



SHIRE OF
HARVEY



Ordinary Council Meeting **Minutes**

**Australind Council Chamber
Tuesday, 24 November 2020
4pm**

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20. Closure of Meeting

Shire of Harvey Council Minutes

Minutes of the Ordinary Council Meeting of the Harvey Shire Council, held in the Council Chamber, Mulgara Street, Australind, on Tuesday, 24 November 2020, commencing at 4pm.

Attendance

Shire President	Cr. P.	Gillett	
	Cr. B.	Adams	
	Cr. P.	Beech	
	Cr. M.	Boylan	
	Cr. J.	Bromham	
	Cr. F.	Burgoyne	
	Cr. M.	Campbell	
	Cr. C.	Carbone	
	Cr. R.	Coleman	
	Cr. W.	Dickinson	
	Cr. T.	Jackson	Departed: 4.26pm Returned: 4.27pm
			Departed: 4.57pm Returned: 4.58pm
	Cr. A.	Lovitt JP	
	Cr. D.	Simpson	

Staff

Chief Executive Officer	Ms. A.	Riordan
Director Corporate Services	Mr. D.	Winter
Director Infrastructure Services	Mr. R.	Lotznicker
Director Community and Lifestyle	Ms. K.	Davis
Acting Director Sustainable Development	Mrs. E.	Edwards
Manager Governance and Strategy	Ms. K.	Williams
Acting Manager Place	Ms. A.	Pitts
Manager Special Projects	Ms. P.	Pietersen
Manager Waste and Safety Services	Mr. H.	Jones
Manager Information Services	Mr. A.	Ewing
Manager Harvey Recreation and Cultural Centre	Mr. D.	Marshall
Marketing and Communications Officer	Ms. C.	Moore
Agenda and Minutes Officer	Ms. K.	Hough

There were 6 members of the public present.

Minutes

1. Official Opening

The meeting was declared open at 4pm.

Disclaimer

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

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

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

Acknowledgement of Country

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

2. Record of Apologies and Leave of Absence

Apologies

Nil.

Leave of Absence

Nil.

3. Applications for Leave of Absence

Nil.

4. Reading from a Book of Learning and Wisdom

Read by Cr. Dickinson

5. Declarations of Members' and Officers' Personal Interest

Cr. Beech declared an Impartiality Interest in Item 12.5.1 - Harvey Community and Sporting Facility (The Boundary) – Proposed Memorandum of Understanding - Shire of Harvey - Harvey Recreation and Cultural Centre (A001861). Cr. Beech advised that he is a Council representative on the Harvey Recreation and Cultural Centre Advisory Committee and declared that he would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Beech declared an Impartiality Interest in Item 12.5.2 - Australia Day Awards – 2021 - Various Nominees - Shire of Harvey (C/A/012 & A001861). Cr. Beech advised that a number of the nominees are known to him and he is Chair of the Australia Day Awards Committee who put forward a nomination. Cr. Beech declared that he would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Campbell declared an Impartiality Interest in Item 12.5.2 - Australia Day Awards – 2021 - Various Nominees - Shire of Harvey (C/A/012 & A001861). Cr. Campbell advised that a nominee is known to her and declared that she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Coleman declared an Impartiality Interest in Item 12.3.1 - Extension to Existing Use Not Listed (Farm Machinery Sales and Servicing) - Harvey Farm Service - Lot 77 Sixth Street, Harvey (A014172). Cr. Coleman advised that this business sponsored events that she was involved with and declared that she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Coleman declared an Impartiality Interest in Item 12.5.2 - Australia Day Awards – 2021 - Various Nominees - Shire of Harvey (C/A/012 & A001861). Cr. Coleman advised that she put forward a nominee for an award and declared that she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Jackson declared a Financial Interest in Item 12.1.1 - South Western Highway Tourism Drive Proposal - Shire of Harvey (B000329). Cr. Jackson advised that she has a registered tourism business in the Shire of Harvey and declared she would leave the Chamber for the duration of the item.

Cr. Jackson declared a Financial Interest in Item 12.3.6 - Proposed Tourism Development Strategy, and Visitor Servicing and Signage Strategy - Shire of Harvey (B000348 & B000353). Cr. Jackson advised that she has a registered tourism business in the Shire of Harvey and declared she would leave the Chamber for the duration of the item.

Cr. Lovitt declared an Impartiality Interest in Item 12.5.2 - Australia Day Awards – 2021 - Various Nominees - Shire of Harvey (C/A/012 & A001861). Cr. Lovitt advised that she was listed as a referee for one of the nominees and declared that she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Dickinson declared an Impartiality Interest in Item 12.1.1 - South Western Highway Tourism Drive Proposal - Shire of Harvey (B000329). Cr. Dickinson advised that she is a Council representative on the Harvey Visitor Centre Board of Management and declared that she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Dickinson declared an Impartiality Interest in Item 12.3.6 - Proposed Tourism Development Strategy, and Visitor Servicing and Signage Strategy - Shire of Harvey (B000348 & B000353). Cr. Dickinson advised that she is a Council representative on the Harvey Visitor Centre Board of Management and declared that she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Dickinson declared an Impartiality Interest in Item 12.5.2 - Australia Day Awards – 2021 - Various Nominees - Shire of Harvey (C/A/012 & A001861). Cr. Dickinson advised that a number of nominees are known to her. Cr. Dickinson declared that she would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Burgoyne declared an Impartiality Interest in Item 12.5.2 - Australia Day Awards – 2021 - Various Nominees - Shire of Harvey (C/A/012 & A001861). Cr. Burgoyne advised that a number of nominees are known to him. Cr. Burgoyne declared that he would deal with the matter on its merits and stay in the Chamber for the duration of the item.

Cr. Gillett declared an Impartiality Interest in Item 12.5.1 - Harvey Community and Sporting Facility (The Boundary) – Proposed Memorandum of Understanding - Shire of Harvey - Harvey Recreation and Cultural Centre (A001861). Cr. Gillett advised that he is a Council representative on the Harvey Recreation and Cultural Centre and declared that he would deal with the matter on its merits and stay in the Chamber for the duration of the item.

6. Response to Previous Questions Taken on Notice

Nil.

7. Public Question Time

Ms. Amy Roberts put forward the following question.

Question 1: There is a property within the Shire that has restricted access to the road verge at a local bus shelter by installing uncapped steel pickets. It is mandatory for primary school aged children to be taken to and from the bus shelter by an adult, however this is not possible due to the restrictions placed by the resident. Why hasn't the Shire responded to the repeated correspondence on this matter or taken action on this issue?

Answer 1: The Shire is aware of this issue and will develop an action plan moving forward. Previously the Shire has requested that the pickets be removed however it is apparent that they are reinstalled. The issues concerning aggression and personal safety need to be addressed by the police.

8. Petitions/Deputations/Presentations

8.1 Petition Herbert Road speed limit

Mr. Norman presented a petition to the Chief Executive Officer, as tabled, requesting the Shire consider implementing additional traffic management along Herbert Road to reduce excessive speeding.

In line with the Shire of Harvey Local Law Standing Orders 2017 section 6.10(2) the Chief Executive Officer will provide a report to Council addressing the petition.

8.2 Deputation

Mr. Ieraci addressed Council regarding item 12.3.1 - Extension to Existing Use Not Listed (Farm Machinery Sales and Servicing) - Harvey Farm Service - Lot 77 Sixth Street, Harvey (A014172).

8.3 Deputation

Cr. Lovitt addressed Council recognising the 100th Anniversary of the first woman elected into Local Government in Western Australia. Elizabeth Clapham was elected Councillor to the Town of Cottesloe.

9. Announcements by Presiding Member or CEO Without Discussion

The Presiding Member noted the official opening of the Binningup Bush Fire Brigade and Australind SES Headquarters building. Special thanks was put forward to all of the volunteers, especially throughout this year, and to Shire Officers who assisted with this opening of these facilities.

10. Confirmation of Minutes

Ordinary Council Meeting – Tuesday, 27 October 2020

Recommendation

That the Minutes of the Council Meeting held on Tuesday, 27 October 2020 as printed be confirmed as a true and correct record.

Moved: Cr. Adams

Seconded: Cr. Dickinson

That the Minutes of the Council Meeting held on Tuesday, 27 October 2020 as printed be confirmed as a true and correct record.

Carried 13-0

20/250.

11. Receipt of Minutes and Recommendations from Committees

Nil.

Cr. Jackson left the Chamber at 4.26pm.

12. Officer's Reports

Chief Executive Officer

Item No.	12.1.1
Subject:	South Western Highway Tourism Drive Proposal
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Chief Executive Officer
Authorising Officer:	Chief Executive Officer
File No.:	B000329

Summary

At the Ordinary Council Meeting on 25 February 2020, Council supported a proposal to undertake a feasibility study on a South Western Highway Tourism Drive to encourage increased tourist visitations to the towns and communities along the South Western Highway and committed \$10,000 from the 2019-2020 Budget towards the project.

The project was a collaboration between the Shires of Serpentine-Jarrahdale, Murray, Waroona and Harvey, and was supported by the Peel Development Commission. Savagely Creative was appointed to prepare a feasibility study on the proposal, which was completed in August 2020.

The Feasibility Study Report and the *Feasibility Study to Determine the prospects for, and Implications of reviving the Harvest Highway concept, along the South West Highway (State Route 20) linking the Shires of Serpentine-Jarrahdale, Murray, Waroona and Harvey* (refer **Attachment 1**) is presented to Council and it is recommended that Council supports the recommendation to defer any action to progress a South Western Highway Tourism Drive at this time, and to revisit the proposal in two years.

Background

In 2001 the Bunbury Wellington Economic Alliance initiated a project called the "Harvest Highway" to market the South Western Highway using the produce, tourist attractions, unique communities and rural lifestyle as its focus.

The purpose of the project was to identify ways which the long distance route could be used to raise awareness of the region and encourage visitors to travel using the South Western Highway instead of the Forrest Highway. The overarching aim was to encourage greater visitation, increased length of stay, visitor spend and economic activity.

The original geographical area of the Harvest Highway concept was from Byford in the North to Manjimup in the South and encompassed communities both on the Highway (Byford, Mundijong, Pinjarra, Waroona, Harvey, Dardanup, Donnybrook, Balingup, Greenbushes, Bridgetown and Manjimup) as well as communities close to the Highway such as Jarrahdale, Collie, Boyup Brook, Dwellingup and Nannup. This original area encompassed 12 local governments (Serpentine-Jarrahdale, Murray, Waroona, Harvey, Collie, Dardanup, Capel, Donnybrook/Balingup, Bridgetown/Greenbushes, Boyup Brook, Nannup and Manjimup) and approximately 22 communities of varying sizes.

The project was funded in its first year of operation (and subsequently for a second year), by the Australian Department of Transport and Regional Services, and run and managed by the Bunbury Wellington Economic Alliance, the Warren Blackwood Economic Alliance and the WA Department of Training.

The Harvest Highway initiative developed membership amongst tourism, food and other enterprise, marketed the Harvest Highway, undertook training for business, and ran and marketed a schedule of major events and activities. The initiative developed a dedicated website and produced a monthly printed newsletter.

When funding ceased at the end of 2005 the initiative was scaled back, but the concept has recently been revived in the Warren Blackwood Alliance area, encompassing the communities of Donnybrook, Balingup, Greenbushes, Bridgetown, Manjimup and Nannup.

The Vision and Mission of the original Harvest Highway were:

Vision

Local Communities working together to develop and market the South West Highway as an alternative inland visitor route, showcasing local produce.

Mission

The Harvest Highway Project will be the catalyst for the development of an alternative visitor route through the inland areas of the Peel and South West regions. Creating opportunities in the business, marketing and training arenas, the project will facilitate local communities in their endeavours to develop visitor experiences and increase employment in a collaborative environment.

In late 2019, the Shire of Serpentine-Jarrahdale, Murray, Waroona and Harvey were supportive of undertaking a feasibility study to investigate the potential for reviving a similar initiative to the Harvest Highway Project and Council support from the respective Shires was obtained.

At the Ordinary Council Meeting of 25 February 2020, Council resolved as follows:

That Council:

- 1. Supports the proposal to undertake a feasibility study on the South Western Highway Tourism Drive campaign in order to raise awareness and encourage increased tourist visitations to the towns and communities along the South Western Highway; and*
- 2. Approves a contribution of \$10,000 from the Shire's Consultancy Budget allocation towards the feasibility study subject to confirmation of matching financial contributions from the Shire's of Serpentine-Jarrahdale, Murray and Waroona, and the State Government.*

Funding for the project was committed as follows:

\$10,000	Shire of Serpentine-Jarrahdale
\$10,000	Shire of Murray
\$10,000	Shire of Waroona
\$10,000	Shire of Harvey
<u>\$10,000</u>	Peel Development Commission
\$50,000	Total

A Request for Quotation was coordinated by the Shire of Murray, with Savagely Creative engaged to develop the Feasibility Study. The Feasibility Study was completed in August 2020 at **Attachment 1**.

Comment

A Working Group was formed which included Officers from the Shires of Murray, Serpentine-Jarrahdale, Waroona and Harvey. The group engaged the external consultant to undertake the initial feasibility study to assess the viability of the proposal.

The proposed Feasibility Study determined the implications and prospects for reviving the Harvest Highway/tourist drive concept along the South Western Highway (State Route 20) linking the Shires of Serpentine-Jarrahdale, Murray, Waroona and Harvey.

While the Harvest Highway concept had considerable merit, it was determined that the project was ahead of its time in the promotion of food and agri-tourism. There was a lack of agreement among stakeholders with regard to the level of input and promotion required for the region, with challenges in the scale and size of the tourism industry which currently exists. The project requires a significant contribution of business and industry support to be feasible, and with a lack of tourism activity and businesses still in a start-up phase, funding to contribute to the project would be minimal. This would see the resourcing fall in the short term to the participating local governments, which is unable to be funded at this time.

In summary upon receiving the feasibility study and the implications of reviving the Harvest Highway concept along the South West Highway (State Route 20), it is recommended for deferral for a period of two years, resuming in 2022. The project has considerable merit and although not feasible at this current time, it is recommended to consider in the interim, cooperative marketing activities to promote the region, and integrate the project into the Shire's planning activities to commence further work in two years.

Statutory/Policy Environment

N/A.

Strategic Framework

Within the Shire of Harvey's Strategic Community Plan 2017 – 2027, Strategy 1.2.9 states:

Continue to collaborate with our partners to promote regional tourism initiatives.

Action 3.23 of the Shire's draft Economic Development Strategy states:

Support tourism along the South Western Highway in conjunction with Tourism WA and other Local Governments.

Risk Management

The Risk Theme Profile in relation to this item is **Providing Inaccurate Advice/Information**. The Consequence could be **Reputational** if Council wish to support the Harvest Highway project. The Officer's recommendation to defer the project purports a lower reputational risk to the Shire than if the project should continue. Therefore, the Risk Consequence is considered to be **Minor** and the Likelihood **Unlikely** resulting in a **Low** level of risk.

Budget Implications

The Shire allocated \$10,000 from the Shire's 2019-2020 Budget as a contribution towards the feasibility study. The feasibility study contract was invoiced for considerably less giving an equitable return of funds to participating Shires and the Peel Development Commission. The Shire of Harvey will receive a returned contribution of \$4,150.

Voting Requirement

Simple Majority.

Officer's Recommendation

That Council:

1. Notes the report "Feasibility Study to determine the prospects for, and implications of, reviving the Harvest Highway concept, along the South West Highway (State Route 20) linking the Shire of Serpentine-Jarrahdale, Murray, Waroona and Harvey: August 2020" at **Attachment 1**;
2. Notes that the project will be deferred due to the high expenditure requirements to initiate the project, with surplus funds to be reimbursed by the Shire of Murray to all participating contributors; and
3. Notes the intent of the participating local governments and the Peel Development Commission to revisit the proposal in two years.

Moved: Cr. Bromham

Seconded: Cr. Burgoyne

That Council:

1. **Notes the report "Feasibility Study to determine the prospects for, and implications of, reviving the Harvest Highway concept, along the South West Highway (State Route 20) linking the Shire of Serpentine-Jarrahdale, Murray, Waroona and Harvey: August 2020" at Attachment 1;**
2. **Notes that the project will be deferred due to the high expenditure requirements to initiate the project, with surplus funds to be reimbursed by the Shire of Murray to all participating contributors; and**
3. **Notes the intent of the participating local governments and the Peel Development Commission to revisit the proposal in two years.**

Carried 12-0

20/251.

Cr. Jackson entered the Chamber at 4.27pm.

Chief Executive Officer

Item No.	12.1.2
Subject:	Shire of Harvey Delegations Register
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Governance Officer - Compliance, Manager Governance and Strategy
Authorising Officer:	Chief Executive Officer
File No.:	CC/U/003

Summary

To present to Council for adoption, the Council Delegations Register (refer **Attachment 1**) providing direction for the administration to perform the required functions of the Shire.

Background

A delegation is the process prescribed in legislation for assigning authority to exercise an express power or duty from the delegate to another person (named by position title or office) or an entity (the delegate). The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation.

A decision to delegate a power or duty must be made by a local government after thorough consideration on how the delegation will facilitate the effective operation of the local government. This consideration allows Councils to develop delegations specific to the needs and circumstances of each local government.

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

Section 59 of the *Interpretation Act 1984* prescribes the framework for how delegated authority must be structured in Western Australian law. In summary:

1. The written law (head of power) must include an express power to delegate, which specifically enables a person (the delegator) to make a delegation;
2. In that same written law, there must be an express power or duty conferred or imposed on the delegator and it must be capable of being delegated. This means that:
 - a. The power or duty proposed for delegation must be written in the same law as the express power to delegate; and
 - b. That written law must not prohibit the power or duty from being delegated or contain limitations or conditions, which the proposed delegation exceeds;
3. The power to delegate cannot be delegated;
4. Delegations must be in writing (the instrument of delegation); and
5. Delegations must be advised to the delegate in writing.

The delegation of a power shall be deemed to include the delegation of any duty incidental thereto or connected therewith and the delegation of a duty shall be deemed to include the delegation of any power incidental thereto or connected therewith.

Delegation by office or by name in accordance with Section 53 of the *Interpretation Act 1984* provides that a delegation can be to the holder of an office (whether acting or permanent) or by naming an individual: Where a written law confers a power or imposes a duty upon a person to appoint or designate a person to —

- (a) perform any function; or
- (b) be a member of any board, tribunal, commission, committee, council, or other similar body, whether corporate or unincorporated; or
- (c) be or do any other thing, that person may make the appointment or designation either by appointing or designating a person by name or by appointing or designating the holder of an office by the term designating his office; and any such appointment or designation of the holder of an office shall be construed as the appointment or designation of the person from time to time holding, acting in, or lawfully performing the functions of the office.

Delegations made by the Shire of Harvey are to the holder of an office. A register of delegations is to be kept and reviewed at least once every financial year.

In the course of reviewing the Shire of Harvey Delegations during the year, the Administration noted a number of errors, or missing delegations which negatively affected the Administrations operations, and these delegations were reported quickly to Council to allow the Administration to fulfil their statutory and operational functions. While several immediate reports were considered and endorsed by Council, a comprehensive review of the Shire's delegation register was not undertaken, rather the review focused on the high-risk delegations foremost.

Comment

The Administration has reviewed the entire suite of delegations, using the *WALGA Delegations Template, Local Government Operational Guidelines Number 17 Delegations*, as well as the comprehensive review of informing and subsidiary legislation against the existing delegations.

While this review was extensive and it is recommended that delegations are reviewed at least once per year, it should be acknowledged by Council that local governments are rarely static organisations, with the review of delegations sometimes required outside of the scheduled review period.

The Administration, in reviewing the adoption and delivery of delegations and sub delegations purchased software, Attain, to help aid in the administration of the Shire's compliance functions, assisting to resource intensive processes for greater compliance and efficiency. Attain allows the Shire to manage our compliance calendar, delegations of authority, gift and travel declarations, primary and annual returns and related party disclosures. A consequence to shifting to this program is a change in format for the Delegations which now forms a register, rather than the more individual delegation format which was used previously. There is no formal requirement for the CEO to provide the delegations in any particular document type, only that it meets the requirements of Section 59 of the *Interpretation Act 1984* and the *Local Government Act 1995*.

The review has considered the addition and revocation of several delegations. These changes are recommended to assist the Shire in performing its functions and improve compliance. Currently a number of delegations are written under legislation that does not provide an instrument for the action to be performed, therefore the function should be facilitated through the concept of acting through or a Council policy.

The decision to add, revoke or amend a delegation was informed by a review of existing delegations from the WALGA Governance Team, as well as a thorough review with relevant Shire Officers.

Of significance for Council's consideration is the inclusion of delegation 1.1.1 Appointment of Authorised Persons. This gives delegation to the Chief Executive Officer to appoint Authorised Persons to fulfil prescribed functions in the *Local Government Act 1995* and Subsidiary Legislation, Local Laws as well as the appointment of Authorised Persons under the Building Regulations 2012, *Criminal Procedure Act 2004* and *Graffiti Act 2016*. This allows the Shire to appoint Authorised Persons under the heads of power listed in that delegation. Other inclusions as listed in the register are:

- 1.1.1 - Appointment of Authorised Persons
- 6.1.1 - Determine Compensation
- 6.1.3 - Food Business Registrations
- 6.1.4 - Appointment of Approved Officers and Authorised Officers
- 6.1.5 - Debt Recovery and Prosecutions
- 6.1.6 - Abattoir Inspection and Fees
- 6.1.7 - Food Business List – public access
- 7.1.1 - Give Notice Requiring Obliteration of Graffiti
- 8.1.1 - Appoint Authorised Officer or Approved Officer
- 8.1.2 - Enforcement Agency Reports to the CEO
- 8.1.4 - Determine Compensation for Seized Items
- 9.1.8 - Local Development Plans

Several Delegations have been revoked from the register, as there was no instrument of delegation or the delegation was better performed through the concept of acting through or policy decisions. Revoked delegations include:

- 2.1.10 - Contractors, Plant and Equipment
- 2.2.5 - Contract Variations
- 4.1.1 - Subdivision clearances
- 4.1.6 - Reserve Management Order
- 4.1.7 - Subdivision / Amalgamation Applications
- 4.1.10 - S40 Certificates
- 4.1.11 - Vegetation clearing referrals
- 4.1.15 - Road names
- 4.1.21 - Statutory authority referrals
- 4.1.22 - JDAP recommendations
- 4.1.25 - Extractive Industries – re approval
- 4.1.26 - Advertising Signs
- 4.2.1 - Building Permits Licence Fees – waived for local organisations
- 4.3.8 - Appointment of environmental health officers and authorised officers under the public health act

In two specific instances, the *Reserves and Management Orders* and the *Building Permit Fees- Local Organisations*, policies were created which better instruct the Administration in performing those functions (refer **Attachment 2 and 3**).

There were extensive minor amendments to a number of delegations, for a number of reasons. Foremost, the information as contained in the delegations did not align with the requirements of the *Interpretation Act 1984*. In several instances the delegation was given from the incorrect head of power, for example, delegations referenced the head of power as the *Local Government Act 1995*, where the head of power came from a different piece of legislation such as the *Building Act 2011*. In other amendments the duty expressed in the delegation did not accurately reflect the function which was required to be performed by the CEO. In these instances, the Administration has chosen to align the delegation more accurately with the WALGA Delegations template. A comprehensive review of all changes to Council Delegations has been provided for Council in **Attachment 4**.

Statutory/Policy Environment

Local Government Act 1995

5.42. Delegation of some powers and duties to CEO

- (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —*
 - (a) *this Act other than those referred to in section 5.43; or*
 - (b) *the Planning and Development Act 2005 section 214(2), (3) or (5).*

** Absolute majority required.*

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

[Section 5.42 amended: No. 1 of 1998 s. 13; No. 28 of 2010 s. 70.]

5.43. Limits on delegations to CEO²⁸

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

- (a) *any power or duty that requires a decision of an absolute majority of the council;*
- (b) *accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) *appointing an auditor;*
- (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) *any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) *borrowing money on behalf of the local government;*
- (g) *hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) *the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) *any power or duty that requires the approval of the Minister or the Governor;*
- (i) *such other powers or duties as may be prescribed.*

[Section 5.43 amended: No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23; No. 16 of 2019 s. 23.]

5.44. CEO may delegate powers and duties to other employees

- (1) *A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.*
- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

-
- (3) *This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —*
- (a) *the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*
 - (b) *the exercise of that power or the discharge of that duty by the CEO's delegate,*
- are subject to any conditions imposed by the local government on its delegation to the CEO.*
- (4) *Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*
- (5) *In subsections (3) and (4) —*
conditions *includes qualifications, limitations or exceptions.*
[Section 5.44 amended: No. 1 of 1998 s. 14(1).]
- 5.45. *Other matters relevant to delegations under this Division*
- (1) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —*
 - (a) *a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and*
 - (b) *any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.*
 - (2) *Nothing in this Division is to be read as preventing —*
 - (a) *a local government from performing any of its functions by acting through a person other than the CEO; or*
 - (b) *a CEO from performing any of his or her functions by acting through another person.*
- 5.46. *Register of, and records relevant to, delegations to CEO and employees*
- (1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
 - (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
 - (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

Strategic Framework

Within the Shire's Strategic Community Plan 2017 - 2027, Strategy 4.2.2 states:

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

Risk Management

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

Budget Implications

The cost of the software Attain was a budgeted expenditure of \$7,600.

Voting Requirement

Absolute Majority.

Officer's Recommendation

That Council:

1. Adopt the Shire of Harvey Delegations Register as at 24 November 2020 **Attachment 1**; and
2. Adopts Policies 4.1.17 Reserves and Management Orders **Attachment 2** and 4.2.20 the Building Permit Fees- Local Organisations and **Attachment 3**.

Alternative Recommendation

Moved: Cr. Beech Seconded: Cr. Boylan

That Council:

1. Adopt the Shire of Harvey Delegations Register as at 24 November 2020 **Attachment 1** with the following amendments:
 - 1.1 Amend Delegation 1.1.5 Defer, Waive or Write off Debts to include the following condition
(e) For the CEO to report to Council on the exercise of this delegation.
 - 1.2 Remove Delegation 6.1.5 Debt Recovery and Prosecutions;
2. Adopts Policies 4.1.17 Reserves and Management Orders **Attachment 2** and 4.2.20 the Building Permit Fees- Local Organisations **Attachment 3**.
3. Requests the Chief Executive Officer to conduct annual workshops on the complete delegation register prior to the annual reviews commencing in 2021

Carried 8-5 20/252.

Reason: Council believes that by overseeing the deferral, waiver or write off of debts they are fulfilling their governance duty as a Council. Additionally, by removing debt recovery delegation and increasing input into the delegation register Council are improving oversight.

Chief Executive Officer

Item No.	12.1.3
Subject:	Recording of Council Meetings
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Executive Assistant, Manager Governance and Strategy
Authorising Officer:	Chief Executive Officer
File No.:	CC/C001

Summary

To provide direction to the Administration and community on the guidelines for recording and livestreaming of Council Meetings. It is recommended that Council adopt Council Policy 1.2.5 Recording and Livestreaming of Council Meetings.

Background

This policy aims to provide direction to the Administration and community with regard to the roles and responsibilities of the recording and live streaming of Council Meetings. The recording and livestreaming of meetings aims to improve participation and access to information for the community, actively improving the accessibility to Council's decision making processes.

The Shire of Harvey began the recording and livestreaming of public meetings in April 2020. While a formal policy decision was not taken, the Shire has administratively undertaken the recording and livestreaming of meetings as a consequence and mitigation to the effects of COVID-19 and the reduced level of public participation which was able to be facilitated during the State Government's pandemic controls. This policy is in accordance with the amendments made to the Local Government (Administration) Regulations 1996 on 26 March 2020. This allows local governments to hold their meetings via means of live stream during the public health emergency. Outlines of the modifications to the *Local Government Act 1995* and in turn to the live streaming and recording of Council Meetings is outlined in Part 2 (Council and Committee Meetings) s.14C, 14D, 14E.

In accordance with *Local Government Act 1995* all Council Meetings and local government delegated committees are to be open to members of the public. The recording of Council Meetings, and the streaming of the meeting on a live platform, improves the transparency of meetings, providing increased access to people who are unable to attend in person.

All records should be kept in accordance with Part 3 (Record keeping plans for government organisations) of the *State Record Act 2000*. When Council livestream the proceedings of its meetings and records in audio or visual format, those recordings become part of the official records of the local government and are subject to the requirements of the *State Records Act 2000* and the State Records Office (SRO), Freedom of Information legislation as administered by the Office of the Information Commissioner. The SRO's General Disposal Authority for Local Government Records requires that all such formats used to record Council Meetings must be retained in accordance with the conditions of the *State Records Act 2000*, the SRO's 'Record Keeping Policies and Standards', and the General Disposal Authority itself. In accordance with the General Disposal Authority, the recordings will be destroyed after one year.

Comment

The recording and livestreaming of Council meetings will assist the Administration in the documentation of decision making, but will not provide notes verbatim. The intention of Council Minutes is to provide a statement of events during the meeting and will not be recorded as Hansard.

Under the *Local Government Act 1995* all Council Meetings and local government delegated committees are to be open to members of the public. Should the meeting involve one of the topics listed in section 5.23, the Presiding Member has the authority to close the entire meeting or part of the meeting to members of the public. The decision to close the meeting or part of the meeting to the public must be recorded in the minutes of that meeting. The closing of the meeting to the public under section 5.23 will cease the recording and live streaming of the meeting.

The community, and members participating in the meeting, viewing the meeting through livestream or viewing a recording of the meeting, should be reminded that the recording of these meetings are subject to alteration at the discretion of Council and any party that may have an interest should cease any action until written advice is obtained confirming Council's decision with respect to that particular issue.

It is a requirement that all Council members, members of staff and the public attending are aware that the meeting will be recorded and livestreamed. This is to be done at the start of each meeting with an announcement by the Presiding Member, and all meeting rooms will have a sign clearly displayed, to inform members of the public of the recording and streaming of meetings. Cameras are generally positioned to ensure that the public gallery will not be captured. It is not guaranteed that members of the public will not be streamed or recorded. Members of the public should not enter the public meeting room if they do not wish to be recorded.

The recordings of the livestreamed meetings will be made available via the Shire of Harvey's website within a reasonable timeframe. Should technical difficulties arise the recording of the live stream and even the live stream itself may not be available to view on the website or may incur a longer than usual upload delay. Making copies or distributing any part of a live stream or recording is prohibited and the Shire of Harvey reserves all rights in relation to its copyright.

Statutory/Policy Environment

The Local Government Act 1995 Section 5.94(n), (o) and (p) of the Act lists, among other information, the agenda and minute related documents (whether or not current, and in the form or medium that they are held by the local government) that must be made available, free of charge, for inspection by any member of the public. This list includes the confirmed minutes of council or committee meetings (and also electors' meetings).

Local Government (Administration) r.14C. *Attendance by electronic means in public health emergency or state of emergency* (Act s. 5.25(1)(ba)) prescribes the attendance by electronic means in a public health emergency or state of emergency.

State Records Act 2000 prescribes the way to which records of meetings of Council must be kept.

The Shire of Harvey Code of Conduct for Council Members, Committee Members and Staff and Shire of Standing Orders Local Law 2017 prescribes the behaviour and ways which the meeting must be held.

Strategic Framework

Within the Shire's Strategic Community Plan 2017 - 2027, Strategy 4.2.3 states:

Investigate 'smart' technologies to improve service provision.

Within the Shire's Strategic Community Plan 2017 - 2027, Strategy 4.4.1 states:

Provide opportunities for the community to engage with Councillors and Staff.

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The Consequence could be **Compliance** or **Reputational**. The risk is considered **Minor** and the likelihood **Likely**, given that the policy is in line with legislation. This results in a **Moderate** risk being present.

Budget Implications

Nil.

Voting Requirement

Simple Majority.

Officer's Recommendation

That Council adopts Council Policy 1.2.5 Recording and Livestreaming of Council Meetings.

Moved: Cr. Adams

Seconded: Cr. Dickinson

That Council adopts Council Policy 1.2.5 Recording and Livestreaming of Council Meetings.

Carried 10-3

20/253.

Chief Executive Officer

Item No.	12.1.4
Subject:	Harvey Community Precinct Redevelopment
Proponent:	Shire of Harvey
Location:	Harvey
Reporting Officer:	Manager Special Projects
Authorising Officer:	Chief Executive Officer
File No.:	B000158

Summary

A Public Expression of Interest (EOI) for the Harvey Community Precinct Redevelopment was advertised from 26 June 2020. At the close of the EOI on 21 July 2020, nine submissions were received.

A desk top review of the submissions was undertaken where each submission was analysed in detail, cross references and examples of works reviewed and references contacted for comment. Following the assessment, the evaluation panel considered that four of the nine respondents be invited to complete stage 2 of the process.

Detailed submissions from the four shortlisted respondents were received on 28 October 2020 and following a further evaluation process and presentation by the respondents to a Council Forum held on 10 November 2020, a final analysis was completed on 12 November 2020.

This report recommends that Council notes the recommendation contained in the confidential attachment (refer ***Confidential Attachment 1***).

Background

An EOI for the Harvey Community Precinct Redevelopment was advertised where respondents were required to submit information on their suitability to prepare and deliver the Harvey Community Precinct Redevelopment.

Details are included in ***Confidential Attachment 1***.

Comment

Of the nine submissions received, the following respondents were subsequently shortlisted to progress to stage 2 of the assessment process.

- Bollig Design Group
- Christou Design Group P/L
- DKJ Projects Architecture
- Element Advisory P/L and Iredale Pedersen Hook Architects Australia

A Request for Tender (RFT) was issued to the four finalists and a mandatory site inspection was held on Monday 31 August 2020. Judging of the schemes was a five-part process:

- EOI ranking 5%
- Anonymous Session by Directors and Manager Special Projects 20%
- Elected members Judging at presentation 30%
- Directors Judging at Presentation 20%
- Final analysis, including fee assessment 25%

Details of the assessment are contained in **Confidential Attachment 1**.

Strategic Framework

Within the Shire's Strategic Community Plan 2017-2027 and Corporate Business Plan 2020 - 2024, the following Strategies are relevant to the project:

- *1.2 Develop the Shire as a tourist destination based on the Shire's distinct characteristics and natural assets and qualities.*
- *2.1 Heritage buildings and places are utilised, preserved and maintained.*
- *2.2 Town centres are welcoming, well presented and development enhances their character and value.*
- *3.2 A safe and healthy community with a strong sense of community pride.*
- *3.3 The history of the Shire and its rich and varied cultural heritage and natural environment is valued, respected, promoted and celebrated.*
- *3.4 Services, infrastructure and facilities continue to meet community needs,*
- *3.4.4 Complete the Harvey Community Precinct Study.*
- *4.4 A well informed, connected and engaged community that actively participates.*
- *4.3.7.1 Identify and improve administration facilities for the Shire's Office in Harvey (flagship priority).*

Statutory/Policy Environment

Nil.

Risk Management

The Risk Theme Profile identified as part of this report is **Failure to provide an effective and relevant Masterplan, in keeping within the heritage and historical context of the Town of Harvey**. The Consequence could be **Environmental, Financial, or Reputational** if inadequate information and briefing is provided to the consultants engaged. The risk is considered **Minor** due to the investigation already completed, and the extensive analysis in the selection of the design team. The likelihood is considered **Unlikely**, given that, firstly a briefing document will be generated by the design team in response to the information provided for the development of the Masterplan, and secondly the input by the Manager Special Projects and Directors during the early design stage. This results in a **Low** risk being present.

Budget Implications

An amount of \$176,000 was included in the 2020-2021 Budget for the production of a Master Plan. A preliminary figure has been included in the Forward Capital Works Plan for the construction of a new Library, mixed community offices and facilities, and a new Civic Administration Development.

Further documentation and a business plan will be presented for Council approval once a Master Plan has been completed.

Voting Requirement

Simple Majority.

Officer's Recommendation

That Council notes the recommendation as per the *Confidential Attachment 1*.

Moved: Cr. Lovitt

Seconded: Cr. Beech

That Council notes the recommendation as per the *Confidential Attachment 1*.

Carried 13-0

20/254.

Chief Executive Officer

Item No.	12.1.5
Subject:	Designated Area Migration Agreement
Proponent:	South West Region of Local Governments
Location:	South West Region
Reporting Officer:	Chief Executive Officer
Authorising Officer:	Chief Executive Officer
File No.:	GR/L/003

Summary

South West local governments has been investigating the potential to establish a Designated Area Migration Agreement (DAMA) in the South West of Western Australia.

The Bunbury Geographe Chamber of Commerce and Industry (BGCCI) have commenced a feasibility study, funded by local businesses, to identify skill shortages and likely trends across the region and to establish a DAMA.

Upon establishment of a DAMA there will be the requirement to appoint a Designated Area Representative (DAR) to provide ongoing administrative support for the five-year term of the DAMA.

Council is requested to consider supporting the establishment of a DAMA and provide in-principle support to providing part funding of the DAR position.

Background

A DAMA is a formal agreement between the Australian Government and a regional, State or Territory authority. It provides access to more overseas workers than the standard skilled migration program. DAMAs operate under an agreement-based framework, providing flexibility for regions to respond to their unique economic and labour market conditions.

DAMAs are designed to provide solutions to Australian businesses where there are skills gaps and shortages that cannot be met by the Australian market by allowing 'endorsed' employers to sponsor a broader range of overseas workers than is available under the standard temporary and permanent visa program (refer **Attachment 1**).

The purpose of the industry funded feasibility study is to identify regional workforce needs in each location and overall as a region. The study will focus on the South West region's high growth industries including agribusiness, forestry, health and social services, tourism and hospitality, construction and mining. Upon the completion of the feasibility study, the appointed consultant Perdaman Global Services, will provide recommendations as part of the implementation plan to establish the DAMA and the required administrative support.

It is understood that the private sector is not able to be the DAR and enter into a DAMA agreement directly with the Federal Government. The DAR should be a relevant local or regional government agency. The private sector is therefore seeking support from local governments to, once the study is complete, auspice and undertake the DAR position.

Comment

On 4 November 2019, the Shire President and the Chief Executive Officer (CEO) attended a DAMA Information Session which was coordinated by Nola Marino MP and attended by representatives from the Department of Home Affairs. Nola Marino MP outlined the problems faced by numerous businesses in the electorate of Forrest in regards to accessing labour. The representatives from the Department of Home Affairs outlined the DAMA process to assist with the individual needs of the region.

In March 2020, a discussion with Nola Marino MP and CEOs from the South West region looked to investigate the possibility of establishing a DAMA. Further investigation was placed on hold due to the Covid-19 pandemic.

The Shire of Dardanup, on behalf of the South West local governments, has had further discussions with Nola Marino MP and industry representatives to progress a DAMA, with the BGCCI coordinating the funding from industry to undertake the following work through the appointment of consultant, Perdaman Global Services:

<p>Stage One Strategy session to determine DAMA parameter and outcomes</p>	<p>Strategy session with all Shires to determine key objectives and components of the key agreement. Submission and final report from session.</p>
<p>Stage Two Preliminary consultations with the Department of Home Affairs</p>	<p>Initial meetings with the DAMA section of the Department of Homes Affairs and appropriate Ministers and political operatives to ensure enough political support and a strong business case to progress negotiations for the agreement.</p>
<p>Stage Three Preparation of submissions for Labour Agreement</p>	<p>Collation of documents, stakeholder consultations and lodgement of submissions to the Department of Home Affairs. This will be a detailed and significant undertaking involving multiples agencies and bodies. This will need to happen for each Shire in order for them to access the agreement.</p>
<p>Stage Four Further lobbying, consultations and negotiations for Labour Agreements</p>	<p>Further negotiations to finalise the Labour Agreement with the Department of Home Affairs and other relevant Stakeholders.</p>

A report will be provided by the Shire of Dardanup on behalf of the region, to the South West WALGA Zone meeting due to be held on 27 November 2020, seeking support for the establishment of a DAMA across the South West and requests local governments in the region to support the DAMA through the funding of the DAR position.

Statutory/Policy Environment

N/A.

Strategic Framework

Within the Shire of Harvey’s Strategic Community Plan 2017 – 2027, Objective 1 states:

To be a diverse and innovative economy supporting a range of employment opportunities.

Risk Management

The Risk Theme Profile in relation to this item is **Providing Inaccurate Advice/Information** and **Business and Community Disruption**. The Consequence could be **Reputational** if Council did not wish to support a Designation Area Migration Agreement. The Risk is mitigated by the Officer's recommendation to support the proposal. The Risk Consequence is considered to be **Minor** and the Likelihood **Unlikely** resulting in a **Low** level of risk.

Budget Implications

The costs involved with employment of a Designated Area Representative (DAR) located within a South West local government have been estimated at approximately \$50,000 pa (0.5 FTE). In addition, funding of a vehicle or provision of a vehicle allowance would be required. The proposed funding of the position by the twelve South West local governments would require a contribution by the Shire of Harvey of \$5,000 per annum over a five year period. It is expected that a fee for service model will be implemented requiring local employers to pay a fee to the DAR for placement and services and this may offset some of the local government funding contributions.

Voting Requirement

Simple Majority.

Officer's Recommendation

That Council:

1. Supports the establishment of a Designated Area Migrant Agreement across the South West region of Local Governments; and
2. Provides in-principle support for the provision of \$5,000 per annum for the period of a five year Designated Area Migration Agreement to fund a Designated Area Representative to be employed by a South West local government.

Moved: Cr. Jackson

Seconded: Cr. Dickinson

That Council:

1. **Supports the establishment of a Designated Area Migrant Agreement across the South West region of Local Governments; and**
2. **Provides in-principle support for the provision of \$5,000 per annum for the period of a five year Designated Area Migration Agreement to fund a Designated Area Representative to be employed by a South West local government.**

Carried 12-1

20/255.

Infrastructure Services

Item No	12.2.1
Subject:	Rigg Road, Myalup - Proposed 'No Stopping' Parking Restrictions
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Director Infrastructure Services
Authorising Officer:	Chief Executive Officer
File No.:	R000012

Summary

Parking on Rigg Road, Myalup in the vicinity of the Crooked Carrot Eating House has been an issue for some time with residents in the area raising a number of road safety concerns regarding the large volume of vehicles using both sides of the road verge area for informal 90 degree angle parking.

This report recommends introducing a No Stopping Parking restriction on the road and verge area on the north side of Rigg Road as shown in **Attachment 1**.

Background:

In June 2015, Council approved an Eating House and Wayside Stall from what was originally a Wayside Stall. The Eating House was for 64 patrons but there was no limit on patrons external to the eating house (now the Crooked Carrot).

Since 2015, numerous approvals have been issued including a toilet block, shade structures, tram and covered areas (2017), extension to kitchen and extension of carpark to the south including area for caravans (2018).

Following numerous complaints and concerns regarding safety, in late 2019, a site meeting was held at the Crooked Carrot to discuss issues relating mainly to parking and access.

During busy times, particularly on the weekends and at certain times during the week, vehicles are parking indiscriminately in both Rigg Road, the road reserve and in the Forrest Highway road reserve.

Following further meetings involving Main Roads WA (MRWA), the Crooked Carrot and Shire Officers in March 2020, it was decided that MRWA would undertake works to restrict access from the Crooked Carrot onto Forrest Highway and undertake landscaping works to stop caravans parking in the Forrest Highway road reserve off Rigg Road. These works are currently in progress.

Comment

As mentioned above, during busy times, large volumes of vehicles use both sides of the Rigg Road verge area for informal 90 degree angle parking.

The current unregulated parking creates safety issues for both pedestrians crossing Rigg Road from the parked cars and vehicles reversing onto Rigg Road. This is creating congestion and safety issues for other motorists using Rigg Road to access properties along Rigg Road, Lakeside Drive and Kookaburra Close.

To complement the works being undertaken by MRWA, as previously discussed with the Crooked Carrot, it is proposed that a No Stopping Parking restriction be implemented on the road and verge area on the north side of Rigg Road as shown in **Attachment 1**.

This will result in the following safety improvements:

- Restricting the on road angle parking on the south side of Rigg Road only will ensure no one is crossing the road to access the Crooked Carrot;
- Will force motorists to park on site in the currently underutilised Crooked Carrot car parking area; and
- Will complement the works being undertaken by MRWA to restrict parking within the Forrest Highway road reserve.

Statutory/Policy Environment

The head of power for the implementation of restricted on road parking is the Shire of Harvey Parking Local Law.

Strategic Framework

Within the Shire's Strategic Community Plan 2017 – 2027, Strategy 3.6.1 state:

Provide a safe standard of roads and ancillary infrastructure.

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The Consequence could be Reputational if Council decides not to support the request for the parking restrictions. The Risk Consequence is considered to be **Minor** and the Likelihood **Unlikely** resulting in a **Low** level of risk. The Risk is mitigated by supporting the recommended no stopping parking restriction on Rigg Road

Budget Implications

The cost to implement the proposal including signage, yellow no stopping line marking is in the order of \$500. This would be funded from the signage maintenance budget.

Voting Requirement

Simple Majority.

Officer's Recommendation

That Council approves the implementation of the No Stopping Parking restriction on Rigg Road, Myalup, as shown on **Attachment 1**.

Moved: Cr. Burgoyne Seconded: Cr. Bromham

That Council approves the implementation of the No Stopping Parking restriction on Rigg Road, Myalup, as shown on Attachment 1.

Carried 13-0

20/256.

Infrastructure Services

Item No	12.2.2
Subject:	Proposed New Path – South Western Highway between Uduc Road and Hinge Road
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Director Infrastructure Services
Authorising Officer:	Chief Executive Officer
File No.:	R000003

Summary

Shire Officers are in the process of developing an updated draft 10 year Local Path Plan which will outline annual funding options for both long term path replacement and improvement (new paths).

When completed a report will be presented to Council outlining a replacement and improvement time line based on various funding scenarios.

It is recommended that the proposed path along the South Western Highway between Uduc Road and Hinge Road be prioritised accordingly and be considered for inclusion in the draft Local Path Plan

Background

At its meeting held on 27 October 2020 a petition with 55 signatories was presented to Council. The petitioners requested the following:

“We, the undersigned, all being residents of the Shire of Harvey, do formally request the Council’s consideration to construct a footpath on the western side of the South Western Highway from the Vibe Service Station to Hinge Road. Residents of all ages, elderly, younger families (some with small children and prams) middle aged residents and younger residents walk or ride bicycles along this gravelly side of the road”.

Further commentary associated with the petition also outlined the following:

“this side of the road is gravel and sloping, which makes it difficult to walk along. There is a footpath on the opposite side (along the Senior High School), however, the public or residents are not going to cross the busy Highway at the Service Station and then across again further south, a second time, should they wish to access their homes or walk along Hinge Road”.

The author of the petition concluded that *“the Shire and Councillors (as well as the Main Roads Department) have a duty of care to build a footpath for residents to walk safely along the Highway”.*

Comment

Path replacement

The Shire’s current Local Path Plan was adopted by Council in 2012 and focused mainly on identifying projects to achieve an ‘ultimate path network’. The Plan, however, did not address path replacement which have a serviceable lifespan. It is important to monitor path condition and replace the infrastructure to maintain an acceptable level of service of the asset.

The updated draft 10 Year Local Path Plan is currently being prepared and will incorporate path replacement and a proposed budget will need to incrementally increase to keep pace with replacement, as well as provide for improvement where strategic gaps are identified.

Path Improvement (New Paths)

The following scoring criteria has been developed in order to assess and prioritise new path projects based on:

- Strategic benefit
- User Group Benefit
- Connectivity Benefit
- Safety Benefit

A maximum score of 20 points is achievable under these criteria. A ten-year improvement program is currently being developed based on this scoring criteria.

Discussion

Once the draft plan has been developed, the level of acceptable annual funding for both long term path replacement and improvement timelines will be presented to Council in the context of the Shire's other competing funding requirements.

It should be noted that in preparing the draft plan, some path improvement funding may potentially be matched where projects qualify for grant funding.

The path section requested by the petitioners will be considered in the context of the above mentioned scoring criteria.

Statutory/Policy Environment

Local governments are the asset owners of local government roads.

Strategic Framework

Within the Shire's Strategic Community Plan 2017 – 2027, Outcome 3.6 and Strategy 3.6.1 state:

3.6 *A local transport network that ensures equity across the community to a safe standard*

3.6.1 *Provide a safe standard of roads and ancillary infrastructure*

Risk Management

The Risk Theme Profile identified as part of this report is **Inadequate Asset Sustainability Practices**. The Consequence could be **Property** and **Financial Impact** should the path and track infrastructure not be maintained to the required standard. The Risk Consequence Rating is considered to be **Moderate** and the Likelihood **Possible**, giving a **Moderate** risk rating.

Budget Implications

Not applicable at this stage however the estimated cost to construct approximately 550m of concrete path, 2.1m wide is in the order of \$68,000.

Voting Requirement

Simple Majority.

Officer's Recommendation

That Council:

1. Notes that Officers are currently in the process of preparing a draft 10 year Local Path Plan;
2. Considers including the proposed new path along the South Western Highway between Uduc Road and Hinge Road for assessment and prioritising in accordance with the scoring criteria outlined in the report during the preparation of the draft 10 Year Local Path Plan; and
3. Advises the author of the petition of its decision.

Moved: Cr. Dickinson Seconded: Cr. Beech

That Council:

1. **Notes that Officers are currently in the process of preparing a draft 10 year Local Path Plan;**
2. **Considers including the proposed new path along the South Western Highway between Uduc Road and Hinge Road for assessment and prioritising in accordance with the scoring criteria outlined in the report during the preparation of the draft 10 Year Local Path Plan; and**
3. **Advises the author of the petition of its decision.**

Carried 13-0

20/257.

Infrastructure Services

Item No.	12.2.3
Subject:	Community Open Space, Binningup - Landscaping
Proponent:	Shire of Harvey
Location:	Lots 194, 195, 198, 199, 200, 8001 and 8002, Binningup
Reporting Officer:	Director Infrastructure Services / Manager Parks Services
Authorising Officer:	Chief Executive Officer
File No.:	A006245, A016443

Summary

The ownership of Lots 194, 195, 198, 199, 200, 8001 and 8002, Binningup is currently being transferred from Binningup Nominees Pty Ltd to the Shire as Binningup Nominees Pty Ltd no longer wish to maintain the land.

These land parcels were initially developed as Community Open Space (refer **Attachment 1**) and maintained by Binningup Nominees Pty Ltd in accordance with the requirements of the Shire of Harvey Town Planning Scheme No 12.

Council approved for the subject lots to be transferred free of cost (gifted) to the Shire at its meeting held on 28 July 2020.

The Shire is in the process of taking over the landscape maintenance of the subject land and this report discusses the requirements and cost implications.

Background

As previously reported to Council, on 18 August 1987, Shire of Harvey Town Planning Scheme 12 - Lakewood Shores Guided Development Scheme was Gazetted, which among other things provided for the development and management of Open Space Areas within the Scheme Area broadly defined as Public, Community and Golf Course.

The Golf Course remains the owner's responsibility and all Public Open Space has previously been ceded to the Shire as Recreation Reserves.

The Community Open Space, however, remained the responsibility of the owner, Binningup Nominees Pty Ltd.

Council Meeting 28 July 2020

Council considered a report on the transfer of land comprising Community Open Space from Binningup Nominees Pty Ltd to the Shire, where the following decision was made (in part):

That Council:

1. *Pursuant to Clause 4.5.2 of the Shire of Harvey Town Planning Scheme 12 - Lakewood Shores Guided Development Scheme accepts the gifting of lots from Binningup Nominees Pty Ltd: (refer **Attachment 1**)*
2. *Authorises the Chief Executive Officer to affix the Common Seal to the Transfer of Land Documents contained within Attachment 2 of this report; and*
3. *Authorises the Chief Executive Officer to enter into a Memorandum of Understanding with Binningup Nominees Pty Ltd associated with the allocation of water and access to the bore and reticulation control station.*

Comment

Landscape Maintenance

There are approximately 2.5 hectares of turf and gardens that are required to be maintained within the estate, including two parks and one playground. The turf has previously been kept to a very high standard by Binningup Nominees Pty Ltd and was being mowed and maintained in line with the maintenance activities and frequencies being undertaken at the Binningup golf course.

As Binningup Nominees Pty Ltd have been undertaking the landscape maintenance requirements for Lakewood Shores Binningup at their cost since the development commenced, the Shire has provided a small rates concession for them undertaking the requirements for the estate.

Since Binningup Nominees Pty Ltd stopped all maintenance activities in early 2020, the area has had little maintenance activities undertaken and any maintenance has been by the local residents who have taken on the responsibility themselves with many undertaking mowing and garden activities to keep the area as neat and tidy as possible. However, the area is now in dire need of regular maintenance and watering.

As the transfer of the land is now imminent, the Shire's Parks Services proposes that the landscape maintenance in the areas as shown in **Attachment 1**, be contracted out at least until the end of the 2020-2021 financial year due to the lack of in-house resources. Moving forward, it is proposed that a public tender be called for the maintenance of Lakewood Shores from the 2021-2022 financial year forward.

Currently, the existing irrigation within the estate is supplied from a water body located within the golf course currently owned by Binningup Nominees Pty Ltd and is not part of, or likely to be in the future, part of any transfer of land to the Shire. As the Shire currently has no permanent tenure over this water supply the water to the landscaping would be undertaken within the Binningup Nominees Pty Ltd water allocation licence. The Shire is currently developing a Memorandum of Understanding (MOU) for the use of the water and supply pump.

In the longer term, Parks Services Officers will need to investigate alternative supply and delivery options as there is a potential risk that the estate may be left without this source of water in the future. It should be noted however, that the irrigation infrastructure outside of the water body, supply pump and controller at the lake will become Shire of Harvey responsibility in accordance with the MOU.

It should also be noted that the existing irrigation system is in relatively poor condition with sections being added onto sections as the estate developed. In addition, there is limited knowledge of the irrigation system as there are few irrigation 'as constructed' drawings available.

Lighting Lakes Parade

As reported to Council at its meeting held on 7 October 2020, Western Power undertook a design to install street lighting in Lakes Parade, Binningup to the relevant Australian Standards for residential developments. This is to replace the existing obsolete bollard lighting in the street.

Following consideration of the report, Council approved the reallocation of funding from various sources to implement the proposal estimated to cost \$95,000. Western Power have advised that the new lighting will be installed by the end of December 2020.

Statutory/Policy Environment

Part V of the Shire of Harvey Town Planning Scheme 12 - Lakewood Shores Guided Development Scheme, Community Open Space, contains provisions for the development and management of the Community Open Space and provides an opportunity to transfer the Community Open Space to the Shire in the event the management entity is no longer able to undertake the required management.

Part IV of the *Transfer of Land Act 1893*, Dealings with Land, Division 1, Transfers, provides the section associated with the transfer of land in freehold from one entity to another.

Strategic Framework

Within the Shire's Strategic Community Plan 2017 - 2027, Strategy 2.2.3 and 2.4.5 states:

*2.2.3 Continue to provide a high standard of town centre presentation and maintenance;
and*

2.4.5 Monitor and maintain current and future playground facilities within the Shire

Budget Implications

Quotations for undertaking the landscape maintenance of the Community Open Space areas were obtained. The lowest price submitted was for \$82,380 for a 12-month period or \$6,865 per month. As there are eight months of the 2020-2021 financial year remaining, the cost will be approximately \$55,000 (this excludes any reticulation maintenance that may be required).

Council has allocated \$20,000 in the 2020-2021 Budget towards the maintenance of the subject lots. Therefore, there will be a \$35,000 funding shortfall in this financial year (including additional expenditure for reticulation maintenance) and it is recommended that the funding shortfall be considered in the Budget review.

In recognition of the management previously being undertaken by the Binningup Nominees Pty Ltd, the subject lots were granted a small rates concession under Section 6.47 of the *Local Government Act 1995* (Act) as the land was developed as open space and waiving of the rate was considered appropriate.

The value of the concession in 2019-2020 was \$412.66. There was no concession in 2020-2021 as one was not requested.

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 an incorrect administration of the Scheme occurs and areas of Community Open Space are not appropriately managed. The Risk is considered **Minor** and the likelihood **Unlikely**, as the land is currently being transferred to the Shire and the Shire will be taking on the maintenance of the land. This results in a **Low** risk being present.

Voting Requirements

Simple Majority.

Officer's Recommendation

That Council lists an additional amount of \$40,000 in the Budget review to fund the anticipated funding shortfall for the landscape maintenance of the Community Open Space areas in Binningup, as shown in ***Attachment 1***.

Moved: Cr. Bromham Seconded: Cr. Coleman

That Council lists an additional amount of \$40,000 in the Budget review to fund the anticipated funding shortfall for the landscape maintenance of the Community Open Space areas in Binningup, as shown in *Attachment 1*.

Carried 13-0 20/258.

Infrastructure Services

Item No.	12.2.4
Subject:	Better Bins Plus: Go FOGO Kerbside Collection Program
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Waste and Safety Services
Authorising Officer:	Director Infrastructure Services
File No.:	B000303

Summary

The Shire of Harvey applied to participate in the 'Better Bins Plus: Go FOGO' Kerbside Collection Program in July 2020.

The Waste Authority have presented an offer to the Shire (refer **Attachment 1**) that is contingent on the Shire agreeing to make changes to the waste services currently provided to households by 2026.

It is recommended that Council maintains the current level of waste management services provided to households and prior to accepting the grant funding, authorises the Chief Executive Officer to enter into discussions with the Waste Authority regarding potential future funding opportunities through the 'Better Bins Plus: Go FOGO' Kerbside Collection Program to comply with the Waste Authority funding requirements.

Background

Council Meeting 18 September 2018

Council adopted the following waste service model:

- a. *Provides the following waste collection services to all households (townsites and non townsites) that are currently receiving a waste collection service:*
 - *General waste (240L MGB) reduced to a fortnightly collection;*
 - *Organics waste (240L MGB) to a weekly collection; and*
 - *Recycling (240L MGB) maintain the fortnightly collection.*
- b. *Maintains the provision to non-households (commercial activities, such as cafes, caravan parks, schools etc.):*
 - *General waste (240L MGB) maintain the reduced to a weekly collection; and*
 - *Recycling (240L MGB) maintain the fortnightly collection.*

The Better Bins Plus: Go FOGO Kerbside Collection Program

The Program is a scheme funded from the Western Australian State Government's Waste Avoidance and Resource Recovery Account, which under section 80(1)(a) of the *Waste Avoidance and Resource Recovery Act 2007 (WA)* may be used to fund programs relating to the management, reduction, reuse, recycling, monitoring or measurement of waste.

The Program has been developed by the Waste Authority to provide financial incentives for local governments to implement the Better Bins Plus: Go FOGO Kerbside Collection Guidelines.

In July 2020, the Shire submitted an application for \$160,000 to participate in the ‘Better Bins Plus: Go FOGO’ Program, to support the purchasing of compostable bags, waste education branding on collection vehicles and bin tagging of kerbside bins.

The Waste Authority subsequently offered the Shire \$158,250 over two financial years as follows:

- \$68,575 for 2020-2021: and
- \$89,675 for 2021-2022

The funding was offered on the proviso that the Shire gave a commitment to undertake the following:

- A transition away from General Waste mobile garbage bins (MGB) exceeding the capacity of 70L per week (maximum 140L capacity, fortnightly collection); and
- To provide within its district MGB’s with dark green bodies and lid colours consistent with Australian Standard 4123.7-2006.

Existing Waste Service Provided

The Shire’s existing waste services for households consist of the following:

Type	Size	Collection frequency	Colour	AS 4123.7-2006
General Waste	240L	Fortnightly	Dark green bodies/red lids.	Transitioning to red lid on dark green since 2013 for new MGB’s and replacement lids.
Recycling	240L	Fortnightly	Yellow lid/green body	Complies
FOGO	240L	Weekly	Lime green lid and body	Lid complies with AS 4123.7-2006.

Comment

The State Government’s Waste Avoidance and Resource Recovery Strategy 2030, has set the following Municipal Solid Waste (MSW) recovery targets:

Year	Target
2020	Increase MSW material recovery to 65% in the Perth and Peel regions, 50% in major regional centres
2025	Increase MSW material recovery to 67% in the Perth and Peel regions, 55% in major regional centres
2030	Increase MSW material recovery to 70% in the Perth and Peel regions, 60% in major regional centres

Within the funding agreement, condition 6.2 sets out a number of conditions that Council needs to agree to as follows:

“(a) *The Recipient must:*

- i. *Seek approval from its Council, within 12 months of the Execution Date, to replace all General Waste Receptacles that are larger than 70 litres in capacity per week with General Waste Receptacles that are 70 litres capacity or less per week in its jurisdiction by 30 June 2026; and*

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- ii. *provide written notification to the Waste Authority of the decision of the Council regarding clause 6.2(a)(i);*
 - (b) *If, in accordance with clause 6.2(a)(i), the Council does not approve the replacement of all General Waste Receptacles that are larger than 70 litres in capacity per week with General Waste Receptacles that are 70 litres capacity or less per week in its jurisdiction by 30 June 2026, the Recipient must:*
 - i. *seek approval from its Council, within 12 months of the Council Election occurring, to replace all General Waste Receptacles that are larger than 70 litres in capacity per week with General Waste Receptacles that are 70 litres capacity or less per week in its jurisdiction by 30 June 2026; and*
 - ii. *provide written notification to the Waste Authority of the decision of the Council regarding clause 6.2(b)(i);*
 - (c) *The Recipient must replace all General Waste Receptacles that are larger than 70 litres in capacity per week with General Waste Receptacles that are 70 litres capacity or less per week in its jurisdiction by 30 June 2026 except for any arrangements for the use of General Waste Receptacles that are larger than 70 litres by households that have been approved in writing by the Waste Authority by 30 June 2026.*
 - (d) *The Recipient must provide written notification to the Waste Authority once it has completed the requirement in clause 6.2(c).*
 - (e) *If the Recipient has not replaced all General Waste Receptacles that are larger than 70 litres capacity per week with General Waste Receptacles that are 70 litres capacity or less in its jurisdiction by 30 June 2026, the Waste Authority may send the Recipient a written request requiring it to repay all or a portion of the Grant Funds to the WARR Account within fourteen (14) days, and the Recipient must comply with such a direction.*
 - (f) *If the Recipient has the approval of its Council to transition to General Waste Receptacles that are 70 litres capacity or less per week in its jurisdiction by 30 June 2026 at the time of the Execution Date, the Recipient must provide written notification to the Waste Authority of the Council's endorsement of this requirement within fourteen (14) days of the Execution Date.*
 - (g) *This clause continues in force following the expiry or termination of this Agreement”.*

In accordance with the funding agreement, Council must consider moving to smaller General Waste MGB at least twice before 30 June 2026. If Council decides not to move to smaller General Waste MGB, a justification needs to be provided to the Waste Authority.

General Waste MGB

Officers consider that by agreeing to reduce the size of the General Waste MGB from the current 240L (fortnightly collection) to a General Waste MGB less than 140L (fortnightly collection) and by agreeing to the following condition i.e. *the Waste Authority may send the Recipient a written request requiring it to repay all or a portion of the Grant Funds to the WARR Account within fourteen (14) days, and the Recipient must comply with such a direction*, may could expose the Shire to a number of potential risks.

In addition, the funding agreement states that: *“the Recipient will provide within its district (as provided for under the Local Government Act 1995 (WA)) mobile garbage bins (Receptacles), with dark green bodies and lid colours consistent with Australian Standard 4123.7-2006”*.

It should be noted that the Shire has been transitioning from dark green to red lids on all new and replacement General Waste MGB (in accordance with AS 4123.7-2006).

Some of the risks associated with changing to a smaller General Waste MGB include:

- Significant cost to change from the current 240L MGB to a 140L MGB;
- Potential risk of increased contamination of Recycling and FOGO waste streams;
- Reputational risk due to the expectation of the community maintaining a 240L MGB;
- Reputational and financial risk due to unnecessary disposal of existing MGB; and
- Financial risk due to the funding clause 6.2 of the funding agreement having no expiry date.

FOGO MGBs

The Shires existing FOGO MGBs do not currently comply with AS 4123.7-2006 colours which requires lime lid and dark green body. In 2019 the Shire rolled out FOGO MGBs with lime coloured lids and body to maintain consistency with other local governments in our region.

Officers consider that changing the FOGO MGBs and agreeing to the aforementioned clause, could expose the Shire to following potential risks

- Significant MGB infrastructure cost to change from lime MGBs to dark green MGBs;
- Reputational risk due to the education and expectation of the using a lime coloured MGB; and
- Reputational risk due unnecessary disposal of lime MGB bodies.

Recycling MGBs

The existing recycling MGBs comply with the requirements on AS 4123.7-2006.

Discussion and Conclusions

As mentioned above, the Shire currently provides a weekly FOGO service, and an alternative fortnightly Recycling service and General Waste service. All households have been issued with 240L MGBs.

The Waste Authority grant is conditional upon Council agreeing to replace the current 240L General Waste MGB with a MGB with less than 140L capacity and still maintain the fortnightly collection. In addition, the Waste Authority is requiring that Council agree to change the lime green FOGO MGB with a dark green FOGO MGB with a lime green lid. Both of these requirements would need to be implemented before 30 June 2026.

Since the introduction of the FOGO bin, the Shire’s existing MSW services has achieved almost 65% material recovery in the first 12 months. In addition, recent audits of the Shire’s kerbside FOGO waste has found that the Shire has an extreme low contamination rate of 0.4%.

Therefore, the Shire is already achieving recovery targets and contamination rates well above State Strategies and industry standards with its current waste service. Officers consider that while it is acknowledged that the Waste Authority’s aim is to reduce waste to landfill the Shire’s recent large investment in the additional FOGO MGB and Council decision to maintain the 240L General Waste MGB and change to a fortnightly collection is the right solution for the Shire’s residents as evidenced by the high percentage of material recovery and low contamination rate.

Statutory/Policy Environment

Waste Avoidance and Resource Recovery Act 2007.

- Section 50 (1) gives authority for a local government to provide waste services; and
- Section 67 (1) gives authority to a local government to impose receptacle charge to provide for the proper disposal of waste, by making an annual charge, in respect of premises provided with a waste service by the local government.

The Local Government (Functions and General) Regulations 1996.

- Part 4 Provision of goods and services Division 2 Tenders for providing goods or services (s. 3.57) Regulation 11(2) (e), permits the exemption from public tender the goods or services that are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government.

Strategic Framework

Within the Shire’s Strategic Community Plan 2017 - 2027, Strategy 2.5.2 states:

Support a regional approach to waste management, which may include transfer stations, kerb-side collections, waste education, landfill sites and recycling facilities.

Risk Management

Risk	Risk Consequence (Financial Impact and Reputational)	Risk Likelihood (with existing controls)	Risk Rating (Prior to Treatment or Control)	Risk Theme Profile	Risk Action Plan (Controls or Mitigation Treatment proposed)
That the Shire changes a service without a satisfactory investigation of the potential impacts these changes will have on the community.	Extreme (5)	Unlikely (2)	High (10-16)	Inadequate Engagement Practices	That an appropriate model for waste services is developed, communicated and introduced to the community.

Risk	Risk Consequence (Financial Impact and Reputational)	Risk Likelihood (with existing controls)	Risk Rating (Prior to Treatment or Control)	Risk Theme Profile	Risk Action Plan (Controls or Mitigation Treatment proposed)
That the introduces a service without undertaking adequate community consultation as to whether the community desires such a service and are prepared to pay for it.	Extreme (5)	Possible (3)	High (10-16)	Inadequate Engagement Practices	That an appropriate model for waste services is developed, communicated and introduced to the community prior to being change
That the Shire signs the agreement and is required to pay the funding back to Waste Authority	Major (3)	Likely (4)	High (10-16)	Inadequate Asset Sustainability Practices	A suitable financial assessment prior to signing the agreement between the Shire and Waste Authority
That financial arrangements for the change of the service are not equitable or are unable to be afforded by the Shire	Extreme (5)	Unlikely (2)	High (10-16)	Inadequate Asset Sustainability Practices	A suitable financial assessment prior to signing the agreement between the Shire and Waste Authority

Budget Implications

The Waste Authority has offered the Shire \$158,250 i.e. \$68,575 for 2020-2021 and \$89,675 for the 2021-2022 financial year to participate in the Better Bins Plus: Go FOGO Kerbside Collection Program subject to a number of conditions.

The conditions required to be adhered to in accepting the grant would have significant future cost implications on the Shire i.e. replacing all of the existing 240L General Waste MGB's by 2026 and replacing the existing 240L FOGO MGBs with a dark green bin and lime green lid by the same date.

Council has budgeted \$160,000 in the 2020-2021 financial year, dependant on receipt of the Grant from the Waste Authority.

The cost implications of agreeing to the Waste Authority conditions are estimated to be in the order of \$750,000 over the next 5 years which means Council would need to set aside an additional \$150,000 per financial year to meet the Waste Authority deadline of 2026.

Voting Requirement

Simple Majority.

Officer's Recommendation

That Council

1. Notes that the Waste Authority has offered the Shire \$158,250 over two financial years with \$68,575 available for 2020-2021 and \$89,675 available for the 2021-2022 financial year to participate in the Better Bins Plus: Go FOGO Kerbside Collection Program subject to a number of conditions, as outlined in the report;
2. Before accepting the grant funding, authorises the Chief Executive Officer to enter into discussions with the Waste Authority regarding potential future funding opportunities through the 'Better Bins Plus: Go FOGO' Kerbside Collection Program to comply with the Waste Authority funding requirements;
3. Advises the Waste Authority that its preference, due to the success of the current waste service to householders, is to maintain the following waste collection service and bin colour combinations for its kerbside waste collection service until there is more clarity on future funding opportunities to implement the Waste Authority grant funding conditions:
 - (a) General waste (240L MGB) fortnightly collection transitioning to red lid/dark green body;
 - (b) FOGO (240L MGB) weekly collection, lime green lid and body; and
 - (c) Recycling (240L MGB) fortnightly collection, yellow lid/dark green body; and
4. Receives a further report once Recommendation 2 has been actioned.

Moved: Cr. Adams

Seconded: Cr. Burgoyne

That Council

1. **Notes that the Waste Authority has offered the Shire \$158,250 over two financial years with \$68,575 available for 2020-2021 and \$89,675 available for the 2021-2022 financial year to participate in the Better Bins Plus: Go FOGO Kerbside Collection Program subject to a number of conditions, as outlined in the report;**
2. **Before accepting the grant funding, authorises the Chief Executive Officer to enter into discussions with the Waste Authority regarding potential future funding opportunities through the 'Better Bins Plus: Go FOGO' Kerbside Collection Program to comply with the Waste Authority funding requirements;**
3. **Advises the Waste Authority that its preference, due to the success of the current waste service to householders, is to maintain the following waste collection service and bin colour combinations for its kerbside waste collection service until there is more clarity on future funding opportunities to implement the Waste Authority grant funding conditions:**
 - (a) **General waste (240L MGB) fortnightly collection transitioning to red lid/dark green body;**
 - (b) **FOGO (240L MGB) weekly collection, lime green lid and body; and**
 - (c) **Recycling (240L MGB) fortnightly collection, yellow lid/dark green body; and**
4. **Receives a further report once Recommendation 2 has been actioned.**

Carried 13-0

20/259.

Sustainable Development

Item No.	12.3.1
Subject:	Extension to Existing Use Not Listed (Farm Machinery Sales and Servicing)
Proponent:	Harvey Farm Service
Location:	Lot 77 Sixth Street, Harvey
Reporting Officer:	Planning Officer (IF)
Authorising Officer:	Acting Director Sustainable Development
File No.:	A014172 Attachment Reg. No. 20/20135

Summary

An Application for Development Approval has been received for an extension to an existing Use Not Listed (Farm Machinery Sales and Servicing) at Lot 77 Sixth Street, Harvey (refer **Attachment 1**). The application is referred to Council as Officers do not have delegation to approve a Use Not Listed where objections have been received during the advertising period. Council has previously determined that the use (Farm Machinery Sales and Servicing) is consistent with the objectives and purposes of the "Intensive Farming" zone by granting Development Approval for Harvey Farm Service to operate on Lot 20 (Previously Lots 7, 8 and 9) Korijekup Avenue in April 2011.

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

Background

Site Description

Lot 77 Sixth Street is zoned "Intensive Farming" under the Shire's District Planning Scheme No. 1 (the Scheme) and is located within Harvey. The site is of regular shape with an area of approximately 2ha. There is existing vegetation screening around the property, three dome shelters and three sea containers and an area of hardstand, currently approved for personal farm use only (refer **Attachment 2**).

Site History

Lot 77 Sixth Street adjoins Lot 20 (previously Lots 7, 8 and 9) Korijekup Avenue which has an existing approval for a Use Not Listed (Farm Machinery Sales and Servicing) granted by Council in April 2011.

Previous approvals and relevant history is listed below:

- January 1983 – Planning Consent was issued to Mr. Ieraci to operate an "Industry – Rural" on Lot 8 Korijekup Avenue and for a 345m² extension to the existing workshop. It is noted that in the Officer's report, it states that "*Mr. Ieraci trades under the name Harvey Farm Service and he sells and services tractors from his 2000m² lot*";
- December 1983 – Council allocates "Building Envelopes" for the subject sites (including the other seven "Intensive Farming" lots) with the following setbacks:

Front setback:	7.5m
Rear setback:	20m
Side setbacks:	0.9m

-
- October 2010 – Application for Planning Consent was received for an extension to the existing buildings to create a showroom and office space. In addition, the landowner proposed to formalise the parking area at the front of the property to create bitumen-sealed customer parking and a machinery display area.

A site inspection conducted by Officers revealed that the business operations on the property occurred on all three of the properties. In addition, it was observed that there were 12 tractors stored on Lot 77, with various implements attached including slashers, mulchers and sprayers. When queried about the number of tractors on Lot 77, the landowner advised that all of the tractors were used in the vineyard on the property and the high number was due to the fact that he did not like changing the implements.

Although not indicated in that application, the landowner also expressed his intentions to construct a machinery shed on Lot 77 to house the tractors and machinery as well as constructing an additional access across Lot 77 to facilitate access to the rear of Lot 20. After conducting the site inspection Officers requested that additional information be submitted explaining the relationship between Lots 7, 8 and 9 (now Lot 20) and Lot 77, in addition to other information.

- May 2011 – Development Approval was granted for a ‘Use Not Listed’ – Farm Machinery and Sales on Lots 7, 8, and 9 (now Lot 20) Korijekup Avenue. This approval excluded the use of Lot 77 Sixth Street for use relating to Harvey Farm Service.
- February 2019 – Application for Development Approval was received for dome shelters and sea containers on Lot 77 Sixth Street. The application was approved in October 2019 under delegation for the purpose of personal use only and not relating to Harvey Farm Service.
- October 2019 – Notice sent to the property owner advising the following:

“Through the assessment of your Application for Development Approval dated 01/03/2019, the Shire would like to remind you of conditions relating to your previous Development Approval, as resolved by Council at its meeting on 10th May 2011.

Conditions relating to access for Lot 20 (previously Lots 7,8 & 9) Korijekup Avenue

- (f) *Access for all vehicles entering or exiting the site is limited to Korijekup Avenue and such access is to be upgraded to a heavy haulage standard to the specifications and satisfaction of the Shire of Harvey.*
- (i) *The landowner is advised that access to Lots 7,8, and 9 (20) Korijekup is not permitted via Lot 77 Sixth Street.*
- (k) *Storage, display for sale, servicing and demonstration of machinery is to be limited to the newly created Lot (currently Lots 7,8 and 9) only.*

The Shire would like to reaffirm that access to Lot 20 Korijekup is not permitted via Lot 77 Sixth Street and that the previous approval does not allow for the storage, display or servicing of machinery related to Harvey Farm Service on Lot 77 Sixth Street.

All signage and machinery related to Harvey Farm Service is to be removed from Lot 77 Sixth Street and all commercial activity is to be contained within Lot 20 Korijekup. This action is to be undertaken within 60 days of receiving this letter. Failure to comply with this notification may result in the Shire instigating legal action which may result in penalties as prescribed by the Planning and Development Act 2005.”

- December 2019 – Correspondence was received from Mr. Ieraci requesting the use of Lot 77 for activities relating to Harvey Farm Service (refer **Attachment 3**).
- December 2019 – Shire Officers advised Development Approval would be required for the use of Lot 77 for Harvey Farm Service.
- June 2020 – Application for Development Approval was received for the subject proposal with an amended proposal being received September 2020.

Proposal

The application proposes an extension of the approved ‘Use Not Listed’ – Farm Machinery Sales and Servicing currently occurring on Lot 20 (previously Lots 7, 8, and 9) Korijekup Avenue, to include the use of Lot 77 Sixth Street for activities relating to Harvey Farm Service.

The Applicant has advised that Harvey Farm Service has outgrown Lot 20 and more area is required for the sales and servicing of agricultural equipment. This additional area is intended to be used for servicing of customer machinery, testing of serviced/repaired machinery, storage of second hand equipment and customer machines awaiting repair, accommodate parking for 18 staff members and the loading/unloading of couriers. The Applicant has outlined that a rural property is essential for the testing of farm machinery after servicing and repairs (such as tractors, rotary hoes, mulchers, hay mowers and balers etc.), as a hardstand area is not suitable.

The proposal (refer **Attachment 1**) shows Lot 77 Sixth Street being divided into a number of areas designated for specific activities relating to Harvey Farm Service. A 20m land buffer is proposed on the southern boundary where Lot 77 abuts Lots 1 through 5 Korijekup Avenue. There are also proposed areas designated for testing of lawn mowers, machinery/ equipment testing area, customer machines awaiting repairs, new and second hand machinery storage, loading and unloading areas, staff parking, new equipment storage, assembly area in preparation for sale and a fuel bay.

The Applicant has advised that access for all Harvey Farm Service activities will continue to be via Lot 20 Korijekup Avenue. The Sixth Street access to Lot 77 will be utilised for personal use only.

Advertising

Pursuant to Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Deemed Provisions), the application was advertised to the adjoining properties and the properties on Sixth Street for a period of 14 days concluding on 14 October 2020. A total of seven submissions were received with two supporting the proposal and five objecting to the proposal. A summary of the submissions received is provided in **Attachment 4**.

Comment

Proposal

In May 2011 Council considered an application for the use of Lot 77 for activities relating to Harvey Farm Service and it was not supported by Shire Officers or Council. The reason for Council not supporting the use of Lot 77 was based on the likely impacts the use of this lot would have on neighbouring properties.

Since the previous Development Approval was issued, Shire Officers have observed Lot 77 being consistently used for the storage, display and testing of machinery which appear to relate to Harvey Farm Service activities. As a consequence of this, Officers advised the Applicant that further application would need to be made for the use of Lot 77 and Development Approval would need to be granted to avoid compliance action being undertaken.

As Council has previously determined that the use (Farm Machinery Sales and Servicing) is consistent with the objectives and purposes of the "Intensive Farming" zone in this area and granting approval for Harvey Farm Service to operate on Lot 20 (previously Lots 7, 8 and 9) Korijekup Avenue in April 2011, there was no requirement for the subject application to be referred for Council's initial consideration of the use. The subject application was therefore advertised pursuant to the Scheme requirements.

Shire Officers have met with the Applicant on site to discuss the proposal and possible measures that may be taken to protect the amenity of neighbouring properties resulting from the submissions received during advertising. The Applicant has expressed that they would be amenable to constructing a 1.8m solid colorbond fence on the property boundary adjoining Lots 1 through 6 Korijekup Avenue. Additional to the solid fencing, the Applicant proposes to plant additional vegetation screening within the land buffer area as shown on the proposed plan. In this regard, the Applicant has expressed that they do not wish to erect permanent fencing around the land buffer area boundary due to the disruption this would cause to the maintenance of the grass in this area. Permanent fencing may also impede access to the water line that runs through this portion of the property to service lots on Korijekup Avenue, should repair or maintenance be required. The Applicant would however be amenable to installing posts to demarcate the land buffer area to ensure Harvey Farm Service staff do not use the land buffer area for Harvey Farm Service operations.

Advertising

The application was advertised for a period of 14 days to adjoining neighbours and residents on Sixth Street north of Korijekup Avenue. Shire Officers met with a group of residents from Korijekup Avenue and the concerns raised have been reflected in the summary of submissions **Attachment 4**. The general feedback received during the advertising period was unfavourable to the proposal in its current form, although adjoining landowners have indicated that they would be more supportive of an amended proposal with measures in place to manage the impact on the amenity of their properties. There were also submissions expressing support for the proposal received, acknowledging the service to the farming community that Harvey Farm Service currently provides. It was also raised by residents that Harvey Farm Service operations have been occurring on this site for a number of years already.

Further consultation has been undertaken with adjoining landowners at Lots 1 to 6 Korijekup Avenue, following the site meeting with the Applicant. There was generally little support for a 1.8m colorbond fence to be constructed on the boundary between Lot 77 and Lots 1 to 6, as this would not be in keeping with the rural character of the area. Landowners expressed they wish to remain firm on their position as detailed in their submission, requiring a 1.8m colorbond fence at the 20m land buffer, with vegetation to screen the fence and any noise or visual impacts of Harvey Farm Service activities. The option of the 1.8m colorbond fence positioned on the northern side of the water line on Lot 77, approximately 5m setback into the property, which would be screened by vegetation was also raised as an acceptable outcome by one adjoining landowner.

Discussion

In the assessment of this proposal and the formulation of the Officer's recommendation to Council, due regard has been given to the previous concerns of Council and adjoining property owners considered in previous applications. Consideration has also been given to the justification for Harvey Farm Service to expand into Lot 77 to ensure the longevity of the business and the services they offer to the farming community in Harvey. Adjoining property owners have expressed that they do not object to the location of Harvey Farm Service and acknowledge their need to expand although are concerned with regard to the possible impact the proposal will have on the amenity of their properties if the land buffer area is not appropriately managed and appropriately screened.

Shire Officers have determined that the most appropriate arrangement for managing the possible impacts of the proposal on neighbouring properties is the construction of a 1.8m colorbond fence on the boundary of Lots 1 to 6 Korijekup Avenue and Lot 77 Sixth Street, as well as additional vegetation north of the existing vegetation screening. Locating the fence on the boundary is considered by Officers to be the most practical location for a fence of this nature, and is consistent with the Shire of Harvey Fencing Local Law 2017.

The Guide to the *Dividing Fences Act 1961* provides the following advice on erecting a dividing fence at the Applicant's expense;

"If you wish to claim a contribution and the adjoining land is not vacant, there must be an agreement or a court order in place before erecting the fence. Where the adjoining land is vacant, you do not need an agreement. Once the fence is erected a claim for a contribution can be made on the owner when there is a substantial building erected on the land, or when the land owner occupies or permits the occupation of any building on the land. You do not need an agreement if you want to erect the fence entirely at your own expense, and forego any right to a contribution under the Act. The fence you erect must still be a 'sufficient fence'. If you decide to erect a fence at your own expense, it is recommended that you give the adjoining owner the details of the proposal as a courtesy, and to enable them to make arrangements to protect their property or animals during the construction process. A decision to erect a fence entirely at your own cost does not give you the right to enter the adjoining owner's property without their permission during construction."

Statutory/Policy Environment

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

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

“(1) An application for development approval must be advertised under this clause if the proposed development —“

“(b) relates to a use if —

- (i) the use is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located; and*
- (ii) the local government determines that the use may be consistent with the objective of that zone and that notice of the application should be given;”*

“(3) The local government may advertise, or require the applicant to advertise, an application for development approval in one or more of the following ways —

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

Shire of Harvey District Planning Scheme No.1

- Zoning and Development Standards- Intensive Farming Zone
 - Policy Statement: *“Local Government has identified by zoning and intends to protect from inappropriate use of the valuable irrigated farmland in the Scheme area”*
- Clause 4.2.5 – Use Not Listed

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 local government may:-

(a) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted; or

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

Shire of Harvey Fencing Local Law 2017

2.1 Sufficient fences

- (1) A person shall not erect a dividing fence or a boundary fence that is not a sufficient fence.*
- (3) Where a fence is erected on or near the boundary between—*

- (b) *a residential lot and a commercial lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of Schedule 3;*

Schedule 2 - Specifications for a sufficient fence on a residential lot

2. Corrugated fence

A fence constructed of corrugated fibre reinforced pressed cement or steel sheeting constructed to manufacturer's specifications or which satisfies the following specifications—

- (a) *a minimum in-ground length of 25 per cent of the total length of the sheet, but in any case shall have a minimum in-ground depth of 600 millimetres;*
- (b) *the total height and depth of the fence to consist of a single continuous fibre reinforced cement or steel sheet;*
- (c) *the sheets to be lapped and capped with extruded snap-fit type capping in accordance with the manufacturer's specifications; and*
- (d) *the height of the fence to be 1 800 millimetres except with respect to the front setback area for which there is no minimum height but which is subject to clause 2.2.*

Schedule 3 - Specifications for a sufficient fence on a commercial lot or an industrial lot

2. Other fences

- (a) *a fence of cement sheet or steel sheeting constructed to the minimum specifications referred to in Schedule 2;*

Shire of Harvey Delegations Register

Delegation 4.1.3(9)

Strategic Framework

Within the Shire's Strategic Community Plan 2017 - 2027, Strategy 2.3.1 states:

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

- minimise land use conflict.*

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The Consequence could be **Environmental 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 Council Officer. This results in a **Low** risk being present.

Budget Implications

Nil.

Voting Requirement

Simple Majority.

Officer's Recommendation

That Council:

1. Approves the Application for Development Approval for a 'Use Not Listed' (Farm Machinery Sales and Servicing) at Lot 77 Sixth Street, Harvey subject to the following conditions:
 1. The development and/or use shall be in accordance with the attached approved plans, subject to modifications required as a consequence of any condition(s) of this approval. The approved plans shall not be modified or altered without first obtaining approval from the Shire.
 2. This approval is valid for a period of two (2) years. If the development is not substantially commenced within this period, a new approval must be obtained before commencing or continuing development.
 3. Prior to commencement of the approved use, amended plans are to be submitted and approved by the Shire. The amended plans shall include the:
 - a. installation of a 1.8m colorbond screening fence, at the Applicant's expense, on the boundary between Lots 1 to 6 Korijekup Avenue and Lot 77 Sixth Street;
 - b. planting of additional screening vegetation to be located north of the existing vegetation screening on Lot 77;
 - c. existing dome and sea container located adjoining Lot 6 Korijekup Avenue shall be marked for 'personal use only';
 - d. installation of posts/poles/pickets to identify the boundary of the 20m land buffer; and
 - e. 20m land buffer being marked as not being used for the display, servicing or storage of machinery relating to Harvey Farm Service.
 4. Access for all vehicles relating to Harvey Farm Service entering and exiting the site shall be limited to Korijekup Avenue via Lot 20.
 5. Operating hours are limited to 7:00am to 6:00pm Monday to Friday and 8:00am to 12:00pm on Saturdays.
 6. Prior to commencement of the approved use, the 1.8m colorbond screening fence required by Condition 3.a. shall be installed and thereafter maintained to the satisfaction of the Shire.
 7. Prior to commencement of the approved use, a Landscaping Plan shall be submitted and approved by the Shire, implemented and thereafter maintained to the satisfaction of the Shire. The Landscaping Plan shall include the location, species and quantities and the proposed vegetation.

8. A Bank Guarantee or Bond of \$1,500 shall be submitted prior to commencement of the approved use for the purpose of establishing and maintaining the approved landscaping/screening. Such Bank Guarantee or Bond shall be held by the Shire of Harvey for a minimum period of two years from installation of the landscaping until the establishment and maintenance of vegetation is confirmed satisfactory.
 9. Prior to commencement of the approved use, demarcation of the 20m land buffer boundary required by Condition 3.d. shall be undertaken and thereafter maintained to the satisfaction of the Shire.
 10. The existing structures on the site shall not be used for activities relating to Harvey Farm Service, unless otherwise approved by the Shire.
 11. The 20m land buffer as shown on the approved plans shall not to be used for the display, servicing or storage of machinery relating to Harvey Farm Service.
 12. Further intensification of commercial activity on Lot 77 will require a new Development Approval.
2. Advises the Applicant of the following additional requirements that are not included as conditions of the approval:
1. The Shire of Harvey advises that the development the subject of this development approval must comply with the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997* in relation to noise emissions. Further information can be obtained from the Shire of Harvey's Environmental Health Services on (08) 9729 0300.

Moved: Cr. Adams

Seconded: Cr. Beech

That Council:

1. **Approves the Application for Development Approval for a 'Use Not Listed' (Farm Machinery Sales and Servicing) at Lot 77 Sixth Street, Harvey subject to the following conditions:**
 1. **The development and/or use shall be in accordance with the attached approved plans, subject to modifications required as a consequence of any condition(s) of this approval. The approved plans shall not be modified or altered without first obtaining approval from the Shire.**
 2. **This approval is valid for a period of two (2) years. If the development is not substantially commenced within this period, a new approval must be obtained before commencing or continuing development.**
 3. **Prior to commencement of the approved use, amended plans are to be submitted and approved by the Shire. The amended plans shall include the:**
 - a. **installation of a 1.8m colorbond screening fence, at the Applicant's expense, on the boundary between Lots 1 to 6 Korijekup Avenue and Lot 77 Sixth Street;**
 - b. **planting of additional screening vegetation to be located north of the existing vegetation screening on Lot 77;**
 - c. **existing dome and sea container located adjoining Lot 6 Korijekup Avenue shall be marked for 'personal use only';**
 - d. **installation of posts/poles/pickets to identify the boundary of the 20m land buffer; and**
 - e. **20m land buffer being marked as not being used for the display, servicing or storage of machinery relating to Harvey Farm Service.**

4. Access for all vehicles relating to Harvey Farm Service entering and exiting the site shall be limited to Korijekup Avenue via Lot 20.
 5. Operating hours are limited to 7:00am to 6:00pm Monday to Friday and 8:00am to 12:00pm on Saturdays.
 6. Prior to commencement of the approved use, the 1.8m colorbond screening fence required by Condition 3.a. shall be installed and thereafter maintained to the satisfaction of the Shire.
 7. Prior to commencement of the approved use, a Landscaping Plan shall be submitted and approved by the Shire, implemented and thereafter maintained to the satisfaction of the Shire. The Landscaping Plan shall include the location, species and quantities and the proposed vegetation.
 8. A Bank Guarantee or Bond of \$1,500 shall be submitted prior to commencement of the approved use for the purpose of establishing and maintaining the approved landscaping/screening. Such Bank Guarantee or Bond shall be held by the Shire of Harvey for a minimum period of two years from installation of the landscaping until the establishment and maintenance of vegetation is confirmed satisfactory.
 9. Prior to commencement of the approved use, demarcation of the 20m land buffer boundary required by Condition 3.d. shall be undertaken and thereafter maintained to the satisfaction of the Shire.
 10. The existing structures on the site shall not be used for activities relating to Harvey Farm Service, unless otherwise approved by the Shire.
 11. The 20m land buffer as shown on the approved plans shall not to be used for the display, servicing or storage of machinery relating to Harvey Farm Service.
 12. Further intensification of commercial activity on Lot 77 will require a new Development Approval.
2. Advises the Applicant of the following additional requirements that are not included as conditions of the approval:
1. The Shire of Harvey advises that the development the subject of this development approval must comply with the *Environmental Protection Act 1986* and the Environmental Protection (Noise) Regulations 1997 in relation to noise emissions. Further information can be obtained from the Shire of Harvey's Environmental Health Services on (08) 9729 0300.

Carried 13-0

20/260.

Sustainable Development

Item No.	12.3.2
Subject:	Local Development Plan – Stage 1 Edenlife Communities
Proponent:	Edenlife Communities Pty Ltd
Location:	Lot 9001 Leisure Drive Australind
Reporting Officer:	Senior Planning Officer
Authorising Officer:	Acting Director Sustainable Development
File No.:	A016159 Attachment Reg. No. 20/33770

Summary

An application for a proposed Local Development Plan for Lot 9001 (No. 107) Leisure Drive, Australind (refer **Attachment 1**) has been received. The proposed Local Development Plan (LDP) is referred to Council for consideration pursuant to clause 52 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions).

The LDP has not been advertised for public comment under clause 50 of the Deemed Provisions as Officers are satisfied that there is no adverse effect on any owners or occupiers of adjoining land in the area, and it is therefore recommended that Council support the proposed LDP.

Background

Site Description

Lot 9001 (No. 107) Leisure Drive, Australind is zoned “Residential Development” under the Shire’s District Planning Scheme No. 1 (the Scheme) and is located within the Kingston Estate. The overall site has an area of 83.2ha and the development site for Stage 1 is approximately 23ha (refer **Attachment 2**). The site is indicated as ‘Retirement Village’ on the Kingston Estate Structure Plan (2014) and the zoning is ‘Urban’ under the Greater Bunbury Region Scheme (GBRS).

Site History

- Shown as ‘Aged Persons Site’ on Kingston Outline Development Plan 28 February 2000.
- Approved as a Use Not Listed ‘Park Home Park’ (for persons aged 50 and over) approved on 27 November 2018.
- Western Australian Planning Commission granted approval for a 60-year lease for a ‘Lifestyle Village’ under sections 136 and 139 of the *Planning and Development Act 2005* (The Act).
- Caravan Park (Park Home Park) Licence issued 18 November 2019 for the Stage 1 Area, which is due to expire on 18 November 2020.
- Current approval ‘Aged Persons’ Village’, approved 28 February 2020.

Proposal

The objectives of the proposed LDP include to:

- Vary development standards for an Aged Persons’ Village on a single Certificate of Title under the R30 provisions of the Residential Design Codes (R-Codes); and

- Incorporate the Aged or Dependent Persons’ Dwellings Design Principles under Clause 5.5.2 of the R-Codes;

The LDP proposes to vary the following R-Codes provisions:

Table 1 – Proposed R-Codes Variations

Deemed-to-comply Clause	Proposed Variation	Justification
<p>5.1.2 Street Setback</p> <p>C2.1 Buildings set back from the primary street boundary:</p> <p>iv. in the case of areas coded R15 or higher, where:</p> <ul style="list-style-type: none"> • a single house or grouped dwelling (where that grouped dwelling is not adjacent to the primary street), has its main frontage to a communal street, right-of-way or shared pedestrian or vehicle access way; • the street setback may be reduced to 2.5m, or 1.5m to a porch, verandah, balcony or the equivalent (refer Figure 2b and 2d); 	<p>Dwellings shall be orientated towards the internal street and shall have a 2m average setback from the front boundary.</p>	<ul style="list-style-type: none"> • The dwellings are made up of 1, 2 or 3 modules that are up to 15m in length and up to 4.5m in width. • Lots are an average size of 12.5m x 21.5m • The modules are generally stepped at the front to achieve visual interest. • The proposed 2m average from the front boundary allows for better utilisation of the length of the block. • Outdoor living areas area located down the side of all dwellings, so the rear setback is also not required.
<p>5.1.3 Lot Boundary Setbacks</p> <p>C3.1 Buildings which are set back in accordance with the following provisions, subject to any additional measures in other elements of the R-Codes:</p> <p>iii. separate single house, grouped or multiple dwelling buildings on the same site, or facing portions of the same multiple dwelling building, set back from each other as though there were a boundary between them;</p>	<p>Side and rear boundary setbacks may be a minimum of 1m from lot boundaries where it can be demonstrated that it does not impact on the solar access or visual privacy of an existing adjoining residence or outdoor living area.</p>	<ul style="list-style-type: none"> • The dwellings are designed and sited to take into account what is on the lot next door. • No dwellings will be approved with air-conditioning units facing the adjoining outdoor living area, and no outdoor living areas are adjoining indoor habitable areas. • Where these criteria can be met, the dwellings may be located 1m from the boundary.

<p>5.2.1 Setbacks of Garages and Carports</p>	<ul style="list-style-type: none"> • Carports shall be setback from front boundaries 1.5m. • Roller doors to the front of carports/garages are only permitted where they are setback a minimum of 2m or greater from the internal street, and shall be automatic lifting. Roller doors to carports closer to road than 2m are subject to separate development approval by Shire. 	<ul style="list-style-type: none"> • The dwellings predominantly incorporate double open carports to the primary street frontage. • The designs are free standing and designed to incorporate skillion and gable designs that complement the roofline of the homes. • Most homes are designed to accommodate four-wheel drive vehicles undercover within the front setback or two vehicles side by side. • If an occupant wants a roller door, the setback is increased to a minimum of 2m from the kerb to increase the safety of entering and exiting the garage. • The site consists of all private internal roads with a maximum speed limit of 10km p/hour.
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Advertising

Pursuant to Clause 50(3) of the Deemed Provisions, the LDP has not been advertised to the public as Officers are satisfied that the plan is not likely to adversely affect any owners or occupiers within the adjoining area.

Comment

Proposal

- Kingston Estate Structure Plan (2014) requires further detailed planning for the area, resulting in the requirement for the subject LDP;
- The LDP is required as a condition of Development Approval under P28/20 for an Aged Care Village (**refer Attachment 3**);
- The zoning is Residential Development, and the Aged Persons’ provisions of the R-Codes are applicable to the site;
- The LDP varies deemed-to-comply provisions for street setbacks, carport and garage setbacks and lot boundary setbacks; and
- The development has a single Certificate of Title with a lease granted under section 136 of the Act to occupy land for a term exceeding 20 years.

Discussion

No issues have been raised during the Officer's assessment from other internal business units of the Shire.

The LDP enables timely processing of dwellings through the Planning and Building Business Units and sets up consistent assessment criteria for Stage 1 of the development, which is intended to be carried forward to future stages of works.

The development is a gated community with private internal roads, it is appropriate to apply consistent measures for varying the R-Codes for elements that would normally impact on a public streetscape. There are no implicated adverse impacts on the surrounding amenity.

Conclusion

It is recommended the proposed LDP be approved for Stage 1 of the Aged Persons' Village to enable dwellings that comply with the LDP to proceed with Building Permits.

Statutory/Policy Environment**Planning and Development Act 2005*****Planning and Development (Local Planning Schemes) Regulations 2015****Part 6 — Local development plans*46. *Term used: local development plan**In this Part —*

local development plan means a plan setting out specific and detailed guidance for a future development including one or more of the following —

- (a) site and development standards that are to apply to the development;*
- (b) specifying exemptions from the requirement to obtain development approval for development in the area to which the plan relates.*

47. *When local development plan may be prepared*

A local development plan in respect of an area of land in the Scheme area may be prepared if —

- (a) the Commission has identified the preparation of a local development plan as a condition of approval of a plan of subdivision of the area; or*
- (b) a Local Development Plan requires a local development plan to be prepared for the area; or*
- (c) an activity centre plan requires a local development plan to be prepared for the area; or*
- (d) the Commission and the local government considers that a local development plan is required for the purposes of orderly and proper planning.*

49. *Action by local government on receipt of application*

(1) On receipt of an application for a local development plan to be assessed and advertised, the local government —

- (a) must consider the material provided by the applicant and advise the applicant in writing —*

-
- (i) *if the local development plan complies with clause 48(1); or*
 - (ii) *if further information from the applicant is required before the local development plan can be accepted for assessment and advertising;*
and
 - (b) *must give the applicant an estimate of the fee for dealing with the application in accordance with the Planning and Development Regulations 2009 regulation 48.*
 - (2) *The local development plan is to be taken to have been accepted for assessment and advertising if the local government has not given written notice of its decision to the applicant by the latest of the following days —*
 - (a) *14 days after receipt of an application;*
 - (b) *7 days after receipt of the further information requested under subclause (1)(a)(ii);*
 - (c) *if the local government has given the applicant an estimate of the fee for dealing with the application — the day on which the applicant pays the fee.*
50. *Advertising of local development plan*
- (1) *The local government must, within 28 days of preparing a local development plan or accepting an application for a local development plan to be assessed and advertised —*
 - (a) *advertise the proposed local development plan in accordance with subclause (2); and*
 - (b) *seek comments in relation to the proposed local development plan from any public authority or utility service that the local government considers appropriate.*
 - (2) *The local government must advertise the local development plan in one or more of the following ways —*
 - (a) *by giving notice of the proposed plan to owners and occupiers who, in the opinion of the local government, are likely to be affected by the approval of the plan, including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is given to the person;*
 - (b) *by publishing a notice of the proposed plan in a newspaper circulating in the Scheme area including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is published;*
 - (c) *by publishing a notice of the proposed plan by electronic means in a form approved by the local government CEO including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is published;*
 - (d) *by erection of a sign or signs in a conspicuous place on the land the subject of the proposed plan giving notice of the proposed plan for a period of not less than 14 days from the day on which the sign is erected including on each sign a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the sign is erected.*
 - (3) *Despite subclause (1) the local government may decide not to advertise a local development plan if the local government is satisfied that the plan is not likely to adversely affect any owners or occupiers within the area covered by the plan or an adjoining area.*
-

- (4) *The local government —*
- (a) *must make a local development plan advertised under subclause (1) and the material accompanying it available for public inspection during business hours at the offices of the local government; and*
 - (b) *may publish the local development plan and the material accompanying it on the website of the local government.*

52. *Decision of local government*

- (1) *Following consideration of a proposed local development plan, including any amendments made to the plan to address matters raised in submissions, the local government must —*
- (a) *approve the local development plan; or*
 - (b) *require the person who prepared the local development plan to —*
 - (i) *modify the plan in the manner specified by the local government; and*
 - (ii) *resubmit the modified plan to the local government for approval;*
- or*
- (c) *refuse to approve the plan.*

Shire of Harvey District Planning Scheme No.1

- Clause 5.1 Residential Development Requirements
- Table 4 – Zoning and Development Standards

Strategic Framework

Within the Shire's Strategic Community Plan 2017 - 2027, Strategy 2.3.1 states:

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

- *minimise land use conflict.*

Risk Management

The Risk Theme Profile identified as part of this report is **Failure to Fulfil Compliance Requirements and Inadequate Engagement Practices**. The Consequence could be **Reputational or Compliance** if the procedure identified in Part 6 of the Deemed Provisions is not followed or if an incorrect assessment of the proposal occurs. The risk is considered **Minor** and the likelihood **Unlikely**, given that Shire Officers have followed the identified procedures and 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

The estimated development application fee for the processing of the LDP is \$1,142 which is to be confirmed upon finalisation of the application.

All costs associated with advertising an LDP are at the expense of the Applicant.

Voting Requirement

Simple Majority.

Officer's Recommendation

That Council, pursuant to Schedule 2, Clause 52(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, approves the Local Development Plan for Stage 1 of the Aged Persons Site on Lot 9001 (No. 107) Leisure Drive, Australind as provided in ***Attachment 2***.

Moved: Cr. Burgoyne Seconded: Cr. Dickinson

That Council, pursuant to Schedule 2, Clause 52(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, approves the Local Development Plan for Stage 1 of the Aged Persons Site on Lot 9001 (No. 107) Leisure Drive, Australind as provided in *Attachment 2*.

Carried 13-0 20/261.

Sustainable Development

Item No.	12.3.3
Subject:	Application for a “Use Not Listed” (Animal Establishment)
Proponent:	Scout About Pet Care
Location:	Lot 67 (Unit 2/21) Sweny Drive, Australind
Reporting Officer:	Planning Officer (IF)
Authorising Officer:	Acting Director Sustainable Development
File No.:	A008259 Attachment Reg. No. 20/25611

Summary

An Application for Development Approval has been received for a “Use Not Listed” (Animal Establishment) on Lot 67 (No. 21) Sweny Drive, Australind (refer **Attachment 1**). At its meeting on 22 September 2020, Council considered the “Use Not Listed” and determined that it may be consistent with the objectives and purposes of the zone and the application was subsequently advertised. The application is now referred to Council as Officers do not have delegation to determine a “Use Not Listed” where adverse submissions have been received during public advertising.

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

Background

Site Description

Lot 67 (No. 21) Sweny Drive, Australind is zoned “Light and Service Industry” under the Shire’s District Planning Scheme No. 1 (the Scheme) and is located within the Australind Light Industrial Area. The site is of regular shape with an area of 2,800m² (refer **Attachment 2**).

The property consists of three tenancies with shared car parking at the front and an allocation of gravel laydown area for each tenancy adjacent to the main building.

Site History

The existing building on site was constructed in 1997. In 2010, Council granted Development Approval for a “Use Not Listed” (Purging and Processing of Yabbies and Marron) on the site. A Development Approval was also issued in 2013 for ‘Car Detailing and Automotive Works’.

There are currently two other tenants utilising the property; one concrete business and one private individual.

Proposal

The application proposes a dog day care facility which will operate Monday to Friday from 7:00am to 5:30pm from the middle tenancy (Unit 2) of the premises (refer **Attachment 3**). The Applicant has indicated that there will be a maximum of 15 dogs on the premises at any given time with owners coming to the property to drop-off and collect the dogs. Parking is proposed to be at the front of the property in the existing shared carpark. The Applicant will also have access to a portion of the laydown yard, which is intended to be fenced and grassed for supervised outdoor animal exercise.

The proposed internal layout (refer **Attachment 4**) of the premises includes two separate enclosures, one for small dogs and one for large dogs. The floor plan also shows an area for merchandise and pet food sales, an office, kitchenette, fridge, storage areas and toilet. The Applicant has also shown an area within the premises for a hydrobath washing station and additional dog crates. Both of the internal enclosures will be fenced with areas of artificial lawn. Client access will be through a door on the northern side of the building, directly into the tenancy. The existing roller door will be fenced from the inside and will be able to be opened and closed as required.

The Applicant has provided details on their proposed noise and waste management methods which are included as **Attachment 5**.

The Applicant has advised that it is intended that the business includes three types of signs, a 1m x 1m sign on the fence at the front of the property (refer **Attachment 6**), a smaller sign on the entry door to the premises (refer **Attachment 7**) and a banner to be used at the front of the tenancy which will be taken in and out each day (refer **Attachment 8**).

The Applicant has further advised that there will be one to two staff on the premises during opening hours. At present there are 11 marked car parking bays on the property for communal use. With respect to parking, the Applicant has advised the following;

"I will be encouraging one of the staff members (be it me or someone else) to park at 'our' laydown area across from 'our' shed. That way that staff member won't be using a parking bay at the front. We want as little disruption to Easy Crete as possible, so by using our lay down area to park one of the cars we'll impact them as little as possible.

The clients will basically be just dropping off or picking up their doggy. We won't be encouraging clients to 'hang around' because we will be busy supervising the dogs and won't want to be distracted.

They also won't all arrive at the same time - some will come at 7am, some later - it just depends on whether they're dropping them before work or are just giving their doggy a day out. If just giving them a day out, they aren't likely to be there until around 9am.

We plan to close at 5.30pm, but again the pickup times will be different for everyone."

Advertising

Pursuant to Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Deemed Provisions), the application was advertised to landowners within a 200m radius of the site and in the newspaper for a period of 21 days concluding on 20 October 2020. A total of six submissions were received with two supporting the proposal and four objecting to the proposal. A summary of the submissions received is provided in **Attachment 9**. The main points from the submissions are:

- Possible noise from barking dogs;
- Issues with parking and congestion within the property;
- The disposal of waste and waste water;
- Possible odour issues; and
- Welfare of the animals during the summer months, where temperatures in the shed can increase.

Comment**Proposal**

This proposal is being considered as an Animal Establishment, which is a “Use Not Listed” under the Scheme. Council determined at its meeting held 22 September 2020 that the use, Animal Establishment may be consistent with the Light and Service Industry Zone.

The Scheme provides the standard parking requirement for developments in the Light and Service Industry Zone as one space per 50m² GFA. This proposal requires the availability of three car parking bays.

Advertising

During the advertising period, two submissions supporting the proposal and four submissions objecting to the proposal were received (refer **Attachment 9**). Upon receiving the objections, Officer’s contacted the Applicant to request additional information and supporting documentation to address the issues raised in the objections (refer **Attachment 10**).

The Shire’s Planning and Environmental Health Officers have since been working with the Applicant to ensure the issues raised are appropriately managed should the development be approved by Council.

Discussion

Council has previously determined that the use, Animal Establishment, may be consistent with the objectives of the Light and Service Industry Zone. The public advertising period raised a number of issues with the proposal, which have been satisfactorily addressed by the Applicant through consultation with Shire Officers.

Noise

The Applicant has advised that the facility will be managed to avoid excessive barking from the dogs. It should also be noted that this is not an overnight stay facility and there will be no noise from the dogs overnight. The Applicant has advised that they are prepared to install insulation, should there be any complaints regarding noise not being managed appropriately. The Shire’s Environmental Health Officers have confirmed that this will be sufficient and any issues that arise can be further managed accordingly.

Temperature Control

The Applicant has advised that the premises includes an air conditioning unit, the roller door will remain open for ventilation and there will be industrial fans located throughout the area if needed. The Shire’s Environmental Health Officers have confirmed this will be sufficient and should any further issues with temperature arise, management measures will need to be increased.

Waste Water Disposal

The Shire’s Environmental Health Officers are satisfied with the removal of waste water from the hydrobath as part of this proposal, as detailed in **Attachment 10**.

Odour and Waste Removal

The Shire's Environmental Health Officers are satisfied with the management of odour/waste as detailed in **Attachment 10**.

Parking

At present, there are 11 bays on the site to be shared amongst the three tenancies. The Applicant has advised one staff member will be parking in the hard stand area included in the lease for this tenancy and another will utilise one of the existing car parking bays at the front of the tenancy. Client vehicles will not be parked at the property for extended periods, as only drop off/pickups would be required. Client arrival times will also generally be staggered as drop off/ pick up will be dependent on work hours. Scout About Pet Care also offers a pickup service, where a staff member will pick up and drop off the dog from home.

Conclusion

It is recommended that the proposed "Use Not Listed" for an Animal Establishment 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:

"(1) An application for development approval must be advertised under this clause if the proposed development —"

"(b) relates to a use if —

(i) the use is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located; and

(ii) the local government determines that the use may be consistent with the objective of that zone and that notice of the application should be given;"

"(3) The local government may advertise, or require the applicant to advertise, an application for development approval in one or more of the following ways —

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

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

Animal Establishment: means a premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry- intensive or veterinary centre.

Shire of Harvey District Planning Scheme No.1

- Clause 4.2.4 – Zoning and Development Tables

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

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

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

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

Strategic Framework

Within the Shire’s Strategic Community Plan 2017 - 2027, Strategy 2.3.1 states:

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

- *minimise land use conflict.*

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.

Voting Requirement

Simple Majority.

Officer's Recommendation

That Council:

1. Approves the Application for Development Approval for a "Use Not Listed" (Animal Establishment) on Lot 67 (No. 21) Sweny Drive, Australind, subject to the following conditions:
 1. The development and/or use shall be in accordance with the attached approved plans, subject to modifications required as a consequence of any condition(s) of this approval. The approved plans shall not be modified or altered without first obtaining approval from the Shire.
 2. This approval is valid for a period of two years. If the development is not substantially commenced within this period, a new approval must be obtained before commencing or continuing development.
 3. Three parking bays are required to be provided on the property. One of these bays is to be in the hard stand area included within the lease area as shown on the approved plan.
 4. The use/development is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, vibration, smell, waste water, water products or otherwise.
 5. Hours of operation shall be limited to Monday to Friday between the hours of 7:00am and 5:30pm.
2. Advises the Applicant of the following additional requirements that are not included as conditions of the approval:
 1. The development the subject of this approval may also be regulated by the Building Code of Australia and a separate building permit must be granted before the development commences.
 2. The Shire of Harvey advises that the development the subject of this development approval must comply with the *Environmental Protection Act 1986* and the Environmental Protection (Noise) Regulations 1997 in relation to noise emissions. Further information can be obtained from the Shire of Harvey's Environmental Health Services on (08) 9729 0300.

Moved: Cr. Bromham Seconded: Cr. Campbell

That Council:

1. **Approves the Application for Development Approval for a "Use Not Listed" (Animal Establishment) on Lot 67 (No. 21) Sweny Drive, Australind, subject to the following conditions:**
 1. **The development and/or use shall be in accordance with the attached approved plans, subject to modifications required as a consequence of any condition(s) of this approval. The approved plans shall not be modified or altered without first obtaining approval from the Shire.**
 2. **This approval is valid for a period of two years. If the development is not substantially commenced within this period, a new approval must be obtained before commencing or continuing development.**
-

3. Three parking bays are required to be provided on the property. One of these bays is to be in the hard stand area included within the lease area as shown on the approved plan.
 4. The use/development is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, vibration, smell, waste water, water products or otherwise.
 5. Hours of operation shall be limited to Monday to Friday between the hours of 7:00am and 5:30pm.
2. Advises the Applicant of the following additional requirements that are not included as conditions of the approval:
1. The development the subject of this approval may also be regulated by the Building Code of Australia and a separate building permit must be granted before the development commences.
 2. The Shire of Harvey advises that the development the subject of this development approval must comply with the *Environmental Protection Act 1986* and the Environmental Protection (Noise) Regulations 1997 in relation to noise emissions. Further information can be obtained from the Shire of Harvey's Environmental Health Services on (08) 9729 0300.

Carried 12-1

20/262.

Sustainable Development

Item No.	12.3.4
Subject:	Approval of a Shed to a Dwelling
Proponent:	Mrs Barbra Anne Gore
Location:	Lot 24 (No. 6) Mackenzie Place, Australind
Reporting Officer:	Senior Environmental Health Officer
Authorising Officer:	Acting Director Sustainable Development
File No.:	A013313 Attachment Reg. No. 20/33477

Summary

A request has been received seeking the approval to convert an existing shed into a dwelling at Lot 24 (No. 6) Mackenzie Place, Australind (**Attachment 1**). Section 144 of the *Health (Miscellaneous Provisions) Act 1911* (the Act), provides Council the authority to approve this conversion.

It is recommended that this application be approved subject to conditions.

Background

Lot 24 (No. 6) Mackenzie Place, Australind (**Attachment 2**) is 750m² in size and is zoned "Residential" under the Shire's District Planning Scheme No. 1. It is surrounded by dwellings on all sides and the existing residence is connected to the main sewer line.

The 70m² shed is located at the rear of the property with a plastic rainwater tank connected for use in the garden.

Comment

Planning Comment

The application has been assessed by the Shire's Planning Business Unit and it was deemed not to require development approval.

Health Comment

Pursuant to Section 144 of the Act, the Local Government may give consent for the building not erected as a dwelling to be converted into a dwelling.

Council has previously approved a number of sheds to dwelling conversions subject to conditions.

Health (Miscellaneous Provisions) Act 1911, Section 144

"144. Building not erected as dwelling not to be converted into one:

No person shall convert into or adapt or use a dwelling any building not originally constructed or erected as a dwelling-house, and no person shall let, or lease, or sublet, or sublease, or otherwise permit, whether for any consideration or gratuitously, the use of, the building as a dwelling, without having first obtained the consent of the Local Government of the district in which the building is situated, and complied (in case a conditional consent is given) with such conditions as the Local Government has seen fit to impose."

The structure is proposed to be converted to:

- Two bedrooms;
- Kitchen and Lounge;
- Bathroom/water closet/laundry; and
- Carport

The amenities within this proposed shed conversion comply with the minimum requirements for a dwelling under the Act.

The ventilation of the building is required to comply with Sewerage (Lighting, Ventilation and Construction) Regulations 1971, and the Building Code of Australia.

Building Comment

The Shire's Building Business Unit advises the following works would be required to convert the shed into a Class 1 habitable building:

- Damp proof reinforced floor construction;
- Walls and ceilings are insulated to a minimum standard and lined;
- Light and ventilation requirements;
- Compliance with energy efficient provisions; and
- Minimum ceiling height of 2.4m.

An application for a Building Permit has been submitted that satisfies the aforementioned requirements of the Building Code of Australia.

General Comment

It is to be noted that the Act can only address health related matters. The shed conversion could be made to comply with conditions required to make the building a Class 1 structure pursuant to the Building Code of Australia and the *Health Act 1911*.

Statutory/Policy Environment

Health (Miscellaneous Provisions) Act 1911, Section 144 and subsidiary regulations gives Council the authority to approve the conversion of a shed to a dwelling subject to appropriate conditions.

Sewerage (Lighting, Ventilation and Construction) Regulations 1971.

Building Code of Australia sets the requirements for a Class 1 building.

Strategic Framework

Within the Shire's Strategic Community Plan 2017 – 2027, Strategies 2.3.1 (in part) and 4.3.4 state:

- 2.3.1 *Continue to implement integrated environmental, social and land use planning which will:*
- *minimise land use conflict.*
- 4.3.4 *Monitor and ensure compliance with the regulatory framework for local government business.*

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/information**. The Consequence could be **Financial, Reputational** or **Compliance** if an incorrect approval is given or a condition is missed. The risk is mitigated by the report being thoroughly researched, reviewed and provided by a qualified Shire Officer, resulting in **Low** risk being present.

Budget Implications

Nil.

Voting Requirement

Simple Majority.

Officer's Recommendation

That Council approves the conversion of the shed at Lot 24 (No. 6) Mackenzie Place, Australind to a dwelling pursuant to Section 144 of the *Health (Miscellaneous Provisions) Act 1911*, subject to a Building Permit being obtained that satisfies the following requirements of the Building Code of Australia:

- a. The floor being reinforced and damp proofed;
- b. Walls and ceilings being insulated to the minimum standard and lined;
- c. Compliance with lighting and ventilation requirements;
- d. Compliance with energy efficient provisions; and
- e. A minimum ceiling height of 2.4m being achieved.

Moved: Cr. Lovitt

Seconded: Cr. Coleman

That Council approves the conversion of the shed at Lot 24 (No. 6) Mackenzie Place, Australind to a dwelling pursuant to Section 144 of the *Health (Miscellaneous Provisions) Act 1911*, subject to a Building Permit being obtained that satisfies the following requirements of the Building Code of Australia:

- a. The floor being reinforced and damp proofed;**
- b. Walls and ceilings being insulated to the minimum standard and lined;**
- c. Compliance with lighting and ventilation requirements;**
- d. Compliance with energy efficient provisions; and**
- e. A minimum ceiling height of 2.4m being achieved.**

Carried 13-0

20/263.

Sustainable Development

Item No.	12.3.5
Subject:	Proposed local road naming and re-naming for road alignments affected by the Bunbury Outer Ring Road
Proponent:	Main Roads Western Australia
Location:	Treendale Road, Roelands and Clifton Road, Brunswick
Reporting Officer:	Senior Planning Officer
Authorising Officer:	Acting Director Sustainable Development
File No.:	B000295 Attachment Reg. No. 20/33762

Summary

Council is requested to consider a list of road names to be submitted to Landgate's Geographic Names Team (GNT) for the renaming and new naming of the proposal received by Main Roads WA, as presented in **Attachment 1**, for roads affected by the Bunbury Outer Ring Road (BORR).

Background

Main Roads WA (MRWA) have requested that the Shire commence the process of approving the renaming/new road names for the three local roads affected by the BORR within the Shire in accordance with Landgate's document 'Policies and Standards for Geographical Naming in Western Australia' (2017). The request includes three portions of road detailed as follows:

1. The existing Clifton Road alignment between Forrest Highway and Howson Drive, Brunswick;
2. The existing Treendale Road alignment from the northern side of the proposed BORR to Raymond Road; and
3. The new link road that terminates the southern portion of the existing Treendale Road with the proposed Raymond Road intersection.

Comment

Rationale for proposed names

A naming proposal must comply with the following criteria in order to be considered:

- Prior or current ownership of land is not sufficient grounds for a road name;
- A commemorative name shall not be used to commemorate victims of, or mark the location of, accidents or tragedies;
- An identical or similar name shall not already exist within a radius of 50 kilometres;
- Names of past or present local government serving officials will not be supported;
- Names will not be supported after a person who has sponsored the development of the area, or was a commercial developer;
- The initials of a given name shall not be used in any instances;
- Approval shall not be given to the naming of roads after commercial businesses, trade names and not-for-profit organisations.

Road No. 1

The portion of Clifton Road between Howson Drive and Forrest Highway is proposed to terminate in a cul-de-sac head to provide street frontage to Lot 50 (No. 842) Clifton Road and emergency access from Forrest Highway. This portion of road is proposed to become an extension of Howson Drive.

Road No. 2

A letter was sent to all affected landowners of Road No. 2 where the portion of Treendale Road needs to be renamed, but the road alignment stays the same. The length of road is approximately 710m in length. There were six submissions received with suggested road naming options (**Attachment 2**). The submissions generally carried a common theme, which was to reflect the serene amenity of the area with the use of the word "Meadow". One submission has been proposed to leave this portion of Treendale Road as it is currently named which cannot be supported as the road will be dissected by the BORR and be separate to the remaining portion of Treendale Road.

Table 1: Proposed Road Name, Theme and Origin

Preference	Road Name	Origin	Source
1.	Meadow	Original promotional campaign for Meadow Landing Land Sales	Land owner
2.	Meadow River	Amenity reference	Land owner
3.	Old Treendale	Reflects the previous status	Land owner
4.	River Bend	Location on the Collie River	Land owner
5.	Treendale Road	Existing Road name not to be changed	Land owner

Table 2: Alternative Road Names

Preference	Road Name	Origin	Source
6.	Serene/ Serenity	Amenity reference – combination of the theme represented by the community consultation, in respect of the meadows, the river and the views.	Shire of Harvey
7.	Still	Settlement family – on the original list of the Meadow Landing Street naming proposal from stage 1.	Shire of Harvey
8.	Ottrey	Settlement family – on the original list of the Meadow Landing Street naming proposal from stage 1.	Shire of Harvey

The proposed road names have been through a 'preliminary validation' process using Landgate's online road name query via the Landgate website.

Landgate requires that all road name requests are submitted using an online system that queries proposed road names for their availability and their compliance. Names that do not pass the preliminary validation process are not automatically ruled out, so may still be included in the proposed list then further research and justification is required to demonstrate that they comply with the Policy standards. The results are shown in Table 3 below:

Table 3: Preliminary Validation Results from Online Tool

Name	Road Name	Preliminary Validation	Reason
1	Meadow	Failed	Road name exists within 50km. Meadow Lane in DARDANUP WEST Similar road name exists within 50km. Meadow View Road in GELORUP Meda Way in DALYELLUP Meotti Road in DONNYBROOK Medway Road in WARAWARRUP Mead Street in DONNYBROOK
2	Meadow River	Failed	Two words
3	Old Treendale	Failed	Two words
4	River Bend	Failed	Two words
5	Treendale Road	Failed	Duplication of existing
6	Serene/ Serenity	Failed	Similar road name exists within 50km. Serene Drive in GELORUP
7	Still	Failed	Road name exists within 50km. Still Road in COOKERNUP
8	Ottrey	Passed	N/A

Road No. 3

The new link road will form an extension of the existing Treendale Road and therefore is proposed to be dedicated as an extension of Treendale Road. As with Road No. 1, this is the process for an extension to an existing stretch of road without any intersecting points. This portion of Treendale Road is approximately 2.85km in length and is the majority of the existing road length, therefore the logical retention of the existing name, which meets the assessment criteria of the Guidelines as the road will still meet the definition for Road type.

Western Australian Land Information Authority (Landgate)*Policies and Standards for Geographical Naming in Western Australia (2017)*

This Policy outlines the criteria for the naming of streets and places. Proposals submitted to GNC need to include a plan showing the extent of the proposed names and details of the origin of the names. Relevant sections of the Policy include:

Road Name Submission Process

Landgate accepts applications for new names relating to roads, localities, administrative boundaries and topographic features.

In addition, each road name proposal shall include the following information:

- The reason for the proposal or name change;
- Origin of each road name and its source;
- A location by local government, locality and estate name if known;
- Identification on a map clearly indicating extent and precise start and end points;
- Photographs or sketches;
- Any other supporting information such as historic articles, reference materials, publications etc;

- Where applicable, evidence of landowner, family or community support;
- If the name is Aboriginal in origin, evidence of support from relevant Aboriginal Community; and
- If the application is for a renaming, evidence of consultation from the affected residents and property owners is required.

Conclusion

- Road No. 1 is designed as an extension of Howson Drive, with a curve in the road that will join the two roads into one. This automatically makes it an extension of Howson Drive. Should the design change and an intersection is created, the existing portion of Clifton Road that remains will be unnamed unless a street address is required.
- Road No. 2 – recommended names as per Tables 1 and 2.
- Road No. 3 – the logical conclusion is the extension of Treendale Road as per the Officer's comments.

Statutory/Policy Environment

Land Administration Act 1997

The naming of a road or feature is carried out under the Land Administration Act 1997 which is supported by policies and standards which set out the process.

Strategic Framework

Within the Shire's Strategic Community Plan 2017 - 2027, Strategy 4.3.4 states:

Monitor and ensure compliance with the regulatory framework for local government business.

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The Consequence could be **Reputational** if incorrect information is provided and the opportunity to nominate a candidate was lost. The risk is considered **Minor** and the likelihood **Unlikely**, given that a report has been generated for Council's consideration with sufficient time for a nomination to be made. This results in a **Low** risk being present.

Budget Implications

Nil.

Voting Requirement

Simple Majority.

Officer's Recommendation

That Council supports the following submissions to Landgate's Geographic Names Team as presented in **Attachment 1**:

- Road No. 1 – To rename the portion of Clifton Road and its realignment as an extension of 'Howson Drive'.
- Road No. 2 – Rename to 'Meadow' with appropriate road extension such as Lane or Court with the following alternative names:
 - Serenity
 - Still
 - Ottrey
- Road No. 3 – Name the new alignment as an extension of 'Treendale Road'.

Moved: Cr. Burgoyne

Seconded: Cr. Dickinson

That Council supports the following submissions to Landgate's Geographic Names Team as presented in Attachment 1:

- **Road No. 1 – To rename the portion of Clifton Road and its realignment as an extension of 'Howson Drive'.**
- **Road No. 2 – Rename to 'Meadow' with appropriate road extension such as Lane or Court with the following alternative names:**
 - **Serenity**
 - **Still**
 - **Ottrey**
- **Road No. 3 – Name the new alignment as an extension of 'Treendale Road'.**

Carried 13-0 20/264.

Cr. Jackson left the Chamber at 4.57pm

Sustainable Development

Item No.	12.3.6
Subject:	Proposed Tourism Development Strategy, and Visitor Servicing and Signage Strategy
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Economic Development Officer
Authorising Officer:	Acting Director Sustainable Development
File No.:	B000348 & B000353

Summary

This report recommends that Council endorses the revised scope for the Shire Tourism Development Strategy (refer **Attachment 1**) and Visitor Servicing and Signage Strategy (refer **Attachment 1**) and requests the Chief Executive Officer prepare draft strategies and supporting documents to be presented to Council at its meeting to be held May 2021.

Background

A report to the Council Meeting held on 26 May 2020 put forward a draft plan to implement the Shire's Economic Development Strategy (EDS) and Council resolved as follows:

That Council:

1. *Subject to the availability of funding, endorses the draft plan as attached to implement the Shire's Economic Development Strategy;*
2. *Lists for consideration of funding in its 2020-21 draft Budget an allocation of \$49,000 for Economic Development activities described in this report;*
3. *Receives a further report at the June 2020 Council Meeting on the proposal to develop a strategy for tourist information bays and signage;*
4. *As part of its forthcoming budget deliberations considers the appointment of an Economic Development Officer to facilitate the delivery of the Shire's Economic Development Strategy; and*
5. *Requests the Chief Executive Officer to provide an annual review and status report on the implementation of the Shire's Economic Development Strategy.*

One of the important priorities included in the Shire's EDS is Action 3.1, "Develop a local Tourism Development Plan that builds on and leverages regional tourism development strategies." This Action was initially proposed to be undertaken in 2021-2022 however, at the Meeting held on 23 June 2020 Council resolved to allocate \$40,000 of the draft Budget for Action 3.1 of the Shire's Economic Development Strategy to "Develop a local Tourism Development Plan" to be completed by 28 February 2021 and include a review of the Harvey Visitors Centre.

In addition, a report to the Council Meeting held on 23 June 2020 to develop a Tourist Visitor Information Bays and Signage Strategy for the Shire and Council resolved as follows:

That Council, subject to any proposed changes to the scope of the study as outlined in this report, requests the Chief Executive Officer to invite quotations and select a consultant to develop a strategy for tourist information bays and signage within the Shire

An allocation of \$20,000 is included in the Shire's 2020-2021 Budget for the development of the Tourism Information Bays and Signage Strategy for the Shire.

At its meeting held on 25 August 2020, Council resolved as follows:

That Council:

- 1. Endorses the scope for the Shire of Harvey's Local Tourism Development Strategy.*
- 2. Appoints the following persons onto the Local Tourism Development Strategy Working Group:*
 - Cr. Dickinson*
 - Cr. Lovitt;*
 - Chief Executive Officer or delegate;*
 - Director Sustainable Development or delegate;*
 - Director Community and Lifestyle;*
 - Manager Place;*
 - Manager Special Projects; and*
 - Marketing and Communications Officer.*
- 3. Invites nominations to serve on the Working Group from:*
 - One representative from the Harvey District Tourist Bureau;*
 - Two representatives from the local tourism industry; and*
 - One representatives from the Bunbury-Geographe Tourism Partnership.*
- 4. Requests the Chief Executive Officer to prepare a draft Local Tourism Development*

At the same meeting, Council further resolved:

- 1. Appoints the following persons onto the Tourist Information Bay and Signage Strategy Working Group:*
 - Cr. Coleman;*
 - Cr. Lovitt;*
 - Cr. Adams;*
 - Chief Executive Officer or delegate;*
 - Director Infrastructure Services or delegate;*
 - Director Sustainable Development or delegate;*
 - Director Community and Lifestyle or delegate;*
 - Manager Special Projects;*
 - Marketing and Communications Officer;*
 - Corporate and Community Engagement Officer; and*
 - Projects Officer – Community Development.*

2. *Invites nominations to serve on the Working Group from:*

- *One representative from the Harvey District Tourist Bureau;*
- *Two representatives from the local tourism industry; and*
- *One representative from the Bunbury-Geographe Tourism Partnership.*

3. *Requests the Chief Executive Officer to prepare a draft Tourist Information Bay and Signage Strategy to be presented to Council at its meeting in January 2021.*

In response, the Tourist Information Bays and Signage Strategy Request for Quotation (RFQ) was advertised and received no responses (refer **Attachment 2**). The Local Tourism Development Strategy RFQ was prepared but not released (refer **Attachment 3**).

On 2 November 2020, the Economic Development Officer (EDO) position was filled and tasked with the responsibility of delivering the Local Tourism Development Strategy and the Tourist Information Bays and Signage Strategy.

Comment

Combined RFQ Process and Budget

On further investigation, the EDO and respective Working Groups identified considerable overlap in the strategy consultation process for the consultant, stakeholders and the tourism industry, resulting in inefficient use of resources.

Subject to further input from Council, the Local Tourism Development and Tourist Information Bays and Signage Strategy Working Groups and their respective budgets will merge, forming the Tourism Development Strategies Working Group.

To attract quality consultants and to avoid duplication, the RFQ will seek to appoint a suitable consultant to deliver the both the Tourism Development Strategy and Visitor Servicing and Signage Strategy.

Revised RFQ Scope

The Working Group has revised the scope of the RFQ, providing more detail on the required deliverables (refer **Attachment 1**).

Additionally, to understand how visitors access and use visitor information, the review of the Australind and Harvey Visitor Centres will be moved from the Tourism Development Strategy and included in the renamed Visitor Servicing and Signage Strategy. This will also include a review of Visitor Information Bays.

Statutory/Policy Environment

Policy 3.2.1 Tourism – Objectives and Policy Document Guidelines identifies tourism policy objectives and activities to support tourism within the Shire. This proposal to develop a Tourism Strategy and a Visitor Servicing and Signage Strategy would complement the Council's policy.

Strategic Framework

Within the Shire's Strategic Community Plan 2017-2027, Strategy 1.2.2 states:

Develop a signage, information and way-finding strategy for the whole of the Shire which is Tourist friendly.

Within the Shire's Economic Development Strategy, Action 3.1 states:

Develop a local Tourism Development Plan that builds on and leverages regional tourism development strategies.

Risk Management

The Risk Theme Profile identified in relation to this item is **Inadequate Engagement Practices**. The Consequence could be **Reputational** if there is inadequate consultation with relevant stakeholders regarding the preparation of the proposed Strategies. The Risk has been mitigated by including a requirement for consultation with stakeholders in developing the draft Strategies and seeking public comment prior to adoption. The Risk Consequence is considered to be **Moderate** and the Likelihood **Unlikely** resulting in a **Moderate** level of risk.

Budget Implications

An allocation of \$40,000 has been included in the Shire's 2020-2021 Budget for the previously proposed Local Tourism Development Strategy.

In addition, an allocation of \$20,000 has also been included in the Shire's 2020-2021 Budget for the previously proposed Visitor Information Bays and Signage Strategy development.

It is proposed that the above funding allocations merge.

The proposed timeline delays the launch of the Strategies from February to May. It is however anticipated that a potential understanding of future budget requirements will be available in time for the Shire's Budget review.

Voting Requirement

Simple Majority.

Officer's Recommendation

That Council:

1. Endorses the following:
 - (a) Merging the Local Tourism Development Strategy and Tourist Information Bays and Signage Working Groups and their respective budgets, forming the Tourism Strategies Working Group;
 - (b) Revising the name of the Tourist Information Bays and Signage Strategy to the Visitor Servicing and Signage Strategy;

- (c) Revising the name of the Local Tourism Development Strategy to Tourism Development Strategy;
 - (d) Including the review of the Harvey and Australind Visitor Centres being included in the Visitor Servicing and Signage Strategy;
 - (e) Revising the scope for the Tourism Development Strategy and the Visitor Servicing and Signage Strategy as contained in **Attachment 1**; and
2. Requests the Chief Executive Officer to prepare a draft Tourism Development Strategy and a draft Visitor Servicing and Signage Strategy to be presented to Council at its meeting in May 2021.

Moved: Cr. Adams

Seconded: Cr. Bromham

That Council:

1. Endorses the following:

- (a) **Merging the Local Tourism Development Strategy and Tourist Information Bays and Signage Working Groups and their respective budgets, forming the Tourism Strategies Working Group;**
 - (b) **Revising the name of the Tourist Information Bays and Signage Strategy to the Visitor Servicing and Signage Strategy;**
 - (c) **Revising the name of the Local Tourism Development Strategy to Tourism Development Strategy;**
 - (d) **Including the review of the Harvey and Australind Visitor Centres being included in the Visitor Servicing and Signage Strategy;**
 - (e) **Revising the scope for the Tourism Development Strategy and the Visitor Servicing and Signage Strategy as contained in *Attachment 1*; and**
2. Requests the Chief Executive Officer to prepare a draft Tourism Development Strategy and a draft Visitor Servicing and Signage Strategy to be presented to Council at its meeting in May 2021.

Carried 12-0

20/265.

Cr. Jackson entered the Chamber at 4.58pm

Corporate Services

Item No.	12.4.1
Subject	Listing of Accounts Paid – September 2020
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Finance
Authorising Officer:	Director Corporate Services
File No.:	FMS006

Summary

Presented by way of attachment is a listing of payments for goods and services for September 2020. It is recommended that Council note the attached payments.

Background

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

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

Comment

The list of accounts paid for the period of September 2020 is presented as an attachment to this report, as summarised below.

<u>Voucher</u>		<u>Amount</u>
Schedule of Accounts		
	Municipal	
	EFT 51510 - EFT 51974	\$2,755,671.28
	117072 - 117087	\$71,532.74
	DD21144.1 - DD21292.19	\$212,914.23
CBA Credit Card		\$1,890.02
Electronic Funds Submitted		\$1,363,950.25
Total		<u>\$4,405,958.52</u>

Statutory/Policy Environment

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

Strategic Framework

Within the Shire's Strategic Community Plan 2017 – 2027, Strategy 4.3.4 states:

Monitor and ensure compliance with the regulatory framework for Local Government Business.

Risk Management

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

Budget Implications

The payments listed above have been budgeted for in the Shire's 2020 – 2021 Budget.

Voting Requirement

Simple Majority.

Officer's Recommendation

That Council notes the above list of accounts paid for the period of September 2020 totalling \$4,405,958.52.

Moved: Cr. Simpson Seconded: Cr. Campbell

That Council notes the above list of accounts paid for the period of September 2020 totalling \$4,405,958.52.

Carried 13-0 20/266.

Corporate Services

Item No.	12.4.2
Subject:	Financial Statements as at 30 September 2020
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Finance
Authorising Officer:	Director Corporate Services
File No.:	CC/C/062

Summary

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

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

	ACTUAL	BUDGET	VARIANCE
	30 September 2020	2020 - 2021	
Statement of Financial Performance			
Ordinary Revenue	\$31,293,514	\$43,575,228	\$12,281,714
Ordinary Expenditure	\$11,076,567	\$50,057,783	\$38,981,215
Capital Revenue	\$434,055	\$8,809,126	\$8,375,071
Capital Expenditure	\$1,312,498	\$14,004,898	\$12,692,400
End of Period Profit / (Loss)	\$24,780,610		
Statement of Financial Position			
Current Assets	\$62,067,456		
Net Assets	\$569,722,340		

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

Background

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

Comment

Rates Revenue

Rates revenue of \$22 million and rubbish rates of \$3.4 million was generated in August, with the due date of rates being 25 September 2020. Over 74% of rates were paid by the due date, compared to prior years of approximately 69%. The Shire has not increased the property and rubbish rates, rate in the dollar from 2019 - 2020 in an effort to provide some relief to rate payers.

Cash Flow and Interest Earnings

The Shire holds by way of cash and term deposit \$17.5 million in Municipal Funds, \$7 million in Trust Funds and \$28 million in Reserve Funds. The average interest rate on these funds is 0.82%. New term deposits are attracting a very low interest rate for 90 days of approximately 0.55%.

Operating Grants and Subsidies

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

Employee Costs

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

Materials, Contracts, Utilities and Other Expenses

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

Capital Expenditure

The Shire has budgeted to spend \$24 million on capital projects throughout the Shire in 2020 - 2021. Capital works have commenced in a number of areas including road and footpath projects as well as building works and recreation works. Expenditure totalling approximately \$1.3 million for these works has been reported at the end of September. As more projects are completed and as the Shire is invoiced for those works the level of reported expenditure will increase.

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

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

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

Statutory/Policy Environment

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

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

Strategic Framework

Within the Shire's Strategic Community Plan 2017 – 2027, Strategy 4.3.4 states:

Monitor and ensure compliance with the regulatory framework for Local Government Business.

Risk Management

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

Budget Implications

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

Voting Requirement

Simple Majority.

Officer's Recommendation

That Council receives the Financial Statements as at 30 September 2020.

Moved: Cr. Coleman Seconded: Cr. Simpson

That Council receives the Financial Statements as at 30 September 2020.

Carried 13-0

20/267.

Community and Lifestyle

Item No.	12.5.1
Subject:	The Boundary (Harvey Community and Sporting Facility) – Proposed Memorandum of Understanding
Proponent:	Shire of Harvey
Location:	Harvey Recreation and Cultural Centre
Reporting Officer:	Manager Harvey Recreation and Cultural Centre
Authorising Officer:	Director Community and Lifestyle
File No.:	A001861

Summary

The report outlines a proposed Memorandum of Understanding (MOU) for The Boundary, previously known as the Harvey Community and Sporting Facility, and recommends that Council approves the MOU for an initial term of 12 months, beginning 1 July 2021.

A proposed Management Model was presented to Council Agenda Briefing on 15 September 2020. The Officers recommendation was withdrawn, seeking further information and clarification of specific matters of concern. The proposed MOU and report is the resulting document.

Background

Lot 100, 67-93 Young Street, Harvey is freehold land vested in the Shire of Harvey. On the land is a built complex known as the Harvey Recreation and Cultural Centre (HRCC) that incorporates a recreation centre and indoor courts, a cultural centre, kiosk and other services. It also incorporates The Boundary (also known as the Harvey Community and Sporting Facility). The Boundary includes the community area, kiosk, storage room, meeting room, change facilities, outdoor change rooms, umpire room, first aid room and outdoor viewing platform.

Planning for The Boundary first commenced in 2007 when a number of local clubs and community groups commenced discussions on the possibility of developing a multi-purpose shared use facility to meet current and long term needs of club and community at the HRCC. A Needs and Feasibility Assessment was endorsed by Council in June 2013 and the funding model was endorsed in June 2014.

Construction of The Boundary was completed in August 2020. The Shire, together with sport and community organisations, have been actively using The Boundary for a cultural centre dinner and a show and meetings. The summer sport season opener in October was a soft launch of the facility with members of community making use of the new space. An official opening is scheduled for Friday 27 November 2020 at 5pm, by Nola Marino MP.

Comment

The primary outcomes for constructing The Boundary in Harvey was to provide a multi-purpose shared facility for use by sport, recreation, civic, cultural and community use.

In establishing the terms of use for this new facility in a way that is inclusive and equitable for all residents and ratepayers in the Shire, meetings were held with sporting and other user groups to develop a Memorandum of Understanding (MOU) that incorporates the practical considerations relating to capital and operating management, procurement for fees and charges and the day to day functionality of shared used.

The engaged clubs and organisations have decided to form an incorporated body to be known as The Boundary Inc. that will invite membership from user groups of the facility to form and consider the day to day functionality of shared use. They will be the champions of the site to ensure the key objectives and principles outlined in item three of the MOU are upheld.

The key objectives and principles outlined in item three of the MOU state:

- (a) The parties to this MOU acknowledge that whilst this MOU is not legally binding, it is made in good faith to support inclusive and equitable access.
- (b) The parties to this MOU encourage acceptance and inclusivity in the interest of consistency and fairness.
- (c) Flexibility and innovation is encouraged to maximise the opportunities for both winter and summer utilisation.
- (d) The parties to the MOU agree to support practical considerations relating to shared facilities, fixtures and scheduling.
- (e) Improved usage and improved and better maintained facilities for use that provide stronger social networks between clubs and community, together with opportunities to encourage community involvement and increase participation in civic, community and sporting events and initiatives.

Whilst The Boundary Inc. is in progress towards achieving incorporation, which can be a minimum three-month process, the Shire has agreed to work in partnership with user groups to trial the management and operation of The Boundary until the period 30 June 2021.

At the time of receiving incorporation, and no later than 1 July 2021, the MOU will be signed and the Shire and The Boundary Inc. will use the financial year of 2021-22 as an opportunity to pilot and measure the running costs of The Boundary. This is a due diligence step to establish a robust methodology for setting fair and equitable fees and charges, whilst empowering community groups to derive an income that supports their operations. Financial management is outlined in item six of the MOU.

At completion of the first full financial year of operating, the terms of the MOU will be reviewed and if no difficulties have arisen from the management relationship between the Shire and Boundary Inc, the MOU will be renewed for a further five years.

The processes outlined above have been achieved through collaborative decision making with interested parties and provide their full support for achieving success through these mechanisms.

Statutory/Policy Environment

N/A.

Strategic Framework

Within the Shire's Strategic Community Plan 2017 – 2027, Strategies 3.1.2 and 4.5.1 state:

3.1.2 *Continue to engage local community groups to understand needs, improve facilities and source grant funding.*

4.5.1 *Maximise Shire grant funding*

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The Consequence could be **Reputational** if Council decided not to support the proposal. The risk is considered **Moderate** and the likelihood **Unlikely**, resulting in a **Low** level of risk.

Budget Implications

The Shire's 2021-2022 Budget will include a \$5,000 fee from The Boundary Incorporated for the use of The Boundary (the Harvey Community and Sporting Facility). Included in the 2020-21 Budget is a forecast revenue of \$6,000 however until an MOU is in place revenue will not be collected.

Voting Requirement

Simple Majority.

Officer's Recommendation

That Council endorses the Memorandum of Understanding for The Boundary (Harvey Community and Sporting Facility) as described in this report, for a 12-month period beginning 1 July 2021.

Moved: Cr. Beech Seconded: Cr. Burgoyne

That Council endorses the Memorandum of Understanding for The Boundary (Harvey Community and Sporting Facility) as described in this report, for a 12-month period beginning 1 July 2021.

Carried 13-0

20/268.

Community and Lifestyle

Item No.	12.5.2
Subject:	Australia Day Awards - 2021
Proponent:	Various Nominees
Location:	Shire of Harvey
Reporting Officer:	Community Development Officer (CC)
Authorising Officer:	Director Community and Lifestyle
File No.:	C/A/012 & A001861

Summary

This report seeks consideration of the nominations for the 2021 Australia Day Awards to be presented at Australia Day functions held in Australind, Harvey and Brunswick Junction.

Background

Since 2003, the Australia Day Council (ADC) has coordinated the Community Citizen of the Year Awards (previously known as the Premier's Australia Day Awards) in partnership with local governments throughout the State. The Awards comprise four categories:

- Community Citizen of the Year Award;
- Senior Community Citizen of the Year Award;
- Young Community Citizen of the Year Award; and
- Active Citizen of the Year Award (community group or event).

Nominations for the 2021 Australia Day Community Citizen of the Year Awards opened 1 September and closed 31 October 2020. Nominations are required to be submitted to the Australia Day Council by 7 December 2020.

The Shire's Awards, Honours and Prizes Advisory Group met on 9 November 2020 to consider the nominations and recommend award recipients in the various categories. A copy of the Minutes of that meeting are attached to this report (refer **Confidential Attachment 1**).

Comment

The nominations for Australia Day Awards are included in **Confidential Attachment 1**.

Having assessed the nominations, the Advisory Group has recommended that the Shire endorse the nominations and these be forwarded to the Australia Day Council prior to the closing date.

Statutory/Policy Environment

Policy 3.1.1 relates to Honours and Awards.

Strategic Framework

Within the Shire's Strategic Community Plan 2017 - 2027, Strategy 3.1.1 states:

Volunteer efforts are recognised through awards and functions.

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The consequence could be **Reputational** if the event does not go ahead. The Risk Consequence is considered to be **Moderate** and the Likelihood **Unlikely** resulting in a **Moderate** level of risk.

Budget Implications

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

Voting Requirement

Simple Majority.

Officer's Recommendation:

That Council:

1. Endorses the nominations for the Australia Day Awards 2021 as per **Confidential Attachment 1**.
2. Presents the above awards at 2021 Australia Day functions held in the Shire with the announcement of the award recipients being embargoed until the awards have been presented.

Moved: Cr. Burgoyne Seconded: Cr. Coleman

That Council:

1. **Endorses the nominations for the Australia Day Awards 2021 as per Confidential Attachment 1.**
2. **Presents the above awards at 2021 Australia Day functions held in the Shire with the announcement of the award recipients being embargoed until the awards have been presented.**

Carried 13-0 20/269.

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

Nil.

14. Notice of Motion for Following Meeting

Cr. Adams requested that the following Notice of Motion be placed in the Ordinary Council meeting Agenda for 22 December 2020.

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

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

Nil.

16. Reports of Members

Cr. Campbell reported on her attendance at the following:

- Lot 208 Youth Inc. board meeting
- Morrissey Homestead board meeting
- Cr. Campbell put forward her acknowledgment of the Leschenault Progress Association (LPA) for their efforts on the Community Day event. Congratulations was extended to the LPA and Shire staff on a well-attended event.

Cr. Bromham reported on his attendance at the following:

- Worsley Alumina Community Liaison Committee meeting. Cr. Bromham advised that Worsley are interested in assisting the Shire in a variety of ways.

Cr. Adams reported on his attendance at the following:

- Soft opening of the Treendale Farm Tavern
- Opening of the new Australind SES building

Cr. Burgoyne reported on his attendance at the following:

- Soft opening of the Treendale Farm Tavern
- Official opening of the Binningup Bush Fire Brigade building
- Official opening of the Australind SES Headquarters

Cr. Beech reported on his attendance at the following:

- Harvey Community Resource Centre AGM
- Alcoa Community Consultative Workshop
- Harvey Recreation and Cultural Centre Memorandum of Understanding review
- Remembrance Day Service at the Harvey War Memorial

- Official opening of the Binningup Bush Fire Brigade building
- Official opening of the Australind SES Headquarters
- Harvey Recreation and Cultural Centre Advisory Group meeting

17. Seal Register

Officer's Recommendation:

That Council:

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

- | | |
|--|--|
| <ul style="list-style-type: none"> • Notification 70A – Treendale Nominees Lot 9523
The Promenade DP416287 • Form A5 – Surrender of Easement Lot 9003
DP417454 | <p>Prepared By
Treendale
Nominees
DaveRose Pty Ltd</p> |
|--|--|

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

- | | |
|---|--|
| <ul style="list-style-type: none"> • Transfer of Land Binningup Nominees to the
Shire of Harvey • Loan Agreement – Brunswick River Cottages | <p>Prepared By
Binningup
Nominees
Lander Lawyers</p> |
|---|--|

Moved: Cr. Beech

Seconded: Cr. Lovitt

That Council:

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

- | | |
|--|---|
| <ul style="list-style-type: none"> • Notification 70A – Treendale Nominees Lot
9523 The Promenade DP416287 • Form A5 – Surrender of Easement Lot 9003
DP417454 | <p>Prepared By
Treendale
Nominees
DaveRose Pty Ltd</p> |
|--|---|

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

- | | |
|---|---|
| <ul style="list-style-type: none"> • Transfer of Land Binningup Nominees to the
Shire of Harvey • Loan Agreement – Brunswick River Cottages | <p>Prepared By
Binningup
Nominees
Lander Lawyers</p> |
|---|---|

Carried 13-0 20/270.

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

Nil.

19. Matters Behind Closed Doors

Moving Behind Closed Doors

Moved: Cr. Burgoyne Seconded: Cr. Campbell

That Council Moves Behind Closed Doors in accordance with Section 5.23 (2)(b) the personal affairs of any person.

Carried 13-0 20/271.

Council moved behind closed doors at 5.06pm.

Item No.	19.1
Subject:	Application for Exemption To Keep More Than The Prescribed Number of Dogs
Proponent:	Mr Joshua Prokesh
Location:	12 McDowell Street Yarloop
Reporting Officer:	Coordinator Safety Services / Manager Waste and Safety Services
Authorising Officer:	Director Infrastructure Services
File No.:	A000475 Attachment Reg. No. 20/11607

Officer's Recommendation

That Council approves the application from Mr Joshua Prokesh of 12 McDowell Street Yarloop, for an exemption from Clause 3.2, Shire of Harvey Dogs Local Law 2017, subject to the following conditions:

1. The exemption applies only to the dogs listed on the application and once any of the dogs are deceased, sold or otherwise disposed of, the exemption automatically lapses;
2. The exemption will automatically lapse on any offence relating to the *Dog Act 1976*, by the dogs or any person in charge of these dogs;
3. The property must be kept clear of all animal excreta using proper disposal methods;
4. Adequate cover and protection is available for the dogs at all times;
5. The dogs being at all times adequately confined in accordance with the *Dog Act 1976*;
6. Access is given to the Shire for annual inspections or more regularly if the Shire so determines;
7. The exemption may be revoked or varied at any time in a manner provided for in Section 26 (3) (c) of the *Dog Act 1976*; and
8. The exemption only applies to 12 McDowell Street Yarloop and should the Applicant move to another address or the dogs be relocated to another address the approval shall lapse.

Moved: Cr. Beech Seconded: Cr. Simpson

That Council approves the application from Mr Joshua Prokesh of 12 McDowell Street Yarloop, for an exemption from Clause 3.2, Shire of Harvey Dogs Local Law 2017, subject to the following conditions:

- 1. The exemption applies only to the dogs listed on the application and once any of the dogs are deceased, sold or otherwise disposed of, the exemption automatically lapses;**
- 2. The exemption will automatically lapse on any offence relating to the *Dog Act 1976*, by the dogs or any person in charge of these dogs;**
- 3. The property must be kept clear of all animal excreta using proper disposal methods;**
- 4. Adequate cover and protection is available for the dogs at all times;**
- 5. The dogs being at all times adequately confined in accordance with the *Dog Act 1976*;**
- 6. Access is given to the Shire for annual inspections or more regularly if the Shire so determines;**
- 7. The exemption may be revoked or varied at any time in a manner provided for in Section 26 (3) (c) of the *Dog Act 1976*; and**
- 8. The exemption only applies to 12 McDowell Street Yarloop and should the Applicant move to another address or the dogs be relocated to another address the approval shall lapse.**

Carried 13-0

20/272.

Item No.	19.2
Subject:	Application for Exemption To Keep More Than The Prescribed Number of Dogs
Proponent:	Mr Malcolm Watt
Location:	23 Stallard Court Australind
Reporting Officer:	Coordinator Safety Services / Manager Waste and Safety Services
Authorising Officer:	Director Infrastructure Services
File No.:	A004137

Officer's Recommendation

That Council refuses the application from Mr Malcolm Watt of 23 Stallard Court, Australind, for an exemption from Clause 3.2, Shire of Harvey Dogs Local Law 2017, due to the following

1. The objections received from three residents as to barking of the current dogs;
2. The potential impact on the neighbourhood amenity due to dogs barking/noise in this residential area;
3. The dogs are kept at the front of the property behind an open wire mesh fence;

In accordance with Section 26(1) of the Dog Act 1976 and Clause 3.2(2) (a) of Councils Dogs Local Law 2017 the Applicant is only permitted to hold two dogs at his property at 23 Stallard Way Australind.

Alterative Motion

Moved: Cr. Simpson Seconded: Cr. Bromham

That Council approves the application from Mr Malcolm Watt of 23 Stallard Court, Australind, for an exemption from Clause 3.2, Shire of Harvey Dogs Local Law 2017, subject to the following conditions:

1. **The exemption applies only to the dogs listed on the application and once any of the dogs are deceased, sold or otherwise disposed of, the exemption automatically lapses;**
2. **The exemption will automatically lapse on any offence relating to the *Dog Act 1976*, by the dogs or any person in charge of these dogs;**
3. **The property must be kept clear of all animal excreta using proper disposal methods;**
4. **Adequate cover and protection is available for the dogs at all times;**
5. **The dogs being at all times adequately confined in accordance with the *Dog Act 1976*;**
6. **Access is given to the Shire for annual inspections or more regularly if the Shire so determines;**
7. **The exemption may be revoked or varied at any time in a manner provided for in Section 26 (3) (c) of the *Dog Act 1976*; and**
8. **The exemption only applies to 23 Stallard Court, Australind and should the Applicant move to another address or the dogs be relocated to another address the approval shall lapse.**

Carried 8-5

20/273.

Reason: Council believes that the lack of evidence to the source of noise leaves the Shire vulnerable to an appeal through the State Administrative Tribunal.

Returning from Behind Closed Doors

Moved: Cr. Burgoyne Seconded: Cr. Dickinson

That Council return from Behind Closed Doors.

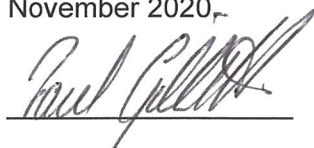
Carried 13-0 20/274.

Council returned from behind closed doors at 5.23pm.

20. Closure of Meeting

There being no further business to discuss, the meeting was declared closed at 5.23pm.

I, Cr. Paul Gillett certify that the aforesaid Minutes of the meeting held on Tuesday, 24 November 2020, are a true and correct record of that meeting on Tuesday, 24 November 2020.



**Cr. Paul Gillett
Shire President**