



SHIRE OF
HARVEY



Ordinary Council Meeting **Minutes**

Harvey Council Chamber

Tuesday, 20 December 2022

4PM

Shire of Harvey

Ordinary Council Meeting

Minutes of the Ordinary Council of the Harvey Shire Council, held in the Council Chamber, Mulgara Street, Australind, on Tuesday, 22 November 2022, commencing at 4:00pm.

Attendance

Shire President

Cr.	P.	Gillett
Cr.	C.	Carbone
Cr.	J.	Bromham
Cr.	W.	Dickinson
Cr.	F.	Burgoyne <i>AFSM</i>
Cr.	M.	Campbell
Cr.	R.	Coleman
Cr.	D.	Krispyn
Cr.	J.	Capogreco
Cr.	M.	Boylan
Cr.	P.	Beech

Staff

Chief Executive Officer
Director Corporate Services
Director Community and Lifestyle
Director Sustainable Development
Director Infrastructure Services
Manager Governance and Strategy
Manager Planning Services
Acting Manager Place
Manager Special Projects
Executive Assistant
Governance Compliance Officer

Ms.	A.	Riordan
Mr.	D.	Winter
Ms.	K.	Davis
Mr.	S.	Hall
Mr.	R.	Lotznicker
Ms.	K.	Williams
Ms.	E.	Edwards
Ms.	C.	Curulli
Ms.	P.	Pietersen
Ms.	T.	Grimbeek
Ms.	F.	Schindler

There were no members of the public present and no members of the press.

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1. Official Opening

The Shire President opened the meeting at 4.05pm.

Disclaimer

Members of the Public are advised that recommendations to Council contained within this Agenda can be subject to change. Applicants and other interested parties should refrain from taking any action until 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. 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.

Council Members and the Community are reminded that should an exception resolution be passed; this has the effect of making the decision to accept the Officer Recommendation stated in the Agenda as the Council's decision without change.

An audio and visual record will be made, by means of livestreaming, of these proceedings and uploaded to the Shire's YouTube page for viewing.

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.

Procedural Motion

Cr. Gillett put forth the following:

That Council suspend Standing Orders Part 8 Clause 8.5 "Members to indicate their intention to speak and to rise when speaking" to allow Members to remain seated when speaking; to improve the quality of the Audio recording for the meeting.

Moved: Cr. Gillett

Seconded: Cr. Bromham

That Council suspend Standing Orders Part 8 Clause 8.5 "Members to indicate their intention to speak and to rise when speaking" to allow members to remain seated when speaking; to improve the quality of the Audio recording for the meeting.

Carried 11-0

22/224

2. Record of Apologies and Leave of Absence

Apologies:

Cr. Jackson
Cr. Lovitt

Leave of Absence:

Nil.

3. Applications for Leave of Absence

Cr. Lovitt requests a leave of absence from Monday, 6 February 2023 – Friday, 24 February 2023 inclusive.

Moved: Cr. Campbell

Seconded: Cr. Dickinson

That a leave of absence be granted to Cr. Lovitt from Monday, 6 February 2023 – Friday, 24 February 2023 inclusive.

Carried 11-0

22/225

4. Reading from a Book of Learning and Wisdom

Read by Cr. Bromham

5. Declarations of Members' and Officers' Personal Interest

Nil.

6. Response to Previous Questions Taken on Notice

Nil.

7. Public Question Time

Nil.

8. Petitions/Deputations/Presentations

Nil.

9. Announcements by Presiding Members or CEO Without Discussion

The Shire President thanked Officers for a wonderful year and wished them all a Merry Christmas and a safe and happy New Year with family and friends.

The Shire President also extended his thanks to the Deputy Shire President, Cr. Michelle Campbell, for her support. He also gave his thanks the rest of the Councillors for their input and direction this year.

10. Confirmation of Minutes

Ordinary Council Meeting – Tuesday, 22 November 2022

Recommendation

That the Minutes of the Council Meeting held on Tuesday, 22 November 2022, as printed be confirmed as a true and correct record.

Moved: Cr. Campbell

Seconded: Cr. Dickinson

That the Minutes of the Council Meeting held on Tuesday, 22 November 2022, as printed be confirmed as a true and correct record.

Carried 11-0

22/226

Special Council Meeting – Tuesday, 13 December 2022

Recommendation

That the Minutes of the Special Council Meeting held on Tuesday, 13 December 2022, as printed be confirmed as a true and correct record.

Moved: Cr. Carbone

Seconded: Cr. Bromham

That the Minutes of the Special Council Meeting held on Tuesday, 13 December 2022, as printed be confirmed as a true and correct record.

Carried 11-0

22/227

11. Receipt of Minutes and Recommendations from Committees

Nil.

12. Officer's Reports

Recommendations contained in the Officer's Reports were adopted by exception resolution with the exception of the following items:

12.1.2 – Delegations Review	Absolute Majority Required.
12.5.1 – Shire of Harvey Grant Funding Program	Subject to an Addendum.

Exemption Resolution Motion:

That with the exception of 12.1.2 and 12.5.1 which are to be considered separately, the Officer's Recommendation for Items 12.1.1, 12.2.1, 12.3.1–12.3.5, and 12.4.1–12.4.2 be adopted as the Council Resolution.

Moved: Cr. Carbone

Seconded: Cr. Bromham

That with the exception of 12.1.2 and 12.5.1 which are to be considered separately, the Officer's Recommendation for Items 12.1.1, 12.2.1, 12.3.1–12.3.5, and 12.4.1–12.4.2 be adopted as the Council Resolution.

Carried 11-0

22/228

12.1. Chief Executive Officer

Item No.	12.1.1.
Subject:	WALGA Best Practice Governance Review
Proponent:	Shire of Harvey
Location:	Not Applicable
Reporting Officer:	Coordinator Corporate Planning and Performance
Authorising Officer:	Chief Executive Officer
File No.:	F/40/00417
Attachments:	<ol style="list-style-type: none"> 1. WALGA Best Practice Governance Review - Consultation Paper [12.1.1.1 - 22 pages] 2. WALGA Best Practice Governance Review - Background Paper [12.1.1.2 - 20 pages]

Summary

Western Australian Local Government Association (WALGA) is currently undertaking a Best Practice Governance Review and is providing the Shire of Harvey with an opportunity to review and reshape the governance model to ensure WALGA is well-placed as an organisation to deliver for members through:

- Clear policy positions on matters of importance to local governments that drive positive advocacy outcomes for local governments and communities.
- Relevant, quality services that support local governments' operations and build capacity across the sector.
- Agile and timely decision-making that responds to members' needs.

WALGA is seeking feedback from all local governments on the governance model options presented in the Consultation Paper (**Attachment 1**) in the form of a Council decision by Friday, 23 December 2022.

Background

WALGA developed its Corporate Strategy 2020–2025 which identified a key strategic priority to undertake a Best Practice Governance Review. The objective of the review is to ensure WALGA's governance and engagement models are contemporary, agile, and maximise engagement with members. Other drivers for the review included misalignment between key governance documents, constitution amendments for State Councillors' Candidature for State and Federal elections, and legislative reforms for the *Local Government Act 1995*, and for the *Industrial Relations Act 1979*.

In March 2022, State Council commissioned the Best Practice Governance Review (BPGR) and established a Steering Committee to guide the review. The BPGR Steering Committee had five meetings between 5 May 2022 and 10 August 2022 with wide-ranging discussion on WALGA's current governance model, the need to engage broadly with the membership, and opportunities for change. Key outputs from the BPGR Steering Committee meetings included:

- Agreement on five comparator organisations – Australian Medical Association WA, Chamber of Commerce and Industry WA, Chamber of Minerals and Energy, Australian Hotels Association WA and the Pharmacy Guild
- Review of governance models of local government associations in other Australian States and Territories, and New Zealand

- Drafting of governance principles that will underpin future governance models
- Finalisation of governance principles and principle components across the domains of representative, responsive and results oriented.

These outputs are outlined in more detail in WALGA's Best Practice Governance Review Background Paper (**Attachment 2**).

At its Annual General Meeting held 3 October 2022, WALGA endorsed the governance principles of representative, responsive and results oriented and progressed to presenting local governments with the Consultation Paper.

Comment

WALGA's Best Practice Governance Review Consultation Paper presents five potential governance model options and the structure and roles associated with each option. The five options are:

- Option 1: Two tier model, existing zones.
- Option 2: Board, regional bodies.
- Option 3: Board, amalgamated zones.
- Option 4: Member elected board, regional groups.
- Option 5: Current model.

These options are summarised in the following table.

Option 1 Two tier model, existing Zones	Option 2 Board, Regional Bodies	Option 3 Board, Amalgamated Zones	Option 4 Member elected Board, Regional Groups	Option 5 Current Model
Board (11 members) 8 elected from Policy Council including Board elected President. Up to 3 independents.	Board (11 members) 8 elected from Regional Bodies including Board elected President. Up to 3 independents.	Board (15 members) 12 elected from Zones including Board elected President. Up to 2 independents.	Board (11 members) 8 elected via direct election including Board elected President. Up to 3 independents.	State Council (25 members) 24 State Councillors. 1 President.
Policy Council (25 members) 24 members plus President.	Regional Bodies (4 metro, 4 country).	Zones (6 metro, 6 country).	Policy Teams / Forums / Committees	Zones (5 metro, 12 country).
Zones (5 metro, 12 country).	Policy Teams / Forums / Committees	Policy Teams / Forums / Committees	Regional Groups	Policy Teams / Forums / Committees

Each of these options are assessed as to whether they align with the principles and their components in the Consultation Paper. The assessment considers the option and whether it meets, partially meets or does not meet the principle component. With all the model options, relationships with WALGA and regional / subregional collaboration would continue to be encouraged.

Reviewing the options from the perspective of how many of the components of the principles align, options one and two align the most with eight components classified as meeting the principle and two components classified as partially meeting the principle. Option one's components that partially meet the principle are agility and focus. Option two's components that partially meet the principle are size and focus. Option three and four's components that partially meet the principle are composition, size and focus. Option five's components that partially meet the principle are size, diversity, timely decision making, agility, focus and valued added decision making.

As the Shire of Harvey is a regional local government, Council may wish to consider how it will be best represented. Option one provides the Board to have equal metropolitan and country membership, a smaller Board, independent members, members elected from the Policy Council, and meeting frequency aligned to the governing body roles. Option one also provides meetings that are not dependent on other governing body meetings, future proofing from external changes, zone structures still underpinning the Council, best practice approaches to be adopted, and responsibility for ongoing reviews of governance body roles in consultation with members.

Following the conclusion of the consultation period, the Steering Committee will consider the outcomes during January 2023 with a final report and the recommended direction being a State Council Agenda item for the March 2023 State Council meeting.

Statutory/Policy Environment

Local Government Act 1995

- Section 9.58 - Constitution of associations of local government

Strategic Framework

The Shire's Strategic Community Plan 2021–2031, states:

<i>Goal 5:</i>	<i>A representative leadership that is future thinking, transparent and accountable.</i>
<i>Objective 5.2</i>	<i>Build partnerships and work collaboratively to amplify the outcomes that can be achieved.</i>

Community Engagement

Community Participation Goal

Inform: To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.

Promise to the Community

Inform: We will keep you informed.

Risk Management

The Risk Theme Profile identified as part of this report is **Inadequate Engagement Practices**. The consequence could be **Reputation** if Council does not provide an endorsed position to WALGA. The risk is considered **Minor** and the likelihood is **Unlikely**, given that Council has been provided with the Consultation Paper and options, and have discussed at a Concept Forum. This results in a **Low** risk being presented.

Budget Implications

Nil.

Authority/Discretion

Advocacy: When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council endorses Option One in the Consultation Paper presented by Western Australia Local Government Association (WALGA) and submits this position to WALGA before 23 December 2022.

OFFICERS RECOMMENDATION ADOPTED BY EXEMPTION RESOLUTION – REFER TO RESOLUTION 22/228 APPEARING AT ITEM 12.

Item No.	12.1.2.
Subject:	Delegations Review
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Governance Compliance Officer
Authorising Officer:	Chief Executive Officer
File No.:	CC/U/003
Attachments:	1. Draft Shire of Harvey Delegation Register [12.1.2.1 - 216 pages] 2. Current Shire of Harvey Delegation Register [12.1.2.2 - 244 pages]

Summary

The purpose of this report is to provide additional direction for the Administration to efficiently perform the required functions of the local government. Officers have reviewed Council's Delegation Register and recommends that Council adopts the new Draft Register as at **Attachment 1**.

Background

A delegation is the process prescribed in legislation for assigning authority to exercise and express power or duty from the delegate (Council) to another person (Chief Executive Officer (CEO)). The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation.

In line with the *Local Government Act 1995*, a Council is required to provide good governance to the people in the district and be predominantly concerned with higher level policy matters for their local government. Duties and powers which are operational in nature, but exercise a discretion, should be delegated to the CEO. Powers and duties can be delegated to CEOs with conditions attached which limits the exercise of powers or discharge of duties to circumstances prescribed by the Council. For example, a permit application which does not satisfy the conditions attached to a delegation, must be referred to the Council for determination.

At its Ordinary Meeting held on Tuesday, 23 November 2021, Council adopted a new Delegations Register (refer **Attachment 2**) prepared by Officers in accordance with the Delegations Template produced by the Western Australian Local Government Association (WALGA).

This report proposes the adoption of:

- A further 13 delegations
- Minor amendments to nine existing delegations
- Major amendments to one existing delegation
- The revocation of eight existing delegations.

Comment

The following provides briefing details of additional delegations proposed (refer **Attachment 1**):

Local Government Act 1995

Several delegations have been proposed for Shire of Harvey Local Laws. These delegations give the CEO all the powers conferred on the local government in the Shire of Harvey Local Law to determine applications, issue and apply conditions to approvals, consents, permits, licenses and registration,

undertake enforcement functions and exercise discretion under those local laws. Officers have suggested two conditions for subdelegates across all new delegations.

The proposed delegations refer to the below Local Laws:

- *Activities in Thoroughfares and Public Places and Trading Local Law 2017*
- *Bush Fire Brigade Local Law 2017*
- *Cemetaries Local Law 2017*
- *Commonage Local Law 2017*
- *Dogs Local Law 2017*
- *Extractive Industries Local Law 2017*
- *Fencing Local Law 2017*
- *Health Local Law 1997*
- *Local Government Property Local Law 2017*
- *Miscellaneous Provisions Local Law 2008*
- *Parking and Parking Facilities Local Law 2017*
- *Pest Plants Local Law 2017*
- *Waste Local Law 2009.*

The following provides details of the minor amendments to the following (refer **Attachment 1**):

- | | |
|--------|---|
| 1.1.3 | Title amendment – from Creditors, payment of, to Creditors payment from Shire funds. |
| 1.1.8 | The delegation number has changed to 1.1.7.
Additional legislation has been added to the “Express Power or Duty Delegated” and in turn additional functions have also been given. |
| 1.1.14 | The delegation number has changed to 1.1.13.
An additional condition has been given to subdelegates. |
| 1.1.15 | The delegation number has changed to 1.1.14.
A condition was given to subdelegates. |
| 3.1.2 | Previously regulations from the Bush Fire Regulations 1954 were listed under “Express power or duty delegate” that were not relevant to the delegation, these have been deleted and replaced with relevant ones from these regulations. |
| 3.1.8 | An additional condition has been given to the delegate. |
| 5.1.1 | A condition was given to subdelegates.
The <i>Cat Act 2011</i> was removed from the “Statutory Framework” as this isn’t relevant to the delegation. |

5.1.4 A condition was given to subdelegates.

5.1.5 A condition was given to subdelegates.

The following provides details of the major amendments to the following (refer **Attachment 1**):

Planning and Development Act 2005

At its Ordinary Meeting on 20 April 2020, Council adopted Delegation 4.1.27 – State of Emergency (SoE Delegation), which was later renumbered to 9.1.7. This delegation was in response to the COVID-19 pandemic and allowed Officers to determine any development application to provide more efficient decision-making and retain economic activity whilst the State of Emergency declaration was in force. The State of Emergency declaration ceased on 4 November 2022, resulting in the SoE Delegation discontinuing.

A register has been maintained of applications that were determined under the SoE Delegation and the following provides statistics of the use of this delegation between June 2020 and October 2022:

- Applications referred to Council: 48
- Applications determined under SoE Delegation: 63
- Total: 111

Note: the applications referred to Council included seven that were referred despite Officers having the ability to determine under the SoE Delegation.

57% of the applications that would have been referred to Council pre-SoE Delegation were determined by Officers. The use of the SoE Delegation has provided the following benefits to applicants, rate payers, the Shire and Elected Members:

- More efficient determination timeframes.
- Increased capacity of Officers given significant decrease in reports to Council.
- More efficient use of Elected Members' time given significant decrease in reports to Council

In consideration of the above, Officers have amended delegation 9.1.2 – Development Applications to make it comparable to the SoE Delegation so the above benefits can be continued.

The following existing delegations are proposed to be revoked (refer **Attachment 1**):

Local Government Act 1995

Due to the State of Emergency ending on 4 November 2022, the following two delegations are required to be revoked:

1.1.30 Renewal or Extension of Contracts during a State of Emergency.

1.1.31 Procurement of Goods or Services required to address a State of Emergency.

Food Act 2008

Currently there are no facilities within the Shire of Harvey that require the use of this delegation and should the need arise, the Shire will appoint an external inspector with relevant qualifications.

6.1.5 Abattoir Inspection and Fees

Planning and Development Act 2005

Should Council adopt the proposed amendments to delegation 9.1.2 – Development Applications, the following existing delegations are proposed to be revoked as they have been incorporated into delegation 9.1.2:

- 9.1.3 Modify development standards
- 9.1.5 Building envelope modification
- 9.1.6 Existing approvals
- 9.1.7 State of Emergency
- 9.1.9 Special Residential areas – building materials

Despite Officers having delegations, Officers will in some instances not exercise the delegation and refer the matter to Council for determination.

Statutory/Policy Environment

Local Government Act 1995

5.42. Delegation of some powers and duties to CEO

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

- (a) this Act other than those referred to in section 5.43; or*
- (b) the Planning and Development Act 2005 section 214(2), (3) or (5).*

** Absolute majority required.*

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

5.43. Limits on delegations to CEO 28

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority of the council;*
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) appointing an auditor;*
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) borrowing money on behalf of the local government;*

- (g) hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) any power or duty that requires the approval of the Minister or the Governor;*
- (i) such other powers or duties as may be prescribed.*

5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.*
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —*
 - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.*
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*
- (5) In subsections (3) and (4) —*
conditions includes qualifications, limitations or exceptions.

5.45. Other matters relevant to delegations under this Division

- (1) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —*
 - (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and*
 - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.*
- (2) Nothing in this Division is to be read as preventing —*
 - (a) a local government from performing any of its functions by acting through a person other than the CEO; or*
 - (b) a CEO from performing any of his or her functions by acting through another person.*

5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*

(2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*

(3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

Planning and Development (Local Planning Schemes) Regulations 2015

- Schedule 2, clause 82 – delegations to local government

Strategic Framework

The Shire's Strategic Community Plan 2021–2031, states:

Goal 5: A representative leadership that is future thinking, transparent and accountable.
Objective 5.3 Accountable leadership supported by a professional and skilled administration.
Objective 5.4 Sound governance, including financial, asset and risk management.

Community Engagement

Community Participation Goal

Inform: To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.

Promise to the Community

Inform: We will keep you informed.

Risk Management

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

Budget Implications

Nil.

Authority/Discretion

Legislative: Includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.

Voting Requirements

Absolute Majority

Officer's Recommendation

That Council adopts the draft delegation register as at *Attachment 1*.

BY ABSOLUTE MAJORITY

Moved: Cr. Beech

Seconded: Cr. Burgoyne

That Council adopts the draft delegation register as at *Attachment 1*.

Carried by Absolute Majority 11-0 22/229

12.2. Infrastructure Services

Item No.	12.2.1.
Subject:	Closure of Section of Victoria Road Reserve
Proponent:	Shire of Harvey
Location:	Victoria Road between South Western Highway and SLK
Reporting Officer:	Manager Engineering Services
Authorising Officer:	Director Infrastructure Services
File No.:	C192/00001
Attachments:	1. Attachment 1 Victoria Road [12.2.1.1 - 4 pages]

Summary

The Shire has received notice from Harley Dykstra Planning Survey Solutions (Harley Dykstra) on behalf of the landowner of Lot 101 and Lot 204 (unmade section) of Victoria Road seeking Council approval to close this section of road reserve in accordance with Drawing 302289 and its amalgamation with Lot 204.

The property owner of adjacent Lots 101 and 204 has been maintaining the section of road reserve with regular mowing and weed control.

The portion of Victoria Road to be permanently closed is shown in **Attachment 1** and not required as it does not provide access to any other landowners in the area.

In order to initiate a road closure (through the Department of Planning, Lands and Heritage) the Shire is required to advertise the proposal to service providers, government agencies and adjacent landowners for a period of 35 days.

Following the advertising period, the matter is to be brought back to Council for consideration.

Background

The initial request from Harley Dykstra was received in 2021 where the landowner requested the land within the unmade road reserve be amalgamated into Lot 101 on the north side of Victoria Road. The landowner changed his request in August 2022 to have the land within the Victoria Road reserve amalgamated into Lot 204 on the south side of Victoria Road reserve. Harley Dykstra then submitted a revised Plan No 22905-02 of proposed permanent closure of the section of Victoria Road as shown on **Attachment 1** which requires to be advertised for a 35-day period.

The *Land Administration Act 1997* sets out the procedure for requesting the closure of road reserves.

Comment

This portion of Victoria Road located immediately north of Lot 204 and immediately west of the South Western Highway is unconstructed and unused. The road reserve connects with South Western Highway to the east. No access track exists along the eastern portion of Victoria Road adjacent to Lot 204 or neighbouring properties. The portion of Victoria Road demonstrated at **Attachment 1** does not serve as an access point for any lots and both Lots 101 and 204 to the north and south of this portion of road reserve respectively have independent access to South Western Highway.

Main Roads WA are unlikely to approve construction of an intersection into South Western Highway at this location as it is not identified in their future plans of the South Western Highway corridor. The existing minor roads that provide local access include Alverstoke Road to Clifton Road and Alma

Road to Raymond Road.

Statutory/Policy Environment

Land Administration Act 1997

Closing of roads is dealt with in accordance with Section 58 of the *Land Administration Act 1997*

Local Government Act 1995 – Section 3.50

Provides a framework under which Council is to proceed with the continuing closure of a thoroughfare. Requirements include advertising to the public of the proposal for a reasonable time to allow submissions, and for these submissions to be considered by Council, giving written notice to prescribed persons of the proposal, in this case all service providers, emergency services and adjoining land holders and if approved by Council, providing the Commissioner of Main Roads details of the closure.

Strategic Framework

The Shire's Strategic Community Plan 2021 – 2031, states:

Goal 5: A representative leadership that is future thinking, transparent and accountable.

Objective 5.5 Integrated strategic planning and reporting to drive continuous improvement.

Community Engagement

Community Participation Goal

Inform: To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.

Public advertising proposed permanent road closure of a section of Victoria Road for public comment.

Promise to the Community

Inform: We will keep you informed.

All responses received within the 35-day advertising period will be responded to with Shire information as required.

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The Consequence could be **Financial**, **Reputational** or **Compliance** if incorrect procedures are followed for acquiring land under the *Land Administration Act 1997*. The risk is mitigated by the engagement of an appropriately qualified consultant to guide the road closure and gazettal process, resulting in **Low** risk being present.

Budget Implications

All advertising and survey costs are to be borne by the Proponent.

Authority/Discretion

Executive: The substantial direction setting and oversight role of the Council. e.g., adopting plans and reports, accepting tenders, directing operations, setting, and amending budgets.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Advertises the proposal to close a portion of Victoria Road reserve, as shown on **Attachment 1** for a period of 35 days seeking public comment.
2. Requests comments from Service Providers, the Department of Fire and Emergency Services and Government Departments.
3. Receives a further report on this matter at the close of the advertising period.

OFFICERS RECOMMENDATION ADOPTED BY EXEMPTION RESOLUTION – REFER TO RESOLUTION 22/228 APPEARING AT ITEM 12.

12.3. Sustainable Development

Item No.	12.3.1.
Subject:	Local Planning Strategy - Amendment No. 1: Lot 102 (No. 160) Taranto Road, Myalup
Proponent:	Shire of Harvey
Location:	Lot 102 (No. 160) Taranto Road, Myalup
Reporting Officer:	Manager Planning Services
Authorising Officer:	Director Sustainable Development
File No.:	C304/00001, LPST/01/001
Attachments:	<ol style="list-style-type: none"> 1. Local Planning Strategy Amendment Report [12.3.1.1 - 58 pages] 2. Location Plan [12.3.1.2 - 1 page]

Summary

The Shire has received a request from Rowe Group Design (on behalf of Qube Property Group [Project Manager]) to initiate an amendment to the Local Planning Strategy (the Strategy) to include Lot 102 (No. 160) Taranto Road, Myalup as a “Development Investigation Area” (refer **Attachment 1**).

It is recommended that Council endorses proposed Amendment No.1 to the Strategy for preliminary stakeholder consultation and certification for advertising.

Background

Site Description

The majority of Lot 102 (No. 160) Taranto Road, Myalup is zoned “General Farming” under the Shire’s District Planning Scheme No. 1 (the Scheme), is located within a “Place of Landscape Value”, with a small portion adjacent to its western boundary being reserved for “Regional Open Space” under the Greater Bunbury Region Scheme (refer **Attachment 2**). The site is of regular shape with an area of 190ha, is undulating and contains native vegetation. The Lot gains access from Taranto Road via a 125m long access leg. The dunes and vegetation on the site have suffered damage from ongoing illegal camping and 4-wheel driving.

Site History

Lot 102 has been identified for potential urban and/or tourism land uses since the 1990’s in a number of State Government regional strategies, including:

- Greater Bunbury Structure Plan (1995): ‘future urban (category B)’, with the coastal foreshore identified as an ‘area under consideration for conservation, scenic protection and reservation’.
- Bunbury-Wellington Region Plan (1995): ‘rural-urban transition and amenity area’ with an area of ‘scenic protection and reservation’.
- Coastal and Lakelands Planning Strategy (1999): ‘area with longer term potential for low-density recreation and tourist development (subject to further study)’.
- Greater Bunbury Strategy (2013): ‘rural’ with a small portion of the southern boundary affected by a ‘water infrastructure buffer’.

Proposal

The Strategy Amendment proposes to include the site within a “Development Investigation Area” to recognise the site’s potential for land uses of a low-scale and low-impact nature at a strategic level.

The Amendment proposes to:

- a) Include the following under Section 3.7 – Tourism:

3.7.3 Myalup, Lot 102 (No. 160) Taranto Road (Map 6a)

Lot 102 (No. 160) Taranto Road, Myalup (‘site’) is located along the coastline between the townsites of Myalup and Binningup. It is zoned ‘General Farming’ under the provisions of DPS No. 1. The site also forms part of a coastal corridor referred to as a ‘Place of Landscape Value’. While the site was historically used for grazing of livestock, it has not been used in this manner for many years.

Historically, the site has been identified as having potential to support land uses of an urban and/or tourist nature and this potential was recognised within the region’s strategic planning framework during the 1990s. Notwithstanding the strategic direction at the time, the site’s urban potential was not realised. Despite this, it is widely recognised that the use of the site for farming and agricultural purposes is not viable or sustainable in the long-term given the site’s environmental constraints, the lack of available water for irrigation, proximity to the coast, and potential landscape value.

Preliminary investigations undertaken by the landowners indicate that the site is well-suited to support land uses of a low-scale and low-impact urban and/or tourist nature, given its coastal location and proximity to the Myalup townsite and the Forrest Highway. These investigations suggest that low-scale development on the site provides an opportunity for a significantly improved environmental outcome that takes into account key environmental considerations such as coastal processes, setbacks to wetlands, vegetation retention, bushfire management and access.

Recognising this potential, the site is identified within the Strategy as an ‘Urban Investigation Area’. This designation recognises the site’s potential to support an intensification of land use and development subject to the investigation of a number of key environmental (and other) considerations. It acknowledges that the site contains a number of environmental constraints that need to be investigated prior to a formal amendment to DPS No. 1 being progressed and identifies key studies that need to be undertaken to demonstrate the site’s suitability to accommodate the intensification of land use in the future.

This designation will enable the landowners to explore the site’s development potential more freely, ensuring the use and development of the site appropriately reflects its locational attributes and responds to its environmental characteristics.

Strategy	Implementation
Refer to Tourism Precinct (Table 32, page 69)	
Investigate opportunities for low-scale and low-impact urban/tourist land uses and development on Lot 102 (No. 160) Taranto Road, Myalup.	Identify this land in LPS No. 2 as being within a “Special Control Area” as a “Development Investigation Area”.

b) Include the following Table 32 after section 3.7.3:

Tourism Precincts

TD – Table 32: Myalup

Planning Precinct	Strategy Implementation
Myalup Urban Investigation Area (TD)	Proposed Land Use: Low-scale and low-impact urban/tourist land uses
Location: Lot 102 (No. 160) Taranto Road, Myalup	Current GRBS Zoning: “Rural” Current TPS Zoning: “General Farming” Required GBRS Zoning Change: To be determined
Land Area: Approx. 190 ha	Required TPS Zoning Change: Special Control Area to be identified in LPS No. 2 to guide and protect future land use
Developable Area: To be determined	Lot Size/Density: To be determined upon further investigation
Plan/Map Schedule: Strategy Plan Map 6a	Structure Planning Required: Yes
Strategy Reference: Clause 3.7.3	Planning Matters to be Addressed: <ul style="list-style-type: none"> • Environmental considerations (Vegetation; Flora and Fauna; Wetlands; Coastal Processes including primary dune rehabilitation; Bushfire; Landscape) • Movement and Access (including the potential for connection to a southern emergency exit from the Myalup townsite)
	Envisaged Development Controls: To be determined upon further investigation

c) Include a new Strategy Map (Map 6a).

Comment

The Planning and Development (Local Planning Schemes) Regulations 2015 provides the process for amending the Strategy. Initial advice from the Department of Planning, Lands and Heritage indicates that prior to referring the Amendment for certification to advertise, preliminary comments should be obtained from relevant State Government agencies.

The Strategy documents the Shire’s vision for the future from a land-use perspective over a period of 15 years. Future development of the subject site is impacted by a number of constraints including:

- Native vegetation, including potential the Tuart Woodlands Threatened Ecological Community.
- Designation as a Bushfire Prone Area.
- Multiple Use wetlands.

- Coastal processes.
- Being located within a sewerage sensitive area.

The proposed Amendment will provide some level of certainty that the site may be suitable for future development potential, thereby allowing the landowner to progress with relevant technical studies and reports to confirm the future development potential, constraints and development requirements.

Conclusion

The proposed Amendment will identify Lot 102 Taranto Road, Myalup as a “Development Investigation Area” to allow its future development potential to be investigated and considered. On this basis, it is recommended that Council endorses the proposed Amendment to the Local Planning Strategy.

Statutory/Policy Environment

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Part 3 – Local planning strategies

- Clause 12 – Certification of draft local planning strategy.
- Clause 13 – Advertising and notifying local planning strategy.
- Clause 17 – Amendment to local planning strategy.

Strategic Framework

The Shire’s Strategic Community Plan 2021–2031, states:

<i>Goal 1:</i>	<i>A diversified and thriving economy that offers a wide range of business and work opportunities as well as consumer choice.</i>
<i>Objective 1.1</i>	<i>The Shire is a tourist destination of choice.</i>
<i>Objective 1.3</i>	<i>Sustainable urban, rural and industrial development</i>
<i>Goal 3:</i>	<i>A natural environment that is highly valued, protected and enjoyed.</i>
<i>Objective 3.1</i>	<i>Adopt and encourage sustainable development practices.</i>
<i>Objective 3.2</i>	<i>Manage and protect natural habitats, ecosystems and reserves.</i>
<i>Objective 3.3</i>	<i>Sustainable resource use and waste management.</i>

Community Engagement

Community Participation Goal

Inform: To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.

Promise to the Community

Inform: We will keep you informed.

Risk Management

The Risk Theme Profile identified as part of this report is **Failure to Fulfil Compliance Requirements** and **Inadequate Engagement Practices**. The Consequence could be **Financial**, **Reputational** or **Compliance** if the statutory procedure is not followed or the Scheme is not updated to reflect the changes. The risk is considered **Minor** and the likelihood **Unlikely**, given that the report has been thoroughly researched, peer reviewed, provided by a qualified Shire Officer and the statutory process has been identified. This results in a **Low** risk being present.

Budget Implications

There is no ability for the Shire to impose a fee for the assessment of this Amendment request. However, there is the ability to recoup advertising costs from the Applicant.

Authority/Discretion

Legislative: Includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Endorses proposed Amendment No. 1 to the Local Planning Strategy to:
 - a) Include the following under Section 3.7 – Tourism:

3.7.3 Myalup, Lot 102 (No. 160) Taranto Road (Map 6a)

Lot 102 (No. 160) Taranto Road, Myalup ('site') is located along the coastline between the townsites of Myalup and Binningup. It is zoned 'General Farming' under the provisions of DPS No. 1. The site also forms part of a coastal corridor referred to as a 'Place of Landscape Value'. While the site was historically used for grazing of livestock, it has not been used in this manner for many years.

Historically, the site has been identified as having potential to support land uses of an urban and/or tourist nature and this potential was recognised within the region's strategic planning framework during the 1990s. Notwithstanding the strategic direction at the time, the site's urban potential was not realised. Despite this, it is widely recognised that the use of the site for farming and agricultural purposes is not viable or sustainable in the long-term given the site's environmental constraints, the lack of available water for irrigation, proximity to the coast, and potential landscape value.

Preliminary investigations undertaken by the landowners indicate that the site is well-suited to support land uses of a low-scale and low-impact urban and/or tourist nature, given its coastal location and proximity to the Myalup townsite and the Forrest Highway. These investigations suggest that low-scale development on the site provides an opportunity for a significantly improved environmental outcome that takes into account key environmental considerations such as coastal processes, setbacks to wetlands, vegetation retention, bushfire management and access.

Recognising this potential, the site is identified within the Strategy as an 'Urban Investigation Area'. This designation recognises the site's potential to support an intensification of land use and development subject to the investigation of a number of key environmental (and other) considerations. It acknowledges that the site contains a number of environmental constraints that need to be investigated prior to a formal amendment to DPS No. 1 being progressed and identifies key studies that need to be undertaken to demonstrate the site's suitability to accommodate the intensification of land use in the future.

This designation will enable the landowners to explore the site's development potential more freely, ensuring the use and development of the site appropriately reflects its locational attributes and responds to its environmental characteristics.

Strategy	Implementation
Refer to Tourism Precinct (Table 32, page 69)	
Investigate opportunities for low-scale and low-impact urban/tourist land uses and development on Lot 102 (No. 160) Taranto Road, Myalup.	Identify this land in LPS No. 2 as being within a "Special Control Area" as a "Development Investigation Area".

- b) Include the following Table 32 after section 3.7.3:

Tourism Precincts

TD – Table 32: Myalup

Planning Precinct	Strategy Implementation
Myalup Urban Investigation Area (TD)	Proposed Land Use: Low-scale and low-impact urban/tourist land uses
Location:	Current GRBS Zoning: "Rural"
Lot 102 (No. 160) Taranto Road, Myalup	Current TPS Zoning: "General Farming"
Land Area:	Required GBRS Zoning Change: To be determined
Approx. 190 ha	Required TPS Zoning Change: Special Control Area to be identified in LPS No. 2 to guide and protect future land use
Developable Area:	Lot Size/Density: To be determined upon further investigation
To be determined	Structure Planning Required: Yes
Plan/Map Schedule:	Planning Matters to be Addressed:
Strategy Plan Map 6a	<ul style="list-style-type: none"> Environmental considerations (Vegetation; Flora and Fauna; Wetlands; Coastal Processes including primary dune rehabilitation; Bushfire; Landscape) Movement and Access (including the potential for connection to a southern emergency exit from the Myalup townsite)
Strategy Reference:	Envisaged Development Controls: To be determined upon further investigation
Clause 3.7.3	

- c) Include a new Strategy Map (Map 6a).
- 2. Refers proposed Amendment No. 1 to the Local Planning Strategy to relevant State Government agencies for preliminary comments.
- 3. Following receipt of comments from the relevant State Government agencies, pursuant to Clause 12 of the Planning and Development (Local Planning Schemes) Regulations 2015, refers Amendment No. 1 of the Local Planning Strategy to the Western Australian Planning Commission for 'certification'.
- 4. Following receipt of the Western Australian Planning Commission's 'certification', advertises proposed Amendment No. 1 in accordance with Clause 13 of the Planning and Development (Local Planning Schemes) Regulations 2015.

OFFICERS RECOMMENDATION ADOPTED BY EXEMPTION RESOLUTION – REFER TO RESOLUTION 22/228 APPEARING AT ITEM 12.

Item No.	12.3.2.
Subject:	Review of Local Planning Policy - Outbuildings
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Planning Services
Authorising Officer:	Director Sustainable Development
File No.:	PS/P/003
Attachments:	<ol style="list-style-type: none"> 1. Draft Policy 4 1 18 Outbuildings Version 9 [12.3.2.1 - 6 pages] 2. Previous Policy Resolutions [12.3.2.2 - 2 pages]

Summary

Council is required to periodically review its Local Planning Policies (LPPs) to ensure relevance with current legislation. In April 2022, Officers reviewed the Shire's LPPs and at the Ordinary Council Meeting of 26 April 2022, Council resolved (Resolution 22/040) to advertise a number of amended LPPs pursuant to Part 2, Division 2 clause 5(1) of the Planning and Development (Local Planning Schemes) Regulations 2015.

At this time, LPP 4.2.6 Variation to R Codes – Outbuildings was not supported in its proposed format and was referred to the September 2022 Concept Forum to be workshopped by Council and Officers. As a result of this workshop, Officers have prepared an amended LPP and a tracked changes version is provided at **Attachment 1**.

It is recommended that Council adopt the proposed amended LPP for the purpose of advertising.

Background

At the Ordinary Council Meeting of 26 April 2022, Council resolved in part:

“That Council:

- 5. Refers the proposed amendments to Local Planning Policy 4.2.6 Variation to R Codes – Outbuildings to the May 2022 Concept Forum to be workshopped by Council and Officers.*
- 6. Receives a further report on the proposed amends to Local Planning Policy 4.2.6 Variation to R Codes – Outbuildings.”*

Local Planning Policies are used to guide decision-making and to assist the local government (and others) to understand how a particular discretion is likely to be exercised. Concerns were raised regarding the potential impact oversized outbuildings may have on adjoining neighbours in residential areas based on the current assessment criteria.

At the 8 September 2022 Concept Forum, it was considered that a percentage-based approach within residential areas may be the preferred criteria.

Consideration of the draft amended LPP referred to the Ordinary Council Meeting of 22 November 2022 was deferred for Officers to review past Council decisions with respect to allowing wall heights of 3.5m. Officers have reviewed the Minutes of previous Council meetings, dating back to 1997, and cannot confirm a past determination to allow wall heights of 3.5m. **Attachment 2** provides copies of Minutes resolutions relating to reviews of the Policy.

Comment

The September 2022 workshop focused on the maximum size of residential outbuildings and there was a clear preference of the outbuilding size to be related to the property size. The amended LPP

proposes that maximum outbuilding area for residential areas to be up to 10% of the lot area.

A maximum outbuilding area of 120m² for land currently zoned “Residential” is considered appropriate and no changes are proposed in this regard. Subsequent to the workshop, a maximum outbuilding area of 10% of the lot area for properties within the “Special Residential”, “Special Rural” and “Special Rural & Landscape Protection” zones is proposed. Additional provisions have also been proposed for the “Special Rural & Landscape Protection” zone to ensure the visual amenity of the area is protected.

Other minor amendments have been proposed throughout the LPP, including a change to the LPP number.

The Regulations provide the procedure to be undertaken when adopting, amending, or revoking LPPs. LPPs are required to be advertised for a period of at least 21 days, unless an exemption applies under the Deemed Provisions. New and revoked LPPs must be advertised, however LPPs with ‘minor’ amendments do not require advertising. Where the recommendation for ‘minor’ amendments is proposed, it is because the amendments will not change the intent or outcome of the LPP.

The amendments proposed within LPP 4.2.6 are not considered to be ‘minor’ in nature and thus advertising will be required.

Statutory/Policy Environment

Planning and Development (Local Planning Schemes) Regulations 2015

- Schedule 2 – Deemed Provisions, Part 2 – Local planning framework, Division 2 – Local Planning Policies

Clause 3 – Local planning policies.

Clause 4 – Procedure for making local planning policy.

Clause 5 – Procedure for amending local planning policy.

Strategic Framework

The Shire’s Strategic Community Plan 2021–2031, states:

Goal 5: A representative leadership that is future thinking, transparent and accountable.

Objective 5.4 Sound governance, including financial, asset and risk management.

Community Engagement

Community Participation Goal

Inform: To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.

Promise to the Community

Inform: We will keep you informed.

Risk Management

The Risk Theme Profile identified as part of this report is **Failure to Fulfil Compliance Requirements**. The Consequence could be **Compliance** or **Reputation** if the Local Planning Policies are not reviewed against current statutory documents. The risk is considered **Minor** and the likelihood **Unlikely**, given the report and Local Planning Policy review has been thoroughly researched, peer reviewed and provided by a qualified Shire Officer, resulting in **Low** risk being present.

Budget Implications

Advertising costs associated with printing the Notice of Adoption in the local newspaper.

Authority/Discretion

Legislative: Includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Pursuant to Schedule 2, Clause 3(4) of the Planning and Development (Local Planning Schemes) Regulations 2015, amends Local Planning Policy 4.2.6 – Variation to R-Codes – Outbuildings as contained within **Attachment 1** for the purpose of advertising.
2. Pursuant to Schedule 2, Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015, advertises proposed amended Local Planning Policy 4.1.8 – Outbuildings.
3. Receives a further report after advertising pursuant to Schedule 2, Clause 4(3) of the Planning and Development (Local Planning Schemes) Regulations 2015.

OFFICERS RECOMMENDATION ADOPTED BY EXEMPTION RESOLUTION – REFER TO RESOLUTION 22/228 APPEARING AT ITEM 12.

Item No.	12.3.3.
Subject:	Land Acquisition - Harvey Town Hall and Memorial Library
Proponent:	Shire of Harvey
Location:	Lot 19 and Reserve 6108 Uduc Road, Harvey
Reporting Officer:	Director Sustainable Development
Authorising Officer:	Chief Executive Officer
File No.:	A001864
Attachments:	Nil

Summary

The Harvey Town Hall and War Memorial Museum are located on crown land (Reserve 6108) and leased to the Shire of Harvey (refer **Attachment 1**). This land tenure has been in place since the construction of the Hall in 1912 (1899 timber Hall) and the Library in 1921.

To date, there has never been any limitations on work and the Shire has not been required to seek external approvals to undertake its maintenance and management of these structures. However, given the proposed level of investment on the Harvey Community Precinct, conversion to freehold tenure is considered by Officers to be appropriate.

It is recommended that Council authorises the Chief Executive Officer (CEO) to negotiate with the Department of Planning, Lands and Heritage (DPLH) to purchase Reserve 6108 for not more than \$120,000 ex GST and amalgamates with Lot 19 Uduc Road on DP86686.

Background

On 28 October 2020, Officers lodged a land enquiry application with the DPLH seeking support for the amalgamation of Reserve 6108 with the Lot 19 Uduc Road, which is held in freehold tenure by the Shire of Harvey.

On 21 November 2022, the DPLH advised that the required referrals for this request had been completed with the following State Agencies advising as follows:

- The Department of Planning, Lands and Heritage's (Department) Land use Planning team – *No Objections*.
- The Department of Mines, Industry Regulation and Safety – *No Objections*.
- The Department's Structural Heritage division – *No Objections* providing the following comments:
 - The Heritage Council considered a review for 'P1185 Harvey Shire Council Chambers & Town Hall' in 2005 where it was determined that the place did not warrant assessment for the State Register.
 - 'P1182 Harvey War Memorial Library & District Honour Rolls' has been included in the Heritage Council's Assessment Program for inclusion in the State Heritage Council's register.
 - The disposal of 'P1182 Harvey War Memorial Library & District Honour Rolls' requires, and is subject to, a formal Heritage Assessment being completed.

The formal Heritage Assessment is presently being undertaken by Stephen Carrick Architects as part of the Master Planning for the Harvey Community Precinct.

Officers were not anticipating the need to purchase the land, however, this response to do so is not uncommon. DPLH confirms that Landgate undertook a property valuation, resulting in the following acquisition options being provided to Council:

- *Scenario 1* – Unimproved market value for the whole of Lot 3060 on DP222562 and assuming a heritage encumbrance for the war memorial library site (total land area: 1,657m²):
 - \$120,000 exclusive of GST.
 - Valuation amount includes the 'Harvey War Memorial Library & District Honour Rolls' heritage site (P1182).
- *Scenario 2* – Unimproved market value for a portion of Lot 3060 on DP222562 and assuming no encumbrance (land area: 1,354m²):
 - \$108,000 exclusive of GST.
 - Valuation amount excludes the 'Harvey War Memorial Library & District Honour Rolls' heritage site (P1182).

The DPLH has also advised that the following additional fees will also apply (subject to change):

- Department's documents preparation fee (Contract of Sale) = \$1,383.00.
- Landgate Lodgement fee = \$187.60.
- Stamp duty = to be advised by the State Revenue Office.
- Survey costs = to be advised by nominated surveyor.

Comment

Officers acknowledge that conversion from a Reserve under the care and control of the Shire to freehold land will have no impact on the use and enjoyment of the land. The only impost is the need to include a heritage encumbrance for the War Memorial Library site on the newly created certificate of title. The need for such an encumbrance is supported by Officers and will ensure the ongoing protection of the building's heritage attributes, whilst not compromising the current master planning for the site(s).

Whilst common practice, the need to purchase assets already under the control of the Shire is disappointing. Officers have requested the DPLH to consider an alternative payment arrangement and at the time of writing this report, no response has been provided. To this effect, the Officer's recommendation seeks authorisation for the CEO to continue negotiations for purchase up to \$120,000. It is hoped that a lesser amount can be agreed upon.

For the above reasons and given the proposed level of investment on the Harvey Community Precinct, conversion to freehold tenure is considered by Officers to be appropriate.

Statutory/Policy Environment

Local Government Act 1995

3.59. Commercial enterprises by local governments

Section 3.59 provides the framework for Council in regard to acquisition, given the valuation of the

proposal and the Shire's historic management of the property a business case is not considered necessary.

Strategic Framework

The Shire's Strategic Community Plan 2021–2031, states:

- | | |
|---------------|---|
| Goal 1: | <i>A diversified and thriving economy that offers a wide range of business and work opportunities as well as consumer choice.</i> |
| Objective 1.4 | <i>Appropriate infrastructure is in place to support economic growth.</i> |
| Goal 4: | <i>A liveable, sustainable and well-designed built environment that is accessible to all.</i> |
| Objective 4.4 | <i>Places with current or potential heritage or cultural significance are protected and preserved for future generations.</i> |
| Goal 5: | <i>A representative leadership that is future thinking, transparent and accountable.</i> |
| Objective 5.4 | <i>Sound governance, including financial, asset and risk management.</i> |

Community Engagement

Community Participation Goal

Inform: To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.

Promise to the Community

Inform: We will keep you informed.

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The Consequences could be **Environmental, Financial, Reputational or Compliance** if an incorrect assessment of the land use occurs or insufficient community engagement occurs. 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 with a recommendation for the proposal to be advertised. This results in a **Low** risk being present.

Budget Implications

Sufficient funds are available within the Shire's Land Acquisition Reserve to account for land purchase and the additional administrative fees associated with amalgamation of the land with adjoining Lot 19.

Authority/Discretion

Executive: The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council authorises the Chief Executive Officer to negotiate with the Department of Planning, Lands and Heritage to purchase Reserve 6108 for not more than \$120,000 ex GST and amalgamates with Lot 19 Uduc Road on DP86686.

OFFICERS RECOMMENDATION ADOPTED BY EXEMPTION RESOLUTION – REFER TO RESOLUTION 22/228 APPEARING AT ITEM 12.

Item No.	12.3.4.
Subject:	Oversized Outbuilding
Proponent:	Southern City Building Group
Location:	Lot 94 (No. 12) Talia Court, Leschenault
Reporting Officer:	Planning Officer
Authorising Officer:	Director Sustainable Development
File No.:	P325/22 (A008052)
Attachments:	<ol style="list-style-type: none"> 1. Development Application [12.3.4.1 - 4 pages] 2. Site Plan [12.3.4.2 - 1 page]

Summary

An Application for Development Approval has been received for an “Over Height Outbuilding” on Lot 94 (No. 12) Talia Court, Leschenault (refer **Attachment 1**). The application is referred to Council as Officers do not have delegation to make a determination on an over height outbuilding. It is recommended that the application be approved, subject to appropriate conditions.

Background

Site Description

Lot 94 (No. 12) Talia Court, Leschenault is zoned “Special Residential” under the Shire’s District Planning Scheme No. 1 (the Scheme) and is located within Special Residential – Area 4. The site is of regular shape with an area of 4,113m² and contains a moderate level of vegetation located around the exterior portions of the property (refer **Attachment 2**). The property currently has a dwelling and associated verandahs and patio, outbuilding (36m²) and a pool.

Site History

Proposal

The application proposes the construction of a new outbuilding, with an area of 72m², to be located within the approved building envelope.

The dimensions of the proposed outbuilding are 4m wall height and 5.2m ridge height which is inconsistent with Part 2 – Special Residential Zone cl 1. of the Shire of Harvey *Local Planning Policy 4.2.6 – Variation to R Codes (Outbuildings)*, which stipulates a maximum wall height of 3m and a maximum ridge height of 4.5m, unless otherwise approved by the Shire.

Advertising

Clause 64 of the Deemed Provisions details the advertising requirements for Development Applications. Subclause 64(1)(b)(iii) of the Deemed Provisions requires the Development Application to be advertised if it relates to development that does not comply with requirements of this Scheme. However, Clause 64(2) Of the Deemed Provisions indicates that Subclause (1)(b)(iii) does not apply if the local government is satisfied that the non-compliance with the requirements of this Scheme is of a minor nature.

Comment

Proposal

The current LPP 4.2.6 – Variation to R-Codes – Outbuildings (the Policy) permits a maximum floor area of 120m², with a maximum wall height of 3m and a maximum ridge height of 4.5m for outbuildings located on land zoned ‘Special Residential’.

Part 2 “Special Residential” Zone cl. 2 of the Policy also provides for an increase in the wall and ridge heights to a maximum of 3.6m and 5.1m respectively where the Applicant can demonstrate, to the satisfaction of the Shire, that:

- a) The increase in height is warranted on the basis of a specific and demonstrated need.
- b) The increase in height will not impact on the residential amenity of the adjacent properties, or cause undue overshadowing.
- c) The applicant has consulted with the adjoining landowners and no reasonable (in the opinion of the Shire) objections have been received.

The Applicant has indicated that the request for the increase in wall and ridge height is to accommodate their intentions to store and work on their vintage cars, including the installation of a car hoist for personal use.

Advertising

As the proposed outbuilding is located within the approved building envelope, it is considered only a minor variation to the outbuilding heights permitted within the Shire’s Local Planning Policy 4.2.6 and the property does not directly adjoin another residential property (is located approximately 20m from the nearest dwelling with vegetation and a public footpath located in between), it is considered that the *“non-compliance with the Scheme is of a minor nature”* and unlikely to impact on adjoining properties. Therefore, Council can exercise its discretion pursuant to Clause 64(2) of the Deemed Provisions and not advertise the development application.

Conclusion

It is considered by Officers that the proposed over height outbuilding is capable of being approved for the following reasons:

- The Applicant has demonstrated a specific need associated with the personal use of the property to justify the increase in the wall and ridge heights.
- Officers consider that the increase in the wall and ridge heights will not impact the amenity of adjacent residential properties or cause undue overshadowing.
- The separation distance between the proposed outbuilding and closest dwelling is sufficient to determine that advertising to adjoining landowners is not deemed to be necessary.

It is therefore recommended that Council approves the application, subject to appropriate conditions.

Statutory/Policy Environment

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

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

Shire of Harvey District Planning Scheme No.1

- 5.2 Special Residential Development Requirements

Shire of Harvey Policies

- Local Planning Policy 4.2.6 – Variation to R Codes – Outbuildings

Strategic Framework

The Shire's Strategic Community Plan 2021–2031, states:

- Goal 1: A diversified and thriving economy that offers a wide range of business and work opportunities as well as consumer choice.*
- Objective 1.3 Sustainable urban, rural and industrial development.*

Community Engagement

Community Participation Goal

Inform: To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.

Promise to the Community

Inform: We will keep you informed.

Risk Management

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

Budget Implications

Nil.

Authority/Discretion

Quasi-Judicial: When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town development applications, building permits, applications for other permits/licenses (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Determines the non-compliance with the requirements of the Shire of Harvey District Planning Scheme No. 1 for the proposed 'Over Height Outbuilding' on Lot 94 (No. 12) Talia Court, Leschenault is of a minor nature pursuant to Clause 64(2) of the Planning and Development

(Local Planning Schemes) Regulations 2015 and does not require advertising under Clause 64(1).

2. Approves the Application for Development Approval for an 'Over Height Outbuilding' on Lot 94 (No. 12) Talia Court, Leschenault, subject to the following conditions:
 - a) 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.
 - b) 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.
 - c) No buildings or development (including outbuildings, effluent disposal systems, batters and associated earthworks or retaining) shall be permitted outside of the building envelope.
 - d) The proposed outbuilding is to maintain a minimum 1.2m setback to any septic tank and a 1.8m setback to any leach drain or soak well.
 - e) All stormwater shall be contained on-site at the volume of 1m³ per 100m² of impervious area (this includes both roofed, paved and driveway areas) to the satisfaction of the Director of Infrastructure Services.
 - f) The approved outbuilding shall not be used for habitable and/or commercial purposes, unless otherwise approved by the Shire.
 - g) No vegetation shall be removed between the boundaries of the property and the approved building envelope to the satisfaction of the Shire.
3. Advises the Applicant of the following additional requirements that are not included as conditions of the approval:
 - a) The development which is 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.

OFFICERS RECOMMENDATION ADOPTED BY EXEMPTION RESOLUTION – REFER TO RESOLUTION 22/228 APPEARING AT ITEM 12.

Item No.	12.3.5.
Subject:	Asbestos Removal Program
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Director Sustainable Development
Authorising Officer:	Chief Executive Officer
File No.:	HS/A/010
Attachments:	1. Shire of Harvey Asbestos Register Dec 2022 [12.3.5.1 - 933 pages]

Summary

During the master planning associated with the Harvey Community Precinct community concerns were expressed regarding the presence of asbestos within the Harvey RSL building.

In response to this and a general elevation in the interest of asbestos management across other Shire owned facilities, Council resolved to have received a report on the current status of the Shire of Harvey asbestos removal program at this meeting and annually thereafter.

The following update is provided for Council's consideration.

Background

At the September 2022 Ordinary Council Meeting Council (OCM) resolved that it:

"That Council:

- 1. Receives the recent asbestos material survey, conducted by SERS, relating to the Harvey RSL Hall, for Council to note and determine if any further action is required.*
- 2. Requests the Chief Executive Officer provides a report to Council on the current status of the Shire of Harvey asbestos removal program at December 2022 Ordinary Council Meeting.*
- 3. Requests the Chief Executive Officer provides an annual report to Council on the status of the Shire of Harvey asbestos removal program."*

As evidenced by the October 2022 OCM minutes, the Shire has two documents that informs its asbestos removal program (ARP). The Asbestos Register (AR) contains details of buildings that are either confirmed or suspected to contain Asbestos Containing Material (ACM) and the Asbestos Management Plan (AMP) determines the process for managing ACM; including removal of asbestos in line with the national strategy based on risk and other factors.

The ARP has, to date, resulted in the removal of ACM from 38 buildings/structures since 2013; with the most recent removal being conducted in 2021 with 116m of perimeter fencing removed at the Harvey Recreation and Cultural Centre Grounds and replaced with Colorbond sheeting.

Comment

The AR was compiled in 2012 and followed a different classification process than is now used by specialists within asbestos industry. In addition, the assessments at the time did not include destructive sampling, so are only a guide as to suspected presence of ACM.

In response Site Environmental and Remediation Services (SERS) were contracted to undertake Asbestos Survey reports on 32 Shire owned buildings which include best practice assessment methods and destructive sampling. These surveys have been completed and were provided to the Shire on 7 December 2022 (refer **Attachment 1**).

The attached surveys confirm that where asbestos was detected it presents either a “*low*” to “*very low*” risk with most recommendations being to “*label and manage*”. The only exception being the Community House (Harvey Radio) where encapsulation and removal of ACM is recommended. Given this recommendation quotes are being sourced with a view to carrying out these works as a matter of priority, noting that this building has been recommended for removal as part of the Harvey Community Precinct master plan, an outcome may be the removal of this building within the immediate to short term.

Officers are now in the process of reviewing the risk profiles identified within **Attachment 1**, and will obtain quotes for any works, cross reference the associated costs with the factors such as hazard risk exposure classification, sensitivity/frequency of use and future asset management plans.

At the completion of that process the AMP will be updated and with greater emphasis on alignment with the National Strategic Plan for Asbestos Awareness and Management (NSP).

Statutory/Policy Environment

Department of Employment and Workplace Relations.

National Strategic Plan for Asbestos Awareness and Management –
<https://www.dewr.gov.au/asbestos-safety-and-eradication-agency>.

Strategic Framework

The Shire’s Strategic Community Plan 2021–2031, states:

Goal 4: A liveable, sustainable and well-designed built environment that is accessible to all.
Objective 4.5 Shire buildings, gardens and grounds are fit for purpose and well maintained.

Community Engagement

Community Participation Goal

Involve: To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.

Promise to the Community

Inform: We will keep you informed.

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The Consequence could be **Financial** and **Reputational** should inadequate management practices are carried out on Shire owned facilities. The Risk is mitigated by recommendations of independent assessments and align with the National Strategy. As such it is considered that a **Low** risk is present.

Budget Implications

The Shire’s current Budget allocation for asbestos management is \$25,000. The updated surveys contained within **Attachment 1**, will assist Officers regarding the expenditure priorities, within the allocated budget.

Authority/Discretion

Information Purposes: Includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').

Voting Requirements

Simple Majority

Officer's Recommendation

That Council receives the information contained within this report and notes the updated Asbestos Survey Reports contained within ***Attachment 1***.

OFFICERS RECOMMENDATION ADOPTED BY EXEMPTION RESOLUTION – REFER TO RESOLUTION 22/228 APPEARING AT ITEM 12.

12.4. Corporate Services

Item No.	12.4.1.
Subject:	Financial Statements as at 30 November 2022
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Finance
Authorising Officer:	Director Corporate Services
File No.:	FM/S/006
Attachments:	1. Financial Statements as at 30 Nov.2022 [12.4.1.1 - 13 pages]

Summary

The Financial Statements as at 30 November 2022 are provided at **Attachment 1**.

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

	ACTUAL	BUDGET	VARIANCE
	30 November 2022	2022–2023	
Statement of Financial Performance			
Ordinary Revenue	\$35,523,480	\$44,453,800	\$8,930,320
Ordinary Expenditure	\$17,116,332	\$53,281,007	\$36,164,675
Capital Revenue	\$1,199,231	\$45,670,557	\$44,471,326
Capital Expenditure	\$1,982,936	\$46,851,464	\$44,868,528
End of Period Profit / (Loss)	\$21,821,550		
Statement of Financial Position			
Current Assets	\$57,184,706		
Net Assets	\$575,478,873		

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 \$24.7 million and rubbish rates of \$4.37 million were raised in August 2022. The due date for rates payment was 30 September 2022. Approximately 72% of the rates were collected by 30 November 2022.

Cash Flow and Interest Earnings

The Shire holds by way of cash and term deposit \$17.80 million in Municipal Funds and \$30.72 million in restricted Trust and Reserve Funds. The average interest rate on these funds is 3%. New term deposits are attracting an interest rate for 90 days of approximately 3.55%.

Operating Grants and Subsidies

As of 30 November 2022, 86% of the 2022–2023 Financial Assistance Grants have been received.

Employee Costs

Although these accounts reflect the first five months of the financial year, it is anticipated employee costs will remain in line with the Workforce Plan and Budget 2022–2023.

Materials, Contracts, Utilities and Other Expenses

Although these accounts reflect the first five months of the financial year, it is anticipated the Shire will operate within its means and in line with the Shire's adopted budget for the 2022–2023 financial year.

Capital Expenditure

The Shire budgeted to spend \$46.85 million on capital projects throughout the Shire in 2022–2023. Expenditure totalling \$1,982,936 on capital works has been reported at the end of November 2022. As more projects are completed, and as the Shire is invoiced for those works, the level of reported expenditure will increase.

Attachment 1 provides the Financial Report for the reporting period which includes the following:

- Statement of Financial Performance by Directorates.
- Statement of Financial Performance by Nature & Type.
- Statement of Financial Position.
- Notes to the Statement of Financial Performance.
- 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, include additional information reported on by Nature and Type basis identifying reasons for variances between budgets and actuals.

It should be noted that in the Financial Statements for November 2022, actual figures reported for the 2021–2022 financial year do not include the final figures and end of year adjustments for the year ended 30 June 2022. The final position for the 2021–2022 financial year will be reported in the 2021–2022 Annual Financial Statements.

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 2021–2031, states:

Goal 5: A representative leadership that is future thinking, transparent and accountable.

Objective 5.3 Accountable leadership supported by a professional and skilled administration

Objective 5.4 Sound governance, including financial, asset and risk management

Community Engagement

Community Participation Goal

Inform: To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.

Promise to the Community

Inform: We will keep you informed.

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.

Authority/Discretion

Executive: The substantial direction setting and oversight role of the Council. e.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council receives the Financial Statements as at 30 November 2022 at ***Attachment 1***.

OFFICERS RECOMMENDATION ADOPTED BY EXEMPTION RESOLUTION – REFER TO RESOLUTION 22/228 APPEARING AT ITEM 12.

Item No.	12.4.2.
Subject:	List of Accounts Paid - November 2022
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Finance
Authorising Officer:	Director Corporate Services
File No.:	FM/S/006
Attachments:	1. Payments November 22 [12.4.2.1 - 19 pages]

Summary

A listing of payments for goods and services for November 2022 is provided at **Attachment 1**. It is recommended that Council notes the attached payments.

Background

Pursuant to Section 5.42 of the *Local Government Act 1995* (Delegation of some powers and duties to the Chief Executive Officer), 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 2022 is presented as **Attachment 1**, as summarised below.

<u>Voucher</u>	<u>Amount</u>
Schedule of Accounts	
Municipal EFT 63044 – EFT 63583	\$4,440,305.57
117439 – 117450	\$13,264.97
DD24727.1 – DD24790.22	\$188,558.28
CBA Credit Cards	\$7,446.59
Electronic Funds Submitted	<u>\$1,233,443.73</u>
Total	<u>\$5,883,019.14</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 2021–2031, states:

- Goal 5: A representative leadership that is future thinking, transparent and accountable.*
- Objective 5.3 Accountable leadership supported by a professional and skilled administration.*
- Objective 5.4 Sound governance, including financial, asset and risk management.*

Community Engagement**Community Participation Goal**

Inform: To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.

Promise to the Community

Inform: We will keep you informed.

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 2022–2023 Budget.

Authority/Discretion

Executive: The substantial direction setting and oversight role of the Council. e.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council notes the list of accounts paid at **Attachment 1** for the period of November 2022 totalling \$5,883,019.14.

OFFICERS RECOMMENDATION ADOPTED BY EXEMPTION RESOLUTION – REFER TO RESOLUTION 22/228 APPEARING AT ITEM 12.

12.5. Community and Lifestyle

Item No.	12.5.1.
Subject:	Shire of Harvey Grant Funding Program
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Community Development Officer
Authorising Officer:	Director Community and Lifestyle
File No.:	F/M/B/003
Attachments:	1. Shire of Harvey - Grant Funding Review [12.5.1.1 - 18 pages]

The following additional information is provided in regard to Item 12.5.1

At the Agenda Briefing Session held Tuesday, 13 December 2022, it was specified that although the report makes reference to the establishment of a Reserve to hold any surplus of funds remaining for allocation within the Community Grants Program for infrastructure needs, these funds are to be utilised across the Community Grants Program. To this effect, an alternative recommendation is proposed below.

Summary

The Shire of Harvey Grant Funding Program aims to acknowledge and strengthen the valuable contribution that community groups and organisations make towards the Shire being a vibrant, inclusive and connected community.

Council provides annual and ongoing funding to support activities, services and projects that benefit the community, build capacity and contribute to the delivery of the Strategic Community Plan goals and priorities.

The Shire offers a suite of funding programs alongside the Grant Funding Program including the Alcoa Harvey Sustainability Fund and Coastal Communities Fund and are designed to meet a particular community need. These programs require their own funding policy and process, and this review is limited only to the Grant Funding Program.

This report presents a review (**Attachment 1**) of the Shire's Grant Funding Program and recommends that Council adopts the proposed recommendations including reviewing the Partnerships category as a separate item to be presented at the February 2023 Council meeting.

Background

At the Ordinary Council Meeting of 22 March 2022, Council endorsed a review of the Shire's Grant Funding Program to include funding across six grant categories including:

- Community Support Grant – funding for projects that build the capacity and wellbeing of the Shire of Harvey community.
- Placemaking Grant – funding for community-led initiatives that make a positive contribution to the physical character, amenity or activation of a community.
- Infrastructure Grant – funding to upgrade, extend or construct well planned community and recreation facilities.
- Arts, Culture and Heritage Grant – funding to support projects that provide opportunities to participate in arts, culture and heritage.

- Community Events Grant – funding to support events run by and for the local community.
- Partnership Agreement – funding to achieve longer term community development outcomes through strategic partnerships.

An internal review of allocated funding amounts for the Grants Program previously known as Community Budget Submissions in the past five years determined a suitable total funding pool to include \$450,000 and was divided between the grant categories in the 2022–2023 annual Budget as follows:

Community Support Grant	\$45,500
Placemaking Grant	\$3,275
Infrastructure Grant	\$98,200
Arts, Culture and Heritage Grant	\$13,506
Community Events Grant	\$21,371
Partnership Agreement	\$179,000
Transfer to Reserves	\$89,148
Total	\$450,000

At the Ordinary Council Meeting of 28 June 2022, Council endorsed \$360,852 of funds to be included in the 2022–2023 budget and to hold aside any surplus of funds remaining for allocation to future Community Grants Programs. The establishment of the Reserve pool will allow these funds to meet future needs of the community and account for any unexpected financial obligations required for the maintenance of Council assets that are used by community groups or organisations.

It was requested that a review of the current financial model which determines the total future funding allocation pool for the grant program be provided for the December 2022 Ordinary Council Meeting.

Comment

Funding is available to not-for-profit community groups and organisations to deliver projects in the Shire of Harvey. This includes organisations that are not located in the Shire but deliver services and activities to our local community.

The Grant Funding Program review has included a desktop audit, consultation with internal and external stakeholders and benchmarking other local government programs with communities that have similar needs. Ongoing reviews with the current program will ensure continuous innovation and identify opportunities for improvement.

Consultation with community organisations highlighted that they were satisfied with the revised program and found utilising the Smarty Grants Portal online for applications more user friendly than previous years.

This review has highlighted opportunities which are being presented for consideration as part of the program moving forward, which include the need to:

- Develop a Community Funding Policy for all business units involved in the promotion, assessment and management of grant programs.
- Maintain the existing Grant Funding program that includes individual grant categories including community support, placemaking, infrastructure, arts culture and heritage, community events and partnership agreements.
- Continue with the current maximum funding allocation and total funding pool for each category and hold any surplus of funds in the Community Grants Reserve for the purpose of

future community infrastructure improvements.

- Continuously improve internal processes to ensure best practice in grants and funding management.

The Shire of Harvey community is growing and with this growth comes diverse needs. Continuing with the current maximum funding allocation for 2023–2024 will ensure Council is able to provide financial assistance to encourage, engage and support community groups and organisations to make sustainable and positive contributions to the Shire's economic, social wellbeing and environmental sustainability.

As COVID-19 continues to have an unprecedented impact on the community, this grant funding model supports a flexible, streamlined grants program that has been informed by and is responsive to community activity and needs.

Statutory/Policy Environment

Section 6.2 of the *Local Government Act 1995* prescribes preparation of Annual Budget.

Strategic Framework

The Shire's Strategic Community Plan 2021–2031, states:

Goal 2: A safe, accessible and connected community where everyone has the opportunity to contribute and belong.

Objective 2.3 Active and resilient community groups and volunteers.

Community Engagement

Community Participation Goal

Inform: To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.

Promise to the Community

Inform: We will keep you informed.

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The consequence could be **Reputational** and **Financial** should Council not adopt the recommendations. The consequence rating is considered **Minor** and the likelihood **Unlikely**, therefore it is deemed that there is a **Low** risk present.

Budget Implications

This report recommends a total allocation of \$450,000 for the Shire of Harvey Grant Funding Program to be considered for the 2023–2024 draft Annual Budget.

Authority/Discretion

Executive: The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Authorises the Chief Executive Officer to prepare a draft Community Funding Policy for the consideration of Council.
2. Continues with the current maximum funding allocation and total funding pool for each category and holds the surplus of funds remaining in the Community Grants Reserve.
3. Requests the Chief Executive Officer to complete a further review of the Partnerships Agreement category for the Shire of Harvey Grant Funding Program to be presented at the Ordinary Council Meeting in February 2023.

Moved: Cr. Campbell

Seconded: Cr. Bromham

That Council:

- 1. Authorises the Chief Executive Officer to prepare a draft Community Funding Policy for the consideration of Council.**
- 2. Continues with the current maximum funding allocation and total funding pool for each category and holds the surplus of funds remaining in the Community Grants Reserve.**
- 3. Requests the Chief Executive Officer to complete a further review of the Partnerships Agreement category for the Shire of Harvey Grant Funding Program to be presented at the Ordinary Council Meeting in February 2023.**

Carried 11-0

22/230

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

Cr. Campbell requests that the following Notice of Motion be placed in the Ordinary Council Meeting Agenda for 20 December 2022.

A review of the current Committees and Advisory Groups to be undertaken and request the Chief Executive Officer to organise a workshop for Councillors to review the current Councillor representation on Committees and Advisory Groups. The review is to be undertaken and a report is to be presented to Council by the Ordinary Council Meeting held on 23 May 2023.

Cr. Campbell advised the reason for this request is with the imminent reduction of Councillors as a result of the reform, a review of Councillor commitments and/or representation on community committees is needed.

Officers Comment

It is anticipated that the number of Councillors will reduce to 11 after the 2023 Election and then to nine thereafter, contingent on the representation review. Officers agree that it would be beneficial to initiate a review of all Committees, Advisory Groups and Reference Groups before the reduction in Councillors occurs to ensure a smooth transition.

Currently the Shire of Harvey (SoH) has five Committees of Council. These committees are legislated through the *Local Government Act 1995*, Local Government (Model Code of Conduct) Regulations 2021, Local Government (Administration) Regulations 1996 and the *Bush Fires Act 1954*. These committees are significant as they aim to assist Council with its functions and responsibilities, both on an advisory basis and a decision-making level, with both the Audit Committee and the Behaviour Complaints Committee having delegated authority. The Committees of Council include:

Committee Name	Number of Deputies Required	Number of Delegates Required
Audit Committee	6	1
Behaviour Complaints Committee	3	3
CEO Employment Committee	Shire President plus 4	1
SoH Local Emergency Management Committee	Shire President Deputy Shire President	1
SoH Bush Fire Advisory Committee	1	1

Councillors are also part of 12 Partnership Committees. These committees are responsible for providing bodies with local knowledge and current issues as well as gaining valuable knowledge from these agencies and being able to keep the Shire informed. With the representation on these Committees often comprising of two or more Local Governments, there is an opportunity provided for important resource and knowledge sharing. The Partnership Committees are as follows:

Committee Name	Number of Deputies Required	Number of Delegates Required
Alcoa Harvey Sustainability Fund Advisory Partnership	Shire President CEO	-
SoH and Shire of Dardanup Joint Town Planning Committee	3	2
Bunbury Harvey Regional Council	2	1

Bunbury Geographic Economic Alliance	1	1
Development Assessment Council	2	2
District Health Advisory Committee	1	1
Harvey River Restoration Taskforce	1	1
Peel Harvey Catchment Council	1	1
Peron Naturalist Partnership	1	1
Regional Contiguous Local Authority Group (CLAG)	1	1
Regional Road Group	1	1
South West Zone of WALGA	1	1

Councillors also participate in 23 Delegate Committees throughout the Shire. These comprise of a combination of Local Government Councillors, members of the public and organisational representatives from the district. They provide a platform for collaborative thinking, problem solving, strategic planning and provides an important insight into different perspectives within the community. The following are the current Delegate Committees Councillors are a part of:

Committee Name	Number of Deputies Required	Number of Delegates Required
Australind Community Precinct Reference Group	2	1
Binningup Christian Youth Camp Committee	1	1
Binningup Community Association Committee	1	1
Binningup Water Sports Centre Management Committee	1	1
Brunswick River Cottages Management Committee	2	1
Harvey Community Precinct Reference Group	3	1
Harvey Community Radio 96.5fm	1	1
Harvey Community Resource Centre Committee	1	1
Harvey Main Street Committee	1	1
Historical Society – Municipal Museum Committee	1	1
Kemerton Industrial Park Coordinating Committee	1	1
Leschenault Progress Association	1	1
Lot 208 Youth Inc. Board of Management Committee	1	1
Morissey Homestead Inc. Board of Management	1	1
Myalup Hall Management Committee	1	1
Riverlinks Childcare Centre	1	1

Senior Citizens Centre Committee – Harvey	1	1
Southern Seawater Desalination Plan – Community Reference Group	1	1
South West and Peel Coastal Management Group (COASTSWAP)	1	1
Wagerup Community Consultative Network	1	1
Worsley Alumina Community Liaison Committee	1	1
Yarloop Mill Workshop Committee	1	1
Uduc Progress Association (Uduc Hall Management Agreement)	1	1

Similarly, to the Delegate Committees, there are an additional 18 Advisory Groups that provide the Shire with invaluable knowledge and insights. Their ideas and suggestions are often what begins strategic planning and frameworks within the Shire. The Advisory Groups are below:

Committee Name	Number of Deputies Required	Number of Delegates Required
Arts and Culture Advisory Group	2	1
Australind/Leschenault Place Advisory Group	2	1
Awards, Honours and Prizes Advisory Group	2	1
Brunswick Place Advisory Group	2	1
Coastal Place Advisory Group	2	1
Community Safety and Crime Prevention Advisory Group	2	1
Community Sail Training Trust Advisory Group	2	1
Disability Access and Inclusion Advisory Group	2	1
Early Years Advisory Group	2	-
Harvey Place Advisory Group	2	1
Harvey Recreation and Cultural Centre Advisory Group	2	1
Heritage Advisory Group	2	1
Leschenault Leisure Centre Advisory Group	2	1
Library Advisory Group	2	1
Sport and Recreation Advisory Group	2	1
Tourism Advisory Group	2	-
Yarloop Place Advisory Group	2	1
Wisdom Council	2	-

While Officers welcome the opportunity to workshop these committees, advisory and reference groups it is important to note that the Committees of Council which are legislated are unable to be discontinued and it is not advisable to suspend Council representation in the Partnership Committees listed.

Moved: Cr. Campbell

Seconded: Cr. Bromham

That Council:

- 1. Requests the Chief Executive Officer to initiate a review of the current Committees and Advisory Groups.**
- 2. Requests the Chief Executive Officer to organise a workshop for Councillors to review the current Councillor representation on Committees and Advisory Groups in April 2023.**
- 3. Requests the Chief Executive Officer to provide a further report is to be presented to Council by the Ordinary Council Meeting held on 23 May 2023.**

Carried 10-1

22/231

14. Notice of Motion for Following Meeting

Nil.

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

Nil.

16. Reports of Members

Cr. Amanda Lovitt recorded her attendance at the following:

November:

- Sport Daze at the Leschenault Leisure Centre.
- Tourism Group event at Brugan Brewery.
- CME Sundowner at the Bayview in Bunbury.
- Uduc Hall Committee.
- Treendale pop-up event for the local government representation review.
- Leschenault Leisure Centre Court Expansion Update.
- Hydrogen Information Session at the Eaton Sports Pavilion.

Cr. Paul Beech recorded his attendance at the following:

November:

- Emergency Management Workshop in Harvey.

- Bunbury Harvey Regional Council Meeting.
- Mr. Kaye, Regional Road Group.
- Leschenault Leisure Centre Expansion Update via Zoom.

December:

- Harvey Community Radio Committee Meeting.
- Western Power Update with the Chief Executive Officer.
- Harvey Recreation and Cultural Centre Committee Meeting with Cr. Gillett.
- Country Sounds Music Festival in Brunswick.
- Harvey Precinct Advisory Group Meeting with Cr. Coleman.

Cr. Joe Capogreco recorded his attendance at the following:

December:

- Harvey Community Radio Committee Meeting with Cr. Beech.
- Harvey Mainstreet Inc. Annual General Meeting.
- Australind Community Precinct Meeting.

Cr. Wendy Dickinson recorded her attendance at the following:

October:

- South West Business Awards with Cr. Campbell.
- Binningup Youth Camp Annual General Meeting.

November:

- Harvey River Restoration Taskforce Annual General Meeting with Cr. Campbell.
- Harvey Region Talking Tourism event with Cr. Campbell and Cr. Lovitt.
- Brunswick and Surrounds Place Advisory Group with Cr. Burgoyne.
- Remembrance Day Service in Harvey.
- Yarloop Workshops Committee Meeting.
- Bunbury Harvey Regional Council, Ordinary Council Meeting.
- Bunbury Harvey Regional Council Meeting with local members of Parliament.
- Leschenault Leisure Centre Court Expansion Meeting with Cr. Lovitt, via Zoom.
- Shire of Dardanup Economic Development Sundowner.

December:

- Leschenault Leisure Centre Advisory Group with Cr. Lovitt.
- Art and Culture Advisory Group Meeting.
- Harvey Region Tourism Advisory Group.
- Bunbury Harvey Regional Council Audit Exit Meeting.
- Country Sounds Music Festival in Brunswick. Volunteered with Brunswick Town Teams.
- Voices of our Youth Photo Exhibition Judging and Opening with Cr. Campbell at the Australind Library.
- Australind Community Precinct and Ridley Foreshore Mast Plan Advisory Group at the Australind Council Chambers.
- Yarloop and Cookernup Place Advisory Group with Cr. Campbell.
- Yarloop Community Resource Centre Exercise Equipment Launch.
- Heritage Advisory Group Meeting in Australind with Cr. Burgoyne and Cr. Lovitt.
- City of Bunbury Elected Members Networking Sundowner at the Bunbury Regional Entertainment Centre.
- Bunbury Harvey Regional Council Audit Meeting with Cr. Bromham at Stanley Road, Wellesley.

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

That a new business of an urgent nature be introduced by decision of meeting, as item 18.2.1, be put on the agenda.

Moved: Cr. Carbone

Seconded: Cr. Burgoyne

Carried 11-0

22/232

18. Matters Behind Closed Doors**Moving Behind Closed Doors**

Moved: Cr. Burgoyne

Seconded: Cr. Capogreco

That Council moves behind closed doors.

Carried 11-0

22/233

Council moved behind closed doors at 4.23pm.

18.1. Sustainable Development**18.1.1. Adoption of Land Optimisation Strategy**

Reason for Confidentiality as per the *Local Government Act 1995*:

s.5.23(2)(c): “a contract entered into, or which may be entered into, by the local government and which related to a matter to be discussed at the meeting.”

Item No.	18.1.1.
Subject:	Adoption of Land Optimisation Strategy
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Director Sustainable Development
Authorising Officer:	Chief Executive Officer
File No.:	B000352
Attachments:	<ol style="list-style-type: none"> 1. Shire of Harvey Property Report SPREADS WEB FINAL 2 [18.1.1.1 - 43 pages] 2. So H Property Portfolio Review - Appendix A ' Business as Usual' [18.1.1.2 - 238 pages] 3. So H Property Portfolio Review - Appendix B ' Dispose' [18.1.1.3 - 146 pages] 4. So H Property Portfolio Review - Appendix C ' Assumptions and Glossary' [18.1.1.4 - 9 pages]

The following additional information is provided in regard to Item 18.1.1

At the Agenda Briefing Session held Tuesday, 13 December 2022, the Land Optimisation Strategy was determined to be an operational and dynamic document and thus it is recommended it be 'received' as opposed to being 'endorsed'. To this effect, an alternative recommendation is proposed below.

Summary

The Shire of Harvey is undertaking and planning for a significant amount of capital infrastructure projects as detailed within the Shire's Forward Capital Works Plan. As part of an internal land asset review it was realised that the Shire of Harvey owns (in freehold) a large number of assets that could potentially be surplus to their needs.

As a result of this, Officers sought an independent assessment of 26 Shire owned properties to evaluate whether the current use of the land is considered its maximum and best use or whether an alternative option will achieve a better and/or alternate outcome for the Shire. As part of this process, an assessment matrix has been developed for each property to ensure both Officers and Councillors have access to robust information to optimise decision making in the future.

The Land Optimisation Strategy has been prepared as an internal working document (confidential) to provide a framework for independent justifiable assessment of selected Shire managed proposals and assets.

It is recommended that Council endorses the Land Optimisation Strategy which contains an Evaluation Matrix (POEM) as detailed within **Confidential Attachments 1 to 4** as an internal assessment tool.

Voting Requirements

Simple Majority

Moved: Cr. Bromham

Seconded: Cr. Carbone

That Council:

- 1. Received the Land Optimisation Strategy that contains the Property Optimisation and Evaluation Matrix (POEM) as detailed within *Confidential Attachment 1 to 4* as an internal assessment tool.**
- 2. Undertakes a workshop in April 2023 to review the Land Optimisation Strategy as detailed within *Confidential Attachment 1 to 4*.**

Carried 11-0

22/234

18.2. Chief Executive Officer**18.2.1. Firm Construction Contract**

Reason for Confidentiality as per the *Local Government Act 1995*:

- s.5.23(2)(c): *“a contract entered into, or which may be entered into, by the local government and which related to a matter to be discussed at the meeting.”*
- s.5.23(2)(d): *“legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.”*
- s.5.23(2)(e)(iii): *“a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government.”*

Item No.	18.2.1.
Subject:	Yarloop Workshops Construction Project
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Special Projects Manager Governance and Strategy Director Corporate Services
Authorising Officer:	Chief Executive Officer
File No.:	T062021
Attachments:	1. Chrysalis Yarloop Steam [18.2.1.1 - 14 pages]

Summary

For Council to consider the Contract in relation to the Yarloop Workshops Construction Project.

Voting Requirements

Simple Majority

Moved: Cr. Campbell

Seconded: Cr. Krispyn

That Council in relation to the Yarloop Workshops Construction Project Stage 1:

- 1. Notes the previous resolution of Council to authorise the Chief Executive Officer to take the appropriate steps following the obtaining of what is deemed to be sufficient information and acting with appropriate external professional advice to take the work out of the contractor's hands and resolves that Council no longer considers this appropriate.**
- 2. Authorises the Chief Executive Officer, following the obtaining of what is deemed to be sufficient information, and acting with appropriate external professional advice, to take the required steps to terminate the contract with FIRM Construction Pty Ltd.**
- 3. Requests, that should the Chief Executive Officer terminate the contract at the conclusion of the Show Cause Notice period, that the Chief Executive Officer:**
 - a) Retender for the total value of the project as specified in *Confidential Attachment 1*.**
 - b) Bring a further report to Council to award the tender for the Yarloop Workshops Construction Project Stage 1.**

Carried 11-0 22/235

Returning from Behind Closed Doors

Moved: Cr. Burgoyne Seconded: Cr. Capogreco

That Council return from behind closed doors.

Carried 11-0 22/236

Council returned from behind closed doors at 4.42pm.

19. Closure of Meeting

There being no further business to discuss, the meeting was declared closed at 4.45pm.

I, Cr. Paul Gillett, Certify that the aforesaid Minutes of the meeting held Tuesday, 20 December 2022, are a true and correct record of that meeting on Tuesday, 20 December 2022.



Cr. Paul Gillett