



SHIRE OF  
**HARVEY**



# Ordinary Council Meeting **Agenda**

**Australind Council Chamber**

**Tuesday, 22 March 2022**

**4PM**

**Shire of Harvey**  
**Ordinary Council Meeting**

Dear Councillor,

Notice is hereby given that the next meeting of the Harvey Shire Council will be held in the Harvey Council Chamber, Young Street, Harvey, on Tuesday, 22 March 2022 commencing at 4pm.

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

Yours faithfully,

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

**Annie Riordan**  
**Chief Executive Officer**

17 March 2022.

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**1. Official Opening****Disclaimer**

Members of the Public are advised that recommendations to Council contained within this Agenda can be subject to 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.

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

Read by Cr. Coleman.

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

## **10. Confirmation of Minutes**

Ordinary Council Meeting – Tuesday, 22 February 2022.

### **Recommendation**

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

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

Audit Committee Meeting – Tuesday, 15 March 2022.

### **Recommendation**

That the Minutes of the Audit Committee Meeting held on Tuesday, 15 March 2022, as printed be received and the recommendations contained therein be adopted by Council by Absolute Majority.

Local Emergency Management Committee Meeting – Monday, 14 March 2022.

### **Recommendation**

That the Minutes of the Local Emergency Management Committee Meeting held on Monday, 14 March 2022, as printed be received and the recommendations contained therein be adopted by Council.

## 12. Officer's Reports

### 12.1. Chief Executive Officer

Item No.	12.1.1.
Subject:	Tender T012022 – Consulting Services – Harvey Community Precinct: Design Development and Documentation
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Special Projects
Authorising Officer:	Chief Executive Officer
File No.:	T012022
Attachments:	<b>Confidential Attachment 1 – Item No.5.1.1</b>

### Summary

Tender T012022 for the consultancy services for the Harvey Community Precinct – Design Development and Documentation closed on 8 February 2022 and at the close of Tender, seven tenders were received. This report recommends that Council accepts the tender as per the recommendation contained in the confidential attachment (refer **Confidential Attachment 1 – Item No. 5.1.1**).

### Background

Tenders were invited to submit a proposal for consultancy services for the Harvey Community Precinct – Design Development and Documentation, in keeping with the direction of the Master Plan. Tenders were required to detail the following:

- Design Workshops using the existing Master Plan as a basis
- Project Brief
- Schematic Design Stage
- Development Approval Stage
- Design Documentation Stage
- Construction Documentation to Tender Stage.

A schedule of rates based was requested for extra work and potential site administration.

### Evaluation Summary

Item	Detail
Contract Title	Consultant Services Harvey Community Precinct – Design, Design Documentation and Documentation.
Request Number	RFT - T012022
Advertising	TenderLink, West Australian newspaper, Shire Website
Date released	11 January 2022
Tender Briefing Details	A non-mandatory tender briefing session was held via zoom on 21 January 2022.
Addenda Details	Four addenda were released. In summary: <ol style="list-style-type: none"> <li>1. Provision of Respondent Offer in Word format</li> </ol>

	2. Provision of Budget overview 3. Provision of Engineering information 4. Provision of Heritage information.
Request Closing Date	8 February 2022

Tenders were assessed against the standard prequalification requirements, followed by a full investigation and detailed assessment by the Evaluation Panel (**Confidential Attachment 1 - Item No. 5.1.1**), through the application of the following Evaluation Criteria Assessment:

Evaluation Criteria	Weighting
A Relevant Experience and Capability	35%
B Resourcing and Project Team	25%
C Approach and Project Understanding	25%
D Price Schedule and Hourly Rates	15%

It is noted that, within reason, the quality of the architecture, consultant team and professional response is considered more important than the price submitted.

### Comment

A total of seven responses were received from the following organisations:

- Christou Design Group
- Kent Lyon Architect
- MCG in association with Hunt Architects
- Bollig Design Group
- Slavin Architects
- Gresley Abas
- i2C Architects.

Ten companies attended the non-mandatory Briefing Session but of those, only three opted to respond to the Request for Tender.

All Respondents met the Pre-Qualification Requirements and were passed through to the Evaluation Panel for Qualitative Assessment.

### Statutory/Policy Environment

Section 3.57 of the *Local Government Act 1995*, and Part 4 Local Government (Functions and General) Regulations 1996, providing a mechanism for the purchase of goods and services by Public Tender.

Regulation 18 of the Local Government (Function and General) Regulations 1996 – Choice of Tender gives Council the option to accept or decline a tender.

Shire of Harvey Policy 2.2.11 – Purchasing which provides compliance with the *Local Government Act 1995*, and the Local Government (Functions and General) Regulations 1996.

## 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 1.2 | <i>Create a business friendly environment to support and attract investment, competition and productivity.</i>                    |
| Objective 1.3 | <i>Sustainable urban, rural and industrial development</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>     |
| Objective 4.5 | <i>Shire buildings, gardens and grounds are fit for purpose and well maintained.</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.

Quarterly updates will be issued on the Shire web page and Facebook pages.

### Promise to the Community

*Involve:* We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.

A community reference group is in the process of being established. All concerns voiced to date and potential design issues will be analysed and discussed for incorporation into the design if possible or logical.

## Risk Management

The Risk Theme Profile identified as part of this report is **Inadequate Supplier/Contract Management**. The Consequence could be **Compliance** and **Financial Impact** if due process is not followed in terms of Council's Purchasing Policy and the *Local Government Act 1995*. The risk is considered **Minor** and the likelihood **Unlikely**, given due process has been followed and an unbiased evaluation was undertaken by the Evaluation Panel, resulting in a **Low** risk being present.

## Budget Implications

Sufficient Budget has been allowed in the current Financial Year for the documentation of the Harvey Community Precinct. The balance of the fees would need to be carried forward to the next financial year.

## 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 notes the recommendation as per ***Confidential Attachment 1 – Item No. 5.1.1.***

## 12.2. Infrastructure Services

<b>Item No.</b>	<b>12.2.1.</b>
<b>Subject:</b>	<b>Bridge No. 4930 Collie River Road</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Roelands</b>
<b>Reporting Officer:</b>	<b>Director Infrastructure Services</b>
<b>Authorising Officer:</b>	<b>Chief Executive Officer</b>
<b>File No.:</b>	<b>ESR802 &amp; W000002</b>
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Geographical Location of Krone's Bridge [12.2.1.1 - 2 pages]</li> <li>2. Krone's Bridge - Access from Shire of Dardanup to Reserve [12.2.1.2 - 1 page]</li> <li>3. Krone's Bridge Temporary Propping [12.2.1.3 - 1 page]</li> <li>4. Krone's Bridge - Road Reserve [12.2.1.4 - 1 page]</li> </ol>

### Summary

Local governments are responsible for undertaking annual bridge preventative maintenance, including repairs identified following assessments by Main Roads WA (MRWA). A Budget allocation is included each year for this purpose. In addition, capital and major maintenance works on the Shire's bridges is funded from the Bridge Maintenance Reserve.

In terms of bridge replacement and renewal, MRWA has a prioritised program which is funded through Federal Assistance Grants and the State Government.

Bridge No. 4930 (Krone's Bridge) Collie River Road (refer **Attachment 1**) has a long history as whilst most of the structure is located within the Shire of Harvey, it can only be accessed from the Shire of Dardanup (SoD) via Collie River Road. In addition, the bridge only services one property.

The SoD recently wrote to the Shire regarding several options for the future of the bridge. The report discusses these options and recommends a way forward in an effort to resolve this matter.

### Background

There is a long history dating back to the 1980's regarding the Bridge which provides access to one property, Lot 28 Collie River Road. It also provides access to members of the public from the SoD side of the Collie River wishing to access a reserve on the east side of the bridge within the Shire (refer **Attachment 2**).

### Mid 2001

In 2001, MRWA imposed a two-tonne load limit on the bridge and following a detailed structural report, repairs were undertaken at a cost of \$18,500.

At the time, contribution options from SoD were considered including a 50/50 split, or a contribution representing approximately 10m of a total 54m (18.5%) of the bridge where the gazetted road reserve ends and the southern high-water mark of the Collie River (Shire of Harvey boundary). This contribution equated to approximately \$3,430. The other option was the entire bridge being the responsibility of the Shire.

Since that time, there have been several attempts to resolve this matter, including a proposal to close that portion of Collie River Road within the Shire and an easement established in favour of the adjoining landowner for his continued access and for public access of pedestrians only.

At the time, however, this was not supported by the then Minister for Planning and Infrastructure, nor was it supported by the SoD who were opposed to restrictive access across the river.

### **Late 2005**

In late 2005, MRWA again conducted an extensive assessment and the ensuing report recommended that due to severe structural deficiencies, to either close the bridge or impose a two tonne load limit.

### **Ordinary Meeting of Council 24 January 2006**

The matter was again considered by Council when the following decision was made:

*“That Council:*

- 1. Authorises staff to carry out repair work to bridge No 4930 utilising bridge maintenance funds and acknowledges that top up funding may be required from the bridge replacement reserve account, which will be subject to a separate report to Council;*
- 2. Requests a 50% funding contribution from the Shire of Dardanup to carry out the bridge repairs;*
- 3. Requests that the Shire of Dardanup reconsiders its position to the closure of the section of Collie River Road within the Shire of Harvey and Dr. Krone’s offer to take responsibility for the future upgrading and maintenance of the bridge;*
- 4. Authorises the Shire President, Chief Executive Officer, and Shire Engineer to meet representatives from the Shire of Dardanup to discuss this matter further.”*

Subsequent to this, the SoD agreed to contribute 50% of the cost to undertake repairs to the bridge up to the amount of \$24,000. Repairs were completed to the required standard to allow the proposed load restriction to be removed.

### **Between 2010 and 2012**

Negotiations continued between the Shire and SoD, various State Ministers, the State Lands Division, and the owner of Lot 28 Collie River Road (Tynedale Farm) to consider the granting of an easement under the *Land Administration Act 1997* to formalise current access arrangements and to accommodate requirements at this site.

### **February 2012**

Further structural failures were identified in the MRWA 2010 Bridge Assessment Report.

### **December 2016**

MRWA advised the Shire that following a detailed inspection of 4930 Collie Krone’s Bridge, numerous issues were identified requiring emergency repairs to be undertaken to enable the bridge to be kept open to comply with Vehicle Standard Regulations (VSR) i.e., traffic vehicles as of right which do not require a permit to operate on a public road.

Emergency repairs, including the installation of propping equipment were subsequently undertaken to ensure the bridge could remain open and to allow MRWA bridge consultants to conduct a detailed design for more permanent repair (refer **Attachment 3**).

**August 2017**

The design for more permanent repairs was completed and quotations to undertake the repairs obtained.

**Ordinary Meeting of Council 31 October 2017**

Council was advised that the identified repairs would prolong the life of the current structure for a few more years but, as the bridge was at the end of its life, ongoing repairs would be required unless the bridge was fully replaced.

After considering the report, Council made the following decision:

*“That Council:*

- 1. Endorses undertaking the identified essential repairs to Bridge No 4930 (Krone’s Bridge) over Collie River at a total cost of \$82,923.20 to keep the bridge open at VSR load capacity and notes that the bridge will need to be temporarily closed to the ‘general public’ until the essential repairs are undertaken;*
- 2. Seeks approval from the Shire of Dardanup to temporarily close Bridge No 4930 on the south side of the Collie River on Collie River Road, to the ‘general public’ in accordance with Section 3.50A of the Local Government Act 1995 as this portion of the bridge is located in their local government area;*
- 3. Approves the Shire of Harvey contribution \$41,462.00 for the essential repairs to funded from the 2017/18 Bridge Maintenance and the Bridge Maintenance Reserve subject to the Shire of Dardanup contributing \$41,462.00 (50%) towards the cost of the repairs;*
- 4. Notes that as the bridge provides sole access to Lot 28 Collie River Road (Tynedale Farm) the owner has been made aware of the matter and has agreed that while the bridge will be closed to the general public, he will be permitted to use the bridge for essential limited access only until the repairs have been completed;*
- 5. Authorises the Chief Executive Officer to arrange a meeting between Main Roads WA, the landowner, Dr. Krone, the Shires of Harvey, and Dardanup to revisit the long standing issues relating to Bridge No. 4930 and map out a way forward; and*
- 6. Receives a further report on the matter advising of the outcomes of the discussions as per recommended 5.”*

In accordance with Council's decision, numerous meetings were held with MRWA and the SoD to determine a way forward, however, to date no significant progress has been made.

**Comment****March 2021**

The Asset Manager Structures from MRWA advised that an opportunity had arisen for them to purchase a 45m single span 'uni bridge' from NSW to replace the old timber bridge.

The proposal was as follows:

- MRWA to fund the purchase of the bridge at a cost of \$200,000 and have it disassembled and freighted to Western Australia and stored at their depot.

- MRWA to undertake the detailed design for the new abutments etc. either side of the river.
- The two Shires and Dr. Krone jointly fund the following:
  - Demolition of the existing bridge
  - Construction of the new abutments
  - Installation of the new bridge i.e. assembly/crane hire etc.

Several meetings with Officers from MRWA and the SoD were subsequently held as the proposal could result in a replacement bridge at an estimated cost of \$450,000 instead of \$3.5 million. Unfortunately, MRWA failed to secure the 'uni bridge' and the proposal stalled.

### **September 2021**

The Shire is currently paying approximately \$26,500 per annum for the hire of temporary propping for the bridge. There is no formal Memorandum of Understanding (MOU) with the SoD regarding cost sharing arrangements for the bridge, however, in the past SoD have always contributed a portion of repair and maintenance costs.

Therefore, the Shire formally requested that the SoD contribute towards the propping costs and SoD Officers subsequently advised that they were preparing a report for their September 2021 Council meeting regarding paying their share of the cost with a further recommendation *"that an agreement be established to lock in a cost sharing arrangement going into the future."*

### **29 October 2021**

The SoD advised that their Council, at its Ordinary Meeting held on 29 September 2021, considered a request from the Shire for a contributory payment of 18% of the cost of propping the bridge, resulting in the following decision:

*"That Council:*

- 1. Contributes \$7,207.20 to the Shire of Harvey for the cost of propping hire used on Bridge No. 4930 over the Collie River on Collie River Road (Krone's Bridge);*
- 2. Does not contribute any further to the maintenance and repair of the bridge and advises the Shire of Harvey accordingly;*
- 3. Authorises the Chief Executive Officer to engage into discussions with the Shire of Harvey regarding the following options and report back to Council for further consideration:*
  - a) permanently closing the road on the Shire of Harvey side and a small portion on the Shire of Dardanup side;*
  - b) disposal options for the closed road; and*
  - c) disposal of the bridge asset."*

### **Discussion**

Following the above SoD Council decision, a meeting was held with Shire Officers and the SoD Director Infrastructure in January 2022 to discuss the matter. It was advised that the matter would need to be further considered by the Shire's Council.

Krone's Bridge comprises an old-style timber bridge that is nearing the end of its life. It spans approximately 50m over the Collie River, services one property at Lot 28 Collie River Road (Tynedale Farm) located within the Shire and can only be accessed from the SoD.

In April 2011, the former Department of Regional Development and Lands prepared a draft lease document which was intended to provide the property owner (Dr. Krone) access and maintenance control of a portion of the bridge

It appears this proposal did not proceed further at the time and there is an expectation by the property owner that the bridge should be upgraded / replaced to continue to provide access to his property.

The cost to replace the bridge has been estimated to cost in the order of \$3.5 million and MRWA has indicated that, as it only service one property, it has a very low priority in their bridge funding program.

The SoD Council decision suggested the following:

- Permanently closing the road on the Shire of Harvey side and a small portion on the Shire of Dardanup side
- Disposal options for the closed road
- Disposal of the bridge asset.

#### **Permanently closing the road on the Shire of Harvey side and a small portion on the Shire of Dardanup side**

Closing the road would require agreement with the property owner (Dr. Krone) as the closed road would need to be amalgamated with his property and the cost of the land would need to be determined by the State. In recent discussions with Dr. Krone, it is unlikely that he would agree to this (refer **Attachment 4**).

#### **Disposal options for the closed road**

This is discussed above and without the property owner agreeing to this (which is unlikely), this would not be an option.

#### **Disposal of the bridge asset**

As previously mentioned, the bridge over the Collie River comprises an old-style timber bridge that is nearing the end of its life. The replacement cost has been estimated to cost in the order of \$3.5 million. Unless an agreement can be reached on road closure/amalgamation and the property owner agreeing to purchase the bridge (which is unlikely) this would also not be an option.

#### **Conclusion**

Much water has passed under this bridge over the years without any agreement being reached by the parties on a way forward regarding Krone's Bridge.

The most recent options put forward by the SoD have previously already been pursued. It was the SoD who initially opposed the options they are now suggesting, which if they had agreed to pursue at the time, would have most probably resolved the current issues.

The property owner, Dr. Krone, has indicated that he is no longer interested in assuming responsibility for the bridge and has an expectation the bridge will be upgraded. MRWA will not provide substantial funding for replacing the bridge as it is a low priority for them.

In the meantime, the bridge continues to be repaired with 'band aid' solutions as we head towards the inevitable with the bridge needing to be replaced.

The SoD decision that it *"does not contribute any further to the maintenance and repair of the bridge and advises the Shire of Harvey accordingly"* is disappointing as it is their residents who mainly access the river foreshore on the Shire side of the bridge and a portion of the bridge (approximately 10m is located within the SoD).

In November 2017, the SoD Council agreed to contribute 25% towards the specified maintenance of the bridge. The most recent Council decision was also based on a contribution of 25%.

As a portion of the bridge is located within the SoD and predominantly benefits their residents access to the foreshore reserve on the Shire's side of the bridge, it is considered prudent that the SoD continues to contribute to the maintenance of the bridge until a permanent solution is found. It is considered that an interim joint maintenance MOU be prepared.

This is not dissimilar to the maintenance MOU between the Shire and SoD for the newly constructed bridge over the Collie River between Treendale and Eaton.

### **Possible way forward**

At its Ordinary Meeting held on 31 October 2017, Council authorised the Chief Executive Officer to arrange a meeting between MRWA, the landowner Dr. Krone, and the Shire of Dardanup to revisit the long-standing issues relating to Bridge No. 4930 and map out a way forward.

A number of meetings were held, however no positive outcome was achieved, and Dr. Krone advised that he was not interested in taking over the bridge (as recently suggested by the SoD).

It is therefore considered that the only way forward is to continue to examine more cost-effective options for the replacement of the bridge jointly funded by the Shire / MRWA / SoD / Dr. Krone and once the bridge is replaced, then possibly negotiate handing the infrastructure over to Dr. Krone including road closures etc.

### **Statutory/Policy Environment**

Local governments are the asset owners of bridges located on local government roads.

### **Strategic Framework**

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

- |                      |  |
|----------------------|--|
| <i>Goal 4:</i>       | <i>A liveable, sustainable and well-designed built environment that is accessible to all.</i>    |
| <i>Objective 4.2</i> | <i>A connected and well maintained network of local roads, footpaths, cycle ways and trails.</i> |
| <i>Goal 5:</i>       | <i>A representative leadership that is future thinking, transparent and accountable.</i>         |
| <i>Objective 5.1</i> | <i>Effective communication and engagement with the community.</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

*Collaborate:* We will work together with you to formulate solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.

## Risk Management

The Risk Theme Profile identified as part of this report is **Inaccurate Asset Sustainability Practices**. The Consequence could be **Property** and **Financial Impact** should a suitable and sustainable outcome to the property access at Lot 28 Collie River Road remain unresolved. The risk is considered to be **Minor** as it has been mitigated in the short term by undertaking the urgent recommended repairs to the bridge and in the longer term by developing a strategy in consultation with the affected stakeholders resulting in a **Moderate** risk being present.

## Budget Implications

Due to the age of Krone's bridge, significant funds have been expended on routine maintenance to ensure the bridge remains structurally sound. This is entirely funded by the local governments.

Funding for the specified maintenance requirements, for bridges, is provided under the MRWA Local Government Bridge Maintenance Program.

MRWA's Asset Management Team (*Structures*), undertake detailed five year inspections of bridges to confirm their integrity. The data collected is fed into the specific maintenance program in order to schedule works. The Team also provides technical support and advice to local governments as required.

With Krone's Bridge more regular inspections are undertaken by MRWA due to its age and construction.

## 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:

1. Advises the Shire of Dardanup that it does not support their position to no longer contribute to any further maintenance and repairs on Bridge No. 4930 over the Collie River (Krone's Bridge) as a portion of the bridge structure is located within the Shire of Dardanup and it has been used by its residents to access the north side of the river reserve for many years.
2. Authorises the Chief Executive Officer to:
  - a) Enter into discussions with the Shire of Dardanup regarding the preparation of an interim maintenance Memorandum of Understanding for Bridge No. 4930.



- b) Undertake urgent discussions with Main Roads WA, Shire of Dardanup and Dr Krone on possible cost effective options and cost sharing arrangements for the replacement/refurbishment of Bridge No. 4930.
- 3. Supports, in principle, the Shire of Dardanup's suggestions which include permanently closing a portion of Collie River Road including disposal options for the closed road and disposal of the bridge asset, subject to a favourable outcome to Clause 2 above.
- 4. Receives further progress reports on this matter as additional information becomes available.

<b>Item No.</b>	<b>12.2.2.</b>
<b>Subject:</b>	<b>Galway Green Bore/Pump Replacement</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Australind</b>
<b>Reporting Officer:</b>	<b>Director Infrastructure Services</b>
<b>Authorising Officer:</b>	<b>Chief Executive Officer</b>
<b>File No.:</b>	<b>A008489</b>
<b>Attachments:</b>	1. Galway Green Specified Area Rate Area [ <b>12.2.2.1</b> - 1 page]

## Summary

In January 2022, there was a catastrophic failure of the pump/bore that irrigates the entire Galway Green area. The bore, constructed approximately 22 years ago, is approximately 230m deep and draws water from the Yarragadee Aquifer.

The pump was subsequently removed, and the steel bore casing inspected and unfortunately both were found to have failed beyond repair.

Since that time, the Shire's Parks Officers have been undertaking investigations on the potential cost and availability of contractors and materials to rectify the situation.

This report outlines the investigations to date and recommends a way forward.

## Background

Galway Green comprises a residential area as shown in **Attachment 1**, and all lots within the estate are subject to a Specified Area Rate for the purpose of maintaining the landscape of the common areas to a higher standard.

A tender for 'Estate Landscape Maintenance' (Lakewood Shores, Binningup; Galway Green, Australind; Kingston Estate, Australind; Treendale Estate, Australind), was advertised on 17 April 2021.

Tenderers were advised that the scope of work included maintenance of Public Open Space areas, street landscaping, caps gardens, median islands, roundabouts, trees and reticulation, and other nominated areas, to be maintained to a high standard at all times.

Council subsequently awarded the tender to LD Total in June 2021 and many positive comments from a number of Galway Green residents were received when the new contractor commenced the landscape maintenance works.

## Comment

### Existing Galway Green Bore and Pump

The existing Galway Green bore is 230m deep and the submersible pump was located within the steel bore casing approximately 60m below ground level. When it was removed, it had burnt out, was full of sand and beyond repair.

Following the removal of the pump, a camera was sent down the bore to inspect the condition of both the bore and the steel casing to determine whether the existing infrastructure was still usable. Unfortunately, it was discovered that the infrastructure is well beyond repair.

**Interim measures Implemented**

With the bore/pump out of action and at the driest time of year, numerous complaints from Galway Green residents were received by the Shire's Administration complaining about the poor state of the Estate.

To address the matter, it was decided to enter into a hire arrangement with a local contractor to cart water from another location (bore water sourced from the Treendale Bore) to top up the existing lake in the reserve and pump water from the lake to irrigate the immediate surrounds and a number of other areas. Unfortunately, not all areas could be irrigated by this method.

The turf in these areas is slowly showing signs of life, however this is only an interim solution until a permanent solution is implemented.

**Proposal**

The existing bore will need to be abandoned injected with grout and capped to Department of Water and Environmental Regulation (DWER) requirements. A new bore will need to be drilled to a depth of 230m in proximity to the existing bore and a new pump, column, bore head and electrical cabinet will be required as well as replacing all the existing equipment which is passed its used by date.

Estimates for drilling a new bore indicate that the cost for this component of the work alone could be in the order of \$380,000 and all up, with the other equipment required, could be in the order of \$420,000. In addition, there are a limited number of drilling companies in Western Australia licenced to drill the type of bore hole required, hence the desire to progress the matter as soon as possible.

The new bore casing would be constructed from 'Fibreglass Reinforced Plastic' or FPR, in lieu of either steel or stainless steel, as this is now the industry standard. The advantage of using FPR is that the material is corrosion resistant and perfect for hyper saline or aggressive water, is strong and is suitable for very deep bores, is lightweight and easy to handle and is temperature tolerant up to 100 degrees Celsius.

**Request for Tender**

A Request for Tender (RFT) has been developed for the replacement of the bore and is currently being reviewed by the Shire's Parks Officers. This will be advertised following Council deciding on the funding source.

**Bore and Pump program**

On 27 March 2018, Council considered a report on the development of a five-year Pump/Motor and Bore Maintenance Program (the Program) to enable appropriate funding to be allocated annually to proactively manage the Shire's parks and reserves watering requirements. Unfortunately, at the time, as there was no dedicated Parks and Gardens Structure, the Program was not developed further.

The Shire has 33 sites within its Parks and Gardens with 31 bores and/or pumps of varying types/sizes and depth that require servicing and maintenance.

Now that a dedicated Parks and Gardens structure has been established, and with the recent employment of an Irrigation Specialist, a five-year Program is being developed and will be presented for consideration by Council as part of the 2022 – 2023 Annual Budget process.

It is proposed that with the adoption of a five-year Program, better management of the Shire's irrigation infrastructure will occur that will allow for regular formalised maintenance to be undertaken and appropriate annual funding to be allocated. Whilst it is acknowledged that infrastructure failures may still occur, even with a specified maintenance program in place, the risk of failure would be minimised.

The Program would comprise the following with appropriate funding allocated to the relevant Park or Reserve in the year where the specific works has been scheduled:

- **Bore Development**

Development of bores will be required to be undertaken every three to four years to remove scale, iron bacteria and build-up of fine sands around the screen located at the bottom of the bore. In commencing this operation, the existing bore headworks, pump/motor and associated column (delivery pipe) would need to be removed.

The development process would then involve the addition of an approved chemical to assist in breaking up the scale etc. including surging the bore with water or air over a five-to-10-hour period to clean the screen and surrounding gravel packing. This process would ensure that the bore yield is maintained to a level where the associated pump/motor and reticulation system will continue run efficiently and effectively.

- **Pump/Motor Servicing**

Where a bore has a submersible pump, the pump would be removed and inspected in conjunction with the 'Bore Development' program and appropriate maintenance works undertaken where required.

The newer pump/motors are lighter and of stainless steel construction whereas the older types, were constructed from bronze or cast iron.

The benefits of the stainless steel pump/motor is that they do not deteriorate as rapidly, servicing is less labour intensive and the lighter construction results in a reduction in the motor horsepower required to operate each pump, resulting in a saving of electricity costs.

The size of the pump/motor and the number of bowls that each pump has (which determines the pump output) will obviously determine the cost of the service.

## **Statutory/Policy Environment**

The common areas in Galway Green are maintained by a contractor on behalf of the Shire and are irrigated from the Yarragadee Aquifer under licence from the Department of Water and Environmental Regulation.

## **Strategic Framework**

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

*Goal 3: A natural environment that is highly valued, protected and enjoyed.*

*Objective 3.2 Manage and protect natural habitats, ecosystems, and reserves.*

## **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 due process is not followed in progressing with the recommended infrastructure improvements at Galway Green. The Risk is considered **Minor** and the likelihood **Unlikely**, as there is a current bore licence in place. This results in a **Low** risk being present.

**Budget Implications**

The Shire's Parks Team have been investigating options and indicative costs for undertaking the rectification works at Galway Green and the indicative cost, as previously mentioned, will be in the order of \$420,000. Until an RFT is advertised, the actual costs will not be known.

In addition, temporary irrigation of the area until April/May will cost in the order of \$30,000 and this will be charged to the Galway Green maintenance account.

It is intended to advertise the RFT as soon as possible to allow construction to proceed this financial year. It is recommended that an amount of \$420,000 for infrastructure improvements at Galway Green be sourced from the Asset Replacement Plant and Equipment Reserve.

The purpose of this reserve is for the purchase of plant and equipment and the adopted 2021 – 2022 Budget indicates that approximately \$1 million will be remaining in the reserve at the end of the financial year. Should the Galway bore and pump be funded from the reserve the estimated balance, at the end of the financial year, will be in the order of \$550,000.

**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. Includes funding of \$420,000 for Irrigation Infrastructure Improvements at Galway Green in the mid-year Budget review to be funded from the Asset Replacement – Plant and Equipment Reserve.
2. Notes that a Request for Tender for Irrigation Infrastructure Improvements at Galway Green will be advertised in March/April 2022 and a further report will be prepared once tenders received have been assessed.
3. Receives a further report on the cost implications of implementing a five-year Pump/Motor and Bore Maintenance Program once the Program has been developed.
4. Advises the residents of Galway Green Estate of its decision.

<b>Item No.</b>	<b>12.2.3.</b>
<b>Subject:</b>	<b>Richardson Road Waste Facility Progress Report</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Richardson Road, Uduc</b>
<b>Reporting Officer:</b>	<b>Manager Waste and Safety Services</b>
<b>Authorising Officer:</b>	<b>Director Infrastructure Services</b>
<b>File No.:</b>	<b>A007458</b>
<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. Site changes [12.2.3.1 - 1 page]</li><li>2. Transfer Station Design [12.2.3.2 - 1 page]</li><li>3. Potential Location of a Transfer Station South of Existing Landfill Area [12.2.3.3 - 1 page]</li></ol>

## Summary

The Richardson Road Landfill Site (the Site) at Lot 6 (No. 623) Richardson Road, Uduc, has been operating since 1980 and with changes to licence requirements it is intended to cease putrescible landfilling operations and transition to a formalised transfer station at the site over the next two financial years.

The purpose of this report is to provide Council with an update on the Site and provide recommendations on the proposed location of the future Transfer Station and associated infrastructure.

## Background

Below is a brief history of the Site:

- The site was established in the 1980's to fill sand pit voids and comprised an 'uncontrolled site' until late 1990's.
- First licenced as a landfill site in 1997.
- A contractor managed the site since early 2000.
- Facility Management Plan was prepared in 2008.
- In 2013, the Department of Conservation now the Department of Water and Environmental Regulation (DWER) recommend that the Shire take steps to cease putrescible landfilling (i.e., to phase out landfilling on Swan Coastal Plain).
- Environmental Improvement Plan (EIP) draft was completed in 2012 and adopted by Council in May 2014.
- Future direction of the Site was confidentially considered by Council in November 2014.
- Closure and Post Closure Management (CPCM) Plan commenced in 2014.
- Kerbside collected waste was diverted from Richardson Road to Stanley Road, commencing in July 2015.
- Other waste diversion options have increased the landfill life of Richardson Road.
- Draft CPCM Plan was completed in December 2020.
- Council adopted the CPCM Plan for the Richardson Road Landfill Site in March 2021.

The CPCM Plan for the site outlines the proposed final footprint and landform of the landfill, as well as management measures for key infrastructure as part of the site closure, and the post closure management.

## **Comment**

### **Management of Richardson Road**

Since the adoption of the CPCM Plan in March 2021, there have been several changes that have affected the operations of the Site and the local waste industry.

In October 2021, the contract for the management of the site concluded with Shire Officers decided that due to various uncertainties onsite, that a new contract would be difficult determine.

The Shire took over the day-to-day management, however Officers have continued to work with the contractor to assist in this transition. In addition, some of the equipment and infrastructure on the Site is owned by the contractor.

Officers had also been working with Bunbury Harvey Regional Council (BHRC) prior to the transition with putrescible and hazardous household waste being transferred to the BHRC facility at Stanley Road from the Site. Due to the synergies of the BHRC managing Stanley Road, Shire Officers entered into an arrangement with the BHRC to provide staff to undertake the daily operations of the Site since October 2021, under the management of Shire Officers.

This resource sharing arrangement has had its challenges with the Site having some major changes (**Attachment 1**). Shire Officers are currently considering the management options which may include reduced hours and/or days to maximise efficiencies and reduce overall costs.

In addition, Officers are progressively making changes to the Site including improved record keeping, financial management, signage, and traffic flows. A new site office is due very soon which will improve the amenities for the Staff onsite whilst resolving existing technological problems.

### **Transfer station**

Officers have been working with consultants in designing a Transfer Station for the Site. Several concept designs have been prepared which consider the existing landforms and post closure requirements (**Attachment 2**).

As a result of the designs and further discussions with consultants, Officers consider that the development of a Transfer Station on the existing landfilled area could be problematic due to post closure requirements, including proximity to existing operations and timelines.

As a result, an option for the development of the Transfer Station, south of the landfill area on the Site that is free from landfill (refer **Attachment 3**) is considered to be the most favourable option as this location would resolve/address several issues identified with the previous Transfer Station location options including:

- Clean, sandy site that is well drained (lower construction cost with known soil profile).
- No old landfill capping or landfill gas management required.
- Separate from existing landfill operations to allow limited disruptions.
- Transfer Station can be constructed prior to capping of existing landfill areas.
- Public can be separated from waste operations (occupational safety and health risks).

## **Statutory/Policy Environment**

The Richardson Road Landfill Site is licenced under Section 57 of the *Environmental Protection Act 1986* as a Category 64: Class II or III putrescible landfill site.

## **Strategic Framework**

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

*Goal 3: A natural environment that is highly valued, protected and enjoyed.*

*Objective 3.3 Sustainable resource use and waste 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 **Environmental Financial, Reputational** or **Compliance** if the Richardson Road Landfill Site was managed unsatisfactorily. The risk is considered **Moderate** and the likelihood **Unlikely**, given that the report has been thoroughly researched and provided by a qualified Consultant, resulting in **Low** risk being present.

## **Budget Implications**

Funding for Richardson Road Landfill Site closure and rehabilitation has been allowed for in the Refuse Management Reserve, but further funding may need to be allocated in future Budgets to accommodate the full cost of the estimated closure.

\$200,000 has been allocated for the development of a Transfer Station at Richardson Road in the 2021 – 2022 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. Notes the progress of the Richardson Road Landfill Site as detailed within the report.
2. Requests the Chief Executive Officer to progress investigations for the Richardson Road Transfer Station to be developed on Lot 6 (No. 623) Richardson Road, Uduc, south of the existing landfill site as provided in ***Attachment 3***.
3. Receives further progress reports on the development of the Richardson Road Transfer Station.

**12.3. Sustainable Development**

<b>Item No.</b>	<b>12.3.1.</b>
<b>Subject:</b>	<b>Use Not Listed (Fuel, Recharge and Convenience Stop) – DAP Application – Lot 335 (No. 38) Stanley Road, Wellesley</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Lot 335 (No. 38) Stanley Road, Wellesley</b>
<b>Reporting Officer:</b>	<b>Planning Officer</b>
<b>Authorising Officer:</b>	<b>Director Sustainable Development</b>
<b>File No.:</b>	<b>A008410</b>
<b>Attachments:</b>	1. Application [12.3.1.1 - 38 pages] 2. Aerial Plan [12.3.1.2 - 1 page] 3. Combined Reports [12.3.1.3 - 128 pages] 4. Proposed Development Location [12.3.1.4 - 1 page] 5. Proposed Development [12.3.1.5 - 1 page]

**Summary**

An optional Development Assessment Panel (DAP) application for Development Approval has been received for a “Use Not Listed” (Fuel, Recharge and Convenience Stop) on Lot 335 (No. 38) Stanley Road, Wellesley (refer **Attachment 1**).

As this application will be determined by the DAP, the Shire is a referral authority and is required to undertake an assessment of the application (including advertising) and prepare a recommended determination via a Responsible Authority Report (RAR). The application is referred to Council as Officers do not have delegation to determine that a “Use Not Listed” may be consistent with the purpose and objectives of the zone.

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

Should no adverse submissions be received at the conclusion of advertising, Officers have delegation to prepare a recommended determination of the application in the form of an RAR to the DAP in accordance with Delegation 9.1.2.

**Background****Site Description**

Lot 335 (No. 38) Stanley Road, Wellesley is zoned ‘Kemerton Industry Buffer’ under the Shire’s District Planning Scheme No. 1 (the Scheme). Under the Greater Bunbury Region Scheme (GBRS), the site is zoned ‘Rural’ with a small portion of the southern corner being reserved for ‘Primary Regional Roads’. The site is also located within ‘Special Control Area No. 2 – Kemerton Industrial Zone Buffer Area’ under the GBRS.

The site is of irregular shape with an area of 9.91ha and is located on the corner of Stanley Road and Forrest Highway, Wellesley, with access gained from Stanley Road. Stanley Road is a cul-de-sac of which approximately 500m is constructed for access by businesses including extractive industry, transport depot, bulk haulage, and the Bunbury Harvey Regional Council Waste Management Facility. The proposed development is to utilise the north-western corner of Lot 335, which is currently vegetated with a combination of Banksia, Marri, and other native species, including priority flora. The site has a gradual fall of approximately 2m AHD abutting Stanley Road to approximately 11m AHD at the southern portion of the development site (refer **Attachment 2**).

Sections of the north and western boundaries of Lot 335 are identified as containing Threatened and Priority Ecological Community, specifically the Banksia Woodlands of the Swan Coastal Plain threatened ecological community (Banksia TEC) which was listed in September 2016 under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

There are two easements located within Lot 335, which run along the entire western boundary. These easements are utilised by Water Corporation and Western Power for service infrastructure. Referral to both agencies will occur as part of the advertising process. Previous advice with regards to these easements, on unrelated projects, indicates that no infrastructure is to be located within the easements.

The property is also located within a designated Bushfire Prone Area in accordance with the Department of Fire and Emergency Services (DFES) mapping. The development site in its current state has been determined as BAL-FZ as per the Bushfire Management Plan (BMP) included within **Attachment 3**.

### Site History

A substantial portion of Lot 335 is utilised by Agspread and other subcontractors for the purposes of bulk haulage and agricultural material supply businesses. This business has been operating at this location for over 10 years.

From 2006 to 2010, the cleared portion of the site was subject to extractive industry (sand) operations. These operations have now ceased, and most of the site is used as hardstand/storage for the bulk haulage businesses.

A Memorial pursuant to the provisions of the *Contaminated Sites Act 2003* was registered on the Certificate of Title in August 2021. The Memorial advises that the site was recently classified by the Department of Water and Environmental Regulation (DWER) as "*Possibly Contaminated – Investigation Required*".

### Proposal

The application proposes to establish a Fuel, Recharge and Convenience Stop on the north-western portion of the site.

The portion of Lot 335, the subject of this Application comprises approximately 6,500m<sup>2</sup> (refer **Attachment 4**), herein referred to as "the site".

The proposal identifies that the integrated components of the development (refer **Attachment 5**) will include:

- Fuel filling bays
- Electric car charge bays
- Air/water bays
- Customer car parking bays
- Kiosk (with a gross leasable area of 350m<sup>2</sup>)
- Landscaped areas, including playground, seating, and dog exercise area.

The development site is not connected to reticulated water or sewer and will therefore be serviced by two 80,000L water tanks and an on-site effluent disposal system.

The development proposal is supported by the following technical documents (included as **Attachment 3**):

- Feature Survey
- Architectural Drawings
- Landscape Plan
- Vegetation and Flora Survey
- Bushfire Management Plan
- Traffic Impact Assessment
- Services Assessment
- Contamination Letter.

### **Bushfire Prone Area**

The BMP indicates the development can achieve a bushfire attack level rating of BAL-29 or lower, subject to:

- Provision of an Asset Protection Zone (APZ) around the proposed buildings.
- All vegetation within the APZ being maintained as low-threat vegetation in accordance with Australian Standard AS3959 – Construction of Buildings in Bushfire Prone Areas ('AS3959').
- All buildings being constructed in accordance with the provisions of AS3959 with respect to BAL-29 or lower.

It is proposed as part of the development that a significant amount of the vegetation will be removed due to the proposed development and to establish the APZ zone and will therefore reduce the bushfire attack level rating down to a minimum BAL-29 as per the details included in the BMP.

### **Comment**

#### **Land Use**

The proposed use of "*Fuel, Recharge and Convenience Stop*" is not defined in the Scheme and is therefore required to be considered a "*Use Not Listed*". Clause 4.2.4(b) makes provision for a "*Use Not Listed*" to be considered and provides that Council can "*determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone*".

The Policy Statement contained within Table 33 (Kemerton Industry Buffer) of the Scheme states "...to serve as a low intensity use area between the Kemerton Strategic Industry and Ancillary Industrial zone and the surrounding land uses. No further residential or incompatible development shall take place in this zone and where possible public recreation and flora and fauna conservation shall be encouraged".

The proposed development may be considered a low intensity use, and therefore consistent with the purpose and objectives of the Zone.

The overview of the application states that the use can be “*characterised by comprising a number of integrated components that, together, result in a composite singular land use, as opposed to comprising a number of independent stand-alone uses to be considered as separately*”.

As detailed below, there are similarly defined uses within the Scheme, however these do not meet the proposal requirements as identified below.

*“Service Station - means land and buildings used for the supply of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs and minor mechanical repairs and may include a cafeteria, restaurant or shop incidental to the primary use; but does not include transport depot, panel beating, spray painting, major repairs or wrecking”.*

- The proposed use will not offer greasing, mechanical repairs, or tyre repairs.

*“Convenience Store - means land and buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents but including the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 200m<sup>2</sup> gross leasable area....”*

- The gross leasable area of the proposed convenience store exceeds 200m<sup>2</sup>.

*“Shop - means a building wherein goods are kept, exposed or offered for sale by retail, but does not include a bank, fuel depot, market, service station....”*

- The proposed use includes a fuel depot.

*“Fuel Depot - means a depot for the storage or bulk sale of solid or liquid gaseous fuel but does not include a service station and specifically excludes the sale by retail into the final user's vehicle of such fuel from the premise.”*

- The proposed use is aimed towards fuel sales to the final user vehicle and not bulk sales.

*“Petrol Filling Station – means land and buildings used for the supply of petroleum products and motor vehicle accessories”*

- Could be considered an appropriate use, however, does not include the retail/food facilities and is not included as a permitted use within the *Zoning and Development Standards Table 33*.

As realised above, none of the existing defined uses within the Scheme that may be comparable to the proposal appropriately incorporate the aspects of the development proposal. Additionally, the uses permitted within the ‘*Kemerton Industry Buffer*’ are limited and do not include any of the above uses, which are included in other zones within the Scheme and are therefore not permitted within the subject zone.

### **Contaminated Site**

As discussed above, the Memorial advises that the site was recently classified by DWER as “*Possibly Contaminated – Investigation Required*”.

Galt Environmental states within their correspondence (included in **Attachment 3**) that “... based on the nature and location of the proposed development and known reason for the current site classification under the Contaminated Sites Act 2003.”, and that “... we consider it unlikely that there is soil contamination at the site that would preclude its use as a fuel, recharge and rest stop”.

Advice previously received from DWER indicates that the classification relates to a volume of imported fill placed on an existing hardstand area to the east of the proposal site.

The Applicant has advised that no further investigations have occurred with regards to the possible contamination of the site.

In accordance with Section 58(6) of the *Contaminated Sites Act 2003*, a responsible authority is not to grant development approval without seeking, and taking into account, the advice of DWER with respect to the suitability of the land for the proposed development. The application will be referred to DWER for consideration and comment as part of the advertising period, and should additional investigations be required, they will be requested prior to a recommended determination (RAR) being prepared.

### **Vegetation Clearing**

The development proposal references the Kemerton Strategic Industrial Area – Over-arching Environmental Management Plan (OEMP) which was prepared in July 2015. The OEMP describes the vegetation on site as being “*Degraded*” or “*Completely Degraded*”. Given the age of this report, the condition of vegetation is likely to have significantly changed and is unlikely to accurately represent the present situation.

With the above in mind, the development proposed includes a Flora and Vegetation Survey (refer **Attachment 3**) specific to the development site (dated November 2021). The report identifies that a total of 124 plant species were recorded in the study area, of which included native species such as Orchids, Banksia, Jarrah, and Marri species. Two priority flora were also identified within the site.

The report stated that, with the exception of a strip of vegetation located adjacent to Stanley Road and the already cleared portion on site, the remaining vegetation was considered to be in “*Good*” to “*Very Good*” condition with little invasion by weeds.

The proposal does not clearly delineate whether all vegetation within the proposed development site is proposed to be removed, and whether a Clearing Permit has been prepared for consideration.

### **Bushfire Management Plan**

A BMP has been prepared by Bushfire Prone Planning (dated 15 October 2021) for the site (refer **Attachment 3**) which considers the proposed development as a “*High risk land-use*” in accordance with the definitions contained in Appendix One – Definitions of the Guidelines for Planning in Bushfire Prone Areas. The Guidelines stipulate that subdivision and development applications for vulnerable or high-risk uses in areas between BAL-12.5 and BAL-29 will not be supported unless they are accompanied by a Bushfire Management Plan and a Risk Management Plan for any flammable on-site hazards.

The BMP indicates the development can achieve a bushfire attack level rating of BAL-29 or lower subject to:

- Provision of an Asset Protection Zone (APZ) around the proposed buildings.
- All vegetation within the APZ being maintained as low-threat vegetation in accordance with Australian Standard AS3959 – Construction of Buildings in Bushfire Prone Areas (‘AS3959’).
- All buildings being constructed in accordance with the provisions of AS 3959 with respect to BAL-29 or lower.

It is proposed as part of the development that a significant amount of the vegetation will be removed and will therefore reduce the bushfire attack level rating down to a minimum BAL-29 as per the details included in the BMP.

The BMP has been prepared using the Method 1 approach. Officers will seek comments (through the referral process) from the Department of Fire and Emergency Services (DFES) and Main Roads Western Australia (MRWA), particularly regarding Element 3: Vehicular Access as the development is identified as only gaining access from Stanley Road. The BMP includes a secondary access towards the southern end of the site, directly onto Forrest Highway, however this requires access to an adjoining lot which is owned privately and has not been provided authorisation either by this landowner or MRWA with regards to a direct access point onto Forrest Highway.

### **Separation Distances between Industrial and Sensitive Land Uses**

The Environmental Protection Authority (EPA) published Separation Distances between Industrial and Sensitive Land Uses in June 2005. This document provides advice on the use of generic separation distances (buffers) between industrial and sensitive land uses to avoid conflicts between incompatible land uses.

**Appendix 1** of this document identifies many industries and the generic buffer distances to be considered in accordance with sensitive land uses.

Service Stations (24 hour operations) is listed within the table and best matches the proposed development. The recommended default buffer distance to sensitive land uses is 100m – 200m. The proposed development is located approximately 150m from the nearest sensitive land use boundary (residential development to the west of the subject site). These properties do have building envelopes which restricts the areas in which development may occur and, in most cases, extends the physical buffer distance between the proposed development and residential dwellings to 200m or more. Properties located within a 200m radius of the proposed development will be invited to comment as part of the advertising period.

### **Development Assessment Panel**

The Application for Development Approval has been lodged via the Development Assessment Panel as an 'opt-in' application as it is valued at approximately \$2.05 million (applications between \$2 million - \$10 million are considered 'opt-in' applications in accordance with the Development Assessment Panel).

As the application has been lodged through the DAP process, the DAP is the determining authority, with the Shire of Harvey considered the referral authority. As part of this role, the Shire undertakes a similar process to a normal Development Application, including advertising, review of submissions and is required to prepare an RAR recommendation for the DAP to consider as part of their final determination.

### **Advertising**

If Council determines that the proposed "*Fuel, Recharge and Convenience Stop*" use may be consistent with the objectives and purposes of the zone, pursuant to Clause 64 of the Planning and Development (Local Planning Schemes) Regulation 2015 (the Deemed Provisions), the application is required to be advertised for a period of at least 28 days for public comment.

In addition, pursuant to Clause 66 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Deemed Provisions), the application is required to be referred to relevant authorities for comments and recommendations.

Should no objections be received during the advertising period, Officers have delegation to prepare a recommended determination as part of the RAR as per Delegation 9.1.2(9).

## Conclusion

It is considered that the proposed “*Use Not Listed*” (Fuel, Recharge and Convenience Stop) may be consistent with the objectives and purpose of the ‘Kemerton Industry Buffer’ zone.

Officers do not consider that the proposed land use is of a type or form that could be incompatible with, or sensitive to, uses permitted within the Kemerton Industrial Park, particularly within the ‘Kemerton Industry Buffer’ zone which is intended to serve as a low intensity use area and is located approximately 150m from the nearest residential dwelling, which complies with EPA separation distance requirements.

Officers consider that the proposal may be complimentary to the existing Rural Industry and industrial uses on the site and adjoining properties located on Stanley Road and will provide a service to users of Forrest Highway and surrounding areas.

## Statutory/Policy Environment

### *Planning and Development Act 2005*

### Planning and Development (Local Planning Schemes) Regulations 2015

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

(1) *“The local government –*

*(a) must advertise a complex application for development approval in accordance with subclause (3); and*

*(b) must advertise an application for development approval in accordance with subclause (4) if the application is not a complex application –*

*i. relates to development that is a class A use in relation to the zone in which the development is located; or*

*ii. relates to the extension of a non-conforming use; or*

*iii. relates to development that does not comply with the requirements of this Scheme; or*

*iv. relates to development of which the local government requires a heritage assessment to be carried out under clause 11(1); or*

*v. is of a kind identified elsewhere in this Scheme as an application is this required to be advertised; and*

*(c) may advertise any other application for development approval in accordance with subclause (4).*

*(2) 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.”*



## Greater Bunbury Region Scheme

### Special Control Area No.2 - Kemerton Industrial Zone Buffer Area (SCA No.2)

- Clause 18 of the GBRS states:

*"The purposes of SCA No.2 are:*

- a) To identify land likely to be subject to significant levels of noise, odour, dust, risk or any other off-site impacts from the Kemerton Industrial Zone; and*
- b) To ensure that the use and development of land in the area is compatible with any existing or proposed future use or development within the Kemerton Industrial Zone."*

### Development Control Procedures

- Clause 24 of the GBRS states that:

*"Development Approval is required for any of the classes or types of development specified in a resolution made by the Western Australian Planning Commission (WAPC) under Clause 27. In accordance with Schedule 1 of Clause 27 Resolution, the WAPC has resolved that the following types of development on land zoned under the GBRS require Development Approval, including:*

- Development on land abutting a Regional Road Reservation which, in the opinion of the WAPC, has the potential to significantly increase traffic and has access to a regional road reservation.*
- Development on land within Special Control Area No.2 - Kemerton Industrial Zone Buffer Area which, in the opinion of the WAPC or Shire, may conflict with the purposes of the Special Control Area.*
- Development in the Rural zone which, in the opinion of the WAPC or Shire, may conflict with the purposes of the Rural zone under Clause 12 of the GBRS."*

### Shire of Harvey District Planning Scheme No.1

- Clause 4.2.4 - Zoning and Development Tables

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

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

- Table 33 – Zoning and Development Standards (Kemerton Industry Buffer):

*"Policy Statement: The primary purpose of this zone is to serve as a low intensity use area between the Kemerton Strategic Industry and Ancillary Industrial zone and the surrounding land uses. No further residential or incompatible development shall take place in this zone and where possible public recreation and flora and fauna conservation shall be encouraged."*

## Shire of Harvey Delegations Register

- Delegation No. 9.1.2 Development Applications

*“To approve an Application for Development Approval for a “Use Not Listed” that Council has determined ‘may be consistent with the purposes and objectives of the zone [clause. 68]. Approval for a “Use Not Listed” Under Delegation 9, is subject to no objections being received during advertising of the application.”*

## Kemerton Strategic Industry Area Structure Plan (KSIA)

- Kemerton Industry Buffer Zone is not intended to accommodate industry but used to ensure that the impacts of industries located in the Kemerton Strategic Industry zone do not adversely impact on properties beyond the boundary of the KSIA.
- The KSIA Structure Plan objectives include:
  - To enable the establishment of resource processing industries and associated supporting activity in order to fulfill its designated role as a strategic industrial area for the South-West region.
  - To provide industrial development areas that:
    - Are identified for subdivision and Strategic and Ancillary development.
    - Achieve beneficial economic, environmental and community outcomes.
    - Are protected from the encroachment of incompatible uses.
    - Enable environmental protection and management arrangements that minimise impacts on the natural environment.

## 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 1.2</i> | <i>Create a business-friendly environment to support and attract investment, competition and productivity.</i>                    |
| <i>Objective 1.3</i> | <i>Sustainable urban, rural, and industrial development</i>   |
| <i>Objective 1.4</i> | <i>Appropriate infrastructure is in place to support economic growth.</i>   |

## Community Engagement

### Community Participation Goal

*Consult:* To provide the public feedback on analysis, alternatives and/or decisions.

### Promise to the Community

*Consult:* We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision. We will seek your feedback on drafts and proposals.

## 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

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 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

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

## Officer's Recommendation 1 of 2

That Council, pursuant to Clause 4.2.4(b) of the Shire of Harvey's District Planning Scheme No. 1, determines that the proposed 'Use Not Listed' detailed in the Application for a Development Approval for Lot 335 (No. 38) Stanley Road, Wellesley can be considered as a "*Fuel, Recharge and Convenience Stop*" which may be consistent with the objectives and purposes of the 'Kemerton Industry Buffer' zone.

**BY ABSOLUTE MAJORITY**

## Officer's Recommendation 2 of 2

That Council:

1. Pursuant to Clause 4.2.4(b) of the Shire of Harvey's District Planning Scheme No. 1, advertises for public comment the proposed "*Use Not Listed*" (Fuel, Recharge and Convenience Stop) detailed in the Application for Development Approval for Lot 335 (No. 38) Stanley Road, Wellesley in accordance with Section 64(3)(a) of the Planning and Development (Local Planning Schemes) Regulations 2015.
2. Notes that Officers have Delegation to prepare a recommended determination for the Development Application at part of a Responsible Authority Report for the Development Assessment Panel, if no objections are received during the advertising period.

<b>Item No.</b>	<b>12.3.2.</b>
<b>Subject:</b>	<b>Proposed Vegetation Clearing and Horticulture – Lots 6 and 8 Rigg Road, Myalup</b>
<b>Proponent:</b>	<b>Patane Farms Pty Ltd</b>
<b>Location:</b>	<b>Lots 6 and 8 Rigg Road, Myalup</b>
<b>Reporting Officer:</b>	<b>Manager Planning Services</b>
<b>Authorising Officer:</b>	<b>Director Sustainable Development</b>
<b>File No.:</b>	<b>A015965</b>
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Original Application [12.3.2.1 - 18 pages]</li> <li>2. Amended Application [12.3.2.2 - 7 pages]</li> <li>3. Location Plan [12.3.2.3 - 1 page]</li> <li>4. Alternate Plan [12.3.2.4 - 1 page]</li> <li>5. Summary of Submissions - Original Application [12.3.2.5 - 8 pages]</li> <li>6. Summary of Submissions - Amended Application [12.3.2.6 - 6 pages]</li> <li>7. Plan - December 2021 [12.3.2.7 - 1 page]</li> <li>8. Typical Vegetated Buffer Cross Section [12.3.2.8 - 1 page]</li> </ol>

## Summary

An Application for Development Approval (original application) was received for the ‘clearing of native vegetation within a Place of Landscape Value and Horticulture’ at Lots 6 and 8 Rigg Road, Myalup on 18 June 2021 (refer **Attachment 1**). Council has on two occasions, deferred consideration of the original application at the request of the Applicant. An amended proposal (amended application) was received on 4 February 2022 (refer **Attachment 2**).

The application was originally referred to Council as Officers elected not to utilise their delegation due to the original proposal’s significant impact to native vegetation and the Place of Landscape Value. It is recommended that the amended application be approved, subject to conditions.

## Background

The original application was presented to Council at its Ordinary Meeting held on 23 October 2021 and, at the request of the Applicant, a decision on the application was deferred to the November Meeting to allow the Applicant to provide additional information. At its Ordinary Meeting held on 23 November 2021, Council again deferred a decision to the March 2022 Ordinary Council Meeting (or the conclusion to the Commonwealth Process) at the request of the Applicant for the following reasons:

- Additional time was required to prepare and submit a suite of meaningful additional information in support of the application to address planning and environmental matters raised in the Shire’s 26 October 2021 agenda report.
- The Applicant’s environmental consultant was progressing a Clearing Permit and *Environment Protection and Biodiversity Conservation Act 1999* referral with the Department of Water and Environmental Regulation (DWER). DWER has not yet progressed with its assessment of the applications, which includes consideration of suitable offsets and undertaking a detailed environmental assessment of the proposal.
- The Applicant required additional time to engage with the Shire and residents that made submissions during the advertising period in an attempt to resolve outstanding issues.
- The deferral would not prejudice the Shire in any way.

The Applicant has provided an amended application and requested the application now be considered by Council.

## Site Description

Lots 6 and 8 Rigg Road, Myalup are zoned 'General Farming' under the Shire's District Planning Scheme No. 1 (the Scheme) and the western portion of Lot 6 (of approximately 200m wide) is located within the Coastal Lakelands Place of Landscape Value. Under the Greater Bunbury Regional Scheme (GBRS), both lots are zoned 'Rural', and Lot 6 abuts the 'Primary Regional Road' reserve for Forrest Highway (refer **Attachment 3**).

Lot 6 has an area of 39.96ha, is irregular in shape and flat. It is bound by Forrest Highway to the west and Kookaburra Close and Freshwater Lakes residential properties to the east. The eastern portion of Lot 6 is predominantly clear of native vegetation, with the west portion being vegetated within mainly Tuart trees. A multiple use wetland runs through the centre of the property in a north-south direction.

Lot 8 has an area of 20.69ha, is regular in shape and flat. It is situated south-east of Lot 6 and directly south of Freshwater Lakes. There is an abundance of native vegetation throughout the site, with species including Peppermint, Jarrah, Marri and Tuart present over a clear understory. There is an artificial wetland located towards the north-east of the property.

The main vegetation on Lot 6 is identified as the Tuart (*Eucalyptus gomphocephala*) woodlands and forests of the Swan Coastal Plain threatened ecological community (Tuart TEC) which was listed in July 2019 under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) as "critically endangered". The vegetation on Lot 8 is a mixture of Marri, Jarrah and Peppermint. The vegetation type on both sites is known to provide habitat for the three Black Cockatoos and the Western Ringtail Possum that are protected under the EPBC Act.

## Site History

The subject sites are currently used for grazing of cattle. A previous application was submitted by the current landowner in March 2013 for Horticulture on the unvegetated south-western corner and eastern portion of Lot 6. At this time, referral agencies raised a number of issues relating to separation distances, wetland buffers, nutrient management and chemical spray drift. This application was not progressed by the Applicant.

An application for a Clearing Permit has been submitted to the Department of Water and Environmental Regulation (DWER) (CPS 9252/1). In addition, the Applicant referred the proposal under the EPBC Act, and the Department of Agriculture, Water and Environment (DAWE) has determined the proposed clearing is a 'controlled action' as the sites contain potential for the following that are protected under the EPBC Act:

- Tuart (*Eucalyptus gomphocephala*) woodlands and forests of the Swan Coastal Plain threatened ecological community (Tuart TEC) – critically endangered.
- Forest Red-Tailed Black Cockatoo – vulnerable.
- Baudin's Black Cockatoo – endangered.
- Carnaby's Black Cockatoo – endangered.
- Western Ringtail Possum – critically endangered.

The clearing applications will be assessed concurrently by DWER under their Bilateral Agreement with DAWE.

## Proposal

### Horticulture – Original Application

The original application proposed to establish Horticulture for the production of vegetables such as potatoes, carrots, onions, and broccoli utilising approximately 19.1ha of Lot 6 and 12.9ha of Lot 8. The use of the sites for Horticulture will necessitate the need to install an irrigation sprinkler system and the Applicant proposes to redevelop the existing seasonal wetland and bore on Lot 6 and utilise the existing artificial wetland on Lot 8. No buildings are required to be constructed as all produce grown will be transported to the Applicant's main property on Peard Road for processing. The application also includes an Operations Management Plan and Waste Management Plan, which detail methods of mitigating against potential impacts of the proposed use.

The original application proposed to establish a 20m buffer adjacent to the eastern boundary of Lot 6 and the northern boundary of Lot 8. It was also proposed to establish a 50m buffer along a portion of the western boundary of Lot 8. The 20m buffer was proposed to consist of 10m vegetation planting on either side of an artificial spray barrier, with the intention of protecting the nearby residents from adverse impacts associated with the proposed use.

Due to comments received from the Department of Health, the Applicant reviewed the proposal and provided an alternative plan should their original proposal not be supported (refer **Attachment 4**). The alternative plan proposed:

- Reducing the area of Lot 6 to be occupied by Horticulture in order to provide an unvegetated 300m buffer adjoining the residential properties to the east.
- Increasing the 20m buffer along the northern boundary of Lot 8 to 30m in addition to utilising 10m of the verge on the northern side of Rigg Road.

### Horticulture – Alternative Plan

Due to comments received from the Department of Health on the original application, the Applicant reviewed the proposal and provided an alternative plan if Council did not support their original application. The alternative plan proposed:

- Reducing the area of Lot 6 to be occupied by Horticulture in order to provide an unvegetated 300m buffer adjoining the residential properties to the east.
- Increasing the 20m buffer along the northern boundary of Lot 8 to 30m in addition to utilising 10m of the verge on the northern side of Rigg Road.

### Horticulture – Amended Application

In order for the Tuart TEC on Lot 6 to be retained, the amended application proposes to establish two separate areas for Horticulture:

- An area in the south-western corner of approximately 5.5ha.
- An area in the south-eastern corner of approximately 7.5ha.

A buffer with a total width of 40m adjacent to a 270m portion of the eastern boundary between Lots 6 to 9 Kookaburra Close is proposed. The buffer would consist of 20m vegetation planting and a 10m firebreak within Lot 6 and the 10m wide strategic firebreak that forms part of the Kookaburra Close Strata.

The proposal for Lot 8 remains the same as the above-mentioned alternative plan. A buffer with a total width of 40m is proposed to be provided adjacent to the northern boundary of Lot 8, which would consist of 20m vegetation planting and a 10m firebreak within Lot 8 and 10m of the Rigg Road road reserve.

The following tables provide a summary of the evolution of the proposed buffers between the receipt of the original application and the current amended application:

- *Buffer Summary for Lot 6*

Proposal Version	Location	Total Width	Details
Original Application	Eastern boundary	20m	20m vegetation planting with a central artificial spray barrier.
Alternative Plan	Eastern boundary	20m and 300m	20 vegetation plant adjacent to Rigg Road. 300m unvegetated buffer adjacent to Kookaburra Close properties.
<b>Amended Application</b>	Eastern boundary (270m portion)	40m	20m vegetation planting. 10m firebreak. 10m strategic firebreak adjacent to Kookaburra Close properties.

- *Buffer Summary for Lot 8*

Proposal Version	Location	Total Width	Details
Original Application	Northern boundary (portion)	20m	20m vegetation planting with a central artificial spray barrier.
	Western boundary (portion)	50m	50m containing existing vegetation.
Alternative Plan	Northern boundary (portion)	20m and 300m	20 vegetation plant adjacent to Rigg Road. 300m unvegetated buffer adjacent to Kookaburra Close properties.
	Western boundary (portion)	As per original application.	
<b>Amended Application</b>	Northern boundary (portion)	40m	20m vegetation planting. 10m firebreak. 10m of road reserve.
	Western boundary (portion)	As per original application.	

## Vegetation – Original Application

The original application proposed the clearing of 6.95ha of native vegetation (based on area covered by tree canopies). The application specified that the native vegetation on Lot 6 proposed to be cleared included 92 Tuart trees (with canopies covering approximately 3.25ha).

Within Lots 6 and 8, there are approximately 381 suitable DBH (diameter at breast height) trees. Surveys identified 37 trees with 46 hollows greater than 10cm in size, including 26 Tuart trees. In addition, 15 trees (mostly Tuarts) were identified that contained medium to large hollows with the highest potential to be used by the black cockatoos. Ten trees contained hollows that are considered actually suitable for black cockatoo breeding and six of these had fresh chew marks in 2020 when the Targeted Fauna Survey was undertaken.

Feed residue (chewed Marri cones) from black cockatoos were observed within Lot 8, however in low abundance. It is estimated that Lot 8 contains approximately 2.57ha of foraging habitat (Marri).

A single Western Ringtail Possum (WRP) was observed during the Survey in the eastern edge of Lot 8, possibly due to the larger patch of vegetation to the east. The remainder of Lot 8 was considered to be marginal in terms of WRP habitat.

### **Vegetation – Amended Application**

The amended application retains the majority of the native vegetation (being the Tuart TEC) on Lot 6 and indicates the removal of approximately eight trees within the south-western horticulture area and five trees within the south-eastern horticulture area. The amended plan also indicates the removal of trees along the southern boundary of Lot 6.

The amended application does not propose any changes to the original application with respect to Lot 8. It does however propose a 5.95ha “infill planting offset investigation area” over the eastern portion of Lot 8.

### **Advertising**

Pursuant to Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Deemed Provisions), the application was advertised to surrounding landowners, including all residential properties in Kookaburra Close and Freshwater Lakes, for a period of 14 days concluding on 19 July 2021. A total of 29 submissions were received with all objecting to the proposal. A summary of the submissions received is provided in **Attachment 5**.

The application was also referred to the following State Government agencies:

- Department of Primary Industries and Regional Development (DPIRD).
- Department of Water and Environmental Regulation (DWER).
- Department of Health (DoH).
- Department of Biodiversity, Conservation and Attractions (DBCA).
- Main Roads WA (MRWA).

Comments were received from DBCA, DoH, DWER and MRWA which are included in **Attachment 5**.

The amended application was advertised to surrounding landowners, including all residential properties in Kookaburra Close and Freshwater Lakes, for a period of 14 days concluding on 24 February 2022. A total of 32 submissions were received with 31 objecting to the amended application and one supporting the amended application. A summary of the submissions received relating to the amended application is provided in **Attachment 6**.

### **Comment**

#### **Proposal**

The proposed use of “Horticulture” is defined by the Scheme as “*the intensive cultivation and production of grapes, flowers or vegetables for commercial purposes on any area exceeding 1,000m<sup>2</sup>*”. Horticulture is an “AA” use in the “General Farming” zone and is therefore a use that can be considered. All development (which includes land uses) and vegetation clearing within a Place of Landscape Value requires approval.

At the request of the Applicant, the Shire’s Director Sustainable Development and Environmental Officer attended a site meeting in December 2021 to discuss the proposal with the Applicant and their consultants. A plan provided at the site meeting indicated the following for Lot 6 (refer **Attachment 7**):



- A Horticulture area over the western portion.
- A Horticulture area in the south-easter corner.
- The remaining eastern portion of the site contained a buffer.

Officers advised the Applicant at this time that, based on the discussion and the plan provided at the site meeting, if the Tuarts on Lot 6 were retained, Officers would support the proposal.

The amended application proposes the following with respect to Lot 6:

- Retention of the Tuart trees.
- Development of two areas for horticultural purposes, being:
  - An area in the south-western corner of approximately 5.5ha.
  - An area in the south-eastern corner of approximately 7.5ha.
  - A buffer of approximately 20m wide adjacent to a 270m portion of the eastern boundary between Lots 6 to 9 Kookaburra Close.
- Removal of approximately 13 trees within the proposed horticultural areas.

As previously stated, the amended application does not propose any changes to the original application with respect to the clearing of trees within Lot 8.

### **Horticulture**

The main implications for the proposed Horticulture use are potential impacts from dust and spray drift on nearby sensitive premises. These potential impacts can be addressed by management practices and the establishment of appropriate buffers.

The Environmental Protection Authority's Guidelines for Separation Distances between Industrial and Sensitive Land Uses (EPA Guidelines), in addition to the Department of Health's Guidelines for Separation of Agricultural and Residential Land Uses – Establishment of Buffer Areas (DoH Guidelines) recommends a minimum default separation distance of 300m for market gardens. This minimum separation distance can be increased or decreased based on appropriate technical reports being provided to justify the change, such as a vegetated buffer that is established prior to the commencement of the use.

To justify the proposed reduction of the separation distances from 300m to 20m, the original application detailed the following:

- Noise – farming vehicles are exempt from the Environmental Protection (Noise) Regulations 1997. Whilst irrigation equipment is not exempt, the proposed installation of the electric pump systems will be more than 300m (Lot 6) and 150m (Lot 8) from sensitive use boundaries.
- Dust – may be caused by bare-soil areas however the Operations Management Plan provides that bare soil will be minimised by planting cover crops and maintaining irrigation, and rotary hoeing of residual broccoli matter will occur in a timely manner.
- Odours – source of odours would be the storage and application of organic fertilisers and chemicals. The Applicant has advised that organic fertilisers are not used in their operations.
- Chemical spray drift – utilising the risk assessment of the "APVMA Operating Principles in

relation to Spray Drift Risk” for low boom sprays with medium-course droplets results in a minimum separation distance of 15m for open fields and 10m with buffer elements.

The DoH Guidelines provide that a buffer of 40m can be utilised where a vegetated buffer has been adequately designed, implemented and maintained in accordance with the Guidelines. However, vegetated buffers must be in place and have reached the minimum effective height to control spray drift prior to commencement of the activity. To be an effective buffer for spray drift, the DoH Guidelines specify the following minimum criteria:

- A minimum total width of 40m made up of 10m cleared area either side of a 20 m wide planted area.
- Contain random plantings of a variety of tree and shrub species of differing growth habitats, at spacings of 4-5m.
- Include species with long, thin (needle-like) and rough (furry/hairy) foliage which facilitates the more efficient capture of spray droplets and which are fast growing and hardy.
- Foliage should be from the base to the crown; mixed plantings of trees may be required to ensure there are no gaps in the lower canopy.
- Provide a permeable barrier which allows air to pass through the buffer. A porosity of 0.5 is acceptable (i.e. approximately 50% of the screen should be air space).
- Have a mature tree height twice the height of the spray release height.
- Have mature height and width dimensions which do not detrimentally impact upon adjacent crop land.

A cross section of a typical vegetated buffer described above is provided in **Attachment 8**.

Officers note that the amended application provides the following description of the proposed buffers:

- Lot 6 – 100m consisting of 10m bridle path and 90m from the boundary fence to the nearest residential building.
- Lot 8 – 50m consisting of 30m road reserve and 20m from the boundary fence to the nearest residential building.

The EPA Guidelines provides that the “separation distance” is *“the shortest distance between the boundary of the area that may potentially be used by an industrial land use, and the boundary of the area that may be used by a sensitive land use.”* The proposed buffer is therefore to be measured from the boundary of the nearest residential property as the area around the residential building is considered to be an area *“that may be used by a sensitive land use”*, resulting in the actual proposed buffer distances being as summarised under the “Background: Proposal” section of this report.

## Vegetation

The vegetation on Lot 6 is identified as the Tuart TEC, which was listed in July 2019 under the EPBC Act as “critically endangered”. The vegetation on the portion of Lot 8 proposed for Horticulture use consists mainly of Marri (*Eucalyptus calophylla*), with Jarrah (*Eucalyptus marginata*) in the north and north-east portions, and Peppermint (*Agonis flexuosa*) in the northern portion.

Officers inspected the sites on 30 June 2021 and observed that the average height of the Tuarts was approximately 28m, appeared healthy and were estimated to be approximately 200 years old. Based on the site inspection, Officers confirmed the presence of the Tuart TEC, suitable habitat for the three protected Black Cockatoos, and suitable habitat for the protected WRP.

The amended application proposes to retain the Tuarts within Lot 6. However, the amended application also indicates the removal of trees along the southern boundary of Lot 6. Officers note that these trees are located within the road reserve and therefore cannot be cleared.

Whilst the vegetation within Lot 8 is not protected under the EPBC Act, it does have the ability to provide habitat for the three Black Cockatoos and WRP that are protected under the EPBC Act. The clearing, fragmentation and degradation of foraging and night roosting habitat in the non-breeding parts of the cockatoo's range (for example, Banksia woodlands and commercial pine plantations) is a significant threat. Habitat loss for agriculture, timber harvesting, wood chipping, mining and residential development is one of the significant threats for the Baudin's and Forest Red-Tailed Black Cockatoos.

The Fauna Survey and Officer inspection confirmed the sites contain suitable habitat for the protected Black Cockatoos and WRP. However, the vegetation on Lot 8 was found to be either "unlikely to be suitable" or "suitable DBH tree but not hollow". Whilst the vegetation on Lot 8 does not currently provide breeding habitat for the protected Black Cockatoos and WRP, it would have the potential in the future if it was retained.

The northern portion of the proposed Horticulture area on Lot 8 contains the majority of the potential habitat for the Black Cockatoos and WRP. Council could consider requiring this vegetation to be retained, which would reduce the Horticulture area on Lot 8 from approximately 13ha to 7.7ha but would have an additional benefit of providing a 220m buffer to the sensitive premises to the north.

### **Matters to be Considered by the Local Government**

Clause 67 of the Deemed Provisions provides matters Council is required to give due regard when considering an application. The Matters to be Considered relevant to the subject application are detailed and discussed below.

- *Aims and provisions of the Scheme – Clause 67(a) and approved State Planning Policies – Clause 67(c)*

*A relevant objective of the Scheme is "to protect and preserve the more important natural flora and fauna habitats (ecosystem, biodiversity and essential ecological processes), and other environmentally sensitive areas ..."*

*An objective of State Planning Policy 2.5: Rural Planning (SPP2.5) is to "protect and sustainably manage environmental, landscape ... assets." The provisions of this Policy provide the following:*

- *Seek to protect rural land as a State resource by:*
  - *Ensuring retention and protection of rural land for biodiversity protection, natural resource management and protection of valued landscapes and views.*
- *Intensive agriculture is generally supported and encouraged on rural land provided rural amenity and environmental impacts can be effectively managed.*

The WAPC's Rural Planning Guidelines provides that, when assessing proposals, consideration should be given to "clearing of vegetation".

The amended application proposes to retain the Tuart TEC on Lot 6 and therefore this vegetation will be protected. It is still proposed to remove vegetation from Lot 8 that despite not currently containing hollows for breeding of the protected fauna, it has this potential in the future. Council has the option of requiring the vegetation on in the northern portion of the proposed Horticulture area on Lot 8 to be retained, thereby protecting the majority of the potential habitat trees and providing an increased buffer to the sensitive premises to the north.

- *Endorsed Local Planning Strategy – Clause 67(fa)*

A relevant objective of the Shire's endorsed Local Planning Strategy is "*Protecting the significant areas of remnant vegetation, conservation category wetlands and local/regional ecological linkages.*"

Section 3.4.2 (Rural Land with Priority Agricultural Values) provides that "*consideration will be balanced against the environmental, visual ... objectives.*" Despite the site being identified under Greater Bunbury Region Scheme Policy as a Priority Agriculture area, consideration must be given to the environmental impacts of the proposal. The amended application proposes to retain the protected Tuart TEC on Lot 6. Despite the vegetation on Lot 8 not being protected, it does have the potential to provide habitat in the future for the three protected Black Cockatoos.

- *Amenity of the locality, including environmental impacts – Clause 67(n)*

Lot 6 is partially located within a designated Place of Landscape Value under the Scheme. A Place of Landscape Value is an area considered by the Shire as being of scientific, scenic or other value and should be:

- retained in their present state;
- restored to their original state; or
- restored to a state acceptable to the local government.

As Lot 6 is adjacent to Forest Highway, it provides visual amenity for the commuters and the vegetation is valued for its environmental attributes. The vegetation on Lot 6 is proposed to be retained and therefore there are no foreseen impacts on the Place of Landscape Value. However, nearby residents have valid concerns relating to dust and chemical spray drift impacting their amenity. The DoH Guidelines does make provision for reduced buffers if these are vegetated prior to commencement of the use.

- *Provision for landscaping and preservation of vegetation – Clause 67(p)*

The Tuart TEC on Lot 6 is proposed to now be retained and the amended application proposes vegetated buffers and infill planting on the eastern portion of Lot 8 (which is likely considered an offset to clearing the vegetation).

- *Any submissions received – Clause 67(y)*

All public submissions received, except one, objected to the proposal and these objections, except for impact on property values, are valid planning considerations. As detailed in the report and in **Attachments 5 and 6**, it is considered that these concerns can be mitigated by management measures and vegetated buffers.

## Conclusion

The amended application proposes to retain the vegetation on Lot 6 that is identified as the Tuart (*Eucalyptus gomphocephala*) woodlands and forests of the Swan Coastal Plain threatened ecological community which is listed under the EPBC Act as “critically endangered”. The vegetation on Lot 8 proposed to be clear does not currently provide breeding habitat for the three protected Black Cockatoos (Forest Red-Tailed, Carnaby’s and Baudin’s) or the protected Western Ringtail Possum, however it does have this capacity in the future. It is considered that conditions can be imposed to appropriately manage potential impacts. It is therefore recommended that the application be approved, subject to conditions. Alternatively, Council can approve an amended proposal that retains the northern portion of vegetation on Lot 8.

## Statutory/Policy Environment

### *Planning and Development Act 2005*

#### Planning and Development (Local Planning Schemes) Regulations 2015

- Schedule 2 – Deemed Provisions, Clause 64 – Advertising Applications:
- Schedule 2 – Deemed Provisions, Clause 67 – Consideration of application by local government:

#### Shire of Harvey District Planning Scheme No.1

- Clause 1.6 Scheme Objectives
- Clause 8.1 Places of Landscape Value – Development Requirements

## 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 1.3</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 3.2</i> | <i>Manage and protect natural habitats, ecosystems and reserves</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 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 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. In accordance with Clause 67(2)(y) of the Planning and Development (Local Planning Schemes) Regulations 2015, notes the submissions received during the advertising periods for the Application for Development Approval for "clearing of native vegetation within a Place of Landscape Value and Horticulture" on Lots 6 and 8 Rigg Road, Myalup.
2. Approves the Application for Development Approval for "clearing of native vegetation within a Place of Landscape Value and Horticulture" on Lots 6 and 8 Rigg Road, Myalup, subject to the following conditions:
  - a) The development and 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 use is not substantially commenced within this period, a new approval must be obtained before commencing or continuing the use.
  - c) Vegetation external to the property boundaries and within the Rigg Road, road reserve shall not be removed or pruned.
  - d) The approved horticulture areas shall maintain a minimum setback of 10m from the property boundaries adjacent to Rigg Road.

Prior to Commencement of Approved Use

- e) Prior to commencement of the approved use, a Landscape and Reticulation Plan shall be prepared and submitted for approval by the Shire, in consultation with the Department of

Health. The Landscape and Reticulation Plan shall include the following for the vegetated buffers as shown on the approved plans:

- i. Details of local endemic species to be planted, including a variety of trees and shrubs.
  - ii. Details of the quantity and spacings of planting.
  - iii. Estimated timeframe for plantings.
  - iv. Details of reticulation that is sufficient to water the plantings until they are considered to be established.
  - v. Maintenance schedule, including weed management measures and replacement regime for unsuccessful plants.
- f) Prior to commencement of the approved use, the approved Landscape and Reticulation Plan shall be implemented to the satisfaction of the Shire.
- g) Prior to commencement of the approved use, the vegetated buffers shall be established in accordance with the Department of Health's Guidelines for Separation of Agricultural and Residential Land Uses – Establishment of Buffer Areas to the satisfaction of the Shire, in consultation with the Department of Health.
- h) Prior to commencement of the approved use, a Bank Guarantee or Bond of \$5,000 shall be submitted for the purpose of ensuring implementation of the Landscape and Reticulation Plan. Such Bank Guarantee or Bond shall be held by the Shire for a minimum period of three years.
- i) An amended Operational Management Plan shall be submitted for approval by the Shire to include:
- i. Management of vegetation buffers to mitigate against offsite impacts.
  - ii. Details of a complaints handling procedure.
- j) Prior to commencement of the approved use, existing vehicle crossovers shall be upgraded in accordance with the Shire's specifications.
- k) Prior to commencement of the approved use, a copy of an amended water licence issued by the Department of Water and Environmental Regulation is required to be provided to the Shire.

#### Ongoing

- l) The approved Operational Management Plan shall be implemented to the satisfaction of the Shire.
  - m) The vegetation buffers shall be maintained in accordance with the approved Landscape and Reticulation Plan 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) A Clearing Permit issued in accordance with the *Environmental Protection Act 1986* is required prior to undertaking clearing of native vegetation.
  - b) The applicant is advised of their obligations under the *Environment Protection and Biodiversity Conservation Act 1999*.

- c) The Department of Water and Environmental Regulation advises the following with respect to the use of groundwater:
- i. An amended water licence is required, including transfer to the operating company.
  - ii. A licence to construct is required if additional drawpoints are required.
  - iii. No additional groundwater is available over and above the current licence entitlement.
  - iv. Management of vegetation buffers to mitigate against offsite impacts.



<b>Item No.</b>	<b>12.3.3.</b>
<b>Subject:</b>	<b>Proposed 'Standard' Scheme Amendment No. 129 - Additional Use No. 19 – Harvey Springs Estate Tourism Precinct</b>
<b>Proponent:</b>	<b>Planned Focus on behalf of A P Barton &amp; Harvey Springs Estate Pty Ltd</b>
<b>Location:</b>	<b>Lots 11 and 112 (No. 10) Thompson Road, Cookernup</b>
<b>Reporting Officer:</b>	<b>Senior Planning Officer</b>
<b>Authorising Officer:</b>	<b>Director Sustainable Development</b>
<b>File No.:</b>	<b>P001129</b>
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Scheme Amendment Report [12.3.3.1 - 105 pages]</li> <li>2. Location Plan [12.3.3.2 - 1 page]</li> </ol> <p><b>Confidential Attachment 1</b></p>

## Summary

The Shire has received a request from Planned Focus (on behalf of A P Barton) to initiate a 'Standard' amendment to District Planning Scheme No. 1 (the Scheme) to amend the Scheme maps to identify Lot 11 on Plan 24275 and Lot 112 on Plan 28885 as Additional Use No. 19 and to amend Schedule 7 – Schedule of Additional Uses of the text by including A19 (refer **Attachment 1** and **Confidential Attachment 1**).

It is recommended that Council initiates proposed Amendment No.129 to the Scheme.

## Background

The Scheme Amendment proposes to include the following in Schedule 7:

		STREET LOCALITY	PARTICULARS OF LAND	ONLY USES PERMITTED
A19	19	Thompson Road, Cookernup	Lot 11 on Plan 24275 and Lot 112 on Plan 28885	<p>Harvey Springs Estate Tourism Precinct</p> <p>The following additional uses are permitted:</p> <ul style="list-style-type: none"> <li>• Art gallery</li> <li>• Brewery</li> <li>• More than 4 Chalets</li> <li>• Exhibition Centre</li> <li>• Tourist Development</li> <li>• Holiday Accommodation</li> <li>• Hotel</li> <li>• Motel</li> <li>• Market</li> <li>• Reception Centre</li> <li>• Restaurant / café</li> </ul>

				<ul style="list-style-type: none"> <li>• Special events, maximum 6 major events per year</li> <li>• Tavern</li> <li>• Winery</li> </ul> <p>Prior to the issue of Development Approval for an Additional Use, a Local Development Plan must be prepared and approved for the precinct. Applications for Development Approval must have due regard to the Local Development Plan.</p> <p>The Local Development Plan is to address the following matters as relevant:</p> <ul style="list-style-type: none"> <li>• Layout generally in accordance with the Harvey Springs Estate Opportunities Plan dated 9.2.2022 Planned Focus Plan No. 1064-5-003.</li> <li>• Bushfire risk and emergency management principles.</li> <li>• Servicing principles including approach to wastewater management.</li> <li>• Noise management as relevant.</li> <li>• Suitable traffic, parking and access arrangements aligned to development thresholds and if necessary, including potential for creation of carriageway easement/s over Lot 6 on Plan 7510 and/or Lot 114 on Plan 28885.</li> <li>• Use, built form and layout obligations suited to the rural location. This may include presentation and screening of development as necessary to Thompson Road and Salisbury Road.</li> </ul>
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### Site Description

Lot 11 is currently zoned 'General Farming' with a portion of land within the 'Intensive Farming' zone running north-south along the eastern boundary and Lot 112 is currently zoned "Intensive Farming" under the Shire's District Planning Scheme No. 1 (the Scheme) and is located within the locality of Cookernup, but not within the townsite (refer **Attachment 2**). The whole of the Scheme Amendment area is zoned "Rural" under the Greater Bunbury Region Scheme (GBRS).

## Site History

The subject site is known as 'Harvey Springs Estate'. Lot 11 contains an unused winery and cellar door, which was built in the early 2000's. There is an existing building containing a front of house cellar door/ reception area and back of house wine production/ storage shed attached. The grounds contain vineyards and an olive grove. Lot 112 is predominantly used for cropping and grazing.

## Proposal

The Scheme Amendment proposes to facilitate an Additional Use that introduces permitted land uses of a tourism-based nature at Harvey Springs Estate. The Estate is made up of seven landholdings under one ownership. The proposed Additional Use will cover two of the lots, giving the tourism uses a precinct along South Western Highway and Thompson Road.

## Comment

### Type of Amendment

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

*"(e) would have minimal impact on land in the scheme area that is not the subject of the amendment.*

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

## Conclusion

The proposed Amendment seeks to introduce an Additional Use into the Scheme that would allow for a range of tourism-based activities. It is recommended that Council initiates the proposed Scheme Amendment.

## Statutory/Policy Environment

### Planning and Development Act 2005

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

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

*(a) Written notice of that resolution; and*

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

## Planning and Development (Local Planning Schemes) Regulations 2015

- Clause 34 – Terms used

*“In this Part –*

*Standard amendments means any of the following amendments to a local planning scheme –*

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

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

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

*(2) A resolution must –*

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

- Division 3 – Process for standard amendments to local planning scheme.

- Clause 47 – Advertisement of standard amendment

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

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

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

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

*government considers appropriate.*

- (3) *The local government must ensure that the standard amendment to the local planning scheme is made available for inspection by the public during office hours at the office of the local government.*
- (4) *The period for submissions set out in a notice must be not less than a period of 42 days commencing on the day on which the notice is published in a newspaper circulating in the scheme area."*

### **Local Planning Strategy (2020)**

Key supporting objectives from the LPS include:

- Assist employment and economic growth by identifying land suitable for retail, commercial, industrial and tourism uses.
- Minimising the loss of viable rural land for agriculture by identifying land suitable for development and restricting inappropriate rural lifestyle lot development.
- Emphasising the importance of tourism activities and establishing a planning framework which is flexible and conducive to tourism type development.

### **Harvey Region Tourism Road Map 2031**

Implementation Plan

*Guiding Principle and Signature Experiences*

*We will celebrate our:*

- *Agri-tourism and food and beverage (F+B).*
- *Eco, nature-based and soft adventure Tourism.*
- *Destination and niche events.*
- *Aboriginal and European heritage tourism.*
- *Art and culture.*

*Strategic Goal 2 – Destination Development*

**Goal:** *To lead, support and maximise the capacity for sustainable growth.*

**Objective:** *Remove barriers to industry development, build local capacity, create strategic partnerships and support tourism business growth.*

## 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 1.1 | <i>The Shire is a tourist destination of choice.</i>  |
| Objective 1.2 | <i>Create a business friendly environment to support and attract investment, competition and productivity.</i>                    |
| Objective 1.3 | <i>Sustainable urban, rural and industrial development</i>  |

## Community Engagement

### Community Participation Goal

*Consult:* To provide the public feedback on analysis, alternatives and/or decisions.

### Promise to the Community

*Consult:* We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision. We will seek your feedback on drafts and proposals.

## 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 and provided by a qualified Shire Officer and the statutory process has been identified. This results in a **Low** risk being present.

## Budget Implications

All costs incurred are recouped from the Applicant.

## 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 that proposed Amendment No. 129 to District Planning Scheme No. 1 is a 'standard amendment' pursuant to Clause 34 of the Planning and Development (Local Planning Scheme)

Regulations 2015 for the following reasons:

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

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

2. Pursuant to Clause 35 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to adopt Amendment No. 129 to District Planning Scheme No. 1 to:

(a) Amend the Scheme Maps to identify Lot 11 on Plan 24275 and Lot 112 on Plan 28885 as Additional Use No. 19.

(b) Amend Schedule 7 – Schedule of Additional Uses of the Scheme text by including A19 as follows:

		STREET LOCALITY	PARTICULARS OF LAND	ONLY USES PERMITTED
A19	19	Thompson Road, Cookernup	Lot 11 on Plan 24275 and Lot 112 on Plan 28885	<p>Harvey Springs Estate Tourism Precinct</p> <p>The following additional uses are permitted:</p> <ul style="list-style-type: none"> <li>• Art gallery</li> <li>• Brewery</li> <li>• More than 4 Chalets</li> <li>• Exhibition Centre</li> <li>• Tourist Development</li> <li>• Holiday Accommodation</li> <li>• Hotel</li> <li>• Motel</li> <li>• Market</li> <li>• Reception Centre</li> <li>• Restaurant / café</li> <li>• Special events, maximum 6 major events per year</li> <li>• Tavern</li> <li>• Winery.</li> </ul> <p>Prior to the issue of Development Approval for an Additional Use, a Local Development Plan must be</p>

				<p>prepared and approved for the precinct. Applications for Development Approval must have due regard to the Local Development Plan.</p> <p>The Local Development Plan is to address the following matters as relevant:</p> <ul style="list-style-type: none"> <li>• Layout generally in accordance with the Harvey Springs Estate Opportunities Plan dated 9.2.2022 Planned Focus Plan No. 1064-5-003.</li> <li>• Bushfire risk and emergency management principles.</li> <li>• Servicing principles including approach to wastewater management.</li> <li>• Noise management as relevant.</li> <li>• Suitable traffic, parking and access arrangements aligned to development thresholds and if necessary, including potential for creation of carriageway easement/s over Lot 6 on Plan 7510 and/or Lot 114 on Plan 28885.</li> <li>• Use, built form and layout obligations suited to the rural location. This may include presentation and screening of development as necessary to Thompson Road and Salisbury Road.</li> </ul>
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3. Refers proposed Amendment No. 129 to the Environmental Protection Authority in accordance with Section 81 of the *Planning and Development Act 2005*.
4. Following receipt of comments from the Environmental Protection Authority, advertises proposed Amendment No. 129 in accordance with Clause 47 of the Planning and Development (Local Planning Schemes) Regulations 2015.



<b>Item No.</b>	<b>12.3.4.</b>
<b>Subject:</b>	<b>Transfer Funds from Reserve for Sullage Maintenance – Harvey Waste Facility</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Shire of Harvey</b>
<b>Reporting Officer:</b>	<b>Manager Environmental Services</b>
<b>Authorising Officer:</b>	<b>Chief Executive Officer</b>
<b>File No.:</b>	<b>A009706</b>
<b>Attachments:</b>	<b>Confidential Attachment 1</b> <b>Confidential Attachment 2</b>

## Summary

The Shire has a Licence issued by the Department of Water and Environmental Regulation (DWER) to operate the Harvey Liquid Waste Facility (the Facility) located at Lot 3001 South Western Highway, Warawarrup for the purpose of treating and disposing of liquid waste received from controlled waste carriers, servicing residents and commercial businesses within and outside the Shire boundary. This facility was established circa 1997 and continues as an important cost recovery service for the community.

Existing operational funds enable the Shire to maintain the Facility in compliance with the conditions of its Licence. Additional funds are being requested to ensure that this maintenance is continued in a manner that is safe, efficient and preserves the longevity of the Facility.

## Background

The Harvey Liquid Waste Facility is situated at Lot 3001 South Western Highway, within the Commonage Reserve (R44819) approximately 5km north from the Harvey townsite.

The Facility is operated under DWER Licence L7223/1997/10 as a prescribed Category 61 premises. It is licenced to process 3,000 tonnes or 3 million litres of liquid waste per year.

A detailed description of the Facility and operational issues is provided in **Confidential Attachment 1** of this report.

In December 2021, the Facility was closed for scheduled maintenance. As part of the maintenance works, contractors using heavy plant were required to transfer sludge from the existing four trenches to a drying area. During the operation, this method of transfer was assessed as being of considerable risk to the operators of the hired heavy plant used at the site.

In addition, it is considered that due to the significant deterioration of the almost vertical side earth walls on the existing trenches this method of maintenance should not occur in the future unless modifications to the trenches or other measures to improve safety practices are implemented.

Consequently, Officers invited qualified engineering advisors to provide technical advice on the options available for safer transfer and management of biosolids at the Facility, which has a planned life of approximately 30 years. This advice is required to prepare for future maintenance of the Facility and will inform a Works Approval application that will be required to be submitted to DWER for any proposed new works at the site.

**Comment**

A quotation of \$29,650 has been received from an engineering consultant to conduct the initial assessment of the structural issues at the Facility, and to present conceptual design options for consideration of the future liquid waste management at the Facility (refer **Confidential Attachment 2**).

It is requested that Council approve the allocation of funds available from the Sullage Pit Maintenance Reserve account, to provide the required advice.

**Statutory/Policy Environment**

The Harvey Liquid Waste Facility is operated under the provisions and conditions imposed within a Licence issued by the Department of Water and Environmental Regulation. The Licence is issued pursuant to the *Environmental Protection Act 1986*.

The Shire is responsible for the safety of its staff and workers, including contractors doing work at the site and in maintaining safe systems of work as required by the *Occupational Health and Safety Act 1984*, in particular:

*“Section 19*

*(a) (1) An employer shall, as far as practicable, provide and maintain a working environment in which the employees of the employer are not exposed to hazards and in particular, but without limiting the generality of the foregoing, an employer shall - (a) provide and maintain workplaces, plant, and systems of work such that, as far as is practicable, the employees are not exposed to hazards; ....*

*(e) make arrangements for ensuring, so far as is practicable, that -*

- i. the use, handling, processing, storage, transportation of substances, at the workplace is carried out in a manner such that the employees are not exposed to hazards.”*

**Strategic Framework**

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

*Goal 3: A natural environment that is highly valued, protected and enjoyed.*

*Objective 3.3 Sustainable resource use and waste 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.

Members of the public expect the liquid waste facility is being operated in a safe manner, compliant manner. This paper informs this expectation is being met.

**Promise to the Community**

*Inform:* We will keep you informed.

Members of the public may be informed by the Shire receiving the technical engineering advice.

## Risk Management

The Risk Theme Profile identified as part of this report is **Failure to Fulfil Compliance Requirements**. The Consequence could be **Environmental, Financial, Reputational** or **Compliance** for a worker operating plant using the current methods of transferring liquid waste with heavy plant machinery at the facility. The Risk is considered **Moderate** and the likelihood **Unlikely** given the risk has been investigated and the report proposes mitigation measures be implemented to ensure safer work practices. This results in a **Low** risk being present.

## Budget Implications

There is 2021 – 2022 budgeted revenue of \$180,000 for operating the liquid waste facility.

The general operating account 11031040 Sullage Tip Maintenance Budget is \$20,000, with an actual expenditure to date of \$16,437 with an outstanding purchase order of \$6,226. There is an expected budget overspend of \$2,663.

The Sullage Pit Major Maintenance Reserve account has a balance of approximately \$298,000 and was established for the purpose of major maintenance, capital acquisitions and rehabilitation works to the Shire of Harvey Sullage Pit.

This report requests \$30,000 be allocated for the indicative quoted engineering advice.

## 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

Absolute Majority

## Officer's Recommendation

That Council:

1. Approves the over expenditure of account 103104 Sullage Tip Maintenance by \$30,000 to be funded from the Sullage Pit Maintenance Reserve account, for obtaining technical engineering advice regarding future operational management of the Harvey Liquid Waste Facility at Lot 3001 South Western Highway, Warawarrup, including safer options for the transfer of liquid waste to the drying area; and
2. Notes that consideration of future upgrades to the Harvey Liquid Waste Facility will be included in the Shire of Harvey Forward Capital Works Plan and incorporated into subsequent annual Budget processes.

**BY ABSOLUTE MAJORITY**

**12.4. Corporate Services**

<b>Item No.</b>	<b>12.4.1.</b>
<b>Subject:</b>	<b>Financial Statements as at 28 February 2022</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Shire of Harvey</b>
<b>Reporting Officer:</b>	<b>Manager Finance</b>
<b>Authorising Officer:</b>	<b>Director Corporate Services</b>
<b>File No.:</b>	<b>FM/S/006</b>
<b>Attachments:</b>	1. Financial Statements as at 28 Feb.2022 [ <b>12.4.1.1</b> - 14 pages]

**Summary**

The Financial Statements as at 28 February 2022 are provided at **Attachment 1**.

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

	<b>ACTUAL</b>	<b>BUDGET</b>	<b>VARIANCE</b>
	28 February 2022	2021 – 2022	
<b>Statement of Financial Performance</b>			
Ordinary Revenue	\$37,152,581	\$45,448,883	\$8,296,302
Ordinary Expenditure	\$27,024,311	\$52,317,117	\$25,292,806
Capital Revenue	\$1,026,699	\$18,550,220	\$17,523,521
Capital Expenditure	\$2,269,715	\$23,102,452	\$20,832,737
End of Period Profit / (Loss)	\$16,977,301		
<b>Statement of Financial Position</b>			
Current Assets	\$51,416,559		
Net Assets	\$559,841,372		

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

**Background**

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

**Comment****Rates Revenue**

Rates revenue of \$22.5 million and rubbish rates of \$3.5 million was generated in August 2021. The due date for rates was 24 September 2021. Approximately 87% of the rates were collected by 28 February 2022.

**Cash Flow and Interest Earnings**

The Shire holds by way of cash and term deposit \$14.10 million in Municipal Funds and \$34.11 million in restricted Trust and Reserve Funds. The average interest rate on these funds is 0.38%. New term deposits are attracting a very low interest rate for 90 days of approximately 0.42%.

**Operating Grants and Subsidies**

87.5% of the 2021 – 2022 Financial Assistance Grants (FAGS) have been received as of 28 February 2022. The next instalment for FAGS is due in May 2022.

**Employee Costs**

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

**Materials, Contracts, Utilities and Other Expenses**

The financial statements reflect the first eight months of the financial year, and it is anticipated the Shire will operate within its means and in line with the Shire's adopted 2021 – 2022 Budget.

**Capital Expenditure**

The Shire budgeted to spend \$23.1 million on capital projects throughout the Shire in 2021 – 2022. Capital works have commenced in a number of areas including roads, building works and recreation works. Expenditure totalling \$2,269,715 has been reported at the end of February 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 Schedules
- Statement of Financial Position
- Notes to the Statement of Financial Performance and Financial Position
- Total Municipal Revenue and Expenditure – graph
- Statement of Cash at Bank – Loans
- Statement of Cash at Bank – Reserves
- Statement of Cash at Bank – Bonds and Deposits
- Statement of Cash at Bank – Trust
- Current Ratio – graph
- Outstanding Rates – graph
- Aged Debtors Summary – graph
- Current Account Coverage – graph
- Statement of Investments.

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

It should be noted that in the Financial Statements for February 2022, actual figures reported for the 2020 – 2021 financial year do not include the final figures and end of year adjustments for the year ended 30 June 2021. The final position for the 2020 – 2021 financial year is reported in the 2020 – 2021 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 28 February 2022 at ***Attachment 1***.

<b>Item No.</b>	<b>12.4.2.</b>
<b>Subject:</b>	<b>Listing of Accounts Paid – February 2022</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Shire of Harvey</b>
<b>Reporting Officer:</b>	<b>Manager Finance</b>
<b>Authorising Officer:</b>	<b>Director Corporate Services</b>
<b>File No.:</b>	<b>FM/S/006</b>
<b>Attachments:</b>	1. Payments February 2022 Final [12.4.2.1 - 14 pages]

## Summary

A listing of payments for goods and services for February 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 CEO), Council has resolved to delegate to the Chief Executive Officer (Delegation No: 2.2.1) the exercise of its powers to make payments from the municipal and trust funds.

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

## Comment

The list of accounts paid for the period of February 2022 is presented as **Attachment 1**, as summarised below.

<u>Voucher</u>	<u>Amount</u>
Schedule of Accounts	
Trust EFT 59279	\$24,697.08
Municipal EFT 58922 - EFT 59375	\$3,306,804.09
117353 – 117364	\$13,444.67
DD23614.1 - DD23692.23	\$157,816.90
CBA Credit Cards	\$9,905.80
Electronic Funds Submitted	<u>\$1,133,635.18</u>
<b>Total</b>	<b><u>\$4,646,303.72</u></b>

## 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 2021 – 2022 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 February 2022 totalling \$4,646,303.72.

<b>Item No.</b>	<b>12.4.3.</b>
<b>Subject:</b>	<b>Business Continuity Plan 2022</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Shire of Harvey</b>
<b>Reporting Officer:</b>	<b>Director Corporate Services</b>
<b>Authorising Officer:</b>	<b>Chief Executive Officer</b>
<b>File No.:</b>	<b>SMB0006</b>
<b>Attachments:</b>	1. Business Continuity Plan 2022 [ <b>12.4.3.1</b> - 27 pages]

## Summary

Officers have reviewed the Shire's Business Continuity Plan 2018 to ensure the Plan is current, effective and a usable document which supports the Shire's Strategic Direction and continued service provisions.

Business continuity may be defined as *"the capability of an organisation to continue the delivery of services at pre-defined acceptable levels following a disruptive event"*.

The Business Continuity Plan 2022 (refer to **Attachment 1**) identifies the required actions, facilities, technical infrastructure, key responsibilities, and processes that will be required to allow the Shire of Harvey to effectively respond and recover from a business interruption event.

It is recommended the Business Continuity Plan 2022 (refer to **Attachment 1**) be adopted by Council.

## Background

In 2013 and again in 2018, the Shire adopted a Business Continuity Plan which highlighted actions to be undertaken in the scenario of a business disruptive event. In producing these documents, it was recognised there were deficiencies and weaknesses in the Shire's ability to rapidly recover from some such events.

As a result of those Plans, the Shire has systematically worked towards security and redundancy of computer data as well as telephone and email systems. The Shire has progressively invested in its own microwave radio network across the Shire which links the main facilities, namely:

- Harvey Administration Buildings
- Australind Administration Buildings
- Harvey Depot
- Australind Depot
- Harvey Library
- Australind Library
- Leschenault Leisure Centre
- Harvey Recreation and Cultural Centre.

The Shire has also retained and stored superseded computers if they are required in the emergency provision of a crisis centre.

With the supply of power being a critical element in effectively operating a facility, the Shire has installed redundant power at its Harvey Administration Building and Australind Administration Building. The ability to plug in a generator to power the Harvey Depot and Harvey Recreation and Cultural Centre has also been provided.

The 2016 Waroona-Yarloop fires highlighted the importance of being prepared to respond to an emergency in providing continued Shire leadership, an evacuation centre, the ability to rapidly relocate and the ability for continuity of that service as the events evolved.

### **Comment**

The Business Continuity Plan 2022 (BCP) is an informing document that identifies critical services and facilities that need to be maintained through any foreseeable business interruptive event that may occur.

The focus areas of the BCP include:

- Define procedures to establish a Crisis Centre to allow the management of the crisis
- Identify facilities, services and administrative capability that will be required to successfully manage the crisis
- Define recovery objectives for the Shire's Information Technology systems and data to ensure successful management of the crisis and restoration of Shire services
- Identify those more critical aspects of Shire services delivery required
- Identify and provide activation procedures for relevant business unit continuity plans to maintain essential services through a disaster event
- Minimise the effect on the community, staff, contractors, volunteers and the Shire
- Re-establish services and operations as quickly and efficiently as possible
- Restore or recover lost/damaged infrastructure, equipment and facilities as soon as possible.

The BCP includes a business impact analysis which identifies:

- Key business functions requiring office space in addition to information and communication technology support.
- Key business functions requiring on-ground access.

In isolation, the BCP does not provide a solution for contingencies that may arise in all business unit service areas in a business interruption event. The BCP relies on the integration of two other key documents to successfully navigate the path to continued service provision and recovery in all service areas of the Shire. The key supporting documents being:

- **Business Unit Sub Plans**

Business Unit Sub Plans are business unit specific continuity plans which focus on three items:

1. Identify an Officer capable to step in and perform the function of Manager of that business unit if required.

2. Actions and activities for the continued provision of services along with responsible persons and agreed timeframes for restoration of service levels.
3. Document is to be readily available and include contact details of key stakeholders.

- **ICT Disaster Recovery Plan**

The ICT Disaster Recovery Plan is the process for recovering information and communication technology systems following a major disruption. This is an in-depth technical document which recognises the holistic reliance on information and communication by all business units in the provision of service delivery.

The BCP provides the Shire with a framework to enable management and staff to implement an agreed response process. It gives direction, checklists and templates for:

- Emergency contact lists
- Insurance details
- Crisis Centre locations, facilities and information and tasks prior to occupation
- Incident Management Team Chief Checklist
- Event Details
- Damage assessment
- Business Continuity Sub Plans
- Emergency Payment Authorisation.

## **Statutory/Policy Environment**

Nil

## **Strategic Framework**

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

- |                      |  |
|----------------------|--|
| <i>Goal 2:</i>       | <i>A safe, accessible and connected community where everyone has the opportunity to contribute and belong.</i> |
| <i>Objective 2.2</i> | <i>Create a community where people are safe.</i>   |
| <i>Goal 5:</i>       | <i>A representative leadership that is future thinking, transparent and accountable.</i>                       |
| <i>Objective 5.4</i> | <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 **Reputational** or **Service Interruption** if incorrect assessment or planning for business continuity occurs. The risk associated with the possible consequences is mitigated by the testing and reviewing of the Business Continuity Plan. The risk Consequence identified is considered **Minor** and the likelihood **Unlikely**, given that the Business Continuity Plan and associated sub plans being developed and reviewed by key staff. This results in a **Low** risk being present.

**Budget Implications**

The Business Continuity Plan 2022 has been produced in-house at nil cost. The BCP is not recommending any additional expenditure outside of the Shire's ordinary operations.

**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 adopts the Business Continuity Plan 2022 as contained within **Attachment 1**.

<b>Item No.</b>	<b>12.4.4.</b>
<b>Subject:</b>	<b>Video Surveillance Strategy 2022</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Shire of Harvey</b>
<b>Reporting Officer:</b>	<b>Manager Information Services</b>
<b>Authorising Officer:</b>	<b>Director Corporate Services</b>
<b>File No.:</b>	<b>SMB0002, CCP008</b>
<b>Attachments:</b>	1. Video Surveillance Strategy 2022 [12.4.4.1 - 28 pages]

## Summary

The Shire is currently operating Closed-Circuit Television (CCTV) across various locations. This system was introduced for the protection of Shire buildings, assets and staff.

It has become apparent through the Community Safety and Crime Prevention Advisory Group (CSCPAG) that this system is required in more public areas with the intent to reduce incidents of crime and provide greater public safety.

To do this, an enhanced coordinated approach is required for video surveillance including CCTV, and the development of the Video Surveillance Strategy 2022 provides this.

Following a review of the draft Strategy by the CSCPAG on 18 February 2022, it is recommended the Video Surveillance Strategy 2022 (refer to **Attachment 1**) be adopted by Council.

## Background

In 2011, the Shire identified the need for CCTV to protect some buildings, assets, fuel supplies and to provide a level of security for customer service – cash handling staff. Since that time, a systematic program of CCTV installations has been undertaken across the locations listed below. These sites were upgraded during 2018 – 2020 and are operating effectively.

Current CCTV Sites:

- Harvey Administration Building
- Australind Administration Building
- Ridley Place Playground
- Mulgara Office
- Harvey Depot
- Harvey Library
- Australind Library
- Leschenault Leisure Centre
- Harvey Recreation and Cultural Centre.

Small additions have been made to the system to provide for more public facing cameras to be installed. An example of this is Ridley Place Playground in Australind. With the upgrade of the playground and facilities, four cameras were installed to monitor the area.

The CSCPAG has, in parallel with this, identified the need for more CCTV coverage in community areas. The intent of this is to enhance public safety through the reduction of crime and antisocial behaviour.

The CSCPAG, which includes members of the community and the WA Police, were consulted in the development of the Strategy. It is proposed this Advisory Group will continue to be the liaison point for CCTV installations in the Shire

### **Comment**

The introduction of public facing cameras extends the functionality and requirements of the CCTV system and it has been identified that a more coordinated approach is required. The Shire engaged Redfish Technologies to complete a Video Surveillance Strategy to ensure that the Shire has a technically coordinated methodology going forward.

The Strategy is a technically orientated document to ensure that the Shire provides a system that meets current standards, provides outcomes as desired, is secure, is reliable and will serve the community into the future.

The Strategy guides the introduction of new CCTV systems and ensures that the Shire uses an outcomes-based design methodology. This ensures that cameras are selected and placed in a fashion that meets a predetermined outcome. This process is in alignment with current standards and ensures better outcomes for the community and enhanced value for investment by the Shire.

The Strategy also covers other forms of video surveillance and as such provides a wide range of projects that can be informed by it. An example of this is body cameras and mobile video cameras such as vehicle cameras.

It is anticipated that the Strategy, with regular reviews, will serve the Shire well into the future and lead to enhanced public safety through interconnected CCTV systems that provide tangible outcomes.

### **Statutory/Policy Environment**

Nil.

### **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 2.2 Create a community where people are safe.*

### **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 **Reputational** if incorrect assessment or planning for CCTV outcomes occurs. The risk associated with the possible consequences is mitigated by the development of the Video Surveillance Strategy. The risk Consequence identified is considered **Minor** and the likelihood **Unlikely**, given that the Strategy has been developed with Video Surveillance professionals and reviewed through the CSCPAG. This results in a **Low** risk being present.

**Budget Implications**

An allocation of \$20,000 was included in the Shire's 2021 – 2022 Budget for the development of the Video Surveillance Strategy 2022. The project has been completed within 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 adopts the Video Surveillance Strategy 2022 as contained within **Attachment 1**.



## 12.5. Community and Lifestyle

<b>Item No.</b>	<b>12.5.1.</b>
<b>Subject:</b>	<b>Policy 3.1.10 – Community Gardens</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Shire of Harvey</b>
<b>Reporting Officer:</b>	<b>Manager Place</b>
<b>Authorising Officer:</b>	<b>Director Community and Lifestyle</b>
<b>File No.:</b>	<b>IM/E/007</b>
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Policy 3.1.10 - Community Gardens [<b>12.5.1.1</b> - 3 pages]</li> <li>2. Community Garden Guidelines [<b>12.5.1.2</b> - 6 pages]</li> </ol>

### Summary

In order to provide a framework for the establishment and ongoing management of community gardens within the Shire of Harvey, it is recommended that Council adopts Policy 3.1.10 – Community Gardens (refer **Attachment 1**).

### Background

At its Ordinary Council Meeting of 26 October 2021, Council endorsed the development of a Community Garden Policy for the Shire of Harvey. This policy was requested to provide clear guidelines for community groups interested in establishing and maintaining a community garden within the Shire.

### Comment

Policy 3.1.10 – Community Gardens provides a framework for the establishment and ongoing management of community gardens on land owned or managed by the Shire of Harvey.

The principles of this Policy are to:

- Promote the merits of community gardens in building community relationships and contributing to the education, health and wellbeing of local communities in the Shire.
- Articulate a clear and consistent approach to the provision of support for the establishment of community gardens, with a focus on the requirement for self-management.
- Establish requirements under the Shire of Harvey Local Government Property Local Law 2017 according to Division 5, 3.12 (e) which outlines that permission is required to plant any plant or sow any seeds on local government property.
- Outline the roles and responsibilities of all stakeholders involved including in the establishment, ongoing maintenance and cessation of the community garden should this be necessary.

These principles provide a framework for the Shire of Harvey Community Gardens Guidelines (refer **Attachment 2**) which have been developed to facilitate the implementation of this Policy and ensure that these principles are met.

### Statutory/Policy Environment

Under the provision of the Shire of Harvey Local Government Property Local Law 2017, Division 5, Section 3.12(e) includes the need for a permit to plant any plant or sow any seeds on local government property.

Pursuant to the powers conferred in Section 33 of the *Bush Fires Act 1954*, land owners within the Shire of Harvey are required to carry out fire prevention work in accordance with the requirements of a Firebreak Notice.

## 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.*
- Objective 2.7 *An active and healthy community.*

## 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

*Involve:* We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.

## Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The Consequence could be **Reputational** if the Policy does not establish a clear and transparent process for the assessment of community garden applications and ongoing management requirements. This risk has been mitigated through consultation with relevant Shire Officers and community members. The risk is considered **Moderate** and the likelihood **Unlikely**, resulting in a **Low** level of risk.

## Budget Implications

Nil.

## 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 adopts Policy 3.1.10 – Community Gardens as per **Attachment 1**.

<b>Item No.</b>	<b>12.5.2.</b>
<b>Subject:</b>	<b>Shire of Harvey Grant Funding Program</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Shire of Harvey</b>
<b>Reporting Officer:</b>	<b>Manager Place</b>
<b>Authorising Officer:</b>	<b>Director Community and Lifestyle</b>
<b>File No.:</b>	<b>F/M/B/003</b>
<b>Attachments:</b>	1. Shire of Harvey Grant Funding Program Guidelines [12.5.2.1 - 11 pages]

## Summary

This report presents a review of the Shire's annual community grant funding, formally known as Community Budget Submissions, and recommends Council adopts the proposed Shire of Harvey Grant Funding Program to be advertised for applications from 30 March 2022.

## Background

The Shire conducts an annual community grant funding program to provide financial support to not-for-profit community groups and organisations within the Shire.

At the Ordinary Council Meeting of 25 May 2021, Council received submissions for the 2021 – 2022 Annual Budget and requested a review of the process for 2022 – 2023 and ongoing.

## Comment

The review of the annual grant funding program included:

- A desktop audit and review of past Community Budget Submission rounds
- A review of other local government funding programs
- Discussion with community groups who apply for funding from the Shire
- Internal discussions with key Shire Officers.

This review highlighted a number of considerations which are being presented as part of the proposed Shire of Harvey Grant Funding Program including the need to:

- Align grant applications with the Shire's Strategic Community Plan.
- Create grant categories including community support, placemaking, infrastructure, arts, culture and heritage, community events and partnership agreements that will provide a structured framework to equitably award and acquit funds.
- Outline objectives for each grant category.
- Set a maximum funding allocation and total funding pool for each category.
- Outline the contributions required from the applicant which may include financial contributions, other sources of funding or in-kind support.
- Determine a clear and transparent process for the assessment of applications and funding recommendations presented to Council.

- Create a scoring matrix that weights applications for each category.

The revised Shire of Harvey Grant Funding Program proposed is as follows (refer **Attachment 1**):

**Community Support Grant – funding for projects that build the capacity and wellbeing of the Shire of Harvey community.**

This grant category provides funding to community groups and organisations for projects and services that build community resilience and support a safe, accessible, and connected community where everyone has the opportunity to contribute and belong.

**Objectives:**

- Contribute to capacity of community groups and organisations
- Contribute to life-long learning
- Celebrate and encourage cultural diversity and social inclusion
- Contribute to capacity and support wellbeing of young people
- Enhance community identity and sense of belonging
- Promote an active and healthy lifestyle
- Grow and develop an age friendly community
- Facilitate the emotional and social development of children
- Contribute the Shire's ongoing aspiration to become the most accessible and inclusive community in regional Western Australia
- Encourage conservation and appreciation of our natural resources
- Encourage the establishment of community led and managed community gardens
- Contribute to community resilience.

**Funding available:**

Applications for up to \$1,000 are open all year until the total funding pool of \$10,000 has been exhausted. 100% of the total project cost is available to be funded.

Applications for up to \$5,000 are open from 30 March 2022 and close 11 April 2022. The applicant must contribute at least 50% of the total project cost from either the applicant's organisation, other sources of funding or in-kind support.

The total funding pool is \$50,000.

<b>Evaluation Criteria</b>	<b>Weighting</b>
Alignment to the Shire's Strategic Community Plan and Grant Objectives	20%
Demonstrated need for the project including achievable outcomes	20%
Demonstrated innovation	10%
Demonstrated partnerships	10%
Value for Money	20%
Demonstrated eligibility, skills, experience and capacity of the applicant	20%

**Placemaking Grant – funding for community-led initiatives that make a positive contribution to the physical character, amenity or activation of a community.**

This grant category supports the principles of placemaking to inspire communities to collectively reimagine and reinvent public spaces as the heart of every community.

**Objectives:**

- Activate public spaces
- Create entertaining, engaging and inclusive town centres
- Create or foster the distinctive character of the place
- Create collaborative partnerships between community groups or organisations

**Funding available:**

Applications for up to \$2,000 are open from 30 March 2022 and close 11 April 2022. The applicant must contribute at least 50% of the total project cost from either the applicant's organisation, other sources of funding or in-kind support.

The total funding pool is \$20,000.

<b>Evaluation Criteria</b>	<b>Weighting</b>
Alignment to the Shire's Strategic Community Plan and Grant Objectives	20%
Demonstrated need for the project including achievable outcomes	20%
Demonstrated innovation	10%
Demonstrated partnerships	10%
Value for Money	20%
Demonstrated eligibility, skills, experience and capacity of the applicant	20%

**Infrastructure Grant – funding to upgrade, extend or construct well planned community and recreation facilities.**

This grant category provides funding to local not-for-profit community groups or organisations to upgrade, extend or construct well planned sport, recreation and community facilities that contribute to a vibrant, inclusive and healthy Shire.

**Objectives:**

- Encourage and support well planned community driven infrastructure projects
- Build the capacity of not-for-profit organisations to plan, fund and deliver local community infrastructure projects.

The allocation of funding in this grant category will be prioritised and influenced by the Shire's Forward Capital Works Plan. Prior to submission it is essential that the community group or organisation discuss the proposed project with the Shire and that any building plans are developed in consultation with relevant Shire Officers.

A further requirement of this grant is the provision of an asset management plan and feasibility study for grants over \$40,000.

#### **Funding available:**

Applications for up to \$50,000 are open from 30 March 2022 and close 11 April 2022. The applicant must contribute at least 50% of the total project cost from either the applicant's organisation, other sources of funding or in-kind support.

The total funding pool is \$100,000.

<b>Evaluation Criteria</b>	<b>Weighting</b>
Alignment to the Shire's Strategic Community Plan and Grant Objectives	20%
Demonstrated need for the project including achievable outcomes	20%
Demonstrated innovation	10%
Demonstrated partnerships	10%
Value for Money	20%
Demonstrated eligibility, skills, experience and capacity of the applicant	20%

#### **Arts, Culture and Heritage Grant – funding to support projects that provide opportunities to participate in arts, culture and heritage.**

This grant category provides funding to support arts, culture and heritage projects that contribute to a vibrant, diverse and engaged community.

#### **Objectives:**

- Develop, showcase or exhibit new work by local artists
- Activate places and engage people through the creation and delivery of original and quality arts and cultural experiences
- Provide cultural impact by bringing a vibrant mix of creative practices to be enjoyed by the wider Shire community.

#### **Funding available:**

Applications for up to \$5,000 are open from 30 March 2022 and close 11 April 2022. The applicant must contribute at least 50% of the total project cost from either the applicant's organisation, other sources of funding or in-kind support.

The total funding pool is \$30,000.

<b>Evaluation Criteria</b>	<b>Weighting</b>
Alignment to the Shire's Strategic Community Plan and Grant Objectives	20%
Demonstrated need for the project including achievable outcomes	20%
Demonstrated innovation	10%
Demonstrated partnerships	10%
Value for Money	20%
Demonstrated eligibility, skills, experience and capacity of the applicant	20%

### **Community Events Grant – funding for events run by and for the local community.**

Funds to assist community groups and organisations located within the Shire of Harvey to conduct community-based events that encourage participation and add vibrancy to the area.

#### **Objectives:**

- Encourage volunteering to help facilitate active, confident, resilient, cohesive and inclusive communities
- Celebrate and connect the community
- Celebrate and encourage cultural diversity and social inclusion
- Enhance community identity and sense of belonging.

#### **Funding available:**

Applications for up to \$5,000 are open from 30 March 2022 and close 11 April 2022. The applicant must contribute at least 50% of the total project cost from either the applicant's organisation, other sources of funding or in-kind support.

The total funding pool is \$50,000.

<b>Evaluation Criteria</b>	<b>Weighting</b>
Alignment to the Shire's Strategic Community Plan and Grant Objectives	20%
Demonstrated need for the project including achievable outcomes	20%
Demonstrated innovation	10%
Demonstrated partnerships	10%
Value for Money	20%
Demonstrated eligibility, skills, experience and capacity of the applicant	20%

### **Partnership Agreements – funding to achieve longer term community development outcomes through strategic partnerships.**

The purpose of the Partnership Agreement is to support the operating capacity of not-for-profit community groups and organisations to deliver activities, programs and services to the local community over a five-year agreement term.

This grant recognises that over a number of years the Shire has received applications from the same community groups and organisations for the same activities, programs or services. This not only creates an administrative burden on both the Shire and the group or organisation, but does not provide longer term financial stability or an assurance of continued service delivery which does not foster sustained community development outcomes.

This grant category will support both existing community groups and organisations as well as the establishment of partnership agreements with new, grass roots groups and organisations.

Once a Partnership Agreement has been established, the funding allocation will be listed in the Shire's Annual Budget each year for a five-year period. This agreement will then be reviewed and a decision made as to whether to extend or cease the agreement.

Each group or organisation that enters into an agreement with the Shire will be required to report against key performance indicators which will be developed in partnership with the Shire. The outcomes of these key performance indicators will relate the Shire's Strategic Community Plan, the grant objectives and the evaluation criteria outlined below. These reports will be communicated to

community and Council via quarterly and annual reporting.

There will also be a requirement for a community group or organisation that receives funding under a Partnership Agreement to maintain regular contact with Shire Officers as well as arrange and attend quarterly progress meetings which will form part of the reporting process.

**Objectives:**

- Contribute to capacity of community groups and organisations
- Contribute to life-long learning
- Celebrate and encourage cultural diversity and social inclusion
- Contribute to capacity and support wellbeing of young people
- Enhance community identity and sense of belonging
- Promote an active and healthy lifestyle
- Grow and develop an age friendly community
- Facilitate the emotional and social development of children
- Contribute the Shire's ongoing aspiration to become the most accessible and inclusive community in regional Western Australia
- Encourage conservation and appreciation of our natural resources
- Encourage the establishment of community led and managed community gardens
- Contribute to community resilience.

**Funding available:**

The total funding pool is \$200,000.

<b>Evaluation Criteria</b>	<b>Weighting</b>
Alignment to the Shire's Strategic Community Plan	20%
Demonstrated need for the project including achievable outcomes	20%
Demonstrated innovation	10%
Demonstrated partnerships	10%
Value for Money	20%
Demonstrated eligibility, skills, experience and capacity of the applicant	20%

**Summary**

The revised Shire of Harvey Grant Funding Program proposes six grant categories including community support, placemaking, infrastructure, arts, culture and heritage, community events and partnership agreements that will provide a structured framework to equitably award and acquit funds.

These changes will be communicated to community groups and organisations making submissions for this year's funding, with Shire's Officers providing support through meetings to discuss each application which is also a requirement of making a submission.



Any unallocated funds at the end of the financial year will be placed in a Community Infrastructure Reserve to assist with the upgrade and improvement of the Shire's community infrastructure in line with the Forward Capital Works Plan and asset management priorities.

### **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 recommendation to support the proposed annual grants program amendments. The risk is considered is considered **Minor** and the likelihood **Unlikely**, given that the report has been thoroughly researched, resulting in a **Low** Risk being present.

### **Budget Implications**

An internal review of allocated funding amounts for community grants in the past five years has determined a suitable total funding pool for the Shire of Harvey Community Grants Program to be \$450,000. This allocation will be listed in the 2022 – 2023 draft Budget.

Should the total funding pool of the Community Grants Program not be allocated during the annual Budget process, the remaining funds will be available to be allocated during the financial year with approval of Council or carried over to the next financial year.

### **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. Adopts the Shire of Harvey Grant Funding Program as contained within ***Attachment 1***.
2. Advertises for applications from 30 March to 11 April 2022.
3. Advertises for applications for grants of up to \$1,000 under the Community Support Grant open round category from 30 March 2022 until the total funding pool of \$10,000 is allocated.

<b>Item No.</b>	<b>12.5.3.</b>
<b>Subject:</b>	<b>Policy 3.1.11 – Graffiti Management</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Shire of Harvey</b>
<b>Reporting Officer:</b>	<b>Manager Place</b>
<b>Authorising Officer:</b>	<b>Director Community and Lifestyle</b>
<b>File No.:</b>	<b>B000117</b>
<b>Attachments:</b>	1. Policy 3.1.11 - Graffiti Management [ <b>12.5.3.1</b> - 3 pages]

## Summary

In consultation with the Shire's Community Safety and Crime Prevention Advisory Group, Policy 3.1.11 – Graffiti Management (refer **Attachment 1**) is presented for consideration by Council.

## Background

One of the four priority areas outlined in the Shire's Community Safety and Crime Prevention Plan 2021 – 2026 focusses on community education and awareness in order to help reduce crime. The Plan outlines the role of community and the need for the public to report issues such as graffiti.

The Shire's Communications and Engagement Plan 2021 – 2026 also provides guidance with regards to external communications and community engagement, highlighting the need to foster genuine community engagement in order to promote awareness and understanding of initiatives instigated by the Shire.

## Comment

Graffiti is removed in a timely manner by Shire Officers; however, this process lacks the opportunity for community capacity building which can occur when consistent community education messages are provided and promoted.

Policy 3.1.11 outlines not only the Shire's responsibilities with regards to graffiti management, but the opportunity to engage community support and participation in graffiti prevention and removal.

Further, the Policy outlines a commitment from the Shire to report and record incidences of graffiti to Western Australian Police and the 'Goodbye Graffiti' website.

The Policy has been reviewed by relevant Shire Officers and members of the Community Safety and Crime Prevention Advisory Group at its meeting of 18 February 2022.

The implementation of the Policy will be supported by a communications plan including the roll out of free Graffiti Removal Kits to community.

## Statutory/Policy Environment

The *Graffiti Vandalism Act 2016* is a consolidated Act enabling police, public transit officers and the local government sector to deal with graffiti offences.

## 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 2.2 Create a community where people are safe.*
- 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.

### 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** if the Policy does not establish a clear and transparent process for both Shire Officers and community with regards to the management of graffiti. This risk is mitigated by a communications plan that will support the implementation of the Policy. The risk is considered **Moderate** and the likelihood **Unlikely**, resulting in a **Low** level of risk.

## Budget Implications

The cost of the proposed Graffiti Removal kits is \$36 (ex GST) each, with 50 kits to be purchased during the implementation of the Policy through the Community Safety and Crime Prevention budget for a total of \$1,800 (ex GST).

## 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 adopts Policy 3.1.11 – Graffiti Management as per **Attachment 1**.

<b>Item No.</b>	<b>12.5.4.</b>
<b>Subject:</b>	<b>Ageing Together: Age Friendly Strategy 2022 – 2027</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Shire of Harvey</b>
<b>Reporting Officer:</b>	<b>Community Development Officer</b>
<b>Authorising Officer:</b>	<b>Director Community and Lifestyle</b>
<b>File No.:</b>	<b>B000387</b>
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Ageing Together: Age Friendly Strategy 2022 - 2027 [<b>12.5.4.1</b> - 40 pages]</li> <li>2. Age Friendly Strategy Consultation Report [<b>12.5.4.2</b> - 55 pages]</li> </ol>

## Summary

This report recommends that Council endorse the review of the Shire's Age Friendly Strategy 2016 – 2021, presented for consideration as Ageing Together: Shire of Harvey Age Friendly Strategy 2022 – 2027 (refer **Attachment 1**).

## Background

At its Ordinary Meeting (OCM) held on 31 January 2017, Council endorsed the Greater Bunbury Age Friendly Communities Strategy as a planning document to help identify opportunities to become a more age friendly community and to strengthen funding submissions for related projects that the Shire may wish to make in the future.

As it has been five years since the development of this Strategy, and in consideration of establishing a more relevant and place-based document for use by the Shire, a review of the Strategy was highlighted in both the Corporate Business Plan 2021 – 2025 and the Shire's Annual Budget 2021 – 2022, which were endorsed at the OCM of 27 July 2021.

At the OCM of 24 August 2021, Council endorsed the establishment of an Age Friendly Strategy Working Group. The role of the group was determined as:

- To work within the scope endorsed by Council in order to oversee the development of the Strategy
- To provide guidance and advice on current and emerging issues to be incorporated into the goals, objectives and actions of the Strategy
- To participate in consultation and engagement opportunities offered during the development of the Strategy
- To provide feedback on the draft Strategy prior to presentation to Council
- To contribute to a presentation to Council at a Concept Forum prior to final adoption of the Strategy.

## Comment

The purpose of this renewed Strategy is to communicate the Shire's ongoing commitment towards becoming an age friendly community, where opportunities for participation, health and wellbeing are enhanced for the betterment of older adults who live in and visit the Shire.

The Shire has multiple roles to ensure people can remain living in their local community and have access to the services and facilities they need as they move through the stages of life. With a growing population and an increasing number of older adults, the Shire has a responsibility to understand and

respond to the changing needs of our community.

It is envisioned this Strategy will enable a robust framework to engage and support our older people. Now more than ever there is a greater need to ensure our community is supported in accessing the services and facilities required to live rewarding lives.

The Strategy was developed in line with consultation methodologies provided by the World Health Organisation and state government Department of Communities' 'Creating Age Friendly Communities in Western Australia 2021' toolkit. The findings of this process are outlined in the Age Friendly Strategy Consultation Report (refer **Attachment 2**).

The resulting Strategy aligns with the goals set out in both of these frameworks and includes the following focus areas:

### **Active Ageing**

- Support the needs of people as they age to remain active, access community infrastructure and the natural environment.

### **Mobile and Connected**

- Advocate for solutions to current transport issues and encourage safe, independent travel options.

### **Housing**

- Housing related issues are identified and solutions developed which increase options for people to age well in place.

### **Healthy Connections**

- A sense of community is further enhanced to address isolation and promote wellbeing.

### **Respected and Valued**

- Opportunities are created which ensure older people in our community are included, valued and respected.

### **Civic Participation and Employment**

- Facilitating the voice of older people and their community contributions.

### **Inclusive Information**

- Accessible information is provided in a wide range of mediums and communication opportunities are meaningful.

### **Health Services Support**

- Community support and health services meet the needs of the community and include innovative responses to identified gaps.

Ageing Together also outlines five priority projects which are to be implemented over the next five years. These are to:

1. Promote the addition of recharge points for mobility devices in key locations throughout the Shire.

2. Continue to support and advocate for the development of Brunswick River Cottages.
3. Register the Shire of Harvey as a member of the WHO Global Network for Age-friendly Cities and Communities.
4. Establish and administer a Wisdom Council that trains and supports members to become Senior Community Champions.
5. Develop an annual seniors' expo.

Each of these priority projects, alongside the actions in the Strategy will complement and contribute to the vision of Ageing Together for the Shire to have an ongoing commitment towards becoming an age friendly community which celebrates and empowers our older population.

### **Statutory/Policy Environment**

Nil.

### **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 2.1 To support people through all stages of life.*

### **Community Engagement**

#### **Community Participation Goal**

*Collaborate:* To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.

#### **Promise to the Community**

*Collaborate:* We will work together with you to formulate solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.

### **Risk Management**

The Risk Theme Profile identified as part of this report is **Inadequate Engagement Practices**. The Consequence could be **Reputational** if the Shire does not adequately involve and engage with the community and stakeholders. This risk is mitigated by a representative membership of the Strategy Working Group and the thorough consultation process undertaken to develop the Strategy. The Risk Consequence is considered to be **Minor** and the likelihood **Possible** resulting in a **Moderate** level of risk.

### **Budget Implications**

Budget allocations to implement the Strategy will be listed in the Shire's 2022 – 2023 draft Budget for Council's consideration.

### **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. Adopts the Ageing Together: Shire of Harvey Age Friendly Strategy 2022 – 2027 as per ***Attachment 1***.
2. Receives the Age Friendly Strategy Consultation Report as per ***Attachment 2***.



<b>Item No.</b>	<b>12.5.5.</b>
<b>Subject:</b>	<b>Bright Futures: A Strategy for Children and Families 2022 – 2027</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Shire of Harvey</b>
<b>Reporting Officer:</b>	<b>Community Development Officer</b>
<b>Authorising Officer:</b>	<b>Director Community and Lifestyle</b>
<b>File No.:</b>	<b>B000380</b>
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Bright Futures: A Strategy for Children and Families 2022 - 2027 [12.5.5.1 - 32 pages]</li> <li>2. Early Years Strategy Consultation Report [12.5.5.2 - 42 pages]</li> </ol>

## Summary

The Shire's Early Years Strategy considers the current and future needs of children aged between zero and nine years old who live and visit the Shire. According to 2016 Census data, this age group is growing in the Shire above the average in regional Western Australia.

This report presents the draft Bright Futures: A Strategy for Children and Families 2022 – 2027 and recommends that Council endorses the Strategy as per **Attachment 1**.

## Background

At the Ordinary Council Meeting of 27 July 2021, Council endorsed the Shire's Corporate Business Plan 2021 – 2025 which included the development of an Early Years Strategy. The Shire's annual Budget was also adopted at this meeting and included the allocation of funding to develop the Strategy during the 2021 – 2022 financial year.

A report to the August 2021 Ordinary Council Meeting put forward a recommendation to endorse the scope for the development of the Early Years Strategy and the establishment of an Early Years Strategy Working Group (EYSWG) to oversee this process:

*"That Council:*

- 1. Endorses the scope for the development of an Early Years Strategy for the Shire of Harvey.*
- 2. Appoints the following persons onto the Early Years Strategy Working Group:*
  - Cr. Gillett*
  - Cr. Bromham*
  - Chief Executive Officer or delegate*
  - Director Community and Lifestyle*
  - Manager Place*
  - Community Development Officer*
- 3. Invites nominations to serve on the Early Years Working Group including:*
  - Representative WA Country Health*
  - Representative Wanslea*

- *Representative Playgroup WA Southwest*
- *Representatives from primary schools in the Shire*
- *Representatives from day care service providers in the Shire”*

### **Comment**

From September until December 2021, Shire Officers undertook a range of community engagement activities to inform the development of the Strategy. This consultation engaged hundreds of children, families and early years professionals who contributed to a greater understanding of the needs and aspirations of the community. The Early Years Strategy Consultation Report (refer **Attachment 2**) outlines this process and how it links to the goals, objectives and actions of the draft Strategy

Bright Futures aims to provide a robust framework that enables the Shire to strategically meet the current and future needs of children aged zero to nine years and their families who live in and visit the Shire.

The Strategy sets out to achieve four goals with supporting actions and outcomes. These goals are aimed at empowering children and families through providing opportunities to thrive.

### **Goal 1: Making Stronger Connections**

Advocate and partner to ensure the voices of children and families are valued.

### **Goal 2: Supporting Families**

Connecting opportunities that contribute to strong family foundations.

### **Goal 3: Child – Centred**

Promote the participation of children for a more inclusive, empowered, child friendly community.

### **Goal 4: Active and Healthy**

Strengthen the health and wellbeing of children and families through the importance of play.

The Strategy also highlights five priority projects which are to be actioned over the next five years. These are to:

1. Implement a long-term playground replacement and renewal plan
2. Active strategic locations in the Shire to positively engage children and families
3. Grow and retain our skilled and committed early years workforce
4. Establish school readiness workshops with experts in education, child development and health
5. Develop an annual children's expo in strategic locations within the Shire.

Each of these priority projects, alongside the actions in the Strategy will complement and contribute to the vision of Bright Futures which is for every child to have opportunities to grow in a safe environment where their physical and mental wellbeing is nurtured.

## Statutory/Policy Environment

Nil.

## 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 2.1 To support people through all stages of life.*

## Community Engagement

### Community Participation Goal

*Collaborate:* To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.

### Promise to the Community

*Collaborate:* We will work together with you to formulate solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.

## Risk Management

The Risk Theme Profile identified as part of this report is **Inadequate Engagement Practices**. The Consequence could be **Reputational** if the Shire does not adequately involve and engage with the community and stakeholders. This risk is mitigated by a representative membership of the Strategy Working Group and the thorough consultation process undertaken to develop the Strategy. The Risk Consequence is considered to be **Minor** and the likelihood **Possible** resulting in a **Moderate** level of risk.

## Budget Implications

Budget allocations to implement the Strategy will be listed in the Shire's 2022 – 2023 draft Budget for Council's consideration.

## 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. Adopts the Shire of Harvey Early Years Strategy 2022 – 2027, Bright Futures: A Strategy for Children and Families as per **Attachment 1**.
2. Receives the Early Years Strategy Consultation Report as per **Attachment 2**.

**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 22 March 2022.

That Council:

1. Endorses Option 3 of the Administration Operations Plan (dated 21 May 2021) relating to the workforce planning requirements for the future delivery of the civic functions and community services within the Shire of Harvey.
2. Authorises the Chief Executive Officer to proceed with the development of the Australind and Harvey Community Precincts in line with Option 3 of the Administration Operations Plan.

**Officer's Comment**

Officers acknowledge the Notice of Motion was in response to:

- Ordinary Council Meeting held on 22 June 2021, Item 12.1.4 – Australind Community Precinct:
  - Confirming the public and Council preferred Location of the Precinct, and presentation of the Operations Plan for noting by the Council (refer **Confidential Attachment 1**).
- Ordinary Council Meeting on 22 February 2022, Item 12.1.2 – Australind Community Precinct: Feasibility Plan
  - Where the Council authorised the Chief Executive Officer to prepare a Project Plan, including the preparation of a Business Case and Master Plan for the Precinct.

The motion is supported as it will determine future development of both the Harvey and Australind Precincts. It also provides Officers with the guidance in the execution of the recommendations of the Operations Plan to allow effective running of the administration in servicing the needs of the public.

**14. Notice of Motion for Following Meeting****15. Questions by Members of Which Due Notice Has Been Given****16. Reports of Members****17. New Business of an Urgent Nature Introduced by Decision of Meeting****18. Matters Behind Closed Doors****19. Closure of Meeting**