



SHIRE OF  
**HARVEY**



# Ordinary Council Meeting **Agenda**

**Harvey Council Chamber**

**Tuesday, 30 January 2024**

**4PM**

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

Dear Councillor,

Notice is hereby given that the next meeting of the Harvey Shire Council will be held in the Harvey Council Chamber, Young Street, Harvey, on Tuesday, 30 January 2024 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**

25 January 2024.

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**1. Official Opening**

**Disclaimer**

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

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

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

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

**Acknowledgement of Country**

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

**2. Record of Apologies and Leave of Absence**

**3. Applications for Leave of Absence**

**4. Reading from a Book of Learning and Wisdom**

Read by Cr. Carbone.

**5. Declarations of Members' and Officers' Personal Interest**

**6. Response to Previous Questions Taken on Notice**

**7. Public Question Time**

**8. Petitions/Deputations/Presentations**

**9. Announcements by Presiding Members or CEO Without Discussion**

**10. Confirmation of Minutes**

Ordinary Council Meeting – Tuesday, 19 December 2023.

**Recommendation**

That the Minutes of the Council Meeting held on Tuesday, 19 December 2023, as printed be confirmed as a true and correct record.

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

Audit Committee – Tuesday, 23 January 2024.

**Recommendation**

That the Minutes of the Audit Committee Meeting held on Tuesday, 23 January 2024, as printed be received and the recommendations contained therein be adopted by Council.

**BY ABSOLUTE MAJORITY**

## 12. Officer's Reports

### 12.1. Chief Executive Officer

Item No.	12.1.1.
Subject:	Corporate Business Plan 2023–2024 – Quarterly Report, Quarter Two
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Coordinator Corporate Planning and Performance
Authorising Officer:	Chief Executive Officer
File No.:	F/08/00058
Attachments:	1. Quarterly Report, Quarter 2 2023–2024 [12.1.1.1 - 76 pages]

### Summary

The Integrated Planning and Reporting Framework and Operational Guidelines (2016) issued by the Department of Local Government, Sport and Cultural Industries (DLGSC) states that it is best practice for local governments to report quarterly progress against the Corporate Business Plan to Council. This Quarterly Report captures the period of 1 October 2023 to 31 December 2023 (Quarter Two).

The Quarterly Report, Quarter Two 2023–2024 (refer **Attachment 1**) is presented to Council to be received.

### Background

Section 5.56(1) of the *Local Government Act 1995* requires all local governments to have a plan for the future of the district, and under the Local Government (Administration) Regulations 1996, all local governments are required to have adopted two key documents – a Strategic Community Plan and a Corporate Business Plan. These documents are supported by informing strategies. Together these documents drive the development of the local government's budget.

The Integrated Planning and Reporting Framework and Operational Guidelines (2016) issued by DLGSC, which guide the Strategic Community Plan and Corporate Business Plan process, require that regular monitoring and reporting of these plans are undertaken. Quarterly updates form part of this key reporting process.

The Corporate Business Plan 2023–2027 sets out the projects and services the Shire aims to deliver over the next four years to work towards achieving the goals identified in the Strategic Community Plan. The Corporate Business Plan is a key business planning tool for the Shire and acts as the intermediary document between the Strategic Community Plan and Annual Budget. It is reviewed and updated every year, with progress and achievements reported on in the Annual Report.

The Corporate Business Plan 2023–2027 was adopted by Council on Tuesday, 25 July 2023.

### Comment

The Quarterly Report is designed to provide information on the progress and milestones of key projects in the Corporate Business Plan 2023–2027.

The projects in the Quarterly Report, Quarter Two 2023–2024 are presented with a commentary on the timeline for completion of the project, progress of the project and updates of specific actions relating to the project.

The targets for the corporate performance indicators are, unless stated otherwise, the annual targets from the Corporate Business Plan. These are part of the review process and are adjusted if targets that provide better clarity are identified.

### Quarter Two Summary

Of the 186 projects reported against:

- 5% are 'Completed'.
- 77% are 'In Progress'.
- 0% are 'Behind Schedule'.
- 4% are 'On Hold'.
- 8% are 'Future Year'.
- 6% are 'Not Commenced'.

Projects reported as 'Behind Schedule', 'On Hold' or 'Not Commenced' will be monitored and required consideration of changes will be addressed through the budget development and review process, as well as Corporate Business Plan review process. Amendments will be made where necessary.

Progress status	Description	Number	Percentage
Completed	The project or action has been completed.	9	5%
In Progress	The project or action has started and is in progress.	143	77%
Behind Schedule	The project or action has started, but work is behind schedule.	0	0%
On Hold	The project or action has started, but work has stalled and has been put on hold.	8	4%
Future Year	The project or action is not due to start until a future financial year.	14	8%
Not Commenced	The project or action has not yet started but is still expected to start in the current financial year.	12	6%
<b>TOTAL</b>		<b>186</b>	<b>100%</b>

Details of all 186 projects are outlined in the Quarterly Report, Quarter Two 2023–2024 (refer **Attachment 1**).

### Statutory/Policy Environment

*Local Government Act 1995*

- s.5.56 Planning for the future – A local government is to plan for the future of the district.

### Strategic Framework

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

- Goal 5: A representative leadership that is future thinking, transparent and accountable.*  
*Objective 5.5 Integrated strategic planning and reporting to drive continuous improvement.*

## Community Engagement

### Community Participation Goal

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

No stakeholder feedback is required for the Quarterly Report however the projects reported on in this report were included in the Corporate Business Plan after extensive community consultation as part of the creation of the Strategic Community Plan.

### Promise to the Community

*Inform:* We will keep you informed.

The received Quarterly Report, Quarter Two 2023–2024 will be available on the Shire's website.

## Risk Management

The Risk Theme Profile identified as part of this report is **Failure to Fulfill Compliance Requirements**. The Consequence could be **Compliance** if the requirements of the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996* are not met in terms of the Shire having a plan for the future of the district. Another potential Consequence could be **Reputational** if the public perceives that the Shire does not have adequate business planning tools in place to manage finances and resources in a transparent and accountable manner. The Measure of Consequence is **Minor** and the Likelihood is **Unlikely** giving an overall Risk Rating of **Low**. Both risks will be mitigated through adherence to the Integrated Planning and Reporting framework.

## Budget Implications

The cost of the projects and actions contained within the Quarterly Report, Quarter Two 2023–2024 are as per the Annual Budget and Forward Capital Works 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 receives the Corporate Business Plan Quarterly Report, Quarter Two 2023–2024 as included as **Attachment 1**.



<b>Item No.:</b>	<b>12.1.2.</b>
<b>Subject:</b>	<b>Lease – Harvey Mainstreet Incorporated Trading As Harvey Community Radio</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Lot 100 on Diagram 98905 and known as 2 Becher Street, Harvey</b>
<b>Reporting Officer:</b>	<b>Coordinator Governance and Risk</b>
<b>Authorising Officer:</b>	<b>Chief Executive Officer</b>
<b>File No.:</b>	<b>C/Z/040</b>
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Draft Lease [12.1.2.1 - 42 pages]</li> <li>2. Memorandum of Understanding – Harvey Art Society and Harvey Mainstreet Incorporated Trading As Harvey Community Radio [12.1.2.2 - 1 page]</li> <li>3. Licence Expired 31 December 2023 [12.1.2.3 - 8 pages]</li> <li>4. Deed of Surrender [12.1.2.4 - 9 pages]</li> <li>5. Policy 1.1.13 – Community Lease Policy [12.1.2.5 - 13 pages]</li> </ol>

## Summary

Harvey Mainstreet Incorporated, trading as Harvey Community Radio (Harvey Radio), has requested a new lease agreement be established with the Shire of Harvey (the Shire) for the premises located at 2 Becher Street, Harvey (Premises), and known as Lot 100 on Diagram 98905, for a five year period commencing Monday, 1 January 2024.

It is recommended that Council approves a new Lease for a five year term (refer **Attachment 1**).

## Background

Harvey Radio is a not for profit community group situated within the Shire. Harvey Radio has provided the community with a Community Radio service at 72 Young Street, Harvey, since 2003.

The Shire entered into a three-year lease agreement with Harvey Radio for the premises at 72 Young Street Harvey on Tuesday, 1 September 2020. The lease period expired on Thursday, 31 August 2023 and an option term did not apply to the lease agreement.

On Thursday, 1 December 2022, the Harvey Art Society (the HAS) and Harvey Radio agreed to a Memorandum of Understanding (MOU) (refer **Attachment 2**) which allowed Harvey Radio to utilise part of the premises located at 2 Becher Street, Harvey. The Shire was not advised of this until after the MOU was executed by the HAS and Harvey Radio, however the Shire provided a letter of support to the HAS and Harvey Radio regarding the MOU on Friday, 20 January 2023.

The HAS leased 2 Becher Street, Harvey, from the Shire and the lease option expired on Friday, 30 June 2023 and the Shire was advised that the lease was not required to be renewed.

On Saturday, 1 July 2023, a Licence (refer **Attachment 3**) was signed between the Shire and Harvey Radio to allow Harvey Radio to occupy the premises for a six-month period which expired on Sunday, 31 December 2023. The purpose of this licence was to allow Harvey Radio to move their possession from 72 Young Street, Harvey, to the new premises at 2 Becher Street, Harvey as well as fitting radio pods.

On Monday, 18 September 2023, the Shire advised Harvey Radio that they could continue occupying 72 Young Street, Harvey until Monday, 25 September 2023 and provided a Deed of Surrender for signing (refer **Attachment 4**). On Thursday, 12 December 2023, Harvey Radio advised the Shire that the premises at 72 Young Street, Harvey was vacated and provided the signed Deed of Surrender.

## Comment

The Licence (refer **Attachment 3**) allowed the Shire to remove the Shire art collection from the premises by Monday, 31 July 2023, the art has since been removed and relocated.

The Lease is required to incorporate the Shire's Community Lease Policy (Policy 1.1.13). On Tuesday, 18 April 2023, Council adopted the revised Community Lease Policy (refer **Attachment 5**) which includes the Shire of Harvey Property Management Framework, Appendix 1 – Schedule of Maintenance Obligations. The Lease (refer **Attachment 1**) being offered to the Harvey Radio has been drafted in accordance with the Policy and includes Appendix 1.

The land and buildings to be leased are held as freehold title by the Shire of Harvey. Harvey Radio is a tenant that will be moving into the Harvey Precinct Building (HPB) once complete. The Lease (refer **Attachment 1**) includes a condition to allow for the Lease to be surrendered by Harvey Radio once they have moved into the HPB. The Lease (refer **Attachment 1**) allows for rent to be charged to Harvey Radio at a rate of \$1.00 paid annually and in advance on the first day of each Lease year.

Shire Officers will complete an inspection of the premises prior to the execution of the Lease and are not aware of any outstanding matters.

The Deed of Surrender (refer **Attachment 4**) for 72 Young Street, Harvey requires approval for execution and affixing the common seal by the Shire President and the Chief Executive Officer.

## Statutory/Policy Environment

### *Local Government Act 1995*

- Section 3.58 – refers to the disposal of property, including leasing.

### *Local Government (Functions and General) Regulations 1996*

- Clause 30 (2)(b) – refers to the property disposals that are exempt from 3.58 of the Act.

### *Council Policy 1.1.13 – Community Lease Policy*

- This Policy provides an outline of standard lease provisions and guiding principles for the lease of Reserves or facilities vested in the Shire of Harvey to bodies exempt from the requirements of Section 3.58 of the *Local Government Act 1995*.

### *Council Policy 1.1.2 – Common Seal*

- This Policy provides for the execution of legal documents that require the affixing of the Shire Common Seal. The Department of Local Government, Sport and Cultural Industries (DLGSC) is currently undertaking Local Government Reform to ensure good record keeping and public visibility within local governments. As part of the reform, it is intended that leases will be provided to the public in the form of an online register with the change due to be enacted in 2024.

## Strategic Framework

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

- |                      |  |
|----------------------|--|
| <i>Goal 2:</i>       | <i>A safe, accessible and connected community where everyone has the opportunity to contribute and belong.</i> |
| <i>Objective 2.1</i> | <i>To support people through all stages of life.</i>   |

- Objective 2.2*     *Create a community where people are safe.*
- Objective 2.3*     *Active and resilient community groups and volunteers.*
- Goal 5:*             *A representative leadership that is future thinking, transparent and accountable.*
- Objective 5.1*     *Effective communication and engagement with the community.*
- 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.

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

### **Promise to the Community**

*Inform:* We will keep you informed.

## **Risk Management**

The Risk Theme Profile identified as part of this report is **Business and Community Disruption**. The consequences identified are **Reputational** and **Property**. The risks are mitigated by having a lease agreement drafted in alignment with the Shire of Harvey Policy 1.1.13 – Community Lease Policy and communication with Harvey Radio. The Risk Consequence rating associated with this matter is **Moderate** and the Likelihood is **Unlikely**, resulting in a **Moderate** 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. Approves the granting of a new lease agreement to Harvey Mainstreet Incorporated, trading as Harvey Community Radio, for the management of the premises located at 2 Becher Street, Harvey, and known as Lot 100 on Diagram 98905 for a term of five years, commencing Monday, 1 January 2024 and expiring Sunday, 31 December 2028 with no option term included as per **Attachment 1**.
2. Notes that the Lease conditions in **Attachment 1** are in accordance with the Community Lease Policy– 1.1.13 including Appendix 1 in **Attachment 5**.

3. Notes that the Lease conditions in **Attachment 1** include a condition to allow for the Harvey Mainstreet Incorporated, trading as Harvey Community Radio, to move into the Harvey Precinct Building.
4. Requests the Chief Executive Officer to complete an inspection of 2 Becher Street, Harvey and known as Lot 100 on Diagram 98905 prior to execution of the Lease.
5. Authorises the Chief Executive Officer to negotiate minor lease terms consistent with the Community Lease Policy – 1.1.13 including Appendix 1 in **Attachment 5**.
6. Authorises the Chief Executive Officer and the Shire President to execute the Lease Agreement and to sign and affix the common seal.
7. Approves the Deed of Surrender to Harvey Mainstreet Incorporated trading as Harvey Community Radio for the lease of the premises located at 72 Young Street, Harvey as per **Attachment 4** and authorises the Chief Executive Officer and the Shire President to execute the Deed of Surrender and to sign and affix the common seal.

<b>Item No.:</b>	<b>12.1.3.</b>
<b>Subject:</b>	<b>Council Action Register January 2023 – December 2023</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Shire of Harvey</b>
<b>Reporting Officer:</b>	<b>Governance Compliance Officer</b>
<b>Authorising Officer:</b>	<b>Chief Executive Officer</b>
<b>File No.:</b>	<b>CC/C/0126</b>
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Action register 2023 January – December [12.1.3.1 - 29 pages]</li> <li>2. Action Register Prior 2023 [12.1.3.2 - 11 pages]</li> </ol>

## Summary

This report provides the action status of Council resolutions for the period January – December 2023 and allows Councillors to track the progress of those item. A previous report was provided to Council with comments on the progress of actions until June 2023. This report provides an update on all actions for the 2023 period.

## Background

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

As actions occur, updates on the progress of Council decisions are made to the Council Decision Action Register and then tabled at Council on a regular basis. In total there were 212 Council Decisions requiring action in the 2023 calendar year (**Attachment 1**). Included separately are Council Actions from resolutions in previous years which have not yet been reported as complete or are still ongoing (**Attachment 2**).

## Comment

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

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

Council Resolutions	Number of Items	Action Status
Council Action Register 2023	212	155 completed 52 in progress 1 ongoing 4 not commenced
Outstanding Actions Prior 2023	61	1 completed 53 in progress 5 ongoing 1 on hold 1 not commenced

## **Statutory/Policy Environment**

*Local Government Act 1995* – Section 5.20.

## **Strategic Framework**

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

- Goal 5: *A representative leadership that is future thinking, transparent and accountable.*
- Objective 5.1 *Effective communication and engagement with the community.*
- 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 **Providing Inaccurate Advice/Information**. The Consequence could be **Compliance** if due process is not followed in terms of the *Local Government Act 1995*. The Risk Consequence is considered to be **Minor** and the likelihood **Unlikely** resulting in a **Low** risk being present.

## **Budget Implications**

Nil.

## **Authority/Discretion**

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

## **Voting Requirements**

Simple Majority

## **Officer's Recommendation**

That Council notes the resolutions and actions of its Ordinary and Special Council Meetings, as outlined in **Attachment 1** and **Attachment 2**.

**12.2. Infrastructure Services**

<b>Item No.:</b>	<b>12.2.1.</b>
<b>Subject:</b>	<b>Uduc Road / Government Road / Forestry Road Intersection Reconfiguration – Progress Report</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Uduc</b>
<b>Reporting Officer:</b>	<b>Director Infrastructure Services</b>
<b>Authorising Officer:</b>	<b>Chief Executive Officer</b>
<b>File No.:</b>	<b>R000005</b>
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Uduc, Government, Forrestry Road Reconfiguration [12.2.1.1 - 8 pages]</li> <li>2. Uduc, Government, Forestry Road Intersection upgrade proposal [12.2.1.2 - 1 page]</li> </ol>

**Summary**

Regional Roads comprise roads under the care, control and management of local governments identified as roads of regional significance.

Through the Regional Road funding program, the State Government provides two thirds funding toward 'Preservation and/or Improvement/Expansion' projects where the local government is required to fund the remaining one third of the cost.

Funding for the reconfiguration of the intersection of Uduc, Government, Forestry Road Intersection was received in 2022–2023 however due to several factors, as discussed in the report, to date this project has not progressed and the funds have been carried forward to 2023–2024.

This report recommends that Council endorses a way forward to enable this project to progress to the detailed design and implementation stage.

**Background**

Regional Road projects are categorised into either Preservation or Improvement/Expansion projects as follows:

- Preservation: Rehabilitation/reconstruction and/or reseal/re-sheeting works.
- Improvement/Expansion: Upgrading works, e.g. road widening or extending the seal of a partially sealed road, second carriageway improved 'level of service' of a road, intersection improvements etc.

The Uduc, Government, Forestry Road Intersection reconfiguration project is categorised as an Improvement/Expansion project.

Main Roads Western Australia (MRWA) is the authority responsible for administering and managing the program and they ensure that all decisions are in line with the guidelines and program objectives.

Funding submissions for projects are called on an annual basis, all submitted projects are evaluated and if they meet the funding criteria, they are recommended for approval to the Regional Road Group (RRG) which comprises elected representatives and responsible Shire Officers.

**Ordinary Council meeting held on Tuesday, 25 August 2020**

At this meeting Council endorsed making a submission for Regional Road Group Funding, to MRWA

for several projects including improvements to the Uduc, Government, Forestry Road Intersection.

*“Council further authorised the Chief Executive Officer “to liaise with Harvey Beef to further investigate the proposed land swap, closure of the existing road reserve and creation of a new road reservation to facilitate the Uduc, Government, Forestry Road Intersection reconfiguration project”.*

### **Comment**

The current configuration of the intersection is termed as a ‘staggered tee’ and to improve the safety and serviceability Shire Officers considered that Forestry Road and Uduc Road should be the priority route with Government Road comprising an intersecting road.

Current traffic volumes indicate that, in the vicinity of the intersection, Uduc Road and Forestry Road have a traffic volume of approximately 1,500 vehicles per day whereas Government Road has a traffic volume of approximately 300 vehicles per day. There have been three reported major accidents at this intersection in the last three years.

Government Road, through the two intersections, has an open road speed limit of 110kph (however the 85% speed is higher than this), while the main traffic flow route has a posted speed of 90kph on Uduc Road and 100kph on Forestry Road. MRWA have previously been formally requested to consider lowering the posted speed limit on Government Road through the intersection to 80kph, however, to date, this has not been supported.

In addition, a large number of heavy vehicles currently use this east/west route to access Harvey Beef and other industries in and around Harvey, and it has been requested that larger vehicles be permitted to use both Forestry Road and Uduc Road in the future.

In accordance with the Council decision made on Tuesday, 25 August 2020, Shire Officers met with Harvey Beef representatives and with their agreement prepared several options, which unfortunately were not subsequently supported by MRWA (as discussed below).

Note: Options 1 to 7 are contained in **Attachment 1**.

### **Options 1, 2 and 3 – Priority Road Uduc Road/Forestry Road (Harvey Beef land):**

In discussions with Harvey Beef Options 1, 2 and 3, were developed. These options included minimal service relocations, predominantly even land swap and within the available budget allocation at the time.

Neither of these three Options were supported by MRWA as they considered that the proposed radius (of all three options) of the proposed road alignment at Government Road was too severe resulting in sight distance issues on the intersecting roads (Government Road North and South).

MRWA’s views, and in particular for option 3, were not necessarily shared by Shire Officers however as MRWA are required to approve all the regulatory signage and line marking drawings Shire Officers are required to abide by MRWA’s suggestions.

These three options were no longer pursued.

### **Options 4 – Priority Road Uduc Road/Forestry Road (Harvey Beef land/private property):**

Option 4 was subsequently developed to improve the road alignment to better comply with MRWA requirements. Discussions with the property owners to the west of Government Road were initiated however, given the uneven land swap requirements between the property owner, Harvey Beef and the Shire, including existing services and proposed level adjustments, this option became too problematic



and potentially significantly more expensive.

This option was no longer pursued.

#### **Options 5 – Priority Road Uduc Road/Forestry Road (Harvey Beef):**

Option 5 was developed to better comply with MRWA road alignment requirements. However, this option was not supported by Harvey Beef due to the significant area of land required. In addition, with the numerous service relocations required including the reconfiguration of several intersections, resulting in a significant Budget increase.

This option was no longer pursued.

#### **Options 6 – Roundabout in Private Property (Harvey Beef):**

Option 6 was developed by MRWA Officers. This option was not supported by Harvey Beef due to the significant area of land required, numerous service relocations required and significant budget increase.

This option was no longer pursued.

#### **Options 7 – Reconfiguration within existing Road Reserve**

Option 7 was developed by Shire Officers and refined by MRWA Officers. The advantages of this option are as follows:

- No landowner support is required as there are no land requirements; the proposal is entirely contained within the existing road reserve
- Only minimal service relocations required
- Slight budget increase
- Proposal is supported by MRWA.

This option is the preferred option.

#### **Discussion**

With the current configuration of the intersection which is termed as a 'staggered tee' and to improve the safety and serviceability of the intersection, the initial proposal was for Forestry Road and Uduc Road to become the priority route with Government Road comprising an intersecting road. As outlined above Shire Officers developed six options for the intersection reconfiguration however each one of these options were discounted for the reasons outlined.

Option 7, i.e. Reconfiguration of the existing intersection within the existing Road Reserve, while still maintaining the 'staggered tee' configuration, will provide improved safety and manoeuvrability. This proposal is supported by Shire Officers on the proviso that MRWA support either:

- a) A reduction in the approach posted speed limit on Government Road for a short length to the north and south of the Uduc/Forestry Road intersection.

and/or

- b) The installation of traffic calming measures.

In addition, it is proposed that a narrow central median i.e. two back to back semi mountable kerbs, be installed along Government Road between Uduc Road and Forestry Road to break up the wide expanse of asphalt and provide better legibility for drivers. In addition, it is proposed that the suggested two left turn lanes be constructed in red 'gravel pave' asphalt refer to **Attachment 2**.

## Statutory/Policy Environment

Nil.

## Strategic Framework

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

- Goal 1: A diversified and thriving economy that offers a wide range of business and work opportunities as well as consumer choice.*
- Objective 1.4 Appropriate infrastructure is in place to support economic growth.*
- Goal 4: A liveable, sustainable and well-designed built environment that is accessible to all.*
- Objective 4.2 A connected and well maintained network of local roads, footpaths, cycle ways and trails.*

## 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 incorrect procedures are followed or a substandard design is developed. The risk is mitigated by developing a compliant design in accordance with Main Roads WA requirements resulting in **Low** risk being present.

## Budget Implications

The 2023–2024 Budget includes \$750,000 for the reconfiguration of the intersection as per the following table:

PROJECT	BUDGET	MRWA	SHIRE
Uduc, Government, Forestry Road Intersection	\$750,000	\$500,000	\$250,000

The initial indicative estimate prepared in 2021–2022 was based on constructing a new section of roadway through private property as per Option 1.

Construction costs have increased since then and while Option 7 includes widening and upgrading the roads within the existing road reserve it has been estimated that the project which will comprise, road widening and reconstruction, drainage improvements, kerbing, full intersection asphalt overlay in both red and black asphalt, traffic calming devices and signage and line marking would still potentially cost

between \$600,000 and \$750,000 to construct. This would be determined once a Request for Tender has been advertised and assessed.

Any potential cost savings would require a resubmission to MRWA and a potential redistribution of the Shire's contribution to an existing overexpanded project within the 2023–2024 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. Endorses progressing with the detailed design, approvals and documentation, for the reconfiguration of the Uduc, Government, Forestry Road Intersection, Option 7, as shown in **Attachments 1 and 2**.
2. Authorises the Chief Executive Officer to request Main Roads WA to consider lowering the posted speed along a section of Government Road, to at least 80kph on both the northern and southern approach of the reconfigured Uduc Road, Government Road and Forestry Road intersection.
3. Receives a further progress report when additional information is available.

<b>Item No.:</b>	<b>12.2.2.</b>
<b>Subject:</b>	<b>30% Light Vehicle Fleet Electrification by 2030</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Shire of Harvey</b>
<b>Reporting Officer:</b>	<b>Manager Waste and Safety Services</b>
<b>Authorising Officer:</b>	<b>Director Infrastructure Services</b>
<b>File No.:</b>	<b>S/21/00001</b>
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. 30% Fleet Electrification by 2030 Figures Breakdown [<b>12.2.2.1</b> - 2 pages]</li> <li>2. Local Government Resource Pack [<b>12.2.2.2</b> - 63 pages]</li> </ol>

## Summary

This report provides details of the budget and other implications of transitioning 30% of the Shire of Harvey' (the Shire) light vehicle fleet from internal combustion engine vehicles to Battery Electric Vehicles (BEV) by 2030.

This transition is in line with the Shire's existing Climate Change Declaration and Corporate Mitigation Action Plan. Shire Officers have determined that there will be an approximate overall minor saving of approximately \$3,000 per financial year, transitioning from ICEVs to BEVs.

While the above is an estimated saving based on assumptions and available data, there are still some unknowns regarding trade in values of BEVs versus known trade in values for ICEVs. These unknowns may or may not affect the estimated cost savings.

It is recommended that Council supports replacing 30% of the Shire's existing light vehicle fleet from ICEVs to BEVs, or vehicles using other sustainable zero emission technologies, by 2030–2031.

## Background

### Ordinary Council Meeting – Tuesday, 19 December 2023.

The following Notice of Motion was prepared by Cr. Carbone and adopted by Council at this meeting:

*"That Council request the Chief Executive Officer to bring a report to the next available Council meeting detailing the necessary requirements, including budget, to move the Shire's light vehicle fleet to 30% electric by 2030."*

### Existing Light Vehicle Fleet

The Shire currently has 52 light vehicles in its fleet and Officers are in the process of procuring the Shire's first BEV. The procurement of this vehicle was part of a grouped grant funding application through Western Australian Local Government Association (WALGA) for ARENA Future Fuels Fund, where the Shire will be receiving \$44,606 for the installation of a 30kW DC charger at the Harvey Works Depot.

Note: ARENA is the Australian Renewable Energy Agency established by the Australian Government on 1 July 2012, to support the global transition to net zero emissions by accelerating the pace of pre-commercial innovation, to the benefit of Australian consumers, businesses and workers. It also provides financial assistance and sharing knowledge to accelerate innovation that benefits all Australians.

## **Comment**

### **Electric Vehicles**

An electric vehicle is a vehicle that is partially or completely powered by electricity, with power stored in a rechargeable battery. Electric vehicles can be cars, scooters, bikes, buses, garbage trucks, vans, and specialised equipment.

BEVs run entirely on an electric drivetrain and are 100% powered by electricity stored in the vehicle's battery pack. They are recharged using power points or electric vehicle charging infrastructure.

Plug-in hybrid electric vehicles (PHEVs) have two powertrains an electric motor and an internal combustion engine. PHEVs can be driven in different modes using their different drivetrains. When a PHEV is driven using the electric mode, it is powered by electricity stored in the battery pack and does not generate emissions. When using the internal combustion engine, the vehicle is powered by petrol or diesel. Generally, the electric motor is used for short-range distances, and the internal combustion engine for longer distances.

Hybrid Electric Vehicles (HEVs), though these are fuel efficient, HEVs run entirely on petrol and for the purpose of this document are generally not considered to be electric vehicles even though there are benefits in running a HEV where charging infrastructure is limited.

### **Transitioning to BEVs**

To achieve the 30% transition from ICEVs to BEV, based on the current number of light vehicles in the Shire's fleet, 14 existing ICEVs vehicles will need to be replaced with BEVs over seven financial years leading up to 2030–2031.

The transition investigation included the following expenses for a vehicle over 80,000km, which is the current replacement interval as detailed in the Shire's Light Vehicle Fleet Management Policy:

- Vehicle procurement price
- Fuel /electricity costs
- Servicing costs
- Offsetting cost for vehicle emissions at the current rate of \$30.8/tco2-e
- Charging Hardware Cost per Vehicle to support 15 electric vehicles in the fleet.

The figures have assumed that two ICEVs would possibly be replaced by an appropriate (fit for purpose) BEV per annum over the seven financial years.

The following details/assumptions were used to determine the budget figures:

- The price of unleaded petrol is set at \$1.75 per litre for all subsequent financial years
- The BEVs charged at assets that are either covered under the Sustainable Energy Program with WALGA and Synergy or have been installed with a suitable solar photovoltaic system
- The rate of offsetting one tonne of carbon dioxide equivalent will remain at \$30.80 (incl GST) for all subsequent financial years

- The Shire would receive grant funding for 50% of the procurement and installation costs for the required charging infrastructure over the seven financial years
- The costs for suitable charging infrastructure to support 15 BEVs has calculated for two DC chargers and 14 AC chargers
- The average cost of a BEV has been calculated by averaging the figures from four separate models that are suitable under the Shire's Light Vehicle Fleet Use Procedure
- The average cost of an internal combustion engine vehicle has been calculated by averaging the figures from two models that are suitable under the Shire's Light vehicle Fleet Use Procedure
- The price of electricity will remain at 0.25 cents per kWh
- The carbon accounting has been completed using the Australian National Greenhouse Account Factors – August 2023
- The figures do not include a Common Use Arrangement (CUA) (Fleet) discount for electric vehicles over the seven financial years
- The figures do not include increase/decreases in the cost of electric vehicles over the seven financial years.

Based on the above details and assumptions, the figures in **Attachment 1** indicate that there will be a saving of approximately \$3,000 per financial year if two internal combustion engine vehicles transition to battery electric vehicles, and a total estimated saving of approximately \$20,704 over the seven financial years.

The most advantageous financial outcome would be to procure a BEV charged by the renewable energy. This also has the best environmental outcome.

With one electric vehicle planned to be introduced into the light fleet in 2023–2024, transitioning the Shire's 14 ICEVs to BEVs will abate a combined 155 tonnes of carbon dioxide equivalent over the use of the vehicles. This transition will not only aid the Shire to achieve the target of Net Zero by 2050 but will also be fiscally advantageous.

## Conclusion

In 2019, the Electric Vehicle Council partnered with ClimateWorks and the Municipal Association of Victoria on the "*Electric Vehicle Ready Local Government Fleets report*" and prepared a "*Local Government Resource Pack*" (refer **Attachment 2**) to provide local governments with an understanding of the policies and projects which support a transition to BEVs. While some of the information in **Attachment 2** is dated, it still provides good reference information.

Electric Vehicle Council of Victoria considers that local governments can play a leading role in the transition to BEVs as when residents see local governments installing chargers in public places, driving BEVs, conducting information sessions, and updating building codes, it familiarises and normalises electric vehicles and their associated technologies.

They further contend that BEVs would save money on fleet operations and the provision of public charging infrastructure may provide an additional source of revenue, and future proofing buildings will alleviate the burden of retrofitting in future decades not to mention the reduction in carbon emissions.

The aim of changing at least 30% of the Shire's existing ICEVs with BEVs will display strong social, economic and environmental leadership and will demonstrate commitment to the Shire's Climate Change Declaration and Corporate Mitigation Action Plan.

While it is considered that the availability of 'fit for purpose' BEVs for the Shire's varied operations will be predominantly market driven there are currently over 85 BEVs currently available ranging in price and specifications and these numbers are only expected to increase as more vehicle companies revert to manufacturing BEVs over time.

## **Statutory/Policy Environment**

*Local Government Act 1995:*

- Section 3.1, 1A reflects the Local Governments responsibility to mitigate the impacts of climate change.

The Shire of Harvey's Climate Change Declaration and Corporate Mitigation Action Plan.

## **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 3.3 Sustainable resource use and waste management.*

## **Community Engagement**

### **Community Participation Goal**

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

### **Promise to the Community**

*Inform:* We will keep you informed.

## **Risk Management**

The Risk Theme Profile Identified as part of this report is **Inadequate Environment Management**. The Consequence could be to **Environment** and **Reputation** if the Shire does not continue implementing programs with positive environmental outcomes. The risk is considered **Major** and the likelihood **Likely**, resulting in a **High** risk being present.

## **Budget Implications**

While it has been estimated that approximately \$20,000 could be saved over the seven year transition period based on the details and assumptions made in this report, currently, one of the main unknown factors is depreciation of EVs over time.

A review of the current Australian BEV resale market, as of January 2024, indicates an average depreciation of vehicles in the Shire's procurement range of 80,000km–100,000km or after three years, of between 25–35%. For comparison, after three years, the depreciation rate for a Toyota Rav 4, is estimated to be between 22–33%, and in some instances as low as 15%.

While the benefits for running BEV's are zero emissions and low running costs there will always be an element of uncertainty when calculating future depreciation due to the number of factors involved.

This would need to be assessed holistically over time so transitioning only a portion of the Shire's vehicles at this stage will provide valuable information on the advantages versus any potential disadvantages of the proposed initiative.

### **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 progressive transition of at least 30% of the Shire of Harvey's Light Vehicle Fleet from current Internal Combustion Engine Vehicles to new Battery Electric Vehicles by 2030–2031, or with vehicles using other zero emission technologies as they are developed, subject to the availability of 'fit for purpose' and cost-effective vehicles.
2. Considers allocating appropriate funding to progressively roll out appropriate vehicle charging infrastructure for Battery Electric Vehicles at strategic locations in the Shire for community and Shire use.
3. Notes that the Chief Executive Officer will progressively review the Shire of Harvey's existing 'Light Vehicle Fleet Management Policy' to include/update procedures to better guide the introduction of Battery Electric Vehicles and/or vehicles using other zero emission technologies into the Shire of Harvey's Light Vehicle Fleet.
4. Promotes the benefits of the Shire of Harvey's proposed transition to zero emission vehicles to the community.
5. Receives progress reports on the transitioning to zero emission vehicles as technological advances are made.



## 12.3. Sustainable Development

<b>Item No.:</b>	<b>12.3.1.</b>
<b>Subject:</b>	<b>Overheight Outbuilding Prior to Dwelling</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Lot 48 (No.5) Shenton Close, Leschenault</b>
<b>Reporting Officer:</b>	<b>Planning Officer</b>
<b>Authorising Officer:</b>	<b>Director Sustainable Development</b>
<b>File No.:</b>	<b>A6551, P412/23, C291/00343</b>
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Location Plan [12.3.1.1 - 1 page]</li> <li>2. 2023 Aerial [12.3.1.2 - 1 page]</li> <li>3. Development Approval [12.3.1.3 - 24 pages]</li> <li>4. Site Plan [12.3.1.4 - 1 page]</li> <li>5. Floor Plan and Elevations [12.3.1.5 - 1 page]</li> </ol>

### Summary

An Application for Development Approval has been received for an Over Height Outbuilding (Prior to a Dwelling) on Lot 48 (No. 5) Shenton Close, Leschenault (refer **Attachment 1**). The application is referred to Council as Officers do not have delegation to make a determination on an outbuilding that has a height in excess of the provisions of Local Planning Policy 4.1.18 – Outbuildings. It is recommended that the application be approved subject to appropriate conditions.

### Background

#### Site Description

Lot 48 (No. 5) Shenton Close is zoned “Special Residential – Area 4” under the Shire’s District Planning Scheme No. 1 (the Scheme). The site is of irregular shape with an area of 4186m<sup>2</sup> and is mostly cleared of vegetation (refer **Attachment 2**).

#### Site History

The site is vacant of buildings however, a development approval was granted for a dwelling on Thursday, 6 October 2022 (refer **Attachment 3**). The building permit for the single dwelling, gazebo and pergola was issued on Wednesday, 22 November 2023. It is acceptable that an outbuilding be approved prior to a dwelling if a building permit has been issued for the dwelling.

### Proposal

The application proposes a 138m<sup>2</sup> colorbond outbuilding with a wall height of 3.8m and a gable roof ridge height of 5m (refer **Attachments 4 and 5**). It is proposed to be located 6m south of the proposed dwelling, 10m from the southwestern boundary and 17m from the eastern boundary adjacent to Shenton Close. The Applicant has advised that the additional height is to be able to fit the caravan in the middle bay of the shed.

### Advertising

Advertising is not required as written agreement to the proposal has been received from the adjoining land owners.

### Comment

The following comments relate to Part 2 of Council’s Outbuilding Policy 4.1.18 in regard to Outbuildings in the “Special Residential” Zone.

The proposed outbuilding complies with Part 2, Clause 1 a) where the aggregate of outbuildings does not have an aggregate floor area of more than 10% of the site. There are no other outbuildings, and the proposed outbuilding has an area of 138m<sup>2</sup> and with a site area of 41,86m<sup>2</sup>, this represents 3.3% of the total site.

With regard to the wall and ridge height as per clauses 1 b) and c), the outbuilding is not consistent with the Policy provisions. The maximum ridge height prescribed by the Policy is 4.5m, 5m is proposed and the maximum wall height prescribed is 3m and 3.8m is proposed.

Clause 2 of Part 2 allows for the over height outbuilding to be permitted in relation to the requirements of 2 a), b) and c) that reads as follows:

- “a) The increase in height is warranted on the basis of a reasonable need being demonstrated that is related to the domestic use of the property.*
- b) The increase in height will not create an adverse impact on the amenity of adjoining properties as per clause 5.1.6 or cause undue overshadowing as per clause 5.4.2 of the R-Codes.*
- c) The local government has consulted with the adjoining landowners and no reasonable objections have been received (in the opinion of the local government).”*

The Applicant states that the reasonable need as required by 2 a) is:

*“the owner would like to put his caravan in the middle bay of the shed to provide protection from the elements, using one bay for a workshop (not business related) and the other bay for domestic related storage.”*

Officers consider that given the distance the shed is from dwellings and vegetation on adjoining sites, there is no apparent loss of amenity to the nearest properties and thus compliant with clause 2 b).

In relation to 2 c) the two adjoining/affected neighbours have been consulted by the landowner and written statements of agreement to the plans have been received.

## **Conclusion**

- The Applicant has demonstrated a specific need associated with the domestic use of the property to justify the increase in wall and ridge height.
- Officers consider that the increase in the wall and ridge heights will not impact the amenity of the adjacent properties.
- Written statements of agreement to the plans have been provided by the two adjoining landowners that may be affected by the over height outbuilding proposal.

## **Statutory/Policy Environment**

*Planning and Development Act 2005*

Planning and Development (Local Planning Schemes) Regulations 2015

- Schedule 2 – Deemed Provisions,

Shire of Harvey District Planning Scheme No.1

- Clause 5.2 – Special Residential Development Requirements

- Table 1 – Zoning and Development Standards – Special Residential
- Schedule 3 – Additional Requirements – Special Residential Zone – Area 4

#### Shire of Harvey Local Planning Policies

- Local Planning Policy 4.1.18 – Outbuildings

### Strategic Framework

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

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

### Community Engagement

#### Community Participation Goal

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

#### Promise to the Community

*Inform:* We will keep you informed.

### Risk Management

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

### Budget Implications

Nil.

### Authority/Discretion

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

### Voting Requirements

Simple Majority

**Officer's Recommendation**

That Council:

1. Approves the Application for Development Approval for an Over Height Outbuilding (Prior to a Dwelling) on Lot 48 (No. 5) Shenton Close, subject to the following conditions:
  - a) The development and/or use shall be in accordance with the attached approved plans, subject to modifications required as a consequence of any condition(s) of this approval. The approved plans shall not be modified or altered without first obtaining approval from the Shire of Harvey.
  - b) This approval is valid for a period of two years. If the development is not substantially commenced within this period, a new approval must be obtained before commencing or continuing development.
  - c) The approved outbuilding shall not be used for habitable and/or commercial purposes, unless otherwise approved by the Shire of Harvey.
  - d) The proposed outbuilding is to maintain a minimum 1.2m setback to any septic tank and a 1.8m setback to any leach drain or soak well.
2. Advises the Applicant of the following additional requirements that are not included as conditions of the approval:
  - a) In accordance with the *Building Act 2011*, a Building Permit is required to be obtained prior to the commencement of any works on the site.

<b>Item No.:</b>	<b>12.3.2.</b>
<b>Subject:</b>	<b>Use Not Listed – Animal Establishment</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Lot 47 (18) Piggott Drive, Australind</b>
<b>Reporting Officer:</b>	<b>Planning Officer</b>
<b>Authorising Officer:</b>	<b>Director Sustainable Development</b>
<b>File No.:</b>	<b>A8421 P389/23 C291/00321</b>
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Location Plan [<b>12.3.2.1</b> - 1 page]</li> <li>2. 18 Piggott Drive Aerial 11 December 2023 [<b>12.3.2.2</b> - 1 page]</li> <li>3. Approved Commercial Shed 4 September 2002 [<b>12.3.2.3</b> - 1 page]</li> <li>4. Cover Letter [<b>12.3.2.4</b> - 2 pages]</li> <li>5. Floor Plan and Front Elevation [<b>12.3.2.5</b> - 1 page]</li> <li>6. Table of Submissions with applicant and officer comment Doggy Day Care [<b>12.3.2.6</b> - 6 pages]</li> </ol>

## Summary

An application for Development Approval has been received for a 'Use Not Listed' Animal Establishment (Doggy Daycare) on Lot 47 (No. 18) Piggott Road, Australind (refer **Attachment 1**). The application is referred to Council as Officers do not have delegation to determine that a 'Use Not Listed' may be consistent with the purpose and objectives of the Light Industry zone.

It is recommended that Council determines the proposed 'Use Not Listed' is not consistent with the objectives of the zone and is therefore not permitted.

## Background

### Site Description

Lot 47 (No. 18) Piggott Drive is zoned "Light Industry" under the Shire's District Planning Scheme No. 1 (the Scheme) and "General Industry" under Draft Local Planning Scheme No.2. The Lot has an area of 2,100m<sup>2</sup> and is located within Australind Light Industrial estate. The site is occupied by an existing industrial building consisting of three units. At the time of this report, all three units are vacant (refer **Attachment 2**).

### Site History

The building on the site was approved as a "Commercial Shed" on 4 September 2002 (refer **Attachment 3**). It is a steel-walled and roofed building that includes three units all with individual roller door access and separate toilet facilities. The parking area has 15 marked car bays and there are landscaping areas at the front, southern side and rear of the lot. The landscaping areas are, devoid of grass but have a row of mature palms along the southern side of the lot. The septic system and dual leach drains are located at the front of Unit A, at the western end of the building.

An Automotive Repair Workshop was approved to occupy Unit A of the building on the 30 June 2013. The workshop operated as such up until March of 2023 and Unit A has been vacant since this time. The proposal for the Doggy Daycare was lodged with the Shire on Tuesday, 7 November 2023.

## Proposal

The application proposes a doggy daycare business that has been described by the applicant as providing the following:

- Environment where dogs can play, socialise and exercise

- Provision of pet treats, toys, collars and leashes and accessories for retail sale
- Education and support for pet owners
- Dog washing
- Sustainable waste management
- On site parking (15 existing marked bays)
- Water collected during dog management to be filtered and reutilised for the upkeep of garden bed/landscaping areas
- Advanced bark collars for the dogs in care at the premises.

Refer **Attachment 4** for the Applicant's cover letter regarding ethos and management of the proposal.

Refer **Attachment 5** for the site plan provided by the Applicant.

## **Comment**

### **Land Use**

The proposed use of "doggy day care" has no relevant definition in the current Scheme.

The proposed use of "doggy day care" can be defined in the Draft Local Planning Scheme No.2 as: *"Animal Establishment"*

The proposed use is not listed within the Zoning and Development Tables and is therefore considered a 'Use Not Listed.' Clause 4.2.4(b) makes provision for a 'Use Not Listed' to be considered and provides that Council can *"determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone."* The Policy Statement contained within Table 16 (Light and Service Industry zone) is stated below in the Statutory/Policy Environment/Shire of Harvey District Planning Scheme No.1 section.

### **Advertising**

If Council determines that the proposed "Doggy Day Care" use may be consistent with the objectives and purposes of the zone, pursuant to Clause 64 of the Planning and Development (Local Planning Schemes) Regulation 2015 (the Deemed Provisions), the application is required to be advertised for a period of at least 14 days for public comment, however given the time of year and to expedite this assessment, advertising has been undertaken prior to the festive season.

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

Letters were sent to all landowners within 200 metres of the subject site, inviting comment on the proposal. The advertising period was for 21 days from Thursday, 23 November 2023 to Wednesday, 13 December 2023.

There were three submissions in support of the proposal, two no objections with advice and three objections against the proposal. Reasons for the objections are summarised as follows:

1. Two similar businesses have operated within the Light Industrial Area previously and both left after a brief time.

Officer Comment:

Viability of similar businesses is not a planning consideration and one of the abovementioned establishments moved to a larger premises.

2. Noise from barking dogs

Officer Comment:

The applicant has stated that to mitigate noise disruptions they will utilise advanced bark collars.

3. Wastewater concerns and odours

Officer Comment:

The dog wash services are said to be designed to minimise any wastewater issues, ensuring a clean and environmentally responsible operation. The applicant has provided additional detail within **Attachment 4**.

4. Should be on a large rural lot

Officer Comment

This is a reasonable suggestion; however, the purpose of this report is to determine if this land use *"may be consistent with the objectives and purposes of the Light Industry zone."*

5. Retail outlets are nearby

Officer Comment

Adjoining businesses incorporate both a retail/office component. Disruption to the nearby retail/office area is a concern given that the nearest one is 20m to the south at No.16 Piggott Drive.

6. Dogs will excite other existing pet dogs on the adjoining property

Officer Comment

This has been noted.

7. This is too long to have advanced bark collars on dogs

Officer Comment

It has noted that advanced bark collars are often used to reduce the frequency of barking for some dogs and controlled use is understood to be proposed.

8. A Dog Day Care is not appropriate to light industry land uses

Officer Comment

It is evident that other establishments in the estate emit industrial noise, and this is expected within an industrial area. Based on the submissions received noise from barking dogs is not considered to be a compatible use within an industrial area.

More details regarding individual submissions can be found in the Schedule of Submissions (refer **Attachment 6**).

## Discussion

Officers consider that concerns raised by the submissions are valid:

- a) Given the experience of residents/workers with the previous two dog-related establishments in regard to emissions of noise and odour it is considered the proposed use is incompatible within a Light Industrial Area.
- b) The land use is more akin to the land use of “dog kennels” which best suits a large rural property.

## Conclusion

Officers recommend that Council determine that the proposed ‘Use Not Listed’ Animal Establishment (Doggy Daycare) applications is not consistent with the objectives and purpose of the zone and is therefore not permitted.

## Statutory/Policy Environment

*Planning and Development Act 2005*

Planning and Development (Local Planning Schemes) Regulations 2015

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

(1) “The local government – “

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

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

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

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

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

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

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

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

(2) *Subclause (1)(b)(iii) does not apply if the local government is satisfied that the non-compliance with the requirements of this Scheme is of a minor nature.”*



## Shire of Harvey District Planning Scheme No.1

- Clause 4.2.5 – Zoning and Development Tables

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

*(a) Determine that the use is not consistent with the objectives and purpose of the particular zone and is thereafter not permitted.”*

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

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

## Shire of Harvey Delegations Register

- Delegation No. 9.1.2 Development Applications

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

**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>

**Community Engagement****Community Participation Goal**

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

**Promise to the Community**

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

**Risk Management**

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The Consequences could be **Environmental, Financial, Reputational or Compliance** if an incorrect assessment of the land use occurs or insufficient community engagement occurs. The risk is considered **Minor** and the likelihood **Unlikely**, given that the report has been thoroughly researched,

peer reviewed and provided by a qualified Shire Officer with a recommendation for the proposal to be advertised. This results in a **Low** risk being present.

### **Budget Implications**

Nil.

### **Authority/Discretion**

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

### **Voting Requirements**

Simple Majority

### **Officer's Recommendation**

That Council, pursuant to Clause 4.2.5(a) of the Shire of Harvey's District Planning Scheme No. 1, determines that the proposed 'Use Not Listed' Animal Establishment (Doggy Daycare) detailed in the Application for a Development Approval for Lot 47 (No. 18) Piggott Drive, Australind is not consistent with the objectives and purposes of the Light Industry zone for the following reasons and is therefore not permitted:

- a) The previous two dog related establishments in the Light Industrial Estate caused concern and loss of amenity amongst the nearby establishments due to noise and odour complaints and hence it is considered this use is incompatible within a Light Industrial Area.
- b) The proposal is more akin to the land use of "dog kennels" which has been identified in relation to other proposals, as best located on a large rural property with reasonable distancing from other premises.

<b>Item No.:</b>	<b>12.3.3.</b>
<b>Subject:</b>	<b>Application for Over Height Outbuilding – Lot 70 Hackett Road, Harvey – WITHDRAWN</b>
<b>Proponent:</b>	<b>S Ellis</b>
<b>Location:</b>	<b>Lot 70 Hackett Road, Harvey</b>
<b>Reporting Officer:</b>	<b>Planning Officer</b>
<b>Authorising Officer:</b>	<b>Director Sustainable Development</b>
<b>File No.:</b>	<b>A16496</b>
<b>Attachments:</b>	<b>Nil</b>

**This Item has been withdrawn and will not be considered as part of the Ordinary Council Meeting Agenda which is to be held Tuesday, 30 January 2024. This Item was withdrawn as amended plans were submitted which comply with the relevant Local Planning Policy and therefore no longer requires the Item to be determined by Council.**

<b>Item No.:</b>	<b>12.3.4.</b>
<b>Subject:</b>	<b>Application for R-Codes Variation – Lot 129 (No. 3) Antico Lane, Binningup</b>
<b>Proponent:</b>	<b>S &amp; B Grantham</b>
<b>Location:</b>	<b>Lot 129 (No. 3) Antico Lane, Binningup</b>
<b>Reporting Officer:</b>	<b>Planning Officer</b>
<b>Authorising Officer:</b>	<b>Director Sustainable Development</b>
<b>File No.:</b>	<b>A12296</b>
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Proposal Plans [12.3.4.1 - 2 pages]</li> <li>2. Site Plan Aerial Image [12.3.4.2 - 1 page]</li> <li>3. Overshadowing Calculation and Plan [12.3.4.3 - 2 pages]</li> </ol>

## Summary

An Application for Development Approval has been received for an R-Codes Variation (Lot Boundary Setback) on Lot 129 (No. 3) Antico Lane, Binningup (refer **Attachment 1**). The application is referred to Council as Officers do not have delegation to make a determination on an application that has received an objection during the advertising period. It is recommended that the application be approved subject to appropriate conditions.

## Background

### Site Description

Lot 129 (No. 3) Antico Lane, Binningup, is zoned “Residential” under the Shire of Harvey’s (the Shire’s) District Planning Scheme No. 1 (the Scheme). The site is of regular shape with an area of 600m<sup>2</sup> (refer **Attachment 2**).

### Site History

The existing dwelling was constructed in 2016.

### Proposal

The application proposes the construction of a new patio, with an area of 80.92m<sup>2</sup>. The proposed patio will have a gabled roof design with a 2.965m gutter height and 3.7m ridge height, with a 500mm setback from the side boundary.

### Advertising

Pursuant to Clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Deemed Provisions), the application was required to be advertised to adjoining landowners for a period of 14 days. Prior to the lodgement of the application, the Applicant referred the proposal to the neighbouring landowner for comment, one submission was received objecting to the proposal.

Submission	Officer Comments
<p>Objection:</p> <ol style="list-style-type: none"> <li>1. Proposal is way too high</li> <li>2. Will block out sunlight to: <ol style="list-style-type: none"> <li>a) Back rooms of the house</li> <li>b) Washing line</li> </ol> </li> </ol>	<p>Noted:</p> <ol style="list-style-type: none"> <li>1. The proposed patio will follow a similar roof line to the existing dwelling on the subject site and any imposition on the neighbouring dwelling is unavoidable regardless of the height given the difference in ground levels between the two properties.</li> </ol>

c) Vegetable patch  d) Solar panels	2. Officers have determined through solar access calculations and mapping that the proposed patio will not impact solar access to the solar panels and habitable rooms at the rear of the neighbouring dwelling.  Refer <b>Attachment 3</b> .
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### Comment

The proposed lot boundary setback is inconsistent with Clause 5.1.3, C3.1(ii) of the State Planning Policy (SPP) 7.3 – Residential Design Codes, that stipulates a 'Deemed-to-comply' minimum lot boundary setback of 1m for patios which exceed 10m in length and 2.7m in height.

The 'Design principles' at Clause 5.1.3, P3.1 provide for a reduction in the lot boundary setback where it can be demonstrated the structure does not impede solar access and ventilation to the building and open spaces on the site and adjoining properties.

Officers have determined that the proposed outbuilding complies with the 'Design Principles' at Clause 5.1.3, P3.1, as the impact to solar access caused by the proposed setback compared to the required 1m setback are negligible. Additionally, through mapping prepared by Officers of the patio with the proposed setback, it was calculated that when the peak of the sun would be at its lowest on midday, 21 June 2023, the patio would not impact solar access to the habitable rooms and solar panels on the neighbouring dwelling (refer **Attachment 3**).

### Conclusion

It is considered by Officers that the proposed patio is capable of being approved, despite receiving objections, as it is considered that the reduced setback will not impact solar access to neighbouring properties.

### Statutory/Policy Environment

*Planning and Development Act 2005*

Planning and Development (Local Planning Schemes) Regulations 2015

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

Shire of Harvey District Planning Scheme No.1

- 5.1 Residential Development Requirements

State Planning Policies

- State Planning Policy 7.3 – Residential Design Codes

### Strategic Framework

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

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

## **Community Engagement**

### **Community Participation Goal**

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

### **Promise to the Community**

*Inform:* We will keep you informed.

## **Risk Management**

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

## **Budget Implications**

Nil.

## **Authority/Discretion**

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

## **Voting Requirements**

Simple Majority

## **Officer's Recommendation**

That Council:

1. Approves the Application for Development Approval for an R Codes Variation on Lot 129 (No. 3) Antico Lane, Binningup, subject to the following conditions:
  - a) The development and/or use shall be in accordance with the attached approved plans, subject to modifications required as a consequence of any condition(s) of this approval. The approved plans shall not be modified or altered without first obtaining approval from the Shire of Harvey.
  - b) This approval is valid for a period of two years. If the development is not substantially commenced within this period, a new approval must be obtained before commencing or continuing development.
  - c) All stormwater shall be contained on-site at a volume of 1m<sup>3</sup> per 100m<sup>2</sup> of impervious area (this includes both roofed, paved and driveway areas) to the satisfaction of the Director of Infrastructure Services.

2. Advises the Applicant of a Building Permit is required to be obtained prior to the commencement of any works on the site in accordance with the *Building Act 2011*.

<b>Item No.:</b>	<b>12.3.5.</b>
<b>Subject:</b>	<b>Application for R-Codes Variation – Lot 203 (No. 24) Barnes Avenue, Australind</b>
<b>Proponent:</b>	<b>R &amp; L Wynne</b>
<b>Location:</b>	<b>Lot 203 (24) Barnes Avenue, Australind</b>
<b>Reporting Officer:</b>	<b>Planning Officer</b>
<b>Authorising Officer:</b>	<b>Director Sustainable Development</b>
<b>File No.:</b>	<b>A5964</b>
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Proposal Plans [12.3.5.1 - 2 pages]</li> <li>2. Site Plan Aerial Image [12.3.5.2 - 1 page]</li> </ol>

## Summary

An Application for Development Approval has been received for an R Codes Variation (Lot Boundary Setback) on Lot 203 (No. 24) Barnes Avenue, Australind, (refer **Attachment 1**). The application is referred to Council as Officers do not have delegation to make a determination on an application that has received an objection during the advertising period. It is recommended that the application be approved subject to appropriate conditions.

## Background

### Site Description

Lot 203 (No. 24) Barnes Avenue, Australind is zoned “Residential” under the Shire of Harvey’s (Shire) District Planning Scheme No. 1 (the Scheme). The site is of regular shape with an area of 1,004m<sup>2</sup> and has a minimal existing vegetation (refer **Attachment 2**).

### Site History

- Existing dwelling was constructed in 1990.
- Existing verandah was constructed in 2001.

## Proposal

The application proposes the construction of a new carport with an area of 40.8m<sup>2</sup>. The proposed carport will have a flat roof design with a 2.7m fascia height and the roofline will have a 500mm setback from the boundary and the posts will be located on the boundary.

## Advertising

Pursuant to Clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Deemed Provisions), the application was required to be advertised to adjoining landowners for a period of 14 days. Prior to the lodgement of the application, the Applicant referred the proposal to the neighbouring landowner for comment, one submission was received objecting to the proposal.

Submission	Officer Comments
<p>Objection:</p> <ol style="list-style-type: none"> <li>1. The proposal does not meet Council criteria as it does not comply with the 900mm setback requirement.</li> <li>2. The height of the proposal would block views of the estuary from the side and rear of 26 Barnes</li> </ol>	<p>Noted.</p> <ol style="list-style-type: none"> <li>1. In accordance with the Residential Design Codes, an application to vary the lot boundary setbacks may be permitted provided the proposal can demonstrate compliance with the ‘Design Principles’ of the relevant clause.</li> </ol>



<p>Avenue.</p> <ol style="list-style-type: none"> <li>3. The proposal will be an eyesore.</li> <li>4. Proposal may impact the value of neighbouring properties.</li> <li>5. The proposal may damage the common fence, reticulation and carpark.</li> </ol>	<ol style="list-style-type: none"> <li>2. Officers have determined that the proposed carport will not impact views of the estuary as the neighbouring dwelling is oriented towards the estuary to the west and the carport will be located south of the neighbouring dwelling.</li> <li>3. The proposed carport will not detract from the visual amenity of neighbouring properties as the carport will still be setback approximately 15m from the neighbouring dwelling, therefore, the difference between the proposed setback and the standard 1m setback is negligible.</li> <li>4. Potential impacts on property values is not a valid planning consideration in the assessment of an application.</li> <li>5. Potential damage to existing infrastructure is not a valid planning consideration in the assessment of an application. It is the responsibility of the proponent to ensure that damage to existing infrastructure is avoided.</li> </ol>
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### Comment

The proposed lot boundary setback which is inconsistent with Clause 5.1.3, C3.1(i) of the State Planning Policy (SPP) 7.3 – Residential Design Codes, which stipulates a ‘Deemed-to-comply’ minimum lot boundary setback of 1m for carports.

The ‘Design Principles’ in Clause 5.1.3, P3.1 provide for a reduction in the lot boundary setback where it can be demonstrated that the structure:

- Reduces the impacts of building bulk on adjoining properties.
- Does not impede access to direct sun and ventilation to the building and open spaces on the site and adjoining properties.
- Minimises the extent of overlooking on adjoining properties.

Officers have determined that the proposed carport complies with the ‘Design Principles’ in Clause 5.1.3, P3.1, as the visual impacts caused by the proposed setback are negligible given the setback between the carport and the neighbouring dwelling.

Additionally, as the structure is proposed to be located behind the front setback line, it is highly unlikely that the carport will restrict views of the estuary from the neighbouring property.

### Conclusion

It is considered by Officers that the proposed carport is capable of being approved, despite receiving an objection, as it is considered that the reduced setback will not detract from the visual amenity of neighbouring properties.

## Statutory/Policy Environment

*Planning and Development Act 2005*

Planning and Development (Local Planning Schemes) Regulations 2015

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

Shire of Harvey District Planning Scheme No.1

- 5.1 Residential Development Requirements

State Planning Policies

- State Planning Policy 7.3 – Residential Design Codes

## Strategic Framework

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

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

## Community Engagement

### Community Participation Goal

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

### Promise to the Community

*Inform:* We will keep you informed.

## Risk Management

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

## Budget Implications

Nil.

## Authority/Discretion

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

## **Voting Requirements**

Simple Majority

## **Officer's Recommendation**

That Council:

1. Approves the Application for Development Approval for an R Codes Variation on Lot 203 (No. 24) Barnes Avenue, Australind, subject to the following conditions:
  - a) The development and/or use shall be in accordance with the attached approved plans, subject to modifications required as a consequence of any condition(s) of this approval. The approved plans shall not be modified or altered without first obtaining approval from the Shire of Harvey.
  - b) This approval is valid for a period of two years. If the development is not substantially commenced within this period, a new approval must be obtained before commencing or continuing development.
  - c) All stormwater shall be contained on-site at a volume of 1m<sup>3</sup> per 100m<sup>2</sup> of impervious area (this includes both roofed, paved and driveway areas) to the satisfaction of the Director of Infrastructure Services.
2. Advises the Applicant a Building Permit is required to be obtained prior to the commencement of any works on the site in accordance with the *Building Act 2011*.

<b>Item No.:</b>	<b>12.3.6.</b>
<b>Subject:</b>	<b>Application for Over Height Outbuilding – Lot 13 (No. 6) Palmer Street, Harvey</b>
<b>Proponent:</b>	<b>M Gilpin</b>
<b>Location:</b>	<b>Lot 13 (No. 6) Palmer Street, Harvey</b>
<b>Reporting Officer:</b>	<b>Planning Officer</b>
<b>Authorising Officer:</b>	<b>Director Sustainable Development</b>
<b>File No.:</b>	<b>A1295</b>
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Proposal Plans [12.3.6.1 - 3 pages]</li> <li>2. Site Plan Aerial Image [12.3.6.2 - 1 page]</li> </ol>

## Summary

An Application for Development Approval for an Over Height Outbuilding on Lot 13 (No. 6) Palmer Street, Harvey, has been received (refer **Attachment 1**). The application is referred to Council as Officers do not have delegation to make a determination on an outbuilding, with a height in excess of the provisions of Local Planning Policy 4.1.18 – Outbuildings, where objections have been received from adjoining properties.

It is recommended that the application be approved subject to appropriate conditions.

## Background

### Site Description

Lot 13 (No. 6) Palmer Street, Harvey, is zoned “Residential” under the Shire of Harvey’s (the Shire’s) District Planning Scheme No. 1 (the Scheme). The site is of regular shape with an area of 1,011.8m<sup>2</sup> (refer **Attachment 2**).

### Site History

The existing dwelling was constructed in 2021.

### Proposal

The application proposes the construction of a new outbuilding with an area of 42m<sup>2</sup>. The proposed outbuilding will have a gabled roof design with a 3.1m wall height and 3.629m ridge height. The outbuilding is proposed to be setback a minimum of 1m from the side and rear lot boundaries.

The Applicant has indicated that the increase in wall height is to accommodate the storage of household goods and a caravan.

### Advertising

Pursuant to Clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Deemed Provisions), the application was advertised to adjoining landowners for a period of 14 days concluding on Wednesday, 10 January 2024, one submission was received objecting to the proposal.

Submission	Officer Comments
<p>Objection:</p> <ol style="list-style-type: none"> <li>1. The outbuilding will obscure views from neighbouring properties.</li> </ol>	<p>Noted.</p> <ol style="list-style-type: none"> <li>1. Officers consider that the increased wall height will have a negligible impact on views of significance from neighbouring properties.</li> </ol>

2. There is no reason for the extra height.	2. The Applicant has indicated that the increase in wall height is to accommodate the storage of household items and a caravan.
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### Comment

The proposed lot boundary setback which is inconsistent with Part 1 – Residential Zone Clause 1 of the Shire’s Local Planning Policy 4.1.18 – Outbuildings, which stipulates a maximum wall height of 3m and a maximum ridge height of 4.5m, unless otherwise approved by the Shire.

Part 1 – Clause 2 of the Policy provides for an increase in the wall and ridge heights to a maximum of 3.6m and 5.1m respectively where the Applicant can demonstrate, to the satisfaction of the local government, that:

- “a) The increase in height is warranted on the basis of a reasonable need being demonstrated that is related to the domestic (i.e. related to hobbies, personal storage or household duties) use of the property.*
- b) The increase in height will not cause adverse impacts on the amenity of adjoining properties as per Clause 5.1.6 or cause undue overshadowing as per Clause 5.4.2 of the R Codes.*
- c) Where the local government has determined that adjoining land may be impacting, the proposal has been advertised to those owners. Upon receipt of any comments the local government shall consider and balance those comments with its technical opinion in the exercise of judgement.”*

Officers have determined that the increase in wall height will not adversely impact the amenity of adjoining properties. Additionally, the outbuilding will not cause undue overshadowing and will not restrict access to view of significance.

Officers have determined that the increase in the wall height can be considered warranted as the Applicant has indicated that the outbuilding will be used for the storage of household goods and a caravan, which is related to hobbies and personal storage of the residential use.

Additionally, the proposed setback of 1m is compliant with the ‘deemed-to-comply’ provisions of the R-Codes and therefore there is no justification to require a greater setback.

### Conclusion

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

- The Applicant has demonstrated a specific need associated with the domestic use of the property to justify the increase in the wall height.
- Officers consider the increase in the wall and ridge heights will not impact the amenity of adjacent properties or cause undue overshadowing.

It is therefore recommended that the application be approved subject to conditions.

### Statutory/Policy Environment

*Planning and Development Act 2005*

Planning and Development (Local Planning Schemes) Regulations 2015

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

Shire of Harvey District Planning Scheme No.1

- Section 5.1 Residential Development Requirements

Shire of Harvey Policies

- Local Planning Policy 4.1.18 – Outbuildings

## **Strategic Framework**

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

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

## **Community Engagement**

### **Community Participation Goal**

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

### **Promise to the Community**

*Inform:* We will keep you informed.

## **Risk Management**

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

## **Budget Implications**

Nil.

## **Authority/Discretion**

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

## **Voting Requirements**

Simple Majority

**Officer's Recommendation**

That Council:

1. Approves the Application for Development Approval for an Over Height Outbuilding on Lot 13 (No. 6) Palmer Street, Harvey, subject to the following conditions:
  - a) The development and/or use shall be in accordance with the attached approved plans, subject to modifications required as a consequence of any condition(s) of this approval. The approved plans shall not be modified or altered without first obtaining approval from the Shire.
  - b) This approval is valid for a period of two years. If the development is not substantially commenced within this period, a new approval must be obtained before commencing or continuing development.
  - c) All stormwater shall be contained on-site at a volume of 1m<sup>3</sup> per 65m<sup>2</sup> of impervious area (this includes both roofed, paved and driveway areas) to the satisfaction of the Director of Infrastructure Services.
  - d) The approved outbuilding shall not be used for habitable and/or commercial purposes, unless otherwise approved by the Shire of Harvey.
2. Advises the Applicant that a Building Permit is required to be obtained prior to the commencement of any works on the site in accordance with the *Building Act 2011*.

<b>Item No.:</b>	<b>12.3.7.</b>
<b>Subject:</b>	<b>Application for a Change of Use (Short Stay Accommodation) – Lot 300 (No. 29) Monitor Way, Australind</b>
<b>Proponent:</b>	<b>G Corry</b>
<b>Location:</b>	<b>Lot 300 (No. 29) Monitor Way, Australind</b>
<b>Reporting Officer:</b>	<b>Planning Officer</b>
<b>Authorising Officer:</b>	<b>Director Sustainable Development</b>
<b>File No.:</b>	<b>A6066</b>
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Proposal Plans [12.3.7.1 - 3 pages]</li> <li>2. Site Plan Aerial Image [12.3.7.2 - 1 page]</li> <li>3. Summary of Submissions [12.3.7.3 - 1 page]</li> </ol>

## Summary

An Application for Development Approval has been received for a Change of Use (Short Stay Accommodation) on Lot 300 (No. 29) Monitor Way, Australind (refer **Attachment 1**). Despite Officers having delegation to determine this application, in accordance with delegation 9.1.2(2), it has been referred to Council at the discretion of Officers.

It is recommended that the application be refused as the proposal is inconsistent with the Shire of Harvey's (the Shire's) District Planning Scheme No.1 and significant opposition to the proposal was received during the advertising period for the application.

## Background

### Site Description

Lot 300 (No. 29) Monitor Way, Australind, is zoned "Residential" under the Shire's District Planning Scheme No. 1 (the Scheme) and is of regular shape with an area of 760m<sup>2</sup>. The site is located approximately 600m from the Australind Village Shopping Centre and accommodates a single dwelling and an outbuilding (refer **Attachment 2**).

### Site History

- The existing dwelling was constructed in 1988.
- The existing outbuilding was constructed in 1988.

## Proposal

The application proposes to use the site for "Short Stay Accommodation" to be rented out on a short-term basis for up to 180 days per year accommodating a maximum of six guests at any given time.

## Advertising

Pursuant to Clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Deemed Provisions), the application was advertised to adjoining landowners for a period of 14 days concluding on Monday, 20 November 2023. A total of three submissions were received objecting to the proposal. A summary of the submissions received is provided in **Attachment 3**. The main points from the submissions are:

- Generate additional traffic
- Noise and Nuisance.



## Comment

In the determination of the subject application, Officers shall have due regard to the purpose and objectives of the Residential Zone in the determination of the application. The Policy Statement for the Residential Zone in the Scheme (Table 3 – Zoning and Development Standard) is as follows:

*“Primarily single storey dwelling houses on separate lots. Uses reasonably associated with residential areas will be permitted by local government only after consideration of the likely nuisance that such uses could create...”*

Additionally, Clause 4.4.1 of the Scheme provides the local government with the discretion to modify development standards if Council is satisfied that:

- “a) An approval ... would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;*
- b) The non-compliance will not have any adverse effect upon the ... inhabitants of the locality or upon the likely future development of the locality; and*
- c) The spirit and purpose of the requirements or standard will not be unreasonably departed from thereby.”*

Despite the above, it is acknowledged that the Scheme does allow for short stay accommodation to be considered in the Residential zone.

As the area of the subject site is 760m<sup>2</sup>, the application proposes a modification to the Development Standards as short stay accommodation uses require a minimum lot size of 900m<sup>2</sup>. As the 900m<sup>2</sup> minimum lot size may potentially act as a buffer between a short-term accommodation use and the surrounding areas, Officers consider that the significant 140m<sup>2</sup> reduction to the required minimum lot size may adversely affect the surrounding area and exacerbate potential impacts to neighbouring properties.

Additionally, a reduction in the lot size requirement will also result in setting a precedent and would infer that any future applications for short stay accommodation on lots of similar size could be approved. There is merit in the minimum size being 900m<sup>2</sup> as larger lots are more capable of dealing with an intensification of use from long term accommodation to short stay accommodation.

In accordance with the Shire’s draft Local Planning Scheme No.2 (draft Scheme), the 900m<sup>2</sup> minimum lot size requirements for short stay accommodation uses have been removed. Under the draft Scheme, short stay accommodation has been reclassified as a “Holiday House” and is defined by the following;

*“a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast”*

While an application for a “Holiday House” on a residential lot smaller than 900m<sup>2</sup> can be considered under the draft Scheme, each proposal shall be assessed on a case-by-case basis.

With regard to Western Australian Planning Commission (WAPC) Position Statement: Planning for Tourism and Short-Term Rental Accommodation (Position Statement), the local government shall have due regard to the appropriateness of short stay accommodation proposals in non-tourism areas.

Clause 5.2.2.2 of the Position Statement provides a number of matters to be considered by the local government to consider the appropriateness of short-term accommodation proposals outside of tourism zoned areas and to determine whether the location of a proposal is expected to enhance tourism experiences or have adverse impacts on surrounding land uses. Matters relevant to the subject application are summarised as follows:

- a) Provision of, and access to, tourist amenity, proximity to social, cultural, and leisure attractions and accessibility to transport routes and public transport services;*
- b) While the proximity of the proposal to the Leschenault Estuary and TransBunbury bus routes is noted, Officers consider the subject site has limited access to tourism amenities and leisure attractions given the distance between the subject site and the coast or leisure facilities. Tenants of the development would likely travel via car to access such amenities likely found in coastal settlements within the Shire. Therefore, the use would be considered more appropriate in coastal settlement areas such as Binningup or Myalup, where such amenities are more accessible.*
- c) Localities where short-term rental accommodation may be particularly in demand for non-tourism needs, such as temporary workers accommodation and medical travel;*
- d) While the Shire acknowledges the increasing need for workforce accommodation within the region, it is noted that the provision of short-term accommodation for the purpose of workforce accommodation would be better suitable away from the centre of townsites and closer to relevant industries.*
- e) Locations to minimise adverse interface issues, particularly amenity impacts on surrounding residential and other land uses;*
- f) In accordance with Table 3 of the WAPC Planning for Tourism and Short-term Rental Accommodation Guidelines (2023), local government shall have due regard to locational considerations in the determination of short-term rental accommodation uses. Officers consider that given the context of the proposal amongst permanent accommodation and the lack of significant tourism amenities in the area, a short stay accommodation use would be more appropriate in a coastal or tourism destination.*
- g) Risk of natural hazards, particularly bushfire, and the extent of measures which may need to be in place to address the level of risk; and*
- h) State Planning Policy 3.7: Planning in Bushfire Prone Area contemplates additional requirements for vulnerable tourism land uses located in bushfire prone areas. The change in use of the site to "Short Stay Accommodation" results in the use being considered as a 'vulnerable land use' as the use would involve visitors who are unfamiliar with their surroundings and would be less prepared in the event of a bushfire emergency, a Bushfire Management Plan (BMP) and Bushfire Emergency Evacuation Plan (BEEP) are required to be considered by the Shire. A BMP and BEEP were not provided with the application.*
- i) Any other relevant planning consideration and/or policy instruments within the planning framework.*
- j) Officers consider the importance of relevant Australian planning case law with respect to holiday accommodation within residential areas in the determination of the subject proposal. Hewison v Shire of Augusta-Margaret River [2014] WASAT 62 related to the Shire's refusal of a holiday house as it was not located within a coastal settlement or within close proximity of a major tourist attraction. The State Administrative Tribunal (SAT) determined that the proposal:*

*had the potential to adversely impact on neighbouring properties and the residential character of the area, as well as the potential to reduce the number, and type, or dwellings available for permanent occupation within the Margaret River settlement area."*

The SAT also determined that approval of the application would set an undesirable precedent and would undermine the purpose of the Residential Zone. In summary, the SAT made the following considerations:

- The proposed use was not consistent with the purpose of the Residential zone
- Short stay occupants have a limited connection to the permanent residential community and have the potential to disrupt the area by maintaining irregular and unpredictable hours for vehicle trips and entertaining
- There is a higher likelihood of adverse behaviour with short stay accommodation than in long term rentals
- Allowing short stay accommodation in a property used as a permanent home result in more properties being unavailable for permanent accommodation
- The cumulative impact of similar developments if this was approved and approval would set a precedent further undermining the purpose of the Residential zone.

As evidenced by the WAPC Position Statement and the aforementioned SAT case, there is potential for the proposal to create a nuisance within the surrounding residential area and detriment to the existing permanent residential community and therefore this proposal is considered to be inconsistent with the purpose of the Residential zone.

## **Conclusion**

As acknowledged by the SAT considerations and the objections received during the advertisement period, if approved, the use may impact the surrounding residential area caused by potential irregular and unpredictable hours for vehicle trips and a possible higher likelihood of adverse behaviour within short-stay accommodation than in long-term rentals.

Additionally, it has been interpreted from the WAPC Position Statement and the SAT determination that short stay accommodation is mostly suited to tourism precincts and near leisure attractions and not amongst residential areas.

The Scheme requires that the lot area be 900m<sup>2</sup>, which is 140m<sup>2</sup> greater than the subject lot size (760m<sup>2</sup>). An approval of short stay accommodation significantly below the 900 m<sup>2</sup> will set an undesirable precedent that the minimum lot size may be reduced by as much as 140m<sup>2</sup>. Such a precedent is consequential, as the larger lot areas more effectively cater for an intensification of the usage of the lot.

Therefore, it is recommended that Council refuses the application.

## **Statutory/Policy Environment**

### *Planning and Development Act 2005*

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

- Schedule 2 – Deemed Provisions, Section 64 – Advertising Applications:
- Schedule 2 – Deemed Provisions, Section 67 – Consideration of Application by Local Government

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

- Clause 4.4.1 – Discretion to Modify Development Standards
- Table 3 – Zoning and Development Standards
- Schedule 13 – Interpretations

### State Planning Policies

- SPP 3.7 – Planning in Bushfire Prone Areas

### WAPC Planning for Tourism and Short-term Rental Accommodation Guidelines 2023

### WAPC Position Statement – Planning for Tourism and Short-term Rental Accommodation 2023

- Clause 5.2.2.2 – Location of short-term rental accommodation

## Strategic Framework

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

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

## Community Engagement

### Community Participation Goal

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

### Promise to the Community

*Inform:* We will keep you informed.

## Risk Management

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

## Budget Implications

Nil.

## Authority/Discretion

*Quasi-Judicial:* When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town development applications, building permits,

applications for other permits/licenses (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

### **Voting Requirements**

Simple Majority

### **Officer's Recommendation**

That Council refuses the Application for Development Approval for a Change of Use (Short Stay Accommodation) on Lot 300 (No. 29) Monitor Way, Australind, for the following reasons:

- a) The lot area of 760 m<sup>2</sup> is contrary to the requirements of Table 3 – Zoning and Development Standards, Land Use Category No. 20 – Short Stay Accommodation of the Shire of Harvey's District Planning Scheme No. 1.
- b) The proposal is inconsistent with the Western Australian Planning Commission's Position Statement: Planning for Tourism and Short-Term Rental Accommodation 2023 as the use is likely to adversely impact surrounding land use.
- c) The proposal is inconsistent with State Planning Policy 3.7 – Planning in Bushfire Prone Areas as the additional requirements for vulnerable land uses have not been satisfied.
- d) The proposal is likely to impact on the amenity of the locality, that is contrary to Clause 67(2)(n), Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.
- e) The proposal is likely to cause a nuisance within the surrounding residential area, that is contrary to the Policy Statement of Table 3 – Zoning and Development Standards of the Shire of Harvey's District Planning Scheme No. 1.

<b>Item No.:</b>	<b>12.3.8.</b>
<b>Subject:</b>	<b>RV Friendly Trial New Proposed Site</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Harvey</b>
<b>Reporting Officer:</b>	<b>Community Support Officer</b>
<b>Authorising Officer:</b>	<b>Director Sustainable Development</b>
<b>File No.:</b>	<b>F/37/00007</b>
<b>Attachments:</b>	1. Proposed New Harvey RV Site [12.3.8.1 - 1 page]

## Summary

At the Ordinary Council Meeting held Tuesday, 31 October 2023 Council resolved to approve the unused basketball site located within the Harvey Recreation Grounds off Sir James Avenue, as the Harvey RV site for the remainder of the Harvey Region RV Friendly Trial (RV Trial). This approval was conditional upon a favourable consultation period.

Consultation has concluded, whilst generally supported there has been some concerns raised by nearby landowners. On balance, Officers are confident that the negative issues raised can be appropriately managed and recommends the site be utilised for the remainder of the trial period.

## Background

At the Ordinary Council Meeting held on Tuesday, 31 October 2023 Council resolved:

*“That Council:*

- 1. Accepts the Review of the first six months of the RV Trial.*
- 2. Endorses the continuation of the RV Trial for a further six months at the sites of Brunswick – Brunswick Junction Showgrounds; Australind – Leschenault Estuary Eco Museum and Yarloop Street Recreation Ground.*
- 3. Approves the unused basketball court site within the Harvey Recreation Grounds off Sir James Avenue Harvey, as identified within **Attachment 1**, as the alternative site to Snell Park, Harvey for the remainder of the six-months of the RV trial, subject to a favourable consultation period with the likely affected landowners within Sir James Avenue.”*

Council resolved to seek community consultation before approving the unused basketball site located within the Harvey Recreation Grounds off Sir James Avenue. This was to ensure the affected landowners were consulted and provided the opportunity to provide feedback through a submission process.

## Comment

The Harvey Region RV Friendly Trial commenced in April 2023, offering a limited number of bays for free use up to 48 hours to RV and caravan travellers located in Australind, Brunswick, Harvey and Yarloop.

In July 2023, the Shire of Harvey (the Shire) received a request from Arc Infrastructure to cease promoting the Snell’s Park, Hayward Street, Harvey site to RV travellers based on safety concerns. The Shire promptly shut down the site for overnight use and blocked the ability for RV travellers to book the Harvey site.

The Shire is in ongoing negotiations with Arc Infrastructure regarding the leased area along the rail corridor. The safety concerns have been brought to the Shire's attention under our existing arrangements with the Public Transport Authority and the proposed licence arrangement with Arc Infrastructure.

For the continuation of the RV Trail, Officers initiated an investigation into an alternative site factoring in but not limited to, residential disruption, land wear and tear, safety, and the importance of boosting the local economy in Harvey. This aligns to the Tourism Road Map 2031 Goal 2: Destination Development. The old basketball courts were subsequently presented to Council as the most appropriate alternative site.

It was resolved at the Ordinary Council Meeting that a community consultation period was to be initiated to ensure landowners were informed and consulted with the opportunity to provide feedback.

A community consultation letter was sent out to the affected landowners on Monday, 11 December 2023 with submissions closing on Wednesday, 3 January 2024 however, a grace period was given up until Friday, 12 January 2024 to cover the Christmas period for late submissions.

The Shire received two objections and three support submissions with the remaining, neutral – neither for nor against the proposed new RV site.

A summary of the feedback is provided in the table below:

Support	Objection
Harvey Senior Citizens support the new Harvey site provided they are able to still access the bus shed.	Local resident/owner objects; noting concern around noise levels in the evening, drinking and obscene behaviours and safety concerns for residents.
Local resident/landowner supports the new proposed Harvey RV site.	Local resident/landowner objects noting concerns around privacy, noise and security/safety.
Local resident supports the new proposed RV site.	

The Harvey Recreation and Cultural Centre (HRCC) is located within the Harvey Recreation Grounds and often holds various day and night events throughout the year, bringing large numbers to the surrounding car parks.

The Harvey Cash for Cans also operate from the old basketball courts on the east side of the proposed RV Trial site on a regular basis during the day. This brings with it a range of customers eager to exchange their cans for cash and corresponding noise levels.

There are other organisations that utilise the area on the east and west side of the proposed site which all bring an element of noise and diversity of some sort.

In summary; the immediate locality is already used for a variety of uses that generate noise and high frequency of use, expanding these uses to include the RV Trial is not considered to unnecessarily increase the activity or negatively impact on the amenity of the area.

The benefits of having an RV Trial site in the proposed location aims to encourage potential visitors to visit the Harvey townscape invigorating tourism and investing into the local Harvey economy.

This aligns with Strategic Goal 2 and specific to: *"48 Hour Rest Areas – 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."*

In addition, it is important to note that, as is conducted with the Brunswick Showgrounds, should there be any significant events at the Harvey Recreation Grounds, Shire Officers will temporarily close bookings of the RV site to ensure events like the Harvey Agriculture Show can continue to operate as normal.

Considering the feedback received, and research conducted to pinpoint the new Harvey RV Trial site, Officers recommend proceeding with the new Harvey RV Trial site located within the Harvey Recreation Grounds off Sir James Avenue, Harvey.

### **Statutory/Policy Environment**

The Caravan Parks and Camping Grounds Regulations 1997 outline the circumstances 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:

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

### **Community Engagement**

#### **Community Participation Goal**

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

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

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

### **Risk Management**

The Risk Theme Profile identified as part of this report is providing **Inaccurate Advice/Information**. The consequences could be **Environmental, Financial, Reputational or Compliance** if an incorrect assessment of the land use occurs or 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 its process. The risk is considered **Low**, and the likelihood is **Likely**. The risk will be mitigated through working with the tourism industry (particularly with caravan and tourist park operators) resulting in **Low** risk being present.

### **Budget Implications**

To implement the RV Trial, the Shire required some initial funding to erect specially designed signage in the designated areas and potential minor upgrades to proposed sites. A Budget allocation was made through the Shire's Destination Harvey Region budget (\$15,000). Modification and minor upgrades to the Australind site was part of the Shire's ongoing maintenance budget for the area. Overall, the costs associated with the implications of the RV Trial were as follows:



Regulatory Signage:	\$1,236
Information Boards:	\$705
Signage Poles:	\$405
Line Marking:	\$2,289

If this site proceeds, the original signage, which is currently in storage, will be re-used at this site. Costs will include the erection of the signs and new line marking which is within the \$15,000 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 approves the unused basketball court site located within the Harvey Recreation Grounds off Sir James Avenue, Harvey as identified in ***Attachment 1***, as the alternative site to Harvey Railway Precinct, Harvey for the remainder of the RV Trial concluding in April 2024.

**12.4. Corporate Services**

<b>Item No.</b>	<b>12.4.1.</b>
<b>Subject:</b>	<b>Payments December 2023</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Shire of Harvey</b>
<b>Reporting Officer:</b>	<b>Manager Finance</b>
<b>Authorising Officer:</b>	<b>Director Corporate Services</b>
<b>File No.:</b>	<b>FM/S/006</b>
<b>Attachments:</b>	1. Payments December 2023 v 3 [12.4.1.1 - 20 pages]

**Summary**

A listing of payments for goods and services for December 2023 is provided as **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 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. With the inclusion of Clause 13A in the Local Government (Financial Management) Regulations 1996, a list of payments using the purchasing cards (fuel and store) has also been included.

**Comment**

The list of accounts paid for December 2023 is presented as an **Attachment 1**, as summarised below.

<b><u>Voucher</u></b>		<b><u>Amount</u></b>
Schedule of Accounts		
Municipal	EFT 69277 – EFT 69650	\$ 3,614,594.88
	117559 – 117565	\$ 23,054.29
	DD26345.1 – DD26409.24	\$ 213,568.02
CBA Credit Cards		\$ 11,842.67
Electronic Funds Submitted		\$ 1,058,377.87
<b>Total</b>		<b>\$ 4,921,437.73</b>

**Prepaid Cards Payments included in the Municipal payments above**

AMPOL Fuel Card	\$ 1,551.87
BP Fuel Card	\$ 5,932.94
Puma Fuel Card	\$ 3,582.79
Coles Card	\$ 1,786.24
<b>Total</b>	<b>\$ 12,853.84</b>

**Statutory/Policy Environment**

*Local Government Act 1995*

- Section 5.42

## Local Government (Financial Management) Regulation 1996

- Regulation 13
- Regulation 13A

## **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 2023–2024 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 December 2023 totalling \$4,921,437.73.

<b>Item No.</b>	<b>12.4.2.</b>
<b>Subject:</b>	<b>Financial Statements as at 31 December 2023</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Shire of Harvey</b>
<b>Reporting Officer:</b>	<b>Manager Finance</b>
<b>Authorising Officer:</b>	<b>Director Corporate Services</b>
<b>File No.:</b>	<b>FM/S/006</b>
<b>Attachments:</b>	1. Financial Statements as at 31 Dec 2023 [12.4.2.1 - 11 pages]

## Summary

The Financial Statements as of 31 December 2023 are provided at **Attachment 1**.

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

	<b>ACTUAL</b> 31 December 2023	<b>BUDGET</b> 2023–2024	<b>VARIANCE</b>
<b>Statement of Financial Performance</b>			
Ordinary Revenue	\$36,692,676	\$39,931,013	\$ 3,238,337
Ordinary Expenditure	\$21,602,023	\$47,439,708	\$25,837,685
Capital Revenue	\$ 1,391,247	\$62,348,478	\$60,957,231
Capital Expenditure	\$ 3,773,389	\$82,128,516	\$78,355,127
End of Period Profit/(Loss)			\$22,943,717
<b>Statement of Financial Position</b>			
Current Assets			\$ 55,635,846
Net Assets			\$836,421,715

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 \$27.44 million and rubbish rates of \$11.79 million including the waste levy were raised in August 2023. The due date for rates payment was 29 September 2023. Approximately 76% of the rates were collected by 31 December 2023 compared to 77% for the previous year.

### Cash Flow and Interest Earnings

The Shire holds by way of cash and term deposit \$19.67 million in Municipal funds and \$28.12 million in restricted Trust and Reserve funds. The average interest rate on these funds is 4.90%. New term deposits are attracting an interest rate for 90 days of approximately 4.85%.

**Operating Grants and Subsidies**

The Shire received \$4.03 million as advance payment for Financial Assistance Grants 2023–2024 in the last quarter of the 2022–2023 financial year. The second instalment of FAGS quarterly grant was also received in November 2023.

**Employee Costs**

Although these accounts only reflect the first six months of the financial year, it is anticipated employee costs will remain in line with the Workforce and Diversity Plan and Budget 2023–2024.

**Material, Contracts, Utilities and Other Expenses**

Although these accounts only reflect the first six 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 2023–2024 financial year.

**Capital Expenditure**

The Shire budgeted to spend \$82.13 million on capital projects throughout the Shire in 2023–2024. Major capital work projects budgeted for the financial year 2023–2024 are yet to commence. Expenditure totalling \$3,773,389 on capital works has been reported at the end of December 2023. As major projects are completed, and as the Shire is invoiced for these 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
- 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 by Nature identifying reasons for variances between budgets and actuals.

It should be noted that the Financial Statements for December 2023, actual figures reported for the 2022–2023 financial year do not include the final figures and the end of year adjustments for the year ended 30 June 2023. The final position for the 2022–2023 financial year will be reported in the 2022–2023 Annual Financial Statements.

## **Statutory/Policy Environment**

### *Local Government Act 1995*

- Section 6.4

### *Local Government (Financial Management) Regulation 1996*

- Regulation 34

## **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**, **Reputation** or **Compliance** if the financial statements are not reported accurately, timely or in the required format. The risk is considered **Minor** and the Likelihood **Unlikely**. 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 of 31 December 2023 at ***Attachment 1***.

**12.5. Community and Lifestyle**

Nil.



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

**Cr. Hitchcock put forth the following notice of motion to be placed in the Ordinary Council Meeting held in January 2024:**

That Council, in the interests of inclusivity, reverts the title of “Freeman of the Shire” to “Honorary Advocate of the Shire” and amends Policy 3.1.1 – Honours and Awards to reflect this change.

**Officers Comment**

The Honorary Advocate of the Shire Policy was adopted by Council on 23 February 1999. Council's Honours and Awards Committee was authorised to confer the title of Honorary Advocate of the Shire on any appropriate person to recognise exceptional contributions by an individual. Contributions were to be made by an individual to the community as a representative of local government and/or longstanding involvement in the community and/or community service organisations. The title of Honorary Advocate of the Shire is the major honour that the Shire of Harvey (the Shire) can bestow on any person.

The Policy has been reviewed regularly with a review of the Policy at the Ordinary Council Meeting held 5 March 2013 recommending changes to the categories and selection criteria for the annual Honours and Awards. The Council Report recommended amending the title of the Honorary Advocate of the Shire to Freeman of the Shire. The following commentary was provided in the report:

*“Under the current award categories, the highest honour that the Shire can bestow on anyone is “Honorary Advocate of the Shire”. In the Local Government industry this is most commonly titled “Freeman” of the Shire or City and is quite rarely awarded. Most Local Governments would only have a relatively small number of recipients of this award.*

*The title of “Freeman” is widely used across the industry as the highest and most prestigious award that can be bestowed on any person who has provided long and outstanding service to a Local Government. Whilst the title “Honorary Advocate” is considered to be a suitable title for such an award, it perhaps does not have the same status that the title “Freeman” has throughout the industry and Council may wish to consider changing the title of this award. This title is not considered to be gender specific and has been awarded to both men and women over the years.”*

Council subsequently resolved:

*“That Council:*

- 1. Amends the title of the award “Honorary Advocate of the Shire” to “Freeman of the Shire” and amends Policy 20.5 to reflect the change in the name of the award;*
- 2. Retains the current Meritorious Service and Certificate of Appreciation awards without amendment;*
- 3. Adopts the revised selection criteria for the Meritorious Service and Certificate of Appreciation awards as outlined in this report;*
- 4. Introduces a new Youth Category award titled “Shire of Harvey Youth Award”, and a further report be presented to Council on selection criteria for the award; and*
- 5. Staff review the Honours and Awards Nomination Form to reflect the amended selection criteria and simplify the nomination process.”*

The current Policy 3.1.1 – Honours and Awards provides a framework and guidelines for all categories of the Shire's Honours and Awards and Australia Awards. The Policy was adopted by Council on Tuesday, 24 March 2020 with the last review on Tuesday, 25 July 2023.

If the Notice of Motion is supported Policy 3.1.1 will need to be amended to change the title 3.1 Freeman of the Shire to incorporate the new title of Honorary Advocate of the Shire.

#### **14. Notice of Motion for Following Meeting**

**Cr. Carbone put forth the following notice of motion to be placed in the Ordinary Council Meeting held in February 2024.**

That Council:

1. That Officers prepare a Draft policy for consideration by Council, to provide an assessment criteria as to the appropriateness of holiday homes (short stay accommodation) within rural and urban areas of the Shire.
2. The CEO be authorised to lobby the Department of Communities to develop its vacant blocks within the Shire of Harvey, and the greater Bunbury Area in general, for affordable accommodation, to mitigate the current housing crisis.

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

#### **16. Reports of Members**

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

## 18. Matters Behind Closed Doors

### 18.1. Executive Services

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

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

Item No.:	18.1.1
Subject:	Tender T152023 – Harvey Senior Citizens Upgrade
Proponent:	Shire of Harvey
Location:	105 Uduc Road, Harvey
Reporting Officer:	Manager Special Projects
Authorising Officer:	Chief Executive Officer
File No.:	B000398
Attachments:	Confidential Attachment 1

### Summary

Tender T152023 for the Harvey Senior Citizens Upgrades closed on Friday, 15 December 2023 and at the close of Tender, two submissions had been received.

Following a detailed assessment of the Tender submissions, and written clarifications sought from both Tenderers, the evaluation panel considered that one of the Tenderers represents good value for money for the Shire of Harvey (the Shire), for the reasons contained within **Confidential Attachment 1**.

It is recommended that Council awards Tender T152023 as per the Officer Recommendations subject to additional funding.

### Voting Requirements

Simple Majority

**18.2. Infrastructure Services**

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

s.5.23(2)(b): "the personal affairs of any person."

<b>Item No.:</b>	<b>18.2.1</b>
<b>Subject:</b>	<b>Application for Exemption to Keep More than the Prescribed Number of Dogs</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>REDACTED</b>
<b>Reporting Officer:</b>	<b>Manager Waste and Safety Services</b>
<b>Authorising Officer:</b>	<b>Director Infrastructure Services</b>
<b>File No.:</b>	<b>A000172</b>
<b>Attachments:</b>	<b>Nil.</b>

**Summary**

Council at its Ordinary Council Meeting held on Tuesday, 28 March 2023 refused the application for an exemption pursuant to Section 26 (3) of the *Dog Act 1976* to keep more than the prescribed number of dogs at **REDACTED**.

The Applicant applied to the State Administrative Tribunal (SAT) for the decision made to refuse the exemption relating to the number of dogs kept on the premises to be reviewed.

SAT made an order pursuant to Section 31 of the *State Administrative Tribunal Act 2004*, requiring the Shire of Harvey (the Shire) to formally reconsider the Applicant's application.

It is recommended that Council approves the application to keep more than the prescribed number of dogs at **REDACTED** subject to conditions as per the Officer's recommendation.

**Voting Requirements**

Simple Majority.

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

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

<b>Item No.:</b>	<b>18.2.2</b>
<b>Subject:</b>	<b>Tender T132023 – Provision of Sport Field Lighting and Electrical Infrastructure at Brunswick Recreation Ground</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Brunswick Junction</b>
<b>Reporting Officer:</b>	<b>Manager Parks Services</b>
<b>Authorising Officer:</b>	<b>Director Infrastructure Services</b>
<b>File No.:</b>	<b>T132023</b>
<b>Attachments:</b>	<b>Confidential Attachment 1</b>

### **Summary**

Tender T132023 for the Provision of Sport Field Lighting and Electrical Infrastructure at Brunswick Recreation Ground, Brunswick Junction was advertised on Thursday, 12 October 2023 and at the close of Tender on Friday, 17 November 2023 seven Tender submissions were received including one alternative Tender offer.

It is recommended that Council awards Tender T132023 as per the Officers Recommendation for the provision of Sport Field Lighting and Electrical Infrastructure at Brunswick Recreation Ground, Brunswick Junction.

### **Voting Requirements**

Simple Majority.

**19. Closure of Meeting**