rates issued and payments received in full at the Shire of Harvey Offices up to 4.00p.m. on the 25 September 2020, and a discount of 7% on all interim general rates paid in full by the 35<sup>th</sup> day after the date of service of the interim notice.

**Options for Payment of Rates, Rubbish Charges and Fees****Option 1 – Prompt Payment**

Due no later than 4.00pm on 25 September 2020, and subject to a 7% discount on the current general rates.

**Option 2 – Two Equal Instalments**

1. First Instalment due no later than 4.00pm on 25 September 2020.

2. Second Instalment due no later than 4.00pm on 27 November 2020.

Administration Charge for Payment by Option 2 – \$0.00.

**Note: No Discount Applicable to Option 2**

**Option 3 – Four Equal Instalments**

1. First Instalment due no later than 4.00pm on 25 September 2020.

2. Second Instalment due no later than 4.00pm on 27 November 2020.

3. Third Instalment due no later than 4.00pm on 29 January 2021.

4. Final Instalment due no later than 4.00pm on 2 April 2021.

Administration Charge for Payment by Option 3 – \$0.00.

**Note: No Discount Applicable to Option 3**

**Interest Charged on Overdue Rates, Rubbish and Other Charges**

Rate of Interest – 5% per annum calculated on a daily basis.

Interest will be charged on all General Rates, Accrued Interest, Rubbish Charges and Instalment Administration Charges outstanding as at 30 June 2020, calculated on a simple interest basis at the rate of 5% per annum.

Where no election has been made to pay the rate notice by instalments, interest will be charged on the General Rates and/or Rubbish Charges raised for the 2020-2021 financial year, that remain outstanding 42 days after the date of issue of the rate notice, for the number of days until the day before the day on which a payment is received, calculated on a simple interest basis at the rate of 5% per annum.

Where an election has been made to pay the rate notice by instalments and an instalment remains unpaid, interest will be charged for the number of days until the day before the day on which a payment is received, calculated on a simple interest basis at the rate of 5% per annum.

Entitled Pensioners will be exempt from being charged the interest charge on Deferred Rates, Current Rates and Current Rubbish Charges.

Carried by Absolute Majority 12-0 20/186.

**5. Trust Fund Budget 2020 - 2021****Officer's Recommendation 5 of 6**

That the Trust Fund Budget for the 2020 - 2021 financial year as included in the Budget document as Note 8, showing an estimated closing balance of \$1,578, 616 be adopted.

**Absolute Majority Required**

Moved: Cr. Jackson

Seconded: Cr. Bromham

That the Trust Fund Budget for the 2020 - 2021 financial year as included in the Budget document as Note 8, showing an estimated closing balance of \$1,578, 616 be adopted.

Carried by Absolute Majority 12-0 20/187.

**Officer's Recommendation 6 of 6**

An amount of \$20,000.00 in any one account, transaction or variance is considered to be material.

**Simple Majority**

**Moved: Cr. Coleman**

**Seconded: Cr. Lovitt**

**An amount of \$20,000.00 in any one account, transaction or variance is considered to be material.**

**Carried 12-0**

**20/188.**

## Community Development

<b>Item No.</b>	<b>12.5.1</b>
<b>Subject:</b>	<b>Community Sporting and Recreation Facilities Fund – Small Grant Application</b>
<b>Proponent:</b>	<b>Brunswick Districts Bowling Club Inc.</b>
<b>Location:</b>	<b>Lot 2 Ommamey Road, Brunswick Junction</b>
<b>Reporting Officer:</b>	<b>Manager Place</b>
<b>Authorising Officer:</b>	<b>Chief Executive Officer</b>
<b>File No.:</b>	<b>A4312</b>

### Summary

This report recommends that Council supports the grant application received from the Brunswick Districts Bowling Club under the Community Sporting and Recreation Facilities Fund (CSRFF) Small Grants Program and recommends that the application be forwarded to the Department of Local Government, Sport and Cultural Industries (formerly the Department of Sport and Recreation) by the closing date of 14 August 2020.

### Background

Each year CSRFF grant applications are invited from local governments and community groups for projects that provide facilities and infrastructure for sport and recreation. The program aims to increase participation in sport and recreation through rational development of good quality, well designed and well utilised facilities.

Grant applications may request up to one third of the cost of eligible projects with the balance of the funds to be provided by the local government and/or the community group. In addition to the main funding round in September for larger scale projects, there are two small grant funding rounds in March and August each year for smaller scale projects up to \$300,000 in value.

This report provides details of a grant application that has been received from the Brunswick Districts Bowling Club under the Small Grants program.

### Comment

The application from the Brunswick and Districts Bowling Club Inc. seeks a contribution towards the cost converting one of the Club's grass bowling greens to a synthetic surface. The Club currently has three grass greens and wishes to retain the two grass greens that have been rebuilt in recent years and convert the "B green" to synthetic.

The condition of the B green is such that it will either require rebuilding as a grass green or conversion to a synthetic surface. Due to the difficulty of attracting volunteer labour to maintain the three grass greens and the ability of a synthetic surface to be used through the winter period, the Club has decided on the synthetic surface option.

The proposed funding arrangement for the project (ex GST) is as follows:

Brunswick Bowling Club – cash contribution	\$49,500
Brunswick Bowling Club – in kind	\$ 3,950
Brunswick Bowling Club – donated materials	\$ 6,050
Shire of Harvey (2020 - 2021 Budget allocation)	\$59,000

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Alcoa Sustainability Fund Grant	\$59,000
CSRFF grant application	<u>\$35,500</u>
<b>Total</b>	<b>\$213,000</b>

Both the requested Shire contribution and the Alcoa Harvey Sustainability Fund grant have been included in the Shire's 2020 - 2021 draft Budget. Given that this is the only application that has been received for this funding round, it is recommended that this be allocated the number 1 priority rating.

### **Statutory/Policy Environment**

Policy 3.1.3 relates to financial assistance by the Shire to clubs and organisations for new or upgraded facilities and identifies eligibility and assessment criteria for consideration of funding requests. This project meets the criteria set out in Council's policy.

### **Strategic Framework**

Within the Shire's Strategic Community Plan 2017 – 2027, Strategies 3.1.2 and 4.5.1 state:

3.1.2 *Continue to engage local community groups to understand needs, improve facilities and source grant funding.*

4.5.1 *Maximise Shire grant funding.*

### **Risk Management**

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The Consequence could be **Reputational** if Council decided not to support the application. The risk is considered **Moderate** and the likelihood **Unlikely**, resulting in a **Low** level of risk.

### **Budget Implications**

The requested Shire contribution to the project is included in the Shire's 2020 - 2021 draft Budget.

### **Voting Requirement**

Simple Majority.

### **Officer's Recommendation**

That Council requests the Chief Executive Officer to submit the following Community Sporting and Recreation Facilities Fund grant application to the Department of Local Government, Sport and Cultural Industries for the 2020 Small Grants funding round:

Priority	Description	CSRFF	Shire	Volunteer Contribution	Club/ Other	Total
1	Brunswick Districts Bowling Club	\$35,500	\$59,000	\$10,000	\$108,500	\$213,000



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**Moved: Cr. Coleman                      Seconded: Cr. Burgoyne**

**That Council requests the Chief Executive Officer to submit the following Community Sporting and Recreation Facilities Fund grant application to the Department of Local Government, Sport and Cultural Industries for the 2020 Small Grants funding round:**

<b>Priority</b>	<b>Description</b>	<b>CSRFF</b>	<b>Shire</b>	<b>Volunteer Contribution</b>	<b>Club/ Other</b>	<b>Total</b>
<b>1</b>	<b>Brunswick Districts Bowling Club</b>	<b>\$35,500</b>	<b>\$59,000</b>	<b>\$10,000</b>	<b>\$108,500</b>	<b>\$213,000</b>

**Carried 12-0                      20/189.**

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## Community Development

Item No.	12.5.2
Subject:	Management Agreement – Harvey Community Play and Learning Centre Inc.
Proponent:	Harvey Community Play and Learning Centre Inc.
Location:	Harvey Recreation and Cultural Centre
Reporting Officer:	Manager Place
Authorising Officer:	Chief Executive Officer
File No.:	A001861

### Summary

This report recommends that the Shire enters into a new Management Agreement with the Harvey Community Play and Learning Centre Inc. (HCPLC) for the use of the Childcare facilities at the Harvey Recreation and Cultural Centre (HRCC).

### Background

The HCPLC Inc. (formerly known as the Harvey Occasional Child Care Centre) is a not for profit community organisation that has been a long term tenant at HRCC providing child care services for the local community.

Although there has been no formal agreement in place, a historical arrangement has existed whereby HCPLC have had exclusive use of the Child Care room and outside play space adjacent to the main entrance of the Centre, and pay a rental that is equal to \$1.00 (plus GST) per session for each child that attends the program.

With the transition of management of the HRCC to the Shire now in place, a draft Management Agreement (refer **Attachment 1**) has been prepared to formalise the current arrangement and is presented for Council's consideration and approval.

### Comment

The new Management Agreement is based on the Shire's standard agreement for use of community facilities of this nature and includes the requirement for Public Liability Insurance to the value of \$20 million.

The Shire's standard term for Management Agreements is usually five years plus an option for a further five years. Given that this Agreement would be the first formal agreement for the use of the HRCC's facilities by HCPLC, it is recommended that the initial term be for three years. The proposed shorter term would provide the opportunity to monitor and review the Agreement after three years prior to entering into a longer Agreement subject to there being no unresolved issues of concern.

### Statutory Environment

Section 3.58 of the *Local Government Act 1995* and Clause 30 (2)(b)(i)(ii) of the Local Government (Functions and General Regulations) 1996 – The leasing of the land and subsequent building could be considered an exempt disposition due to the structure of the organisation, the objects of which are of a charitable or benevolent nature and therefore not subject to the provisions of Section 3.58 of the Act in terms of the process for disposing of land; e.g. State wide advertising.

## Strategic Framework

Within the Shire's Strategic Community Plan 2017 – 2027, Strategy 3.1.3 states:

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

## Risk Management

The Risk Theme Profile identified as part of this report is **Business and Community Disruption**. The Consequence could be **Reputational** if Council decided not to support the recommendation. The risk is mitigated by having a Management Agreement that has been approved by both parties. The Risk Consequence is considered to be **Moderate** and the Likelihood **Unlikely**, resulting in a **Moderate** risk being present.

## Budget Implications

Nil.

## Voting Requirement

Simple Majority.

## Officer's Recommendation:

That Council:

1. Enters into a Management Agreement with the Harvey Community Play and Learning Centre Inc. for the use of the Childcare facilities at the Harvey Recreation and Cultural Centre for a period of three years commencing on 1 August 2020.
2. Authorises the Chief Executive Officer to sign the Management Agreement on behalf of the Shire.

**Moved: Cr. Bromham      Seconded: Cr. Boylan**

**That Council:**

1. **Enters into a Management Agreement with the Harvey Community Play and Learning Centre Inc. for the use of the Childcare facilities at the Harvey Recreation and Cultural Centre for a period of three years commencing on 1 August 2020.**
2. **Authorises the Chief Executive Officer to sign the Management Agreement on behalf of the Shire.**

**Carried 12-0      20/190.**

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**Community Development**

<b>Item No.</b>	<b>12.5.3</b>
<b>Subject:</b>	<b>Variation to COVID-19 Response Grants Program</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Shire of Harvey</b>
<b>Reporting Officer:</b>	<b>Community Development Officer (SJ)</b>
<b>Authorising Officer:</b>	<b>Manager Place</b>
<b>File No.:</b>	<b>F000285</b>

**Summary**

This report presents a proposal to vary the COVID-19 Response Grants Program Round 2 to include funding to support small businesses and industry organisations to develop business continuity beyond COVID-19.

It is recommended that Council supports the proposal and approves the unspent balance of funding from Round 1 of COVID-19 Response Grants Program being carried forward to the 2020 - 2021 Budget.

**Background**

At its meeting 28 April 2020, Council approved the proposal to establish a COVID-19 Response Grants Program for organisations and groups to assist the Shire of Harvey community who were experiencing extended periods of physical distancing and isolation as well as significant job losses.

The original purpose of the COVID-19 Response Grants Program was to address that need, and provide funding to grant applicants that can demonstrate an ability to deliver projects that:

1. Develop resources or services to address the changing needs of the community in a COVID-19 environment;
2. Increase community connection and social inclusion in an environment where physical distancing and isolation measures are in place;
3. Enrich the diversity of cultural, environmental, recreational and social opportunity to residents in the new and developing COVID-19 environment;
4. Actively support the elderly, vulnerable, Aboriginal and culturally and linguistically diverse (CALD) communities within the Shire;
5. Build and strengthen partnerships between community groups and organisations; and
6. Enhance the Shire of Harvey as a safe, liveable and healthy Shire in the context of a pandemic.

An allocation of \$30,000 was committed to COVID-19 Response Grants Program in the 2019 – 2020 financial year and a further \$40,000 allocated in the 2020 - 2021 Budget.

To date the Shire has approved funding to the amount of \$9,048 for Round 1. This is less than expected because of the speed of the changes of government phasing and the Community Resource Centres, which would have been the major applicants, receiving funding through the Lotterywest COVID-19 Relief Fund.

Due to the economic and social impact caused by the current COVID-19 pandemic, it is recommended that the Shire's small businesses be supported so they may continue to remain viable and offer their services to the local community. It is proposed the funding grants will additionally deliver direct financial support to local organisations to innovate, adapt and foster business continuity to assist with economic recovery in the form of a one-off grant. The aims of the proposal are to:

1. Provide an immediate stimulus to the local economy to help keep businesses open, cash flowing and Shire of Harvey residents working;
2. Adapt business operations in order to retain or employ staff;
3. Increase digital and e-commerce capabilities; and
4. Increase knowledge, develop new skills and build resilience.

### **Comment**

Should Council be supportive of this proposal, draft guidelines for the business applications have been prepared (refer **Attachment 1**) that include eligibility criteria, exclusions and the maximum grant amount of \$5,000. This will help to ensure that the available funding will benefit those local businesses most affected by the pandemic in a timely and efficient way as well as being transparent and accountable.

It is recommended that Council supports the proposal to vary the COVID-19 Response Grants Program to include funding support for local small businesses and industry organisations to help local businesses remain viable beyond COVID-19.

### **Statutory/Policy Environment**

Shire of Harvey 2.2.16 Disaster Relief Donations Policy.

### **Strategic Framework**

Within the Shire's Strategic Community Plan 2017 – 2027, Strategy 3.1.2 states:

*Continue to actively engage Local Community groups to understand needs, improve facilities and source grant funding.*

### **Risk Management**

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The Consequence could be **Reputational** if unsuccessful applicants were not happy with the outcome of the process. The Risk Consequence is considered to be **Minor** and the Likelihood **Possible** resulting in a **Moderate** level of risk.

**Budget Implications**

The report recommends that the balance of \$20,952 from the current 2019 - 2020 COVID-19 Response Grants Program budget be carried forward to the 2020 - 2021 Budget.

An additional allocation of \$40,000 has been included in the Shire's 2020 - 2021 draft Budget for this program.

**Voting Requirement**

Simple Majority.

**Officer's Recommendation**

That Council:

1. Supports the proposal to vary the COVID-19 Response Grants Program to include funding support for small businesses and industry organisations to help local businesses to remain viable beyond COVID-19; and
2. Approves the unspent balance of funding from Round 1 of COVID-19 Response Grants Program being carried forward to the 2020 - 2021 Budget.

**Moved: Cr. Burgoyne      Seconded: Cr. Boylan**

**That Council:**

1. **Supports the proposal to vary the COVID-19 Response Grants Program to include funding support for small businesses and industry organisations to help local businesses to remain viable beyond COVID-19; and**
2. **Approves the unspent balance of funding from Round 1 of COVID-19 Response Grants Program being carried forward to the 2020 - 2021 Budget.**

**Carried 12-0      20/191.**

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## Community Development

Item No.	12.5.4
Subject:	Noongar Community Group – Request to Use Harvey RSL Hall
Proponent:	Noongar Community Group
Location:	Harvey RSL Hall
Reporting Officer:	Community Development Officer (SJ)
Authorising Officer:	Manager Place
File No.:	A001538

### Summary

This report presents a proposal to for the Noongar Community Group to conduct meetings and various activities at the Harvey RSL Hall for approximately ten hours per week and recommends that Council supports the proposal by providing free use of the Hall for a six-month trial period.

### Background

A request has been received from the Noongar Community group which is a not for profit group, (soon to be incorporated) to use the Harvey RSL Hall as a meeting place for the Noongar Community Group and local Elders. Proposed activities include language classes, yarning, art zone, and wellness programs (refer **Attachment 1**).

A number of potential venues have been explored including shared use of the heritage listed former Catholic Church with the Harvey Districts Creative Arts Society, the old CWA/Lions Hall at Snells Park and sharing the leased venue with the new Youth Space program on Harvey Plaza. Aside from the Harvey Playgroup which meet for two hours every Thursday, the Harvey RSL Hall is largely underutilised and would provide a suitable venue for a meeting and activity space.

### Comment

The proposal is considered to have merit and could be supported for a six-month trial period at minimal cost to the Shire. The normal hire fee for the RSL Hall is \$22 per hour so it could be argued that there is an “opportunity cost” of \$220 per week or \$5,280 in potential lost revenue. However, there has been minimal use of the Hall for the past number of years and there have been limited enquiries regarding its availability. It is acknowledged that there would be some additional costs incurred such as electricity and water consumption but these costs are not anticipated to be significant.

The Harvey Play Group has been approached and have no objection to another community group sharing the Hall.

Should Council be supportive of the proposal it would demonstrate a strong commitment towards improving opportunities for Aboriginal community members which make up 2.2% of the Shire’s population. It would also allow the Shire to support some areas of the Shire’s Reconciliation Action Plan.

On balance the proposal is considered to be worthy of Council’s support for a six-month trial period. At the end of the six-month trial the program would be reviewed to determine its success or otherwise and a further report presented to Council.

**Statutory/Policy Environment**

Nil.

**Strategic Framework**

Within the Shire's Strategic Community Plan 2017 - 2027, Strategies:

3.3.1 *Continue to provide facilities and support community groups, including arts, heritage and cultural groups.*

3.3.4 *Continue to liaise with relevant indigenous groups, as appropriate.*

**Risk Management**

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The Consequence could be **Reputational** depending on whether Council wishes to support the proposal or not. The Risk Consequence is considered to be **Low** and the Likelihood **Unlikely** resulting in a **Low** level of risk.

**Budget Implications**

The report recommends that Council waive the normal hire fees for the use of the Harvey RSL Hall Room for a six-month trial period which could result in a potential loss of income of \$5,280. Some additional costs for electricity and water consumption would be incurred, however, these costs are not expected to be significant.

**Voting Requirement**

Simple Majority.

**Officer's Recommendation**

That Council:

1. Subject to normal conditions of hire, insurance and bond requirements, grants approval for the Noongar Community Group to use the Harvey RSL Hall for the purpose of meetings and other activities for a six-month trial period and agrees to waive the normal hire fees for the use of the Hall; and
2. Receives a further report on success or otherwise of the program following the six month trial period.

Moved: Cr. Bromham

Seconded: Cr. Adams

That Council:

1. Subject to normal conditions of hire, insurance and bond requirements, grants approval for the Noongar Community Group to use the Harvey RSL Hall for the purpose of meetings and other activities for a six-month trial period and agrees to waive the normal hire fees for the use of the Hall; and
2. Receives a further report on success or otherwise of the program following the six month trial period.

Carried 12-0

20/192.



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## Community Development

Item No.	12.5.5
Subject:	Leschenault Men's Shed – Request to Extend the Lease Area
Proponent:	Leschenault Men's Shed Inc.
Location:	Lot 42 Leisure Drive, Australind
Reporting Officer:	Manager Place
Authorising Officer:	Chief Executive Officer
File No.:	A005529 and C/Z/053

### Summary

This report presents a request from Leschenault Men's Shed Inc. to extend the area of its lease agreement at Leschenault Recreation Park (Lot 42 Leisure Drive Australind) to enable an expansion of the current Men's Shed facilities and program. It is recommended that Council supports the proposal subject to conditions.

### Background

Leschenault Men's Shed is located at the western end of Leschenault Recreation Park which is owned in freehold title by the Shire of Harvey.

Construction of the Leschenault Men's Shed (LMS) was completed in 2011 and is managed under a lease agreement with the Shire of Harvey. The initial term of the lease was for a period of five years expiring on the 30 April 2016. Approval for a further five year lease extension was granted commencing on 1 May 2016 and expiring on 30 April 2021.

The Leschenault Men's Shed has operated successfully from the premises at part Lot 42 Leisure Drive for the past nine years. Council has been supportive of the LMS and provided an allocation of \$50,000 in its 2010 - 2011 Budget to construct the car park and access road to the new building, and a grant of \$15,000 towards the cost of upgrading the power supply in 2017 - 2018.

Following discussions between Shire officers and LMS representatives over the past six to - 12 months, the LMS has submitted a proposal (refer **Attachment 1**) to extend the current leased area to enable construction of an additional 22m x 20m shed to the north of the existing shed.

Shire officers are not aware of any breach of the existing lease agreement terms by the LMS since it first commenced in 2011.

### Comment

Men's Sheds are well known throughout Australia as providing for the mental and physical wellbeing of members. There are well understood benefits in the area of men's mental health and wellbeing which in turn provides flow on benefits to the community.

The LMS has been extremely successful in providing social and recreational opportunities for the local community and currently has over 90 members. It operates each morning from Monday to Friday, Monday evenings and Saturday afternoons. For safety reasons the LMS can only accommodate a maximum of 35 - 40 people per session and most sessions are at capacity.

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The request from the LMS is to expand the lease area by 30 metres to the north of the existing site. Effectively this would double the size of the current lease area as shown on the attached plan (refer **Attachment 2**).

The requested expansion of the lease area has been identified on the Leschenault Recreation Park Master Plan (refer **Attachment 3**) as a possible future community development site which is in keeping with the Master Plan adopted by Council in September 2019. There has been no other interest or requests from the community for the use of the proposed site that officers are aware of.

Should Council be supportive of the LMS's request and agrees to the expansion of the lease area, a more detailed proposal would be required that includes plans, cost estimates and a funding proposal. It is understood that the LMS wish to construct a new shed of a similar design and size to the existing shed. This would allow LMS to expand its membership and offer opportunities for more local residents to benefit from the program.

It is therefore, recommended that Council supports the request from LMS to expand the current lease area to enable expansion of the LMS facilities and provide increased opportunities for local residents to benefit from the program.

### **Statutory/Policy Environment**

Section 3.58 of the *Local Government Act 1995* deals with the disposal of property which includes leasing.

Clause 30 of the Local Government (Functions and General) Regulations 1996 details when the disposition of property is exempt from the provision of Section 3.58 of the Act. A disposition of property to a body;

- i) The objects of which one of a charitable benevolent, religions, cultural, educational, recreational sporting or other like nature; and
- ii) The members of which are not entitled to profit from the body's transactions are considered exempt.

The exemption refers to not being required to advertise or undertake any other inclusive process of sale or lease, generally in relation to land.

### **Strategic Framework**

Within the Shire's Strategic Community Plan 2017 - 2027, Strategy 3.1.3 states:

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

### **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** and the Likelihood being **Unlikely**, resulting in a **Low** level of Risk

**Budget Implications**

No implications for the 2020 - 2021 draft Budget, however, it is likely that the LMS will request a financial contribution towards the cost of the proposed new shed in future years.

**Voting Requirement**

Simple Majority.

**Officer's Recommendation**

That Council grants an extension of the current leased area to the Leschenault Men's Shed Inc. at Lot 42 Leisure Drive, Australind, as shown on the attached plan (refer **Attachment 2**) subject to the following conditions:

1. A Development Application is required to be submitted which includes detailed planning and design of the proposed additional shed and infrastructure to the satisfaction of the Shire;
2. The Leschenault Men's Shed is required to submit a more detailed proposal that includes plans, cost estimates and a funding model for the proposed development; and
3. No works are permitted to commence on site until Shire approval has been granted and all funding for the project has been secured.

**Moved: Cr. Lovitt      Seconded: Cr. Bromham**

**That Council grants an extension of the current leased area to the Leschenault Men's Shed Inc. at Lot 42 Leisure Drive, Australind, as shown on the attached plan (refer *Attachment 2*) subject to the following conditions:**

- 1. A Development Application is required to be submitted which includes detailed planning and design of the proposed additional shed and infrastructure to the satisfaction of the Shire;**
- 2. The Leschenault Men's Shed is required to submit a more detailed proposal that includes plans, cost estimates and a funding model for the proposed development; and**
- 3. No works are permitted to commence on site until Shire approval has been granted and all funding for the project has been secured.**

**Carried 12-0**

**20/193.**

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**Community Development**

<b>Item No.</b>	<b>12.5.6</b>
<b>Subject:</b>	<b>Advisory Group Membership</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Shire of Harvey</b>
<b>Reporting Officer:</b>	<b>Manager Place</b>
<b>Authorising Officer:</b>	<b>Chief Executive Officer</b>
<b>File No.:</b>	<b>CC/C/091</b>

**Summary**

This report recommends that the Leschenault Leisure Centre (LLC) Advisory Group, Australind/Leschenault Place Advisory Group and Community Safety and Crime Prevention Advisory Group (CSCP) be established, and notes the appointment of community representatives as detailed in this report. Advertising will be undertaken to attract additional members to the CSCP Advisory Group.

**Background**

Following a major review of the Shire's committees in September 2019, Council resolved to discontinue a number of Advisory Committees and Working Groups, and replace them with the following Advisory Groups:

- Awards, Honours and Prizes Advisory Group;
- Australind/Leschenault Place Advisory Group;
- Brunswick Place Advisory Group;
- Coastal Communities Place Advisory Group;
- Community Safety and Crime Prevention Advisory Group;
- Community Sail Training Trust Advisory Group;
- Disability Access and Inclusion Advisory Group;
- Harvey Place Advisory Group;
- Heritage Advisory Group;
- Leschenault Leisure Centre Advisory Group;
- Sport and Recreation Advisory Group; and
- Yarloop Place Advisory Group.

Council's representatives on the above Advisory Groups were appointed at the Special Council Meeting held on 21 October 2019. Under the Terms of Reference, the Chief Executive Officer is responsible for appointing the community representatives on the various Advisory Groups.

A report to the February 2020 Council Meeting provided details of nominations that had been received from community groups and individuals, and advised there had been only a small number of nominations for the Leschenault Leisure Centre, Australind/Leschenault Place and Community Safety and Crime Prevention Advisory Ground. Council subsequently resolved (20/051) as follows:

*That Council:*

1. *Notes the appointment of community representatives to the Shire's Advisory Groups as detailed in this report; and*

2. *Due to the lack of nominations received for the Leschenault Leisure Centre Advisory Group, the Community Safety and Crime Prevention Advisory Group and the Australind/Leschenault Place Advisory Group elects not to establish these advisory groups at this time and undertakes further advertising inviting nominations from community organisations and individuals.*

Following further advertising and through direct approaches by Cr Campbell and Cr Lovitt, the following nominations have been received:

**Leschenault Leisure Centre Advisory Group**

Margaret Lewis	Community representative
Angelo D'Agostino	Community representative
Gary Quinn	Community representative
Betty Italiano	Community representative
Michael Dean	Community representative

**Australind/Leschenault Place Advisory Group**

Lisa Malatesta	Morrissey Homestead
Juanita Goodlich	Business representative
Vanessa Harrop	Community representative
Daryl Fishwick	Community representative
Julieta Bracknell	Community representative
Karen McCarthy	Community representative
Seana Sloan	Community representative
Cathy Smith	Community representative
Leanne Logan Ketteringham	Community representative

**Community Safety and Crime Prevention Advisory Group**

Natasha Cooper	Community representative
Deanne Fleay	Community representative

**Comment**

With the nominations that have been received for the Leschenault Leisure Centre (LLC) and Australind/Leschenault Place Advisory Groups, it is now considered viable to establish both these Advisory Groups. This will provide an additional forum for community input to local projects and initiatives in Australind and Leschenault, and the management and strategic planning for the Leschenault Leisure Centre.

Although there are only two nominations for the Community Safety and Crime Prevention Advisory Group it is suggested that this Advisory Group also be established and further advertising take place to attract additional members.

**Statutory/Policy Environment**

There are no legislative requirements governing the establishment of Advisory Groups

**Strategic Framework**

Within the Shire's Strategic Community Plan 2017 – 2027, Strategy 4.4.1 states:

*Provide opportunities for the community to engage with Councillors and Staff.*

**Risk Management**

The Risk Theme Profile identified in relation to this item is **Inadequate Engagement Practices**. The Consequence could be **Reputational** if the establishment of the Advisory Groups is ineffective. The Risk Consequence is considered to be **Low** and the Likelihood **Unlikely** resulting in a **Low** level of risk.

**Budget Implications**

There are no direct Budget implications associated with this report, however, officer resources will be required to administer the recommended new Advisory Groups.

**Voting Requirement**

Simple Majority.

**Officer's Recommendation**

That Council establishes the Leschenault Leisure Centre, the Australind/Leschenault Leisure Centre and the Community Safety and Crime Prevention Advisory Groups and notes the appointment of community representatives as detailed in this report.

**Moved: Cr. Bromham      Seconded: Cr. Dickinson**

**That Council establishes the Leschenault Leisure Centre, the Australind/Leschenault Leisure Centre and the Community Safety and Crime Prevention Advisory Groups and notes the appointment of community representatives as detailed in this report.**

**Carried 12-0      20/194.**

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**Community Development**

<b>Item No.</b>	<b>12.5.7</b>
<b>Subject:</b>	<b>Leschenault Leisure Centre – Grow Cook Eat Create</b>
<b>Proponent:</b>	<b>Grow Cook Eat Create Inc.</b>
<b>Location:</b>	<b>Leschenault Leisure Centre</b>
<b>Reporting Officer:</b>	<b>Community Development Officer (AP)</b>
<b>Authorising Officer:</b>	<b>Manager Place</b>
<b>File No.:</b>	<b>A005529</b>

**Summary**

This report presents a request from “Grow Cook Eat Create Inc.” (GCEC) for the Shire to continue to waive normal hire fees for use of the Pat Rutherford Room at the Leschenault Leisure Centre. It is recommended that the Shire continue with its current level of support for the GCEC program for a further 12-month period.

A further request has been received from GCEC to trial a program to be held one evening a month on a night suitable for Leschenault Leisure Centre operations. It is recommended that this additional usage be charged at normal hire rates according to Council’s resolution of 6 August 2019 to apply normal hire fees for any additional usage requests.

**Background**

GCEC is a not for profit organisation that offers an inclusive program for participants of all abilities to take part in cooking, craft and gardening activities.

A report to the Council Meeting held on 27 June 2017 presented a proposal from GCEC requesting the use of the Pat Rutherford Room at the Leschenault Leisure Centre for a community kitchen program. Council was supportive of that request and resolved to waive the normal hire fees for use of the Pat Rutherford Room on Wednesdays during the School Term for a six-month trial period.

Following the initial trial period, a second report on the program was submitted to the Council Meeting held on 24 April 2018 to consider a request from GCEC to continue the program and to waive the normal hire fees for an additional day’s use of the venue. Council was supportive of this request and resolved to waive the normal hire fees for use of the Pat Rutherford Room on Wednesdays and Fridays during the School Term.

The program continued to grow, with 50 registered participants, and a third report was submitted to the Council Meeting held on 6 August 2019 to consider a request from GCEC to waive the normal hire fees for a third day’s use of the venue. Council was again supportive of this request and it was resolved as follows:

*“That Council:*

- 1. Subject to room availability, normal conditions of hire, insurance and bond requirements, grants approval for the Grow Cook Eat Create (GCEC) program to use the Pat Rutherford Room at the Leschenault Leisure Centre on Monday, Wednesdays and Fridays during School Term between the hours of 9am and 2pm for a further 12-month period and agrees to waive the normal hire fees for the use of the Room;*

- 
2. *Notes that normal hire rates would apply for any requested additional use of the facilities;*
  3. *Receives a further report on the GCEC program at the end of the 12-month period of this approval."*

## **Comment**

Over the last year, attendance at the GCEC sessions has grown with over 70 participants registered across the three days of the program. Anecdotally, participants attend GCEC not only to share the cooking experience but for the sense of belonging and accomplishment that is fostered through the program. Many participants take on important social roles in the group and each member feels valued as they do whatever they can to assist.

Council's support of the program also meets objectives of the Shire's Disability Access and Inclusion Plan 2017 – 2022, with the Shire being formally recognised for this contribution in the Department of Communities Disability Access and Inclusion Plan Minister's Progress Report 2018 – 2019.

GCEC maintains a positive relationship with Leschenault Leisure Centre operations with no reported difficulties.

It is recommended that Council continue its support for a further 12-month period and waive the normal hire fees (\$52 per hour) for the use of the Pat Rutherford Room on Mondays, Wednesdays and Fridays during the School Term between the hours of 9am and 2pm.

As per the Council resolution of 6 August 2019, it is recommended that the further request to trial a monthly evening program be charged at normal hire rates and that GCEC liaise with Leschenault Leisure Centre Staff to accommodate this request.

Further, in order for Shire officers to capture quantitative and qualitative data on the program, it is recommended that GCEC submits quarterly Summary of Activities reports and six-monthly Financial Statements, which can be used to inform Councillors of the program's outcomes.

## **Statutory/Policy Environment**

Section 6.12(1)(b) of the *Local Government Act 1995* allows Council to waive a fee.

## **Strategic Framework**

Within the Shire's Strategic Community Plan 2017 – 2027, Strategies 3.1.4 and 3.2.1 state:

3.1.4 *Continue to support community events and programs.*

3.2.1 *Implement the Disability Access and Inclusion Plan*

## **Risk Management**

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The Consequence could be **Reputational** if Council decided not to support the application. The risk is considered **Moderate** and the likelihood **Possible**, resulting in a **Moderate** level of risk.



**Budget Implications**

The report recommends that the Shire continues to waive the normal hire fees for the use of the Pat Rutherford Room for a further 12 months which could result in a potential loss of income of \$31,200 if there was demand to use the facility from other user groups. Some additional indirect costs for electricity and water consumption would be incurred however these costs are not expected to be significant.

**Voting Requirement**

Simple Majority.

**Officer's Recommendation**

That Council:

1. Subject to room availability, normal conditions of hire, insurance and bond requirements, grants approval for the Grow Cook Eat Create (GCEC) program to use the Pat Rutherford Room at the Leschenault Leisure Centre on Mondays, Wednesdays and Fridays during School Term between the hours of 9am and 2pm for a further 12-month period and agrees to waive the normal hire fees for the use of the Room;
2. Notes that normal hire rates would apply for any requested additional use of the facilities;
3. Requests GCEC to provide quarterly Summary of Activities reports and six-monthly Financial Statements; and
4. Receives a further report on the GCEC program at the end of the 12-month period of this approval.

**Moved: Cr. Lovitt      Seconded: Cr. Dickinson**

**That Council:**

1. **Subject to room availability, normal conditions of hire, insurance and bond requirements, grants approval for the Grow Cook Eat Create (GCEC) program to use the Pat Rutherford Room at the Leschenault Leisure Centre on Mondays, Wednesdays and Fridays during School Term between the hours of 9am and 2pm for a further 12-month period and agrees to waive the normal hire fees for the use of the Room;**
2. **Notes that normal hire rates would apply for any requested additional use of the facilities;**
3. **Requests GCEC to provide quarterly Summary of Activities reports and six-monthly Financial Statements; and**
4. **Receives a further report on the GCEC program at the end of the 12-month period of this approval.**

**Carried 12-0**

**20/195.**

**13. Elected Members Motions of Which Previous Notice Has Been Given**

Nil.

**14. Notice of Motion for Following Meeting**

Nil.

**15. Questions by Members of Which Due Notice Has Been Given**

Nil.

**16. Reports of Members**

**Cr. Campbell reported on her attendance at the following:**

- Leschenault Progress Association – Hall Management Committee
- Morrissey Homestead Board of Management electronic meeting
- Riverlinks Child Care Board of Management electronic meeting

**Cr. Beech reported on his attendance at the following:**

- Harvey Recreation and Cultural Centre Management Committee.  
On behalf of the committee, Cr. Beech put forward thanks to the Shire and Council for their support of the Harvey Recreation and Cultural Centre extension project.
- Harvey Place Advisory Group meeting
- Harvey Hub Workshop and sundowner
- Harvey Community Resource Centre via video link
- Special Council Meeting – 2020 - 2021 Budget
- Joint Development Assessment Panel
- Harvey Community Resource Centre via video link

**Cr. Adams reported on his attendance at the following:**

- Cr. Adams put forward his appreciation for the birthday recognition from the Shire and Councillors.

**Cr. Dickinson reported on her attendance at the following:**

- Bunbury Harvey Regional Council as an observer
- Harvey Historical Society Committee meeting
- Harvey Visitor Centre Board meeting
- Yarloop Workshop Committee meeting

**17. Seal Register**

Nil.

**18. New Business of an Urgent Nature Introduced by Decision of Meeting**

Nil.

**19. Matters Behind Closed Doors****Moving Behind Closed Doors**

Moved: Cr. Burgoyne      Seconded: Cr. Dickinson

That Council Moves Behind Closed Doors in accordance with Section 5.23(2)(a) of the *Local Government Act 1995*; a matter affecting an employee or employees.

Carried 12-0      20/196.

*Council moved behind closed doors at 4.47pm.*

Ms. Riordan, Mr. Lotznicker, Mr. Winter, Mr. Hall, Mr. Stewart, Mr. Dandridge, Ms. Small, Mrs. Edwards, Mr. Jones, Ms. Pietersen, Mrs. Pitts, Mr. Morris, Ms. Davies, Mr. Quinlivan, Mr. Ewing, Ms. Moore and Ms. Hough left the Chamber at 4.47pm.

**11. Receipt of Minutes and Recommendations from Committees**

Chief Executive Officer Employment Committee – Tuesday, 21 July 2020

Ms Small entered the Chamber.

Ms Small exited the Chamber.

**Recommendation**

That the Minutes of the Chief Executive Officer Employment Committee, held on Tuesday, 21 July 2020, as printed, be received and the recommendations contained therein be adopted by Council.

Moved: Cr. Dickinson      Seconded: Cr. Bromham

That the Minutes and the Confidential Attachment of the Chief Executive Officer Employment Committee, held on Tuesday, 21 July 2020, be received and the recommendations contained therein be adopted by Council.

Carried 12-0      20/197.

***Returning from Behind Closed Doors***

Moved: Cr. Burgoyne      Seconded: Cr. Jackson

That Council Returns from Behind Closed Doors.

Carried 12-0      20/198.

Council returned from behind closed doors at 5.54pm.

Ms. Riordan, Mr. Lotznicker, Mr. Winter, Mr. Hall, Ms. Small, Ms. Pietersen, Mr. Ewing and Ms. Hough entered the Chamber at 5.54pm.

**20. Closure of Meeting**

There being no further business to discuss, the meeting was declared closed at 5.55pm.

I, Cr. Paul Gillett certify that the aforesaid Minutes of the meeting held on Tuesday, 28 July 2020, are a true and correct record of that meeting on Tuesday, 28 July 2020.

A handwritten signature in black ink, appearing to read 'Paul Gillett', is written over a horizontal line.

Cr. Paul Gillett  
**Shire President**