



SHIRE OF
HARVEY



Agenda Briefing Session **Agenda**

Australind Council Chamber

Tuesday, 15 November 2022

4PM

Shire of Harvey
Agenda Briefing Session

Dear Councillor,

Notice is hereby given that the next meeting of the Harvey Shire Council will be held in the Australind Council Chamber, Mulgara Street, Australind, on Tuesday, 15 November 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

11 November 2022

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1. Official Opening

Disclaimer

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

These meetings are open to members of the public who may request to present a deputation to Council relating to an item on the Agenda.

No decisions are made at these meetings, although Councillors can request additional information or alternative wording be provided, to allow for motions to be prepared for consideration at the forthcoming Ordinary Council meeting.

Any statement regarding any planning or development application made during an Agenda Briefing Session, 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.

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. Declarations of Members' and Officers' Personal Interest

4. Deputations

5. Officer's Reports

5.1. Chief Executive Officer

Item No.	5.1.1.
Subject:	CEO Performance Appraisal
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Governance and Strategy
Authorising Officer:	Chief Executive Officer
File No.:	CC/C/0132
Attachments:	Confidential Attachment 1

Summary

For Council to adopt the Chief Executive Officer (CEO) Performance Appraisal and Key Performance Indicators (KPI) as recommended by the CEO Performance Appraisal Committee as at **Confidential Attachment 1** (to be tabled at the Ordinary Council Meeting, Tuesday 22 November 2022).

Background

The CEO performance appraisal process occurs annually to ensure compliance of the *Local Government Act 1995* section 5.38. (1). In accordance with this section a local government must review the performance of the CEO if the CEO is employed for a term of more than one year.

The Standards for CEO Recruitment, Performance and Termination and for review of performance of CEO's are contained within the Local Government (Administration) Amendment Regulations 2021 and detail the statutory requirements for undertaking a CEO Performance Appraisals. Division 3 – Standards for review of performance of CEO's sets out the minimum regulatory standards for undertaking the review.

The Review Panel will be the CEO Employment Committee. The CEO Employment Committee consists of the Shire President and four Council Members. The Review Panel will be governed by the CEO Employment Committee Terms of Reference.

The procedure for the review:

1. Independent Facilitator to meet with Elected Members of CEO Employment Committee (Committee) and establish relationship with the Committee and confirm expectations for performance appraisal.
2. Independent Facilitator to gather feedback from all Elected Members – via written, telecommunication and in-person formats.
3. Independent Facilitator to facilitate CEO performance self-assessment.
4. Independent Facilitator to Compile Feedback Report and provide to Committee.
5. Independent Facilitator to Assist Committee to provide performance feedback to the CEO.
6. Independent Facilitator facilitate CEO KPI development for 2022–2023 period with the CEO, Shire President and Committee.
7. Independent Facilitator to provide an overall report and recommendation to the Committee (to be taken to Ordinary Council Meeting for approval).

At the Ordinary Council Meeting 23 August 2022 Council resolved to select consultant Price Consulting to undertake the review with the CEO Performance Committee in line with Shire Policy.

Comment

The CEO Performance Committee met on Tuesday, 8 November 2022 to consider the CEO's Performance and finalise a recommendation to Council. The report, as prepared by Price Consulting, includes a review of the CEO's Performance

This confidential report will be tabled at the Ordinary Council Meeting 22 November 2022 for endorsement.

Statutory/Policy Environment

- *Local Government Act 1995* – section 5.38. (1) refers to annual review of employees' performance.
- Local Government (Administration) Amendment Regulations 2021 Division 3 – Standards for review of performance of CEO's.
- Shire of Harvey Policy 1.2.8 – CEO Performance Management.

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.

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 fulfill Compliance Requirements** and **Ineffective Employment Practices**. The consequence could be **Compliance** if the performance review is not conducted. The Risk Consequence is considered to be **Minor** and the likelihood **Unlikely** resulting in a **Low** risk being present.

Budget Implications

The 2022–2023 Annual Budget contains an allocation of \$10,000 for Council to conduct the CEO Performance Appraisal and development of the CEO Key Performance Indicators.

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 adopt the recommendations as contained in the Chief Executive Officer Performance Appraisal as at ***Confidential Attachment 1***.

5.2. Infrastructure Services

Item No.	5.2.1.
Subject:	Closure of portion of Ridley Street, Road Reserve
Proponent:	Shire of Harvey
Location:	Ridley Street, Brunswick Junction
Reporting Officer:	Director Infrastructure Services
Authorising Officer:	Chief Executive Officer
File No.:	R000003
Attachments:	1. Ridley Street Closure & Amalgamation [5.2.1.1 - 1 page] 2. Proposed portion of Ridley Street to be closed [5.2.1.2 - 1 page]

Summary

As part of the proposed future power and lighting upgrade at Brunswick Recreation Ground (BRG) there is a requirement to upgrade the power supply point and amalgamate the existing supply point into one supply point (from Vincent Street).

To facilitate this, the lots that currently make up the BRG are required to also be amalgamated to form one lot. **Attachment 1** outlines the lots to be amalgamated 'in red'.

As part of this requirement a portion of Ridley Street (which currently extends into the BRG) as outlined in 'blue' in **Attachment 1** and also in **Attachment 2** needs to be closed and amalgamated into the new lot.

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

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

Background

The Harvey Brunswick Lions Football Club (HBLFC) commissioned a lighting report in 2020, which was provided to the Shire in May 2021. The report concluded that the oval lighting installed in 1998 had reached the end of its useful life.

Since that time there has been a significant shift in Australian Standards and technology with the current status of the lighting at the BRG being insufficient to meet current and future needs and poses a risk to users of the site due to irregular maintenance schedules.

The Report made a number of recommendations including, but not limited to, obtaining a new underground electricity supply from Western Power including the replacement of the Main Switchboard on Vincent Street.

As mentioned above, to facilitate a new power supply to service the site, the existing lots that currently make up the BRG are required to be amalgamated to form one lot (refer to **Attachment 1**).

Comment

The Shire is required to complete the following pursuant to section 58 of the *Land Administration Act 1997* (LA) and Regulation 9 of the Land Administration Regulations 1998 (LAR):

- Requests comments from Service Providers and the Department of Fire and Emergency Services and Government Departments.

- Consult with all adjoining landowners if the closed road is planned to be disposed of in freehold.

In discussing the proposal with Officers from the DPLH there are two options that the Shire may consider when looking to consolidate the BRG land parcels following the closure of the identified portion of Ridley Street (part PIN 11898003), including the following:

Option 1

Revesting (surrendering) the Shire's freehold lots back to the state to facilitate the creation of a new Shire-managed Reserve for a purpose to be advised by the Shire.

The power to lease/licence may also be included within the management order, however the Shire would be required to provide adequate reasoning including who the proposed lease/licence will be issued to and for what purpose.

Preparation of a Deposited Plan to be prepared to amalgamate the following lots into one land parcel:

- Closed portion of Ridley Street (part PIN 11898003)
- Lot 1 on Diagram 74852
- Lot 100 on Diagram 9993
- Lot 7 on DP 26176
- Lot 3 on Diagram 29206
- Lot 123 on Diagram 13678
- Lot 4562 on DP 255306

This would require a Council decision approving the proposed lot amalgamations and reserve creation.

Option 2

Purchase of portion of Ridley Street (part PIN 11898003) at the current unimproved market value for amalgamation into the adjoining lot 1 on Diagram 74852 pursuant to section 87 of the LAA:

- Will require a Valuation to be sought from Landgate to determine the current unimproved market value of the identified portion of Ridley Street.
- Will require a Deposited Plan to be prepared to amalgamate the portion of closed road into lot 1.
- The Department of Planning, Lands and Heritage will charge a document preparation fee for the preparation of the contract of sale is estimated of cost in the order of \$1,383 plus Landgate registration fees of approximately \$187.
- To consolidate the additional lots owned by the Shire, the Shire will need to complete a freehold amalgamation which attracts fees to be paid to the West Australian Planning Commission.

Discussion

The Shire currently owns the following Lots that comprise the BRG in freehold.

- Lot 1 on Diagram 74852
- Lot 100 on Diagram 9993
- Lot 7 on DP 26176
- Lot 3 on Diagram 29206
- Lot 123 on Diagram 13678
- Lot 4562 on DP 255306.

The Shire does not own the section of Ridley Street (part PIN 11898003) to be closed but does have a management order over this land as it is road reserve.

The Administration's preferred option is Option 2, subject to the "*unimproved market value of the identified portion of Ridley Street*" being minimal.

Advice from the Shire's consultant Complex Land Solutions is that as the land would not be required for commercial purposes the cost to the Shire would be minimal. This, however, would be unknown until the State valuation department placed a price on the land.

Statutory/Policy Environment

Land Administration Act 1997

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

Local Government Act 1995 – Section 3.50

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

Strategic Framework

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

- | | |
|----------------------|---|
| <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 1.4</i> | <i>Appropriate infrastructure is in place to support economic growth.</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

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 Consequence could be ***Financial, Reputational or Compliance*** if incorrect procedures are followed for acquiring land under the *Land Administration Act 1997*. The risk is mitigated by the engagement of an appropriately qualified consultant to guide the road closure and amalgamation process, resulting in **Low** risk being present.

Budget Implications

Not applicable at this stage. The budget implications will be discussed in a future report to Council when further information is available.

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 that the intention to close a portion of Ridley Street, Brunswick Junction, as shown in ***Attachment 1***, is to amalgamate the closed portion of road reserve into the amalgamation of existing lots that comprise the Brunswick Recreation Ground.
2. Advises the Department of Planning, Lands and Heritage that Option 2 i.e. the Purchase of portion of Ridley Street (part PIN 11898003) at the current unimproved market value for amalgamation into the adjoining lot 1 on Diagram 74852 pursuant to section 87 of the *Land Administration Act 1997*, is the preferred option.
3. Requests that Landgate provide a Valuation to determine the current unimproved market value of the identified portion of Ridley Street, as shown in ***Attachment 2***.
4. Advertises the proposal to close a portion of the Ridley Street, road reserve, as shown on ***Attachment 1***, for a period of 35 days seeking public comment.

5. Requests comments from all Service Providers, the Department of Fire and Emergency Services and Government Departments.
6. Receives a further report on this matter at the close of advertising period and once a valuation for the portion of Ridley Street, has been received.

Item No.	5.2.2.
Subject:	Proposed Traffic Calming along a portion of Seventh Street, Harvey
Proponent:	Shire of Harvey
Location:	Seventh Street, Harvey
Reporting Officer:	Director Infrastructure Services
Authorising Officer:	Chief Executive Officer
File No.:	R000002
Attachments:	1. Seventh Road Traffic Calming Design [5.2.2.1 - 1 page]

Summary

Harvey Beef representatives have met with Shire Officers requesting that Council consider installing traffic calming devices along the southern section of Seventh Street, Harvey to reduce the excessive speed of traffic using the road.

A concept plan of the proposed traffic calming (refer **Attachment 1**) was prepared and referred to Harvey Beef for comment.

Harvey Beef subsequently advised that they support the proposal and would like the matter progressed.

Background

Seventh Street runs through predominantly rural land from Uduc Road to Korejikup Avenue. The road is sealed and varies in width from between 6.0 and 7.0 metres. The road has a posted speed limit of 110kph.

The Harvey Beef processing facility is located on the western side of Seventh Street with a large staff carpark located on the eastern side of the street.

A large number of their employees cross the street on a daily basis and the current posted speed creates a dangerous situation. Main Roads WA (MRWA) have been requested to reduce the posted speed limit however they have not supported the speed reduction.

As a consequence, Harvey Beef have installed temporary speed reduction road works type signage however this is only a makeshift measure until a more permanent solution is implemented.

The traffic calming proposal, as shown on **Attachment 1** comprises the installation of six speed cushions and appropriate speed reduction signage and line marking.

Comment

Given that Seventh Street is classified as a rural road with a posted speed limit of 110kph, the normal process to justify a speed reduction based on determining the 85% speed, traffic volumes and crash statistics does not apply.

The only justification for the proposed traffic calming is to improve safety for Harvey Beef operations and employees.

The proposed traffic calming would only be a benefit to Harvey Beef in terms of changing the speed environment to facilitate the following:

- Employees crossing Seventh Street on a daily basis.

- Harvey Beef forklift using the roadway (travelling at 10kph in a 110kph zone).
- Large trucks reversing into loading docks off Seventh Street.

Discussion

While Harvey Beef would be the main beneficiary of the traffic calming proposal, any measures to improve road safety and reduce vehicle speed should be encouraged. The estimated cost to implement the proposal is in the order of \$15,000.

It is recommended that should the proposal be approved, that the cost be shared 50/50 between the Shire and Harvey Beef.

Statutory/Policy Environment

Seventh Street is under the care control and management of the Shire of Harvey.

Main Roads Act 1930

Main Roads WA (MRWA):

- Own and operate traffic signals
- Approval authority for:
 - New traffic signals
 - Pelican crossings
 - Speed zoning
 - All regulatory lines and signage.
- Authority for installing/maintaining all regulatory signs and lines i.e.
 - Stop lines
 - Give way lines
 - Road centre lines
 - Stop/Give way signs/poles
 - Keep Clear painted on road
 - Children Crossing signage
 - Warning signs etc.

All new works on roads requires to be signed and line marked. Therefore, for any proposed new work, a signage/line marking drawing needs to be submitted to MRWA for approval.

Road Traffic Act 1974

The Act makes provision in relation to the driving and use of vehicles, the regulation of traffic and for incidental and other purposes.

Legislation governing drink and drug driving, licensing offences, hoons and serious offences such as dangerous and reckless driving are contained within the *WA Road Traffic Act 1974*.

Road Traffic Code 2000

Western Australian Road rules are contained within the *WA Road Traffic Code 2000*.

The road rules largely mirror the Australian Road Rules (ARRs), which were approved by all state and territory Transport Ministers in 1999. An electronic copy of the most up to date Australian Road Rules is available on the National Transport Commission website.

From time-to-time amendments to the Road Traffic Code 2000 are made. These can reflect amendments to the model ARR that have been agreed nationally or amendments that are specific to WA needs.

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> |
| Goal 2: | <i>A safe, accessible and connected community where everyone has the opportunity to contribute and belong.</i> |
| Objective 2.2 | <i>Create a community where people are safe.</i> |
| Goal 4: | <i>A liveable, sustainable and well-designed built environment that is accessible to all.</i> |
| Objective 4.2 | <i>A connected and well maintained network of local roads, footpaths, cycle ways and trails.</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 **Inadequate Engagement Practices**. The Consequence could be **Reputational** if the community is not supportive of the project, however stakeholders will be consulted. The Risk Consequence is considered to be **Minor** and the likelihood **Unlikely** resulting in a **Low** risk being present.

Budget Implications

The estimated cost of the proposal is \$15,000. Should the proposal be approved, it is considered that the cost be shared 50/50 between the Shire and Harvey Beef. The Shire contribution would be funded from the 2022–2023 Traffic Management budget allocation.

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. Supports the proposal to install traffic calming on a portion of Seventh Street, Harvey as shown in **Attachment 1**, estimated to cost \$15,000.
2. Consults with residents along Seventh Street between Uduc Road and Korejikup Ave and Main Roads WA requesting their comments on the proposal.
3. Advises Harvey Beef that should the proposal be adopted a 50 percent contribution towards the works estimated to cost \$15,000, would be applicable.
4. Receives a further report at the conclusion of the consultation period.

5.3. Sustainable Development

Item No.	5.3.1.
Subject:	Finalisation of Scheme Amendment No. 129
Proponent:	Planned Focus on behalf of AP Barton and Harvey Springs Estate Pty Ltd
Location:	Lot 11 Thompson Road, and Lot 112 Thompson Road, Cookernup
Reporting Officer:	Senior Planning Officer
Authorising Officer:	Director Sustainable Development
File No.:	P001129
Attachments:	1. Applicants Report [5.3.1.1 - 130 pages] 2. Table of Submissions [5.3.1.2 - 15 pages] 3. Table of Modifications [5.3.1.3 - 6 pages]

Summary

At its Ordinary Council Meeting held on 22 March 2022, Council resolved to initiate Amendment No. 129 to amend District Planning Scheme No. 1 (the Scheme) by amending the Scheme map to identify Lot 11 on Plan 24275 and Lot 112 on Plan 28885 as Additional Use No. 19 and to insert provisions under Schedule 7 – Schedule of Additional Uses – A19.

The Amendment is referred to Council following closure of the advertising period where it is recommended that Council do not support Amendment No. 129 for final approval.

Background

Proposal

The Scheme Amendment report provides a detailed outline of the proposal (refer **Attachment 1**).

Advertising

Pursuant to clause 47 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions), the proposed Amendment was advertised to nearby landowners, relevant referral agencies and the general public for a period of 42 days between 14 July 2022 and 25 August 2022.

A total of 16 submissions were received with six objecting to the proposed Amendment, eight supporting the proposed Amendment, and two providing neutral comments. A summary of all public submissions and Agency comments received, including Officer comments and Applicant's comments is provided at **Attachment 2**.

Section 48A Referral to the Environmental Protection Authority

The Environmental Protection Authority determined that the proposed Scheme Amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986*.

Comment

The original request contains several tourism-based land uses that would have the ability to co-exist across the two lots in any scale, form, and combination, as allocated on the provided 'Opportunities Plan'. This Plan would ideally feed into the formulation of development standards and conditions for development on a Local Development Plan (LDP), which would be a requirement prior to any development of the site.

In principle, Shire Officers are supportive of the establishment of a tourism precinct that complements the existing established property known as 'Harvey Springs Estate Winery' and expands on the opportunities afforded to the property's location and exposure to South Western Highway as a tourist destination for the Harvey region.

However, the consultation period has highlighted that there is insufficient justification and technical information in the application to support the approval of the precinct at present. It is recommended that further justification and information is provided to demonstrate to relevant referral agencies that the land has the capability to support the scale of development that is proposed. Serious concerns have been raised in respect of the cumulative impacts from on-site effluent disposal from the trade waste that will be generated from multiple co-existing food and beverage manufacturing uses, in addition to short stay accommodation and restaurant facilities. Further studies and more accurate estimates on occupation levels and servicing requirements have been requested by agencies to provide certainty that the land uses of 'brewery' and 'winery' are compatible with the land. This is to ensure that there is adequate land available within the precinct for land application areas for effluent disposal.

Public consultation with surrounding landowners identified concerns regarding various aspects of the precinct such as the visual amenity as viewed from Thompson Road, traffic impacts, and the location of accommodation units and event spaces near existing residences. These matters are relevant at the detailed design stage, and will inform site layout and screening opportunities in the design criteria within the LDP. The LDP may identify land uses that may be subject to a nett lettable area, occupancy restrictions for patrons, or production capacity for the purpose of food and beverage manufacturing. These restrictions would result from the submission of further studies at future stages.

The primary assessment considerations of the Scheme Amendment relate to land use compatibility and the environment. Having regard to comments from referral agencies, several modifications are recommended within **Attachment 3** should the Western Australian Planning Commission (WAPC) determine that the Scheme Amendment should be approved, and they are further explained as follows:

Modification 1

The proposed overall land area for the proposed Additional Use site is 79.9169ha in total, which comprises of Lot 11 (60.7464ha) and Lot 112 (19.1705ha) at present. After the adoption of Scheme Amendment No.129, the proponent applied to the Western Australian Planning Commission in August 2022 for the subdivision of Lot 11 to re-align the boundaries to the north and west with Lot 6 on Salisbury Road, also within the landholdings of Harvey Springs Estate. This re-alignment is to secure the protection of the pivot irrigation system that is currently across both lots, and to establish a legal right of way for access to Lot 11 from Salisbury Road to the north.

This subdivision will result in a reduction in land size for Lot 11 of approximately 16.8ha. As such, it is recommended that the boundary of the Additional Use site be amended to reflect the future legal boundary of Lot 11.

Shire Officers are recommending this modification to further protect the agricultural use of the land and contain it within Lot 6. However, the loss of 16.8ha of land available within the development area also reduces the ability to allocate land application areas for effluent management.

Modification 2

The proposed modifications to the 'Only Permitted Uses' column under Schedule 7 – Additional Uses is to achieve the following outcomes:

- Changing the land use permissibility from “permitted” to “discretionary” for all the additional uses ensures that planning considerations such as: agency referrals, public consultation, development standards and appropriate management conditions can be considered.
- Land uses need to be treated with discretion on a case-by-case basis in relation to cumulative environmental impacts and compliance with the approved management plans.
- Removal of the following land uses from the list for the reasons below:

“More than 4 chalets” as the land use for “chalet” as defined by the Planning and Development (Local Planning Scheme) Regulations 2015 (Regulations) under Schedule 1 – Model provisions for local planning schemes allows that a chalet may only form part of a “tourist development” or “caravan park”. The Shire’s draft Local Planning Scheme will refer to the model provisions for “chalet.”

At present, DPS1 has an outdated land use definition under Schedule 11 –

“Chalet: A detached holiday accommodation unit including cooking facilities which may be fully self-contained, having a minimum floor area of 28m², and which is generally of single storey or split-level construction.”

It is considered that chalets may be applied for as part of a “tourist development” land use. This removes the maximum number of four chalets allowed under the current Scheme provisions. It also requires that with the increase in the number of chalets on site, the requirement for on-site management and facilities association with the accommodation must also be present. “Tourist Development” as defined by the Regulations under Schedule 1 – Model provisions for local planning schemes (to be inserted under Schedule 11 – Interpretations):

“tourist development means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide —

- (a) short-term accommodation for guests;*
- (b) onsite facilities for the use of guests; and*
- (c) facilities for the management of the development;”*

“Special events, maximum 6 major events per year” has been removed as there are no permanent facilities identified to service the Large or Small Event Space. The agency referral responses strongly indicate that the level of effluent management required on site is significant and is likely that temporary ablutions may need to be brought on site for every major event therefore the alternative is to assess the capabilities of the large and small event spaces on an event-by-event basis, the outcome of which will inform the number of events that may be permitted.

Modification 3

Site constraints that have been identified during the agency referral process have outlined the importance of demonstrating that the site is capable of being developed for tourism uses. The Applicant’s proposed text in relation to the preparation of an LDP needs to be reinforced with specific requirements for the approval of management plans as discussed in the Schedule of Modifications at

Attachment 3.

This may include a modified Site Layout Plan, similar to what has been provided in the Opportunities Plan in the Applicant's Report, as the result of an amended Site and Soil Evaluation, and the results of further site investigations such as traffic impacts, noise management and visual amenity.

Modification 4

The insertion of paragraph "3. Development Applications" is deemed necessary to stipulate that discretion may be exercised in the granting of development approval for any of the additional uses only after a sufficiently prepared application has been assessed by the local government and the relevant government agencies and meets all the criteria identified as critical elements for assessment for this site.

Modification 5

As it is accepted that the future of the site will consist of vulnerable land uses for the purpose of Planning for Bushfire Prone Areas, the recommendations of the Department of Fire and Emergency Services (DFES) is reasonable and a minor change to the Bushfire Management Plan that does not require resubmitting to DFES for approval if applied.

Modification 6

The main critical factor for environmental consideration is the sewage sensitive area classification of the site under the Government Sewerage Policy, 2019 (GSP). Given that the lots are unsewered and are not within a Water Corporation future planned service area, the requirement for on-site effluent management poses significant design and capacity questions. At present, relevant agencies are not satisfied that on-site disposal is achievable i.e., the development of a Winery and / or Brewery, given the cumulative numbers for short-stay accommodation, food premises, and beverage manufacturing, remain unknown.

Modification 7

The following terms in the Additional Use are not currently listed in the Scheme: art gallery, exhibition centre, holiday accommodation, reception centre, restaurant/café, tourist development and winery. They are all included as defined under Schedule 1 – Model provisions for local planning schemes of the Planning and Development (Local Planning Schemes) Regulations 2015.

Conclusion

The Scheme Amendment seeks to introduce tourism uses that are compatible with a rural setting, whilst retaining the agricultural viability of the remaining land holdings in the estate. In the preparation of the proposed tourism precinct, Shire Officers have met with the proponent and Officers of the Bunbury Department Planning Lands and Heritage Office to discuss the proposed land uses and the landowner's vision for the Harvey Springs Estate.

The additional land uses are proposed to be contained within two of the seven lots within the Estate, and the intentional separation of current and future proposed agricultural uses on the remainder of the site has been carefully planned to ensure the protection of the viability of the land.

Each of the supported land uses in the recommendation could be considered on their merits and with the appropriate level of supporting documentation. Officers are supportive of allowing for the precinct to develop and become a destination that brings visitors to the Harvey region. The existing buildings and cellar door of the winery and the very well-established vineyards are all under-utilised facility at present.

This Scheme Amendment seeks to introduce an Additional Use site that would overlay the existing zoning of “Intensive Farming” and “General Farming”. Due to the large size of the land holdings and the existing infrastructure that makes up the winery and vineyards, it is considered that the ‘agritourism’ based precinct may be compatible with the existing rural setting without compromising the future land capability of the remaining land holdings.

It is recommended that Council does not support Amendment No. 129 for final approval at this point in time, as there is a sufficient level of uncertainty that warrants additional investigation so that the Shire, approving government agencies and the proponent can move forward with assurances that the site can sustain the level of development anticipated. The Shire would be supportive of the Scheme Amendment as per the modifications presented in the Table of Modifications (refer **Attachment 3**) if the land capability was demonstrated to a satisfactory standard prior to finalisation.

Statutory/Policy Environment

Planning and Development (Local Planning Schemes) Regulations 2015

- Clause 47 – Advertisement of standard amendment.
- Clause 50 – Consideration of submissions on standard amendments.
- Clause 53 – Information on standard amendment to be provided to the Commission.
- Clause 45 – Commission to submit standard amendment and recommendations to Minister.

Strategic Framework

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

- | | |
|----------------------|---|
| <i>Goal 1:</i> | <i>A diversified and thriving economy that offers a wide range of business and work opportunities as well as consumer choice.</i> |
| <i>Objective 1.1</i> | <i>The Shire is a tourist destination of choice.</i> |
| <i>Objective 1.2</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> |

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**. The Consequence could be **Financial**, **Reputational** or **Compliance** if 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. This results in a **Low** risk being present.

Budget Implications

All costs incurred are recouped from the Applicant.

Authority/Discretion

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. In accordance with Clause 50(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, notes the submissions received during the public advertising period for Amendment No. 129 to District Planning Scheme No. 1 as contained within **Attachment 2**.
2. In accordance with Clause 50(3) of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to not support Amendment No. 129 to District Planning Scheme No. 1 for final approval for the following reasons:
 - a) There is insufficient information provided at this point in time to accurately determine that the site has the capability to accommodate the proposed tourism uses in its current form.
 - b) Agency referral responses have conveyed significant concerns relating to the requirement for on-site effluent management and poses significant design and capacity questions that relevant agencies are not satisfied can be demonstrated as achievable on-site.
3. In accordance with Clause 53 of the Planning and Development (Local Planning Schemes) Regulations 2015, refers Scheme Amendment No. 129 to the Western Australian Planning Commission recommending final approval not be granted pursuant to Clause 55 of the Planning and Development (Local Planning Schemes) Regulations 2015.
4. Advises the Western Australian Planning Commission that if it supports Scheme Amendment No.129, the modifications detailed in **Attachment 3** are recommended.

Item No.	5.3.2.
Subject:	Proposed 'Basic' Scheme Amendment No. 130 - Rezoning and Insert Provisions under Schedule 15
Proponent:	Element on behalf of Fabray Pty Ltd & Ascot Capital Paris Road Australind Ct Pty Ltd
Location:	Lot 564 Paris Road, Australind
Reporting Officer:	Senior Planning Officer
Authorising Officer:	Director Sustainable Development
File No.:	P001130
Attachments:	1. Scheme Amendment Report [5.3.2.1 - 32 pages] 2. Locality Plan [5.3.2.2 - 1 page]

Summary

The Shire has received a request from Element to initiate a 'basic' amendment to District Planning Scheme No. 1 (the Scheme) to rezone the northern portion of Lot 564 Paris Road, Australind from "Light Industry" and "Recreation" to "Residential Development" and to insert provisions under Schedule 15 (refer **Attachment 1**).

It is recommended that Council initiates proposed Amendment No. 130 to the Scheme.

Background

The Scheme Amendment proposes to include the following:

1. Rezoning a portion of Lot 564 Paris Road, Australind from "Light Industry" to "Residential Development".
2. Modify the Scheme Map accordingly.
3. Amend Schedule 15 to insert the following provisions:

Area 7: Lot 564 Paris Road, Australind

Subdivision and development of the land shall be in accordance with the endorsed Structure Plan for the site.

A total retail floorspace of 1,200m² applies to the area designated as 'Shop' under the Structure Plan, with this floorspace to be apportioned across a range of retail uses which are permitted within the Shop zone, subject to the following limitations:

- Fast Food Outlets - up to 750m²
- Liquor Store - Small - up to 200m²
- Pharmacy - up to 250m²
- Service Station (retail component) - up to 200m²
- Hair or Beauty Salon - up to 70m²
- Small Convenience Store - up to 350m²

Site Description

Lot 564 Paris Road is currently zoned “Light Industry” under the Scheme and is located within Australind (refer **Attachment 2**). The land is zoned ‘Urban’ under the Greater Bunbury Region Scheme (GBRS). The lot is 50.167ha in total and the proposed Scheme Amendment area consists of approximately 27.999ha.

Site History

The site has two existing land uses within the Scheme Amendment Area. The ‘Spud Shed’ Distribution Centre and Produce Market, approved by Council on 2 June 2015 and a Transport Depot (Temporary for Albemarle's Lithium Processing Plant) approved under delegation on 28 June 2019. The remaining land is vacant at present.

Proposal

The Scheme Amendment proposes to rezone a portion of Lot 564 to enable the commencement of land uses to be assessed in accordance with the Lot 561 Paris Road Structure Plan (Ref: SPN/2248) approved by the Western Australian Planning Commission (WAPC) on 27 September 2022.

Under ‘Part 7. Other Requirements’ of the Structure Plan, it is required that the floor space limitations that apply to commercial development within the ‘C1’ and ‘C2’ precincts are inserted into the Scheme under Schedule 15 as a new Area within the “Residential Development” zone in accordance with clause 5.6 of the Scheme.

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 ‘basic amendment’ as it is an amendment that:

1. Is an administrative matter to ensure consistency with and facilitate the endorsed local structure plan [r. 34(g)].
2. Will have minimal effect on the Scheme or landowners in the Scheme area [r. 34(i)].

Conclusion

The proposed Scheme Amendment seeks to facilitate future land uses in accordance with the approved Structure Plan. The amendment is required to firstly provide the commercial floor space limitations and secondly to enable the preparation of a Local Development Plan that future development of ‘C1 and C2’ may be assessed against.

It is recommended that Council adopts the proposed Scheme Amendment as a ‘basic amendment’.

Statutory/Policy Environment

Planning and Development Act 2005

- Section 81 – Proposed scheme or amendment to be referred to Environmental Protection Authority.

Planning and Development (Local Planning Schemes) Regulations 2015

- Clause 34 – Terms used
- Clause 35 – Resolution to prepare or adopt amendment to local planning scheme
- Division 4 – Process for basic amendments

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 4.3	<i>Shopping precincts and residential areas are well presented and accessible, with development enhancing their character.</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

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Determines that proposed Amendment No. 130 to District Planning Scheme No. 1 is a 'basic amendment' pursuant to clause 34 of the Planning and Development (Local Planning Scheme) Regulations 2015 as it is an amendment to the Scheme map that is consistent with a Structure Plan that has been approved under the Scheme for the land to which the Amendment relates and the Scheme currently includes zones of all the types that are outlined in the plan.
2. Pursuant to clause 35 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to adopt Amendment No. 130 to District Planning Scheme No. 1 to:
 - a) Rezone a portion of Lot 564 Paris Road, Australind from "Light Industry" and "Recreation" to "Residential Development".
 - b) Modify the Scheme Map accordingly.
 - c) Amend Schedule 15 to insert the following provisions:

Area 7: Lot 564 Paris Road, Australind

Subdivision and development of the land shall be in accordance with the endorsed Structure Plan for the site.

A total retail floorspace of 1,200m² applies to the area designated as 'Shop' under the Structure Plan, with this floorspace to be apportioned across a range of retail uses which are permitted within the Shop zone, subject to the following limitations:

- Fast Food Outlets - up to 750m²
 - Liquor Store - Small - up to 200m²
 - Pharmacy - up to 250m²
 - Service Station (retail component) - up to 200m²
 - Hair or Beauty Salon - up to 70m²
 - Small Convenience Store - up to 350m²
3. Refers proposed Amendment No. 130 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, refers the proposed Amendment No. 130 together with all relevant information to the Western Australian Planning Commission in accordance with clause 58 of the Planning and Development (Local Planning Schemes) Regulations 2015.

Item No.	5.3.3.
Subject:	Harvey Region Signage and Infrastructure Style Guide
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Economic Development
Authorising Officer:	Director Sustainable Development
File No.:	Ref# – C096/00001, Case# – SISG V.01
Attachments:	1. Harvey Region Directional and Interpretive Signage Guide 10 November 2022 [5.3.3.1 - 188 pages] 2. Harvey Region Infrastructure Guide 1 November 2022 [5.3.3.2 – 113 page]

Summary

Officers have prepared the Harvey Region Signage and Infrastructure Style Guide (Style Guide) to provide guidance to Council, Shire staff, businesses, developers and external suppliers (such as graphic designers and signage fabricators) on signage and infrastructure within the Harvey Region.

The Style Guide strives to create industry best practice, with contextual and sympathetic design outcomes that achieve longevity and consistency.

It is recommended that Council adopts the Harvey Region Signage and Infrastructure Style Guide contained in **Attachments 1** and **2**.

Background

At the Ordinary Council Meeting (OCM) of 22 June 2021, We Are Best provided Council with the Harvey Region Tourism Development, Visitor Servicing and Signage Strategic Report (Strategic Report).

Council endorsed the Strategic Report and requested the Chief Executive Officer to:

- a) *“Produce a Harvey Region Tourism Implementation Plan to be provided to Council by December 2021;*
- b) *Investigate the feasibility and sustainability of bringing tourism development, marketing and visitor servicing activities in-house and provide a report to Council at the August 2021 Ordinary Council Meeting;*
- c) *Review We Are Best’s signage and wayfinding recommendations and establish a Shire of Harvey all-encompassing policy and guidelines, including infrastructure amenities; and*
- d) *Plan, develop and implement national/tourist standard directional signage across the Harvey Region within the draft 2021 – 2022 budget allocation.”*

This report relates to clause 3(a) of the above Council decision.

Comment

The aim of the Style Guide is to create better connected communities and improve the visitor and visual appeal of the Harvey Region.

Importantly, it will drive a unified style that will cement the Harvey Region’s brand development and help to connect users with public transport, public open spaces, retail areas, historical walks, and local facilities.

The Style Guide reviews all aspects of existing and potential signage and infrastructure, including:

Part 1: Signage (refer to **Attachment 1**)

- Section 1 – Directional Signage
- Section 2 – Destination Signage and Wayfinding
- Section 3 – Regulatory Signage
- Section 4 – Private Signage

Part 2: Infrastructure (refer to **Attachment 2**)

- Section 5 – Infrastructure
- Section 6 – Private Infrastructure and Activation.

The Style Guide has been designed as a system to provide for both community and visitor appeal, visitor dispersion, consistency, and customisation and aligns with eight Design Principles, including:

1. Longevity and Fit for Purpose
2. Consistency
3. Visual Impact and Customisation
4. Maintenance
5. Accessibility
6. First Nations and Cultural Heritage Recognition
7. Compliance
8. Hierarchy Classification System.

Balancing the need for a consistent suite of signage and infrastructure is combined with the desire for each town to communicate its unique character and culture.

Colours and materials draw upon the typologies, historic precedent, user appeal and existing aesthetics cures with the Region.

The material palette has been derived from the natural and man-made elements of the Harvey Region. It also provides assorted options depending on the project budget.

The predominant neutral palette for infrastructure and signage within the Style Guide will allow colour to be injected through lighting, public art, and people.

Over time, it is anticipated that the Style Guide will necessarily evolve to meet new, unforeseen circumstance and contexts with updated editions developed as required.

Statutory/Policy Environment

The following reports and policies have guided the Style Guide's development:

- Harvey Region Tourism Road Map 2031
- Strategic Community Plan 2021–2031
- Play Space Strategy 2021–2026
- Corporate Brand Guidelines
- Harvey Region Brand Guidelines
- Creative Communities Strategy
- Town Place Plans
- Heritage Guidelines
- Other relevant State Government policies.

Strategic Framework

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

- | | |
|----------------------|---|
| <i>Goal 1:</i> | <i>A diversified and thriving economy that offers a wide range of business and work opportunities as well as consumer choice.</i> |
| <i>Objective 1.1</i> | <i>The Shire is a tourist destination of choice.</i> |
| <i>Objective 1.4</i> | <i>Appropriate infrastructure is in place to support economic growth.</i> |
| <i>Goal 4:</i> | <i>A liveable, sustainable and well-designed built environment that is accessible to all.</i> |
| <i>Objective 4.1</i> | <i>Playgrounds and parks are vibrant, accessible and well maintained.</i> |
| <i>Objective 4.2</i> | <i>A connected and well maintained network of local roads, footpaths, cycle ways and trails.</i> |
| <i>Objective 4.3</i> | <i>Shopping precincts and residential areas are well presented and accessible, with development enhancing their character.</i> |
| <i>Objective 4.4</i> | <i>Places with current or potential heritage or cultural significance are protected and preserved for future generations.</i> |
| <i>Objective 4.5</i> | <i>Shire buildings, gardens and grounds are fit for purpose and well maintained.</i> |
| <i>Goal 5:</i> | <i>A representative leadership that is future thinking, transparent and accountable.</i> |

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

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.

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 in relation to this item is providing **Inaccurate Advice/Information** and **Inadequate Engagement Practices**. The Consequence could be **Reputational** if there is inadequate consultation with relevant stakeholders regarding the preparation of the Style Guide or if the quality of information impacts on decision making. The Risk has been mitigated by following best practice, linking recommendations to Regulatory Documents and Policies, and including a requirement for consultation with stakeholders prior to adoption. The Risk Consequence is considered to be **Moderate** and the **Likelihood Unlikely** resulting in a **Moderate** level of risk.

Budget Implications

The preparation of the Style Guide was completed internally and therefore, has no budget implications.

Recommendations contained in the Style Guide are already included in the Forward Capital Works Plan or planned as part of long-term on-going infrastructure and signage improvements. Those not included will need to be considered by Council in future budgets

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 adopts the Harvey Region Signage and Infrastructure Style Guide contained in **Attachments 1** and **2**.

Item No.	5.3.4.
Subject:	Recreation Vehicle (RV) Friendly Trial
Proponent:	Shire of Harvey
Location:	Harvey
Reporting Officer:	Manager Economic Development
Authorising Officer:	Director Sustainable Development
File No.:	F/09/00018
Attachments:	1. Shire of Harvey Community Consultation Report [5.3.4.2 - 17 pages] Confidential Attachment 1 Confidential Attachment 2

Summary

This report recommends that Council notes the outcomes from the Recreation Vehicle (RV) Friendly Trial Community Consultation Report and recommends the implementation of a 12-month RV Friendly Trial.

Background

Public consultation was sought by the Shire of Harvey for the introduction of a RV Friendly Trial as proposed through the RV Friendly Trial Implementation Plan. This consultation ran for 26 days from 1 September 2022 through to 26 September 2022 and generated engagement of a total of 47 unique feedback submissions.

According to the Harvey Region Strategic Report released in 2021, the Harvey Region has a severe lack of accommodation options for the visitor market. With a focus on attracting the caravan (specifically the RV) market, it also highlighted that RV travellers continue to bypass the Region as a stopover and travel to other areas offering free RV short stay options. As such, an RV Friendly Trial Implementation Plan (the Plan) was developed.

The key points of the Plan are:

- Recreational Vehicle (RV) travel is one of the fastest-growing tourism sectors in Australia.
- To reflect the requirements of RV travellers and remain competitive with surrounding destinations, the Harvey Region needs to offer a range of short stay rest areas.
- To grow RV tourism, an increased supply of short stay rest areas is required, especially in the peak months of December through to March.
- Council does not intend to introduce new RV Friendly facilities instead expand the opportunity to use existing RV infrastructure in Australind, Brunswick Junction, Harvey, and Yarloop.

The introduction of an RV Friendly Trial seeks to maximise sustainable economic benefits from RV Tourism through increasing visitation numbers, increasing spend and extending the length of stay of RV travellers in the Harvey Region.

At its Ordinary Council Meeting on Tuesday, 23 August 2022, Council endorsed the implementation of the Community Consultation phase only of the Harvey Region RV Friendly Trial Plan.

The Plan also advised that protecting our existing caravan and tourist park operators is important and should be considered a priority in Council adopting any community supported RV Friendly Trial.

With a focus on the proposed sites within the Harvey Region (Harvey, Brunswick Junction and Australind) and underutilised areas in Yarloop, this preliminary community engagement phase

involved gaining feedback from:

- commercial caravan and tourist parks in the Harvey Region
- local community
- local businesses and the tourism industry.

Feedback was sought on:

- proposed sites to be used for the RV Friendly Trial as free short stay areas
- length of a potential RV Friendly Trial
- duration of free short stays (time limits)
- recommendation on other potential sites.

Comment

During the public consultation period from 1 September to 26 September 2022, Council received a total of 47 submissions. These were a combination of online surveys, telephone calls, written submissions, and face to face community feedback sessions (**Attachment 1**).

Through the Shire's Have Your Say platform this public consultation received 230 Unique Visitors, of which 116 people became Informed via multiple project page interactions and 172 Aware Visitors, visited at least one page. Of the 116 Informed Visitors 16 unique registrations were made to complete the associated project feedback form and provide additional comment and project feedback. Overall, there were 37 Engaged Participants who completed the feedback form.

Of the total responses received, 81% of responses were supportive of the introduction on an RV Friendly Trial. Of those that responded 17% were local business owners and 74% were Community Members.

Based on the feedback, the introduction of 12-month RV Friendly Trial offering 48 hours' short stay rest areas in Australind, Harvey, Brunswick Junction and Yarloop was favoured.

There was opposition from 5 of the 7 caravan and tourist park operators in the Harvey Region to the introduction of an RV Friendly Trial. (**Confidential Attachment 1**).

Overarching concerns raised included (**Confidential Attachment 2**).

- Potential loss of revenue for the six privately owned commercial caravan parks and one Council owned caravan park impacting on jobs in the Harvey Region.
- Cost to the Shire of Harvey for the monitoring and management of the RV Friendly Trial.
- Safety issues with some proposed sites located nearby family homes with young children.
- Increased congestion at several already well utilised day use sites.
- Attracting the "wrong" type of visitor to the Harvey Region.
- Impact on surrounding residents through noise and increased traffic.

Alternatives were also proposed in lieu of introducing an RV Friendly Trial including:

- **Voucher System:**

The Shire of Harvey supplies local caravan parks with vouchers to pass on to mid-week travellers, providing incentives to visit and spend their money in Harvey Region localities. This would provide a way of monitoring the numbers of people staying in the Region and expenditure within the region and mitigates the need for the management of the Trial and increased costs to the Shire.

- **Caravan Park Subsidy:**

The Shire of Harvey provides a subsidy to local caravan park owners to ensure that they guarantee to hold the same number of sites as per those proposed in the RV Friendly Trial Implementation Plan for 24-hour stopovers so they can offer free short stays.

- **Fees:**

Introduce a small fee of \$5 to \$10 at time of online booking to assist with covering costs of the RV Friendly Trial.

The Destination Harvey Business Unit is actively supporting the existing caravan and tourist park operators in the Harvey Region as follows:

- Listing all operators free of charge on the Harvey Region Map
- Promotion through features in specific target market publications such as Caravanning Australia (print and digital)
- Signage with contact details of all operators at each RV Rest Area
- In conjunction with existing caravan and tourist park operators' participation in the Perth Caravan and Camping Show (March 2023)
- Ongoing social media posts through Destination Harvey Region.

The City of Bunbury has now completed 12 months of its 24-month RV Friendly Trial and figures show that around a thousand travellers have taken advantage of its three experimental rest areas.

The Council is currently asking locals for their views and whether they would like to see the rest areas made permanent, with submissions invited until December 5.

It is estimated that \$227,000 was generated for local businesses during the 12-month period. More than 69 percent of visitors were from interstate, almost 40 percent were over the age of 65 years and \$226,631 was estimated to be spent in the city.

According to former Bunbury Mayor Gary Brennan statistics have shown that 16 percent of RV owners will never stay in commercial overnight accommodation, which meant Bunbury was missing getting this market into its precincts.

The 24-month trial will continue at the rest areas near Bunbury's iconic beaches and city allowing only travellers in self-contained RVs to stay at the sites, which are patrolled by city officers to ensure the rule is complied with.

Camping in tents or sleeping in cars is not permitted and overnight campers need a permit which can be collected from the Bunbury Visitor Centre.

They receive a welcome pack including information about Bunbury such as maps and tourist guides.

The Harvey Region Tourism Roadmap 2031 clearly indicated that the Shire would investigate and develop 48-hour rest-areas at key sites that will drive visitor spend in our towns, governed by a strict site management process which this consultation process has done.

It also stated that it would focus on increasing leisure visitors at caravan parks by encouraging local operators to focus on leisure visitors rather than permanents and scope the potential to upgrade and/or expand tourism sites.

It also notes that the Shire would maintain RV and caravan dump stops at key locations which will drive visitor spend in our towns.

The opportunity exists for the Shire to work closer with the local operators to focus on leisure visitors and provide a win-win for all stakeholders.

Acknowledging the benefit of increased visitation demonstrated through the Bunbury RV Friendly Trial by the RV Traveller Market, the opportunity also exists for the Shire to continue to explore ways in which to attract the market.

Statutory/Policy Environment

The Caravan Parks and Camping Grounds Regulations 1997 outline the circumstance in which the Shire can provide short-stay rest areas, in which visitors may utilise them and how Officers can enforce restrictions on use of the areas.

Strategic Framework

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

- | | |
|----------------------|---|
| <i>Goal 1:</i> | <i>A diversified and thriving economy that offers a wide range of business and work opportunities as well as consumer choice.</i> |
| <i>Objective 1.1</i> | <i>The Shire is a tourist destination of choice.</i> |
| <i>Goal 4:</i> | <i>A liveable, sustainable and well-designed built environment that is accessible to all.</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> |
| <i>Objective 5.5</i> | <i>Integrated strategic planning and reporting to drive continuous improvement.</i> |

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

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 providing **Inaccurate Advice/Information**. The Consequences could be **Environmental, Financial, Reputational** or **Compliance** if an incorrect assessment of the land use occurs or there is insufficient community engagement. The main consequence could be **Reputational** if Council's decision is not in line with its intent to protect the caravan and tourist park operators as part of this process. The risk is considered **Moderate** and the likelihood in **Likely**. The risk will be mitigated through working with the tourism industry (particularly with caravan and tourist park operators) resulting in a **Low** Risk being present.

Budget Implications

To commence the RV Trial, the Shire will require some initial funding to erect specially designed signage in the designated areas and potential minor upgrades to the proposed sites. Signage funding has been allocated through the Shire's Destination Harvey Region budget (\$15,000). Any modification or minor upgrades to the sites will be provided through the Infrastructure Services 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. Accepts the findings of Phase 1 of the RV Friendly Implementation Plan and the RV Friendly Trial Consultation Report as per **Attachment 1**.
2. Approves the implementation of 12-month RV Friendly Trial offering 48-hours short stay rest areas to commence in March 2023.
3. Endorses the sites of Brunswick – Brunswick Junction Showgrounds; Australind – Leschenault Estuary Eco Museum and Harvey – Snell's Park North and Yarloop – Teesdale Street Recreation Ground.

Item No.	5.3.5.
Subject:	Review of Local Planning Policy - Outbuildings
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Director Sustainable Development
Authorising Officer:	Director Sustainable Development
File No.:	PS/P/003
Attachments:	1. Draft Policy 4.1.18 Outbuildings Version 9 [5.3.5.1 - 6 pages]

Summary

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

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

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

Background

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

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

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

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

Comment

The workshop focused on the maximum size of residential outbuildings and there was a clear preference of the outbuilding size to be related to the property size. The amended LPP proposes that maximum outbuilding area for residential areas to be up to 10% of the lot area.

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

Other minor amendments have been proposed throughout the LPP.

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

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

Statutory/Policy Environment

Planning and Development (Local Planning Schemes) Regulations 2015

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

Clause 3 – Local planning policies.

Clause 4 – Procedure for making local planning policy.

Clause 5 – Procedure for amending local planning policy.

Strategic Framework

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

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

Budget Implications

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

Authority/Discretion

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

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

Item No.	5.3.6.
Subject:	Harvey Men's Shed
Proponent:	Harvey Men's Shed Inc.
Location:	Lot 8 Wright Street, Harvey
Reporting Officer:	Director Sustainable Development
Authorising Officer:	Chief Executive Officer
File No.:	A001856
Attachments:	1. Constitution Certificate [5.3.6.1 - 1 page] 2. Harvey Men's Shed EOI [5.3.6.2 - 1 page] 3. Site plan Lot 8 Wright Street [5.3.6.3 - 1 page] Confidential Attachment 1

Summary

The Harvey Men's Shed Inc. (HMS) (refer **Attachment 1**) has expressed interest in developing Lot 8 Wright Street, Harvey for the purposes of a Men's Shed (refer **Attachment 2** and **3**). The request also seeks to allow co-location with South West Community Care (SWCC).

For the reasons outlined in this report, Shire Officers are supportive of the proposed location and requests the HMS to prepare and submit a business case in support of its proposal. Support is also sought for the Chief Executive Officer to engage with SWCC if co-location with HMS is a viable option.

Further reports to Council will be required prior to authorising the Chief Executive Officer to progress the preparation of a Draft Lease for the use of Lot 8 Wright Street by HMS.

Background

Officers are aware of the increased community interest in the establishment of a Harvey Men's Shed since the closure of a similar facility operated by SWCC at the former Harvey Agricultural School.

This interest has resulted in the incorporation of the Harvey Men's Shed Inc. in May 2022.

Comment

The benefits of developing a Men's Shed within a rural townsite have been clearly demonstrated and Shire Officers support that outcome for Harvey.

An informal site selection process was carried out with Officers and the newly formed HMS concluding that a central location adjoining existing or future complimentary uses is desired. Lot 8 is considered to address those expectations.

A recently prepared draft Land Optimisation Strategy (refer relevant extract within **Confidential Attachment 1**) identifies Lot 8 as having a higher and best use for residential/mixed use development. That recommendation is not disputed in regard to economic return for the Shire, however, its use for community benefit must also be taken into account.

With that in mind, a less financially driven outcome is recommended and a departure from the traditional peppercorn lease is considered appropriate to avoid future drains on Shire funds to maintain assets.

It is recommended that HMS prepare and submit a business case for Council's consideration.

Statutory/Policy Environment

Section 3.58 of the *Local Government Act 1995* deals with the disposal of property which includes leasing.

Clause 30 of the Local Government (Functions and General) Regulations 1996 details when the disposition of property is exempt from the provision of Section 3.58 of the Act.

“A disposition of property to a body;

i) The objects of which one of a charitable benevolent, religious, cultural, educational, recreational sporting or other like nature; and

ii) The members of which are not entitled to profit from the body's transactions are considered exempt.”

The exemption refers to not being required to advertise or undertake any other inclusive process of sale or lease, generally in relation to land.

Strategic Framework

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

- | | |
|---------------|---|
| Goal 1: | <i>A diversified and thriving economy that offers a wide range of business and work opportunities as well as consumer choice.</i> |
| Objective 1.4 | <i>Appropriate infrastructure is in place to support economic growth.</i> |
| Goal 2: | <i>A safe, accessible and connected community where everyone has the opportunity to contribute and belong.</i> |
| Objective 2.1 | <i>To support people through all stages of life.</i> |
| Objective 2.7 | <i>An active and healthy community.</i> |

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

Budget Implications

Nil.

Authority/Discretion

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. Supports the potential use of Lot 8 Wright Street, Harvey by Harvey Men's Shed Inc.
2. Requests Harvey Men's Shed Inc. to prepare and submit a business case for Council's consideration in support of its proposal.
3. Authorises the Chief Executive Officer to engage with South West Community Care to consider if co-location with Harvey Men's Shed is a viable option.

Item No.	5.3.7.
Subject:	Reserve 17456, Logue Road, Request for Freehold Tenure
Proponent:	Shire of Harvey
Location:	Reserve 17456, Logue Road, Cookernup
Reporting Officer:	Director Sustainable Development
Authorising Officer:	Chief Executive Officer
File No.:	A008315
Attachments:	1. 20220722 CLEF [5.3.7.1 - 8 pages] 2. Logue Road site plan [5.3.7.2 - 1 page] 3. Images Reserve 17456 [5.3.7.3 - 1 page]

Summary

Mr. Chris Blackburn, owner of Lot 200 (39) Logue Brook Road has submitted a Crown Land Enquiry Form to the Department of Planning Lands and Heritage (DPLH) (refer **Attachment 1**) seeking support to amalgamate Reserve 17456 (Refer **Attachment 2**) into Lot 200. This request requires comment from the Shire as this Reserve is under a Management Order held by the Shire of Harvey. Reserve 17456 is currently leased to the Blackburn family and has been for many generations.

It is recommended that Council support the lodgement of the application, subject to conditions to maintain the Reserve's original purpose of vegetation protection.

Background

Reserve 17456 has an area of 3.15ha and is located on the north eastern corner of Logue Brook Dam Road and South Western Highway and is reserved for the purpose of "*Preservation of Indigenous Timber and Camping*". The management order for this land is held by the Shire of Harvey.

The current lease issued to Mr. Chris Blackburn is due to expire on 31st August 2023.

Comment

For many generations Reserve 17456 has been managed by the Blackburn Family under the following restrictions:

- Hold public liability insurance with a sum insured of \$20 million
- The land and fencing being maintained to the Shire's satisfaction, no clearing of remaining vegetation
- Control of noxious weeds/plants and eradicate vermin
- Install and maintain firebreaks as per the Shire's firebreak annual order
- Not to overstock the land
- Access to Reserve 17456 being via the Applicant's property being Lot 4929 Logue Brook Dam Road.

A recent inspection of the property confirms the land is well cared for, has good pasture cover amongst the remnant native trees with fencing for stock well maintained (refer **Attachment 3**), demonstrating a commitment to ongoing land management.

It is acknowledged that not all of these restrictions are capable of being carried forward to a freehold title, however, a covenant precluding the clearing of trees and limiting grazing to sheep only is possible and considered appropriate to maintain the original intent of the Reserve's purpose.

In December 2017, Council resolved to approve the installation of a water supply line through Reserve 17456 to service Lot 102 which adjoins the Reserve. A notification on the title to maintain access to this infrastructure is considered appropriate.

Officers note that 'camping' is provided for within the current Reserve Classification, however, do not consider that it is suitable to accommodate this land use in the future and thus supportive of it being removed.

For the reasons listed above, Officers recommend support for the Chief Executive Officer to be authorised to sign the Crown Land Enquiry Form and advise DPLH of the suggested conditions.

Statutory/Policy Environment

Section 3.58 of the *Local Government Act 1995*, deals with the disposal of land which includes leasing or lease approval.

Subsection 3 of Section 3.58 provides a disposal other than by tender or auction is required to be advertised for two weeks setting out the details of the lease and inviting public submissions. This was completed by advertising in The West Australian newspaper on 11 September 2013 disclosing the lease period of five years with the option to renew for a further five years.

Strategic Framework

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

- Goal 3: A natural environment that is highly valued, protected and enjoyed.*
- Objective 3.1 Adopt and encourage sustainable development practices.*
- Objective 3.2 Manage and protect natural habitats, ecosystems and reserves.*
- Goal 5: A representative leadership that is future thinking, transparent and accountable.*
- Objective 5.4 Sound governance, including financial, asset and risk management.*

Community Engagement

Community Participation Goal

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**. The Consequence could be **Compliance** or **Reputation** if the Local Planning Policies are not reviewed against current statutory documents. The risk is considered **Minor** and the likelihood **Unlikely**, given the report and Local Planning Policy review has been thoroughly researched, peer reviewed and provided by a qualified Shire Officer, resulting in **Low** risk being

present.

Budget Implications

The current lease fee is \$152.25 per annum, that will be forgone if freehold status is offered.

If the DPLH supports the application, Mr Blackburn will be responsible for the payment of all costs and disbursements. Officers understand the land will be independently valued, offered to Council at around 10% of that valued price allowing for Council to then on sell to Mr Blackburn at that valued amount.

As a freehold parcel the Council will have the ability to raise Shire rates.

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. Authorises the Chief Executive Officer to sign the Crown Land Enquiry Form for Mr. Chris Blackburn, for submission to the Department of Planning Lands and Heritage seeking support to amalgamate Reserve 17456 into Lot 200 Logue Brook Road, Cookernup.
2. Advises the Department of Planning Lands and Heritage that support for conversion of Reserve 17456 to freehold tenure is conditional upon the impost of Restrictive Covenants to:
 - a) Preclude the clearing of native vegetation
 - b) Limit the grazing of stock to sheep only.
3. Advises the Department of Planning Lands and Heritage that support for conversion of Reserve 17456 to freehold tenure is conditional upon the impost of a Notification on the title maintaining access to the Harvey Water infrastructure.

5.4. Corporate Services

Item No.	5.4.1.
Subject:	Financial Statements as at 31 October 2022
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Finance
Authorising Officer:	Director Corporate Services
File No.:	FM/S/006
Attachments:	1. Financial Statements as at 31 Oct. 2022 [5.4.1.1 - 12 pages]

Summary

The Financial Statements as at 31 October 2022 are provided at **Attachment 1**.

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

	ACTUAL	BUDGET	VARIANCE
	31 October 2022	2022–2023	
Statement of Financial Performance			
Ordinary Revenue	\$35,169,737	\$44,453,800	\$9,284,063
Ordinary Expenditure	\$13,842,745	\$53,281,007	\$39,438,262
Capital Revenue	\$834,913	\$45,670,557	\$44,835,644
Capital Expenditure	\$1,416,074	\$46,851,464	\$45,435,390
End of Period Profit / (Loss)	\$24,673,524		
Statement of Financial Position			
Current Assets	\$61,659,170		
Net Assets	\$578,015,321		

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

Background

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

Comment

Rates Revenue

Rates revenue of \$24.7 million and rubbish rates of \$4.37 million were raised in August 2022. The due date for rates payment was 30 September 2022. Approximately 69% of the rates were collected by 31 October 2022.

Cash Flow and Interest Earnings

The Shire holds by way of cash and term deposit \$19.46 million in Municipal Funds and \$31.85 million in restricted Trust and Reserve Funds. The average interest rate on these funds is 3%. New term deposits are attracting an interest rate for 90 days of approximately 3.55%.

Operating Grants and Subsidies

As of 31 October 2022 79.5% of the 2022–2023 Financial Assistance Grants have been received.

Employee Costs

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

Materials, Contracts, Utilities and Other Expenses

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

Capital Expenditure

The Shire budgeted to spend \$46.85 million on capital projects throughout the Shire in 2022–2023. Major capital works projects budgeted in the financial year 2022–2023 are yet to commence. Expenditure totalling \$1,416,074 has been reported at the end of October 2022. As more projects are completed, and as the Shire is invoiced for those works, the level of reported expenditure will increase.

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

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

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

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

Statutory/Policy Environment

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

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

Strategic Framework

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

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

Objective 5.3 Accountable leadership supported by a professional and skilled administration

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

Community Engagement

Community Participation Goal

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

Promise to the Community

Inform: We will keep you informed.

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The Consequence could be **Financial**, **Reputational** or **Compliance** if the financial statements are not reported accurately, timely or in the required format. The risk is mitigated by Council receiving financial statements on a monthly basis and in a form that is in accordance with the *Local Government Act 1995* and associated Regulations, resulting in a **Low** risk being present.

Budget Implications

Review of the monthly accounts aids in ensuring works and services are undertaken and the Shire operates within its adopted Budget.

Authority/Discretion

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council receives the Financial Statements as at 31 October 2022 at ***Attachment 1***.

Item No.	5.4.2.
Subject:	List of Accounts Paid - October 2022
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Finance
Authorising Officer:	Director Corporate Services
File No.:	FM/S/006
Attachments:	1. Payments October 22 [5.4.2.1 - 16 pages]

Summary

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

Background

Pursuant to Section 5.42 of the *Local Government Act 1995* (Delegation of some powers and duties to the Chief Executive Officer), Council has resolved to delegate to the Chief Executive Officer (Delegation No: 2.2.1) the exercise of its powers to make payments from the municipal and trust funds.

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

Comment

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

<u>Voucher</u>	<u>Amount</u>
Schedule of Accounts	
Municipal EFT 62593 – EFT 63043	\$2,321,015.45
117429 – 117438	\$42,476.99
DD24606.1 – DD24666.23	\$95,977.70
CBA Credit Cards	\$7,571.68
Electronic Funds Submitted	<u>\$1,187,728.31</u>
Total	<u>\$3,654,770.13</u>

Statutory/Policy Environment

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

Strategic Framework

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

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

Community Engagement**Community Participation Goal**

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

Promise to the Community

Inform: We will keep you informed.

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. There is no Consequence associated as Council is receiving financial information only with no recommendation on action or intervention.

Budget Implications

The payments listed above have been budgeted for in the Shire's 2022–2023 Budget.

Authority/Discretion

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council notes the list of accounts paid at **Attachment 1** for the period of October 2022 totalling \$3,654,770.13.

5.5. Community and Lifestyle

Item No.	5.5.1.
Subject:	Harvey Skatepark Concept Plan
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Community Development Officer
Authorising Officer:	Director Community and Lifestyle
File No.:	A001861
Attachments:	1. Harvey Skatepark Consultation Summary Report [5.5.1.1 - 6 pages] 2. Harvey Skatepark Site Location Report [5.5.1.2 - 9 pages] 3. Harvey Skatepark Concept Plan Draft 2022 [5.5.1.3 - 9 pages]

Summary

This report presents the concept plan for Harvey Skatepark to be located at Meriden Park and recommends that Council endorses the proposed concept to be advertised for tender to design and construct.

The concept plan has been created in partnership with the Shire and consultant, Playce considering key findings from documents, plans and site analysis data. Thorough community consultation has informed the draft design approach for development of the Harvey Skatepark.

Background

In 2021, the Shire appointed consultant Convic to undertake and prepare a site assessment for the Harvey Skatepark that was presented to Council in May 2021.

This report recommended Meriden Park as the preferred location as it provided opportunity to develop a skatepark within a precinct that has a number of other active recreation programs forming a centralised hub, specifically for young people. It also highlighted that this site provided enough space to develop a district scale facility and provide provision for future expansion if required.

In response, Council endorsed the consultant's recommendation for Meriden Park to be the preferred site of the Harvey Skatepark and allocated funding for the project from the Commonwealth Government's Local Roads and Community Infrastructure Program.

In August 2022, the Shire appointed design consultant Playce to conduct community and stakeholder consultation (refer **Attachment 1**) to discuss potential locations for the construction of the skatepark. (refer **Attachment 2**).

Playce have incorporated all the feedback to create a draft concept plan to guide the design and construction of the Harvey Skatepark (refer **Attachment 3**).

Comment

Playce visited Meriden Park with Shire Officers and Council representatives in September 2022, during these visits various locations for the skatepark were discussed:

Site Location 1:

Southwest corner of Meriden Park, adjacent to the swimming pool and protected swamp area.

Site Location 2:

Southeast corner of Meriden Park, adjacent to the carpark and protected swamp area. This is the Officers' preferred location for reasons outlined below.

Site Location 3:

Northwest corner of Meriden Park, adjacent to Uduc Road and the diversion. Close to location indicated in the site selection report by Convic in May 2021. This is the consultant's preferred location.

Site Location 4:

Northeast corner of Meriden Park, adjacent to Uduc Road and Hinge Road.

Site Location 5:

Between the carpark and swimming pool with adjustments made to the swimming pool fence line.

The strengths and weaknesses of each site were documented (refer **Attachment 2**).

Discussion

Location 3 is the consultant's preferred location subject to the existing senior FIFA soccer pitch being relocated. It is documented that this site provided connection to Uduc Road as the main street, access to road and path networks, surveillance opportunities and a connection to the existing diversion drain sculpture and information point area.

Meriden Park is currently used by the Harvey Hawks Soccer Club (HHSC) as their home ground. There are plans for the club to relocate to the Harvey Recreation Ground (HRG) however, due to playing field requirements at HRG at this stage it is unclear when this is likely to occur.

Shire Officers have been in regular discussion with HHSC and Harvey Hockey Club to determine if the senior FIFA soccer pitch can be temporarily located to the hockey pitch at the HRG. In consultation with the two clubs, due to the dimension requirements of the pitch, senior games cannot be accommodated and therefore there are no viable short term relocation opportunities for the HHSC.

Therefore, Location 2 is the Officers' preferred location for the development of the Harvey Skatepark. This location poses the least amount of impact to the HHSC and supports future infrastructure works in Meriden Park.

The location is in proximity to the existing car park and does not impact on the availability of Public Open Space. However, this location is in close proximity to existing dwellings on Hinge Road and will require the relocation of the U6-7 soccer pitch. The U6-7 soccer pitch is marked by temporary cones on game days and there is greater flexibility for this pitch to be moved around.

This report recommends that Council support the Officer's recommendation at Location 2 and authorises the CEO to advertise for tender to appoint a suitable proponent to develop the concept design and to construct the Harvey Skatepark.

Statutory/Policy Environment

Voices of Youth 2021–2026, states:

- | | |
|---------------|---|
| Goal 4: | <i>Active and inspired: our youth have the opportunity to be social, active and creative.</i> |
| Objective 4.1 | <i>Supports places that promote fun, inclusion and growth.</i> |
| 4.1.6 | <i>Implement the recommendations of the Harvey Skate Park site selection.</i> |

Strategic Framework

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

- | | |
|---------------|---|
| Goal 1: | <i>A diversified and thriving economy that offers a wide range of business and work opportunities as well as consumer choice.</i> |
| Objective 1.4 | <i>Appropriate infrastructure is in place to support economic growth.</i> |
| Goal 2: | <i>A safe, accessible and connected community where everyone has the opportunity to contribute and belong.</i> |
| Objective 2.7 | <i>An active and healthy community.</i> |
| Goal 4: | <i>A liveable, sustainable and well-designed built environment that is accessible to all.</i> |
| Objective 4.1 | <i>Playgrounds and parks are vibrant, accessible and well maintained.</i> |

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 in relation to this item is **Providing Inaccurate Advice/Information** and **Inadequate Engagement practices**. The Consequence could be **Reputational** if the quality of information captured impacts on decision making and the recommendation does not reflect the needs of the community. The Risk Consequence is **Minor** and the likelihood **Possible** resulting in a **Moderate** level of risk.

Budget Implications

This project has allocated funds of \$880,000 for the construction of the skatepark from the Federal Government Local Roads and Community Infrastructure program.

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. Receives the Consultation Site Report, Site Location Report and Draft Concept Plan for the Harvey Skatepark at Meriden Park as per **Attachment 1, 2 and 3**.
2. Endorses the Officer's preferred option of Site Location 2 as the location to develop the Harvey Skatepark.
3. Requests the Chief Executive Officer advertise a Tender for the design and construction of the Harvey Skatepark.

Item No.	5.5.2.
Subject:	Australia Day Awards
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Community Development Officer
Authorising Officer:	Director Community and Lifestyle
File No.:	C/A/012 & A001861
Attachments:	Confidential Attachment 1

Summary

This report seeks consideration of the nominations for the 2023 Australia Day Awards to be presented at the Australia Day functions held in Australind, Harvey, Binningup and Brunswick Junction. These awards are presented each year to Shire of Harvey residents and community groups who have made outstanding contributions to the community.

Background

Since 2013, the Australia Day Council of Western Australia has coordinated the Community Citizen of the Year Awards in partnership with local governments throughout the State.

The awards comprise four categories:

- Community Citizen of the Year
- Community Citizen of the Year – Youth (under 25 years of age)
- Community Citizen of the Year – Senior (over 65 years of age) and
- Active Citizenship – Group or Event

Winners are judged to have shown active citizenship and:

- Significant contribution to the local community
- Demonstrated leadership on a community issue resulting in the enhancement of community life
- Contributed to a significant initiative which has brought about positive change and added value to community life
- Inspiring qualities as a role model for the community.

Nominations for 2023 Australia Day Community Citizen of the Year Awards opened 1 September and closed 31 October 2022. The Australia Day Council requires notification of the award recipients in various categories by 9 December 2022.

The Shire's Awards, Honours and Prizes Advisory Group met on 10 November 2022 to consider the nominations and recommend award recipients. A copy of the Minutes of that meeting are tabled as per **Confidential Attachment 1**.

Comment

Promotion of the awards and nominating process have been advertised in local newspapers, the Shire website, social media accounts and stakeholders were invited to nominate through the Shire's

Advisory Groups and networks.

Nominations for award categories received by the closing date of 31 October 2022, and corresponding scoring and recommendations presented by the Awards, Honours and Prizes Advisory Group are tabled as per **Confidential Attachment 1**.

Statutory/Policy Environment

Policy 3.1.1 Relates to Honours and Awards.

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** if the awards are not presented to worthy recipients. This risk is mitigated through the scoring and review process of the Awards, Honours and Prizes Advisory Group. The risk consequence is assessed to be **Moderate** and the likelihood **Unlikely** resulting in a **Moderate** risk being present.

Budget Implications

The annual cost to the Shire to be a member of the Australia Day Council and participate in the Australia Day Awards is \$594.

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. Endorses the nominations for the Australia Day Awards 2023 as per ***Confidential Attachment 1***.
2. Presents the above awards at the 2023 Australia Day functions held in the Shire with the announcement of the award recipients being embargoed until the awards have been presented.

6. Notice of Motion for Following Meeting

Cr. Carbone requests that the following Notice of Motion be placed in the Ordinary Council Meeting Agenda for 22 November 2022.

That Council engage with the Shire of Dardanup to gauge whether they would be interested in amalgamation of the two Shires. If so, to negotiate employing an independent consultant to look at the business case and report back to both Councils.

Officer Comment

Amalgamation Process

Local Governments in accordance with Schedule 2.1 of the *Local Government Act 1995* can make proposals to the Local Government Advisory Board (the Board) in relation to making changes to the boundary of a District. The proposal must clearly set out the nature and reasons for making the proposal, as well as the effects this will have on the local governments involved. The proposal must be accompanied by a plan illustrating any proposed changes to the boundaries of a District and comply with any regulations about proposals.

The Local Government Advisory Board may consider any proposal and may either recommend to the Minister to accept or reject the proposal. The Advisory Board may not make a recommendation to the Minister, if the Board believes that the proposal is; frivolous or otherwise not in the interest of good government; has already been proposed within the last two years and is not substantially different to the original proposal; or if the proposal was made under Clause 2(1)(d), that the Electors of the District no longer support the proposal. If the proposal is minor in nature and not requiring public submissions the Board may, in a written report to the Minister, recommend that the proposal be rejected or that an order be made in accordance with the proposal.

If the proposal is not minor in nature, the Local Government Advisory Board must formally inquire into the proposal. The formal inquiry requires the Board to give notice to the electors of each local government affected by the proposal, setting out the details of the inquiry and its proposed scope and asking for submissions on the proposal for a six-week period. If after considering submissions made, the Board decides that the scope of the formal inquiry is to be significantly different from that set out in the notice, it is to give another notice to affected local governments and electors of the district as well as provide another report to the Minister. The notice and report must set out a revised scope of the inquiry and further welcome submissions.

A formal inquiry is to be carried out, and any hearing for the purpose of the inquiry is to be conducted in a way that makes it as easy as possible for interested parties to participate fully.

The inquiry must consider, but is not limited to:

- a. Community of interests
- b. Physical and topographic features
- c. Demographic trends
- d. Economic factors
- e. The history of the area
- f. Transport and communication
- g. Matters affecting the viability of local governments

h. The effective delivery of local government services.

Depending on the outcome of the Inquiry and the recommendation to the Minister, the Minister may choose to make an Order in relation to the proposal, or alternatively request a poll of the electors of the district in relation to the Inquiry. Where the Board recommends to the Minister, the making of an order to abolish two or more districts and amalgamate them into one or more districts, the Board is to give notice to: affected local governments; affected electors; and the other electors of districts affected by the recommendation. The electors of the district can request a poll to determine the outcome of the amalgamation. Within one month after the notice is given, the Minister requires a request be made in accordance with the regulations and be signed by at least 250, or 10% of the electors of one of the districts, asking for it to be put to a poll; the Minister is then required to put the Board's recommendation to a poll. The Electoral Commissioner, or a person approved by the Electoral Commissioner, is to be responsible for the conduct of the poll and return the results to the Minister. Depending on the outcome of the poll, a recommendation to amalgamate may be made to the Governor.

Schedule 2.1 also considers the transitional arrangements for local governments which amalgamate. Transitional arrangements are complex and require the consideration of issues as defined in this Schedule, such as:

- The vesting, transfer, assumption or adjustment of property, rights and liabilities of a local government
- The extinguishment of right of local government
- The winding up of the affairs of a local government
- The continuation of actions and other proceedings brought by or against a local government
- The bringing of actions and other proceedings brought by or against a local government
- The bringing of actions and other proceedings that could have been brought by or against a local government
- The continuation of any act, matter or thing being done under another written law
- Employment contracts of local government employees.

Recent History of Amalgamations at the Shire of Harvey

State Government has historically placed heavy emphasis on council amalgamations as a means of resolving the problems facing municipal governance. Funding shortages, labour market deficiencies, economy of scale and complex government relations are cited as reasoning for structural reform. Recent structural reforms have not included amalgamations in the reform priorities, and the Minister for Housing; Lands; Homelessness; Local Government John Carey has publicly stated that amalgamation inquiries by the State would not be part of this Government's term.

The Shire of Harvey has historically strongly opposed amalgamations which have been proposed by the State Government most recently in 2006, 2009 and 2013.

In 2006 the Shire of Harvey made a submission to the Local Government Structural and Election Reform unit with regard to structural reforms and proposed amalgamations. In its submission the Shire was opposed to amalgamations noting the significant diversity of landscape, economic activity and townsites. It was noted that there were some sustainability issues which the Shire would face including supporting significant growth, but that the Shire was instead supportive of the review of financial support for local government.

In 2009 the Minister for Local Government announced another round of reform strategies. As part of that reform Local Governments were requested to consider and make an informed decision with regard to voluntary amalgamations. The Shire of Harvey worked with the surrounding Shires: the Shire of Dardanup; City of Bunbury; Shire of Waroona; Shire of Collie; and “other local governments considered necessary”, to gather information on the reforms and proposed voluntary amalgamations. This included completing a ‘Checklist’ which would be given back to the Department. Additionally various community meetings and surveys were held in the Shire of Harvey, which showed 81% of residents strongly opposed, 18% supported and others had no view.

A Steering Committee, an arm of the Local Government Advisory Board, delivered a ‘Report Card’ from the Checklists and proposed two separate proposals for mergers of Local Governments in the region. One proposal to be the amalgamation of the City of Bunbury with the Shires of Capel and Dardanup and including a southern part of the Shire of Harvey (Australind and Leschenault existing and proposed urban areas, Binningup, Kemerton Industrial Park and Brunswick Junction). The balance of the Shire of Harvey to be included with the Shire of Waroona. The other proposal to be the amalgamation of the City of Bunbury with the Shires of Capel and Dardanup and including a southern part of the Shire of Harvey (Australind and Leschenault existing and proposed urban areas and Brunswick Junction). The balance of the Shire of Harvey to be included with the Shire of Waroona.

In September 2009 the Shire submitted a detailed report to the Local Government Advisory Board opposing an amalgamation with any of its neighbours. “The Shire of Harvey is of the firm view that there has been no material change in circumstance or perhaps more importantly the views of its residents and neighbours since it prepared a submission on the issue to the Local Government Advisory Board in 2006. If anything the Shire’s view that it is both sustainable and contributes positively to the south-west region and is strengthened by its ranking as a Category One Council by the Local Government Reform Steering Committee”, “the danger of larger bodies is that their constituents can feel underrepresented or disenfranchised and concerned about growing bureaucracy and lack of personal service”. Further in the Shire’s submission it stated that there was a recognised need to improve efficiency but that this could be achieved through ‘resource sharing’ (Shire of Harvey Structural Reform Submission 2009).

The Department of Local Government again in 2013 announced further structural reform with a major focus on Metropolitan Local Government Review, which included amalgamation. Within the reform package however, were proposed amendments to the “Dadour Provisions” of the *Local Government Act 1995*. These amendments would remove the provisions for electors to demand a poll on a recommendation by the Local Government Advisory Board on proposed amalgamations. The Shire of Harvey shared the concerns of many other local governments that the removal of the Dadour Provisions would restrict or even remove the community’s opportunity to have a say on the future of their district with future amalgamation proposals. The Shire of Harvey again wrote to the Minister to oppose the suspension or removal of the provision and reaffirmed the Shire’s position to oppose any further attempts at amalgamation.

Conclusion:

Should the Shire of Harvey seek to commence discussions with the Shire of Dardanup, these discussions could be facilitated by a collaborative working group with the aim of developing a proposal for consideration by the Local Government Advisory Board. Amalgamation proposals require significant research, and a project officer or consultant would be required to administer the proposal report. In consideration of the cost of recent consultancy projects, it is estimated that this cost would range between \$100,000 and \$150,000.

7. Matters Behind Closed Doors

8. Closure of Meeting