



SHIRE OF
HARVEY



Ordinary Council Meeting **Agenda**

Australind Council Chamber

Tuesday, 19 January 2021

4pm

Shire of Harvey
Ordinary Council Meeting

Dear Councillor,

Notice is hereby given that the next meeting of the Harvey Shire Council will be held in the Australind Council Chamber, Mulgara Street, Australind, on Tuesday, 19 January 2021 commencing at 4pm.

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

Yours faithfully,


Annie Riordan
Chief Executive Officer

15 January 2021

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1. Official Opening**Disclaimer**

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

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

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

Acknowledgement of Country

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

2. Record of Apologies and Leave of Absence**3. Applications for Leave of Absence****4. Reading from a Book of Learning and Wisdom**

Read by Cr. Carbone

5. Declarations of Members' and Officers' Personal Interest**6. Response to Previous Questions Taken on Notice****7. Public Question Time****8. Petitions/Deputations/Presentations****9. Announcements by Presiding Members or CEO Without Discussion**

10. Confirmation of Minutes

Ordinary Council Meeting - 15 December 2020

Recommendation

That the Minutes of the Council Meeting held on Tuesday, 15 December 2020 as printed be confirmed as a true and correct record.

11. Receipt of Minutes and Recommendations from Committees

12. Officer's Reports

12.1 Chief Executive Officer

Item No.	12.1.1.
Subject:	Local Government Ordinary Election 2021
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Governance and Strategy
Authorising Officer:	Chief Executive Officer
File No.:	
Attachments:	1. Attachment 1 - WA Electoral Commissioner proposal [12.1.1.1 - 2 pages]

Summary

The next Local Government Ordinary Election for the Shire of Harvey is due to be held on Saturday, 16 October 2021.

Correspondence has been received from the WA Electoral Commission (WAEC) advising of the Electoral Commissioner's agreement for the Shire to conduct a Postal Voting election in 2021 as well as having the Electoral Commissioner be responsible for conducting the election (refer **Attachment 1**). This approval is required by Council to seek the Electoral Commissioner to conduct a Postal Voting election on behalf of Council.

This report recommends that Council request the Electoral Commissioner to be responsible for the conduct of the Ordinary Election for the Shire of Harvey and that the Election be conducted by Post.

Background

Council has previously conducted Postal Voting elections through the WA Electoral Commission with the last resolutions pertaining to this matter being made on Tuesday, 22 January 2019 as follows:

Officer's Recommendation 1 of 2

That Council having received the Western Australian Electoral Commissioner's written agreement:

- 1. Declares in accordance with Section 4.20(4) of the Local Government Act 1995 the Electoral Commissioner to be responsible for the conduct of the Ordinary Election for the Shire of Harvey due to be held on Saturday, 19th October 2019.*

Officer's Recommendation 2 of 2

- 1. Declares in accordance with Section 4.61(2) of the Local Government Act 1995 that the method of conducting the Shire of Harvey Ordinary Election due to be held on Saturday, 19th October 2019 will be as a postal election.*

Council, having obtained the Electoral Commissioner's agreement by virtue of the letter (refer **Attachment 1**), if desiring to utilise this method of conducting the 2021 election, is required to again make two motions by absolute majority a minimum of 80 days prior to the election. These motions are not subject to a subsequent rescission motion.

Comment

Council has previously utilised the services of the WAEC to conduct elections mainly for the reason of impartiality perception, notwithstanding that the cost for the WAEC to undertake elections by post is greater than if done in house. The continuation of this position is supported to ensure transparent and accountable government.

Statutory/Policy Environment

Section 4.20(4) of the *Local Government Act 1995* states –

(4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.

** Absolute majority required.*

Section 4.61(2) of the *Local Government Act 1995* states –

(2) The local government may decide* to conduct the election as a postal election.

** Absolute majority required.*

Strategic Framework

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

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

4.2.3 *Investigate 'smart' technologies to improve service provision.*

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The consequence could be **Reputational or Compliance** if incorrect information or action is taken during the election period. The risk is considered **Minor** and the likelihood **Unlikely**, given that the WAEC will conduct a majority of the election process. This results in a **Low** risk being present.

Budget Implications

The estimated cost for the 2021 election conducted as a postal ballot with WAEC is \$85,000 inc GST, which has been based on the following assumptions:

- 19,500 electors
- Response rate of approximately 32%
- 6 Vacancies
- Count to be conducted at the offices of the Shire of Harvey
- The appointment of a local Returning Officer
- Regular Australia Post delivery service to apply for the lodgement of election packages.

Although the WAEC have estimated the quote to be \$90,000, internal advice has estimated the cost for the election to be \$85,000. This is based on previous years where the actual cost has consistently been 10-15% less than quoted.

An additional cost of \$3,900 will be incurred if Council decides to opt for the Australia Post Priority Service for the lodgement of election packages. Australia Post currently cannot guarantee Priority Post Service because of the COVID-19 pandemic, but this could change later in the year.

Voting Requirements

Absolute Majority.

Officer's Recommendation

That Council:

1. In accordance with section 4.20(4) of the *Local Government Act 1995*, declares the Electoral Commissioner to be responsible for the conduct of the 2021 ordinary elections together with any other election or polls which may be required; and
2. Declares, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.

By Absolute Majority

12.2 Infrastructure Services

Nil.

12.3 Sustainable Development

Item No.	12.3.1.
Subject:	Development Application - Use Not Listed - Caravan Storage and Repair
Proponent:	Shire of Harvey
Location:	Lot 41 (5) Ditchingham Place, Australind
Reporting Officer:	Planning Officer (AR)
Authorising Officer:	Director of Sustainable Development
File No.:	A7296
Attachments:	<ol style="list-style-type: none"> Attachment 1 - Development Application [12.3.1.1 - 3 pages] Attachment 2 - Site Plan [12.3.1.2 - 1 page]

Summary

An Application for Development Approval has been received for a “Use Not Listed” (Caravan Storage & Maintenance) on Lot 41 (5) Ditchingham Place, Australind (refer **Attachment 1**). The application is referred to Council as Officers do not have delegation to determine that a “Use Not Listed” may be consistent with the purpose and objectives of the “Light and Service” Industry zone.

The Applicant has applied for Caravan Storage & Maintenance, the maintenance portion of the development application is permitted under the Shire of Harvey’s District Planning Scheme No.1 (the Scheme) through the ‘Motor Vehicle Repair Station’ use which is listed as a ‘P’ use under the “Light and Service Industry” zoning and development standards (Table 16 of the Scheme), however, as individual components of an applicant cannot be determined separately it remains part of this report to Council.

It is recommended that Council determines the proposed “Use Not Listed” may be consistent with the objectives of the zone and approves subject to appropriate conditions.

Background

Site Description

Lot 41 (5) Ditchingham Place, Australind is zoned “Light and Service Industry” under the Shire’s District Planning Scheme No.1 and is located within the Australind Light Industrial Area. The site is of regular shape with an area of 4250m² (refer **Attachment 2**).

The property consists of three main structures, an administration building, an allocated parking area and landscaping. The balance of the property consists of loose asphalt hardstand.

Proposal

The Applicant proposes to establish a Caravan Storage yard for people to be able to securely store their caravans when not in use, the plan provided indicates approximately 68 bays to be established within the site, which will require the removal of the structures located in the centre of the property (refer **Attachment 1**). Ancillary to this, the Applicant proposes a repair workshop (caravan repairs) to be established within the existing shed located along the eastern boundary.

The Caravan Storage (parking) offers a variety of different sized bays with the average size being 3m x 10m. All bays are proposed at 3m wide but vary in length to cater for a large range of caravans.

The internal access road is proposed as one-way system and is proposed at approximately 5m wide to ensure adequate manoeuvrability within the site. The existing drainage on site is considered suitable for the proposed use.

Visitor parking has also been identified at the front of the property, which is already established.

Advertising

Pursuant to Clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Deemed Provisions), the application was advertised to adjoining landowners on Ditchingham Place and Sweny Drive, Australind for a period of 15 days concluding on 31 December 2020. One submission of support was received, which did not include any comments.

Comment

Whilst the proposed use is defined by the Scheme, it is not listed in any of the Zoning and Development Tables and is therefore considered a "Use Not Listed" to be considered under Clause 4.2.5(b) of the Scheme.

It is considered an anomaly of the Scheme that 'Storage' does not appear in the zoning table. Officers consider the land use to be consistent with the Policy Statement applicable to the "Light and Service Industry" zone (as defined below).

"Motor Vehicle Repair Station" is listed as a permitted use under the Scheme, and caravans are considered a form of motor vehicle. Officers believe the proposed workshop may be considered consistent with the intent of the area.

The Scheme provides the standard parking requirements for developments in the "Light and Service Industry" zone as one space per 50m² Gross Floor Area (GFA), which would equate to six car parking bays being required. However, Officers believe that given the proposed use for the site is primarily for the storage and maintenance of caravans, the identification of four car parking bays by the applicant, may be considered suitable.

The advertising period did not return any objections for the proposal, with one submission of support received from an adjoining neighbour. The proposed development may be considered consistent with uses currently in operation on adjoining properties and within the greater Australind Light Industrial Area which includes other forms of 'storage' facilities, that have been considered and approved by Council as suitable within this location.

Officer's believe that consideration of the proposed land use as a "Use Not Listed" may be considered appropriate.

Statutory/Policy Environment

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

- Schedule 2 – Deemed Provisions, Section 64 – Advertising Applications:

*"(1) An application for development approval must be advertised under this clause if the proposed development -
(b) relates to a use if -*

- (i) *the use is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located; and*
 - (ii) *the local government determines that the use may be consistent with the objective of that zone and that notice of the application should be given;”*
- “(3) The local government may advertise, or require the applicant to advertise, an application for development approval in one or more of the following ways -
- (a) by giving notice of the proposed use or development to owners and occupiers of properties in the vicinity of the development who, in the opinion of the local government, are likely to be affected by the granting of development approval, including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is given to the person;”
- Schedule 1 – Part cl.38 - Land use terms used in Scheme

Industry – Light: means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed.

Shire of Harvey District Planning Scheme No.1

- Clause 4.2.4 Zoning and Development Tables

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

- (b) *determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 64 of the Deemed Provisions in considering an application consent. In approving such an application, the local government may apply any conditions or development standards it deems necessary.”*

- Tables 16 and 17 – Zoning and Development Standards (Light and Service Industry):

Policy Statement: “Primarily industry which will not affect the amenity of nearby areas through the emission of wastes and which do not require independent power sources. A relatively high standard of building will be sought. Local government will coordinate the position of crossovers and landscaping on the street frontages of adjoining premises.”

Motor Vehicle Repair Station – Means land and buildings used for the mechanical repair and overhaul of motor vehicles including tyre recapping, re-treading, panel beating, spray painting and chassis reshaping

Strategic Framework

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

- Outcome 1.1 *Increased planning and opportunities for diverse socially and environmentally responsible commercial, agricultural and industrial enterprises and residential development.*
- 1.1.6 *Support and promote diverse and small-medium sized businesses.*
- 2.3.1 *Continue to implement integrated environmental, social and land use planning which will:*
- *Minimise land use conflict.*

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The consequence could be **Financial, Reputational** or **Compliance** if 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 and provided by a qualified Shire Officer. This results in a **Low** risk being present.

Budget Implications

Nil.

Voting Requirements

Officer's Recommendation 1 - Absolute Majority

Officer's Recommendation 2 - Simple Majority

Officer's Recommendation 1 of 2

That Council, pursuant to Clause 4.2.5(b) of the Shire of Harvey's District Planning Scheme No.1, determines that the proposed "Use Not Listed" detailed in the Application for Development Approval for Lot 41 (5) Ditchingham Place, Australind can be considered for "Caravan Storage & Maintenance" which may be consistent with the objections and purposes of the "Light and Service Industry" zone.

By Absolute Majority

Officer's Recommendation 2 of 2

That Council:

1. Approves the Application for Development Approval for a "Use Not Listed" (Caravan Storage & Maintenance) on Lot 41 (5) Ditchingham Place, Australind, subject to the following conditions:
 1. The development and/or use shall be in accordance with the attached approved plans, subject to modifications required as a consequence of any condition(s) of this approval. The approved plans shall not be modified or altered without first obtaining approval from the Shire.

2. This approval is valid for a period of two years. If the development is not substantially commenced within this period, a new approval must be obtained before commencing or continuing development.
 3. The Applicant is to provide an amended development plan that clearly and suitably identifies vehicle circulation and management of the site; including access/egress, dimensions of caravan bays, pull-in temporary bays (as required) and identify the access path for caravans to access the workshop to the satisfaction of the Shire.
 4. All internal accessways, parking areas and crossovers being sealed, drained, kerbed and marked as required, to the satisfaction of the Shire, prior to the occupation and/or use of the approved development.
 5. A minimum of 4 visitor car parking bays shall be provided on site. Such car parking bays shall be a minimum dimension of 2.5 by 5.5m, with a 6.5m manoeuvring area in accordance with Clause 9.3(c) of the Shire's District Planning Scheme No.1 to the satisfaction of the Shire prior to the occupation and/or use of the approved development and thereafter maintained.
 6. Parking shall be provided wholly inside the property boundaries, with no parking being permitted on the Council verge.
 7. The use/development is not to interfere with the amenity of the of the locality or cause nuisance by reason of the emission of noise, vibration, smell, waste water or otherwise.
 8. Any signage, including advertising signs, does not form part of this approval and may require a separate Development Application to be lodged.
2. Advises the Applicant of the following additional requirements that are not included as conditions of the approval:
1. The development the development the subject of this approval may also be regulated by the Building Code of Australia and a separate building permit must be granted before the development commences;
 2. Prior to the removal of any structures, a Demolition Permit must be obtained from the Shire of Harvey unless exempted under the Building Regulations 2012.
 3. With regard to Condition 8, please refer to Local Planning Policy 4.1.15 - Advertising Signs on the Shire of Harvey's website to determine whether you are exempt from requiring planning approval for any proposed signage.

12.3 Sustainable Development

Item No.	12.3.2.
Subject:	Extension to Existing "Use Not Listed" (Treendale Self Storage)
Proponent:	Shire of Harvey
Location:	Lot 561 Paris Road, Australind (portion of)
Reporting Officer:	Planning Officer (AR)
Authorising Officer:	Director of Sustainable Development
File No.:	A5606
Attachments:	<ol style="list-style-type: none"> 1. Attachment 1 - Development Application [12.3.2.1 - 15 pages] 2. Attachment 2 - Site Plan [12.3.2.2 - 1 page] 3. Attachment 3 - WAPC 160084 [12.3.2.3 - 5 pages] 4. Attachment 4 - Table of Submissions [12.3.2.4 - 1 page]

Summary

An Application for Development Approval has been received for an extension to an existing "Use Not Listed - Self Storage Units" on a portion of Lot 561 Paris Road, Australind, immediately adjoining Lot 210 (17) Sweny Drive, Australind which operates as Treendale Self Storage (refer **Attachment 1**). The application is referred to Council as Officers do not have delegation to determine that a "Use Not Listed" may be consistent with the purpose and objectives of the 'Light & Service Industry' zone.

It is recommended that Council determines the proposed "Use Not Listed - Self Storage Units" may be consistent with the objectives of the zone and approves subject to appropriate conditions.

Background

Site Description

For the purpose of this Report, "the site" refers to the area associated with the proposed "Use Not Listed" (refer **Attachment 2**). The area allocated for the proposal is cleared of vegetation and has a land area of approximately 3600m².

An application for development approval was presented to Council in March 2014 to consider the "Use Not Listed – Self Storage Facility" on the adjoining Lot 210 (17) Sweny Drive, Australind. The item was approved by Council subject to conditions and has since been established as Treendale Self Storage.

The Applicant now wishes to expand their business and has recently received WAPC Conditional Subdivision Approval (WAPC 160084) which proposes to subdivide the identified portion of land from Lot 561 and amalgamate it with the adjoining Lot 210 (17) Sweny Drive, Australind (refer **Attachment 3**).

Lot 561 Description

Lot 561 Paris Road, Australind is zoned "Light and Service Industry" under the Shire's District Planning Scheme No.1 (the Scheme) and is located within the Australind Light Industrial Area. The site is of regular shape with an area of 50.5 hectares.

The property is partially developed with the Spud Shed precinct located in the north east corner of the property, the remainder of the property is vacant and predominantly cleared of vegetation.

Lot 561 Paris Road, is identified as “Light Industrial” in the Shire’s Local Planning Strategy and is intended to accommodate the short-medium term demand for industrial uses within the locality.

An Application over Lot 561 was previously presented to Council in May 2019 (submission to the Shire’s draft Local Planning Strategy) and for determination in December 2019 for the consideration of a Structure Plan which proposed to remove nearly 60% of the land from the ‘Light Industry’ zone to be used for Residential and Commercial purposes.

The result of the December 2019 meeting determined that the proper use of Lot 561 Paris Road, Australind as being ‘Light Industry’ and refused the application for Structure Plan.

Proposal

The Applicant proposes to expand their existing self-storage business (Treendale Self Storage) into the land immediately adjoining to the North that is the subject of WAPC 160084 approval to amalgamate the subject portion of land with the existing Lot 210 (17) Sweny Drive, Australind.

It is proposed that 113 additional self-storage sheds are developed on the site in 4 stages as indicated in the table below. The stages will be developed as per the market demand.

Stage	Description	No. of Units
1	3m x 3m	22
	6m x 3m	16
2A	7m x 3m	13
	7m x 4m	1
2B	4m x 3m Existing Caretaker Dwelling - Patio Expansion	5
3	2.5m x 2m	8
	3m x 3m	9
	3m x 5m	4
	4m x 3m	4
	4m x 5m	1
	5m x 5m	1
	6m x 3m	9
	10m x 5m	1
4	3m x 3m	18
	4m x 3m	1
	TOTAL	113

WML were engaged by the Applicant to undertake an assessment of the earthworks required for the site particularly with regards to the Finished Floor Level (FFL) to ensure the proposed earthworks and drainage required for the development will tie in with the future road levels required for the Sweny Drive extension and potential structure planning for the balance of Lot 561. WML have advised that a FFL of 14.2m AHD is appropriate for the site, which is considered appropriate by Shire Officers following a review of previous planning and design for this area.

Advertising

Pursuant to Clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Deemed Provisions), the application was advertised to adjoining landowners on Sweny Drive, Australind for a period of 15 days concluding on November 6 2020. One submission was received which provided comments but did not object to the proposal. A summary of the submission is provided in **Attachment 4**.

Comment

The Applicant received Development Approval through a Council determination in March 2013 for the establishment of the existing Self Storage Facility. It was determined at this meeting that although 'Storage' does not appear in the zoning table, it could be considered to be consistent with the Policy Statement applicable to the 'Light and Service Industry' zone which states:

'Primarily industry which will not affect the amenity of nearby areas through the emission of wastes and which do not require independent power sources. A relatively high standard of building façade will be sought. Council will coordinate the position of crossovers and landscaping on the street frontages of adjoining premises.'

As Council has previously determined that the use (Self Storage Units) is consistent with the objectives and purposes of the "Light and Service Industry" zone in this area, there was no requirement for the subject application to be referred to Council for consideration prior to advertising. The subject application was therefore advertised pursuant to the Scheme requirements.

While the proposed use is defined by the Scheme, it is not listed in any of the Zoning and Development Tables and is therefore considered a "Use Not Listed" to be considered under Clause 4.2.5(b) of the Scheme.

The proposed development is considered consistent with what is currently established on the adjoining Lot 210 Sweny Drive, and consideration of the land use as an appropriate category not specifically mentioned in the Zoning Table is supported at Officer level.

Statutory/Policy Environment***Planning and Development Act 2005*****Planning and Development (Local Planning Schemes) Regulations 2015**

- Schedule 2 – Deemed Provisions, Section 64 – Advertising Applications:
 - "(1) An application for development approval must be advertised under this clause if the proposed development - "*
 - "(b) relates to a use if -*
 - (i) the use is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located; and*
 - (ii) the local government determines that the use may be consistent with the objective of that zone and that notice of the application should be given;"*
 - "(3) The local government may advertise, or require the applicant to advertise, an application for development approval in one or more of the following ways -*

- (a) *by giving notice of the proposed use or development to owners and occupiers of properties in the vicinity of the development who, in the opinion of the local government, are likely to be affected by the granting of development approval, including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is given to the person;"*

- Schedule 1 – Part 6 cl.38 - Land use terms used in Scheme

Industry – Light: means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed.

Shire of Harvey District Planning Scheme No.1

- Clause 4.2.4 Zoning and Development Tables

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

"(b) determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 64 of the Deemed Provisions in considering an application consent. In approving such an application, the local government may apply any conditions or development standards it deems necessary."

- Tables 16 and 17 – Zoning and Development Standards (Light and Service Industry):

Policy Statement: "Primarily industry which will not affect the amenity of nearby areas through the emission of wastes and which do not require independent power sources. A relatively high standard of building will be sought. Local government will coordinate the position of crossovers and landscaping on the street frontages of adjoining premises."

Strategic Framework

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

- 1.1.6 *Support and promote diverse and small-medium sized businesses.*
- 2.3.1 *Continue to implement integrated environmental, social and land use planning which will:*
- *Minimise land use conflict.*

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The consequence could be **Financial, Reputational or Compliance** if 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 and provided by a qualified Shire Officer. This results in a **Low** risk being present.

Budget Implications

Nil.

Voting Requirements

Officer's Recommendation 1 - Absolute Majority

Officer's Recommendation 2 – Simple Majority

Officer's Recommendation 1 of 2

That Council, pursuant to Clause 4.2.5(b) of the Shire of Harvey's District Planning Scheme No.1, determines that the proposed "Use Not Listed" detailed in the Application for Development Approval for a portion of Lot 561 Paris Road, Australind can be considered as a "Self Storage Facility" which may be consistent with the objections and purposes of the "Light and Service Industry" zone.

By Absolute Majority

Officer's Recommendation 2 of 2

That Council:

1. Pursuant to Clause 4.2.5(b) of the Shire of Harvey's District Planning Scheme No.1, determines that the proposed "Use Not Listed" detailed in the Application for Development Approval for a portion of Lot 561 Paris Road, Australind can be considered as a "Self Storage Facility" which may be consistent with the objections and purposes of the "Light and Service Industry" zone.
2. Approves the Application for Development Approval for a "Use Not Listed" (Self Storage Facility) on a portion of Lot 561 Paris Road, Australind, subject to the following conditions:
 1. The development and/or use shall be in accordance with the attached approved plans, subject to modifications required as a consequence of any condition(s) of this approval. The approved plans shall not be modified or altered without first obtaining approval from the Shire.
 2. This approval is valid for a period of two years. If the development is not substantially commenced within this period, a new approval must be obtained before commencing or continuing development.
 3. Lots 210 Sweny Drive, and portion of Lot 561 Paris Road, Australind relevant to this approval shall be amalgamated, with new Certificates of Titles issued prior to a Building Permit being issued.
 4. Any required retaining walls being designed and approved by the Shire and thereafter constructed on site as required prior to occupation of the site.
 5. Uniform fencing to be provided around the new boundaries of the development, to the satisfaction of the Shire.
 6. Detailed plans and specifications demonstrating that all stormwater will be contained and disposed of on-site shall be submitted to and approved by the Shire prior to a Building Permit being issued. Such plans shall identify proposed invert levels, cover levels, pipe sizes and grade. Attenuation for the proposed development shall include 1m³ of storage capacity for every 65m² of impermeable surface.

7. All internal accessways, parking areas and crossovers being sealed, drained, kerbed and marked, to the satisfaction of the Shire, prior to the occupation and/or use of the approved development.
 8. Vehicle crossovers shall be constructed, and thereafter maintained, in accordance with *Policy 17.5 Crossovers – Subsidy* to the satisfaction of the Shire prior to the occupation and/or use of the approved development.
 9. A minimum of 2 visitor car parking bays shall be provided on site. Such car parking bays shall be a minimum dimension of 2.5m by 5.5m, with a 6.5m manoeuvring area in accordance with Clause 9.3(c) of the Shire's District Planning Scheme No.1 to the satisfaction of the Shire prior to the occupation and/or use of the approved development and thereafter maintained.
 10. Parking shall be provided wholly inside the property boundaries, with no parking being permitted on the Council verge.
 11. All landscaping and reticulation shown on the approved Plan shall be installed, and thereafter maintained, to the satisfaction of the Shire, prior to occupation and/or use of the approved development.
 12. The verge immediately adjacent to the site shall be landscape, and thereafter maintained, by the applicant in accordance with *Policy 5.1.14 Landscape Treatment of Road Verges* to the satisfaction of the Shire, prior to the occupation and/or use of the approved development.
 13. Any signage, including advertising signs, does not form part of this approval and may require a separate Development Application to be lodged.
3. Advises the Applicant of the following additional requirements that are not included as conditions of the approval:
1. The development the subject of this approval may also be regulated by the Building Code of Australia and a separate building permit must be granted before the development commences.
 2. With regard to Condition 13, please refer to Local Planning Policy 4.1.15 - Advertising Signs on the Shire of Harvey's website to determine whether you are exempt from requiring planning approval for any proposed signage.

12.4 Corporate Services

Item No.	12.4.1.
Subject:	Financial Statements as at 30 November 2020
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Finance
Authorising Officer:	Director of Corporate Services
File No.:	
Attachments:	1. Attachment 1 - Financial Report [12.4.1.1 - 13 pages]

Summary

Presented by way of attachment are the Financial Statements as at 30 November 2020.

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

	ACTUAL 30 November 2020	BUDGET 2020 - 2021	VARIANCE
Statement of Financial Performance			
Ordinary Revenue	\$33,030,006	\$43,575,228	\$10,545,222
Ordinary Expenditure	\$17,548,485	\$50,057,783	\$32,509,298
Capital Revenue	\$465,385	\$8,809,126	\$8,343,741
Capital Expenditure	\$2,119,734	\$14,004,898	\$11,885,164
End of Period Profit / (Loss)	\$18,614,700		
Statement of Financial Position			
Current Assets	\$57,720,432		
Net Assets	\$565,066,875		

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, 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 Rate Payers.

Cash Flow and Interest Earnings

The Shire holds by way of cash and term deposit \$16.4 million in Municipal Funds, \$7 million in Trust Funds and \$28 million in Reserve Funds. The average interest rate on these funds is 0.8%. New term deposits are attracting a very low interest rate for 90 days of approximately 0.45%.

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 five 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 five 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 have commenced in several areas including road and footpath projects as well as building works and recreation works. Expenditure totalling approximately \$2.1 million for these works has been reported at the end of November. As more projects are completed and as the Shire is invoiced for those works the level of reported expenditure will increase.

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

- Statement of Financial Performance
- Statement of Financial Position
- Notes to the Statement of Financial Performance and Financial Position
- Total Municipal Revenue and Expenditure - graph
- Statement of Cash at Bank – Loans
- Statement of Cash at Bank – Reserves
- Statement of Cash at Bank – Bonds and Deposits
- Statement of Cash at Bank – Trust
- Current Ratio – graph
- Outstanding Rates – graph
- Aged Debtors Summary - graph
- Current Account Coverage – graph
- Statement of Investments

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

Statutory/Policy Environment

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

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

Strategic Framework

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 30 November 2020.

12.4 Corporate Services

Item No.	12.4.2.
Subject:	Listing of Accounts Paid - November 2020
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Finance
Authorising Officer:	Director of Corporate Services
File No.:	
Attachments:	1. Attachment 1 - Listing of Accounts Paid [12.4.2.1 - 13 pages]

Summary

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

<u>Voucher</u>	<u>Amount</u>
Schedule of Accounts	
Trust	EFT 52466 \$200.00
Municipal	EFT 52406 - EFT 52828 \$2,711,257.75
	117105 - 117122 \$8,700.65
	DD21458.1 - DD21547.20 \$143,937.60
CBA Credit Card	\$6,715.25
Electronic Funds Submitted	\$1,129,397.10
Total	<u>\$4,000,208.35</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 November 2020 totalling \$4,000,208.35.

12.5 Community and Lifestyle

Item No.	12.5.1.
Subject:	Community Engagement Policy
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Acting Manager Place/Corporate and Community Engagement Officer
Authorising Officer:	Director Community and Lifestyle
File No.:	
Attachments:	1. Attachment 1 - Policy 3.1.8 [12.5.1.1 - 3 pages]

Summary

In order to formalise the Shire's commitment to informed decision-making through effective, transparent and accessible community consultation, it is recommended that Council adopt Policy 3.1.8 – Community Engagement Policy.

Background

Community Engagement has been highlighted as an area of reform as part of the review of the *Local Government Act 1995*.

Through the drafting of new legislation, the State Government intends to “*transform local government so that it is empowered to better deliver quality governance and services to their communities now and into the future*” (*Department of Local Government, Sport and Cultural Industries, 2019*).

The Shire of Harvey has already implemented changes in order to affirm the Shire's commitment to community engagement.

At the Ordinary Council Meeting of 17 September 2019, Council endorsed a new Council Meeting Framework as well as the establishment of various Advisory Groups and Committees with the intention of providing stakeholders with the opportunity to participate in the decision-making process.

Also indicated as part of this process, was the development of a Community Engagement Policy which is presented to Council for consideration.

Comment

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.

Effective community engagement also contributes to community ownership and acceptance of decisions and assists in promoting the Shire's profile.

Draft Policy 3.1.8 – Community Engagement Policy (refer **Attachment 1**) 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.

The implementation of this policy will be supported by an operational Community Engagement Charter to guide the Administration on its implementation and efficient resource allocation.

Statutory/Policy Environment

Local Government Act 1995

Under the current Act, local governments are required to consult with the community on:

- Developing a 10-year Strategic Community Plan;
- Changes to local laws such as laws around dog ownership or parking fees;
- Applying different rates according to zoning, land use or vacant land; and
- Planning matters including development applications.

Strategic Framework

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

Outcome 4.4	<i>A well informed, connected and engaged community that actively participates.</i>
4.4.1	<i>Provide opportunities for the community to engage with Councillors and Staff.</i>
4.4.2	<i>Develop and regularly review a Community Engagement and Communications Policy.</i>
4.4.3	<i>Promote a positive public image for the Council through appropriate marketing activities and high standards of customer service.</i>

Risk Management

The Risk Theme Profile identified as part of this report is ***Inadequate Engagement Practices***. The Risk Consequence is considered to be ***Minor*** and the likelihood ***Possible*** resulting in a ***Moderate*** level of risk.

Budget Implications

Nil.

Voting Requirements

Simple Majority.

Officer's Recommendation

That Council adopts Policy 3.1.8 - Community Engagement Policy.

13. Elected Members Motions of Which Previous Notice Has Been Given**13.1. Notice of Motion Cr. Adams**

That Council, whilst fully recognising the historical importance of the town of Harvey as the Shire's hub of economic and development activity, now recognises and embraces the emergence of the southern area of the Shire as of equal importance to the economic development of the shire going forward, and, guided by the Local Government Act 1995, section 2.3 (3) and schedule 2.2 moves towards having the Shire retitled the Shire of Harvey Leschenault by:

- a) initiating, adopting and releasing for public comment a discussion paper outlining the proposal; and*
- b) following community discussion and feedback, forwarding a draft report to the Local Government Advisory Board, detailing;*
 - i) the proposal*
 - ii) consideration of submissions received*
 - iii) evidence of public consultation*

Officer Comments

Changing the name of a district requires Council to follow the procedure in accordance with the *Local Government Act 1995*, section 2.3 (3) and Schedule 2.2. This requires the Local Government to carry out a review to consider if an order should be made under section 2.3 (3). The local government is required to adopt and release for public comment a discussion paper outlining the proposal. A report is then drafted to the Local Government Advisory Board detailing the proposal, including the consideration of submissions received and evidence of public consultation. Council's final decision must be an absolute majority decision, and that decision must be forwarded to the Advisory Board for consideration with the discussion paper/report.

It is very difficult to determine the cost associated with changing the name of the Shire however it is estimated the cost would be well in excess of \$500,000. Some areas for consideration would include:

- Amend the Shire's Web Page and imagery to the order of \$40,000.
- The previous design and style guide cost in the order of \$30,000.
- Update of stock brands, copy rights, Shire Common Seal, badges.
- Revise and re-stock stationary, letter head, envelopes.
- Repurchase of marketing paraphernalia – banners, glasses.
- Amend signage including administration centre, recreation centres and libraries.
- Amend and replace Shire entry statements, branded street signs, branded dog area and similar reserve signs etc.

The above list does not take into account the labour component required for such a change along with the marketing of any revised name throughout government agencies, local business and tourism both Nationally and Internationally.

A motion to commence the process of changing the name of the District, should be made by Council in accordance with the abovementioned provisions.

14. Notice of Motion for Following Meeting

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

16. Reports of Members

17. Seal Register

Officers Recommendation

That Council:

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

- | | |
|---|--|
| <ul style="list-style-type: none"> • Notification under section 70A Lot 10 (195) Rothesay Crescent Survey Strata – 7 Lots WAPC 882-20 • Extinguishment of Easement Burden for Drainage Purposes Lot 9003 on DP 417454 | <p>Prepared By
Able Planning & Project
Management</p> <p>Shire of Harvey</p> |
|---|--|

2. Notes the use of the Common Seal on items previously authorised by Council as follows:

- | | |
|---|---|
| <ul style="list-style-type: none"> • Lease agreement Harvey Mainstreet Inc trading as Harvey Community Radio. • Surrender of Lease – HRCC | <p>Prepared By
Lander Lawyers</p> <p>Lander Lawyers</p> |
|---|---|

18. New Business of an Urgent Nature Introduced by Decision of Meeting

19. Matters Behind Closed Doors

20. Closure of Meeting



SHIRE OF
HARVEY



Ordinary Council Meeting **Minutes**

Harvey Council Chamber

Tuesday, 15 December 2020

4pm

Shire of Harvey Council Minutes

Minutes of the Ordinary Council of the Harvey Shire Council, held in the Council Chamber, Young Street, Harvey, on Tuesday, 15 December 2020, commencing at 4pm.

Attendance

Shire President	Cr.	P.	Gillett	
	Cr.	B.	Adams	
	Cr.	P.	Beech	
	Cr.	M.	Boylan	
	Cr.	J.	Bromham	
	Cr.	F.	Burgoyne	Departed 4.05pm Returned 4.13pm Departed 4.17pm Returned 4.33pm
	Cr.	M.	Campbell	
	Cr.	C.	Carbone	Departed 4.05pm Returned 4.13pm Departed 4.17pm Returned 4.33pm
	Cr.	R.	Coleman	
	Cr.	W.	Dickinson	
	Cr.	T.	Jackson	
	Cr.	A.	Lovitt JP	
	Cr.	D.	Simpson	

Staff

Chief Executive Officer	Ms.	A.	Riordan
Director Corporate Services	Mr.	D.	Winter
Director Infrastructure Services	Mr.	R.	Lotznicker
Director Community and Lifestyle	Ms.	K.	Davis
Director Sustainable Development	Mr.	S.	Hall
Manager Governance and Strategy	Ms.	K.	Williams
Manager Building Services	Mr.	M.	Stewart
Manager Special Projects	Ms.	P.	Pietersen
Manager Information Services	Mr.	A.	Ewing
Manager Planning Services	Mrs.	E.	Edwards
Manager Harvey Recreation and Cultural Centre	Mr.	D.	Marshall
Marketing and Communications Officer	Ms.	C.	Moore
Planning Officer	Ms.	A.	Rose
Executive Assistant	Ms.	F.	Schindler
Governance Compliance Officer	Ms.	K.	Hough

There were 27 members of the public and one member of the press present.

1. Official Opening

The meeting was declared open at 4pm.

Disclaimer

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

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

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

Acknowledgement of Country

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

2. Record of Apologies and Leave of Absence

Nil.

3. Applications for Leave of Absence

Nil.

4. Reading from a Book of Learning and Wisdom

Read by Cr. Beech.

5. Declarations of Members' and Officers' Personal Interest

Cr. Beech declared an Impartiality Interest in Item 12.5.3 – Harvey Recreation Ground - Master Plan - Shire of Harvey. Cr. Beech advised that he is a Council representative on the Harvey Recreation and Cultural Centre Advisory Group and declared that he would stay in the Chamber and deal with the matter on its merits.

Cr. Carbone declared a Financial Interest in Item 12.3.1 - Application for Development Approval and Extractive Industry Licence Application - The GM Giacci Family Trust - Lot 4 Binningup Road, Binningup (A002367/EX/007). Cr. Carbone advised that he is the applicant for this item and declared that he would leave the Chamber for the duration of the item.

Cr. Burgoyne declared a Financial Interest in Item 12.3.1 - Application for Development Approval and Extractive Industry Licence Application - The GM Giacci Family Trust - Lot 4 Binningup Road, Binningup (A002367/EX/007). Cr. Burgoyne advised that his employer is involved in Extractive Industry Licences and declared that he would leave the Chamber for the duration of the item.

Cr. Jackson declared an Impartiality Interest in Item 12.5.1 – Public Art Policy - Shire of Harvey. Cr. Jackson advised that she is a member of the Harvey Art Society and declared that she would stay in the Chamber and deal with the matter on its merits.

Cr. Jackson declared an Impartiality Interest in Item 12.5.2 – Public Art Policy - Shire of Harvey. Cr. Jackson advised that she is a member of both the Harvey Art Society and the organising group for the Harvey Art Prize and declared that she would stay in the Chamber and deal with the matter on its merits.

Cr. Gillett declared an Impartiality Interest in Item 12.5.3 – Harvey Recreation Ground - Master Plan - Shire of Harvey. Cr. Gillett advised that he is a Council representative on the Harvey Recreation and Cultural Centre Advisory Group and declared that he would stay in the Chamber and deal with the matter on its merits.

6. Response to Previous Questions Taken on Notice

Nil.

7. Public Question Time

Nil.

8. Petitions/Deputations/Presentations

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

Mr. Laurence Campbell spoke against Item 12.3.1 - Application for Development Approval and Extractive Industry Licence Application - The GM Giacci Family Trust - Lot 4 Binningup Road, Binningup (A002367/EX/007).

Cr. Burgoyne and Cr. Carbone entered the Chamber at 4.13pm.

9. Announcements by Presiding Members or CEO Without Discussion

This item was dealt with after section 19 on page 48.

10. Confirmation of Minutes

Ordinary Council Meeting – 24 November 2020

Recommendation

That the Minutes of the Council Meeting held on 24 November 2020, as printed be confirmed as a true and correct record.

Moved: Cr. Coleman Seconded: Cr. Burgoyne

That the Minutes of the Council Meeting held on 24 November 2020, as printed be confirmed as a true and correct record.

Carried 13-0 20/275

11. Receipt of Minutes and Recommendations from Committees

Shire of Harvey Bush Fire Advisory Committee - 16 November 2020

Recommendation

That the Minutes of the Shire of Harvey Bush Fire Advisory Committee Meeting held on 16 November 2020, as printed be received and the recommendations contained therein be adopted by Council.

Moved: Cr. Bromham Seconded: Cr. Coleman

That the Minutes of the Shire of Harvey Bush Fire Advisory Committee Meeting held on 16 November 2020, as printed be received and the recommendations contained therein be adopted by Council.

Carried 13-0 20/276

Chief Executive Officer Employment Committee - 8 December 2020

Recommendation

That the Minutes of the Chief Executive Officer Employment Committee Meeting held on 8 December 2020, as printed be received and the recommendations contained therein be adopted by Council.

Moved: Cr. Lovitt Seconded: Cr. Dickinson

That the Minutes of the Chief Executive Officer Employment Committee Meeting held on 8 December 2020, as printed be received and the recommendations contained therein be adopted by Council.

Carried by Absolute Majority 13-0 20/277

Audit Committee – 15 December 2020

Recommendation

That the Minutes of the Audit Committee Meeting held on 15 December 2020, as printed be received and the recommendations contained therein be adopted by Council.

Moved: Cr. Dickinson Seconded: Cr. Bromham

That the Minutes of the Audit Committee Meeting held on 15 December 2020, as printed be received and the recommendations contained therein be adopted by Council.

Carried by Absolute Majority 13-0 20/278

12. Officer's Reports

Chief Executive Officer

Nil.

Infrastructure Services

Item No.	12.2.1
Subject:	Local Roads Community Infrastructure Program - Additional Funding
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Director Infrastructure Services
Authorising Officer:	Chief Executive Officer
File No.:	
Attachments:	Nil

Summary

Recognising the significant economic impact caused by the COVID-19 crisis the Australian Government previously committed \$500 million to the Local Roads and Community Infrastructure Program (LRCI) to support jobs, businesses and the resilience of the local economies.

As part of the program, the Shire of Harvey was allocated \$668,755 and Council at its meeting held on 25 August 2020, approved the allocation of the funding to 12 projects in compliance with the funding guidelines.

On 30 October 2020, the Shire was advised that additional funding had been made available through the LRCI program and that the Shire would receive an additional funding allocation of \$1,181,211 available from 1 January 2021 with a proviso that the additional funding be expended by 31 December 2021.

This report identifies the additional recommended projects that meet the LRCI funding guidelines and recommends that Council endorse the projects as listed in the report.

Background

As previously reported to Council the additional funding will be made available to local government and will be allocated in a similar way to how the current Roads to Recovery Program and the road component of the Financial Assistance Grants are allocated. The allocated value takes into consideration road length and population and is based on recommendations of Local Government Grants Commission.

Local governments can select the projects to be funded in their community according to priorities at the local level and similar to the Roads to Recovery Program, local governments will need to submit a Work Schedule that outlines the project(s) they plan to undertake.

As long as the projects selected are eligible local road or community infrastructure projects and are additional to local government pre-COVID-19 work program for 2020 - 2021. they will receive funding. In addition, if a project has been brought forward from a future work program it will be eligible for funding.

The Shire would need to complete each project nominated for additional funding by 31 December 2021 to be eligible to receive the full nominal share of funding.

Comment

In accordance with the guidelines the following projects would be eligible for funding:

Local Road Projects

Road / footpath works

- Traffic signs
- Traffic control equipment
- Street lighting
- Bridge / tunnel
- Rest areas

Community Infrastructure Projects

- CCTV
- Bike/walking paths
- Painting / improvements to community facilities
- Fencing
- Improved accessibility
- Landscaping improvements
- Picnic shelters / BBQ
- Playground / skate parks
- Car parking

Proposed Local Roads Projects***The Boulevard / The Promenade Intersection Reconfiguration and Ditchingham Place / Grand Entrance Reconfiguration***

At its meeting held on 25 August 2020, Council endorsed making a submission for Regional Road Group Funding, to Main Roads WA (MRWA) for the following 'Improvement/Expansion projects' for the financial years as listed:

- Uduc /Forestry /Government Road Intersection reconfiguration (2021-2022)
- The Boulevard / The Promenade Intersection Reconfiguration (2022-2023)
- The Promenade Reconfiguration (2023-2024)
- Ditchingham Place / Grand Entrance Reconfiguration (2024-2025)
- Old Coast Rd - Travers and Cathedral Intersection Upgrades (2025-2026)

MRWA recently advised the Shire that they included two of the above projects for funding in the current (2020-2021) financial year namely The Boulevard / The Promenade Intersection Reconfiguration and Ditchingham Place / Grand Entrance Reconfiguration. MRWA will fund 2/3 of the cost while the Shire is required to fund the remaining 1/3 of the cost.

As these projects were included after the adoption of the 2020-2021 Budget no contributory Shire funding was included in the current Budget.

It is therefore considered that as the MRWA funding is now available and the Shire will be receiving additional LRCI funding, it is an opportunity to bring these two projects forward to 2020-2021 and implement the works at nil cost to the Shire.

Uduc Road rehabilitation between Young Street and Third Street

As previously reported to Council, the report considered on 25 August 2020 dealt with improvement/expansion projects only as the preservation projects were incorporated in the annual road rehabilitation and construction program.

MRWA also recently advised the Shire that they have also included a rehabilitation project for 2020-2021, Uduc Road rehabilitation between Young Street for 420m to Third Street. Again, no contributory Shire funding was included in the current Budget.

Path Extension South Western Highway – Uduc Road to Hinge Road

This matter was considered by Council at its meeting held on 24 November 2020 where petitioners requested that a path be constructed on the west side of South Western Highway for a distance of 570m. Council decided that this path will be considered as part of the long term path plan and prioritised accordingly.

Officers consider that this path link would not only improve safety but would also be an opportunity to improve the aesthetics of the entry into the Harvey town site and as funding is available this project should be included.

Path Extension South Western Highway – King Street to Harvey River

The Harvey Visitors Centre located off the South Western Highway north of the Harvey town is not currently assessable to non-motorised traffic via a formal path link. While an informal track exists from King Street to the existing path under the South Western Highway road bridge over the Harvey River, this track is not accessible to all.

A formalised path would be an opportunity to better link the Visitors Centre to the Harvey town site. It would also encourage visitors to walk part of the Noongar Kaartdijin Bidee trail past the recently completed artwork under the Harvey River Bridge.

It is therefore recommended that the following 'Local Road' projects be included for LRCI funding

Project	LRCI Funding	Category	Comments
The Boulevard / The Promenade Intersection Reconfiguration	\$350,000	Local Roads projects	Planned for 2022-2023. Total estimated project cost is \$750,000. MRWA contribution is \$400,000
Ditchingham Place / Grand Entrance Reconfiguration	\$160,000	Local Roads projects	Planned for 2024-2025. Total estimated project cost is \$480,000. MRWA contribution is \$320,000
Uduc Road rehabilitation between Young Street for 420m to Third Street	\$100,000	Local Roads projects	Planned for 2021-2022. Total estimated project cost is \$300,000. MRWA contribution is \$200,000
Path extension South Western Highway (Uduc Road to Hinge Rd)	\$84,211	Local Roads projects	Access and amenity improvements
Path extension SWH (King St to Harvey River)	\$65,000	Local Roads projects	Access and amenity improvements
Subtotal	\$749,211		

Proposed Community Infrastructure Projects***Playground Replacement - Binningup***

The existing playground is at the end of its useful life with many of the elements showing signs of advanced corrosion. While some remedial works have been undertaken to make the facility safe, the playground floor is badly corroded and needs urgent replacement however replacement parts are difficult to source as they need to come from overseas suppliers.

The playground is listed for replacement in the Forward Capital Works Plan for 2021-2022

Binningup Beachside facility

A recent maintenance inspection in liaison with both the Surf Lifesaving Club and the Fishing Club identified the following urgent maintenance and upgrade matters:

- Water Ingress to West-facing Wall:
 - Structure – Engineer to investigate
 - Protection against rising damp – Subsoil drainage to be constructed against the full length of the western wall
 - Clean-up works of internal wall and First Aid Room
- Lack of access to west of building: Bi-fold doors required
- Landscaping to front of building to be installed
- New kitchen sink and two mobile stainless-steel trollies required to Surf Lifesaving section for sterilisation of training mannequins.
- External shower on eastern wall at Public Toilets, possible screen wall to be erected

Fencing Replacement at the Harvey Commonage

Portions of the western boundary of Reserves 22977 and 32829 (known as Harvey Commonage) require the installation of 700m of rural fencing adjacent to the disused irrigation channel. Historically, this section of the Harvey Commonage had not required fencing as the irrigation channel acted as a physical barrier to separate the land from the South Western Highway. Over time the irrigation channel has deteriorated and there is currently no impediment for stock being able to wander onto the South Western Highway. Therefore, there is an urgent requirement to address this matter for both animal welfare and protecting the safety of road users.

Ridley Place Foreshore Reserve – Reticulation power upgrade/amenity improvements

With the recent works to implement a bore water filtration unit on the Ridley Place Foreshore Reserve, it has been identified that to improve both aesthetics and functionality for park users, the existing overhead power feed to the main switchboard needs be placed underground and the switch board relocated next to the filtration unit enclosure.

Project	LRCI Funding	Comments
Playground Replacement Binningup	\$300,000	Planned for 2021-2022 in FCWP
Binningup Beachside facility	\$87,000	Urgent works required
Fencing Replacement at the Harvey Commonage	\$15,000	Safety issue
Ridley Place Foreshore Reserve – Reticulation power upgrade/amenity improvements	\$30,000	Improved safety and amenity for park users
Subtotal	\$432,000	
Overall Total	\$1,181,211	

Statutory/Policy Environment

Local Government Act 1995

Section 6.8(1)(b) unbudgeted expenditure to be authorised in advance by Absolute Majority.

Strategic Framework

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

- Outcome 3.6 A local transport network that ensures equity of access across the community to a safe standard.
 - 3.6.1 *Provide a safe standard of roads and ancillary infrastructure.*
 - 3.6.3 *Lobby for state and federal funding for road infrastructure.*

Risk Management

The Risk Theme Profile identified as part of this report is **Inadequate Asset Sustainability Practices**. The Consequence could be **Financial Impact** and **Reputational**. The additional funds provided to the Shire will assist in implementing new and upgrading existing assets therefore mitigating the financial risk and as such it is considered that a **Low** risk is present.

Budget Implications

Some of the projects listed above are included in the Long Term Financial Plan and some are based on requests received from the community, outcomes of community meetings, and safety issues identified.

The value of the additional LRCI program funding allocated to the Shire of Harvey is \$1,181,211.

Voting Requirements

Absolute Majority.

Officer's Recommendation

That Council:

1. Notes the information on the additional funding to be provided as part of the Australian Government's Local Roads and Infrastructure Program, as outlined in the report; and
2. Authorises the unbudgeted expenditure of \$1,181,211, to be fully funded by the Australian Government, to undertake the nine projects as discussed and outlined in the report.

Moved: Cr. Burgoyne

Seconded: Cr. Beech

That Council:

1. **Notes the information on the additional funding to be provided as part of the Australian Government's Local Roads and Infrastructure Program, as outlined in the report; and**
2. **Authorises the unbudgeted expenditure of \$1,181,211, to be fully funded by the Australian Government, to undertake the nine projects as discussed and outlined in the report.**

Carried by Absolute Majority 13-0

20/279

Cr. Burgoyne and Cr. Carbone left the Chamber at 4.17pm.

Sustainable Development

Item No.	12.3.1
Subject:	Application for Development Approval and Extractive Industry Licence Application
Proponent:	The GM Giacci Family Trust
Location:	Lot 4 Binningup Road, Binningup
Reporting Officer:	Planning Officer (AR)
Authorising Officer:	Director of Sustainable Development
File No.:	A002367/EX/007
Attachments:	Attachment 1 - Noise Management Plan [12.3.1.1 - 47 pages] Attachment 2 - Dust Management Plan [12.3.1.2 - 33 pages] Attachment 3 - Officer Recommendation [12.3.1.3 - 3 pages] Attachment 4 - Works and Excavation Plan [12.3.1.4 - 37 pages]

Summary

The GM Giacci Family Trust applied to the State Administrative Tribunal (SAT) for a review of Council's decision to refuse the Application for Development Approval and Extractive Industry Licence at its meeting held 25 August 2020, relating to limestone extraction from Lot 4 Binningup Road, Binningup.

The Officer's recommendation was to approve the Development Application subject to conditions, however Council put forward an Alternate Motion that recommended *"That Council refuses the Application for Development Approval for the extraction of limestone from the nominated area within lot 4 Binningup Road, Binningup, as the proposed Management Plans are not considered adequate to manage likely offsite impacts to protect the current amenity of residents within the Binningup town site."*

The Alternate Motion was supported by Council 7-3 with the reason given *"That Councillors believe that the proposed Management Plans are not considered adequate to manage likely offset impacts to protect the current amenity of residents within the Binningup town site."*

At the most recent Directions Hearing, SAT invited Council to reconsider its original decision pursuant to section 31 of the *State Administrative Tribunal Act 2004* (SAT Act).

The reason for refusal, subject of the SAT review, relates to the adequacy of the proposed Management Plans to manage likely offsite impacts to protect the current amenity of residents within the Binningup town site.

As a result of the current SAT process, additional information has been provided and modifications have been undertaken to the proposed Management Plans by the Applicant to support the Development Application. Officers consider that the proposed amended Management Plans may be considered by Council to now provide an appropriate framework to mitigate potential offsite impacts to protect the current amenity of residents within the Binningup town site, in addition to complying with relevant legislation.

It is therefore recommended that Council reconsiders its original decision pursuant to section 31 of the SAT Act, that the application be approved subject to appropriate conditions and that the Manager Planning Services be authorised to issue the Extractive Industry Licence following the satisfactory completion of the relevant Development Approval conditions.

Background

Original Decision

At its meeting on 25 August 2020, Council considered applications for Development Approval and an Extractive Industry Licence for the extraction of limestone from Lot 4 Binningup Road, Binningup. Officers recommended the applications be approved, however Council supported an Alternate Motion and resolved to refuse the Application for Development Approval.

SAT Application for Review

An Application for Review was lodged by the GM Giacci Family Trust Ltd to the SAT on 13 May 2020 (DR 99/2020) as the Development Application at this time was 'deemed refused'. An initial Directions Hearing occurred on 22 June 2020 with the outcome being the requirement for the Applicant to undertake an Acoustic Assessment of the subject site to support the required Management Plans. The Acoustic Assessment was provided, and the applications were referred for Council determination.

Following Council's determination on 25 August 2020 to refuse the Development Application, the Applicant's SAT review proceeded with a Directions Hearing occurring on 4 September 2020. At the Directions Hearing, SAT issued orders requiring the preparation and filing of a Statement of Issues, Facts and Contentions (SIFC), prior to a further a Directions Hearing scheduled for 31 October 2020. A copy of the Shire's and Applicant's SIFC are contained with ***Confidential Attachments 1 and 2***.

The Shire engaged an external consultant to review the Management Plans to form the basis of the Shire's SIFC.

On 26 October 2020, SAT requested the parties to discuss any orders proposed for the Directions Hearing and for a signed agreed Minute of Consent Orders (MCO) to be provided to SAT prior to the Directions Hearing.

At its meeting on 27 October 2020, a late item was presented to Council for consideration of the upcoming Directions Hearing process. Officers recommended Minute of Consent Orders being provided to the SAT inviting Council to reconsider its original decision pursuant to section 31 of the SAT Act. The Officer's recommendation was supported by Council.

Following this Council decision, Officers liaised with the Applicant to advise that Council supported the Minute of Consent Orders to reconsider the Application for Development Approval and Extractive Industry Licence at the upcoming 24 November 2020 Council meeting and for the 31 October 2020 Directions Hearing be vacated. The Applicant was also advised that Officers would be supportive of informal mediation (outside of the SAT process) of the recommended conditions prior to this meeting, as any amendments to the proposed conditions would require a determination by Council.

In response, the Applicant advised that they wanted to proceed with the Directions Hearing on 31 October 2020 and would be seeking to mediate the original Officer recommended conditions.

At the 31 October 2020 Directions Hearing, SAT issued the following orders for the Applicant to provide relevant additional information and invited Council to reconsider its original decision pursuant to section 31 of the SAT Act on or before 15 December 2020. In addition, a further Directions Hearing has been scheduled for 23 December 2020.

The Applicant has provided as part of the SIFC, additional supportive information which includes modifications to the Noise Management Plan, a revised Dust Management Plan and an updated Works and Excavation Program. A summary of the additional information is provided below:

Noise Management Plan

In response to the factors identified by the Shire associated with contentions relating to noise, a review of the Noise Management Plan (NMP) was undertaken by the Applicant which has resulted in:

- An increased earth bund to 7m (from 5m) along the southern boundary of the extraction area for the duration of extraction; and
- Removal of the proposed 4m earth bunds on the southern boundary of each of Stages 3 to 6.

Results from the Noise Assessment Final (refer **Attachment 1**) indicate that, for the worst-case scenarios and without any noise mitigation measures, exceedances of the Environmental Protection (Noise) Regulations 1997 are predicted at 98 Springhill Road (being the Rodgers). Only a very minor exceedance (1 decibel) is predicted at the closest Binningup resident.

With the implementation of the proposed noise mitigation measures (including the above amendments), during worst-case conditions the predicted noise levels to noise sensitive receivers for each stage of extraction do not exceed the assigned noise levels and therefore complies with the Environmental Protection (Noise) Regulations 1997.

The NMP also indicates that the inclusion of proposed operational hours on Saturdays do not impact the noise mitigation measures proposed for the site.

The Noise Assessment Final indicates that with the implementation of the updated NMP, there will be no exceedances of the Environmental Protection (Noise) Regulations 1997 at any sensitive receptors.

Dust Management Plan

The EPA's Separation Guidance Statement specifically defines 'sensitive land use' as a residential development. The recommended separation distances therefore suitably consider the amenity of a residential area. Given that the proposed development conservatively complies with the recommended separation distances of 300-500m for the Binningup town site, and a comprehensive Dust Management Plan has also been developed for the proposed extractive industry operations, the Applicant believes that dust impacts for the town site are adequately addressed.

The Dust Management Plan (DMP) includes detailed management measures; including prohibiting topsoil stripping and bund construction works during conditions when north-east winds exceed 15km/h. This management measure will reduce potential offsite impacts within the Binningup town site.

In addition, the Applicant engaged Environmental Technologies and Analytics to review the DMP prepared by Accendo and propose amendments for both proactive and reactive dust management responses. The amended DMP prepared by Environmental Technologies and Analytics (refer **Attachment 2**) proposes that an ambient (dust) monitor be installed and operated (on the boundary of the premises) during the first 12 months of extraction and a review to be undertaken to determine if further monitoring should occur.

Ambient air monitoring is defined as the monitoring of the quality of the air in a particular area. This monitoring device will be used to inform the implementation of dust controls and the response to potential dust events prior to impacts being experienced in the Binningup community.

The DMP states that the ambient (dust) monitor will be installed prior to extraction operations commencing to obtain base level data. Data from the monitor will be provided in 'real-time' and will be used to inform operations for the purpose of:

- Defining baseline concentrations of dust in the region before quarry activities commence;
- Determining any potential changes or impacts resulting from the quarry operations; and
- Supporting proactive and reactive dust management to be incorporated into the operational procedures.

The DMP includes a 'Trigger-Action-Response' program that identifies the mitigation processes and responses to address any potential dust impacts from the proposed development.

Conditions

The Officer's original recommended conditions and advice notes are contained in ***Attachment 3***

The Applicant has requested a revision of the following recommended conditions:

- Recommended Condition (j) Prior to the issue of an Extractive Industry Licence, the Applicant shall provide the Shire with a copy of an amended Water Allocation Licence issued by the Department of Water and Environmental Regulation to include 'Dust Suppression' as an authorised activity.

Applicant Reason: It is requested that this condition be removed as the Water Allocation Licence is not held by the Applicant, so it is not appropriate to require the Applicant to provide a third party's licence.

- Recommended Condition (p) Stockpiles shall be kept to a maximum height of 4m AHD to avoid visual impact and/or material wind drift.

Applicant Reason: The Applicant seeks to amend the maximum height to 8m AHD. The machinery and process will generate stockpiles to approximately 8m AHD.

- Recommended Condition (q) Operating hours are restricted to Monday to Friday 7.00am to 5.00pm. No activities to occur on weekends or Public Holidays.

Applicant Reason: The Applicant seeks to extend operating hours to include Saturday 7.00am to 12.00pm.

Agenda Briefing

At the Agenda Briefing on 8 December 2020, questions were raised regarding the installation of the ambient (dust) monitor which is referenced in the DMP. Whilst the Officer's recommended conditions include the implementation of the DMP, Officer's consider it appropriate that this matter be clarified by the recommendation of a standalone condition, being recommended condition 10.

Comment**Application Proposal**

The original NMP indicated that only the sensitive receptor at 98 Springhill Road, Binningup (Rodger residence) would exceed the permissible noise regulations during worst-case scenarios, however recognized that as the residents supported the proposal, the requirement for site specific monitoring of this property was considered unnecessary.

The revised NMP now includes an increase in the earth bund along the southern boundary of the development area to 7m, establishment of a 4m earth bund around the crushing and screening plant (refer *Figure 5-1* of the NMP at **Attachment 1**). Based on the updated proposed noise mitigation measures, the NMP indicates that during worst-case conditions, no exceedances of the Environmental Protection (Noise) Regulations 1997 will occur at any of the identified sensitive receptors.

The revised DMP (refer **Attachment 2**) proposes the installation of an ambient (dust) monitor which will record existing onsite conditions and provide alerts when conditions may have the potential to cause offsite impacts in accordance with the Trigger-Action-Response program. This will ensure the provision of accurate site-specific data and sufficient response times to implement appropriate mitigation and/or management measures (as detailed in the DMP) to potential dust events prior to impacts being experienced in the community of Binningup.

The DMP indicates that the ambient monitoring device will be installed prior to the commencement of operations to ensure base level data is recorded.

Conditions*Recommended Condition (j) – Amendment to Water Allocation Licence*

The Applicant has requested that this condition be removed as they believe it is not appropriate to require the Applicant to provide a third party's licence.

Officers sought legal advice (refer **Confidential Attachment 3**) which supports the inclusion of the request as a condition of a Development Approval.

Therefore, Officers do not support the amendment to Condition (j) as requested by the Applicant.

Recommended Condition (p) – Stockpile Heights

The amended Works and Excavation Program (WEP) (refer **Attachment 4**) identifies that the proposed increase to stockpile heights is required to provide for maximum efficiency of the screening/crushing plant's capacity on site. The report indicates that visual amenity is not anticipated to be impacted through the proposed increase due to the vegetated ridge located along the eastern side of Lakes Parade being at an approximate elevation of 10m AHD and the closest Binningup dwellings having an approximate elevation of 4m AHD, the proposed stockpiles will be located in excess of 1km from both Binningup Road and the Forrest Highway and are unlikely to cause significant visual impact to passing traffic.

Stockpile heights for the Coastal Plains area (west of the Forrest Highway) have previously been approved up to a maximum of 6m, with heights above this only approved on extractive industry sites located further from roads and urban areas.

Officers consider an increase in stockpile height to a maximum of 6m for the development area could be considered appropriate for the location and consistent with approvals issued along the Coastal Plain.

Therefore, Officers are not supportive of the amendment to Condition (p) to increase stockpile heights to a maximum of 8m, however consider a maximum of 6m is appropriate.

Recommended Condition (q) – Hours of Operation

The request to extend operating hours to include Saturday 9.00am – 12.00pm is considered general practice for the majority of Extractive Industry operations within the Shire. The Applicant has updated the NMP to include the extended hours and has confirmed that the inclusion of works on a Saturday do not impact the noise assessment outcomes.

Therefore, Officers are supportive of the amendment to Condition (q) to include operating hours to occur on Saturdays 7.00am to 12.00pm.

SAT Process

Pursuant to section 31 of the SAT Act, Council is required to reconsider its original decision and can:

- Affirm its original decision;
- Vary its original decision; or
- Set aside its original decision and substitute its new decision.

At this point, Council is required to reconsider the application, together with the amended management plans, and determine the application on its merits. Should Council determine to affirm its original decision, the reasons cannot vary from the original reason of the management plans being inadequate to manage likely offsite impacts.

Moving forward, the options for SAT are:

- If Council decide to confirm their refusal of the Application for Development Approval and Extractive Industry Licence, then the SAT process will proceed to a Hearing, details of which will be determined at the scheduled Directions Hearing on 23 December 2020.
- If Council decide to approve the reconsideration of the Application for Development Approval and Extractive Industry Licence, then the SAT process will be vacated, unless the Applicant takes issue with any of the proposed conditions. If this is the case, then only the conditions in question will be required to be mediated through the SAT process.

Conclusion

Council's decision to support the Alternate Motion to refuse the Application for Development Approval and an Extractive Industry Licence was based on the reason that *"Councillors believe that the proposed Management Plans are not considered adequate to manage likely offsite impacts to protect the current amenity of residents within the Binningup town site."*

As a result of the SAT process, the Applicant has undertaken additional investigations and provided further documentation to support their application. In addition to this, the Applicant has also provided extensive mitigation measures, which are now further supported by the proposal to install an ambient (dust) monitor within the development site, which will record current site-specific data.

The NMP no longer identifies any exceedances in levels for sensitive receptor R6 (Rodger residence) in accordance with the Environmental Protection (Noise) Regulations 1997 and the commitment to install the ambient monitor onsite, will ensure accurate site-specific data can be obtained and monitored in accordance with the DMP mitigation measures that have been prepared.

Approval of the proposed use can be considered as it:

- Complies with the Environmental Protection Authority's (EPA's) Guidance for the Assessment of Environmental Factors: Separation Distances between Industrial and Sensitive Land Uses recommended separation distances to sensitive land uses;
- Complies with the Environmental Protection (Noise) Regulations 1997 for worst-case scenario outcomes;
- Is included within the Scheme as a discretionary land use;
- Can be managed through onsite (dust) monitoring and management plans that are considered appropriate to address potential offsite impacts within acceptable limits of relevant legislation; and
- Is considered a temporary land use which does not compromise the sites long term agricultural viability and use.

Officers consider that the concerns raised by Council resulting in its original refusal decision have now been addressed.

For the reasons provided in the Report, Officers recommend that the application be approved subject to appropriate conditions and that Council advise SAT of their decision.

Statutory/Policy Environment

State Administrative Tribunal Act 2004

Section 31. Tribunal may invite decision-maker to reconsider decision

(1) *“At any stage of a proceeding for the review of a reviewable decision, the Tribunal may invite the decision-maker to reconsider the decision.*

(2) *Upon being invited by the Tribunal to reconsider the reviewable decision, the decision-maker may —*

(a) *affirm the decision; or*

(b) *vary the decision; or*

(c) *set aside the decision and substitute its new decision.*

(3) *If the decision-maker varies the decision or sets it aside and substitutes a new decision, unless the proceeding for a review is withdrawn it is taken to be for the review of the decision as varied or the substituted decision.”*

Local Government Act 1995

- Section 5.23. – Meetings generally open to public:

(1) *“Subject to subsection (2), the following are to be open to members of the public —*

(a) *all council meetings; and*

(b) *all meetings of any committee to which a local government power or duty has been delegated.*

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
- “(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and”*
- (3) *“A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.”*

Strategic Framework

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

Strategy 2.3.1 states:

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

- *Minimise land use conflict;*

Strategy 2.3.2 states:

Ensure compliance of rehabilitation plans for extractive industry areas.

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information** and **Failure to fulfil Compliance Requirements**. The Consequence could be **Environmental**, **Financial**, **Reputational** or **Compliance** if incorrect advice is given or the matter is not reconsidered pursuant to section 31 of the SAT Act. 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 with a recommendation for Council to reconsider its original decision based on its merits. This results in a **Low** risk being present.

Budget Implications

The Planning Business Unit has a Budget allocation for legal expenses.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Pursuant to section 31 of the *State Administrative Tribunal Act 2004*, reconsiders its original decision of 25 August 2020 to refuse the Application for Development Approval for an Extractive Industry on Lot 4 Binningup Road, Binningup;

2. Pursuant to section 31(2)(c) of the *State Administrative Tribunal Act 2004*, sets aside its original decision of 25 August 2020 to refuse the Application for Development Approval for an Extractive Industry on Lot 4 Binningup Road, Binningup and approves the Application for Development Approval for the extraction of limestone from the nominated area within Lot 4 Binningup Road, Binningup, subject to the following conditions:

- 1) No extraction works associated with this Development Approval shall occur on the property until Conditions 3) to 10) of this Development Approval have been satisfactorily achieved and an Extractive Industry Licence has been issued by the Shire;
- 2) This approval is valid for a period of five (5) years from the date of the issue of the Extractive Industry Licence. If development is not completed within this period, a new approval must be obtained before commencing or continuing development;

Prior to Extractive Industry Licence being issued

- 3) Prior to the issue of an Extractive Industry Licence, the Applicant shall prepare and submit for approval by the Shire, a Rehabilitation Management and Monitoring Plan which shall include:
 - a) Revegetation and rehabilitation of the extraction area the subject of this approval;
 - b) The proposed rehabilitation back to pasture, to ensure no net loss of agricultural land occurs;
 - c) Details of species types and maintenance and monitoring measures;
 - d) The site is reinstated with a minimum of 400mm cover of overburden and topsoil to a finished rehabilitated level of at least 1m above the highest water table level; and
 - e) All slopes of the batters at the end of excavation, being retained at no more than 1:6 vertical to horizontal.
- 4) Prior to the issue of an Extractive Industry Licence, the Applicant shall submit for approval by the Shire, in consultation with the Department of Primary Industries and Regional Development, a Weed Management Plan;
- 5) Prior to the issue of an Extractive Industry Licence, the Applicant shall submit for approval by the Shire a Drainage Management Plan to detail storm water management measures proposed for the site;
- 6) Prior to the issue of an Extractive Industry Licence, a reinstatement bond of \$130,000 (26ha @ \$5,000 per hectare) shall be provided to the Shire in the form of a Bond or an irrevocable and unconditional Bank Guarantee;
- 7) Prior to the issue of an Extractive Industry Licence, the Applicant shall have the approved pit boundaries surveyed and fenced by a suitably qualified surveyor, with the location of such pegs being to the satisfaction of the Shire;
- 8) Prior to the issue of an Extractive Industry Licence, the Applicant shall install a minimum of four (4) piezometers within the subject site to establish and monitor site-specific groundwater levels, to the satisfaction of the Shire, in consultation with the Department of Water and Environmental Regulation;

- 9) Prior to the issue of an Extractive Industry Licence, the Applicant shall provide the Shire with a copy of an amended Water Allocation Licence for Lot 4 issued by the Department of Water and Environmental Regulation to include 'Dust Suppression' as an authorised activity;
- 10) Prior to the issue of an Extractive Industry Licence, the Applicant shall install an ambient (dust) monitor within the subject site in accordance with the approved Dust Management Plan (Document No. A002367/EX/007 - MP2 – REV 1).

Ongoing

- 11) Any subsequent extraction stage shall not begin until rehabilitation of the previous stage has substantially commenced, to the satisfaction of the Shire;
- 12) The Approved Development shall, at all times, comply with the approved Works and Excavation Plan (Doc. No. A002367/EX/007 – 01 – REV 6), approved plans and approved Management Plans, as modified by conditions of this approval;
- 13) An annual contribution shall be made towards the maintenance and upgrading of Springhill Road in accordance with the methodology adopted by WALGA in the document "Estimating the Incremental Cost Impact on Sealed Local Roads from Additional Freight Tasks, May 2015";
- 14) The Applicant shall engage a suitably qualified independent expert to carry out an Annual Audit of Compliance of the conditions of Development Approval and Extractive Industry Licence. The Annual Audit of Compliance shall also include a progress report on the conditions of the approved Rehabilitation Management and Monitoring Plan including:
 - a) Details of completed, ongoing and future rehabilitation areas;
 - b) Photos of rehabilitated areas;
 - c) Monitoring and reporting details, if available;
 - d) Start and completion dates, and expected start dates, if applicable; and
 - e) A map depicting the rehabilitation areas and their completion progress

The Annual Audit of Compliance shall be submitted prior to an annual renewal licence being issued by the Shire;

- 15) No crushing or screening activities shall occur unless a Works Approval has been obtained from the Department of Water and Environmental Regulation as required by Part V of the *Environmental Protection Act 1986*;
- 16) All crushing and screening activities shall be located a minimum of 1000m from the nearest Binningup resident;
- 17) Stockpiles shall be kept to a maximum height of 6m AHD to avoid visual impact and/or material wind drift;
- 18) Operating hours are restricted to Monday to Friday 7.00am to 5.00pm and Saturday 7.00am to 12.00pm. No activities to occur on Sunday or Public Holidays;
- 19) The approved Dust Management Plan (Document No. A002367/EX/007 –

- MP2 – REV 1) shall be implemented to the satisfaction of the Shire;
- 20) The approved Noise Management Plan (Document No. A002367/EX/007 – MP1 – REV 3) shall be implemented to the satisfaction of the Shire;
 - 21) The approved Rehabilitation Management and Monitoring Plan (Document No. A002367/EX/007 – MP3) shall be implemented to the satisfaction of the Shire;
 - 22) The approved Weed Management Plan (Document No. A002367/EX/007 – MP4) shall be implemented to the satisfaction of the Shire;
 - 23) The approved Drainage Management Plan (Document No. A002367/EX/007 – MP5) shall be implemented to the satisfaction of the Shire;
 - 24) The pit boundary survey pegs shall remain in place for the duration of the operation to the satisfaction of the Shire;
 - 25) A 0.5m separation distance to groundwater must be maintained for the life of extraction activities;
 - 26) The Applicant shall undertake monthly monitoring of the installed piezometers (as per condition (8)), from May-October for the life of the development and provide the monitoring data to the Shire and the Department of Water and Environmental Regulation to ensure that a 0.5m separation to the maximum groundwater level is maintained;
 - 27) Any refuelling activities shall be undertaken in accordance with the Department of Water and Environmental Regulations' Water Quality Protection Note – Toxic and Hazardous Substance Storage and Use. There is to be no storage of hydrocarbons on-site and no major vehicle or machinery repairs or maintenance is to take place on-site;
 - 28) Excavation shall be undertaken to the maximum depth of 1.5m AHD, unless otherwise approved by the Shire, in consultation with the Department of Water and Environmental Regulation, following site specific groundwater monitoring being undertaken;
 - 29) Groundwater shall not be extracted or dewatered during the operation of the extraction activities;
 - 30) With respect to the reinstatement bond required by condition (5), the Shire:
 - a) may call on the Bank Guarantee or Bond for the purpose of carrying out or maintaining rehabilitation work required by the Rehabilitation Management and Monitoring Plan, where that work has not been satisfactorily carried out by the Applicant;
 - b) may, with one week's written notice to the Applicant, enter Lot 4 for the purpose of carrying out or maintaining the rehabilitation work;
 - c) may retain the Bank Guarantee or Bond and/or enter Lot 4 in accordance with the preceding paragraph for three years after the expiration of this approval, or until the works prescribed by the Rehabilitation Management and Monitoring Plan have been satisfactorily completed (whichever is the later); and
 - d) must return the Bank Guarantee or Bond (or the balance thereof) to the Applicant at the expiration of that period.

3. Advises the Applicant of the following additional requirements that are not included as conditions of the approval:
 1. The Applicant is advised of their obligations under the *Environmental Protection and Biodiversity Conservation Act 1999*; and
 2. The Department of Planning, Lands and Heritage recommends that reference be made to the State's Aboriginal Heritage Due Diligence Guidelines.
 3. Activities such as crushing and screening, may be prescribed and as such, require a Works Approval, Licence or Registration under Part V of the *Environmental Protection Act 1986 (EP Act)*;
 4. The proponent will ensure that all noise emissions comply with the requirements of the 'Environmental Protection (Noise) Regulations 1997' at all times' (p.11);
 5. All extraction is required comply with:
 - a) The Shire of Harvey Extractive Industry Local Law 2017, including the holding of a valid licence for all periods of operation; and
 - b) The Department of Water and Environmental Regulation's "Water Resource Considerations for Extractive Industries 2014";
4. Upon satisfactory completion of the conditions of the Development Approval required to be fulfilled prior to the issue of an Extractive Industry Licence, authorises the Manager Planning Services to issue an Extractive Industry Licence to The GM Giacci Family Trust for the extraction of limestone at Lot 4 Binningup Road, Binningup, subject to relevant conditions.

Amendment to the motion

That condition 10 of the Officers Recommendation be amended to read as below.

Moved: Cr. Campbell Seconded: Cr. Bromham

- 10) Not less than four weeks prior to the issue of an Extractive Industry Licence, the Applicant shall install an ambient (dust) monitor within the subject site in accordance with the approved Dust Management Plan (Document No. A002367/EX/007 - MP2 – REV 1).**

Carried 11-0 20/280

Substantive Motion

Moved: Cr. Bromham Seconded: Cr. Campbell

That Council:

- 1. Pursuant to section 31 of the *State Administrative Tribunal Act 2004*, reconsiders its original decision of 25 August 2020 to refuse the Application for Development Approval for an Extractive Industry on Lot 4 Binningup Road, Binningup;**
- 2. Pursuant to section 31(2)(c) of the *State Administrative Tribunal Act 2004*, sets aside its original decision of 25 August 2020 to refuse the Application for Development Approval for an Extractive Industry on Lot 4 Binningup Road, Binningup and approves the Application for Development Approval for the extraction of limestone from the nominated area within Lot 4 Binningup Road, Binningup, subject to the following conditions:**
 - 1) No extraction works associated with this Development Approval shall occur on the property until Conditions 3) to 10) of this Development Approval have been satisfactorily achieved and an Extractive Industry**

Licence has been issued by the Shire;

- 2) This approval is valid for a period of five (5) years from the date of the issue of the Extractive Industry Licence. If development is not completed within this period, a new approval must be obtained before commencing or continuing development;

Prior to Extractive Industry Licence being issued

- 3) Prior to the issue of an Extractive Industry Licence, the Applicant shall prepare and submit for approval by the Shire, a Rehabilitation Management and Monitoring Plan which shall include:
 - a) Revegetation and rehabilitation of the extraction area the subject of this approval;
 - b) The proposed rehabilitation back to pasture, to ensure no net loss of agricultural land occurs;
 - c) Details of species types and maintenance and monitoring measures;
 - d) The site is reinstated with a minimum of 400mm cover of overburden and topsoil to a finished rehabilitated level of at least 1m above the highest water table level; and
 - e) All slopes of the batters at the end of excavation, being retained at no more than 1:6 vertical to horizontal.
- 4) Prior to the issue of an Extractive Industry Licence, the Applicant shall submit for approval by the Shire, in consultation with the Department of Primary Industries and Regional Development, a Weed Management Plan;
- 5) Prior to the issue of an Extractive Industry Licence, the Applicant shall submit for approval by the Shire a Drainage Management Plan to detail storm water management measures proposed for the site;
- 6) Prior to the issue of an Extractive Industry Licence, a reinstatement bond of \$130,000 (26ha @ \$5,000 per hectare) shall be provided to the Shire in the form of a Bond or an irrevocable and unconditional Bank Guarantee;
- 7) Prior to the issue of an Extractive Industry Licence, the Applicant shall have the approved pit boundaries surveyed and fenced by a suitably qualified surveyor, with the location of such pegs being to the satisfaction of the Shire;
- 8) Prior to the issue of an Extractive Industry Licence, the Applicant shall install a minimum of four (4) piezometers within the subject site to establish and monitor site-specific groundwater levels, to the satisfaction of the Shire, in consultation with the Department of Water and Environmental Regulation;
- 9) Prior to the issue of an Extractive Industry Licence, the Applicant shall provide the Shire with a copy of an amended Water Allocation Licence for Lot 4 issued by the Department of Water and Environmental Regulation to include 'Dust Suppression' as an authorised activity;
- 10) Not less than four weeks prior to the issue of an Extractive Industry Licence, the Applicant shall install an ambient (dust) monitor within the subject site in accordance with the approved Dust Management Plan (Document No. A002367/EX/007 - MP2 – REV 1).

Ongoing

- 11) Any subsequent extraction stage shall not begin until rehabilitation of the previous stage has substantially commenced, to the satisfaction of the Shire;
- 12) The Approved Development shall, at all times, comply with the approved Works and Excavation Plan (Doc. No. A002367/EX/007 – 01 – REV 6), approved plans and approved Management Plans, as modified by conditions of this approval;
- 13) An annual contribution shall be made towards the maintenance and upgrading of Springhill Road in accordance with the methodology adopted by WALGA in the document "Estimating the Incremental Cost

Impact on Sealed Local Roads from Additional Freight Tasks, May 2015”;

- 14) The Applicant shall engage a suitably qualified independent expert to carry out an Annual Audit of Compliance of the conditions of Development Approval and Extractive Industry Licence. The Annual Audit of Compliance shall also include a progress report on the conditions of the approved Rehabilitation Management and Monitoring Plan including:

- f) Details of completed, ongoing and future rehabilitation areas;
- g) Photos of rehabilitated areas;
- h) Monitoring and reporting details, if available;
- i) Start and completion dates, and expected start dates, if applicable; and
- j) A map depicting the rehabilitation areas and their completion progress

The Annual Audit of Compliance shall be submitted prior to an annual renewal licence being issued by the Shire;

- 15) No crushing or screening activities shall occur unless a Works Approval has been obtained from the Department of Water and Environmental Regulation as required by Part V of the *Environmental Protection Act 1986*;
- 16) All crushing and screening activities shall be located a minimum of 1000m from the nearest Binningup resident;
- 17) Stockpiles shall be kept to a maximum height of 6m AHD to avoid visual impact and/or material wind drift;
- 18) Operating hours are restricted to Monday to Friday 7.00am to 5.00pm and Saturday 7.00am to 12.00pm. No activities to occur on Sunday or Public Holidays;
- 19) The approved Dust Management Plan (Document No. A002367/EX/007 – MP2 – REV 1) shall be implemented to the satisfaction of the Shire;
- 20) The approved Noise Management Plan (Document No. A002367/EX/007 – MP1 – REV 3) shall be implemented to the satisfaction of the Shire;
- 21) The approved Rehabilitation Management and Monitoring Plan (Document No. A002367/EX/007 – MP3) shall be implemented to the satisfaction of the Shire;
- 22) The approved Weed Management Plan (Document No. A002367/EX/007 – MP4) shall be implemented to the satisfaction of the Shire;
- 23) The approved Drainage Management Plan (Document No. A002367/EX/007 – MP5) shall be implemented to the satisfaction of the Shire;
- 24) The pit boundary survey pegs shall remain in place for the duration of the operation to the satisfaction of the Shire;
- 25) A 0.5m separation distance to groundwater must be maintained for the life of extraction activities;
- 26) The Applicant shall undertake monthly monitoring of the installed piezometers (as per condition (8)), from May-October for the life of the development and provide the monitoring data to the Shire and the Department of Water and Environmental Regulation to ensure that a 0.5m separation to the maximum groundwater level is maintained;
- 27) Any refuelling activities shall be undertaken in accordance with the Department of Water and Environmental Regulations’ Water Quality Protection Note – Toxic and Hazardous Substance Storage and Use. There is to be no storage of hydrocarbons on-site and no major vehicle or machinery repairs or maintenance is to take place on-site;
- 28) Excavation shall be undertaken to the maximum depth of 1.5m AHD, unless otherwise approved by the Shire, in consultation with the Department of Water and Environmental Regulation, following site

- specific groundwater monitoring being undertaken;
- 29) Groundwater shall not be extracted or dewatered during the operation of the extraction activities;
- 30) With respect to the reinstatement bond required by condition (5), the Shire:
- e) may call on the Bank Guarantee or Bond for the purpose of carrying out or maintaining rehabilitation work required by the Rehabilitation Management and Monitoring Plan, where that work has not been satisfactorily carried out by the Applicant;
 - f) may, with one week's written notice to the Applicant, enter Lot 4 for the purpose of carrying out or maintaining the rehabilitation work;
 - g) may retain the Bank Guarantee or Bond and/or enter Lot 4 in accordance with the preceding paragraph for three years after the expiration of this approval, or until the works prescribed by the Rehabilitation Management and Monitoring Plan have been satisfactorily completed (whichever is the later); and
 - h) must return the Bank Guarantee or Bond (or the balance thereof) to the Applicant at the expiration of that period.
4. Advises the Applicant of the following additional requirements that are not included as conditions of the approval:
- 6. The Applicant is advised of their obligations under the *Environmental Protection and Biodiversity Conservation Act 1999*; and
 - 7. The Department of Planning, Lands and Heritage recommends that reference be made to the State's Aboriginal Heritage Due Diligence Guidelines.
 - 8. Activities such as crushing and screening, may be prescribed and as such, require a Works Approval, Licence or Registration under Part V of the *Environmental Protection Act 1986 (EP Act)*;
 - 9. The proponent will ensure that all noise emissions comply with the requirements of the 'Environmental Protection (Noise) Regulations 1997' at all times' (p.11);
 - 10. All extraction is required comply with:
 - c) The Shire of Harvey Extractive Industry Local Law 2017, including the holding of a valid licence for all periods of operation; and
 - d) The Department of Water and Environmental Regulation's "Water Resource Considerations for Extractive Industries 2014";
5. Upon satisfactory completion of the conditions of the Development Approval required to be fulfilled prior to the issue of an Extractive Industry Licence, authorises the Manager Planning Services to issue an Extractive Industry Licence to The GM Giacci Family Trust for the extraction of limestone at Lot 4 Binningup Road, Binningup, subject to relevant conditions.

Carried 7-4 20/281

Cr. Burgoyne and Cr. Carbone entered the Chamber at 4.33pm.

Corporate Services

Item No.	12.4.1
Subject:	Listing of Accounts Paid - October 2020
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Finance
Authorising Officer:	Director of Corporate Services
File No.:	
Attachments:	Attachment 1 - Listing of Accounts Paid ... [12.4.1.1 - 13 pages]

Summary

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

<u>Voucher</u>	<u>Amount</u>
Schedule of Accounts	
Municipal	
EFT 51975 - EFT 52405	\$2,413,952.53
117088 - 117104	\$29,698.14
DD21352.1 - DD21401.18	\$139,032.96
CBA Credit Card	\$2,351.90
Electronic Funds Submitted	\$1,068,269.29
Total	<u>\$3,653,304.82</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 October 2020 totalling \$3,653,304.82

Moved: Cr. Lovitt Seconded: Cr. Simpson

That Council notes the above list of accounts paid for the period of October 2020 totalling \$3,653,304.82

Carried 13-0 20/282.

Corporate Services

Item No.	12.4.2
Subject:	Financial Statements as at 31 October 2020
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Finance
Authorising Officer:	Director of Corporate Services
File No.:	
Attachments:	Attachment 1 - Financial Report for the period ending 31 October [12.4.2.1 - 13 pages]

Summary

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

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

	ACTUAL	BUDGET	VARIANCE
	31 October 2020	2020 - 2021	
Statement of Financial Performance			
Ordinary Revenue	\$31,961,636	\$43,575,228	\$11,613,592
Ordinary Expenditure	\$14,060,663	\$50,057,783	\$35,997,119
Capital Revenue	\$434,055	\$8,809,126	\$8,375,071
Capital Expenditure	\$1,815,122	\$14,004,898	\$12,189,776
End of Period Profit / (Loss)	\$22,229,947		
Statement of Financial Position			
Current Assets	\$59,505,903		
Net Assets	\$567,448,339		

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, 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 Rate Payers.

Cash Flow and Interest Earnings

The Shire holds by way of cash and term deposit \$16.7 million in Municipal Funds, \$7 million in Trust Funds and \$28 million in Reserve Funds. The average interest rate on these funds is 0.8%. New term deposits are attracting a very low interest rate for 90 days of approximately 0.5%.

Operating Grants and Subsidies

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

Employee Costs

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

Capital Expenditure

The Shire has budgeted to spend \$24 million on capital projects throughout the Shire in 2020 - 2021. Capital works have commenced in several areas including road and footpath projects as well as building works and recreation works. Expenditure totalling approximately \$1.8 million for these works has been reported at the end of October. As more projects are completed and as the Shire is invoiced for those works the level of reported expenditure will increase.

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

- Statement of Financial Performance
- Statement of Financial Position
- Notes to the Statement of Financial Performance and Financial Position
- Total Municipal Revenue and Expenditure - graph
- Statement of Cash at Bank – Loans
- Statement of Cash at Bank – Reserves
- Statement of Cash at Bank – Bonds and Deposits
- Statement of Cash at Bank – Trust
- Current Ratio – graph
- Outstanding Rates – graph
- Aged Debtors Summary - graph
- Current Account Coverage – graph
- Statement of Investments

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

Statutory/Policy Environment

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

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

Strategic Framework

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 October 2020.

Moved: Cr. Campbell

Seconded: Cr. Carbone

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

Carried 13-0

20/283.

Community and Lifestyle

Item No.	12.5.1
Subject:	Public Art Policy
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Acting Manager Place
Authorising Officer:	Director Community and Lifestyle
File No.:	
Attachments:	Attachment 1 - Terms of Reference [12.5.1.1 - 2 pages] Attachment 2 - Policy 3.1.7 Public Art Policy [12.5.1.2 - 3 pages]

Summary

In order to formalise the Shire's commitment to recognising the role that local art, artists and cultural industries play in the cultural, economic, social and artistic vitality of the Shire, it is recommended that Council adopt a Terms of Reference for and invite nominations onto an Arts and Culture Advisory Group.

In order to support the role and objectives of this group, it is further recommended that Council adopt Policy 3.1.7 - Public Art Policy.

Background

At the Ordinary Council meeting of 17 September 2019, Council directed the CEO to draft terms of reference for a various Advisory Groups and Committees.

At this review of Committees of Council prior to the local government elections in October 2019, no Advisory Group was established to manage and implement art and cultural projects and acquisitions in the Shire.

Comment

It is recommended that an Arts and Culture Advisory Group be established in order to manage and implement arts and cultural projects and acquisitions in the Shire.

This group will include representation from Council, Administration and key stakeholders with expert knowledge to make such recommendations to Council, support the development of strategies, policies and plans related to arts and culture and act as a panel to appoint on occasion, such as the acquisition of the Harvey Art Prize.

A draft Terms of Reference (refer **Attachment 1**) for this group are provided for consideration.

In order to provide initial direction to this group, a draft policy is provided to Council for consideration. Draft Policy 3.1.7 - Public Art Policy (refer **Attachment 2**) provides a set of objectives and definitions to guide the Shire in the development and management of public art projects. It further provides a framework for the maintenance, development and management of the Shire's Art Collection.

The implementation of this policy will be supported by an operational Arts Collection Management Procedure to guide the Administration on its implementation. Further, the implementation of this policy will require the finalisation of the Shire's Art Collection Register and provision of this as a gallery on the Shire's website.

It is envisioned that over time, further strategies, policies or plans will be initiated in order to guide the role and objectives of the Arts and Culture Advisory Group, and that these will be presented to Council as required.

Statutory/Policy Environment

Nil.

Strategic Framework

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

- 1.2.5 *Complete the Entry Statement Program for the Shire.*
- 2.2.2 *Retain and develop partnerships with local community organisations that enhance local character.*
- 3.3.1 *Continue to provide facilities and support community groups, including arts, heritage and cultural groups.*
- 3.3.3 *Places of cultural significance are recognised and respected.*
- 4.4.1 *Provide opportunities for the community to engage with Councillors and Staff.*

Risk Management

The Risk Theme Profile identified as part of this report is **Inadequate Engagement Practices**. The Consequence could be Reputational if the Shire does not adequately involve and engage local artists and the broader community. The Risk Consequence is considered to be **Minor** and the likelihood **Possible** resulting in a **Moderate** level of risk.

Budget Implications

The following allocations are listed in the Shire's 2020 – 2021 Budget which will fall within this scope of the Public Art Policy and the Arts and Culture Advisory Group:

- \$35,000 – Mural Art Project on Shire Buildings;
- \$20,000 – Entry Statements;
- \$1,000 – Harvey Art Prize

Voting Requirements

Simple Majority.

Officer's Recommendation

That Council:

1. Adopts Policy 3.1.7 – Public Art Policy
2. Endorses the Terms of Reference for the Art and Culture Advisory Group
3. In accordance with the Terms of Reference appoint the following persons onto the Arts and Culture Advisory Group:
 - Cr. _____;
 - Cr. _____;
 - Chief Executive Officer or delegate;

- Director Community and Lifestyle;
 - Manager Place; and
 - Community Development Officer.
4. Invites nominations according to the Terms of Reference to serve on the Advisory Group

Moved: Cr. Jackson

Seconded: Cr. Campbell

That Council:

- 1. Adopts Policy 3.1.7 – Public Art Policy**
- 2. Endorses the Terms of Reference for the Art and Culture Advisory Group**
- 3. In accordance with the Terms of Reference appoint the following persons onto the Arts and Culture Advisory Group:**
 - **Cr. Bromham;**
 - **Cr. Gillett;**
 - **Chief Executive Officer or delegate;**
 - **Director Community and Lifestyle;**
 - **Manager Place; and**
 - **Community Development Officer.**
- 4. Invites nominations according to the Terms of Reference to serve on the Advisory Group**

Carried 13-0

20/284.

Community and Lifestyle

Item No.	12.5.2.
Subject:	Harvey Art Prize
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Director Community and Lifestyle
Authorising Officer:	Chief Executive Officer
File No.:	
Attachments:	Nil

Summary

This report presents a request from the Harvey Art Society and Gallery Inc (HAS) for Council to discount the normal hire fees for use of the Harvey Recreation and Cultural Centre's (HRCC) Function Room to host the proposed Harvey Art Prize 2021 exhibition during a period from 15 to 20 January 2021 inclusive. While Officers have delegation to determine this application, the matter is referred to Council as it was felt Council would prefer to deal with the request.

It is also necessary, due to the discontinuance of the General Purpose Committee, to determine a Committee or Advisory Group to facilitate the acquisition of an artwork in line with the Shire's budget allocation of \$1,000.

It is recommended Council discount the normal hire fees for the use of the HRCC's Function Room for the proposed event; and for the Art and Culture Advisory Group to provide direction to the Administration for the purchase of an artwork from the exhibition.

Background

The HAS has written to the Shire seeking Council's approval to discount normal hire fees for the HRCC Function Room for the exhibition to be held 15 to 20 January 2021 (plus an additional day for set up and take down, being eight days in total)

The HAS is a volunteer run, incorporated body which plans to hold the Harvey Art Prize in January 2021. This will be the 52nd year of the Harvey Art Prize, having first been held in 1968. The prize attracts artists from across Western Australia.

Comment

The request from the HAS is considered to be worthy of Council's support. There are currently no bookings for use of the HRCC's Function Room during this period and so there will be no impact on other community groups, organisations or events. Support of this request would demonstrate a strong commitment towards the arts and also support of community facilitated events.

The General Purposes Committee which previously determined the Harvey Art Prize acquisition was discontinued as a result of the review of Committees of Council at the Ordinary Council Meeting of 17 September 2019.

Under a separate cover in this Agenda, the Administration recommended the adoption of Council Policy 3.1.7 Public Art Policy, to provide a framework for the development of public art projects or spaces within the Shire of Harvey. This includes an Art and Culture Advisory Group, which will include Council representation to advise the Administration in matters relating to public artwork, including determining the winner of the Harvey Art Prize.

The Administration will in accordance with the 2019-2020 Annual Budget, make a purchase of the Art Work in accordance with the scope of the Harvey Art Prize from the recommendation of the Art and Culture Advisory Group.

Statutory/Policy Environment

Section 6.12(1)(b) of the *Local Government Act 1995* allows Council to waive a fee.

Delegation 1.1.5 - Defer, Waive or Write Off Debts

Council Policy 3.1.7 Public Art Policy provides the framework for public artwork projects in the Shire of Harvey. In accordance with this policy the Administration, on recommendation of the Art and Culture Advisory Group shall determine the winner of the Harvey Art Prize.

Strategic Framework

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

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

Risk Management

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

Budget Implications

This report recommends that Council provide a discount to the normal hire fees for the use of the HRCC Function Room for the period 15 to 20 January 2021 (plus an additional day for set up and take down, being eight days in total). The HAS has estimated total hire costs to be \$1,800 (dependent on actual hours of usage) and has committed \$900 towards the hire to assist in the reduction of overall event costs. Some additional indirect costs for electricity would be incurred however these costs are not expected to be significant.

The Shire's Annual Budget includes an allocation of \$1,000 for the purpose of purchasing art from the Harvey Art Prize (account number 116302).

Voting Requirements

Simple Majority.

Officer's Recommendation

That Council:

1. Subject to normal conditions of hire, insurance and bond requirements, and the provision of a COVID-19 Safety Plan for the event, grants approval for the Harvey Art Society and Gallery Inc to use the Harvey Recreation and Cultural Centre's Function Room for the purpose of hosting the Harvey Art Prize 2021 Exhibition;

2. Agrees to discount the normal hire fees for the use of the Harvey Recreation and Cultural Centre's Function Room from 15 to 20 January 2021 (plus an additional day for set up and take down, being eight days in total) inclusive to \$900 (GST exclusive);
3. Notes the Art and Culture Advisory Group will make a recommendation to the CEO on the acquisition from the Harvey Art Prize; and
4. Notes the Administration will purchase the artwork in accordance with Council Policy 3.1.7 Public Art Policy.

Moved: Cr. Adams

Seconded: Cr. Dickinson

That Council:

1. **Subject to normal conditions of hire, insurance and bond requirements, and the provision of a COVID-19 Safety Plan for the event, grants approval for the Harvey Art Society and Gallery Inc to use the Harvey Recreation and Cultural Centre's Function Room for the purpose of hosting the Harvey Art Prize 2021 Exhibition;**
2. **Agrees to discount the normal hire fees for the use of the Harvey Recreation and Cultural Centre's Function Room from 15 to 20 January 2021 (plus an additional day for set up and take down, being eight days in total) inclusive to \$900 (GST exclusive);**
3. **Notes the Art and Culture Advisory Group will make a recommendation to the CEO on the acquisition from the Harvey Art Prize; and**
4. **Notes the Administration will purchase the artwork in accordance with Council Policy 3.1.7 Public Art Policy.**

Carried 13-0

20/285.

Community and Lifestyle

Item No.	12.5.3
Subject:	Harvey Recreation Ground Master Plan
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Harvey Recreation and Cultural Centre
Authorising Officer:	Director Community and Lifestyle
File No.:	
Attachments:	Attachment 1 - HRG Needs Assessment Final Report [12.5.3.1 - 92 pages] Attachment 2 - HRGP Master Plan Concept Report [12.5.3.2 - 7 pages]

Summary

This report provides an update on the Harvey Recreation Ground (HRG) Master Plan project, inclusive of a finalised Needs Assessment Report 2020. The findings remain inconclusive for a number of key elements to which it is the Officers recommendation that Council receive these findings and endorse a community consultation process to determine preferred outcomes.

Background

The Harvey Recreation Ground Advisory Committee (HRGAC) was established in 2013 to provide recommendations to Council relative to:

- The management and maintenance of the Harvey Recreation Ground;
- Priorities for capital improvements and major maintenance of the Harvey Recreation Ground; and
- The long term development of the Harvey Recreation Ground.

At its meeting held 18 March 2019 the HRGAC proposed the development of a Master Plan for the HRG to identify current and future needs of local sporting and community groups and ensure that any provision of new or upgraded facilities occurs in a planned and coordinated way. The Minutes of that meeting confirm the HRGAC:

1. *supports the proposal to develop a Master Plan for the Harvey Recreation Ground as outlined in this report subject to funding for the proposed study being approved;*
2. *approves the submission of grant applications to the Department of Local Government, Sport and Cultural Industries and the Alcoa Harvey Sustainability Fund for the proposed study;*
3. *lists for consideration of funding in its 2019/20 Draft Budget a contribution of \$9,000 towards the proposed study; and*
4. *in the event that either of the grant applications referred to in point 2 above are unsuccessful, consider an increased financial contribution to the Harvey Recreation Ground Master Plan in its 2019/20 draft budget to make up the shortfall.*

At the Ordinary Council Meeting (OCM) held 26 March 2019 it was endorsed that:

That the Minutes of the Harvey Recreation Ground Advisory Committee, held on Monday, 18th March 2019, as printed, be received and the recommendations contained therein be adopted by Council.

At the HRGAC meeting held on 26 August 2019 the project scope was amended to also include reference to:

- The Harvey Hawks Football Club as a potential future user group;
- The potential for a future indoor 25m pool or hydrotherapy pool to be located at the Harvey Recreation and Cultural Centre; and
- Support for requests that the Harvey Skate Park be upgraded.

The amended scope was adopted at the OCM held on 17 September 2019 and at its subsequent meeting held on 8 October 2019, Council awarded the contract to a successful consultant to conduct works.

A separate item endorsed at the OCM held on 8 October 2019 was the Terms of Reference for Advisory Groups. This new structure included the establishment of a Harvey Place Advisory Group and a Sport and Recreation Advisory Group that replaced the HRGAC.

A consultation process was undertaken in early 2020, by the consultant, by the following methods:

- Community survey available in hard copy from the Harvey Recreation and Cultural Centre (HRCC) and Shire of Harvey offices
- Community survey available online via Survey Monkey and advertised on the Shire of Harvey website and Harvey Reporter
- Sporting and user group survey
- Community drop-in session at the HRCC
- Meeting at the HRCC with relevant Shire Officers; and
- Consultation with neighbouring local governments.

Due to COVID-19 restrictions the Harvey Place Advisory Group (HPAG) was unable to meet and formally consider the draft Needs Assessment report however the report was circulated to the members of HPAG inviting their comments, with no comments received.

At its OCM held on 26 May 2020, Council carried the Officer's recommendation to proceed with the development of the draft HRG Master Plan. An internal working group was then established to review the findings of the report and provide feedback to inform the finalisation of the Needs Assessment and Concept Master Plan Concept Report for the HRG. The final reports are now ready to be advertised for public feedback prior to adoption in preparation for implementation.

Comment

The HRG Needs Assessment Report and Master Plan Concept Report, November 2020 (**Attachment 1 and 2**) provides the following:

- Review of background information including relevant Shire plans, reports and studies, facility usage data and demographics.
- An audit review of the facilities within the Harvey Recreation Ground.
- Identification of trends and factors that may influence precinct development recommendations.
- Consultation with Shire officers, the previous Harvey Recreation Ground Advisory Committee, sports and recreation groups and key stakeholders, the general community and other relevant agencies and organisations.
- Analysis of needs through synthesis of all information gathered through the study.

The report proposes a number of solutions to the identified needs as indicated in **Attachment 1**, on pages 28-45, within the context that these considerations may be included into the Shire's annual budget by way of a staged implementation of the HRG Master Plan project.

With reference to the HRCAG Minutes of 26 August 2019, items included in the amended the project scope, the following solutions were identified:

- *the Harvey Hawks Football Club as a potential future user group*
- *the potential for a future indoor 25m pool or hydrotherapy pool to be located at the Harvey Recreation and Cultural Centre, and*
- *support for requests that the Harvey Skate Park be upgraded.*

Soccer relocation to HRG	<ul style="list-style-type: none"> • <i>Investigate pitch configuration options to accommodate the relocation of the HHSC to the HRG.</i> • <i>Proceed with proposed drainage upgrades at HRG.</i> • <i>Temporary Bar demolition - If soccer is to be relocated to HRG, consideration for the demolition of the Temporary bar facility will likely be required to allow the most efficient and HCSC desirable soccer playing field configuration.</i> • <i>Storage – investigate the utilisation of the existing stalls at the western end of the HRCC for external storage use by Soccer and playing field user groups.</i>
Aquatic Facilities	<ul style="list-style-type: none"> • <i>The Dr Peter Topham Memorial Swimming Pool was built in 1982 and therefore is likely approaching the end of its useful and economic lifespan.</i> • <i>Should the Shire wish to further investigate indoor aquatic options, further studies (needs assessment and feasibility) would be required in order to determine the most appropriate type of facility and location within the HRCC.</i>
Skate Park	<ul style="list-style-type: none"> • <i>Conduct a feasibility and design assessment for an upgraded Harvey Skate Park. Should the Shire determine HRG as the most suitable site then expanding the current location (see site diagram below) and adding skateable elements throughout the area should be considered. The existing skate park area could expand to the internal access road and its exit to the west and south to the Uduc Road fence, conservatively providing an approximate 500m2 to the existing apron of approximately 600m2.</i> • <i>Any upgrade should include contemporary features and designed with input from the local skating community.</i>

The final Needs Assessment and Master Plan is now ready to be advertised for public comment prior to adoption in preparation for implementation. It is the Officer's recommendation to undertake the consultation period for a period of eight weeks before presenting a staged development plan to Council for consideration as part of setting its annual Budget for 2021-2022.

Statutory/Policy Environment

N/A.

Strategic Framework

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

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

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

Nil.

Voting Requirements

Simple Majority.

Officer's Recommendation

That Council:

1. Endorses the Harvey Recreation Ground (HRG) Needs Assessment Report November 2020;
2. Endorses the Master Plan Concept Plan Report; and
3. Approves the Needs Assessment Report and Master Plan Concept Report to be advertised for public comment.

Moved: Cr. Bromham Seconded: Cr. Coleman

That Council:

1. **Endorses the Harvey Recreation Ground (HRG) Needs Assessment Report November 2020;**
2. **Endorses the Master Plan Concept Plan Report; and**
3. **Approves the Needs Assessment Report and Master Plan Concept Report to be advertised for public comment.**

Amendment to the motion

That item 2 of the Officers Recommendation be amended to read as below:

Moved: Cr. Campbell Seconded: Cr. Dickinson

2. **Endorses the Master Plan Concept Plan Report and amends section 27 to change the word potential to investigate; and**

Carried 13-0 20/286.

Substantive Motion

That Council:

1. **Endorses the Harvey Recreation Ground (HRG) Needs Assessment Report November 2020;**
2. **Endorses the Master Plan Concept Plan Report and amends section 27 to change the word potential to investigate; and**
3. **Approves the Needs Assessment Report and Master Plan Concept Report to be advertised for public comment.**

Carried 13-0 20/287.

13. Elected Members Motions of Which Previous Notice Has Been Given**13.1 Notice of motion from Cr. Adams**

Cr. Adams requested that the following Notice of Motion be placed in the Ordinary Council meeting Agenda for 15 December 2020.

That Council, addressing the concerns of staff with regard to the unhealthy, overcrowded and allegedly dangerous conditions under which they work in an office considered entirely unfit for purpose, authorize the CEO to repurpose the demountable structure currently serving as the Harvey Council Chamber, into office space, with a view to assisting to alleviate the current office accommodation problem. This repurposing should be seen as an interim measure pending the building of a new office complex in the proposed Harvey town centre Precinct.

Officer Comment

At the Ordinary Council Meeting of 24 November 2020, Council received a report for the proposed Harvey Cultural Centre Master Plan. Contained in this report was an architectural assessment of the Shire of Harvey Offices, which also provided an occupational health and safety assessment of the current building located in Harvey. The architectural report recommended the demolition of the Shire Offices, with 'no easy fixes' to the current situation. Concerns included poor hygiene standards, contributed to by old, dirty carpet, increasing mould and a lack of ventilation and natural lighting. There is water egress into the ceilings which has been known to cause collapse. The convoluted nature of the pathways through the offices represented an increase fire risk to patrons and employees, and some existing exits that have been closed inhibit exit pathways. Wellness issues for employees were raised in the report which suggested the effect of the building design, artificial light, spatial clarity and acoustics could significantly reduce employee mental health.

While the interim measure of converting the Harvey Council Chamber into additional office space could help with the crowding issue, most of the concerns raised in the report would not be alleviated by this motion and would provide only some mitigation to only a limited number of employees. The Administration proposes that Council consider an immediate budget amendment to engage an occupational health and safety consultant who would consider the safety of the Shire of Harvey employees, and provide recommendations to mitigate the immediate health and safety risks raised by the Motion and the architectural report.

Moved: Cr. Adams Seconded: Cr. Simpson

That Council, addressing the concerns of staff with regard to the unhealthy, overcrowded and allegedly dangerous conditions under which they work in an office considered entirely unfit for purpose, authorize the CEO to repurpose the demountable structure currently serving as the Harvey Council Chamber, into office space, with a view to assisting to alleviate the current office accommodation problem. This repurposing should be seen as an interim measure pending the building of a new office complex in the proposed Harvey town centre Precinct.

Lost 3-10

Alternate Motion**Moved: Cr. Campbell****Seconded: Cr. Dickson**

That Council amend the 2020-21 Budget in order to provide the CEO up to \$20,000 to engage an OH & S consultant. This consultant is to undertake an immediate occupational and safety assessment of the Shire of Harvey offices located in Harvey. The report is to detail immediate recommendations and mitigation actions to ensure the Shire of Harvey employees are kept safe. The CEO is to present the findings of the assessment and any necessary remediation expenditure to Council by March 2021.

Carried by Absolute Majority 13-0 20/288

Reason: Council believes that moving Shire Officers into the Harvey Chamber would not be an efficient use of money or provide sufficient space.

14. Notice of Motion for Following Meeting

Cr. Adams requested that the following Notice of Motion be placed in the Ordinary Council meeting Agenda for 26 January 2021.

That Council, whilst fully recognising the historical importance of the town of Harvey as the Shire's hub of economic and development activity, now recognizes and embraces the emergence of the southern area of the shire as of equal importance to the economic development of the shire going forward and moves towards retitling the Shire, the Shire of Harvey Leschenault.

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

Nil.

16. Reports of Members

Cr. Dickinson reported on her attendance at the following:

- Opening of 'The Boundary' Harvey Community Sport Centre
- Yarloop Community Resource Centre Thank a Volunteer sundowner
- Brunswick Community Resource Centre Thank a Volunteer sundowner
- Chief Executive Officer Employment Committee meeting
- Shire of Harvey Agenda Briefing Session
- Leeuwin Sail Experience 30th Anniversary celebration
- Bunbury Harvey Regional Council Audit Committee meeting with Cr. Jackson
- Harvey Visitor Centre AGM
- Harvey and Districts Historical Society meeting
- Mornington Rail Disaster 100-year commemorative event at Wokalup
- Development Assessment Panel training
- Brunswick Place Advisory Group meeting
- Treendale Farm Hotel opening
- Harvey Visitor Centre Board meeting
- Uduc Progress Association meeting

Cr. Burgoyne reported on his attendance at the following:

- Development WA Showcase with Cr. Gillett
- Brunswick Grounds Committee meeting with Cr. Carbone
- Harvey Christmas Tree unveil
- Brunswick Community Resource Centre Thank a Volunteer sundowner
- Leschenault Bush Fire Brigade dinner

Cr. Lovitt reported on her attendance at the following:

- Binningup Thank a Volunteer event
- Brunswick River Cottages Stage Two opening
- Opening of the Brunswick Men's Shed
- Australind Thank a Volunteer event
- Road Safety Awareness Campaign launch at Eaton Fair
- Disability Access and Inclusion Advisory Group
- Chief Executive Officer Employment Committee meeting
- Yarloop Bush Fire Recovery meeting with Department of Fire and Emergency Services and Greg Campbell
- Leeuwin Sail Experience 30th Anniversary celebration

Cr. Campbell reported on her attendance at the following:

- Opening of 'The Boundary' Harvey Community Sport Centre
- Yarloop Community Resource Centre Thank a Volunteer event
- Australind Thank a Volunteer Event
- Riverlinks Childcare Board meeting
- Leeuwin Sail Experience 30th Anniversary celebration
- Lot 208 Youth Inc. meeting
- Australind Senior High School year 12 Graduation

Cr. Beech reported on his attendance at the following:

- Leeuwin Sail Experience 30th Anniversary celebration
- Wagerup Community Consultative Network
- Harvey Community Network Group meeting
- Harvey Community Radio Committee meeting
- Brunswick River Cottages AGM
- Harvey Community Resource Centre Committee meeting
- Opening of 'The Boundary' Harvey Community Sport Centre
- Harvey Community Resource Centre Thank a Volunteer sundowner
- Brunswick River Cottages Stage Two opening
- Opening of the Brunswick Men's Shed
- Regional Road Group Committee meeting

Cr. Gillett reported on his attendance at the following:

- Development WA Showcase with Cr. Burgoyne
- Opening of 'The Boundary' Harvey Community Sport Centre
- Yarloop Community Resource Centre Thank a Volunteer sundowner
- Brunswick Community Resource Centre Thank a Volunteer sundowner
- Chief Executive Officer Employment Committee meeting
- Leeuwin Sail Experience 30th Anniversary celebration
- Mornington Rail Disaster 100-year commemorative event at Wokalup

- Treendale Farm Hotel opening
- Harvey Christmas Tree unveil
- Brunswick River Cottages Stage Two opening
- Opening of the Brunswick Men's Shed
- Harvey Community Resource Centre Thank a Volunteer sundowner
- South 32 Mine Site visit
- Meeting with Minster Templeman and Robyn Clarke
- South West Zone meeting in Busselton
- Shire of Harvey Finance meeting with Auditor General
- Roelands Village Christmas Lunch
- Australind Senior Citizens Christmas Club function
- Harvey Primary School Youth Strategy development
- Bunbury Georraphe Economic Alliance AGM
- Shire Officers Recognition of Service breakfast
- Treendale Primary School Youth Strategy Development
- Rotary Club of Harvey Gala Night
- Shire of Harvey Local Emergency Management Committee meeting
- Coastal Place Advisory Committee meeting
- Audit Committee meeting

17. Seal Register

Nil.

18. New Business of an Urgent Nature Introduced by Decision of Meeting

Nil.

19. Matters Behind Closed Doors

19.1 Application for Exemption to Keep More Than the Prescribed Number of Dogs (A006893)

Matters Behind Closed Doors Under Section 5.23(2)(b) of the Local Government Act 1995. Reason: *the personal affairs of any person*

Moving Behind Closed Doors

Moved: Cr. Burgoyne Seconded: Cr. Coleman

That Council Moves Behind Closed Doors in accordance with Section 5.23 (2)(b) the personal affairs of any person, which relates to a matter to be discussed at the meeting.

Carried 13-0 20/289

Council moved behind closed doors at 5.10pm.

Item No.	7.2.1
Subject:	Application for Exemption to Keep More Than the Prescribed Number of Dogs
Proponent:	Ms Sharon Rose Cooke
Location:	10 Balmoral Boulevard, Leschenault
Reporting Officer:	Manager Waste and Safety Services
Authorising Officer:	Director of Infrastructure Services
File No.:	A006893
Attachments:	{attachment-list}

Officer's Recommendation

That Council approves the application from Ms Sharon Rose Cooke of 10 Balmoral Boulevard Leschenault, for an exemption from Clause 3.2, Shire of Harvey Dogs Local Law 2017, subject to the following conditions:

1. The exemption applies only to the dogs listed on the application and once any of the dogs are deceased, sold or otherwise disposed of the exemption automatically lapses.
2. The exemption will automatically lapse on any offence relating to the *Dog Act 1976* by the dogs or any person in charge of these dogs;
3. The property must be kept clear of all animal excreta using property disposal methods;
4. Adequate cover and protection is available for the dogs at all times;
5. The dogs being at all times adequately confined in accordance with the *Dog Act 1976*;
6. Access is given to the Shire for annual inspections or more regularly if the Shire so determines;
7. The exemption may be revoked or varied at any time in a manner provided for in Section 26(3) (c) of the *Dog Act 1976*; and
8. The exemption only applies to 10 Balmoral Boulevard, Leschenault and should the Applicant move to another address or the dogs be relocated to another address the approval shall lapse.

Moved: Cr. Simpson Seconded: Cr. Jackson

That Council approves the application from Ms Sharon Rose Cooke of 10 Balmoral Boulevard Leschenault, for an exemption from Clause 3.2, Shire of Harvey Dogs Local Law 2017, subject to the following conditions:

- 1. The exemption applies only to the dogs listed on the application and once any of the dogs are deceased, sold or otherwise disposed of the exemption automatically lapses.**
- 2. The exemption will automatically lapse on any offence relating to the *Dog Act 1976* by the dogs or any person in charge of these dogs;**
- 3. The property must be kept clear of all animal excreta using property disposal methods;**
- 4. Adequate cover and protection is available for the dogs at all times;**
- 5. The dogs being at all times adequately confined in accordance with the *Dog Act 1976*;**
- 6. Access is given to the Shire for annual inspections or more regularly if the Shire so determines;**

7. The exemption may be revoked or varied at any time in a manner provided for in Section 26(3) (c) of the *Dog Act 1976*; and
8. The exemption only applies to 10 Balmoral Boulevard, Leschenault and should the Applicant move to another address or the dogs be relocated to another address the approval shall lapse.

Carried 13-0 20/290

Returning from Behind Closed Doors

Moved: Cr. Burgoyne Seconded: Cr. Beech

That Council return from Behind Closed Doors.

Carried 13-0 20/291

Council returned from behind closed doors at 5.14pm.

9. Announcements by Presiding Members or CEO Without Discussion

The Shire President made the following announcement.

First of all, I thank Councillor Burgoyne as Deputy and all Councillors for their support and for their work over the last 12 months.

If you had written a book about this year it would be in the fiction section with *Frankenstein*, the *hobbit* or even *The Hunger Games*. We were thrown into the unknown with many challenges along the way, it was unprecedented on a global scale, not just local. Who would have thought that the humble dunny roll and spaghetti would be the product of choice in a pandemic and nearly driven to extinction. It has certainly been a year like no other.

Despite the challenges along the way, we have achieved some great projects:

- Karragarup Play Space
- Binningup Volunteer Bushfire Brigade Shed
- Australind SES Building
- Stage 2 - Brunswick River Cottages
- Harvey Community and Sporting Facility – The Boundary

I welcome aboard new staff, I am sure you will find this a rewarding and vibrant place to work. Special mention to our long standing staff that were recognised this year:

- Merv Stewart – Manager Building Services. 30 years
- Scott Dandridge – Manager Environmental Health Services. 32 years
- Leo Fimmano – Senior Projects Officer Assets. 32 years
- Damion Bacich – Truck Driver. 33 years.
- Gordon Kenyon – Leading Hand – Plant Operator. 40 years.
- Ornella Morabito – Information Management Officer. 44 years.

To staff who have left, thank you for your service to the Shire and we wish you all the best in the future.

To our CEO Annie Riordan for her leadership this year, she has done a fantastic job. To all of our wonderful staff your dedication and commitment to deliver services and projects across the Shire is second to none.

Local Government is an essential service and this year has certainly confirmed that. With staff redeployed to work on various maintenance projects, delivering books to homes, presenting rhyme time and story time on YouTube and assisting community groups such as meals on wheels, everyone has gained new skills and experiences.

Road maintenance and construction, parks and gardens all continued to be delivered to a high standard as always, your commitment to the Shire has not gone unnoticed.

I would like to wish all our Councillors and staff a very merry Christmas and a safe and prosperous new year. With special mention to those staff who have to work and hold down the fort over the Christmas period.

To all within our great Shire, merry Christmas and a safe and prosperous new year.

As they say, the cream always rises to the top. That's why the Shire of Harvey is regarded as the cream of the south west.

20. Closure of Meeting

There being no further business to discuss, the meeting was declared closed at 5.19pm.

I, Cr. Paul Gillett certify that the aforesaid Minutes of the meeting held on Tuesday, 15 December 2020, are a true and correct record of that meeting on Tuesday, 15 December 2020.

Cr. Paul Gillett
Shire President