



Agenda Briefing Session Agenda

Harvey Council Chamber

Tuesday, 16 February 2021

4PM

Shire of Harvey
Agenda Briefing Session

Dear Councillor,

Notice is hereby given that the next meeting of the Harvey Shire Council will be held in the Harvey Council Chamber, Young Street, Harvey, on Tuesday, 16 February 2021 commencing at 4pm.

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

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Annie Riordan', with a stylized flourish at the end.

Annie Riordan
Chief Executive Officer

5 February 2021

Agenda Briefing Sessions

Agenda Briefing Sessions are used to inform Elected Members on the items of business to be presented and discussed at the forthcoming Ordinary Council meeting.

Agenda Briefing Sessions are open to the members of the public and a member of the public may request to present a deputation to the Elected Members relating to an item on the agenda. Deputations are received on the same evening as the Agenda Briefing Session and at the commencement of the meeting.

No decisions are made at Agenda Briefing Sessions although Elected Members may request additional information or may request alternative wording for motions to be prepared for possible consideration at the forthcoming Council meeting.

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.

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.

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

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1. Official Opening**Disclaimer**

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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**3. Declarations of Members' and Officers' Personal Interest****4. Deputations**

5. Officer's Reports

5.1. Chief Executive Officer

Item No.	5.1.1.
Subject:	Council Actions Register 2020
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Governance and Strategy
Authorising Officer:	Chief Executive Officer
File No.:	CC/C/0126
Attachments:	<ol style="list-style-type: none"> 1. Council Actions Register 2020 [5.1.1.1 - 30 pages] 2. Outstanding Actions Prior 2020 [5.1.1.2 - 4 pages]

Summary

This report provides the action status of Council resolutions for the period January – December 2020 and allows Councillors to track progress and note action on those items. A previous report was provided to Council with comments on the progress of actions until July 2020. This reports provide an update on all actions for the 2020 period.

Background

Council is required to responsibly govern the local government's affairs under the *Local Government Act 1995* and does so by making well informed and considered decisions at Ordinary Council Meetings and any Special Council Meetings that are held.

As actions occur, updates on the progress of Council decisions are made to the Council Decision Action Register and then tabled at Council on a regular basis. In total there were 229 Council Decisions requiring action in the 2020 calendar year (**Attachment 1**). Included separately are Council Actions from resolutions in previous years which have not yet been reported as complete or are still ongoing (**Attachment 2**).

Comment

A Council Decision Action Register has been developed to ensure that Council resolutions are implemented in a timely manner. The action status against resolutions and recommendations are updated regularly by Officers so that progress can be tracked and reported back to Council during the year if necessary. It is encouraged that Council review the Action Register and consider any further Council resolution which may direct the Administration in the delivery of and prioritisation of previous resolutions.

A snapshot of the progress of previous Council resolutions is highlighted in the below table:

Council Resolutions	Number of Items	Action Status
Council Actions Register 2020	229	187 completed 40 in progress 2 Not commenced
Outstanding Actions Prior 2020	25	9 completed 15 In progress 1 Not yet commenced

Statutory/Policy Environment

Local Government Act 1995 s5.20

Strategic Framework

The Shire's Strategic Community Plan 2017 – 2027, states:

- Objective 4: Strong civic leadership representing the whole of the Shire which engages in effective partnerships and reflects the aspirations of an engaged community.*
- Outcome 4.1 A long term strategically focused Shire that is efficient, respected and accountable*
- 4.3.4 Monitor and ensure compliance with the regulatory framework for local government business*

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The Consequence could be **Compliance** if due process is not followed in terms of the *Local Government Act 1995*. The Risk Consequence is considered to be **Minor** and the likelihood **Unlikely** resulting in a **Low** risk being present.

Budget Implications

There are no financial implications associated with this report.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council notes the resolutions of the Ordinary Council Meetings for the period January to December 2020 and Outstanding Resolutions Prior to 2020 and the associated progress of those Resolutions contained in **Attachment 1 and 2**.

Item No.	5.1.2.
Subject:	Annual General Meeting of Electors
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Governance and Strategy
Authorising Officer:	Chief Executive Officer
File No.:	CR/C/002
Attachments:	1. Annual- Electors- Meeting- Minutes- January-2021 [5.1.2.1 - 17 pages]

Summary

To present for Council consideration, the motions or questions raised at the Annual General Meeting of Electors (AGM) held on 19 January 2021.

Background

Decisions made at Electors' meetings are to be considered at the next Ordinary Council Meeting, or where that is not practicable at a Special Council Meeting for that purpose. Several questions were presented at the meeting with no motions put forward or voted on by the Electors present.

Comment

Questions tabled and answered at the meeting will appear in the AGM Minutes (**Attachment 1**) and as part of the Ordinary Council Meeting Agenda for 23 February 2020. There were no Elector motions carried at the Annual General Meeting of Electors.

Statutory/Policy Environment

Local Government Act 1995

S5.32. Minutes of electors' meetings

The CEO is to -

- (a) Cause minutes of the proceedings at an electors' meeting to be kept and preserved; and*
- (b) Ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.*

S5.33. Decisions made at electors' meetings

- (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable -*
 - (a) At the first ordinary council meeting after that meeting; or*
 - (b) At a special meeting call for that purpose,**Whichever happens first.*
- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.*

Strategic Framework

The Shire's Strategic Community Plan 2017 – 2027, states:

- Objective* *Strong civic leadership representing the whole of the Shire which engages in effective partnerships and reflects the aspirations of an engaged community.*
- 4:*
- Outcome* *A long term strategically focused Shire that is efficient, respected and accountable*
- 4.1*
- 4.3.4* *Monitor and ensure compliance with the regulatory framework for local government business*

Risk Management

The Risk Theme Profile identified as part of this report is Providing **Inaccurate Advice** leading to reputational damage. The Consequence could be **Reputational** if Council provides inaccurate or incorrect advice to Electors. The Risk Consequence is **Minor** and the Likelihood **Unlikely**, resulting in a **Low** risk being present.

Budget Implications

There are no financial implications associated with this report.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council notes the questions raised and responses provided at the Annual General Meeting of Electors 19 January 2020 in the Meeting Minutes as at **Attachment 1**.

Item No.	5.1.3.
Subject:	Harvey Football Club Inc. Lease Agreement Renewal
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Governance and Strategy
Authorising Officer:	Chief Executive Officer
File No.:	C/A/012
Attachments:	<ol style="list-style-type: none"> 1. Attachment 1 - Lease [5.1.3.1 - 32 pages] 2. Attachment 2 - Facility Locations [5.1.3.2 - 1 page]

Summary

Harvey Football Club Inc. (the Club) has requested that its Management Agreement with the Shire of Harvey for the “Harvey Bulls Football Clubrooms” and “Female Change Rooms” established on a portion of the property known as Lot 100 Young Street, Harvey, be renewed for a further term of five years commencing 1 November 2020. Given that the Football Club requires exclusive use of the facility, it is recommended that the approval is given to a Lease of the facility, rather than a Management Agreement. It is recommended that the Shire (the Lessor) enter into a Lease Agreement (**Attachment 1**) with the Harvey Football Club (the Lessee).

Background

Commencing on 1 November 2015, the Shire of Harvey entered into a Management Agreement with Harvey Football Club Inc. (the Club) expiring on 31 October 2020. This agreement set out the terms, conditions and responsibilities of the Club and the Shire in respect of the operations and maintenance of the Football Clubrooms and Female Change Rooms located on the Harvey Oval site. The Club has now indicated, in writing that it wishes to take up a further five-year term for this property, and is agreeable in shifting to a lease arrangement.

Comment

The Lease before Council is, what would be considered an industry standard lease arrangement between a local government and a community organisation or sporting body. The Schedule includes a number of significant items, the expiration of lease being 2025 with an option term for three, five-year extensions which could potentially see the expiration of the lease occur in 2040. Annual rent to the Club is a fee payable of one dollar (\$1) per year. Permitted use includes the Club Rooms and Female Change Rooms and a portion of the land on an exclusive basis as represented in the mapping area (**Attachment 2**), which forms part of Lot 100 on Diagram 80388. Arrangements for the use of the Oval and surrounding infrastructure occur through the Shire’s regular booking systems and is not included for exclusive use in the Lease Agreement. The Shire also requires the Club to have public liability insurance to the value of twenty million dollars (\$20,000,000).

Shire Officers are not aware of any breach of the previous agreement terms and conditions by the Club. There are no known unresolved difficulties arising out of the relationship between the Club and the Shire regarding the use and operations of the buildings, and the Shire has consulted with the Club to ensure the content of the Lease meets the expectations of each party.

Shire Officers are aware of a proposal for a standalone coaches and timekeepers box. These works have not commenced to date, however should this proceed, Officers would prepare a suitable addendum document to reflect this condition. It would appear inappropriate to modify the lease at this time to include a condition on a service/facility which does not exist. Once complete, this new facility will be included into the Lease Agreement by exchange of letters in conjunction with the current terms and conditions of the Lease Agreement.

Shire Officers also note the additional services and provisions the Club provides in kind back to the community that are not included in the Lease Agreement. This includes the procurement of lighting and utility fees for the area occupied by the skatepark and Memorial Park.

Advice was received from the Harvey Football Club in late December 2020, which requested several amendments to the proposed lease which was tabled to Council at the Agenda Briefing in December 2020. The changes to the Lease can be summarised as follows:

1. The inclusion of the Arthur Marshall Stand Change Rooms on the lower story of the Stand as referenced in **Attachment 2**.
2. That the Harvey Football Club book the use of the Oval through the Shire of Harvey's regular booking system, which includes the provision of conditions and fees in line with the Shire's adopted Fees and Charges.
3. In recognising that other users use the Harvey Recreation Grounds and oval lighting, the lease has been amended so that the Harvey Football Club is responsible for 80 percent of the consumption charges. The Shire will take over the responsibility for the electricity account and recoup 80 percent of the cost from the Club. This includes usage for both the leased area and the oval lighting charges.
4. That the Harvey Football Club having control of the leased area, be responsible for all patrons or clubs which use the leased area, and that those patrons or clubs are indemnified by the Harvey Football Club's insurance.
5. That the Shire be responsible for the purchasing of insurance for the buildings in the leased area as identified in **Attachment 2** which is further on-charged to the Harvey Football Club and recouped at 50% of the total cost invoiced to the Shire.

The Shire has extensively negotiated the terms of the lease with the Club and its representatives. The lease before Council should be accepted as a lease in principle with minor amendments to be made with authorisation given to the CEO to execute the negotiated lease. This is required of Council due to the governance requirements of the Harvey Football Club, and the desire to have the final lease voted on and agreed to at their next meeting. This meeting was set to occur prior to the February Ordinary Council Meeting however, due to the Covid-19 Lock Down period, this was unable to occur. Any considerations to changing the lease beyond a minor amendment, would be brought back before Council as an addendum to the lease.

Statutory/Policy Environment

Section 3.58 of the *Local Government Act 1995*, deals with the disposal of property which includes selling, leasing or otherwise disposing of. Clause 30(2) (b) of the Local Government (Functions and General) Regulations 1996, offers an exemption for disposal to community and sporting groups and as such the lease to the Harvey Football Club is an exempt disposition.

Strategic Framework

The Shire's Strategic Community Plan 2017 – 2027, states:

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

Risk Management

The Risk Theme Profile identified as part of this report is **Business and Community Disruption**. The Consequence could be **Reputational** if Council decided not to support the recommendation. The risk is mitigated by having a Lease that has been approved by both parties. The Risk

Consequence is considered to be **Moderate** and the Likelihood **Unlikely**, resulting in a **Moderate** risk being present.

Budget Implications

The preparation of the Lease Agreement documentation has been drafted by the Shire's external legal services at our cost and was valued at \$2,000. This document will be used for base agreement template for future Sporting Group leases. The lease will also be valid for 20 years. Previous estimated leases costs are \$1,000 for a 10 year lease.

The Club is responsible for and/or reimburses operational costs associated with a power, water, cleaning, building maintenance, insurance and rubbish charges. The Shire, however, will work with the Harvey Football Club in recognising their significant contribution to other sports ground amenities and the joint use of other clubs of facilities, and contribute to some of the operational costs of the Harvey Football Club. This can be summarised as follows:

1. Building Insurance will be recouped at 50 percent. The cost for the 2020-2021 period, to the Shire, was \$2,329 excl. GST.
2. Electricity will be recouped from the Harvey Football Club at 80 percent of the total charges. The estimated costs of electricity consumption is \$500 per month, to the Shire with Solar Panels newly erected at the Club Rooms (\$1,000 without). This estimate has been based on the past charges that the Club has received. Understandably it is hard to have a solid figure for consumption with the Solar Panels as they were only installed in November 2020. The Oval lighting costs which are currently paid by the Harvey Football Club in full, will be recouped from the Club at 80 percent. The estimated full cost for the lighting energy consumption per year is \$800, with the Shire's contribution estimated to be under \$200 per year.

Voting Requirements

Absolute Majority

Officer's Recommendation

That Council authorises the Chief Executive Officer to negotiate and execute the Draft Lease Agreement for the portion of Lot 100 Young Street (refer **Attachment 1**) as per the attached plan (refer **Attachment 2**) between the Shire of Harvey and the Harvey Football Club Inc.

Item No.	5.1.4.
Subject:	Code of Conduct Complaints Officer
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Governance and Strategy
Authorising Officer:	Chief Executive Officer
File No.:	CC/U/600
Attachments:	<ol style="list-style-type: none"> 1. Code of Conduct Breach Form Shire of Harvey [5.1.4.1 - 2 pages] 2. Model Code of Conduct Explanatory Notes [5.1.4.2 - 5 pages] 3. Local Government (Model Code of Conduct) Regulations 2021 [5.1.4.3 - 19 pages]

Summary

The Local Government Regulations Amendment Regulations (No.2) were published in the Government Gazette 6 November 2020. The following Regulations took effect on 3 February 2021, implementing the remaining parts of the Local Government Amendment Act 2019:

- Local Government (Administration) Amendment Regulations (CEO Standards Regulations)
- Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021; and
- Local Government (Model Code of Conduct) Regulations 2021

As a result of the amendments there are two immediate actions required of local governments as soon as practicable and before the 24 February 2021. This includes appointing a person to receive Code of Conduct complaints by either affirming the current Complaints Officer, or appointing a new Code of Conduct Complaints Officer/s; and approving a form for complaints to be lodged in the prescribed way, see **Attachment 1**.

Background

The Local Government (Model Code of Conduct) Regulations 2021 (Model Code Regulations) bring into effect sections 48-51 of the Amendment Act by introducing a mandatory code of conduct for Council Members, Committee Members and Candidates.

The Model Code Regulations provide for:

- overarching principles to guide behaviour
- behaviours which are managed by local governments
- rules of conduct breaches which are considered by the Standards Panel.

The purpose of the Model Code is to guide decisions, actions and behaviours. It also recognises that there is a need for a separate code for Council Members, Committee Members and Candidates to clearly reflect community expectations of behaviour and ensure consistency between local governments.

Each local government was previously required to develop their own Code of Conduct and manage behaviour in accordance with that code. These Regulations replace these individual codes by introducing a Model Code that applies to all members and candidates. It also provides for a high-level process to deal with complaints to ensure a more consistent approach between local governments and across the sector. The intent of the Model Code is to address behaviour through education rather than sanctions.

If a Council Member does not comply with any action required by the local government following a breach of the Model Code, the local government may refer the matter to the Standards Panel as an alleged contravention of a rule of conduct. The Standards Panel has the authority to make binding decisions to resolve minor breaches.

Local governments will be required to prepare and adopt the Model Code within three months of these regulations coming into effect (by 3 May 2021). In adopting the Model Code, local governments can include additional behaviours under Division 3 provided these are consistent with the Model Code. The Administration will conduct a workshop with Council prior to May to develop a Code of Conduct which meets the needs of the Council.

Until such time as a local government adopts the Code, the Model Code applies. To begin implementation of the Model Code, as soon as practical (by 24 February 2021), local governments must:

- appoint a person to receive complaints by either affirming the current complaint officers or appoint a new or additional officer(s), and
- approve a form for complaints to be lodged.

If action is not taken to affirm or appoint a complaints officer (by 24 February 2021) under the provisions of the regulations, a complaint made on or soon after the date of effect (3 February 2021) may lapse before it can be formally lodged. This would be considered inconsistent with the principles of procedural fairness and community expectations of local government.

A copy of the explanatory notes relating to the code of conduct changes is referenced **Attachment 2** with the Local Government (Model Code of Conduct) Regulations 2021 provided **Attachment 3**.

Other Information

The Local Government (Administration) Amendment Regulations 2021 (CEO Standards Regulations) bring into effect section 22 of the Amendment Act by introducing mandatory minimum standards that cover the recruitment, selection, performance review and early termination of local government Chief Executive Officers. The Model CEO Standards provide a framework for local governments to select a CEO in accordance with the principles of merit, probity, equity and transparency.

The Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021 (Employee Code Regulations) bring into effect section 25 of the Amendment Act by prescribing the minimum requirements for an Employee Code of Conduct. A local government CEO is to prepare and implement a Code of Conduct to be observed by employees of the local government. The CEO may amend the Code of Conduct and is required to publish an up-to-date version of the code on the local government's website.

Local governments must adopt the new regulations and any other procedures and processes required for implementation within three months from the regulations taking effect (by 3 May 2021).

Comment

The Administration recognises that business continuity, accountability and transparency is required to handle Code of Conduct complaints. As such the Chief Executive Officer, Director Corporate Services and Manager Governance and Strategy are proposed as Code of Conduct

Complaint Officers for the Shire of Harvey. This will ensure that there is resource to process complaints and that there is a process to remove any conflict of interest from complaint handling. All Officers will manage complaints in line with the prescribed requirements in the new regulations.

Statutory/Policy Environment

Local Government Act 1995 and Local Government (Model Code of Conduct) Regulations 2021

Strategic Framework

The Shire's Strategic Community Plan 2017 – 2027, states:

- Outcome A long term strategically focused Shire that is efficient, respected and*
4.1 accountable
4.3.4 Monitor and ensure compliance with the regulatory framework for local
government business

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The Consequence could be **Compliance and Reputation** if due process is not followed in terms of the *Local Government Act 1995* and associated Regulations. The Risk Consequence is considered to be **Minor** and the likelihood **Unlikely** resulting in a **Low** risk being present.

Budget Implications

There are no budget implications associated with this report.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Authorises the Chief Executive Officer, Director Corporate Services and the Manager Governance and Strategy as Code of Conduct Complaints Officers for the Shire of Harvey; and
2. Approves the form for complaints to be lodged in the prescribed way as **Attachment 1**.

Item No.	5.1.5.
Subject:	Community Meetings 2021
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Governance and Strategy
Authorising Officer:	Chief Executive Officer
File No.:	CR/C/004
Attachments:	Nil.

Summary

The Shire has traditionally held five Community Meetings on an annual basis around the Shire in locations based on its previous wards. Due to the Covid-19 pandemic the Community Meetings scheduled for 2020 were unable to be held.

A revised schedule of Community Meetings based on the existing Place Advisory Group Meetings is proposed to be held in 2021.

Confirmation of the format of the proposed meetings will provide an opportunity for the meetings to be advertised and promoted to the community.

Background

The outcomes and benefits of effective community engagement include increased awareness of the needs, priorities and diversity of the community from a Shire perspective, increased awareness about the services, projects and programs offered by the Shire from a community perspective, as well as more efficient and effective planning and resource allocation.

At the Ordinary Council Meeting of 19 January 2021, Council adopted Policy 3.1.8 – Community Engagement Policy which provides a set of principles to guide community engagement and encourage greater community participation in the decisions of the Shire thereby contributing to effective community engagement. This policy will be supported by the development of an operational Community Engagement Charter and also the Shire's Communication Strategy which is currently under development.

The Shire recognises the value of community meetings as an important engagement forum which delivers on the principles of the Community Engagement Policy. The Shire established Place Advisory Groups at the Ordinary Council Meeting of 8 October 2019 to engage with community members to assist the Shire in the development of strategy and policy for particular services, facilities and individual communities within the Shire of Harvey. The Shire's Place Advisory Groups are the key consultative bodies which represent the communities in which they are located with the following Advisory Groups having been established:

- Australind/Leschenault Advisory Group
- Brunswick Place Advisory Group
- Coastal Place Advisory Group
- Harvey Place Advisory Group
- Yarloop Place Advisory Group

It is proposed that future community meetings be scheduled in conjunction with the existing Place Advisory Group meetings during the May/June meeting dates. These meetings would be advertised to the public and participation of the public through the Place Advisory Group meetings would occur.

Comment

In previous years (with the exception of 2020 due to the impacts of Covid-19 on operations) the Shire has hosted annual Community Meetings.

The following schedule is proposed based on the scheduled dates for the Place Advisory Group meetings:

Place Advisory Group	Venue	Date	Time
Australind	Leschenault Recreation Park Pavilion	17 May 2021	6.00pm
Harvey	The Boundary	31 May 2021	3.00pm
Yarloop	Yarloop Community Centre	7 June 2021	TBC
Brunswick	Brunswick Town Hall	10 June 2021	4.00pm
Coastal	Myalup Community Centre	15 June 2021	12.00pm

Statutory/Policy Environment

Nil.

Strategic Framework

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

4.1.2 *Continue to engage the community through Annual Community meetings around the Shire.*

The Corporate Business Plan 2020-2024,

4.1.2.1 *Continue to conduct a range of Community Meetings around the Shire to communicate with and obtain feedback from the community.*

Risk Management

The Risk Theme Profile identified as part of this report is **Inadequate Engagement Practices**. The Consequence could be **Reputational** if the Shire chooses to not engage with the community. The risk consequence is considered to be **Moderate** and the likelihood **Rare**, resulting in a **Low** risk being present.

Budget Implications

The Shire has budgeted funds for Area Meeting Costs.

Voting Requirement

Simple Majority

Officer's Recommendation

That Council approves the advertisement of the Place Advisory Group meetings as open to the public at the venues and on the dates as shown in the above report, subject to venue availability.

5.2. Infrastructure Services

Item No.	5.2.1.
Subject:	Leisure Drive Tree Removal
Proponent:	Shire of Harvey
Location:	Leisure Drive, Kingston
Reporting Officer:	Manager Design and Development
Authorising Officer:	Director Infrastructure Services
File No.:	R000005
Attachments:	<ol style="list-style-type: none"> 1. Attachment 1 [5.2.1.1 - 1 page] 2. Attachment 2 [5.2.1.2 - 1 page] 3. Attachment 3 [5.2.1.3 - 1 page]

Summary

To enable construction a portion of 2.5m wide Shared Path on Leisure Drive within the verge on the northern side of the road immediately west of Kingston Drive, 13 semi mature London Plane Trees (*Platanus x acerifolia*) will be required to be removed.

While Shire officers initially determined that the portion of path could be redesigned to retain the trees, it has now been determined that this is not a feasible option due to the future development planned for the south side of Leisure Drive.

It is therefore recommended that 13 semi mature London Plane trees be removed to facilitate the construction of the Shared Path as shown in ***Attachment 1***.

Background

The Shire received a grant from the Department of Transport (DoT) and funding from the Federal Local Roads Community Infrastructure (LRCI) Program to construct a 2.5m wide Shared Path from the Paris Road bridge to Braidwood Drive in Kingston.

To date, two portions of the Shared Path have been completed. The western portion from the Paris Road Bridge to the start of the London Plane trees (just west of Kingston Drive) and the eastern portion between Kingston Drive and Braidwood Drive.

The missing link is where the London Plane Trees are located. These trees were planted some years ago by the developers of Kingston Estate.

At the time, the alignment selected for the trees did not provide adequate width to locate a future 2.5m wide Shared Path between the road reserve boundary and the trees. It is also not possible to locate the Shared Path between the trees and the edge of the existing Leisure Drive carriageway as DoT specifications require a minimum separation of one metre between a Shared Path and the road carriageway.

Officers considered two options to facilitate construction of the missing Shared Path link as discussed below.

Comment

Option 1 (Preferred Option - *Attachment 1*)

Remove the existing trees and construct the Shared Path on the preferred alignment.

The two sections of recently completed path are located on the north side of Leisure Drive. If the trees were to remain and the road realigned to accommodate the path the resultant verge width on the south side of Leisure Drive would compromise the future development proposal.

In addition, the lot to the north of Leisure Drive (Lot 9020 - refer **Attachment 3**) is zoned residential for future development. At the time of development, it is highly likely that road access would be required off Leisure Drive and to accommodate the future road access several existing London Plane trees would need to be removed to achieve the width required for the intersecting road and to provide adequate sight distance. A section of path would also need to be removed and relocated.

Option 2 (Least preferred Option - Attachment 2)

Retain the trees and realign Leisure Drive to accommodate the Shared Path on the northern edge of the realigned carriageway thus providing adequate separation in accordance with safety standards.

The proposed subdivision plan for Lot 101, on the south side of Leisure Drive as shown in **Attachment 2**, details a proposed group dwelling lot. The proposal is to construct a retaining wall on the road reserve boundary with a permeable (pool type) fence and a 1.5m wide footpath on the southern verge of Leisure Drive.

If Leisure Drive was realigned to accommodate the Shared Path, the resultant verge width on the southern side would be inadequate to accommodate a proposed drainage swale drain and other proposed infrastructure.

Officers have had preliminary discussions with developer of Lot 101, Lester Group (who previously planted the London Plane trees on the north side of Leisure Drive) and their preferred option is for the trees to be removed as they consider that retaining the trees and realigning Leisure Drive would compromise a portion of the future development of Lot 101 (as discussed above).

Conclusion

While it is acknowledged that the existing semi mature London Plane trees currently provide some visual amenity (land either side of the trees is currently vacant) they are an exotic tree species and not endemic to the area. London Plane trees can also at maturity grow to over 20 metres in height, this may also be problematic due to the current location.

Even if they were retained and Leisure Drive realigned, given the close spacing of the trees, it is more than likely that a number of the trees would need to be removed to accommodate future development of Lot 9020, as discussed above. This would also necessitate the removal and relocation of a section of Shared Path (given its location on the edge of the carriageway) which would potentially result in additional trees being removed.

While Shire Officers thoroughly investigated alternative options (Option 2), the conclusion is that the most appropriate way forward would be to keep the Shared Path on the northern side of Leisure Drive away from the edge of the carriageway for the following reasons:

- Would not compromise the future development on Lot 101 due to the resulting inadequate verge width.
- If Leisure Drive were to be realigned to accommodate the Shared Path and the trees retained, there is a high likelihood that a number of trees would need to be removed in future, to accommodate the development of Lot 9020.

- The additional estimated cost of \$70,000 associated with the realignment of Leisure Drive including service relocations and extra road works.

Given that there is a high likelihood that a number of trees would need to be removed in the future to accommodate future development the recommendation is to remove the existing semi mature London Plane trees now, construct the Shared Path as originally intended away from the carriageway and undertake appropriate landscaping of the verge area once the path has been constructed.

The proposed landscaping would comprise a combination eco zoned area with waterwise planting and planting of a number of appropriate trees on a new alignment to ensure any future development on Lot 9020 is not compromised.

Statutory/Policy Environment

Nil

Strategic Framework

The Shire's Strategic Community Plan 2017 – 2027, states:

Outcome 1.4 Essential services and infrastructure are available to support the growing community and local economy.

Risk Management

The Risk Theme Profile identified as part of this report is **Inadequate Engagement Practices**. The consequence could be **Reputational** if the community is not supportive of removing the trees for the construction of the Shared Path. Fully informing the community of the reasons for the removal of the trees and implementing improved landscaping would mitigate this risk. Therefore, the Risk Consequence is considered to be **Moderate** (2) and the likelihood **Unlikely** (2) resulting in a **Low** (4) risk being present.

Budget Implications

The Leisure Drive Shared Path project budget is \$326,100. No allowance has been made in the budget allocation for either the realigning of Leisure Drive or the removal of the London Plane trees.

Leisure Drive road realignment works have been quoted at \$70,000. Tree removal (including stump grinding) would cost in the order of \$9,000.

The Lester Group have indicated that should Council approve the removal of the trees, they would fund the full cost of their removal.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Approves the removal of the existing semi mature London Plane trees on Leisure Drive to enable the missing section of the Leisure Drive Shared Path to be completed as shown in **Attachment 1**, noting that the tree removal works will be fully funded by the Lester Group;
2. Once the section of path has been completed, undertakes appropriate landscaping of the verge area comprising a combination eco zoning with waterwise planting including replanting of smaller more appropriate trees on a new alignment to ensure any future development on the adjacent lot is not compromised; and
3. Informs the local community of its decision.

Item No.	5.2.2.
Subject:	Request to Amend Dog Exercise Area
Proponent:	Shire of Harvey
Location:	Clifton Park – Reserves 43714 & 31576
Reporting Officer:	Manager Waste and Safety Services
Authorising Officer:	Director Infrastructure Services
File No.:	A008344
Attachments:	<ol style="list-style-type: none"> 1. Attachment 1 existing dog exercise are off leash [5.2.2.1 - 2 pages] 2. Attachment 2 - DBCA [5.2.2.2 - 2 pages] 3. Attachment 3 Foreshore reserve [31576] [5.2.2.3 - 1 page] 4. Attachment 4 Proposed dog exercise are off leash [431714 & 31576] [5.2.2.4 - 2 pages]

Summary

The Department of Biodiversity, Conservation and Attractions (DBCA) has requested that the Shire consider amending a portion of the dog exercise area on Reserves 43714 and 31576 (Clifton Community Reserve) known as Lot 131 Lucy Victoria Avenue, Australind, in accordance with Section 31 of the *Dog Act 1976*.

It is recommended that Council authorise the advertising of the proposal in accordance with the requirements of the *Dog Act 1976*.

Background

At its meeting held on 17 June 2014 Council considered a report and provided information relating to amendments to the *Dog Act 1976*, regarding changes to the method of declaring areas where dogs are prohibited, and areas set aside for dog exercise. Prior to the *Dog Act 1976* amendments, these matters were dealt with by provisions in the Shire's Dog Local Law with such clauses being inoperable as from 31 July 2014.

In October 2014 and June 2017, the Shire reviewed its existing Exercise and Prohibited areas for dogs, where part of Fees Field in Leschenault was designated as a dog exercise area. In addition, signage amendments were undertaken at Meridan Park in Harvey to exclude the park as an exercise area when organised sport is in progress.

In addition, as part of the Urban Forest Project, Council in June 2018, reviewed the Dog Exercise area at Reserves 43714 and 31576 (Clifton Community Reserve) known as Lot 131 Lucy Victoria Avenue Australind. Prior to this these two Reserves were designated dog exercise areas where dogs could exercise 'off leash'.

Draft Kalgulup Regional Park Management Plan

The Kalgulup Regional Park was created in 2020 when Preston River to Ocean Regional Park and Leschenault Regional Park were amalgamated into one regional park.

The purpose of the Kalgulup Regional Park Management Plan (the plan) is to provide for the *"protection and enhancement of the conservation, recreation and landscape values of the Kalgulup Regional Park"*.

The plan provides guidance for the management of 295 Reserves and parcels of land located north and east of Bunbury along the foreshores of the Leschenault Estuary and Inlet and the Preston, Collie and Brunswick rivers.

Comments

Urban Forest (Reserves 43714 and 31576) Clifton Community Reserve

Initially, the Urban Forest proposal included a fenced dog exercise area approximately 150m x 200m with the remainder of the Clifton Community Reserve proposed to be designated as a dog 'on leash' area given that a new nature play area (linked into the existing playground) was proposed.

Following extensive community consultation on the overall Urban Forest proposal, while a large number of respondents supported the fenced dog area component of the proposal an equally large number were opposed to it.

Following consideration of the submissions/comments received at the time, Officers considered that restricting dogs to 'on leash' only, along the river pathway, may unfairly penalise the dog owners who do the right thing when using the area.

It was concluded that the river pathway area should remain a dog exercise area, for the time being, and that the area be monitored to ensure that the amenity of all users was not adversely affected by continuing to allow dogs 'off leash', in this area.

Council, in June 2018, subsequently resolved not to implement a fenced dog exercise area and instead that a portion of Reserves 43714 and 31576 be made a dog 'on leash' area with the remaining area remaining as dog 'off leash' area for the time being. (refer **Attachment 1**)

It should be noted that river / foreshore path walks in both the City of Bunbury and the adjoining Shire of Dardanup are dog 'on leash' areas.

Draft Kalgulup Regional Park Management Plan

Within the Plan it is proposed that the Shire of Harvey retain the management of the cleared and active recreation areas and the remainder to be vested in the Conservation and Parks Commission for Reserves 43714 and 31576 (refer **Attachments 2 and 4**).

Furthermore, in June 2020, a Memorandum of Understanding between DBCA and the Shire was signed for the *'Management of and access to lands vested in the Shire of Harvey within the proposed Leschenault Regional Park'*.

This portion of the Reserve comprises a wetland that is inundated by high tides and partially covered with samphire. There is a track that passes around the semi-permanent water body with the remainder of the area being inaccessible. The plan proposes to change an off-leash area (dog exercise areas) within a bushland portion of Clifton Community Reserve (Reserve 43714) to an 'on leash' dog area.

Discussion

Shire Officers consider that the request to amend the bushland portion of Reserve 43714 from an 'off leash' area (dog exercise area) to an 'on leash' dog area is a reasonable and logical amendment.

It is also proposed within the plan for the foreshore Reserve 31576 (Lot 501 on plan P66272) to remain with the Shire of Harvey. This Reserve is proposed to be zoned within the plan as 'Conservation and Protection' with the northern portion considered for 'Natural Environment Use'.

Shire Officers consider that due to the proposed 'Conservation and Protection' zone as the existing pathway is narrow and vegetated, that this area remains designated as a dog 'on leash' (refer **Attachment 3**).

This is consistent with the Shire's adjoining local governments, as mentioned above.

Proposed amendment of the dog exercise area

The proposed dog 'off leash' area will be approximately 30,000m² in area (highlighted in orange, refer **Attachment 4**). This portion of Reserve 43714 is managed open space (grass) with large established trees. The area is surrounded by a path network on the south and western sides with bollards on the north and eastern sides (Lucy Victoria Avenue).

Dogs would still be able to be exercised 'on leash' in the remainder of the Reserves except within the two children play areas where dogs are prohibited.

Though there is not a statutory requirement for the Shire to publicly advertise the change, it is recommended that advertising of the proposed change be undertaken.

Statutory/Policy Environment

Section 31 of the *Dog Act 1976* (As Amended) reads as follows:

(3A) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.

(3C) At least 28 days before specifying a place to be:

- (a) a place where dogs are prohibited at all times or at a time specified under subsection (2B); or*
- (b) a dog exercise area under subsection (3A); or*
- (c) a local government must give local public notice as defined in the Local Government Act 1995 section 1.7 of its intention to so specify.*

Reserve 43714 and 31576 (Clifton Community Reserve) known as Lot 131 Lucy Victoria Avenue Australind is a proposed amendment to an existing dog exercise area hence the advertising requirement would not apply.

For the avoidance of doubt and to properly inform members of the public, should the Officer's Recommendation to amend the dog exercise area and signage be supported by Council, the community would be informed of the proposed changes by advertising on the Shire's website, and within the 4 O'clock Report in local newspapers.

Strategic Framework

The Shire's Strategic Community Plan 2017 – 2027, states:

- 2.4.3 *Progress opportunities to increase accessibility and improve the range of amenities and infrastructure at the Leschenault Estuary.*
- 2.4.4 *Provide quality amenities and accessible public spaces for our community.*
- 2.6.1 *Plan for the conservation and protection of areas of significant natural heritage, having regard to Council's Biodiversity Strategy.*
- 2.6.3 *Support local environmental organisations to maintain and rehabilitate natural*

- assets.
- 2.7.1 *Improve controlled access to all of our water bodies, forests and Reserves in partnership with the relevant agencies.*
- 3.4.1 *Continue to monitor the needs of the community, to ensure access to appropriate services and facilities.*
- 4.3.4 *Monitor and ensure compliance with the regulatory framework for local government business.*

Risk Management

The Risk Theme Profile identified as part of this report is **Inadequate Engagement Practices**. The Consequence could be **Reputational** if the community is not supportive of the dog exercise area. However, advertising of the proposed change will be undertaken. The Risk Consequence is considered to be **Moderate** (2) and the likelihood **Unlikely** (2) resulting in a **Low** (4) risk being present.

Budget Implications

There will be the cost to advertise this proposal which is a statutory requirement.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. In accordance with Section 31 of the *Dog Act 1976*, gives Local Public Notice, of its intention to change the south eastern portion of Reserve number 43714, known as Lot 131 Lucy Victoria Avenue Australind, located on the corner of Lucy Victoria Avenue and Old Coast Road, Australind, to be a dog 'off leash' area (dog exercise area) shaded in 'orange' in **Attachment 4**;
2. Supports the redesignation of several existing areas from dog 'off leash' to dog 'on leash' as indicated in **Attachment 4**; and
3. Informs the community of the proposed changes outlined in Officers Recommendation 1 and 2.

Item No.	5.2.3
Subject:	Application to Keep More Than the Prescribed Amount of Dogs
Proponent:	Refer to Confidential Attachment 1
Location:	Leschenault
Reporting Officer:	Manager Waste and Safety Services
Authorising Officer:	Director Infrastructure Services
File No.:	A005199
Attachments:	1. Confidential Attachment 1 [5.2.3.1 – 1 page] 2. Confidential Attachment 2 [5.2.3.2 – 6 pages]

Summary

An application has been received for an exemption to keep more than the prescribed number of dogs on a property in Leschenault.

Following an assessment of the application it is recommend that Council approves the application as per the recommendation contained in the confidential attachment (refer **Confidential Attachment 1**).

Background

In accordance with the Western Australian *Dog Act 1976* it is a requirement that all dogs within the Shire of Harvey be registered. The dog owner needs to complete the relevant application form (Form 4) and pay the prescribed registration fees.

If a person, when registering a dog discloses that it is for more than the prescribed number of dogs, more than two at any one property (unless the property is zoned General or Intensive Farming), they are provided with an application form for the keeping of more that the prescribed number of dogs on any one property.

Once the Shire's Administration receives the completed form, Shire Rangers assess the application and adjoining owners are consulted.

Comment

The current application was considered and reviewed based on feedback received, suitability of the property to contain the number of dogs, history of complaints received and the welfare of the dogs including

- Provision of shade/water
- Property fences
- General condition of dogs
- Cleanliness of property
- Size of property

Statutory/Policy Environment

Dog Act 1976 - Section 26. Controls the number of dogs permitted. Section 26 (3) allows the local government to grant an exemption in respect of a limit on the keeping of dogs in any specified area.

Strategic Framework

The Shire's Strategic Community Plan 2017 – 2027, states:

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

Risk Management

The Risk Theme Profile identified as part of this report is **Inadequate Environment Management** (considered the neighbourhood environment). The Consequence would be **Environment** if there are any justified complaints received due to a third dog being located at the premises. The consequence rating is considered **Moderate** and the Likelihood as **Possible**, giving a **Moderate** rating.

Budget Implications

Nil.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council approves the application as per the **Confidential Attachment 1**.

Item No.	5.2.4
Subject:	Application to Keep More Than the Prescribed Number of Dogs
Proponent:	Refer to Confidential Attachment 1
Location:	Leschenault
Reporting Officer:	Manager Waste and Safety Services
Authorising Officer:	Director Infrastructure Services
File No.:	A013927
Attachments:	1. Confidential Attachment 1 [5.2.4.1 – 1 page] 2. Confidential Attachment 2 [5.2.4.2 – 3 pages]

Summary

An application has been received for an exemption to keep more than the prescribed number of dogs on a property in Leschenault.

Following an assessment of the application it is recommend that Council approves the application as per the recommendation contained in the confidential attachment (refer **Confidential Attachment 1**)

Background

In accordance with the Western Australian *Dog Act 1976* it is a requirement that all dogs within the Shire of Harvey be registered. The dog owner needs to complete the relevant application form (Form 4) and pay the prescribed registration fees.

If a person, when registering a dog discloses that it is for more than the prescribed number of dogs, more than two at any one property (unless the property is zoned General or Intensive Farming), they are provided with an application form for the keeping of more that the prescribed number of dogs on any one property.

Once the completed form is received by the Shire's Administration, Shire Rangers assess the application and adjoining owners are consulted.

Comment

The current application was considered and reviewed based on feedback received, suitability of the property to contain the number of dogs, history of complaints received and the welfare of the dogs including

- Provision of shade/water
- Property fences
- General condition of dogs
- Cleanliness of property
- Size of property

Statutory/Policy Environment

Dog Act 1976 - Section 26. Controls the number of dogs permitted. Section 26 (3) allows the local government to grant an exemption in respect of a limit on the keeping of dogs in any specified area.

Strategic Framework

The Shire's Strategic Community Plan 2017 – 2027, states:

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

Risk Management

The Risk Theme Profile identified as part of this report is **Inadequate Environment Management** (considered the neighbourhood environment). The Consequence would be **Environment** if there are any justified complaints received due to a third dog being located at the premises. The consequence rating is considered **Moderate** and the Likelihood as **Possible**, giving a **Moderate** rating.

Budget Implications

Nil.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council approves the application as per the **Confidential Attachment 1**.

Item No.	5.2.5.
Subject:	Better Bins Plus: Go FOGO Kerbside Collection Program Grant
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Waste and Safety Services
Authorising Officer:	Director Infrastructure Services
File No.:	F000297
Attachments:	Nil

Summary

The Shire of Harvey applied to participate in the 'Better Bins Plus: Go FOGO' Kerbside Collection Program in July 2020 and received a funding offer from the Waste Authority. This offer was contingent on the Shire agreeing to make changes to the waste services currently provided to households by 2026.

Council as it's meeting held on 24 November 2020 resolved to authorise the Chief Executive Officer to enter into discussions with the Waste Authority and receive a further report once this has occurred.

It is recommended that Council accepts the offer from the Waste Authority with the updated funding agreement conditions.

Background

On 24 November 2020 Officers presented a report to Council in response to the funding conditions associated with the offer from the Waste Authority to participate in the 'Better Bins Plus: Go FOGO' Kerbside Collection Program. Following consideration of the Officer's report, Council made the following decision:

That Council

- 1. Notes that the Waste Authority has offered the Shire \$158,250 over two financial years with \$68,575 available for 2020-2021 and \$89,675 available for the 2021-2022 financial year to participate in the Better Bins Plus: Go FOGO Kerbside Collection Program subject to a number of conditions, as outlined in the report;*
- 2. Before accepting the grant funding, authorises the Chief Executive Officer to enter into discussions with the Waste Authority regarding potential future funding opportunities through the 'Better Bins Plus: Go FOGO' Kerbside Collection Program to comply with the Waste Authority funding requirements;*
- 3. Advises the Waste Authority that its preference, due to the success of the current waste service to householders, is to maintain the following waste collection service and bin colour combinations for its kerbside waste collection service until there is more clarity on future funding opportunities to implement the Waste Authority grant funding conditions:*
 - a. General waste (240L MGB) fortnightly collection transitioning to red lid/dark green body;*
 - b. FOGO (240L MGB) weekly collection, lime green lid and body; and*
 - c. Recycling (240L MGB) fortnightly collection, yellow lid/dark green body; and*
- 4. Receives a further report once Recommendation 2 has been actioned.*

Comment**Discussions with the Waste Authority**

In accordance with Council's decision, Officers met with the Waste Authority, and discussed the following matters regarding the conditions associated with the funding offer.

Change Mobile Garbage Bin (MGB) colour

Condition: To provide within its district MGB's with dark green bodies and lid colours consistent with Australian Standard 4123.7-2006.

Concern: Cost implications of agreeing to the funding agreement conditions which are estimated to be in the order of \$750,000 over the next five years

Waste Authority Response

The Waste Authority provided the following clarification and changes to the funding agreement:

New Clause added:

6.3 Transition to Receptacles in Australian Standard colours

- (a) The Recipient must replace all bin (Receptacle) lids that are not compliant with the Australian Standard 4123.7-2006 Mobile Waste Containers, with compliant lids by 30 June 2026.*
- (b) The purchase of all new and replacement bin bodies will be compliant with the Australian Standard 4123.7-2006 Mobile Waste Containers, following the use of existing non-compliant bin body stock that relates to bin bodies for the organic FOGO bin (Receptacle) only.*
- (c) The Recipient must provide written notification to the Waste Authority once it has completed the requirements in clause 6.3(a) and (b).*
- (d) If the Recipient has not replaced all bin (Receptacle) lids that are not compliant with the Australian Standard 4123.7-2006 Mobile Waste Containers, with compliant lids by 30 June 2026, the Waste Authority may send the Recipient a written request requiring it to repay all or a portion of the Grant Funds to the WARR Account within 14 days, and the Recipient must comply with such a direction.*

Officers Comments:

Officers accept these changes to the funding agreement as the Shire has been transitioning to Australian Standard 4123.7-2006 Mobile Waste Containers lid colours since 2013. Existing lime green FOGO bodies are acceptable with only new and replacement bin bodies required to be changed. The Shire has more than 12 months of FOGO bin body stock stored at our depot.

Reduce General Waste MGB capacity

Condition: A transition away from General Waste mobile garbage bins (MGB) exceeding the capacity of 70L per week (maximum 140L capacity, fortnightly collection).

Concern: The potential increase of contamination in the recycling and FOGO system if the General Waste MGB size was reduced to 140 Litre capacity fortnightly collection (currently 240 Litre).

Waste Authority Response

The correspondence received from the Waste Authority also provided greater clarification on the requirement to transition away from General Waste (MGB exceeding the capacity of 70L per week (maximum 140L capacity, fortnightly collection)).

The Waste Authority recognises a three bin kerbside services that collects FOGO as 'Better Practice' which is one of the principles in the Waste Strategy. The strategy commits to developing better practice guidelines to inform stakeholders, such as waste managers and local governments, about preferred systems to achieve the Waste Strategy targets. As such it is the Waste Authority's preference that General Waste MGB have a maximum 140L capacity, collected fortnightly.

The funding agreement requires that the local government approaches its Council on two occasions before 30 June 2026, for it to consider the replacement of all General Waste Receptacles that are larger than 70 litres in capacity per week (maximum 140L capacity, fortnightly collection). The decision of Council on each occasion needs to be communicated with the Waste Authority. These notifications provide the Waste Authority with the opportunity to consider and decide if:

- Repaying the grant funds to the WARR Account;
- A partial repayment of the grant funds in the project is required; and/or
- Whether the Waste Authority would waive the repayment.

Waste Authority representatives were not able to guarantee that the Shire would not have to repay funding if the local government did not reduce the capacity of the General Waste Receptacles.

Officer Comments

Officers consider that there is a low risk of the requirement to repay the grant funds for the following reasons:

- The Shire is already achieving recovery targets and contamination rates well above State Strategies and industry standards with its current waste services;
- The grant funding is to be used for complimentary measures (compostable bags/bin tagging/education) and not infrastructure (MGB's); and
- Previous funding agreement between the Shire and the Waste Authority, under the Better Bins Kerbside Collection Program (May 2019 used for the purchasing of FOGO MGB's) accepted General Waste MGB capacity of 140L per week (280L capacity per fortnight).

The offer presented is the best funding opportunity available through the Waste Authority to the Shire for its three bin FOGO project and has been approved in principle by the Chairman of the Waste Authority. As the program progresses, the value of the funding available per household to local governments reduces over time.

Future changes to Kerbside Collection Services

The waste industry is constantly evolving with changes to best practice and legislative requirements. In the last year, the Council of Australian Governments (COAG) agreed to a timetable to phase out exports of certain waste materials. Furthermore, the introduction of

Western Australia's container deposit scheme, has already had a direct effect on the volume of kerbside recycling processing tonnages.

While the Shire's kerbside collection service may need to change to meet the future needs of the community and legislative requirements Officers are satisfied with the current kerbside waste collection service to households:

- a. General waste (240L MGB) fortnightly collection;
- b. FOGO (240L MGB) weekly collection; and
- c. Recycling (240L MGB) fortnightly collection;

Statutory/Policy Environment

Waste Avoidance and Resource Recovery Act 2007.

- Section 50 (1) gives authority for a local government to provide waste services; and
- Section 67 (1) gives authority to a local government to impose receptacle charge to provide for the proper disposal of waste, by making an annual charge, in respect of premises provided with a waste service by the local government.

The Local Government (Functions and General) Regulations 1996.

- Part 4 Provision of goods and services Division 2 Tenders for providing goods or services (s. 3.57) Regulation 11(2) (e), permits the exemption from public tender the goods or services that are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government.

Strategic Framework

The Shire's Strategic Community Plan 2017 – 2027, states:

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

Risk Management

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 changes a service without a satisfactory investigation of the potential impacts these changes will have on the community.	Extreme (5)	Unlikely (2)	High (10-16)	Inadequate Engagement Practices	That an appropriate model for waste services is developed, communicated and introduced to the community
That the Shire introduces a service without undertaking adequate community consultation as to whether the community desires such a service and are prepared to pay for it.	Extreme (5)	Possible (3)	High (10-16)	Inadequate Engagement Practices	That an appropriate model for waste services is developed, communicated and introduced to the community prior to being change
That the Shire signs the agreement and is required to pay the funding back to Waste Authority			High (10-16)	Inadequate Asset Sustainability Practices	A suitable financial assessment prior to signing the agreement between the Shire and Waste Authority
That financial arrangements for the change of the service are not equitable or are unable to be afforded by the Shire	Extreme (5)		High (10-16)	Inadequate Asset Sustainability Practices	A suitable financial assessment prior to signing the agreement between the Shire and Waste Authority

Budget Implications

The Waste Authority has offered the Shire \$158,250 (\$68,575 for 2020-2021 and \$89,675 for the

2021-2022 financial years) to participate in the Better Bins Plus: Go FOGO Kerbside Collection Program subject to several conditions.

Council has budgeted \$160,000 in the 2020-2021 financial year, dependant on receipt of the grant from the Waste Authority.

Council currently allocates \$93,000 per annum for Bin Maintenance and Replacement.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Authorises the Chief Executive Officer to sign the funding agreement 'Better Bins Plus: Go FOGO Kerbside Collection Program' between The State of Western Australia (Waste Authority) and the Shire of Harvey; and
2. Advises the Waste Authority that its preference, due to the success of the current waste service to householders, is to maintain the following waste collection service:
 - (a) General waste (240L MGB) fortnightly collection;
 - (b) FOGO (240L MGB) weekly collection; and
 - (c) Recycling (240L MGB) fortnightly collection;
3. Receives two progress reports as per the Funding Agreement conditions, prior to 30 June 2026.

Item No.	5.2.6.
Subject:	Cathedral Avenue - Australian Government Black Spot Funded Project
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Director Infrastructure Services
Authorising Officer:	Chief Executive Officer
File No.:	R000005
Attachments:	1. Attachment 1 Attachments Combined [5.2.6.1 – 10 page]

Summary

The Shire was successful in attracting funding from the Australian Government Black Spot (AGBS) program for the 2020-2021 financial year for safety improvements on Cathedral Avenue between Australind Road and Buffalo Road.

Given the nature of Cathedral Avenue with significant vegetation near the road edge and protected vegetated areas on the estuary side of the road, Officers have been developing options for the project in liaison with Main Roads WA (MRWA) and Officers from the Department of Biodiversity, Conservation and Attractions (DBCA).

The project design has now been completed and It is recommended that Council endorses the design as shown in **Attachment 1** and informs residents along Cathedral Avenue of the project details.

Background

Black Spot Program

The objective of the program is to improve road safety by reducing the trauma and suffering of crash victims, their relatives and friends.

Funding is made available via two programs, the State Black Spot Program and the AGBS Program. With the State program local governments are required to contribute 1/3 of the cost with the State covering the remaining cost. With the AGBS Program the Commonwealth Government covers 100% of the cost of the project.

All road classifications are eligible for funding, including commonwealth, state and local roads and Black Spots are selected on the basis of recorded history, and can be supported by formal Road Safety Audits.

MRWA is the authority responsible for the administration and management of the program and they ensure that all decisions are in line with the guidelines and program objectives.

Submissions for projects on local roads are evaluated through Regional Road Groups and MRWA, with assistance from the Western Australia Local Government Association RoadWise Regional Road Safety Officers.

For 2020-2021 the Shire received \$1,000,000 in AGBS funding for Cathedral Avenue to *widen the road and remove roadside hazards between Australind Road and Buffalo Road.*

Comment

Eligibility for Black Spot Funding

The section of Cathedral Avenue between Australind Road and Buffalo Road was eligible for Black Spot funding as over the five year period (January 2015 to December 2019) the road recorded eight crashes. These included one fatality, two requiring hospitalisation, three where major property damage occurred and two where minor property damage occurred. To qualify there needs to be a minimum of three recorded crashes over the five year period.

Design to Improve Safety

The funding received was for the removal of roadside hazards and road widening however as mentioned above, given the nature of Cathedral Avenue with significant vegetation near the road edge and protected vegetated areas on the estuary side of the road, Officers have been developing alternative design options for the project.

During initial discussions with Officers from DBCA it was determined that none of the vegetation on the estuary side (western side) of Cathedral Avenue could be disturbed and that only minimal vegetation on the eastern side of the road may be disturbed if absolutely necessary.

Officer decided that due to the scenic nature of the road that very minimal if any vegetation will be disturbed and have prepared an innovative design that would achieve this.

The design options discussed at the Council Briefing Session held in December 2020 have been further developed as discussed below.

Officers presented their innovative design concepts to MRWA who were supportive of the concept designs and made the following suggestions to complement and improve the design:

- *Reducing the lane widths to 3.0m so they are consistent with the narrow shared road sections (no lane narrowing at the merge points) and also to help reduce traffic speeds midblock.*
- *Edgeline to be special purpose line (9m lines with 3m gaps) in order to avoid confusion with drivers thinking the sealed shoulder could be a separate lane.*
- *Central line marking to be removed.*
- *No issue with having isolated sections of double barrier line with central audible ribs at curves even if the remainder of the longitudinal central line marking was removed. If you wished to go with just a normal barrier line with audible between the two lines, then each line should be 100mm wide, with a 100mm wide gap to allow for the audible ribs.*
- *Height of the speed humps to be increased. Associated signage (both at the speed humps and in advance) required in order to provide drivers with time to slow down on approach.*
- *Cycle symbols to be installed on the sealed shoulder in order to again prevent confusion with drivers thinking this is part of the usable traffic lane.*
- *No issue with the sealed shoulder being a chip seal (so black rather than red as originally suggested by the team in Perth) however the shared use sections should certainly be red asphalt.*

The proposal for Cathedral Avenue is outlined in **Attachment 1**.

Reducing the Speed on Cathedral Avenue

The current posted speed limit on Cathedral Avenue is 110kph. Council previously requested that MRWA be requested to consider lowering the posted speed on the road. During initial discussion with MRWA it was suggested that there would need to be a change in the speed environment on the road before a speed reduction would be considered.

The design proposal for Cathedral Avenue which includes narrow road sections, speed slowing devices, different colour asphalt, intersection modifications etc. are all intended to change the speed environment of the road.

As a result of further discussions with MRWA regarding the proposed design, they have requested that the Shire provides before and after speed data for the section of road so they can determine what impact the works, once implemented, will have on traffic speeds. If there is a change in the 85% speed (which will undoubtedly be the case) they will consider lowering the posted speed.

They have further advised that the kind of treatment proposed, if successful could be applied elsewhere in the future so they would use the Cathedral Avenue project as a test case.

MRWA Approval

Once Council has endorsed the design it will need to be submitted to MRWA for final sign off as they are the regulatory signage and road line marking authority in the State.

Consultation and Advertising

In regional areas, a Black Spot is defined as a location whereby there have been three or more recorded crashes over a five year period. In Metropolitan areas it's where there have been five or more crashes over a five year period.

As Black Spots are locations where there has been loss of life, major injury and/or property damage the design undertaken to address this and improve safety for the community is determined by the responsible authorities.

It is therefore considered that the community should be provided with an enhanced 'Information Bulletin' at the time prior to construction outlining the background and rationale for the project.

It is further considered that potentially affected residents should, upon request, be provided with all the relevant information including, but not limited to, the approved design, accident information and that this information be posted on the Shire's website.

Statutory/Policy Environment

The *Nation Building Programme (National Land Transport) Act 2009* (The Act) provides a mechanism for local governments to apply for grant funding under the Australian Government Black Spot programme. Consistent with Section 71 of *the Act*, a project is eligible to be approved if it is for the improvement of road safety, which contributes to the prevention of serious motor vehicles crashes involving death or personal injury.

Section 74 of the Act makes provision for the maximum funding amount that the Commonwealth may contribute to the project

Strategic Framework

The Shire's Strategic Community Plan 2017 – 2027, states:

- 3.6.1 *Provide a safe standard of roads and ancillary infrastructure.*
- 3.6.3 *Lobby for state and federal funding for road infrastructure.*
- 4.5.1 *Maximise Shire grant funding.*

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/information**. The consequence could be **Financial**, **Reputational** or **Compliance** if incorrect procedures are followed applying for Black Spot Grant funding. The risk is mitigated by following the application procedures and obtaining preselection advice from Main Roads WA, resulting in **Low** risk being present.

Budget Implications

The Budget allocation for Cathedral Avenue is \$1,000,000 fully funded by the Commonwealth Government. At the time of writing this report, Officers were in the process of undertaking a detailed estimate for the works. Should the pretender estimate be more than the budgeted amount, the scope of works may need to be reduced.

As the project value is greater than the tender threshold of \$250,000 a public tender will be advertised, and a further report presented to Council.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Endorses the Cathedral Avenue Black Spot project design, as shown **Attachment 1**
2. Authorises the Chief Executive Officer to:
 - (a) Refer the design, as shown in **Attachment 1** to Main Roads WA for approval of the regulatory signage and line marking;
 - (b) Once Main Roads WA approval is obtained call public tenders for the project delivery; and
 - (c) Prior to implementing the works provides the community with an enhanced 'Information Bulletin' outlining the background and rationale for the project; and
3. Receives a further report once public tenders have closed.

5.3. Sustainable Development

Item No.	5.3.1.
Subject:	Proposed 'Standard' Scheme Amendment No. 126 - Kemerton Ancillary Industry Text Amendment
Proponent:	Urbis (on behalf of DevelopmentWA)
Location:	Kemerton Ancillary Industry Zone
Reporting Officer:	Manager Planning Services
Authorising Officer:	Director Sustainable Development
File No.:	P001126
Attachments:	1. Attachment 1 - Amendment Document [5.3.1.1 - 18 pages]

Summary

The Shire has received a request from Urbis (on behalf of DevelopmentWA) to initiate an amendment to District Planning Scheme No. 1 (the Scheme) to amend components of the text relating to the “Kemerton Ancillary Industry” zone (refer **Attachment 1**).

It is recommended Council initiates proposed Amendment No. 126 to the Scheme.

Background

Proposal

The Scheme Amendment proposes the following with respect to the “Kemerton Ancillary Industry” (KAI) zone:

Table 22 – Zoning and Development Standards:

- Amend the wording of the ‘Policy Statement’ from:

“Industry within this zone shall be ancillary to the heavy industry in the Kemerton Park Industrial zone. Ancillary in this respect means that the proposed development must demonstrate that the major portion of the source material, finished product, or services provided are orientated within the Kemerton area. No industry, wholesale or retail directed to primarily service the wider community will be permitted.”

to

“Industry within this zone shall be a use which is likely to support and does not compromise the heavy industry in the Kemerton Strategic Industry zone and complies with Design Guidelines approved by DevelopmentWA and the Local Government.”

- Amend the wording of ‘Other Requirements’ from:

“When considering applications for development within this zone, the local government will have regard to the existing or proposed industry in the Kemerton Strategic Industry zone and only grant approval if it is satisfied that the proposed development is predominately ancillary to, and is required to service, the Kemerton heavy industries.”

to

“The Local Government shall consult with the relevant State Government or other relevant organisations, when assessing development applications in the Kemerton Ancillary

Industry zone, to ensure the proposal does not conflict with the strategic intentions for industry and infrastructure development within the Kemerton SIA.”

- Amend the ‘Land Use’ Categories by:

Deleting the following uses:

*Motor Vehicle Repair Station – AA;
Car Wash – AA;
Trade Display – IP’ and
Extractive Industry – SA*

and including the following use:

Service Station – AA.

- Amend the ‘Development Standards’ by:

Changing the ‘Minimum Lot area for Dwelling Unit’ to “N/A” and ‘Minimum Landscaping’ to “*Subject to Design Guidelines*”.

Clause 4.8 - Development within the Kemerton Strategic Industrial Area:

- Amend the wording of Clause 4.8.2 from:

“When considering development applications with respect to land wholly or partly within the Kermerton Strategic Industry zone or the Kemerton Industry Buffer zone, the Local Government shall refer the proposal to the relevant State Government Agencies for comment to ensure the proposal does not conflict with the strategic intentions for industry and infrastructure development in the zone.”

to:

“When considering development applications with respect to land wholly or partly within the Kermerton Strategic Industry zone or the Kemerton Industry Buffer zone or the Kemerton Ancillary Industry zone, the Local Government shall refer the proposal to the relevant State Government Agencies for comment to ensure the proposal does not conflict with the strategic intentions for industry and infrastructure development in the zone.”

Design Guidelines

The proposed Design Guidelines would address matters such as design principles, site layout and building orientation, setbacks, site cover, built form and articulation, vehicle requirements, signage, fencing and landscaping.

Moratorium

At its meeting of 28 July 2020, Council imposed a “12-month moratorium on considering amendments to either the Shire’s Local Planning Strategy or District Planning Scheme No. 1” to ensure, in part, that the finalisation of the draft new Scheme was not impacted or delayed by amendments to the current Scheme.

Comment**Proposal**

The Kemerton Strategic Industrial Area (KSIA) is an estate of State significance for the provision of larger scale industrial projects and employment generating lands. DevelopmentWA owns significant portions of the KSIA, including the land zoned “Kemerton Ancillary Industry”, and originally worked with the Shire and the Department of Planning, Lands and Heritage to ensure that the KAI zone would not become a general industrial estate where any proponent could locate. Rather, the intent of the KAI zone was for development that had some form of synergies with, and a supporting role for, the development within the KSIA.

DevelopmentWA is in the process of assembling land and services to develop the KAI and has undertaken a review of the practicalities of any purchaser of the land being able to fulfil the development requirements of the Scheme. The wording of the Scheme provisions requires proponents to be able to demonstrate that the majority component of their business sources materials from the KSIA, provides finished products to the KSIA or provides services to the KSIA. Whilst the intention is that any purchaser of the land will have synergies with the KSIA, DevelopmentWA has identified the need for flexibility within the KAI to ensure support industries that establish will be capable of supporting the KAI as some point in time rather than needing to show an actual connection at any one point in time.

The Applicant has advised that it may be difficult for a purchaser to have confidence that they can meet the existing requirements at the time of development, and it may be difficult for the Shire to administer this requirement. The requirement is therefore considered impractical and is creating development investment uncertainty.

The proposed Amendment seeks to maintain the current intent that industries within the KAI have the potential to provide support services to the KSIA at the time of development or in the future without having to prove an actual existing synergy. The proposed Amendment would allow support industries such as transport, logistics or manufacturing to establish in the KAI and service the broader Shire area whilst the KSIA is still being developed. The actual existence of such support industries may assist in attracting development to the KSIA.

In addition to providing more flexibility, the proposed Amendment also seeks to remove existing listed land uses that are considered to not provide the potential synergies envisaged for the KAI and to include the ‘Service Station’ use. A ‘Service Station’ use within the KAI is considered to be an appropriate use that will support existing and future developments and workforce within the KSIA.

The KSIA Structure Plan requires the preparation of a Local Development Plan (LDP) for a proposal involving the creation of 3 or more lots. In lieu of an LDP, DevelopmentWA proposes the preparation of Design Guidelines which will still ensure development achieves certain standards. The proposed Design Guidelines aligns with DevelopmentWA’s approach to its other industrial estates and are considered a more flexible approach and provide a better development outcome. The Design Guidelines will be prepared separately and will require the Shire’s endorsement.

Moratorium

Officers consider that the 12-month moratorium is important to achieve finalisation of the draft new Scheme. Officers are aware that DevelopmentWA have been attempting to attract development to the KAI without success due to the restrictive wording of the Scheme provisions. Despite the moratorium, Officers consider it appropriate that Council considers the proposed

Amendment for the following reasons:

- The KSIA is a strategic industrial area of State significance;
- A number of potentially suitable proponents have considered establishing within the KAI but have not progressed due to the wording of the Scheme provisions;
- DevelopmentWA is an agency of the Crown and is actively pursuing further development of the KSIA; and
- The proposed amendments are minor and can be easily incorporated into the draft new Scheme.

Type of Amendment

Council is required to determine the type of Amendment as per the Planning and Development (Local Planning Schemes) Regulations 2015. Pursuant to Clause 34, it is considered the proposed Amendment is a 'standard amendment' as it is an amendment that:

“(e) would have minimal impact on land in the scheme area that is not the subject of the amendment;

“(f) does not result in any significant environmental, social, economic or governance impacts on land in the scheme area”

Conclusion

The proposed Amendment seeks to undertake minor text amendments relating to the KAI to ensure the permissible land uses are appropriate and to provide flexibility for developments that have potential synergies with, and can provide a supporting role for, the development within the KSIA.

Officers therefore recommend that Council temporarily lifts its 12-month moratorium for the subject Amendment only, and initiates the proposed Amendment.

Statutory/Policy Environment

Planning and Development Act 2005

- *Section 81 – Proposed scheme or amendment to be referred to Environmental Protection Authority (EPA):*

“When a local government resolves to prepare or adopt a local planning scheme, or an amendment to a local planning scheme, the local government is to forthwith refer the proposed local planning scheme or amendment to the EPA by giving to the EPA —

(a) written notice of that resolution; and

(b) such written information about the local planning scheme or amendment as is sufficient to enable the EPA to comply with section 48A of the EP Act in relation to the local planning scheme or amendment.”

Planning and Development (Local Planning Schemes) Regulations 2015

- *Clause 34 – Terms used*

“In this Part —

standard amendment means any of the following amendments to a local planning scheme —

- “(e) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;*
- (f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area”*

- *Clause 35 – Resolution to prepare or adopt amendment to local planning scheme*

“(1) A resolution of a local government to prepare or adopt an amendment to a local planning scheme must be in a form approved by the Commission.

(2) A resolution must —

- (a) specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment; and*
- (b) include an explanation of the reason for the local government forming that opinion.”*

- *Division 3 – Process for standard amendments to local planning scheme*
- *Clause 47 - Advertisement of standard amendment*

“(1) Subject to sections 81 and 82 of the Act, if a local government resolves under regulation 35(1) to prepare a standard amendment to a local planning scheme or to adopt a standard amendment to a local planning scheme proposed by the owner of land in the scheme area, the local government must, as soon as is reasonably practicable, prepare a notice in a form approved by the Commission giving details of —

- (a) the purpose of the amendment; and*
- (b) where the amendment may be inspected; and*
- (c) to whom and during what period submissions in respect of the amendment may be made.*

(2) On completion of the preparation of the notice, the local government must advertise the standard amendment to a local planning scheme as follows —

- (a) publish the notice in a newspaper circulating in the scheme area;*
- (b) display a copy of the notice in the offices of the local government for the period for making submissions set out in the notice;*
- (c) give a copy of the notice to each public authority that the local government considers is likely to be affected by the amendment;*
- (d) publish a copy of the notice and the amendment on the website of the local government;*
- (e) advertise the scheme as directed by the Commission and in any other way the local government considers appropriate.*

(3) The local government must ensure that the standard amendment to the local planning scheme is made available for inspection by the public during office hours at the office of the local government.

(4) The period for submissions set out in a notice must be not less than a period of 42 days commencing on the day on which the notice is published in a newspaper circulating in the scheme area.”

Local Government (Administration) Regulations 1996

- *Clause 10 – Revoking or changing decisions (Act s. 5.25(1)(e))*

*“(2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first mentioned decision must be made —
(a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
(b) in any other case, by an absolute majority.”*

Strategic Framework

The Shire’s Strategic Community Plan 2017 – 2027, states:

1.1.1 Review the Town Planning Scheme

Risk Management

The Risk Theme Profile identified as part of this report is **Failure to fulfil Compliance Requirements**. The Consequence could be **Financial**, **Reputational** or **Compliance** if legal documentation (the Scheme) is not updated to reflect changes. 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, resulting in **Low** risk being present.

Budget Implications

All costs incurred are recouped from the Applicant.

Voting Requirements

Absolute Majority Recommendation 1 of 2
Simple Majority Recommendation 2 of 2

Officer’s Recommendation (1 of 2)

That Council, pursuant to Clause 10(2) of the Local Government (Administration) Regulations 1996, changes its decision 20/179 of 28 July 2020 to temporarily lifts the 12-month moratorium for the sole purpose of considering Amendment No. 126 to District Planning Scheme No. 1 for the following reasons:

1. The Kemerton Strategic Industrial Area is a strategic industrial area of State significance;
2. A number of potentially suitable proponents have considered establishing within the “Kemerton Ancillary Industry” zone but have not progressed due to the wording of the Scheme provisions;
3. DevelopmentWA is an agency of the Crown and is actively pursuing further development of the Kemerton Strategic Industrial Area; and

By Absolute Majority

Officer's Recommendation (2 of 2)

That Council:

1. Determines that proposed Amendment No. 126 to District Planning Scheme No. 1 is a 'standard amendment' pursuant to Clause 34 of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:
 - a. The proposal is a text only amendment to amend and/or delete provisions relating to the existing Kemerton Ancillary Industry zone;
 - b. The proposal will have minimal impact on land in the scheme area that is not subject to the amendment; and
 - c. The proposal will not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
2. Pursuant to Clause 35 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to adopt Amendment No. 126 to District Planning Scheme No. 1 to:
 - a. Amend the 'Policy Statement' of Table 22 – Zoning and Development Standards – Kemerton Ancillary Industry to read as follows:

"Industry within this zone shall be a use which is likely to support and does not compromise the heavy industry in the Kemerton Strategic Industry zone and complies with Design Guidelines approved by DevelopmentWA and the Local Government."
 - b. Amend the 'Other Requirements' of Table 22 – Zoning and Development Standards – Kemerton Ancillary Industry to read as follows:

"The Local Government shall consult with the relevant State Government or other relevant organisations, when assessing development applications in the Kemerton Ancillary Industry zone, to ensure the proposal does not conflict with the strategic intentions for industry and infrastructure development within the Kemerton SIA."
 - c. Amend the 'Land Use Categories' of Table 22 – Zoning and Development Standards – Kemerton Ancillary Industry by deleting the following land uses:

Motor Vehicle Repair Station – AA;
Car Wash – AA;
Trade Display – IP; and
Extractive Industry – SA;
 - d. Amend the 'Land Use Categories' of Table 22 – Zoning and Development Standards – Kemerton Ancillary Industry by inserting the following land use:

Service Station – AA;
 - e. Amend the 'Development Standards' of Table 22 – Zoning and Development Standards – Kemerton Ancillary Industry by amending the:

'Minimum Lot area for Dwelling Unit' to "N/A"; and

'Minimum Landscaping' to "*Subject to Design Guidelines*"; and

- f. Amend Clause 4.8.2 of the Scheme text to read as follows:

"When considering development applications with respect to land wholly or partly within the Kermerton Strategic Industry zone, the Kermerton Industry Buffer zone or the Kermerton Ancillary Industry zone, the Local Government shall refer the proposal to the relevant State Government Agencies for comment to ensure the proposal does not conflict with the strategic intentions for industry and infrastructure development in the zone."

3. Refers proposed Amendment No. 126 to the Environmental Protection Authority in accordance with Section 81 of the *Planning and Development Act 2005*; and
4. Following receipt of comments from the Environmental Protection Authority, advertises proposed Amendment No. 126 in accordance with Clause 47 of the Planning and Development (Local Planning Schemes) Regulations 2015.

Item No.	5.3.2.
Subject:	Proposed Mixed Use Justice Initiative - 6043 Forrest Highway, Myalup
Proponent:	Shire of Harvey
Location:	Lot 1 (No. 6043) Forrest Highway, Myalup
Reporting Officer:	Senior Planning Officer
Authorising Officer:	Director Sustainable Development
File No.:	A005786
Attachments:	<ol style="list-style-type: none"> 1. Attachment 1 - Agenda Site Plan [5.3.2.1 - 1 page] 2. Attachment 2 - 17A Preliminary Comments [5.3.2.2 - 3 pages] 3. Attachment 3 - Applicant Development Application Report [5.3.2.3 - 36 pages] 4. Attachment 4 - Applicant Co- Design Summary [5.3.2.4 - 8 pages] 5. Attachment 5 - Applicant Participant Selection Information [5.3.2.5 - 11 pages] 6. Attachment 6 - Proposed Development Plans [5.3.2.6 - 16 pages] 7. Attachment 7 - Proposed Landscape Concept Plan [5.3.2.7 - 1 page] 8. Attachment 8 - Applicant Landscaping Plan [5.3.2.8 - 10 pages] 9. Attachment 9 - Applicant Bushfire Management Plan [5.3.2.9 - 49 pages] 10. Attachment 10 - Applicant Bushfire Evacuation Plan [5.3.2.10 - 61 pages] 11. Attachment 11 - Applicant Environmental Assessment Statement [5.3.2.11 - 6 pages] 12. Attachment 12 - Applicant Environmental Assessment [5.3.2.12 - 190 pages] 13. Attachment 13 - Applicant Wastewater Management Plan [5.3.2.13 - 3 pages] 14. Attachment 14 - Applicant Traffic Impact Statement [5.3.2.14 - 26 pages]

Summary

The State Government has introduced a temporary decision-making authority for significant projects in Western Australia as part of the COVID-19 Economic Recovery Plan. The Western Australian Planning Commission (WAPC) is now a decision-making authority for Significant Development proposals that meet key criteria in supporting the State's economic recovery. The State Development Assessment Unit (SDAU) is a supporting body that has been formed within the Department of Planning, Lands and Heritage to assist the WAPC by assessing the development proposals and making recommendations to the WAPC.

The application submitted by FISH (Foundation for Indigenous Sustainable Health) is a Mixed-Use Justice Initiative that proposes agricultural activities, manufacturing, indigenous tourism, café/restaurant, specialty shop, participant and staff accommodation, associated amenities and car parking proposed to be co-located with the existing Settler's Roadhouse operated by Puma. As part of the WAPC's stakeholder consultation process, the Shire is invited to provide information, comments and recommended conditions for the proposal by 24 February 2021. This report contains the outcomes of the Officers assessment and summaries planning considerations within the local planning framework, giving due regard to the purpose and intent of District Planning Scheme No. 1. The Officer Recommendation is for Council to advise the WAPC of the Planning Considerations presented in Table 1.

Background

Site description

Lot 1 (No. 6043) Forrest Highway is zoned “Special Use - Service Station” under the Shire’s District Planning Scheme No. 1 (the Scheme) and is located within Myalup. The site is an irregular shape with an area of 12.336 ha and has frontage to Forrest Highway and the unconstructed road reserve of Downes Road on the northern boundary (refer **Attachment 1**).

Site History

The site is currently occupied by a roadhouse (approx. 1.8 ha) on the western boundary fronting Forrest Highway. The remaining 10.5 ha area of vacant land contains a caretaker dwelling, machinery shed and a dilapidated house. There is a cluster of remnant vegetation central to the site, and a single line of trees inside the eastern perimeter. Historically, the property was being used as a market garden around the service station.

Project Development

Officers have worked with the Applicant over a period of time during 2019-2020 with respect to the proposed facility being proposed within the Shire. Officers are supportive of the FISH initiative being located within the Shire, however, have maintained a consistent approach that there would be more appropriately zoned and located sites for the purpose of this facility. On 30 September 2020, the Shire received a request for Preliminary High-level comments in relation to an SDAU Application 17A (Pre-lodgement Request) for this application. Officers provided the WAPC with advice (refer **Attachment 2**). Following this submission process, the SDAU held a Development Assessment Forum at the Shire of Harvey Administration Centre with members of the SDAU committee, Main Roads WA, the Applicant and Shire representatives all present. This meeting was to discuss the main issues raised in the preliminary application for the Applicant to be able to address any issues prior to the application formally being lodged under 17B – Significant Development Applications.

Proposal

The application submitted by FISH is a Mixed-Use Justice Initiative that proposes mixed agriculture, manufacturing, indigenous tourism, café, restaurant, specialty shop, participant and staff accommodation, associated amenities and car parking proposed to be co-located with the existing Settler’s Roadhouse operated by Puma. The application is supported by a number of documents which include the following:

- Applicant Development Application Report (refer **Attachment 3**);
- Applicant Co-Design Summary (refer **Attachment 4**);
- Applicant Participant Selection Information (refer **Attachment 5**);
- Proposed Development Plans (refer **Attachment 6**);
- Proposed Landscape Concept Plan (refer **Attachment 7**);
- Applicant Landscaping Plan (refer **Attachment 8**);
- Applicant Bushfire Management Plan (refer **Attachment 9**);
- Applicant Bushfire Evacuation Plan (refer **Attachment 10**);
- Applicant Environmental Assessment Statement (refer **Attachment 11**);
- Applicant Environmental Assessment (refer **Attachment 12**);
- Applicant Wastewater Management Plan (refer **Attachment 13**); and
- Applicant Traffic Impact Statement (refer **Attachment 14**).

Comment

Planning Considerations

Officers have considered the application in respect to the Scheme requirements and the matters set out in clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions). The following table is a summary of the relevant planning considerations that Officers believe to be applicable to this development that is proposed to be provided to the WAPC in Table format along with the recommended conditions if the WAPC decide to approve the application.

Table 1 Planning Considerations

Planning Considerations	Shire Comments
Shire of Harvey Local Planning Strategy 2020 (LPS)	Lot 1 is identified as a 'Commercial' land use in the LPS to reflect the existing nature of the current "Special Use - Service Station" zoning in the Scheme. Further consideration of the site is required to ensure land use compatibility between the 'priority agricultural' land and the service station site prior to re-zoning the lot, or portion thereof for other uses.
District Planning Scheme No. 1	<p>Zoning: 'Service Station' Table 37 – Zoning and Development Standards Policy Statement: <i>It is Local government policy to encourage service stations to be developed in association with other commercial and industrial uses. Where this is not the case specific zoning will be required because of the traffic nuisance pertaining to particular sites.</i></p> <ul style="list-style-type: none"> • The proposed mixed-use site is not consistent with the Scheme zone, which is a Special Use site for service station and ancillary uses. • The Shire has recommended that the site is subdivided to isolate the Service Station component and propose a re-zoning of the remaining land to provide for a suitable interface between the service station and the surrounding agricultural land. <p>Table 37 - Development Standards:</p> <ul style="list-style-type: none"> • The proposal would comply with all the development standards required by the Scheme.
Greater Bunbury Region Scheme (GBRS)	<p>Zoning: 12. Purpose of Zones (e) Rural <i>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.</i></p> <p>The Priority Agricultural Land Policy 2017 identifies the lot as 'Priority Agricultural Land Area' and as such:</p> <ul style="list-style-type: none"> • The agricultural components proposed on site are generally in accordance with the purpose and objectives of the GBRS. • Policy Statement 5.5 which outlines appropriate land

	<p>uses within the priority area that do not prejudice current or potential agricultural activities and levels of production, does not refer to any of the individual components included in the 'mixed-use' portion of this application.</p> <ul style="list-style-type: none"> • The proposal includes the establishment of sensitive land uses, such as accommodation, counselling, training and tourist facilities. • No land capability assessment has been provided for assessment.
Proposed Land Uses	<p>The application consists of a 'Mixed-use' facility including horticultural greenhouses, aquaculture dams, aquaponics sheds, building construction manufacturing plant, indigenous cuisine café/ restaurant, specialty shop, transitional Men and Womens' accommodation, cultural facilities, education and training facilities, health consultation rooms, administrative buildings, staff accommodation, nature playground, recreational facilities, and associated car parking.</p> <ul style="list-style-type: none"> • No technical reports detailing the impact of the land use compatibility has been submitted. • The proposal does not fit within a defined land use category and should be assessed on its merits with supporting evidence to demonstrate that potential impacts are manageable.
Existing Land Use	<p>Settlers Roadhouse</p> <ul style="list-style-type: none"> • A sensitive land use assessment, including noise, odour and dust should be submitted to demonstrate that sensitive land uses are appropriate on-site in co-location with the roadhouse and within the transport corridor. • Management Plans should be put in place to mitigate any impacts on residents and participants on-site. • Details of physical boundaries between the roadhouse and the facility have not been addressed. • Shared facilities are proposed for car parking and access. • A Risk Management plan should be prepared and implemented.
Justice System	<p>The Participants & Selection Process Report (refer Attachment 5) outlines the eligibility and entry pathway criteria for entering the Residential Program.</p> <p>The categories are: Diversion – Alternative sentence to prison incarceration. Community Service Orders - Fulfilling community service hours in activities and accommodation on site. Day Release – minimal security prisoners from Karnet Prison or Bunbury Regional Prison, who are offered residential placements upon release.</p>

	<p>Released or on Parole – Upon invite after completing a sentence, before moving back into the community.</p> <ul style="list-style-type: none"> • The Myalup Karla Waanginy program presented in the diagram on page 7 of Attachment 5 outlines a shared responsibility approach for individuals who are committed to healing before re-entering society. • The initiative is a prototype model that is unprecedented in assessment from a local government perspective, and therefore is difficult to assess against the Shire's Risk Management Procedures. • Further details are needed to ensure that the Shire is able to provide assurance to the community, that on and off-site risks are appropriately managed.
Community Impact:	<ul style="list-style-type: none"> • Tourism: The relationship between the Outdoor Tourist Area and the areas for program participants in transitional housing is not clearly defined in the report. The safety and comfort of both participants and visitors alike needs to be addressed. • Amenity: The Female accommodation units for participants are located approximately 30m from the outdoor tourist area with no physical barrier between to demarcate the boundary, management of safety and privacy for residents is not detailed. The same matter is also present between the rear of the service station being located 15m from the nearest Female accommodation building, which is also a sensitive land use receptor. • Public Proximity: Officers have expressed concern that Lot 1 is zoned 'service station' and located on Forrest Highway, approximately 8km from the townsite of Myalup and 15km from the townsite of Harvey. No security measures have been detailed in the report. • Security: Officers' have expressed concerns for the lack of clarification around the security status of the site, as it is proposed to be integrated with a commercial premise, being the existing service station/roadhouse. No details are provided in the report to address this matter.
Environmental Considerations	<p>The following considerations are identified as requiring additional consideration prior to assessment:</p> <ul style="list-style-type: none"> • Conclusions and Recommendations of the Environmental Assessment Report (refer Attachment 12) refer to the reclassification of the site

	<p>as Contaminated – Restricted Use or Remediated for restricted use. Without the Department of Water and Environmental Regulation's Contamination Branch comments, it is unclear if the classification will be localised to the cadastral boundary of the site or the Roadhouse only.</p> <ul style="list-style-type: none"> • Land Capability Assessment – No assessment has been provided to address the expansion of agricultural activities. • Mosquito Breeding Grounds - the introduction of aquaponics/ aquaculture activities on-site proposes a risk for creating breeding environments, which will require a Management Plan to be implemented.
Native Vegetation	<p>The road verge contains native Tuarts in the corridor that would form part of the Tuart Woodlands and Forests of the Swan Coastal Plain Threatened Ecological Community (Tuart TEC). Removal of, or impacts to, the Tuarts TEC resulting from the construction of the on and off ramps may trigger a referral to the Commonwealth Department of Agriculture, Water and the Environment under the <i>Environmental Protection Biodiversity Conservation Act 1999</i>.</p>
Vehicle Access	<ul style="list-style-type: none"> • The site is located within a strategic freight corridor under SPP 5.4 Road and Rail Nose. • The Shire and Main Roads WA have expressed concerns during the Preliminary Application process regarding the existing access to be shared with the Roadhouse. • Significant upgrades should form part of this application in accordance with Main Roads requirements, which is consistent with all major re-developments and new proposals on Forrest Highway.

Statutory/Policy Environment

- Planning and Development Act 2005

Part 17 — Special provisions for COVID-19 pandemic relating to development applications

275. Application of legal instruments and matters to which Commission must have due regard

(6) In considering and determining the development application, the Commission must have due regard to —

(a) the purpose and intent of any planning scheme that has effect in the locality to which the development application relates; and

(b) the need to ensure the orderly and proper planning, and the preservation of amenity, of that locality; and

(c) the need to facilitate development in response to the economic effects of the COVID-

19 pandemic; and

(d) any relevant State planning policies and any other relevant policies of the Commission.

- State Planning Policy 2.5 - Rural Planning
Part 5 Policy Measures
- Greater Bunbury Region Scheme:
The property is zoned 'Rural' under the GBRS and is abutting a 'Primary Regional Road' reserve.

A Resolution under clause 27 was made on 9 May 2014 requiring development, which is on land zoned under the GBRS, and which is of a kind or class set out in Schedule 1 to be approved by the WAPC.

Schedule 1 – Development on zoned land requiring approval.

6. Development in the Strategic Agricultural Resource Policy Area

Development in, adjacent to or in close proximity to the strategic agricultural resource policy area which, in the opinion of the WAPC or the local government, would potentially be incompatible with agricultural activities in the policy area or would be adversely affected by, or would adversely affect, those activities, including but not limited to bed and breakfast, caravan park, club premises, corrective institution, educational establishment, exhibition centre and park home park.

- Priority Agricultural Land Policy 2017

Local Planning Framework:

- Shire of Harvey Local Planning Strategy (2020):

As Lot 1 is entirely zoned for Service Station, the property is shown as 'Commercial' under the LPS, consistent with all other service stations within the Shire.

- District Planning Scheme No. 1:

The property is zoned 'Special Use – Service Station'.

Table – 37 Zoning and Development Standards sets out the permissible Land Use Categories and Development Standards.

Strategic Framework

The Shire's Strategic Community Plan 2017-2027, states:

Objective 1: To be a diverse and innovative economy supporting a range of local employment opportunities.

Outcome 1.3: A range of employment, education and training opportunities that will attract a diverse workforce.

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

- *Minimise land use conflict;*
- *Protect valuable agricultural land for food production;*

- *Allow for a diverse range of agricultural, horticultural, viticultural and aquaculture pursuits;*
- *Provide an awareness of the potential adverse impact of traditional uses on new industries;*
- *Ensure the use of valuable irrigated land reflects the key principle of sustainable development; and*
- *Protect significant vegetation, where possible*

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

Risk Management

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

Budget Implications

Nil.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Advises the Western Australian Planning Commission of its comments in response to the invitation for comments and conditions in relation to SDAU-014-20 for a Multi-Use Justice Initiative at Lot 1 (No. 6043) Forrest Highway, Myalup, as per the Table presented in Table 1 Planning Considerations of this Agenda Report.
2. Recommends that if the Western Australian Planning Commission determine to approve application SDAU-014-200, that the following conditions are included:
 - a) The development plans, as presented in **Attachment 6** and accompanying documentation, together with any requirements and annotations detailed thereon, are the plans approved as part of this application and shall form part of the development approval issued.
 - b) Prior to the commencement of any works the proponent shall prepare and implement a Construction Management Plan to the satisfaction of the WAPC, that;
 - a. minimises the impact of the approved development on the amenity of the locality due to the transportation of materials to and from the site;
 - b. ensures the use of buildings, works and materials on the site do not generate unreasonable levels of noise, vibration, dust, drainage, wastewater, waste products or reflected light;
 - c. details the management applicable to construction traffic movement, occupational health and safety, signage, dust management and environmental

management in relation to the approved development;
 d. manages weed and pest nuisances on the site and in the locality;
 e. incorporates the suggested management measures from any Management Plans approved as part of this approval.

- c) With the building permit application, a landscaping plan must be submitted for the approval of the WAPC. The landscape plan must address the following:
 - A site plan of existing and proposed development with natural and finished ground levels.
 - The location, species and size of existing vegetation and vegetation to be removed.
 - Exact species, location and number of proposed plants.
 - A key or legend detailing proposed species type grouped under the subheadings of tree, shrub and ground cover.
 - Mulching or similar treatments of garden beds including edges.
 - Details of reticulation of landscaped areas including the source of the water supply and proposed responsibility for maintenance.
 - Treatment of paved areas (parking and pedestrian areas).
 - Screening of car parking areas.
 - Fence material, height and treatment.
- d) Before the development commences, investigation for soil and groundwater contamination must be carried out in accordance with the Department of Water and Environmental Regulation's Contaminated Sites Management Series guidelines. Any remediation, including validation of remediation, of any contamination identified must be completed to the satisfaction of the WAPC on advice from the Department of Water and Environmental Regulation to ensure the site is suitable for the proposed use.
- e) At all times, provision must be made onsite for the storage and collection of garbage and other solid waste. A waste storage and collection area must be graded, drained and screened from public view, and the garbage collected regularly, to the satisfaction of the WAPC.
- f) Before the development is occupied, the access way(s), car parking and turning area(s) shall be constructed in accordance with the development approval.
- g) Before the development commences, a Traffic Management Plan prepared in accordance with Main Roads Western Australia's Code of Practice must be submitted for approval by Main Roads WA.
- h) Prior to the commencement of any works a Transport Statement shall be prepared and submitted for approval to the WAPC setting out in detail the management commitments applicable to traffic relevant to all installations, activities and processes. The Transport Statement is to detail measures that would be implemented to minimise traffic safety issues and disruption to local users of the transport route/s during construction and operation.
- i) Reticulated sewerage is not available to the subject site. An onsite apparatus for the treatment of sewage and the disposal of effluent and liquid waste within the boundaries of the site will therefore be required in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.

- j) Prior to commencement of the development a Weed Management Plan shall be prepared in accordance with the Biosecurity and Agriculture Management Act 2007 in consultation with the Department of Primary Industries and Regional Development.
- k) Prior to commencement of the development, a Stormwater and Drainage Management Plan, must be prepared in accordance with the Decision process for stormwater management in WA (DWER 2017) and the Stormwater Management Manual for Western Australia (DoW 2004–2007) and in consultation with DWER and implemented. The plan shall determine the drainage infrastructure required to support the development and as a minimum it must address:
- How storm events and overland flow path for larger events are to be managed;
 - Potential effect on groundwater levels and quality;
 - Protection of adjacent / nearby waterways and wetlands;
 - Confirmation of water use requirements (including volume) and how the water will be sourced to support the proposal (e.g. such as for cleaning purposes) and the method of disposal; and
 - Conclusions / Recommendations.

5.4. Corporate Services

Item No.	5.4.1.
Subject:	Financial Statements as at 31 December 2020
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Finance
Authorising Officer:	Director Corporate Services
File No.:	FM/S/006
Attachments:	1. Dec 2020 Agenda [5.4.1.1 - 88 pages]

Summary

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

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

	ACTUAL 31 December 2020	BUDGET 2020 - 2021	VARIANCE
Statement of Financial Performance			
Ordinary Revenue	\$36,002,523	\$43,575,228	\$7,572,705
Ordinary Expenditure	\$21,302,141	\$50,057,783	\$28,755,642
Capital Revenue	\$1,244,003	\$8,809,126	\$7,565,123
Capital Expenditure	\$2,361,742	\$14,004,898	\$11,643,156
End of Period Profit / (Loss)	\$19,780,432		
Statement of Financial Position			
Current Assets	\$53,996,506		
Net Assets	\$561,905,434		

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 2020, with the due date of rates being 25 September 2020. Over 74% of rates were paid by the due date, compared to prior years of around 69%. 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 ratepayers.

Cash Flow and Interest Earnings

The Shire holds by way of cash and term deposit \$13.9 million in Municipal Funds, \$6.25 million in Trust Funds and \$28 million in Reserve Funds. The average interest rate on these funds is

0.95%. New term deposits are attracting a very low interest rate for 90 days of approximately 0.35%.

Operating Grants and Subsidies

71% of the 2020 - 2021 Financial Assistance Grants has been received with \$2.4 million included in General Revenue.

Employee Costs

The financial statements reflect the first six 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 six 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 are underway and have commenced in several areas including road and footpath projects as well as building works and recreation works. Expenditure totalling approximately \$2.4 million for these works has been reported at the end of December. 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
- Detailed Quarterly Accounts

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

The Shire's Strategic Community Plan 2017 – 2027, states:

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

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The Consequence could be **Financial, Reputational** or **Compliance** if 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 Requirements

Simple Majority.

Officer's Recommendation

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

Item No.	5.4.2.
Subject:	Listing of Accounts Paid - December 2020
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Finance
Authorising Officer:	Director Corporate Services
File No.:	FM/S/006
Attachments:	1. All payments Dec 2020 [5.4.2.1 - 16 pages]

Summary

Presented by way of attachment is a listing of payments for goods and services for December 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 December 2020 is presented as an attachment to this report, as summarised below.

<u>Voucher</u>	<u>Amount</u>
Schedule of Accounts	
Trust EFT 52902, 52903 & 53046	\$372,493.92
Municipal EFT 52829 - EFT 53288	\$2,924,057.87
117123 - 117145	\$86,645.99
DD21634.1 - DD21723.18	\$140,012.93
CBA Credit Cards	\$5,321.95
Electronic Funds Submitted	\$1,428,834.40
Total	<u>\$4,957,367.06</u>

Statutory/Policy Environment

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

Strategic Framework

The Shire's Strategic Community Plan 2017 – 2027, states:

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

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. 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 Requirements

Simple Majority.

Officer's Recommendation

That Council notes the above list of accounts paid for the period of December 2020 totalling \$4,957,367.06.

5.5. Community and Lifestyle

Item No.	5.5.1.
Subject:	Brunswick Recreation Ground Master Plan Consultation
Proponent:	Shire of Harvey
Location:	Brunswick
Reporting Officer:	Director Community and Lifestyle
Authorising Officer:	Chief Executive Officer
File No.:	CC/L/002
Attachments:	1. Attachments Combined [5.5.1.1 - 60 pages]

Summary

A Brunswick Recreation Ground Master Plan aims to be a dynamic long term planning document that considers the connection between buildings, social settings and the surrounding environment that coordinates future investment.

Community input is a vital first step to develop a vision for the future of the Brunswick Recreation Ground. All feedback provided during the consultation period is captured in the Brunswick Recreation Ground Master Plan Community Consultation Report (refer **Attachment 1**).

This report recommends that Council receive the draft Consultation Report and endorse the opportunity for community to provide final comment that will guide the development of a master plan.

Background

The Shire of Harvey continues to receive requests from community to consider facility and infrastructure upgrades at the Brunswick Recreation Ground (BRG) which has been a driver to conduct and complete a master plan of the site.

Through the Brunswick Place Advisory Group, the Shire sought input from community to inform the current and future needs of the BRG. A diligent consultation process was conducted to determine the priorities for this site and to make recommendations to Council to plan and progress in the coming financial years as outlined in **Attachment 1**.

The Consultation Report outlines a number of improvements to the site from removal of small or minor works through to major capital investments.

This report seeks Council endorsement to advertise the Brunswick Recreation Ground Master Plan Consultation Report for a period of two weeks to seek final community input, after which time the report will be provided to the externally appointed consultants in order to guide development of a master plan for the BRG. It is anticipated a final Brunswick Recreation Ground Master Plan will be provided to Council for consideration at the Ordinary Council Meeting scheduled for April.

Comment

Pages 32 - 41 of the consultation report provides eight capital investment recommendations. These include:

Lighting

A lighting audit provided in November 2020 concluded that the oval lighting installed in 1998 has reached its end of useful life. Since this time there has been a significant shift in Australia

Standards and technology. The current status of the lighting at the BRG is insufficient to meet current and future needs and is proposing a risk to users of the site due to irregular maintenance schedules. The report includes an opinion of probable costs of \$600,000 for the areas directly related to the main playing field. Further costs would be incurred for lighting provisions to the remainder of the BRG site as requested through consultation.

Specific works recommended to be undertaken include:

- Upgrades to electricity supply and distribution for Show Day and for the playing fields that are consistent with sports lighting recommendations;
- Installation of Australian Standard lighting across the BRG site to include night provisions; and
- Maintenance and whole of life cost scheduling of lighting to be included in the asset register.

Parking, fencing and entry points

The Shire has budgeted funds this financial year to complete the works required for fencing and partial funds allocated to complete parking recommendations. This action has been awaiting the outcomes of this report. Through the consultation process it was determined that:

- Additional onsite parking is required near the Presidents Room and behind and near the vicinity of the HBLFC;
- Installation of two bus embayments at George Ave and Clifton Road;
- Entry points to be paved with bitumen that link to all gates and roadways and provide for disability and mobility access; and
- Continuation of the proposed garrison fencing that links all entrance points.

Tennis Club

- Upgrade and extension required to courts; and
- Upgrade required to club facility in relationship to courts.

Entry Statement

Consultation results recommend:

- An entry statement project is undertaken that includes a mural acknowledging the strong legacies in Brunswick at this site of community significance;
- Remove the toilet block situated at the entrance statement and provide upgrade public ablutions at an approved location; and
- Include appropriate signage and gates.

Amphitheatre

Event activation was prevalent through the duration of the consultation period with a strong desire from community for greater activation of community and larger iconic events to be hosted at the BRG. The following have been put forward by community:

- Installation of an amphitheatre at Peters Park with the planting of additional trees strategically located to support dual use on Show Day;
- Lighting to support the function of this new addition; and
- A Marketing and Events Strategy be developed to assist in future success of events at Brunswick.

Presidents Room

The current Presidents Room is in need of renewal and to be fit for purpose. The consultation process determined that this facility is well used as an event and meeting space and that it could be repurposed. The following are the suggested solutions derived from the consultation:

- Repurpose the Presidents Room to a storage and administration space on game day and for use by community groups throughout the year; and
- Relocate a purpose built Presidents Room in a suitable location that is fit for conferences, meetings and events. It is suggested this new facility could have a 360 view of the Brunswick Recreation Ground.

Pump Track and Playground

After much discussion the playground and skate park options discussed for this site included the following recommendations:

- Relocate the skatepark but maintain on site at the BRG;
- Redesign the skatepark into a functional pump track;
- Provide shade and seating options and a water fountain;
- Include the options for trampolines and a ping pong table; and
- Provide a ninja style playground for community use.

Horse stalls

- The Brunswick Agricultural Society has provided options for new yards in the South West corner that compliment all other user groups requests for space and utilisation at this specific location. The designs have been based on findings from the Dardanup Equestrian Centre with further discussion still required on the exact location and number of yards required. Further considerations need to include water access and a possible wash bay.

Statutory/Policy Environment

Nil

Strategic Framework

The Shire's Strategic Community Plan 2017 – 2027, states:

Outcome Services, infrastructure and facilities continue to meet community needs.
3.4

Strategy Continue to maintain and enhance the recreation centres to service a wide
3.4.6 *range of the community.*

Action Develop Master Plan for Brunswick Recreation Ground
3.4.6.5

Risk Management

The Risk Theme Profile identified in relation to this item is **Providing Inaccurate Advice / Information and Inadequate Engagement practices**. The Consequence could be **Reputational** if the quality of information captured impacts on decision making. The Risk is mitigated by the Officer Recommendation for the Shire to seek a final opportunity for community consultation. The Risk Consequence is considered to be **Moderate** (3) and the Likelihood **Unlikely** (2) resulting in a **Moderate** (6) level of risk.

Budget Implications

The findings from this consultation will inform the development of a master plan. It is anticipated the master plan will provide best estimates to inform the Long Term Financial Plan that includes life cycle costings for improvements required at the Brunswick Recreation Ground.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Receives the draft Brunswick Recreation Ground Consultation Report; and
2. Endorses the draft Brunswick Recreation Ground Consultation Report be advertised for final comment to inform a final master plan that will be presented to Council in due course.

Item No.	5.5.2.
Subject:	Management of Harvey Internment Camp Shrine
Proponent:	Shire of Harvey
Location:	Harvey
Reporting Officer:	Director Community and Lifestyle
Authorising Officer:	Chief Executive Officer
File No.:	CC/L/002
Attachments:	1. Memorandum of Understanding [5.5.2.1 - 3 pages]

Summary

The report outlines a proposed Memorandum of Understanding (MOU) for the Shire of Harvey and the Harvey District Tourist Bureau trading as Harvey Visitor Centre, on the management of the Harvey Internment Camp Shrine and recommends that Council approves the MOU until the end of financial year and subject to funding, beginning 23 February 2021.

Background

Lot 294 on Reserve R41302, James Stirling Place, Harvey is land and buildings owned by the Shire of Harvey. On the land is a built complex known as the Harvey Internment Camp Shrine, that incorporates land, building and associated out-houses and structures.

Comment

The key objectives and principles outlined in the MOU state:

- (a) The parties to this MOU acknowledge that the Shire of the Harvey maintains ownership of the land, building and associated out-houses and structures.
- (b) The parties of this MOU acknowledge that the Shire of Harvey, maintains all insurances covering the land, building and associated out-houses and structures including liability.
- (c) The parties of this MOU acknowledge that the Shire of Harvey is to maintain the Shire's Asset Inventory that includes long term financial planning and major capital improvements to the facility.
- (d) The parties of this MOU acknowledge that the Harvey District Tourist Bureau is to manage access to the Shrine and charge a nominal fee.
- (e) The parties of this MOU acknowledge that the Harvey District Tourist Bureau is to report any maintenance and cleaning requirements of the Shrine to the Shire.
- (f) The parties of this MOU acknowledge the Harvey District Tourist Bureau is to liaise with existing stakeholders to add to, change and improve the Shrine to increase its appeal as a tourism asset.
- (g) The parties of this MOU acknowledge that the Harvey District Tourist Bureau undertakes all maintenance covering the land, building and associated out-houses and structures, including cleaning.

It is intended to review the operation of this understanding between the Shire and the Harvey District Tourist Bureau not later than three months prior to the expiration of the term. At the end of the financial year, the terms of the MOU will be reviewed and if no conflicting matters have arisen from the management relationship between the Shire and Harvey District Tourist Bureau, the MOU will be renewed for a further five years.

The processes outlined above have been achieved through collaborative decision making with interested parties and who provided their full support for achieving success through these mechanisms.

Statutory/Policy Environment

Nil.

Strategic Framework

The Shire's Strategic Community Plan 2017 – 2027, states:

- 1.2.1 *Support local tourism organisations including the Harvey Visitors Centre and the Australind Information Service to achieve a co-ordinated approach to Tourism.*
- 1.2.10 *Maintain a range of high quality facilities to encourage tourist and resident visitation.*

Risk Management

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

Budget Implications

Shire budget \$6,000.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council endorses the Memorandum of Understanding between the Shire of Harvey and the Harvey District Tourist Bureau described in this report, until the end of financial year beginning 23 February 2021.

6. Notice of Motion for Following Meeting

Cr. Gillett requested that the following Notice of Motion be placed in the Ordinary Council Meeting Agenda for 23 February 2020.

“That Council authorises a donation of \$5,000 from the Presentations and Donations budget to the Lord Mayors Distress Relief Fund, as a contribution to the Wooroloo and Hills Bushfire 2021.”

Officer Comment

In 2019-2020 the Shire made a similar donation of \$5,000 to the Australian Red Cross Disaster Relief and Recovery Fund relating to the Eastern States fires. From the Shire’s experience through the Waroona-Yarloop fires, it is considered the Lord Mayors Disaster Relief Fund is the most appropriate avenue for such a contribution.

The Shire’s Presentations and Donations accounts has a budget of \$10,000 with \$5,000 remaining unspent.

7. Matters Behind Closed Doors

Nil

8. Closure of Meeting