



SHIRE OF
HARVEY



Ordinary Council Meeting **Minutes**

Harvey Council Chamber
Tuesday, 27 October 2020
4pm

Contents

- 1. Official Opening**
- 2. Record of Apologies and Leave of Absence**
- 3. Applications for Leave of Absence**
- 4. Reading from a Book of Learning and Wisdom**
- 5. Declarations of Members' and Officers' Personal Interest**
- 6. Response to Previous Questions Taken on Notice**
- 7. Public Question Time**
- 8. Petitions/Deputations/Presentations**
 - 8.1 Footpath connecting South Western Highway and Hinge Road
 - 8.2 Deputation addressing Confidential Item 19.1
- 9. Announcements by Presiding Member or CEO Without Discussion**
- 10. Confirmation of Minutes**

Ordinary Council Meeting – Tuesday, 22 September 2020
- 11. Receipt of Minutes and Recommendations from Committees**
- 12. Officer's Reports**
 - 12.1 Chief Executive Officer**

Nil.
 - 12.2 Infrastructure Services**

12.2.1	Lot 200 (No.27) Young Street, Harvey, St Anne's Catholic Primary School - Proposed Road Widening & Dedication of Land - Shire of Harvey - Young Street, Harvey (A001799)	9
12.2.2	New Street Lighting at Lakes Parade - Shire of Harvey - Binningup (A006245, A016443)	12
12.2.3	Gibbs Street, Harvey - Proposed ACROD Parking Bay Trial - Shire of Harvey - Harvey (R000002)	18
12.2.4	Shire of Harvey Bushfire Risk Management Plan 2020-2025 - Shire of Harvey	20

12.3 Sustainable Development

- 12.3.1 Application for a "Use Not Listed" (Rural Workers Accommodation) - 25
Galati Nominees Pty Ltd - Lot 51 (No. 60) Buffalo Road, Parkfield
(A016283)

12.4 Corporate Services

- 12.4.1 Listing of Accounts Paid – August 2020 - Shire of Harvey (FMS006) 31
12.4.2 Financial Statements as at 31 August 2020 - Shire of Harvey 33
(CC/C/062)

12.5 Community and Lifestyle

- 12.5.1 Harvey War Memorial Interpretive Sign - Shire of Harvey 36
(P000004)

13. Elected Members Motions of Which Previous Notice Has Been Given

13.1 Notice of Motion - Cr Lovitt

13.2 Notice of Motion - Cr Adams

14. Notice of Motion for Following Meeting**15. Questions by Members of Which Due Notice Has Been Given****16. Reports of Members****17. Seal Register****18. New Business of an Urgent Nature Introduced by Decision of Meeting**

18.1 Notice of Motion – Cr Coleman

18.2 SAT Review – Extractive Industry – The GM Giacci Family Trust – Lot 4
Binningup Road, Binningup (A002367/EX/007)

19. Matters Behind Closed Doors

19.1 SAT Invitation to reconsider Conditions of Development Approval Extractive
Industry - Carbone Bros Pty Ltd - Lot 29 Tredrea Place, Myalup
(A007913/EX/002)

20. Closure of Meeting

Shire of Harvey Council Minutes

Minutes of the Ordinary Council Meeting of the Harvey Shire Council, held in the Council Chamber, Young Street, Harvey, on Tuesday, 27 October 2020, commencing at 4pm.

Attendance

Shire President	Cr. P.	Gillett	
	Cr. B.	Adams	
	Cr. P.	Beech	
	Cr. M.	Boylan	
	Cr. J.	Bromham	6.22pm departed 6.26pm returned
	Cr. F.	Burgoyne	4.05pm departed 4.21pm returned 5.35pm departed
	Cr. M.	Campbell	
	Cr. C.	Carbone	4.05pm departed 4.21pm returned 5.35pm departed
	Cr. R.	Coleman	6.24pm departed 6.26pm returned
	Cr. W.	Dickinson	
	Cr. A.	Lovitt JP	
	Cr. D.	Simpson	

Staff

Chief Executive Officer	Ms. A.	Riordan	
Director Corporate Services	Mr. D.	Winter	
Director Infrastructure Services	Mr. R.	Lotznicker	
Director Community and Lifestyle	Ms. K.	Davis	
Acting Director Sustainable Development	Mrs. E.	Edwards	5.09pm departed 5.10pm returned
Manager Governance and Strategy	Ms. K.	Williams	
Manager Building Services	Mr. M.	Stewart	5.35pm departed
Manager Information Services	Mr. A.	Ewing	5.36pm departed 6.25pm returned 5.35pm departed
Manager Finance	Ms. L.	Davies	
Marketing and Communications Officer	Ms. C.	Moore	
Bush Fire Training Coordinator	Ms. D.	Walker	4.45pm departed
Governance Officer – Compliance	Ms. K.	Hough	
Executive Assistant	Miss. F.	Schindler	6.01pm departed 6.06pm returned

There were 3 members of the public and 2 member of the press present.

Minutes

1. Official Opening

The meeting was declared open at 4pm.

Disclaimer

Members of the Public are advised that recommendations to Council contained within this Agenda can be subject to alteration. Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council's decision with respect to any particular issue.

Any statement or insinuation of approval regarding any planning or development application made during an Agenda Briefing Session is not to be taken as notice of approval from the Shire. The Shire advises that anyone who has an application lodged with the Shire must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attached to the decision made by Council regarding the application.

An audio and/or visual record will be made of these proceedings to assist in the taking of minutes.

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.

2. Record of Apologies and Leave of Absence

Apologies

Cr. Jackson.

Leave of Absence

Nil.

3. Applications for Leave of Absence

Nil.

4. Reading from a Book of Learning and Wisdom

Read by Cr. Lovitt.

5. Declarations of Members' and Officers' Personal Interest

Cr. Burgoyne declared a Financial Interest in Item 19.1 - SAT Invitation to reconsider Conditions of Development Approval – Extractive Industry - Carbone Bros Pty Ltd - Lot 29 Tredrea Place, Myalup (A007913/EX/002). Cr. Burgoyne advised that his employer works in extractive industry and declared that he would leave the Chamber for the duration of the item.

Cr. Burgoyne declared a Financial Interest in Item 18.2 – SAT Review – Extractive Industry – The GM Giacci Family Trust – Lot 4 Binningup Road, Binningup (A002367/EX/007). Cr. Burgoyne advised that his employer works in extractive industry and declared that he would leave the Chamber for the duration of the item.

Cr. Carbone declared a Financial Interest in Item 19.1 - SAT Invitation to reconsider Conditions of Development Approval – Extractive Industry - Carbone Bros Pty Ltd - Lot 29 Tredrea Place, Myalup (A007913/EX/002). Cr. Carbone advised that his employer works in the extractive industry and declared that he would leave the Chamber for the duration of the item.

Cr. Carbone declared a Financial Interest in Item 18.2 - SAT Review – Extractive Industry – The GM Giacci Family Trust – Lot 4 Binningup Road, Binningup (A002367/EX/007). Cr. Carbone declared that he is the applicant on behalf of GM Giacci Family Trust and would leave the Chamber for the duration of the item.

6. Response to Previous Questions Taken on Notice

Nil.

7. Public Question Time

Nil.

8. Petitions/Deputations/Presentations**8.1 Footpath connecting South Western Highway and Hinge Road**

Ms. Jasper presented a petition to the Chief Executive Officer, as tabled, requesting the Shire consider the construction of a footpath along the western side of South West Highway in the upcoming budget.

The Chief Executive Officer will provide to Council a report on the matter as part of the mid-year Budget review in line with the Shire of Harvey Local Law Standing Orders section 6.10(2).

Cr. Burgoyne and Cr. Carbone left the Chamber at 4.05pm.

8.2 Deputation addressing Confidential Item 19.1

Mr Fred Carbone addressed Council regarding Item 19.1- SAT Invitation to reconsider Conditions of Development Approval Extractive Industry - Carbone Bros Pty Ltd - Lot 29 Tredrea Place, Myalup (A007913/EX/002).

Cr. Burgoyne and Cr. Carbone entered the Chamber at 4.21pm.

9. Announcements by Presiding Member or CEO Without Discussion

Nil.

10. Confirmation of Minutes

Ordinary Council Meeting – Tuesday, 22 September 2020

Recommendation

That the Minutes of the Council Meeting held on Tuesday, 22 September 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, 22 September 2020, as printed be confirmed as a true and correct record.

Carried 12-0 20/230.

11. Receipt of Minutes and Recommendations from Committees

Nil.

12. Officer's Reports

Chief Executive Officer

Nil.

Infrastructure Services

Item No.	12.2.1
Subject:	Lot 200 (No.27) Young Street, Harvey, St Anne's Catholic Primary School - Proposed Road Widening and Dedication of Land
Proponent:	Shire of Harvey
Location:	Young Street, Harvey
Reporting Officer:	Director Infrastructure Services
Authorising Officer:	Chief Executive Officer
File No.:	A001799

Summary

Shire Officers were recently made aware that a portion of pathway on the western side of Young Street adjacent to Lot 200 (No.27) Young Street Harvey is located on private property owned by the Roman Catholic Bishop of Bunbury and comprising St Anne's Catholic Primary School.

The 2.1m wide concrete path was constructed 19 years ago within Lot 200 following approval granted by Council at its meeting held on 12 December 2000 on the basis that the school funded the works.

Offices sought advice on the best way forward and have met on several occasions with both representatives of the school and a consultant specialising in land matters.

Following those discussions, it was determined that the best way forward to satisfy statutory requirements is to leave the path in its current location and proceed with the dedication of the portion of land (which contains the path) for road purposes, as shown in **Attachment 1**.

Background

The verge area adjacent to Lot 200 Young Street has a gravel surface and is currently used by the adjoin school, and others, for perpendicular parking. This only possible as the path is located on private property allowing adequate room in the verge to accommodate parking.

Fenced basketball courts adjoin the path and recently a vehicle drove across the path and damaged a portion of the existing fencing. It was at that time that both the school and the Shire became aware that the path was in fact constructed on private property and as such the school, and not the local government, would be liable is a member of the public were to be injured while using the path.

Council at its meeting held on 12 December 2000 made the following decision regarding the matter: (refer **Attachment 2**)

"That Council advises St Anne's Primary School that it supports the relocation of 80 to 90m of the footpath on Young Street, Harvey nad will undertake the works within the current financial year, on the basis of \$4,500 funding being supplied by the school".

Comment

Cadastral Survey

Upon being made aware of the matter, Officers engaged a licence surveyor to undertake a cadastral survey to determine the actual location of the path. It was determined that approximately 150m of path is located on private property (refer **Attachment 1**).

Options

Once the path location had been formally determined, several options to resolve the matter were investigated/discussed.

- Option 1: Remove the path and construct a new path within the existing road reserve;
- Option 2: Leave the path where it is and take a management order over the portion of land comprising the path; and
- Option 3: Leave the path where it is and incorporate the portion of land in question into the existing road reserve.

Following an assessment of the advantages and disadvantages of each option it was decided that the best solution was Option 3.

Option 3 ensures that perpendicular parking can still be accommodated on the verge area and that the path is incorporated within the road reserve. It is also the most cost effective option.

Process

St Anne's Catholic Primary School have indicated that they are prepared to cede the land comprising the path (430m² as shown on **Attachment 2**) free of charge.

Also it has been determined that there will be no application fee payable to the WA Planning Commission (WAPC) if the subdivision application is for the sole purpose of "road widening". This would result in a saving of approximately \$3,450. The total cost to undertake the transfer and dedication of land is a \$9,650 and would include the following:

- Landgate search fees/registration fees;
- Prepare and execute documentation;
- Licenced surveyor to establish and mark new boundary; and
- WAPC application and application for new titles for lodgement at Landgate.

Discussion

It is considered that the recommended way forward will be a "win win" for both the school and the Shire for the following reasons:

- Estimated cost to remove and construct the path in the existing road reserve would cost in the order of \$21,500.
- By St Anne's Catholic Primary School agreeing to cede 430m² and leaving the path where it is would ensure that the verge area can still be used for parking.

Also Council previously approved constructing the path on private land to enable the school to continue to use the verge area for parking. The work was undertaken in 2000-2021 at the school's expense. The recommended proposal will ensure that the public path will be located within the road reserve.

It is therefore recommended that Council support the proposal.

Statutory/Policy Environment

Section 56 of the *Land Administration Act (1997)* deals with "*Dedication of land as road*", which requires Council's support for the formal acquisition process to proceed.

Strategic Framework

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

Provide a safe standard of roads and ancillary infrastructure.

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The Consequence could be **Financial**, **Reputational** or **Compliance** if correct procedures are not followed for acquiring land under the *Land Administration Act (1997)*. The acquisition process will be undertaken by suitably qualified and experienced persons resulting in a **Low** risk being present.

Budget Implications

The total cost to undertake the transfer and dedication of land as detailed in the report is \$9,650. This would be funded from the Infrastructure Services path maintenance budget allocation.

Officer's Recommendation

That Council:

1. Endorses the acquisition of 430m² of land from Lot 200 (No.27) Young Street, Harvey to accommodate an existing portion of path into the existing Young Street road reserve, as shown in **Attachments 1 and 2**;
2. Authorises the Chief Executive Officer to proceed with dedication in accordance with Section 56 of the *Land Administration Act 1997*.

Moved: Cr. Adams Seconded: Cr. Coleman

That Council:

1. **Endorses the acquisition of 430m² of land from Lot 200 (No.27) Young Street, Harvey to accommodate an existing portion of path into the existing Young Street road reserve, as shown in *Attachments 1 and 2*; and**
2. **Authorises the Chief Executive Officer to proceed with dedication in accordance with Section 56 of the *Land Administration Act 1997*.**

Carried 9-3

20/231.

Infrastructure Services

Item No	12.2.2
Subject:	New Street Lighting at Lakes Parade
Proponent:	Shire of Harvey
Location:	Binningup
Reporting Officer:	Manager Design and Development / Director Infrastructure Services
Authorising Officer:	Chief Executive Officer
File No.:	A006245, A016443

Summary

At its meeting held on 28 July 2020, Council considered a report on the transfer of a number of lots in Binningup comprising common land, which were previously being maintained by Binningup Nominees Pty Ltd. This also included an area comprising bollard lighting in the Lakes Parade Road reserve which were installed and maintained by Binningup Nominees Pty Ltd.

As a result of extensive damage, the bollards have been wrapped in plastic and the lighting circuit isolated to ensure the area is safe. There is currently no street lighting along this section of Lakes Parade.

This report deals with removing the existing bollard style street lighting which has been vandalised on numerous occasions and replacing the lighting with standard Western Power Street lighting.

It is recommended that Council approve the installation of standard Western Power street lighting including the recommended funding to implement the proposal as outlined in the report.

Background**Council Meeting 26 May 2020**

Council considered the initial report regarding lighting of several intersections on the South Western Highway where the following decision was made (in part)

- "2. List \$48,000 for consideration in the 2020-2021 draft Budget for the installation of four solar lights at the intersections of South Western Highway with Riverdale, Honeymoon, Heppingstone and Government Roads; and*
- 3. Considers listing \$48,000 in the 2021-2022 draft Budget for the installation of four solar lights at the intersections of South Western Highway with Clifton and Kelly Roads, and Raymond Road with Kelly and Treendale (west) Roads".*

\$20,000 was allocated in the current 2020-2021 Budget to commence these works.

Council Meeting 22 June 2020

Council considered a report on the Australian Government's proposed Local Roads and Community Infrastructure Program (LRCIP) where a number of projects were endorsed including the following project:

<i>Road Solar Lighting – Stage 2</i>	<i>\$76,000</i>	<i>Local Road Projects</i>	<i>Street lighting</i>	<i>Council adopted program \$20,000 currently listed in 2020-2021. Additional funds required for stage 1 and 2</i>
--------------------------------------	-----------------	----------------------------	------------------------	--

Officers subsequently submitted the endorsed projects to the Australian Government and the funding and projects were approved subject to the Shire providing and undertaking that all projects would be completed in the 2020-2021 financial year.

Council Meeting 28 July 2020

Council considered a report on Community Open Space, Binningup - Transfer of Land Lots 194, 195, 198, 199, 200, 8001 and 8002, Binningup as shown in **Attachment 1** where the following decision was made (in part):

- “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.”*

At the time of subdivision in this section of Binningup a specification for bollard type lighting (as requested by the Developer) was approved. Unfortunately, the ongoing damage to this easily accessible infrastructure has been extensive and poses a safety risk to the general public. Therefore, a refit to standard lighting is being recommended.

Proposed Solar Lighting – Section of Shared Path Cathedral Ave.

The 2020-2021 Budget includes an amount of \$29,500 for the installation of solar path lighting along the section of shared path between Fees Field and Old Coast Road in Leschenault.

Officers have investigated this proposal and consider that before any lighting is considered for this pathway (which extends from the Collie River Bridge to the end of the Old Cathedral Avenue), that an overall lighting strategy be developed to determine justification and priorities.

Comment

Australian Government’s Local Roads and Community Infrastructure Program

As mentioned above, Council endorsed a number of projects including \$76,000 to complete the solar lighting project.

Officers recently pegged the eight endorsed lighting locations and met with Main Roads WA (MRWA) officers to discuss their requirements. At the meeting, it was revealed that extensive works are planned on the South Western Highway over the next two financial years.

Following the meeting it was considered that the installation of the solar lighting at the various locations should be deferred as the proposed road improvement works may well negate the need for lighting. Comments on the MRWA works are tabulated below:

	Main Road	Local Side Road	Proposed MRWA Works
1	South Western Highway	Clifton Road	Shoulder widening works to be undertaken within the next 18months
2	South Western Highway	Riverdale Road	Shoulder widening works currently under construction.
3	South Western Highway	Honeymoon Road	2m wide seal widening and shoulder works planned.
4	South Western Highway	Heppingstone Road	2m wide shoulder widening to be constructed
5	South Western Highway	Kelly Road	2m wide shoulder widening to be constructed
6	South Western Highway	Government Road	Extensive intersection upgrade to be constructed including turning pockets for vehicles in both the north and south carriageways.
7	Raymond Road	Kelly Road	Nil
8	Raymond Road	Treendale Road (west)	Nil

Discussion

As can be seen from the above table, solar lighting to both of the intersections on Raymond Road are still proposed to be implemented as no works by MRWA are programmed in this area. It would be prudent to defer all of the proposed intersection lighting on the South Western Highway.

Officers intend to reassess the intersections on South Western Highway once improvement works are completed to ascertain whether solar lighting would still be required and a further report would be presented to Council on this matter.

In addition, as the solar lighting project was to be funded from the Australian Government LRCIP deferral of the solar lighting project would result in the LRCIP funding not being expended this financial year which would be in breach of the Australian Government funding guidelines.

Community Open Space, Binningup

As mentioned in the background section of the report, Council authorised the Chief Executive Officer to resume the maintenance and upkeep of the common areas in Binningup which were previously being managed by Binningup Nominees Pty Ltd. These negotiations are currently in progress. Part of this includes the obsolete bollard lighting along Lakes Parade.

Western Power have undertaken a design to install street lighting in Lakes Parade, Binningup to the relevant Australian Standards for residential developments.

The cost to undertake this work is \$96,000. Given that this project is 'shovel ready' and would meet the LRCIP funding criteria, budgeted funding could be reallocated to this project. The Shire will need to advise the funding body of the reallocation of funding pending the resolution of Council.

Statutory/Policy Environment

N/A

Strategic Framework

Within the Shire's Strategic Community Plan 2017 – 2027, Outcome 3.6 and Strategy 3.6.1 state:

3.6 *A local transport network that ensures equity across the community to a safe standard*

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 **Inadequate Asset Sustainability Practices**. The Consequence could be **Property** and **Financial Impact** should the lighting not be maintained to the required standard. The Risk Consequence Rating is considered to be **Moderate** and the Likelihood **Possible**, giving a **Moderate** risk rating.

Budget Implications

Current funding for lighting in the 2020-2021 Budget is as follows:

Project	Amount	Funding source
Solar Lighting Intersections	\$20,000	Municipal
Solar Lighting Intersections	\$76,000	Australian Government
Solar Lighting Shared Path	\$29,500	Municipal
Total	\$125,500	

A total of \$25,500 is required to provide solar lighting at the two Raymond Road Intersections. If this was sourced from the above funding pool this would leave a total of \$100,000 which could be used to fund the \$96,000 Lakes Parade Lighting project resulting in the following Budget reallocations/adjustments.

Project	Amount	Funding source	Action
New Lighting Lakes Parade	\$20,000	Municipal	Reallocation of funds from intersection solar lighting budget
New Lighting Lakes Parade	\$76,000	Australian Government	Approval to reallocate funds from Intersection solar lighting budget required
Solar Lighting Intersections	\$25,500	Municipal	Reallocation of funds from Cathedral Ave shared path solar lighting budget
Funds remaining	\$4,000	Municipal	Surplus/Contingencies
Total	\$125,500		

Voting Requirement

Simple Majority.

Officer's Recommendation

That Council:

1. Defers the installation of Solar Lighting at the following intersections until Main Roads WA have completed road improvements;

Main Road	Local Side Road
South Western Highway	Clifton Road
South Western Highway	Riverdale Road
South Western Highway	Honeymoon Road
South Western Highway	Heppingstone Road
South Western Highway	Kelly Road
South Western Highway	Government Road

2. Proceeds with the installation of Solar Lighting at the following intersections;

Raymond Road	Kelly Road
Raymond Road	Treendale Road (west)

4. Approves the:

- (a) Installation of Western Power residential street lighting in Lakes Parade, Binningup at a cost of \$96,000; and
- (b) Reallocation of funding to implement the Lakes Parade lighting and two intersection solar lights, as follows;

Project	Amount	Funding source	Action
New Lighting Lakes Parade	\$20,000	Municipal	Reallocation of funds from intersection solar lighting budget
New Lighting Lakes Parade	\$76,000	Australian Government	Approval to reallocate funds from intersection solar lighting budget required
Solar Lighting Intersections	\$25,500	Municipal	Reallocation of funds from Cathedral Ave shared path solar lighting budget
Funds remaining	\$4,000	Municipal	Surplus/Contingencies
Total	\$125,500		

5. Authorises the Chief Executive Officer to request an amendment to the Local Roads and Community Infrastructure Program to replace the "Road Solar Lighting – Stage 2" project with the "Lakes Parade Lighting" project; and
6. Receives a further report on the installation and future funding of solar lighting on the intersections of South Western Highway with Riverdale, Honeymoon, Heppingstone; Government Roads; Clifton and Kelly Roads upon completion of the proposed Main Roads WA improvements.

Moved: Cr. Lovitt Seconded: Cr. Campbell

That Council:

1. Defers the installation of Solar Lighting at the following intersections until Main Roads WA have completed road improvements;

Main Road	Local Side Road
South Western Highway	Clifton Road
South Western Highway	Riverdale Road
South Western Highway	Honeymoon Road
South Western Highway	Heppingstone Road
South Western Highway	Kelly Road
South Western Highway	Government Road

2. Proceeds with the installation of Solar Lighting at the following intersections;

Raymond Road	Kelly Road
Raymond Road	Treendale Road (west)

4. Approves the:

- (a) Installation of Western Power residential street lighting in Lakes Parade, Binningup at a cost of \$96,000; and
 (b) Reallocation of funding to implement the Lakes Parade lighting and two intersection solar lights, as follows;

Project	Amount	Funding source	Action
New Lighting Lakes Parade	\$20,000	Municipal	Reallocation of funds from intersection solar lighting budget
New Lighting Lakes Parade	\$76,000	Australian Government	Approval to reallocate funds from intersection solar lighting budget required
Solar Lighting Intersections	\$25,500	Municipal	Reallocation of funds from Cathedral Ave shared path solar lighting budget
Funds remaining	\$4,000	Municipal	Surplus/Contingencies
Total	\$125,500		

5. Authorises the Chief Executive Officer to request an amendment to the Local Roads and Community Infrastructure Program to replace the “Road Solar Lighting – Stage 2” project with the “Lakes Parade Lighting” project; and
 6. Receives a further report on the installation and future funding of solar lighting on the intersections of South Western Highway with Riverdale, Honeymoon, Heppingstone; Government Roads; Clifton and Kelly Roads upon completion of the proposed Main Roads WA improvements.

Carried 12-0 20/232.

Infrastructure Services

Item No	12.2.3
Subject:	Gibbs Street, Harvey - Proposed ACROD Parking Bay Trial
Proponent:	Shire of Harvey
Location:	Harvey
Reporting Officer:	Director Infrastructure Services
Authorising Officer:	Chief Executive Officer
File No.:	R000002

Summary

A request has been received for an ACROD parking bay in the vicinity of a medical premises on the corner of Gibbs Street and Becher Street.

The request has emanated as a result of parents and teachers from the Harvey Primary School taking up the available on road parking during school hours making it difficult for persons with a mobility issue being able to find a parking spot close to the medical premises.

Background:

Section 1.9 of the Shire of Harvey Parking Local law states that “*a local government may, by resolution, prohibit or regulate by signs or otherwise the stopping or parking of any vehicle or any class of vehicles in any part of the parking region...*”

With regards to ACROD parking bays, in accordance with the standards, these bays are normally constructed in an off road parking area, or on a road verge, as a 2.5m wide perpendicular bay with a 2.5m wide no parking bay protected by a bollard adjacent to the parking bay.

Several local governments have developed policies enabling the creation of ACROD 2.5 parking bays to serve residents in need. These types of parking bays are for the use by anyone who has a current ACROD permit, however, they are most beneficial to adjacent businesses.

These bays are generally located in a parallel parking zone, are 2.5m wide and are delineated by appropriate signage and line marking.

Comment

A request has been received requesting that the Shire consider providing an ACROD parking bay in the vicinity of the medical premises at the corner of Becher Street and Gibbs Street in Harvey.

Officers have liaised with the adjoining businesses and have observed that most of the on road parking in Becher Street and Gibbs Street is taken up during normal business hours and during school times making it difficult for elderly and physically challenged persons being able of find a park in close proximity to the medical premises.

Given the existing road layout, it would be difficult to implement the conventional ACROD parking within the road reserve at this location and therefore it is considered that Council considers trialling an ACROD 2.5 parking bay as shown on **Attachment 1**.

Should Council approve the installation of the ACROD bay, the bay would be available for use by any holder of an ACROD permit, however, it would be of particular benefit to the adjoining medical businesses.

Statutory/Policy Environment

The head of power for the implementation of restricted on road parking is the Shire of Harvey Parking Local Law.

Strategic Framework

Within the Shire's Strategic Community Plan 2017 – 2027, Strategy 3.6.1 state:

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 ***Reputational*** if Council decides not to support the request for an ACROD parking bay. The Risk Consequence is considered to be ***Minor*** and the Likelihood ***Unlikely*** resulting in a ***Low*** level of risk. The Risk is mitigated by supporting the recommended parking trial.

Budget Implications

The cost to implement the proposal including signage, line marking, concrete ramp and short path extension is in the order of \$750. This would be funded from the path and the signage maintenance budget.

Voting Requirement

Simple Majority.

Officer's Recommendation

That Council:

1. Approve the implementation of an ACROD 2.5 bay on the southern side of Gibb Street, as shown on ***Attachment 1***, as a 12-month trial to determine the effectiveness of this type of alternative ACROD parking; and
2. Receives a further report on the trial at the conclusion of the 12-month trial period.

Moved: Cr. Burgoyne

Seconded: Cr. Coleman

That Council:

1. **Approve the implementation of an ACROD 2.5 bay on the southern side of Gibb Street, as shown on *Attachment 1*, as a 12-month trial to determine the effectiveness of this type of alternative ACROD parking; and**
2. **Receives a further report on the trial at the conclusion of the 12-month trial period.**

Carried 12-0

20/233.

Infrastructure Services

Item No.	12.2.4
Subject:	Shire of Harvey Bushfire Risk Management Plan 2020-2025
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Waste and Safety Services
Authorising Officer:	Director Infrastructure Services
File No.:	B000270

Summary

In accordance with the requirements of the State Hazard Plan for Fire (formally Westplan Fire), local governments are required to prepare an integrated Bushfire Risk Management Plan (BRM Plan) for areas where there is a potential significant bushfire risk.

A BRM Plan is a strategic document that identifies assets at risk from bushfire and their priority for treatment with the local government. The Shire of Harvey BRM Plan was reviewed by the Office of Bushfire Risk Management on 24 September 2020 (refer **Attachment 1**).

The BRM Plan, as presented in **Attachment 2** is presented for Council's endorsement.

Background

The Department of Fire and Emergency Services (DFES) Bushfire Risk Management Branch was created in 2012 in response to key recommendations from the Perth Hills fire (Keelty 1), Margaret River fire (Keelty 2) and the Waroona Yarloop fire (Ferguson) inquiries.

The Bushfire Risk Management Branch coordinates DFES Bushfire Risk Management Officers (BRMO's) and DFES funded Bushfire Risk Planning Coordinators embedded in local governments to facilitate the creation of BRM Plans.

Between November 2017, when the Shire of Harvey (Shire) joined the program, until 30 June 2018 the Shire had a full time Bushfire Risk Planning Coordinator.

However, from 1 July 2018 the resource allocation was shared with the Shires of Murray and Waroona as shown below:

Financial year	Local Government BRPC resource allocation		
	Harvey	Murray	Waroona
2018-19	80%	20%	
2019-20	20%	60%	20%
2020-21	10%	50%	40%
2021-22	10%	30%	60%

The shared arrangement shown above will continue until 30 June 2022 but will be reviewed on an annual basis and reallocation may occur based on the need of each Shire and BRM Plan progress.

At the end of each financial year the Shire is required to prepare and submit a report to the Office of Bushfire Risk Management detailing progress against the BRM Plan, including the treatment implementation.

The *Emergency Management Act 2005* provides the head of power to direct local governments to comply with the requirements of State emergency management policies where they are given a role within those policies. The *State Hazard Plan – Fire* requires local governments with a high or extreme bushfire risk to develop an integrated BRM Plan utilising the Office of Bushfire Risk Management guidelines and templates to do so.

Comment

The aim of the BRM Plan is to document a coordinated and efficient approach toward the identification, assessment and treatment of assets exposed to bushfire risk within the Shire of Harvey.

Bushfire Risk Management Pan Objectives

The objective of the BRM Plan is to effectively manage bushfire risk within the Shire of Harvey in order to protect people, assets and other things of local value. Specifically, the objectives of this BRM Plan are to:

- Guide and coordinate a tenure blind, multi-agency bushfire risk management program over a five-year period;
- Document the process used to identify, analyse and evaluate risk, determine priorities and develop a plan to systematically treat risk;
- Facilitate the effective use of the financial and physical resources available for bushfire risk management activities;
- Integrate bushfire risk management into the business processes of local government, land owners and other agencies;
- Ensure there is integration between land owners and bushfire risk management programs and activities;
- Monitor and review the implementation of treatments to ensure treatment plans are adaptable and risk is managed at an acceptable level.

The BRM Plan has been prepared for the Shire based on a best practice template provided by Office of Bushfire Risk Management. Local information relating to the bushfire context is added for each local government, considering environment, weather, priorities and demographics.

Bushfire Risk Management System

The identification of assets and calculation of bushfire risk has been conducted using the DFES specialist software Bushfire Risk Management System. This software allows assets to be mapped in a Geographical Information System (GIS) and then completes an individual risk assessment based on the data entered.

Assets can be grouped with adjoining assets of the same category and with the same risk, to simplify the assessment process. The four categories of assets are as follows:

- Human Settlement;
- Economic;
- Environmental; and
- Cultural.

Human Settlement

This is the most significant asset type, referring to residential assets, with a separate sub category for Special Risk or Critical Infrastructure. For the Shire, known tourism and short stay properties have been categorised as Special Risk, whilst the Harvey Hospital, nursing homes, schools and evacuation centres are considered Critical Infrastructure.

Economic

This category has been utilised to record assets such as commercial, industrial and agricultural properties. This category also includes tourism and recreational facilities.

Environmental

These assets include flora and fauna habitat that are assessed as either Priority, Protected or of Local Importance. It is recognised that much of the information for flora and fauna assets is not formally recorded and requires some local knowledge. To this extent these attributes are expected to be recognised and included to a more specific extent (e.g. actual location of orchid species) during the implementation of the Treatment Schedule. Notwithstanding that, assets entered into the program include areas of known Western Ringtail Possum habitat.

Cultural

This category has been used to assess a variety of cultural assets broken down into sub categories of Aboriginal, Recognised, Local or Other. As with environmental assets, Aboriginal assets and sensitivities will be included specifically during the planning of treatments through collaboration and consultation with the traditional owners of the land. Other assets entered consist of heritage buildings, religious buildings such as churches and local community assets, such as community centres and sporting facilities.

Discussion

The risk assessment process is slightly different for each category type, with the same Likelihood and Consequence formulae, but varying vulnerability calculators. All categories take into account the fuel type (grassland, scrub, forest etc.), fuel age and separation distance (distance from the asset to the vegetation), as well as the slope under the vegetation and slope between the vegetation and the asset.

Human Settlement and Cultural vulnerability is assessed merely as Low, Moderate or High. Low for example, may indicate a higher level of community engagement and preparedness, better construction standards or water hydrants in the area. For Economic assets the vulnerability is assessed as to the susceptibility of the asset to fire and the level of impact of damage to the asset, in local, regional or state – Critical Infrastructure terms.

For Environmental assets, the assessment for vulnerability takes into consideration the conservation status (priority/threatened or local) and the geographical extent of the asset type (widespread, restricted or highly restricted).

A total of 904 groups of assets have been identified and risk assessed during the process. The BRM Plan suggests treatments that are then required for all assets assessed as at High, Very High or Extreme Risk. This equates to 642 of assets, or 71%. Of these assets, 164 or almost 18% have been assessed as at Extreme Risk, requiring urgent treatment action.

Once the BRM Plan has been endorsed by Council, the Treatment Schedule which is an extensive, dynamic treatment plan for all Shire tenure as well as interacting with other agencies and private land holders to mitigate risk on other tenure, will need to be developed.

Statutory/Policy Environment

The *Emergency Management Act 2005* provides the head of power to direct local governments to comply with the requirements of State emergency management policies where they are given a role within those policies as follows:

Section 20 (4) sets out that -

A public authority that is given a role and responsibilities under a State emergency management policy is to comply with the State emergency management policy.

Strategic Framework

Within the Shire's Strategic Community Plan 2017 – 2027, Strategies 2.7.1, 2.7.4, 3.1.2, 4.7.1, 4.7.2, 4.7.6 and 4.7.7 state:

- 2.7.1 Improved controlled access to all our water bodies, forests and reserves in partnership with the relevant agencies.*
- 2.7.4 Partner with other government agencies to implement pest and weed control measures.*
- 3.1.2 Continue to actively engage local community groups to understand needs, improve facilities and source grant funding.*
- 4.7.1 Promote training and development of emergency services personnel.*
- 4.7.2 Investigate and obtain funding to support the appointment of specialist emergency services staff*
- 4.7.6 Support the Local Emergency Management Committee (LEMC)*
- 4.7.7 Maintain the Local Emergency Management Plan for the Shire and develop plans for the needs of specific areas.*

Risk Management

While the officer recommendation serves to assist the Shire in providing treatments and controls for the risks identified within the BRM Plan, the risk of bushfire will always remain within the Shire. The BRM Plan will identify those areas that remain at high bushfire risk and where planned mitigation works are required. Implementation of the BRM Plan will not remove the risk but will assist the Shire in highlighting areas where work with landowners is required to decrease the bushfire risk.

The implementation of the BRM Plan Treatment Schedule will assist to reduce the impact of bushfire on areas where mitigation measures have been implemented. Not adequately resourcing implementation of the BRMP could, however, create significant reputational risk for the Shire, and should therefore be avoided.

Risk	Risk Consequence (Financial Impact and Reputational)	Risk Likelihood (with existing controls)	Risk Rating (Prior to Treatment or Control)	Risk Theme Profile	Risk Action Plan (Controls or Mitigation Treatment proposed)
That the Shire of Harvey does not endorse the BRMP and there is a bushfire event.	Extreme/Catastrophic (5)	Unlikely (2)	High (10-16)	Failure to fulfil compliance requirements	Endorses the BRMP and implement proposed treatments
That the Shire of Harvey does not endorse the BRMP and therefore unable to apply for MAF grants.	Major (4)	Almost certain (5)	Extreme (20)	Business & community disruption	Endorses the BRMP and apply for MAF grants to implement proposed mitigation treatments.
Not adequately resourcing implementation of the BRMP	Major (4)	Possible (3)	High (10-16)	Ineffective Employment Practices	Review and maintain Shire of Harvey workforce plan.

Budget Implications

An endorsed BRM Plan allows the Shire to access the state government Mitigation Activity Funding (MAF) grants available to all local governments. This funding is made available to implement treatment strategies on land managed by the local government.

Voting Requirement

Simple Majority.

Officer's Recommendation

That Council:

1. Endorses the Shire of Harvey Bushfire Risk Management Plan 2020-2025; and
2. Supports the development and implementation of a coordinated, comprehensive, multi-agency Treatment Schedule in support of, and to be incorporated into, the Bushfire Risk Management Plan 2020-2025.

Moved: Cr. Burgoyne Seconded: Cr. Dickinson

That Council:

1. **Endorses the Shire of Harvey Bushfire Risk Management Plan 2020-2025; and**
2. **Supports the development and implementation of a coordinated, comprehensive, multi-agency Treatment Schedule in support of, and to be incorporated into, the Bushfire Risk Management Plan 2020-2025.**

Carried 12-0 20/234.

Ms. Walker left the Chamber at 4.45pm.

Sustainable Development

Item No.	12.3.1
Subject:	Application for a “Use Not Listed” (Rural Workers Accommodation)
Proponent:	Galati Nominees Pty Ltd
Location:	Lot 51 (No. 60) Buffalo Road, Parkfield
Reporting Officer:	Planning Officer (ND)
Authorising Officer:	Director Sustainable Development
File No.:	A016283
Reg. 20/32223	

Summary

An Application for Development Approval has been received for a ‘Use Not Listed’ (Rural Workers Accommodation) on Lot 51 (No. 60) Buffalo Road, Parkfield (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

Lot 51 Description

Lot 51 Buffalo Road is located approximately 31km south west of the Harvey townsite and approximately 200m north of the Leschenault Estuary (refer **Attachment 2**). It is zoned ‘General Farming’ under the Shire’s District Planning Scheme No.1 (the Scheme) and zoned ‘Rural’ under the Greater Bunbury Region Scheme (GBRS). Lot 51 has an area of approximately 176ha.

The eastern half of Lot 51 is mostly occupied by market gardens, whereas the western portion is grassed pasture. A large vegetable packing and distribution building is located in the northern portion of the lot, adjacent to Springhill Road. There are various irrigation ponds running north south in the central portion of the Lot. A house and associated sheds occupies the southern portion of Lot 51 being approximately 540m north of Buffalo Road and approximately 100m west of the proposed Rural Workers Accommodation site.

Site Description

For the purpose of this Report, “the site” refers to the area associated with the proposed Rural Workers Accommodation (refer **Attachment 1**). The area allocated for the proposal is for the most part, cleared pasture. The area of the development, including communal facilities, access and parking, water tanks and shed, covers an area of approximately 2,000m².

Proposal

The application is for Development Approval of 24 Rural Workers Accommodation units and supporting facilities (refer **Attachment 1**) consisting of the following:

1. A total of 24 self-contained units contained within six buildings of four self-contained units in each building. Each unit includes its own toilet and bathroom facilities;
2. A communal laundry with washing, drying and linen storage facilities;
3. A communal kitchen/recreational facility including a kitchen, servery, stores, communal area (118m²) and lounge area (38m²);
4. Limestone carpark area and access road connecting to Buffalo Road 500m to the south of the site;
5. On-site stormwater retention;
6. Universal access toilet facilities;
7. Anaerobic Treatment System for effluent disposal stated to be in accordance with AS/NZS 1547 On – site domestic wastewater management;
8. 3 x 100,000 litre water tanks and associated filtration system for potable water;
9. Plant Shed (6m²); and
10. Associated landscaping

Comment

Rural Workers Accommodation

The proposed Rural Workers Accommodation is eligible for an exemption that was issued by the Minister for Planning on 30 April 2020 (via Part 10B of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulation 2015). The Applicant has elected to submit an Application for Development Approval as the State of Emergency COVID-19 pandemic Exemptions are temporary only (i.e. for the period of the State of Emergency declaration in WA plus 90 days). For this facility to be permanent, a formal development approval is required.

Clause 4.2.5 of the Scheme 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 proposed Rural Workers Accommodation is directly in support of the horticultural use which is being carried out within the property and also on adjoining Lot 301. Horticulture has become, over recent years, a substantial mainstay of the Myalup and Binningup areas and is therefore a significant provider of employment.

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.

Referrals will also be required to be sent to the following departments:

- Department of Planning, Lands and Heritage - adjacent to Regional Open Space;
- Department of Primary Industry and Regional Development - Priority Agricultural Land Policy Area;
- Department of Water and Environmental Regulation - Water Resources and Floodplain; and
- Department of Biodiversity Conservation and Attractions - Parks and Wildlife Branch – (Clause 27 of GBRS being adjacent to Regional Reserve).

Conclusion

The land use of Rural Workers Accommodation may be considered to be supportive of the horticultural activities in the locality and it is therefore considered that the proposed Rural Workers Accommodation may be consistent with the objectives and purposes of the 'General Farming' zone.

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.

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;”*

Greater Bunbury Region Scheme

The subject lot is predominantly zoned 'Rural' under the Greater Bunbury Region Scheme. The GBRS states the purpose of the 'Rural' zone as:

"To provide for the sustainable use of land for agriculture, assist in the conservation and wise use of natural resources including water, flora, fauna and minerals, provide a distinctive rural landscape setting for the urban areas and accommodate carefully planned rural living developments".

The western portion of Lot 51 is identified as 'Regional Open Space' reserve. The development site is approximately 300m east of the Regional Open Space.

Shire of Harvey District Planning Scheme No.1

Clause 4.2.5

"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.*

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 4.2.5 (b) 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 51 (No. 60) Buffalo Road, Parkfield can be considered as "Rural Workers Accommodation" which may be consistent with objectives and purposes of the 'General Farming' zone.

By Absolute Majority

Moved: Cr. Bromham

Seconded: Cr. Beech

That Council, pursuant to Clause 4.2.5 (b) 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 51 (No. 60) Buffalo Road, Parkfield 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

20/235.

Officer's Recommendation 2 of 2

That Council:

1. Pursuant to Clause 4.2.5 (b) of the Shire of Harvey's District Planning Scheme No. 1, advertises the Application for Development Approval for Lot 51 (No. 60) Buffalo Road, Parkfield 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, and
2. If no objections are received during the public advertising period, acknowledges Officers may determine the Development Application pursuant to Delegation 4.1.3 (9).

Moved: Cr. Coleman

Seconded: Cr. Burgoyne

That Council:

1. Pursuant to Clause 4.2.5 (b) of the Shire of Harvey's District Planning Scheme No. 1, advertises the Application for Development Approval for Lot 51 (No. 60) Buffalo Road, Parkfield 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, and
2. If no objections are received during the public advertising period, acknowledges Officers may determine the Development Application pursuant to Delegation 4.1.3 (9).

Carried 12-0

20/236.

Corporate Services

Item No.	12.4.1
Subject	Listing of Accounts Paid – August 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 August 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 August 2020 is presented as an attachment to this report, as summarised below.

<u>Voucher</u>	<u>Amount</u>
Schedule of Accounts	
Trust	EFT 51408 \$11,505.00
Municipal	EFT 51142 - EFT 51509 \$2,162,766.94
	117056 - 117070 \$6,365.67
	DD20995.1 - DD21068.18 \$139,614.80
CBA Credit Card	\$4,986.70
Electronic Funds Submitted	\$1,020,103.93
Total	<u>\$3,345,343.04</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 2020 – 2021 Budget.

Voting Requirement

Simple Majority.

Officer's Recommendation

That Council notes the above list of accounts paid for the period of August 2020 totalling \$3,345,343.04.

Moved: Cr. Lovitt Seconded: Cr. Campbell

That Council notes the above list of accounts paid for the period of August 2020 totalling \$3,345,343.04.

Carried 12-0 20/237.

Corporate Services

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

Summary

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

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

	ACTUAL 31 August 2020	BUDGET 2020 - 2021	VARIANCE
Statement of Financial Performance			
Ordinary Revenue	\$30,502,612	\$43,575,228	\$13,072,616
Ordinary Expenditure	\$5,529,441	\$50,057,783	\$44,528,342
Capital Revenue	\$493,164	\$8,809,126	\$8,315,962
Capital Expenditure	\$772,466	\$14,004,898	\$13,232,432
End of Period Profit / (Loss)	\$28,723,989		
Statement of Financial Position			
Current Assets	\$66,196,004		
Net Assets	\$570,459,851		

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

Rates Revenue

Rates revenue of \$22 million and rubbish rates of \$3.4 million was generated in August. The Shire has not increased the property and rubbish rates, rate in the dollar from 2019 - 2020 in an effort to provide some relief to Rate Payers.

Cash Flow and Interest Earnings

The Shire holds by way of cash and term deposit \$5.6 million in Municipal Funds, \$6.8 million in Trust Funds and \$28 million in Reserve Funds. The average interest rate on these funds is 0.99%. New term deposits are attracting a very low interest rate of approximately 0.70%.

Operating Grants and Subsidies

59% of the 2020 - 2021 Financial Assistance Grants has already been received with \$1.99 million included in general revenue.

Employee Costs

The financial statements reflect the first two months of the financial year, and it is anticipated employee costs will remain on budget and in line with the Workforce Plan.

Materials, Contracts, Utilities and Other Expenses

The financial statements reflect the first two months of the financial year, and it is anticipated the Shire will operate within its means and in line with the Shire's adopted 2020 - 2021 Budget.

Capital Expenditure

The Shire has budgeted to spend \$24 million on capital projects throughout the Shire in 2020 - 2021. Capital works have commenced in a number of areas including road and footpath projects as well as building works and recreation works. Expenditure totalling approximately \$1 million for these works has been reported at the end of August. As more projects are completed and as the Shire is invoiced for those works the level of reported expenditure will increase.

Attached to the Agenda is the Financial Report for the reporting period which includes the following:

- 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

The Notes to the Statement of Financial Performance as well as the Notes to the Statement of Financial Position (as attached) include additional information reported on a by Program basis identifying reasons for variances between budgets and actuals.

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 August 2020.

Moved: Cr. Dickinson Seconded: Cr. Simpson

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

Carried 12-0

20/238.

Community and Lifestyle

Item No.	12.5.1
Subject:	Harvey War Memorial Interpretive Sign
Proponent:	Shire of Harvey
Location:	Harvey
Reporting Officer:	Community Development Officer (AM)
Authorising Officer	Director Community and Lifestyle
File No.:	P000004

Summary

This report recommends that Council endorses the proposed design and fabrication specifications of the Harvey War Memorial interpretive sign for installation prior to Remembrance Day on 11 November 2020.

Background

The Harvey War Memorial was a project to commemorate the Centenary of the ANZAC landing at Gallipoli on 25 April 1915. Funded by the Shire of Harvey, Royalties for Regions, RSL (WA) and RSL (Harvey), it was officially opened in February 2015 and dedicated on 15 March 2015.

A report to the Council Meeting held on 26 May 2020 put forward a proposal to design and manufacture an interpretative sign for the Harvey War Memorial. Council resolved as follows:

"That Council:

- 1. Endorses the proposed Harvey War Memorial design 'concept' interpretive sign to be located at location B, as shown in Attachment 1 estimated to cost \$6,500;*
- 2. Lists the proposal for consideration in the 2020 – 2021 draft Budget;*
- 3. Authorises the Chief Executive Officer to:*
 - (a) Finalise the design for the interpretive sign, and obtain quotes for the sign design and fabrication;*
 - (b) Pursue grant funding from Veterans' Affairs and/or other sources; and*
 - (c) Forward the concept design and interpretative text to the Harvey Place Advisory Committee and Harvey RSL Sub Branch for comment; and*
- 4. Receives a further report once the information outlined in recommendation 3 has been finalised".*

This report responds to Council's resolution to design, obtain quotes, pursue funding and undertake engagement for the Harvey War Memorial interpretive sign.

Comment

Following this resolution of Council, Shire Officers proceeded to engage both the Harvey Place Advisory Group and Harvey RSL Sub Branch on the project. Both groups have agreed in principle to the interpretive text, artwork and fabrication specifications of the project.

With regards to funding, the Harvey RSL Sub Branch have agreed to make a financial contribution towards the project. As such the design and fabrication specifications of the project are proposed below:

Design

The final interpretive text and artwork is attached (refer **Attachment 1**).

Fabrication Specifications

The material utilised in the fabrication of the sign base and surround is Corten Steel which is durable, weatherproof and in sympathy with the existing War Memorial (refer **Attachment 2**).

Sign Location

As endorsed by Council on 26 May 2020, the interpretive sign will be installed on the north side of the gabion wall at the South-West corner of the site (refer **Attachment 3**).

Statutory/Policy Environment

Nil.

Strategic Framework

Within the Shire's Strategic Community Plan 2017 - 2027, Strategy 3.3.3 states:

Places of cultural significance are recognised and respected.

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inadequate 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

An allocation of \$6,500 is included in the Shire's 2020-2021 Budget for the Harvey War Memorial interpretive sign.

Harvey RSL Sub Branch have also agreed to contribute \$2,000 towards the project.

The total amount of \$8,500 will cover all design and fabrication costs.

Voting Requirements

Simple Majority.

Officer's Recommendation

That Council endorses the proposed design and fabrication specifications for the Harvey War Memorial interpretive sign as presented in this report for installation prior to Remembrance Day on 11 November 2020.

Moved: Cr. Beech

Seconded: Cr. Adams

That Council endorses the proposed design and fabrication specifications for the Harvey War Memorial interpretive sign as presented in this report for installation prior to Remembrance Day on 11 November 2020.

Carried 12-0

20/239.

13. Elected Members Motions of Which Previous Notice Has Been Given**13.1 Notice of Motion for the Following Meeting – Cr Lovitt**

Cr. Lovitt requested that the following Notice of Motion be placed in the Ordinary Council meeting Agenda for Tuesday, 27 October 2020.

That Council authorises the Chief Executive Officer to make a formal submission to Main Roads WA in accordance with clause 7.2 of their Speed Zoning Policy to lower the existing posted speed limits on both Buffalo Road and Cathedral Avenue in Leschenault, to improve the safety and amenity for road users and residents in the area.

Officer's Comments

The Shire of Harvey have secured State Blackspot funding for Buffalo Road and Federal Blackspot funding for Cathedral Avenue in the current financial year. Road design for Cathedral Avenue will be completed this month and this will then be referred to Council for approval before any works are commenced. The proposed submission to Main Roads would better compliment the new work once completed.

Moved: Cr. Lovitt Seconded: Cr. Adams

That Council authorises the Chief Executive Officer to make a formal submission to Main Roads WA in accordance with clause 7.2 of their Speed Zoning Policy to lower the existing posted speed limits on both Buffalo Road and Cathedral Avenue in Leschenault, to improve the safety and amenity for road users and residents in the area.

Carried 12-0 20/240.

13.2 Notice of Motion for the Following Meeting - Cr Adams

Cr. Adams requested that the following Notice of Motion be placed in the Ordinary Council Meeting Agenda for Tuesday, 27 October 2020.

That Council, recognising the prolonged impact of the COVID19 virus on the economy at all levels of government and perhaps more importantly on the looming impact on household budgets, requests the CEO in partnership with the President, to bring together a committee, chaired by the President and consisting of equal representation from staff and councillors to:

- a) Critically review the 20/21 budget to identify ongoing and necessary services, maintenance, repairs and projects having immediate community benefit, while also identifying budgeted longer term proposals that could well be deferred until the outcome of the current COVID19 driven economic situation becomes clearer; and***
- b) Review and recommend modifications to the several current policies that may well be difficult to justify and inappropriate during a period of enforced austerity such as we are almost certain to be required to address.***

Officer's Comments

The COVID-19 Pandemic has had and will continue to have impact on households, our local communities and the Shire of Harvey. The Shire's responsibility to its community has been reinforced by the state and federal governments, calling local governments to assist in the remedial activities of the pandemic, with direction to seek out projects and other measures which would stimulate local economies in the recovery response.

On 7 October 2020, the federal government announced additional spending, to employ local governments in a 'community led recovery plan'. A clear aim of the recovery plan was to empower local governments nation-wide, to deliver roads and community infrastructure and other local priorities which support local jobs and business. This included a Local Roads and Community Infrastructure Program for South West local governments for 'shovel-ready' projects.

The Shire through thorough process, utilises its detailed informing plans and strategies in the drafting and adoption of the Annual Budget, predicated on a base of strong financial planning. Included in this process is the review of the Shire's Asset Management Plan, Forward Capital Works Plan, Corporate Business Plan, scheduling of Fees and Charges and of course the setting of Rates. These planning activities included Council in various workshops, as well as considering the needs of the community and other stakeholders through consultation processes. The robust process of adopting the Budget ensures a document which is both financially responsible and informed as well as facilitates the Shire's operations to meet the strategic aims and direction of Council.

On 23 June 2020, the Shire identified to Council, the need to remodel a new Long Term Financial Plan (LTFP) when the effects of the COVID-19 Pandemic could be better understood. It was felt by the Administration that the financial information available was not sufficient to effectively forecast a 10 year forward financial plan. The delay aligns the LTFP with the review of Shire's Strategic Community Plan, with an aim for each document to consider the effects of the COVID-19 pandemic and recovery. The LTFP is a critical function of the Shire's strategic planning, guiding the Shire's financial decision making with regard to operations, service levels, infrastructure replacement and renewal and the raising of revenue. The plan should be robust, and a barometer for future action, encouraging decision making which promotes long term financial sustainability.

The motion put forward implies Council taking a position to reduce expenditure on maintenance, repairs and service provision as well as deferring projects until a clearer economic and budgetary position is ratified. While the short term effect of such decision making may produce short term saving, it would be remiss to not consider the Shire's long term financial and other planning activities when making immediate reactionary budget and policy decisions. It would also deviate from the recovery planning encouraged by the state and federal government to support local economic growth, including the utilisation of debt and reserves to fund stimulus projects. The Shire has already, in an effort to reduce the economic burden of the pandemic on both community and rate payers, introduced multiple policy and budgetary decisions. This has included the freezing of rates and fees and charges, the creation of a COVID-19 financial hardship policy, the bringing forward of various capital works programs to support local jobs and the re-purposing of reserves for stimulus infrastructure projects.

The Notice of Motion also request the creation of an additional committee to review the budget and policies. The Shire facilitates this process through detailed planning and budgetary workshops which include Council and Officers. The mid-year budget process will commence in the early part of 2021 and will consider the aforementioned forward planning processes in its delivery, with an aim to arrive at a sensible and sustainable budget. This process will be extensive, and the Council and Administration will have updated financial information to review our economic position, and consider the sustainability of our LTFP and the effects COVID-19 pandemic.

In closing the Shire has already completed a preliminary assessment in terms of rate revenue, and there has been a considerable increase in the early payment of rates, from 69 percent to 73 percent. This has indicated that the financial stability of rate payers due to the effects of the pandemic has not been as critical as initially predicted. By the mid-year budget review this position is likely to be clearer. The Shire recognises the need for frugality in these uncertain times, and will continue to look for efficiencies in its operations, and in the delivery of critical projects, and welcomes the input from Council at the mid-year budget review and LTFP process.

Moved: Cr. Adams

Seconded: Cr. Lovitt

That Council, recognising the prolonged impact of the COVID19 virus on the economy at all levels of government and perhaps more importantly on the looming impact on household budgets, requests the CEO in partnership with the President, to bring together a committee, chaired by the President and consisting of equal representation from staff and councillors to:

- a) Critically review the 20/21 budget to identify ongoing and necessary services, maintenance, repairs and projects having immediate community benefit, while also identifying budgeted longer term proposals that could well be deferred until the outcome of the current COVID19 driven economic situation becomes clearer; and**
- b) Review and recommend modifications to the several current policies that may well be difficult to justify and inappropriate during a period of enforced austerity such as we are almost certain to be required to address.**

Lost 4-8

14. Notice of Motion for Following Meeting

Nil.

15. Questions by Members of Which Due Notice Has Been Given

Nil.

Mrs. Edwards left the Chamber at 5.09pm.

16. Reports of Members

Mrs. Edwards entered the Chamber at 5.10pm.

Cr. Burgoyne reported on his attendance at the following:

- 2020 Political Forum and WALGA AGM with the Shire President

Cr. Campbell reported on her attendance at the following:

- Leschenault Progress Association board meeting
- Morrissey Homestead AGM and board meeting
- Community Sail Training Trust Advisory Group
- Shire of Harvey community information day at the Treendale shopping centre
- Youth Strategy Working Group

Cr. Campbell put forward her thanks to Councillors and Shire Officers who volunteered at the Lot 208 Youth Inc. dinner and acknowledged the success of the evening. Cr. Campbell also put forward her congratulations to Shire Officers for conducting a successful community engagement event at the Treendale shopping centre, attracting participation from over 150 residents.

Cr. Beech reported on his attendance at the following:

- Harvey Recreation and Cultural Centre Advisory Group meeting with the Shire President
- Harvey Community Resource Centre committee meeting
- Yarloop Walk Trail Opening with the Shire President and Cr. Jackson and Cr. Dickinson
- South West Bike Trek cheque presentation and afternoon tea
- Harvey Community Radio AGM

On behalf of David Marshall, Cr. Beech put forward thanks to Council and Shire for the support and additional funding for the Harvey Community Radio during the COVID-19 pandemic. Cr. Beech also acknowledged the Harvey Community Radio on their success on becoming finalists in the CBAA Community Radio Awards, winners will be announced on Monday, 2 November 2020.

Cr. Bromham reported on his attendance at the following:

- Ongoing surveys with the Lot 208 Youth Inc. participants and community
- Youth Strategy Working Group meeting
- Binningup Water Sports Club meeting
- Binningup Water Sports Building management meeting
- Leschenault Bush Fire Brigade meeting

Cr. Bromham put forward his thanks to the Shire for their ongoing work and commitment to the Binningup Water Sports Committee.

Cr. Coleman reported on her attendance at the following:

- South West Bike Trek cheque presentation and afternoon tea
- Camp Mornington tour with the Chief Executive Officer, Director Community and Lifestyle and Shire President
- Historical Machinery Display Shed with Marion Lofthouse, Graham Manning and Richard Knight
- Camp Mornington discussion with Robyn Clarke and Mark McGowan

Cr. Dickinson reported on her attendance at the following:

- Bunbury Harvey Regional Council meeting
- Yarloop Walk Trail Opening
- Leschenault Leisure Centre Advisory Group with Cr. Lovitt
- Yarloop Place Advisory Group
- WALGA Training - Planning Practices
- South West Bike Trek cheque presentation and afternoon tea
- Leschenault Catchment Council AGM
- Yarloop Workshop Committee meeting
- Binningup Youth Camp AGM

17. Seal Register

Officer's Recommendation:

That Council:

1. Notes the use of the Common Seal under Delegated Authority (1.1.1) in accordance with Council Policy (1.1.2) on the following items:

<ul style="list-style-type: none"> • Deed of Covenant Document – Lot 9003 DP 417454 – Meadowview Estate • Landgate – Surrender of Easement – Lot 9003 DP 417454 • Withdrawal of Caveat – Lot 9012 DP 48683 Kingston 	Prepared By Dave Rose and the Shire of Harvey Dave Rose and the Shire of Harvey McLeaods Barristers & Solicitors
--	---
2. Notes the use of the Common Seal on items previously authorised by Council as follows:

<ul style="list-style-type: none"> • Loan Agreement Brunswick River Cottages 	Prepared By Shire of Harvey
---	--------------------------------

Moved: Cr. Beech Seconded: Cr. Burgoyne

That Council:

1. Notes the use of the Common Seal under Delegated Authority (1.1.1) in accordance with Council Policy (1.1.2) on the following items:

<ul style="list-style-type: none"> • Deed of Covenant Document – Lot 9003 DP 417454 – Meadowview Estate • Landgate – Surrender of Easement – Lot 9003 DP 417454 • Withdrawal of Caveat – Lot 9012 DP 48683 Kingston 	Prepared By Dave Rose and the Shire of Harvey Dave Rose and the Shire of Harvey McLeaods Barristers & Solicitors
--	---
2. Notes the use of the Common Seal on items previously authorised by Council as follows:

<ul style="list-style-type: none"> • Loan Agreement Brunswick River Cottages 	Prepared By Shire of Harvey
---	--------------------------------

Carried 12-0 20/241.

18. New Business of an Urgent Nature Introduced by Decision of Meeting**18.1 Notice of Motion**

That Council accepts new business of an urgent nature to the meeting being Notice of Motion from Cr. Coleman.

Moved: Cr. Coleman Seconded: Cr. Adams

That Council accepts new business of an urgent nature to the meeting being Notice of Motion from Cr. Coleman.

Carried 12-0 20/242.

Moved: Cr. Coleman Seconded: Cr. Lovitt

That Council consider a local and state partnership to secure Camp Mornington, and if considered give authority to the CEO to progress matters with in-principle support.

Reason

Council wishes to retain Camp Mornington as a benefit for the community. The property is currently for sale by offers with the closing date for offers being 27 November 2020. This multifunction facility will provide crisis care to at risk youth, support the local aboriginal community by providing back to country programs and engage in commercial opportunities. This facility will fill a gap in providing safe and accessible short term accommodation for Youth under 16 who are experiencing mental health issues. In addition, youth will be linked with external agencies who can provide additional assistance.

Amendment to the recommendation

Moved: Cr. Gillett Seconded: Cr. Dickinson

That Council request the Chief Executive Officer to provide a report to a Special Council meeting to be held on November ____ 2020 via zoom, containing a draft business case with consideration of financial implications.

Carried 7-5 20/243.

Substantive Motion

- 1. That Council consider a local and state partnership to secure Camp Mornington, and if considered give authority to the CEO to progress matters with in-principle support.**
- 2. That Council request the Chief Executive Officer to provide a report to a Special Council meeting to be held on November 9 2020 via zoom, containing a draft business plan with consideration of financial implications.**

Lost 5-7

18.2 SAT Review – Extractive Industry – The GM Giacci Family Trust – Lot 4 Binningup Road, Binningup (A002367/EX/007)

That Council accepts new business of an urgent nature to the meeting being report 18.2 - 18.2 SAT Review – Extractive Industry – The GM Giacci Family Trust – Lot 4 Binningup Road, Binningup (A002367/EX/007).

Moved: Cr. Gillett

Seconded: Cr. Beech

That Council accepts new business of an urgent nature to the meeting being report 18.2 - 18.2 SAT Review – Extractive Industry – The GM Giacci Family Trust – Lot 4 Binningup Road, Binningup (A002367/EX/007).

Carried 12-0

20/244.

19. Matters Behind Closed Doors

Cr. Burgoyne and Cr. Carbone left the Chamber at 5.35pm.

Moving Behind Closed Doors

Moved: Cr. Adams

Seconded: Cr. Simpson

That Council Moves Behind Closed Doors in accordance with Section 5.23 (2)(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

Carried 10-0

20/245.

Council moved behind closed doors at 5.35pm.

Mr. Stewart and Ms. Davies left the Chamber at 5.35pm.

Mr. Ewing left the Chamber at 5.36pm.

Miss. Schindler left the Chamber at 6.01pm.

Item No.	18.2
Subject:	SAT Review – Extractive Industry
Proponent:	The GM Giacci Family Trust
Location:	Lot 4 Binningup Road, Binningup
Reporting Officer:	Planning Officer (AR)
Authorising Officer:	Acting Director Sustainable Development
File No.:	A002367/EX/007

Miss. Schindler entered the Chamber at 6.06pm.

This matter is currently before the State Administrative Tribunal (SAT) and the report at **Confidential Attachment 2** contains information received resulting from SAT orders.

Therefore, pursuant to section 5.23(2)(d) of the *Local Government Act 1995*, the matter will be discussed ‘behind closed doors’ as it deals with “*legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting*”.

Officer's Recommendation

That Council support Minute of Consent Orders being provided to the State Administrative Tribunal regarding Matter No. DR 99 of 2020 for the State Administrative Tribunal invite Council to reconsider its original decision pursuant to Section 31 of the *State Administrative Tribunal Act 2004*.

Moved: Cr. Bromham Seconded: Cr. Campbell

That Council support Minute of Consent Orders being provided to the State Administrative Tribunal regarding Matter No. DR 99 of 2020 for the State Administrative Tribunal invite Council to reconsider its original decision pursuant to Section 31 of the *State Administrative Tribunal Act 2004*.

Tied 5-5
Carried by Casting Vote 6-5 20/246.

Cr. Bromham left the Chamber at 6.22pm
Cr. Coleman left the Chamber at 6.24pm

Item No.	19.1
Subject:	SAT Invitation to reconsider Conditions of Development Approval – Extractive Industry
Proponent:	Carbone Bros Pty Ltd
Location:	Lot 29 Tredrea Place, Myalup
Reporting Officer:	Manager Planning Services
Authorising Officer:	Director Sustainable Development
File No.:	A007913/EX/002 Attachment Reg. No. 20/17851

Cr. Bromham and Cr. Coleman entered the Chamber at 6.26

This matter is currently before the State Administrative Tribunal and the report at Confidential Attachment 1 contains information discussed during mediation and legal advice.

Therefore, pursuant to section 5.23(2)(d) of the Local Government Act 1995, the matter will be discussed 'behind closed doors' as it deals with "legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting".

Officer's Recommendation 1 of 2

That Council endorses the *Phytophthora* Dieback Information Brochure Template (**Attachment 4**) for use by extractive industry proponents within the Shire.

Moved: Cr. Bromham Seconded: Cr. Beech

That Council endorses the *Phytophthora* Dieback Information Brochure Template (**Attachment 4**) for use by extractive industry proponents within the Shire.

Carried 10-0 20/047.

Officer's Recommendation 2 of 2

That Council, pursuant to section 31(2)(b) of the *State Administrative Tribunal Act 2004*:

-
1. Amends condition 2 of the Development Approval for limestone extraction from Lot 29 Tredrea Place, Myalup (A007913/EX/002) in relation to review DR 77/2020 to be reworded as follows:

“This approval is valid for a period of ten (10) years from the date of the issue of the Extractive Industry Licence. If development is not completed within this period, a new approval must be obtained before commencing or continuing development.”

2. Refuses to amend condition 3 of the Development Approval for limestone extraction from Lot 29 Tredrea Place, Myalup (A007913/EX/002) in relation to review DR 77/2020.

3. Amends condition 4 of the Development Approval for limestone extraction from Lot 29 Tredrea Place, Myalup (A007913/EX/002) in relation to review DR 77/2020 to be reworded as follows:

“Prior to the issue of an Extractive Industry Licence, the Applicant shall prepare and submit for approval by the Shire, a Rehabilitation Management and Monitoring Plan which shall include:

- a. Revegetation and rehabilitation of the extraction area the subject of this approval and include details of current and completed revegetation areas;*
- b. Proposed rehabilitation back to pasture to ensure no net loss of agricultural land occurs;*
- c. Details of species types and maintenance and monitoring measures;*
- d. The site is reinstated with a minimum of 400mm cover of overburden and topsoil to a finished rehabilitated level at least 1m above the highest water table level; and*
- e. All slopes of the batters at the end of excavation, being retained at no more than 1:6 vertical to horizontal.”*

4. Amends condition 5 of the Development Approval for limestone extraction from Lot 29 Tredrea Place, Myalup (A007913/EX/002) in relation to review DR 77/2020 to be reworded as follows:

“Prior to the issue of an Extractive Industry Licence, the Applicant shall submit for approval by the Shire an amended Phytophthora Dieback Information Brochure. The amended Phytophthora Dieback Information Brochure shall include the ‘best practice management techniques’ utilised by the operator for Lot 29 and be consistent with the Shire’s Template.

5. Refuses to amend condition 9 of the Development Approval for limestone extraction from Lot 29 Tredrea Place, Myalup (A007913/EX/002) in relation to review DR 77/2020.

6. Deletes condition 11 of the Development Approval for limestone extraction from Lot 29 Tredrea Place, Myalup (A007913/EX/002) in relation to review DR 77/2020 and rennumbers remaining conditions.

-
7. Includes the following as an Advice Note on the Development Approval for limestone extraction from Lot 29 Tredrea Place, Myalup (A007913/EX/002) in relation to review DR 77/2020:

"All extraction shall comply with:

- a. The Shire of Harvey Extractive Industry Local Law 2017, including the holding of a valid licence for all periods of operation; and*
 - b. The Department of Water and Environmental Regulation's "Water Quality Protection Note 15 "Basic Raw Materials Extraction"."*
8. Reissues the Development Approval for limestone extraction from Lot 29 Tredrea Place, Myalup (A007913/EX/002) in relation to review DR 77/2020 as follows:
1. No extraction works associated with this Development Approval shall occur on the property until Conditions 3) to 9) of this Development Approval have been satisfactorily achieved and an Extractive Industry Licence has been issued by the Shire.
 2. This approval is valid for a period of ten (10) years from the date of the issue of the Extractive Industry Licence. If development is not completed within this period, a new approval must be obtained before commencing or continuing development.

Prior to Extractive Industry Licence

3. Prior to the issue of an Extractive Industry Licence, the Applicant shall submit an amended proposal for approval by the Shire that addresses:
 - a. the proposed extraction area being modified to ensure the retention and protection of the "Tuart (*Eucalyptus gomphocephala*) Woodlands and Forests of the Swan Coastal Plain Ecological Community", which includes the six Tuarts initially proposed to be cleared, with a buffer of at least 30m from the outer edge of the canopies; and
 - b. updated proposal details including:
 - i. total area to be extracted;
 - ii. total volume of limestone to be extracted; and
 - iii. staging and extraction timeframe.
4. Prior to the issue of an Extractive Industry Licence, the Applicant shall prepare and submit for approval by the Shire, a Rehabilitation Management and Monitoring Plan which shall include:
 - a. Revegetation and rehabilitation of the extraction area the subject of this approval and include details of current and completed revegetation areas;
 - b. Proposed rehabilitated back to pasture to ensure no net loss of agricultural land occurs;
 - c. Details of species types and maintenance and monitoring measures;

-
- d. The site is reinstated with a minimum of 400mm cover of overburden and topsoil to a finished rehabilitated level at least 1m above the highest water table level; and
 - e. All slopes of the batters at the end of excavation, being retained at no more than 1:6 vertical to horizontal.
5. Prior to the issue of an Extractive Industry Licence, the Applicant shall submit for approval by the Shire an amended *Phytophthora* Dieback Information Brochure. The amended *Phytophthora* Dieback Information Brochure shall include the 'best practice management techniques' utilised by the operator for Lot 29 and be consistent with the Shire's Template.
 6. Prior to the issue of an Extractive Industry Licence, a reinstatement bond of \$5,000 per hectare shall be provided to the Shire in the form of a Bond or an irrevocable and unconditional Bank Guarantee.
 7. Prior to the issue of an Extractive Industry Licence, a contribution shall be made towards the maintenance and upgrading of Tredrea Place and Taranto Road in accordance with the methodology adopted by WALGA in the document "Estimating the Incremental Cost Impact on Sealed Local Roads from Additional Freight Tasks, May 2015".
 8. Prior to the issue of an Extractive Industry Licence, the Applicant shall have the approved pit boundaries surveyed and fenced by a suitably qualified surveyor, with the location of such pegs being to the satisfaction of the Shire.
 9. Prior to the issue of an Extractive Industry Licence, a suitable demarcation barrier shall be erected 30m from the outer edge of the canopies of the Tuart (*Eucalyptus gomphocephala*) Woodlands and Forests of the Swan Coastal Plain Ecological Community as shown on the approved plan, to the satisfaction of the Shire.

Ongoing

10. The Approved Development shall, at all times, comply with the approved plans as approved Management Plans, as modified by conditions of this approval.
 11. The Applicant shall engage a suitably qualified independent expert to carry out an Annual Audit of Compliance (AAC) of the conditions of Development Approval and Extractive Industry Licence and the AAC shall include a progress report on the conditions of the Development Approval and Extractive Industry Licence including:
 - a. Details of completed, ongoing and future rehabilitation areas;
 - b. Photos of rehabilitated areas;
 - c. Monitoring and reporting details, if available;
 - d. Start and completion dates, and expected start dates, if applicable; and
 - e. A map depicting the rehabilitation areas and their completion progress.
-

-
12. No crushing or screening activities shall occur unless a Works Approval has been obtained from the Department of Water and Environmental Regulation as required by Part V of the *Environmental Protection Act 1986*.
 13. Stockpiles shall be kept to a maximum height of 5m to avoid visual impact and/or material wind drift.
 14. Operating hours are restricted to 7.00a.m. – 5.00p.m., Monday to Friday and 7.00a.m. – 12.00 noon on Saturday. No activities to occur on Sunday or Public Holidays.
 15. The Applicant is required to provide a copy of the endorsed *Phytophthora* Dieback and Extractive Industries Information Brochure:
 - a. To each new customer of the extractive industry operation; and
 - b. Once to each existing customer of the extractive industry operation as an updated version.
 16. The approved Water Management Plan (Document No. A007913/EX/002 – MP1) shall be implemented to the satisfaction of the Shire in consultation with the Department of Water and Environmental Regulation.
 17. The approved Weed Management Plan (Document No. A007913/EX/002 – MP2) shall be implemented to the satisfaction of the Shire in consultation with the Department of Primary Industries and Regional Development.
 18. The approved Dust Management Plan (Document No. A007913/EX/002 – MP3) shall be implemented to the satisfaction of the Shire.
 19. The approved Dieback Management and Monitoring Plan (Document No. A007913/EX/002 – MP4) shall be implemented to the satisfaction of the Shire.
 20. The approved Rehabilitation Management and Monitoring Plan (Document No. A007913/EX/002 – MP5) shall be implemented to the satisfaction of the Shire.
 21. The pit boundary survey pegs shall remain in place for the duration of the operation to the satisfaction of the Shire.
 22. Following the occurrence of a rainfall event greater than the 10 year/2 hour Average Recurrence Interval, the proponent shall inspect the site and provide a report to the Shire, including details of impacts and remediation actions, if required.
 23. Any refuelling activities shall be undertaken in accordance with the Department of Water and Environmental Regulations' Water Quality Protection Note - Toxic and Hazardous Substance Storage and Use. There is to be no storage of hydrocarbons on-site and no major vehicle or machinery repairs or maintenance is to take place on-site.
 24. With respect to the reinstatement bond required by condition e), the Shire:
 - a. may call on the Bank Guarantee or Bond for the purpose of carrying out or maintaining rehabilitation work required by the Rehabilitation Management
-

and Monitoring Plan, where that work has not been satisfactorily carried out by the Applicant;

- b. may, with one week's written notice to the Applicant, enter Lot 29 for the purpose of carrying out or maintaining the rehabilitation work;
- c. may retain the Bank Guarantee or Bond and/or enter Lot 29 in accordance with the preceding paragraph for three years after the expiration of this approval, or until the works prescribed by the Rehabilitation Management and Monitoring Plan have been satisfactorily completed (whichever is the later); and
- d. must return the Bank Guarantee or Bond (or the balance thereof) to the Applicant at the expiration of that period.

Advice Notes:

1. The Applicant is advised of their obligations under the *Environment Protection and Biodiversity Conservation Act 1999*.
2. The Department of Planning, Lands and Heritage recommends that reference be made to the State's Aboriginal Heritage Due Diligence Guidelines.
3. All extraction shall comply with:
 - a. The Shire of Harvey Extractive Industry Local Law 2017, including the holding of a valid licence for all periods of operation; and
 - b. The Department of Water and Environmental Regulation's "Water Quality Protection Note 15 "Basic Raw Materials Extraction".

Moved: Cr. Dickinson Seconded: Cr. Bromham

That Council, pursuant to section 31(2)(b) of the *State Administrative Tribunal Act 2004*:

1. **Amends condition 2 of the Development Approval for limestone extraction from Lot 29 Tredrea Place, Myalup (A007913/EX/002) in relation to review DR 77/2020 to be reworded as follows:**
"This approval is valid for a period of ten (10) years from the date of the issue of the Extractive Industry Licence. If development is not completed within this period, a new approval must be obtained before commencing or continuing development."
2. **Refuses to amend condition 3 of the Development Approval for limestone extraction from Lot 29 Tredrea Place, Myalup (A007913/EX/002) in relation to review DR 77/2020.**
3. **Amends condition 4 of the Development Approval for limestone extraction from Lot 29 Tredrea Place, Myalup (A007913/EX/002) in relation to review DR 77/2020 to be reworded as follows:**
"Prior to the issue of an Extractive Industry Licence, the Applicant shall prepare and submit for approval by the Shire, a Rehabilitation Management and Monitoring Plan which shall include:
f. Revegetation and rehabilitation of the extraction area the subject of this approval and include details of current and completed revegetation areas;

-
- g. *Proposed rehabilitation back to pasture to ensure no net loss of agricultural land occurs;*
 - h. *Details of species types and maintenance and monitoring measures;*
 - i. *The site is reinstated with a minimum of 400mm cover of overburden and topsoil to a finished rehabilitated level at least 1m above the highest water table level; and*
 - j. *All slopes of the batters at the end of excavation, being retained at no more than 1:6 vertical to horizontal."*
4. Amends condition 5 of the Development Approval for limestone extraction from Lot 29 Tredrea Place, Myalup (A007913/EX/002) in relation to review DR 77/2020 to be reworded as follows:
"Prior to the issue of an Extractive Industry Licence, the Applicant shall submit for approval by the Shire an amended Phytophthora Dieback Information Brochure. The amended Phytophthora Dieback Information Brochure shall include the 'best practice management techniques' utilised by the operator for Lot 29 and be consistent with the Shire's Template.
 5. Refuses to amend condition 9 of the Development Approval for limestone extraction from Lot 29 Tredrea Place, Myalup (A007913/EX/002) in relation to review DR 77/2020.
 6. Deletes condition 11 of the Development Approval for limestone extraction from Lot 29 Tredrea Place, Myalup (A007913/EX/002) in relation to review DR 77/2020 and rennumbers remaining conditions.
 7. Includes the following as an Advice Note on the Development Approval for limestone extraction from Lot 29 Tredrea Place, Myalup (A007913/EX/002) in relation to review DR 77/2020:
"All extraction shall comply with:
 - a. *The Shire of Harvey Extractive Industry Local Law 2017, including the holding of a valid licence for all periods of operation; and*
 - b. *The Department of Water and Environmental Regulation's "Water Quality Protection Note 15 "Basic Raw Materials Extraction"."*
 8. Reissues the Development Approval for limestone extraction from Lot 29 Tredrea Place, Myalup (A007913/EX/002) in relation to review DR 77/2020 as follows:
 25. No extraction works associated with this Development Approval shall occur on the property until Conditions 3) to 9) of this Development Approval have been satisfactorily achieved and an Extractive Industry Licence has been issued by the Shire.
 26. This approval is valid for a period of ten (10) years from the date of the issue of the Extractive Industry Licence. If development is not completed within this period, a new approval must be obtained before commencing or continuing development.

Prior to Extractive Industry Licence

27. Prior to the issue of an Extractive Industry Licence, the Applicant shall submit an amended proposal for approval by the Shire that addresses:
 - a. the proposed extraction area being modified to ensure the retention and protection of the "Tuart (*Eucalyptus gomphocephala*) Woodlands and Forests of the Swan Coastal Plain Ecological Community", which includes the six Tuarts initially proposed to be cleared, with a buffer of at least 30m from the outer edge of the canopies; and
 - b. updated proposal details including:
 - i. total area to be extracted;
 - ii. total volume of limestone to be extracted; and
 - iii. staging and extraction timeframe.
-

-
28. Prior to the issue of an Extractive Industry Licence, the Applicant shall prepare and submit for approval by the Shire, a Rehabilitation Management and Monitoring Plan which shall include:
 - a. Revegetation and rehabilitation of the extraction area the subject of this approval and include details of current and completed revegetation areas;
 - b. Proposed rehabilitated back to pasture to ensure no net loss of agricultural land occurs;
 - c. Details of species types and maintenance and monitoring measures;
 - d. The site is reinstated with a minimum of 400mm cover of overburden and topsoil to a finished rehabilitated level at least 1m above the highest water table level; and
 - e. All slopes of the batters at the end of excavation, being retained at no more than 1:6 vertical to horizontal.
 29. Prior to the issue of an Extractive Industry Licence, the Applicant shall submit for approval by the Shire an amended *Phytophthora* Dieback Information Brochure. The amended *Phytophthora* Dieback Information Brochure shall include the 'best practice management techniques' utilised by the operator for Lot 29 and be consistent with the Shire's Template.
 30. Prior to the issue of an Extractive Industry Licence, a reinstatement bond of \$5,000 per hectare shall be provided to the Shire in the form of a Bond or an irrevocable and unconditional Bank Guarantee.
 31. Prior to the issue of an Extractive Industry Licence, a contribution shall be made towards the maintenance and upgrading of Tredrea Place and Taranto Road in accordance with the methodology adopted by WALGA in the document "Estimating the Incremental Cost Impact on Sealed Local Roads from Additional Freight Tasks, May 2015".
 32. Prior to the issue of an Extractive Industry Licence, the Applicant shall have the approved pit boundaries surveyed and fenced by a suitably qualified surveyor, with the location of such pegs being to the satisfaction of the Shire.
 33. Prior to the issue of an Extractive Industry Licence, a suitable demarcation barrier shall be erected 30m from the outer edge of the canopies of the Tuart (*Eucalyptus gomphocephala*) Woodlands and Forests of the Swan Coastal Plain Ecological Community as shown on the approved plan, to the satisfaction of the Shire.

Ongoing

The Approved Development shall, at all times, comply with the approved plans as approved Management Plans, as modified by conditions of this approval.

34. The Applicant shall engage a suitably qualified independent expert to carry out an Annual Audit of Compliance (AAC) of the conditions of Development Approval and Extractive Industry Licence and the AAC shall include a progress report on the conditions of the Development Approval and Extractive Industry Licence including:
 - a. Details of completed, ongoing and future rehabilitation areas;
 - b. Photos of rehabilitated areas;
 - c. Monitoring and reporting details, if available;
 - d. Start and completion dates, and expected start dates, if applicable; and
 - e. A map depicting the rehabilitation areas and their completion progress.
 35. No crushing or screening activities shall occur unless a Works Approval has been obtained from the Department of Water and Environmental Regulation as required by Part V of the *Environmental Protection Act 1986*.
 36. Stockpiles shall be kept to a maximum height of 5m to avoid visual impact and/or material wind drift.
-

-
37. Operating hours are restricted to 7.00a.m. – 5.00p.m., Monday to Friday and 7.00a.m. – 12.00 noon on Saturday. No activities to occur on Sunday or Public Holidays.
 38. The Applicant is required to provide a copy of the endorsed *Phytophthora* Dieback and Extractive Industries Information Brochure:
 - a. To each new customer of the extractive industry operation; and
 - b. Once to each existing customer of the extractive industry operation as an updated version.
 39. The approved Water Management Plan (Document No. A007913/EX/002 – MP1) shall be implemented to the satisfaction of the Shire in consultation with the Department of Water and Environmental Regulation.
 40. The approved Weed Management Plan (Document No. A007913/EX/002 – MP2) shall be implemented to the satisfaction of the Shire in consultation with the Department of Primary Industries and Regional Development.
 41. The approved Dust Management Plan (Document No. A007913/EX/002 – MP3) shall be implemented to the satisfaction of the Shire.
 42. The approved Dieback Management and Monitoring Plan (Document No. A007913/EX/002 – MP4) shall be implemented to the satisfaction of the Shire.
 43. The approved Rehabilitation Management and Monitoring Plan (Document No. A007913/EX/002 – MP5) shall be implemented to the satisfaction of the Shire.
 44. The pit boundary survey pegs shall remain in place for the duration of the operation to the satisfaction of the Shire.
 45. Following the occurrence of a rainfall event greater than the 10 year/2 hour Average Recurrence Interval, the proponent shall inspect the site and provide a report to the Shire, including details of impacts and remediation actions, if required.
 46. Any refuelling activities shall be undertaken in accordance with the Department of Water and Environmental Regulations' Water Quality Protection Note - Toxic and Hazardous Substance Storage and Use. There is to be no storage of hydrocarbons on-site and no major vehicle or machinery repairs or maintenance is to take place on-site.
 47. With respect to the reinstatement bond required by condition e), the Shire:
 - a. may call on the Bank Guarantee or Bond for the purpose of carrying out or maintaining rehabilitation work required by the Rehabilitation Management and Monitoring Plan, where that work has not been satisfactorily carried out by the Applicant;
 - b. may, with one week's written notice to the Applicant, enter Lot 29 for the purpose of carrying out or maintaining the rehabilitation work;
 - c. may retain the Bank Guarantee or Bond and/or enter Lot 29 in accordance with the preceding paragraph for three years after the expiration of this approval, or until the works prescribed by the Rehabilitation Management and Monitoring Plan have been satisfactorily completed (whichever is the later); and
 - d. must return the Bank Guarantee or Bond (or the balance thereof) to the Applicant at the expiration of that period.

Advice Notes:

4. The Applicant is advised of their obligations under the *Environment Protection and Biodiversity Conservation Act 1999*.
 5. The Department of Planning, Lands and Heritage recommends that reference be made to the State's Aboriginal Heritage Due Diligence Guidelines.
 6. All extraction shall comply with:
-

- a. The Shire of Harvey Extractive Industry Local Law 2017, including the holding of a valid licence for all periods of operation; and**
- b. The Department of Water and Environmental Regulation's "Water Quality Protection Note 15 "Basic Raw Materials Extraction".**

Carried 10-0

20/248.

Returning from Behind Closed Doors

Moved: Cr. Adams Seconded: Cr. Dickinson

That Council return from behind closed doors.

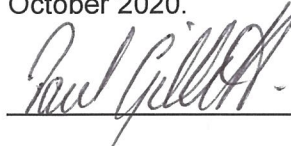
Carried 10-0 20/249.

Council returned from behind closed doors at 6.30pm.

20. Closure of Meeting

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

I, Cr. Paul Gillett certify that the aforesaid Minutes of the meeting held on Tuesday, 27 October 2020, are a true and correct record of that meeting on Tuesday, 27 October 2020.

A handwritten signature in black ink, appearing to read 'Paul Gillett', is written over a horizontal line.

**Cr. Paul Gillett
Shire President**