Shire of Harvey

ORDINARY COUNCIL MEETING

AGENDA

4th June 2019
Dear Councillor,

Notice is hereby given that the next meeting of the Harvey Shire Council will be held on Tuesday, 4th June 2019, in the Council Chamber, Mulgara Street, Australind, commencing at 4.00p.m.

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

Yours faithfully,

ANNIE RIORDAN
CHIEF EXECUTIVE OFFICER

31st May 2019

A G E N D A

A. OFFICIAL OPENING

B. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Cr. Lovitt has an Approved Leave of Absence.

C. APPLICATIONS FOR LEAVE OF ABSENCE

Cr. Simpson has requested a Leave of Absence for the 18th June and 25th June 2019.

D. READING FROM A BOOK OF LEARNING AND WISDOM

E. DECLARATIONS OF MEMBERS’ AND OFFICERS’ PERSONAL INTEREST

F. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE
G. PUBLIC QUESTION TIME

H. PETITIONS/DEPUTATIONS/PRESENTATIONS

I. ANNOUNCEMENTS BY PRESIDING MEMBER OR CEO WITHOUT DISCUSSION

J. CONFIRMATION OF MINUTES

ORDINARY COUNCIL MEETING – Tuesday, 14th May 2019.

Recommendation

That the Minutes of the Council Meeting held on Tuesday, 14th May 2019, as printed be confirmed as a true and correct record.

K. RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES

Corporate Services Committee 14th May 2019
Bush Fire Advisory Committee Meeting 20th May 2019
Community Sail Training Trust Advisory Committee 28th May 2019
Development Services Committee 28th May 2019

( Including Planning, Building, Health and Confidential Reports listed below)

8.1 PLANNING REPORT

8.1.1 Greater Bunbury Region Scheme Amendment 0053/57 – Omnibus No.5 – Anomalies Amendment - Western Australian Planning Commission - Lot 4 (R34811) Swamp Road, Pt Lot 5 and Pt Lot 6 Campbell Road, Benger (Benger Swamp area) (PS/T/002)

8.1.2 Finalisation of Proposed ‘Standard’ Scheme Amendment No.123 Harvey Bowling Club - Lot 1 (No. 106) Young Street, Harvey (A001857 P24/19)

8.1.3 Finalisation of Proposed ‘Standard’ Scheme Amendment No. 120 - Megara (on Behalf of Treendale Central Pty Ltd) - Lot 1 (No. 157) Grand Entrance Australind (P001120)

8.1.4 Proposed Amendment No. 124 (Additional Use 16) to District Planning Scheme No. 1 - Taylor Burrell Barnett for Treendale Central Pty Ltd - Lot 9600 (Formerly Pt Lot 9508) Ditchingham Place, Australind (P001124)

8.2 BUILDING REPORT

8.2.1 Building Permit Applications Received – Building Permits Issued – April 2019 - Shire of Harvey (BSR017)
L. **OFFICER’S REPORTS**

**PLANNING REPORT**

1. Item 8.1.4 - Proposed Amendment No. 124 (Additional Use 16) to District Planning Scheme No. 1 - Taylor Burrell Barnett for Treendale Central Pty Ltd - Lot 9600 (Formerly Pt Lot 9508) Ditchingham Place, Australind (P001124)

   **Addendum** - Item 8.1.4 - Proposed Amendment No. 124 (Additional Use 16) to District Planning Scheme No. 1 - Taylor Burrell Barnett for Treendale Central Pty Ltd - Lot 9600 (Formerly Pt Lot 9508) Ditchingham Place, Australind (P001124)

**CORPORATE SERVICES**

2. Adoption of Corporate Business Plan 2019 – 2023 - Shire of Harvey (B00157)
3. Meetings for Coming Months - Shire of Harvey (CCC001)

M. **ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

In accordance with Clause 5.3 (1) of the Shire of Harvey Standing Orders Local Law 2017, Councillor Adams has submitted the following Notice of Motion for Council’s consideration, to which Staff comment has been provided in accordance with Clause 5.3 (4) (d):

That Council requests the Chief Executive Officer to develop a Wood Encouragement Policy, addressing the advantages of the use of timber as a preferred major construction material in the residential and industrial building industry within the Shire of Harvey. The policy to include:
- sustainability
- carbon footprint
- possible climate change benefits
- building design incentives
- measures to address termite and borer attack
- community education and information on the benefits of the policy

**Officer Comment/Response:**

The desire to give greater recognition to timber as a construction material within the Shire of Harvey is acknowledged. However, the expectation of it being a “preferred material” could be problematic. In some instances, timber may not be the most appropriate material or may result in a significant increase in ongoing maintenance. Any Policy, if considered would need to address the issue of timber as being used only when fit for purpose and when maintenance cost are not substantially increased.
N. **NOTICE OF MOTION FOR FOLLOWING MEETING**

O. **QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

P. **REPORTS OF MEMBERS**

Q. **SEAL REGISTER**

Officer’s Recommendation:

That Council:

1. Grants approval to affix the Common Seal of the Shire of Harvey to the following items (legal documents not previously dealt with requiring approval):

   - Tender No T022019 – Construction of Brunswick River Cottages Stage 2
   - Tender No T042019 – Construction of Harvey Community and Sporting Facility
   - Lease Extension – Binningup Beach Christian Youth Camp and Caretaker’s Residence
   - Notification 70A- Transfer of Land – Ross English and Terri Margaret English – Lot 301 on Deposited Plan 402592
   - Notification 70A – Treendale Nominees Pty Ltd – Lots 412-419, 427 and 428 on Deposited Plan 415357
   - Section 70A (Removal) – Alexksandar and Maryanne Petkovic - Lot 18 (No. 17) Coronation Drive, Binningup

R. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

S. **MATTERS BEHIND CLOSED DOORS**


   This report is confidential in accordance with section 5.23(2)(e)(iii) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following: *information about the business, professional, commercial or financial affairs of a person.*

T. **CLOSURE OF MEETING**
L. **OFFICER’S REPORTS**

**PLANNING REPORT**

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Subject: Proposed Amendment No. 124 (Additional Use 16) to District Planning Scheme No. 1</th>
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<tbody>
<tr>
<td></td>
<td>Proponent: Taylor Burrell Barnett for Treendale Central Pty Ltd</td>
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<tr>
<td></td>
<td>Location: Lot 9600 (Formerly Pt Lot 9508) Ditchingham Place, Australind</td>
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<td></td>
<td>Reporting Officer: Planning Officer (ND)</td>
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<td>File No.: P001124 Attachment Reg. No. 18/50753,19/13891</td>
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</tbody>
</table>

**Summary**

The Shire received a Scheme Amendment proposal for Lot 9600 (formerly part of Lot 9508) Ditchingham Place, Australind (refer Attachment 1) on 21st December 2018. The proposed Amendment (refer Attachment 2) seeks to allow for two (2) ‘Additional Uses’ to include ‘Child Care’ and ‘Liquor Store – Large’ land uses into the permitted use column of Schedule 7 of the Shire’s District Planning Scheme No. 1 (Scheme) in addition to the uses already permitted in Additional Use 10 (A10).

The proposal was to be considered by the Development Services Committee on 5th February 2019 however it was withdrawn from the agenda at the request of the Applicant. Staff met with the Applicant following that withdrawal and agreed on the range of additional information to assist in addressing the concerns of Staff as detailed within the February agenda item. The agreed information was received from the Applicant on 12th April 2019 (refer Attachment 3) and comments from Staff on that additional information are provided within this report.

The additional information provided has been of benefit in the further assessment of the proposal from that contained within the February item. However, Staff again recommend that Council resolves not to adopt Amendment No. 124. It is considered that the proposed uses are adequately catered for, and more appropriately located, within the District and Local Centres. There is also a wide range of available land uses that can be located in the Treendale Commercial – Light Industrial Precinct (TCLIP) which are more suited to the zones ‘transitional’ nature.

**Background**

Lot 9600 Ditchingham Place is located in the Treendale Estate area of Australind, bounded by Ditchingham Place to the north, Forrest Highway to the east, Grand Entrance to the south and Centaurus Avenue to the west (refer Figures 2 and 3 of the Amendment Report in Attachment 2). The subject site is zoned ‘Other Commercial – Showroom’ and forms part of the ‘Commercial – Light Industrial Precinct Structure Plan Area’ for Treendale.

**Additional Use 10**

Amendment No. 90, gazetted on 18th June 2013, included Lot 9508 in Additional Use 10 (A10) which introduced the permitted land uses of: Factory Unit Building, Community Purpose, Motor Vehicle Repair Station, Car Wash, Civic Use, Public Purpose, Educational Establishment and Produce Market. Amendment No. 90 made way for the introduction of the TCLIP Structure Plan which was approved by the Western Australian Planning Commission (WAPC) on 12th August 2013 (refer Attachment 4).
It is to be noted that the original proposal included a ‘Light Industry’ zone however this was not carried through to the final gazetted Amendment No. 90. Nevertheless, the term ‘Light Industry’ is still included in the structure plan title as many of the additional land uses implemented by Additional Use 10 are light industrial in nature.

**Additional Use 15**

At its meeting held on 11th December 2018, Council resolved to initiate Scheme Amendment No. 120 to facilitate the introduction of a “Fast Food Outlet (Drive Through Coffee Shop only)”. Additional Use 15 (A15) is proposed to apply to a portion of Lot 1 (corner of Centaurus Avenue and Grand Entrance) recently created under WAPC Subdivision Approval 155389 and is approximately 1,314m² in area (refer [Attachment 5](#)).

Amendment No. 120 has recently been advertised and no objections to the proposal were received. The Amendment is included in this agenda to be considered for finalisation.

**Proposed Amendment**

The subject Amendment No. 124 is proposed to include Additional Use 16 (A16) for ‘Child Care’ and ‘Liquor Store – Large’ uses on the subject site by allowing them into the permitted use column of Schedule 7 (refer [Attachment 2](#) for the amendment report).

These land uses are to be considered in addition to the land uses specified in Tables 14 and 15 of the Scheme and all of the uses permitted in A10.

No specific lots or sites have been identified for the proposed additional uses at this time.

Note that in this report, the term “Child Care” is utilised for the most part which is consistent with the Scheme definition, whereas the term “Child Care Centre” is utilised in relation to the WAPC’s bulletin 72/2009. For the intents and purpose of this report, both are taken to have the same meaning.

**Comments**

**Comments – General**

Over the last 15 months, Staff have had a number of discussions with the landowner, and more recently the Applicant, advising that Staff were not supportive of the proposed additional uses for the reasons outlined below.

**Permissible & Discretionary Land Uses under the Existing Zoning**

It is stated in the Executive Summary of the Applicant’s report (refer [Attachment 2](#)) that:

“The overall development of the land is significantly encumbered by the very restrictive nature of the currently allowed additional uses, with no chance that the entire parcel could be built out solely with the land uses detailed in the additional use schedule and use class table. This is therefore major impediment to commercial development and economic growth on site.”

Staff disagree with this statement and are of the opinion that it is inconsistent with the provisions of the existing zoning which caters for a wide range of “transitional” (including retail uses) uses appropriate for the site’s location between the industrial area and the District Centre.
The current zoning allows for a significant number of ‘Other Commercial’ land uses via the “Other Commercial – Showroom” zone which includes the following land uses:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Use Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caretakers House</td>
<td>IP</td>
</tr>
<tr>
<td>Office</td>
<td>AA</td>
</tr>
<tr>
<td>Showroom</td>
<td>P</td>
</tr>
<tr>
<td>Trade Display</td>
<td>P</td>
</tr>
<tr>
<td>Warehouse</td>
<td>P</td>
</tr>
<tr>
<td>Car, Boat, Caravan and Machinery Sales</td>
<td>AA</td>
</tr>
<tr>
<td>Service Station</td>
<td>AA</td>
</tr>
<tr>
<td>Road House</td>
<td>AA</td>
</tr>
<tr>
<td>Funeral Parlour</td>
<td>P</td>
</tr>
<tr>
<td>Nursery</td>
<td>P</td>
</tr>
<tr>
<td>Car Park</td>
<td>IP</td>
</tr>
</tbody>
</table>

In addition to the above, there are also the following uses listed in Additional Use 10:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Use Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Factory Unit Building</td>
<td>P</td>
</tr>
<tr>
<td>Community Purpose</td>
<td>P</td>
</tr>
<tr>
<td>Motor Vehicle Repair Station</td>
<td>P</td>
</tr>
<tr>
<td>Car Wash</td>
<td>P</td>
</tr>
</tbody>
</table>

P – Permitted Use  
AA - Discretionary Use  
IP - Incidental to Predominant Use

Also to be added to the above via Amendment No. 120 in a specific area immediately east of the Service Station Site is:

\[
\text{Fast Food Outlet (Drive Through Coffee Shop only)} \quad \text{P}
\]

It can be seen from the above that the land uses available to the site are quite comprehensive, diverse and more numerous than those provided in a standard “Other-Commercial – Showroom” zone.

The land use, “Showroom” does provide for a wide range of retail items, specifically the definition states “…sell by wholesale or retail or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature”.

This definition was introduced into the Scheme in July 2013 via Amendment 90. Prior to that the definition read as:

“a building wherein goods are displayed and may be offered for sale by wholesale and/or by retain excluding the sale by retail of: foodstuffs, liquor or beverages; items of clothing or apparel, magazines, books or paper products; medical or pharmaceutical products; china, glassware or domestic hardware; and items of personal adornment”.

As evidenced by Amendment 90, the sale of liquor from this lot was removed.

**Comments – Child Care**

**Current Provision of Child Care Facilities in the Area**
Within the District Centre, there is vacant child care centre and (380m to the west from the subject site) and a child care centre at the Treendale Local Centre (Brilliant Beginnings - 950m to the south west). Nearby is Riverlinks Child Care Centre, being about 1.6km to the north west of the site, near the Australind Police Station.

The Applicant includes the following statement in the Executive Summary of their report:

“The inclusion of a Child Care site within a type of commercial zoning and location is consistent with the WAPC’s Planning Bulletin related to Child Care centres and EPA guidance statement.”

This Statement is at variance with the WAPC Planning Bulletin 72/2009 (PB) – Child Care Centres (refer Attachment 6) for the reasons given below.

Clause 3.2, objective c) of the PB, relates to minimising the impact the surrounds may have on a child care centre; and d) of the PB, emphasises the consideration of health and safety for the children. Relevant to both of these issues, there are concerns regarding the nearby/adjacent commercial/industrial uses if the child care is to be located within an area of a ‘service commercial’ nature:

• Commercial and industrial traffic within close proximity to the centre; and

• Concerns regarding crossing roads given there will be significant a number of trucks, trailers and heavy traffic coming from the industrial area to utilise the fuel station.

Clause 3.3 of the PB, refers to the location of children care centres. It is considered that the proposal is mostly inconsistent with criteria a), b), c), d) e), i), m) and n). Most notably c), whereby the surrounds of a light industrial style of area will have a detrimental impact on the child care centre.

The additional information requested by Staff in regard to the Child Care Centre was the provision of an Environmental Report addressing the Separation Distances to the industrial land uses to the north. A brief report has been provided along with evidence that some child care centres elsewhere are within close proximity to industrial/commercial land uses. A more comprehensive report is offered at the Development Application stage.

The Additional Information from the Applicant is contained within Attachment 3 and summarised as follows:

• It is proposed to include a traffic assessment as a requirement of the rezoning amendment to add the Child Care as a Land Use (refer p2 of Attachment 3).

• The subject site is located within a precinct where the range of uses permitted will create significant demand for child care services and provides a convenient service for the community working in the locality and visiting the range of community uses also permitted in the locality and will cater for the additional population likely to be travelling to and from the site as it continues to be developed in accordance with the Structure Plan (Table 2i).

• Given the Child Care centre is a large format centre, intended to accommodate over 100 children, it requires a large building footprint, which is most suited to the subject site given it is unconstrained and available to be well designed and oriented and the site is of a sufficient size to cater for the necessary car parking, landscaping and indoor and outdoor play areas required to support the Child Care centre, as per the objectives of the underlying zoning (Table 2i).
• The Child Care shows consistency with many other land uses in the existing zoning (Table 2ii).

• A Child Care is not considered to be any different in terms of compatibility with the land uses identified by the Shire, compared to the range of other ‘community-type uses’ permitted on the subject site, including Educational Establishment and Health Centre (Table 2iii and viii).

• Notwithstanding this, proposed uses such as factory unit buildings should demonstrate compliance with specific criteria and guidelines to ensure they will not affect the amenity of nearby areas through emissions. This is especially relevant as the site is zoned ‘Other Commercial – Showroom’, as opposed to General or Light Industry.

• Any concerns relating to traffic generation and safety concern can be addressed at the Development Application stage, where the exact site location, development layout, and traffic and access arrangements have been confirmed. Furthermore, condition 2 is proposed to be included in the Scheme Amendment to ensure development applications for Child Care uses address site suitability from a traffic engineering / safety point of view (Table 2iii).

• The design and construction of the Child Care can incorporate methods to ameliorate any noise emissions which may have impact on the site (double glazed windows etc.) (Table 2iii).

• PB 72/2009 notes Child Care centres should be located by public transport only where available. Treendale and Australind have limited public transport connections, and it would be restrictive to limit Child Care centres only where they are serviced by public transport. To overcome this, sufficient car parking will be provided for in accordance with the Shire’s specifications, which can be catered for due to the unconstrained land availability in this locality (Table 2iv).

• It is only the main north-south road which will cater for the majority of industrial traffic through the immediate area (Table 2vii).

**Staff Comment on Additional Information:**

In terms of the area having a large ‘draw’ on clientele due to the mixed uses in and around the location (re: Table 2i.) - this is agreed. Nevertheless, a child care centre on land already appropriately zoned within the District or Local Centres of nearby residential areas will also be in similar proximity to areas of high level activity and along with the advantage of a walkable catchment more pedestrian friendly environment to that within the commercial/industrial area.

The need for a ‘large’ site (second part of Table 2i) to accommodate the proposed child care centre is noted. However, the available land parcels within the both the Treendale District and Local Centres have proven adequate for the 2 (two) centres to date.

Whilst the proposed child care centre use could potentially be comparable with the existing permissible uses of Educational Establishment and Health Centre, these existing uses may not necessarily cater for young children which is the point of difference in the consideration of separation distances and compatible uses. This is also evident when giving consideration to the established uses currently within the TCLIP which are not uses generally associated with being located near a child care use. These established uses are:
• Bunnings Warehouse – Retail of hardware and gardening related goods.

• KFC – Fast Food outlet.

• Four automotive repair/tyre related service facilities (Tyrepower, Repco, Bridgestone and True Revolution Auto).

• Treendale Car Wash.

• Whitey’s Tackle and Camping.

The first two (2) in the list above are high traffic generating land uses and the five (5) automotive uses are of a ‘service’ industrial nature, sometimes generating noise and fumes. The fishing and tackle store is not considered to have any impact in relation to a sensitive land use such as a child care centre.

Consideration of traffic safety and noise amelioration to be dealt with at the development application stage is noted. The additional information requested by Staff was to address the appropriateness of the use in this locality given the range of other uses which can be considered. However, the need to carry out such reports (traffic and environmental) do suggest that the area may not be appropriate for this land use. These matters did not need consideration at all and it is the nature of the proposed child care use within the TCLIP that triggers the need for these matters to be addressed. The nature of the site in the case with the existing child care site (Brilliant Beginnings) at the Local Centre in southern portion of Treendale did not have to consider these matters in their design as there is no significant issue in relation to traffic noise, fumes or any other undesirable impacts of land uses surrounding the facility.

In regard to public transport accessibility, it is to be noted that the two (2) approved sites in Treendale have ready access to public transport.

In terms of the main north-south road carrying the industrial traffic, there will be more trucks coming through the estate via the link to the central spine road which is to go through the existing and proposed Australind Light Industrial Estate area. The estate will become an area more open to industrial traffic from the north due to the link road expected to connect with the future road reserve already created for “Saltwood Drive” being the north-south spine road up through the future large area of industrial estate.

Other land uses already permissible in the TCILP should not have to be further compromised because of the introduction of another land use, especially a sensitive land use such as a child care centre.

**Separation Distances to Industrial Land Uses (EPA Industry Buffer)**

On Ditchingham Place, there are a number of industrial land uses that require separation from sensitive land uses. A child care centre is considered to be a sensitive land use under the EPA’s Guidance Statement No. 3 (Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses). A sensitive land use is defined as:

“land use sensitive to emissions from industry and infrastructure. Sensitive land uses include residential development, hospitals, hotels, motels, hostels, caravan parks, schools, nursing homes, child care facilities....” (excerpt from p11)
Ditchingham Place contains a concrete batching plant and cement products manufacturing works (Australind Premix, MJB Industries). The EPA’s Guidance Statement recommends a default separation distance of 300m to 1km depending on the scale of these industrial uses.

The whole of Lot 9600 is located within 300m of the existing cement products manufacturing works (MJB Industries) and the north western portion of the lot is located within 300m of the existing concrete batching plant (Australind Premix).

The location of a child care centre within Lot 9600 is therefore clearly in conflict with the EPA’s industrial buffer requirements.

Staff previously advised the landowner that if they proceeded with the proposed additional Child Care use, it would need to be supported by an environmental assessment report to determine potential impacts from the concrete batching plant and cement products manufacturing works. In response, the Applicant has provided in the initial submission:

“The potential for impact and the extent of any such influence (if there is deemed to be an off-site impact) can only be known through undertaking specific modelling based on the scale and design of the operation. It is logical that this is undertaken at the development application stage, when the location of the proposed use is known and the state of the batching plant can be assessed as at the time the use is proposed.”

Previous discussions with the Applicant have requested an appropriate report to determine what an acceptable separation distance may be, thereby spatially defining if there are suitable locations within this to accommodate a child care centre. This has not been provided and it remains the Applicants preference for this level of detail to be provided at the Development Application stage. Staff disagree with the Applicant in this regard and consider that the subject Scheme Amendment is the most prudent time for the environmental assessment to be undertaken.

Additional Information from the Applicant (refer Attachment 3 for full statement):

- The actual location of the concrete batching activities is more to the north west of the site, not directly north where there is the concrete manufacturing facility (shown diagrammatically in Figure 1 of the Additional Information report).

- The facilities are small scale, well managed, off site dust and noise is minimal with the main emissions being the concrete batching plant and raw material storage areas which are located to the rear of the concrete batching facility.

- Truck movements are no more than the nearby Treendale District Centre or Bunnings.

- The batching plant is not of a size or scale to need formal regulation by the Department of Water and Environmental Regulation and therefore has minimal impacts.

- Examples of Sensitive Land Uses located in proximity to Concrete Batching Facilities are provided.
• EPA’s Guidance Statement No. 3 is considered to be ‘other advice’ by the EPA, and does not directly inform its environmental impact assessment decision making processes. Rather, the EPA have moved towards using a risk-based approach in determining suitable separation distances, based on the scale and nature of operation, as well as the facility management.

Staff Comment on Additional Information:

In the absence of a site specific environment impact assessment being provided, the EPA’s Guidance Statement No. 3 is utilised as the prime guidance for separation distances between industrial and sensitive land uses. In addition, the WAPC’s Draft State Planning Policy 4.1 – Industrial Interface (November 2017) states as follows:

“The EPA’s Environmental Protection Guidance Statement No.3 Separation Distances Between Industrial and Sensitive Land Uses provides advice on which land uses require separation and recommends the appropriate separation distances … the guidance also supports strategic and statutory land use planning and development decisions by planning authorities where proposed land uses have the potential to adversely impact on human health and amenity.”

The advice provided by the Applicant’s Environmental Consultant is acknowledged and concludes it is unlikely that a child care centre being located nearby to the existing concrete batching plant and/or the concrete manufacturing facility would be adversely affected by the existing operations. Staff remain concerned that this matter has not been satisfactorily addressed.

As evidenced by the additional information provided the Environmental Consultant has placed significant weight on the presence of other child care centres within the Perth metropolitan region being located in close proximity to concrete batching facilities. To accept the notion that similar facilities are coexisting as being a reason for approval, is not considered consistent with the principles of orderly and proper planning. Particularly without the demonstration of a sound basis for doing so.

Treendale Commercial – Light Industrial Structure Plan

The clear intent of this precinct was to provide for “transitional” land uses between the District Centre and the existing industrial areas to the north. The nature of the industrial land uses on the southern side of the existing light industrial area are more akin to general industry style uses, notably the Australind Premix concrete batching plant and MJB Industries cement products manufacturing works.

In section 4 Concept Development of the TCLIP Structure Plan document it is stated that:

“The concept plan depicts a complementary and integrated transition of land uses between “District Centre” uses on the western boundary and “Light Industrial” land to the north.”

The proposed land use of ‘Child Care’ is currently catered for within the Treendale District Centre and the Treendale Local Centre, which have convenient proximity to services, transport and daily shopping needs. The function of the subject land as per the Structure Plan is to cater more for land uses that don’t require being directly associated with services such as bulky goods showrooms, warehouses, automotive repair, car wash and hardware goods. A child care centre is more appropriate in or near retail, administrative services and the residential areas.
It is considered that the proposed child care centre would be inconsistent with the ‘service commercial’, bulky goods, transitional style of development that is more in line with the intent of the Structure Plan.

Comments – Liquor Store

Current Provision of Liquor Stores in the Treendale/Australind and Eaton Areas

There are no large format liquor stores currently in the Australind area. The nearest liquor store is the BWS at the southern side of the District Centre central complex. Existing liquor stores located in the older established Australind area to the west and the neighbouring Eaton areas include:

- Liquorland and Aldi at the Australind Village Shopping Centre;
- Collie Bridge Tavern bottleshop;
- Liquor Barons at the Eaton Caltex Service Station site;
- Eaton Tavern bottleshop; and
- BWS and Liquorland at the Eaton Fair Shopping Centre.

In general, the current provision of liquor stores is considered adequate. The eventual development of the Treendale Tavern site (directly west of the main shopping centre) will provide for another liquor sales outlet and a Liquor Licence has been conditionally granted for this site. Planning and design for the Treendale Tavern site is well underway with the proponents conducting a briefing with Council early May 2019.

The Liquor Control Act 1988 was recently amended with some sections of the Liquor Control Amendment Act 2018 not yet being implemented. The Act will be amended to include new provisions relating to the sale of packaged liquor. Section 36B proposes to the following:

“(4) The licensing authority must not grant an application to which this section applies unless satisfied that local packaged liquor requirements cannot reasonably be met by existing packaged liquor premises in the locality…” A packaged liquor premises includes a tavern and a liquor store. Distances and retail areas are proposed to be prescribed but these are currently unknown.

Therefore, it can be concluded that the establishment of liquor stores will be more restricted in the future through the liquor licensing legislation.

Report from the Curtin University Health Research Campus, 2015

It is considered that there should be some acknowledgement of this social/community based research which has implications on the community’s overall health and safety and not just in land use related terms:

The report provides the following conclusions:

- Supermarket-owned liquor stores, and particularly large-scale liquor barns dominate the alcohol sector in Australia and WA, and that they are expected to further increase their dominance of the market.

- Supermarket-owned liquor stores promote and sell a substantial range of discounted and low cost alcohol products.
- While we have particular concerns about liquor barns, the smaller convenience format liquor stores also contribute to alcohol-related risks in the community.

- Conversions to large liquor barns have resulted in increases in customers and likely increases in alcohol sales.

- Greater physical and economic availability of alcohol in the community is likely to result in greater alcohol consumption and potentially greater harms from alcohol.

- Greater alcohol sales in off-premise outlets - which are expected in large liquor barns due to their significant discounting, the large volume of alcohol available, and significant market share - have been linked to greater harms in the community, including injuries.”

Additional Information from the Applicant (refer Attachment 3 for full statement):

It is stated by the Applicant that it may be difficult to achieve a liquor licence within the precinct if more restrictive separation distances are to come into effect, regardless of the Shire’s position. This came to notice following a report by Canford Hospitality Consultants. The full report is included in Appendix B of the Applicant’s report.

Canford concludes that approval of a liquor store licence application is possible on the subject site, but only with development approval from the Shire.

In relation to the Curtin Health Research Campus report the Applicant considers:

“That planning decisions should not be made on the strength of such material. It should be based on well-considered policy, which should consider the broader suite of social, economic and environmental factors relevant to land use planning.”

Also it is stated that the matter regarding availability of alcohol to the community is dealt with in regard to the liquor licencing process.

The large format liquor store is similar in nature to the large format land uses permitted in the “Other Commercial – Showroom” zone being of a similar size, scale and nature.

The Applicant concludes, the large format liquor store is not suited to the District Centre as this is more for standard shop type land uses and residential uses where it is in a mixed use precinct. Apart from the supermarkets which are seen to be the main drawcard to the District Centre, other large format uses more appropriate in the showroom/warehouse/bulky goods type areas which exist on the fringes of the district centre area.

Staff Comment of Additional Information

Following deferral of the item in February, Staff requested that the Applicant investigate the likelihood of obtaining a Liquor Licence under the Liquor Control Act 1988. Whilst possible with the approval of Council, the ability to obtain a Licence will be more problematic following the introduction of the Liquor Control Amendment Act 2018. Staff’s reasoning for this additional information was to determine if the proposed use would in fact be permitted following rezoning.

It is accepted that Planning based decisions should not be based on such issues as the validity of more liquor becoming available to the community. Planning decisions should, however, consider the overall health and wellbeing of the community (similar to the need to consider separation distances child care centres and industrial uses). A recent study concluded that:
“In 2017–18, 952 publicly-funded alcohol and other drug treatment services provided just under 210,000 treatment episodes to an estimated 130,000 clients. The four most common drugs that led clients to seek treatment were alcohol (34% of all treatment episodes), amphetamines (25%), cannabis (21%) and heroin (5%).” Australian Institute of Health and Welfare, 17 April 2019.

From the above it is evident that the presence and acceptance of alcohol has significant impact on our community’s health and wellbeing.

Staff acknowledge that a ‘large format’ liquor store is not dissimilar to other retailing opportunities (…automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances…) available under the definition of a ‘showroom’. However, as evidenced above the sale of liquor is a separately defined and assessed use to any other retail item.

In 2013, the Shire supported an amendment (Amendment 90) to preclude liquor from the definition of ‘showroom’, and in doing so recognising that a liquor store essentially relates to a retail based product more akin to day to day convenience goods (regardless of the size of the building it operates from) which are more appropriately located in a district centre such as Treendale. The Treendale District Centre is yet to be fully developed and Staff are of the opinion that a large format liquor store can be accommodated within the available land.

**Conclusion**

**Child Care**

Given the analysis above of the proposal and additional comments from the Applicant, Staff are still of the opinion that it is not appropriate to locate the child care centre within the TCLIP. The proposed additional ‘Child Care’ use is considered inconsistent with the WAPC’s Planning Bulletin 72/2009 in that it is incompatible with the majority of land uses permissible in the precinct.

The site is not considered suitable from a traffic engineering/safety point of view given the large amount of semi commercial and industrial traffic that will be within and around the subject site.

To accept the notion that similar facilities are coexisting as being a reason for approval, is not considered consistent with the principles of orderly and proper planning. Particularly without the demonstration of a sound basis for doing so.

**Liquor Store**

The proposed additional use Liquor Store – Large Format should not be supported on the basis that these additional uses would detract from the transitional nature of the TCLIP Structure Plan area. In turn, the proposal would also reintroduce uses that were removed in 2013 thereby undermining the activity centre hierarchy of the Treendale District Centre which is currently only half developed. A ‘large format’ liquor store is still in effect a large turnover retail premises and deals predominantly with customers that are purchasing for day to day needs as in other convenience retail establishments more appropriately located within a District Centre. The introduction of the proposed uses would present incremental erosion to the overall structure planning in the area, most notably the Treendale Farm Structure Plan, which clearly designates an area of over 10ha set aside for the whole of the District Centre to provide the core of the Treendale area in terms of day to day retail needs, administrative services, dining and recreation.
Statutory/Policy Environment

Greater Bunbury Region Scheme

Lot 9600 is zoned ‘Urban’ under the Greater Bunbury Region Scheme.

Planning Bulletin 72/2009 – Child Care Centres (excerpts)

The objectives of this policy are to:

“a) locate child care centres appropriately in relation to their surrounding service area;

b) minimise the impact a child care centre has on its surrounds, in particular on the amenity of existing residential areas;

c) minimise the impact the surrounds may have on a child care centre; and

d) consider the health and safety of children attending the child care centre within the confines of the planning system.”

3.3 Location of child care centres

The appropriate location of a child care centre is crucial in meeting the needs of children and their families. It also is crucial in limiting the impact a child care centre may have on surrounding activities and vice versa. This may be achieved by locating child care centres on sites that are:

a) Distributed strategically to provide the maximum benefit to the community it serves;

b) within easy walking distance or part of appropriate commercial, recreation or community nodes and education facilities;

c) located in areas where adjoining uses are compatible with a child care centre (includes considering all permissible uses under the zoning of adjoining properties);

d) serviced by public transport (where available);

e) considered suitable from a traffic engineering/safety point of view; and

f) of sufficient size and dimension to accommodate the development without affecting the amenity of the area.

Child care centres generally would not be suitable where:

g) soil contamination exceeds the levels regarded by DEC and DOH as suitable for standard residential land uses with accessible soils as published in guideline Assessment Levels for Soil, Sediment and Water Department of Environment, November 2003);
h) groundwater is to be abstracted for the irrigation of gardens and play area within the child care centre and groundwater contamination exceeds 10 x Australian drinking water criteria in accordance with the Contaminated Sites Reporting Guideline for chemicals in groundwater (DOH 2006);

i) the service provided by the centre will have a demonstrable, adverse impact on the existing or planned level of child care centre services enjoyed by the local community;

j) access is from a major road or in close proximity to a major intersection where there may be safety concerns;

k) access is from a local access street which may impact on the amenity of the area due to traffic and parking;

l) the current use or any permissible use under the zoning of the adjoining premises produces unacceptable levels of noise, fumes or emissions or poses a potential hazard by reason of activities or materials stored on-site;

m) noise produced by roads, railways and aircraft are likely to have an adverse impact on the site; and/or

n) the site is in a heavy industry area or in the buffer area of a heavy industry area.

District Planning Scheme No. 1

Lot 9600 is zoned ‘Other Commercial – Showroom’ under District Planning Scheme No. 1 and Additional Use provisions appear in Schedule 7 of the Scheme.

Table 14 and 15 – Zoning and Development Standards

Policy Statement

Intended for the establishment of showroom type uses, which are inappropriate to the Shop Zone because of the larger land areas required, but are not suited to Industrial Zones.

Commercial – Light Industrial Precinct Structure Plan

Eastern Precinct

Statement of Intent

This precinct is to provide a range of commercial and limited light industrial uses to provide a transitional area between Treendale’s residential precincts and “Light Industrial” zoned land to the north.

Key Objective

To minimise potential for land use conflict between abutting land uses and provide an appropriate interface between the highway and future access into Treendale.
Planning and Development (Local Planning Schemes) Regulations 2015

Part 5 Division 1, Clause 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides the criteria for Council’s resolution to prepare or adopt an Amendment.

**Strategic Framework**

Within the Shire’s Strategic Community Plan 2017 – 2027, Strategies 2.3.1 and 3.5.2 state:

2.3.1  “Continue to implement integrated environmental, social and land use planning which will:
• minimise land use conflict.”

3.5.2  “Provide a planning framework that accommodates diverse living and commercial opportunities.”

**Budget Implications**

Nil.

**Risk Management**

The Risk Theme Profile identified as part of this report is *Providing Inaccurate Advice/Information*. The Consequence could be *Environmental*, *Financial* or *Reputational* if incorrect advice is given. The Risk is mitigated by the report being thoroughly researched, peer reviewed and provided by a qualified Shire officer, resulting in LOW Risk being present if Council adopts the officer’s recommendation of refusal.

**Officer’s Recommendation**

That Council refuses to initiate Amendment No. 124 to the Shire of Harvey’s District Planning Scheme No. 1 for Lot 9600 Ditchingham Place (formerly part of Lot 9508 Ditchingham Place), Australind for the following reasons:

a. The existing zoning caters for a wide range of land uses appropriate for the purpose and intent of the transitional zone between the District Centre and the existing industrial area on the north side of Ditchingham Place;

b. The proposed additional uses to the Treendale Commercial – Light Industrial Area ‘transitional’ zone disrupts the primary intent of the Treendale Commercial – Industrial Precinct in providing for land uses that deal with bulky goods and services that are not required to be or may be inappropriate in the District Centre;

c. Approval of the Amendment would set an undesirable precedent for the further erosion of the retail/administrative/community orientated function of the Treendale District Centre;

d. The proposed additional ‘Child Care’ use is considered inconsistent with the WAPC’s Planning Bulletin 72/2009 – Child Care Centres for the following reasons:
i. Child Care premises located in district or local centres as per the existing two (2) in the locality are better strategically located to be of maximum benefit to the community;

ii. Child Care premises located in district or local centres as per the existing two (2) in the locality, are more within easy walking distance or part of appropriate commercial, recreation or community nodes and education facilities;

iii. ‘Child Care’ is incompatible with many of the land uses permissible on the subject site, such as Service Station, Car Sales Premises, Market, Factory Unit Building, Motor Vehicle Repair Station, Car Wash, and Produce Market mostly relating to traffic generation, safety concerns and noise emissions of certain activities;

iv. The site is not serviced by public transport with the nearest bus stop at the western end of the District Centre on The Boulevard, approximately 900m to the west of the subject site;

v. The site is not considered suitable from a traffic engineering/safety point of view given the large amount of semi commercial and industrial traffic that will utilise the roads within and around the subject site;

vi. The proposed additional use of ‘Child Care’, if approved, may have a demonstrable, adverse impact on the existing child care centre services;

vii. There are safety concerns with the subject site being located in and near industrial roads and future major intersections. Much of the traffic from the industrial area to the north will utilise the north south link road between Ditchingham Place and Grand Entrance. The through road is to be an extension of an eventual central north-south spine road through the central portion of the industrial land to the north, utilising the yet to be constructed Saltwood Drive. This will eventually provide a link through to the Spud Shed site; and

viii. The nature of the zoning and that factory unit buildings are permissible in this zone, that the adjoining premises may produce unacceptable levels of noise, fumes or emissions or poses a potential hazard by reason of activities or materials stored on-site;

e. The separation distances, as recommended by the EPA in its Guidance Statement No. 3 – “Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses, June 2005”, for a “Cement product manufacturing works” is 300m-1,000m (depending on scale), a “Concrete batching plant or cement (bricks) manufacture’ is 300m-500m and a “Service station – 24 hour) is 200m. The subject site is wholly within the recommended 300m buffer from the existing cement product manufacturing works and therefore a child care centre on Lot 9600 would be contrary to the EPA’s separation distances guidelines;

f. The proposed additional use of ‘Child Care’ is inconsistent with the service commercial, bulky goods, transitional style of development that is to cater more for bulky goods and services. These activities that do not have a
necessity to be in the District Centre and this is the underlying intent of the Treendale Commercial - Light Industrial Structure Plan;

g. The current provision of liquor stores in the locality is considered adequate, with consideration also being for the eventual development of the Treendale Tavern site (directly west of the main shopping centre) which has received a conditional liquor licence;

h. Although the proposed additional use of liquor store is for a ‘large format’ store, the goods provided relate most closely to those provided by day to day convenience related retail products and it is not as compatible with bulky goods, showrooms and warehouses and other land uses intended for the Treendale Commercial – Light Industrial Precinct; and

i. Despite the presence of some bulky goods items such as cartons of liquor, the ‘large format’ liquor store’ for the most part caters for people purchasing liquor items for day to day needs similar to the daily routine and function of any convenience retail store.
Summary

This report provides the action status of Council resolutions and Committee (Development Services and Corporate Services) recommendations for the period January – March 2019 and allows Councillors to track progress and note action on those items.

Background

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

As actions occur, updates on the progress of Council decisions are made to the Council Decision Action List. Of the decisions that were determined by Council and the Development Services and Corporate Services Committees during the period January to March 2019, 84 have been completed or require no further action. Items which are in progress will be included in the following report to Council to note any further action.

Comment

A Council Decision Action List has been developed to ensure that Council resolutions and Committee recommendations, subsequently adopted by Council, are implemented in a timely manner. The action status against resolutions and recommendations are updated regularly by Staff so that progress can be tracked and reported back to Council.

<table>
<thead>
<tr>
<th>Number of Items</th>
<th>Action Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council</td>
<td>60</td>
</tr>
<tr>
<td></td>
<td>57 completed</td>
</tr>
<tr>
<td></td>
<td>3 in progress</td>
</tr>
<tr>
<td>Development Services</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>8 completed</td>
</tr>
<tr>
<td></td>
<td>2 in progress</td>
</tr>
<tr>
<td>Corporate Services</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>19 completed</td>
</tr>
<tr>
<td></td>
<td>3 in progress</td>
</tr>
</tbody>
</table>

The following table lists the decisions that are still being actioned:

**January – March 2019**

<table>
<thead>
<tr>
<th>Date</th>
<th>Item</th>
<th>Minute No</th>
<th>Progress Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>05.03.19</td>
<td>Confidential Item No. 1 – Visitor Information Service at Australind – Henton Cottage, Australind Shopping Centre</td>
<td>19/056</td>
<td>Current Lessee notified of Council’s decision. Further report to be presented.</td>
</tr>
</tbody>
</table>
26.03.19 Joint Town Planning Scheme no. 1 Committee – 1 February 2019 19/060 Audit scope being developed, Event for naming of the bridge in progress.

26.03.19 Corporate Item No. 1 – Sister City Relationships 19/064 International Relations Policy to be developed.

### Development Services Recommendations in Progress

<table>
<thead>
<tr>
<th>Date</th>
<th>Item</th>
<th>Minute No</th>
<th>Progress Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>19.03.19</td>
<td>Health Item No 8.2.1 – Request for Quote: Supply of Goods and Services – Organics Bin Project</td>
<td>DS 19/014</td>
<td>In Progress: Quote accepted. Purchase order issued to Mastec Pty Ltd.</td>
</tr>
</tbody>
</table>

### Corporate Services Recommendations in Progress

<table>
<thead>
<tr>
<th>Date</th>
<th>Item</th>
<th>Minute No</th>
<th>Progress Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>22.01.19</td>
<td>Confidential Item No 1 – Consideration of Purchase – Harvey Water Premises – Harvey Water – Lot 284 (no.7) James Stirling Place, Harvey (A002768)</td>
<td>CS 19/011</td>
<td>Harvey Water advised. Property remains on the market. Discussion Paper to be reviewed in due course in conjunction with the Shire’s office accommodation needs.</td>
</tr>
<tr>
<td>26.03.19</td>
<td>Confidential Item No 10.1 – Proposed Sale - Unpaid Rates and Charges – Shire of Harvey – (A000812)</td>
<td>CS 19/027</td>
<td>In Progress</td>
</tr>
<tr>
<td>26.03.19</td>
<td>Confidential Item No 10.2 – Proposed Sale - Unpaid Rates and Charges – Shire of Harvey – (A12068)</td>
<td>CS 19/028</td>
<td>In Progress</td>
</tr>
</tbody>
</table>

In the six (6) months previous to this reporting period (July – December 2018) 192 decisions had been completed or required no further action with 26 Council, 13 Development Services Committee and two (2) Corporate Services Committee resolutions in progress. The following items are still in progress:
<table>
<thead>
<tr>
<th>Date</th>
<th>Item</th>
<th>Minute No</th>
<th>Progress Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.8.18</td>
<td>Yarloop Town Development Working Group – 6.8.18</td>
<td>18/241</td>
<td>Health Department were to undertake assessment for contamination of this site prior to Council considering. This has not occurred at 30th May 2019. The matter is a lower priority as land is Reserve land not Freehold and the Shire is concentrating on the Community Centre and Workshops in Yarloop.</td>
</tr>
<tr>
<td>18.9.18</td>
<td>8.2.1 Implementation Strategy for the Introduction of a Kerbside Organics Collection and Processing Service</td>
<td>18/286</td>
<td>See DS 18/085</td>
</tr>
<tr>
<td>18.9.18</td>
<td>TS No 2 – The Boulevard and The Promenade – Road Safety Inspection</td>
<td>18/289</td>
<td>Detailed design in progress. Project included in FCWP subject to regional road group funding.</td>
</tr>
<tr>
<td>9.10.18</td>
<td>8.1.3 Application for Development Approval and Extraction Licence Application</td>
<td>18/305</td>
<td>See DS 18/093</td>
</tr>
<tr>
<td>9.10.18</td>
<td>8.2.1 Draft Policy – Trading in Public Places Policy for Food Vendors</td>
<td>18/310</td>
<td>See DS 18/100</td>
</tr>
<tr>
<td>9.10.18</td>
<td>TS No 1 – Old Coast Road Australind – Proposed Shared Path – Outcome of Community Consultation</td>
<td>18/312</td>
<td>Council approved the project implementation. Tender awarded to Dowsings. Works 85% complete.</td>
</tr>
<tr>
<td>9.10.18</td>
<td>TS No 4 – Regional Road Group Funding – Kingston Drive Extension – Paris Road to Ditchingham Place, Treendale</td>
<td>18/314</td>
<td>MRWA advised. Project on hold.</td>
</tr>
<tr>
<td>30.10.18</td>
<td>TS No 1 – Proposed Street Sweeper</td>
<td>18/333</td>
<td>In progress – budget included in Draft Budget 2019-20.</td>
</tr>
<tr>
<td>30.10.18</td>
<td>TS No 2 - Acquisition of Right of Way (Private Road)</td>
<td>18/334</td>
<td>Management Order being finalised. Approval to upgrade ROW granted. Plaque to be erected.</td>
</tr>
<tr>
<td>30.10.18</td>
<td>Confidential TS No 3 – Proposed Memorial – Reserve No 33203 – Cnr Old Coast Road/Lisa Road, Australind</td>
<td>18/340</td>
<td>No further action. Awaiting advice from applicant.</td>
</tr>
<tr>
<td>20.11.18</td>
<td>Harvey Recreation Ground Advisory Committee 6.11.18</td>
<td>18/348</td>
<td>Works commenced, trees have been removed and ground prepared for drainage upgrade.</td>
</tr>
<tr>
<td>Date</td>
<td>Item</td>
<td>Minute No</td>
<td>Progress Status</td>
</tr>
<tr>
<td>----------</td>
<td>----------------------------------------------------------------------</td>
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<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>20.11.18</td>
<td>TS No 2 – Closure of Oakridge Road Reserve – Further Report</td>
<td>18/353</td>
<td>In progress (Department of Planning, Lands and Heritage processing)</td>
</tr>
<tr>
<td>11.12.18</td>
<td>8.1.4 Proposal to establish at TAB service</td>
<td>18/363</td>
<td>See DS 18/121</td>
</tr>
<tr>
<td>11.12.18</td>
<td>TS No 1 – Collie River and Brunswick River Junction, Australind – Proposed Control of Access</td>
<td>18/364</td>
<td>Matter under investigation. Funds listed for consideration in FCWP.</td>
</tr>
<tr>
<td>11.12.18</td>
<td>TS No 3 – Bunbury Wellington 2050 Cycle Strategy</td>
<td>18/377</td>
<td>10 year footpath program under development.</td>
</tr>
</tbody>
</table>

### Development Services Recommendations in Progress

<table>
<thead>
<tr>
<th>Date</th>
<th>Item</th>
<th>Minute No</th>
<th>Progress Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>31.7.18</td>
<td>8.2.1 Relocation/Disposal of Existing Relocatable Ablution Facilities</td>
<td>DS 18/072</td>
<td>Deferred. Possible use identified with further report to be prepared for Council consideration.</td>
</tr>
<tr>
<td>11.9.18</td>
<td>8.1.1 Request to remove Dieback conditions</td>
<td>DS 18/081</td>
<td>The conditions associated with Dieback have been referred by the Applicant to the State Administrative Tribunal (SAT). A report to Council will be required during the Mediation processes of the SAT.</td>
</tr>
</tbody>
</table>
• Time schedules progressing in accordance with roll out plan.  
• Bins, caddies, bags being manufactured.  
• Mastec in receipt of delivery maps of existing residential waste services.  
• Communication strategy continuing with an increase in media releases through Waste Education Officers & Website etc.  
• Waste Education & Health finalising residential information kits, including calendars etc. for delivery with bins. Purchase order required when drafts finalised  
• Contract document between the Shire & Mastec nearing completion.  
• Customer Service Staff updated on progress of project for enquiries.  
• Waste Grant (Funding Agreement, Better bins Kerbside Collection Program) finalised. Agreement signed off by the Environment Minister & CEO, (19/18591). Electronic Copy returned to Waste Authority on 22/5/2019.  
• Finance provided with copy of Agreement for inclusion in the Budget |
2.10.18  8.1.3 Application for Development Approval and Extraction Licence Application  DS 18/093  EIL yet to be granted. Awaiting outcome of SAT appeal.

2.10.18  8.2.1 Draft Policy – Trading in Public Places Policy for Food Vendors  DS 18/100  In progress. Valuation Report received. Will be actioned in due course. EOI to be called in coming weeks per Council resolution.

23.10.18  8.2.1 Shire of Harvey Waste Local Law 2019  DS 18/106  In progress. Response by Department of Environment is still outstanding. Information is imminent and the Local Law will then be finalised.

23.10.18  8.2.2 Community Communications Plan for the Kerbside Organics Bin Service Introduction  DS 18/107  In progress.

4.12.18  8.1.2 Proposed ‘Standard’ Scheme Amendment No 122 – Lots 7 to 9 Craigie Drive, Roelands  DS 18/119  Amendment referred to DPLH for approval.

4.12.18  8.1.3 Proposed Amendment No 120 to District Planning Scheme No 1  DS 18/120  Being considered for final approval 4 June 2019.


4.12.18  Confidential Item No 2 – Request to Purchase Portion Reserve 44240, Binningup  DS 18/124  Alternative option supported by Council at its meeting of 14 May 2019. Landowner and DPLH advised.

Statutory/Policy Environment

Local Government Act 1995 s5.20

Strategic Framework

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

“Monitor and ensure compliance with 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 “Compliance” if due process is not followed in terms of the Local Government Act 1995. The Risk Consequence is considered to be “Minor” (2) and the likelihood “Unlikely” (2) resulting in a LOW (4) risk being present.
**Budget Implications**

Nil

**Officer's Recommendation**

That Council notes the resolutions of the Ordinary Council Meetings and the recommendations of the Development Services Committee Meetings and Corporate Services Committee Meetings for the period January to March 2019 and associated progress contained in Attachment 1.

<table>
<thead>
<tr>
<th>Item No.</th>
<th>2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject:</td>
<td>Adoption of Corporate Business Plan 2019 – 2023</td>
</tr>
<tr>
<td>Proponent:</td>
<td>Shire of Harvey</td>
</tr>
<tr>
<td>Location:</td>
<td>Shire of Harvey</td>
</tr>
<tr>
<td>Reporting Officer:</td>
<td>Executive Manager of Corporate Services/Coordinator Corporate Planning</td>
</tr>
<tr>
<td>File No.:</td>
<td>B00157</td>
</tr>
</tbody>
</table>

**Summary**

The Shire's Corporate Business Plan 2018 – 2022 was adopted on 3rd July 2018 together with the Shire's 2018/19 Budget. This was followed by a desktop review of the Strategic Community Plan (2017 – 2027) which was endorsed by Council on 26th March 2019 together with the Report on Performance – February 2019.

The Corporate Business Plan 2019 - 2023 and the Shire’s Forward Capital Works Program (FCWP) have been updated by staff as part of the lead into the 2019/20 Budget. This report recommends Council adopt the reviewed Corporate Business Plan and the Forward Capital Works Program for the 2019 – 2023 period as per *Attachment 1*.

**Background**

The *Local Government Act 1995*, requires Western Australia local governments to plan for the future of the district. Amendments made in August 2011 to the Local Government (Administration) Regulations 1996, state that a Strategic Community Plan (SCP) and Corporate Business Plan (CBP), together form a ‘Plan for the Future’ of a district. In the drafting of the Annual Budget the local government is to have regard to the contents of the Plan for the Future.

The CBP is required to be reviewed annually and does not have the formal advertising and consultation obligation that is required for the SCP. It also differs from the SCP which requires a complete review every four (4) years, with best practice determining that a desktop review be undertaken at the two (2) year mark of the plan. The CBP however requires an update annually and is effectively the intermediary document between the SCP and the Shire’s Annual Budget and incorporates the FCWP. The document is a very effective tool as it has specific actions contained within, which are logically assigned to individual Shire officers. Measurement of the outcomes in the CBP are achievable with the systems that have been put in place including the estimated expenditure in the FCWP.
Comment

The proposed adoption of the Shire’s CBP 2019 – 2023 is in line with the Shire’s adopted SCP (July 2017, and reviewed March 2019), the adoption of the Long Term Financial Plan on 27th March 2018 and the FCWP.

The adoption of the CBP achieves compliance with the Local Government (Administration) Regulations 1996, and has been influenced by the Department of Local Government’s Framework and Guidelines for Integrated Planning and Reporting – September 2016.

There are 157 separate actions listed in the CBP which continue to be progressed towards completion. The identified Flagship items and their current status are shown below:

<table>
<thead>
<tr>
<th>Flagship Items</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide a diverse range of residential lot sizes.</td>
<td>In progress. The draft Local Planning Strategy has been advertised and the Shire’s response to the comments received has been provided to the Department of Planning Lands and Heritage. Following adoption the proposed framework will be implemented via the draft Town Planning Scheme.</td>
</tr>
<tr>
<td>Complete Town Planning Scheme/Planning Policies review and finalise Local Planning Strategy to accommodate a diversity of accommodation and business use.</td>
<td></td>
</tr>
<tr>
<td>Complete the Shire of Harvey Economic Development Strategy (EDS) and implement the actions.</td>
<td>In progress. Consultants have been appointed and have finalised the Draft EDS. Business workshops were held in Harvey and Australind during May 2019. The final report is in progress for completion during August 2019.</td>
</tr>
<tr>
<td>Progressively implement the Ridley Place Foreshore Development Strategy.</td>
<td>Stage 1 has been completed and works/designs associated with Stages 2 and 3 have commenced. Funding was obtained for the upgrade of Old Coast Road - (Creating pedestrian friendly environment) and works completed in December 2018. Sewer connection provided for new toilet block on the site and redevelopment of the existing playground to be implemented in 2019/20. Supply of land for low key commercial development is being investigated with the WAPC and the Department of Lands, Planning and Heritage.</td>
</tr>
<tr>
<td>Complete the Harvey Community Precinct Study.</td>
<td>New flagship project. A review of the Harvey Civic Precinct Study and preparation of concept plans are scheduled to commence during the 2019/20 financial year. Construction of the Harvey Civic Precinct is anticipated to commence in the 2020/21 financial year.</td>
</tr>
<tr>
<td>Identify and improve administration facilities for the Shire’s Office in Harvey.</td>
<td>New flagship project at the commencement of planning.</td>
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</tbody>
</table>

The review of the Harvey Civic Precinct Study and preparation of a Concept Plan is an addition to the Shire’s Flagship projects and planning is due to commence during 2019/20. Construction of the Harvey Community Precinct is anticipated to commence during the 2020/21 financial year, as a desired outcome in order that “Services, infrastructure and facilities continue to meet community needs”.

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Another action that has been added to the CBP is the identification and improvement of administration facilities for the Shire's Office in Harvey, as a desired outcome to “Monitor the community’s administration needs”. Funding has been provided in the future years of the Forward Capital Works Plan as part of the Harvey Civic Precinct however the budget will be reviewed once concept planning is completed, which will be the subject of a future report to Council.

New actions identified and added to the Corporate Business Plan 2019-2023 include:

- Investigation and identifying of opportunities for attracting international economic trade, tourism and cultural activities to encourage economic linkages, promote trade and investment opportunities for local businesses by investigating sister city relationships;
- Investigating the expansion of youth facilities within the Shire;
- Investigating the expansion or relocation of the Harvey Skate Park;
- Managing/Maintaining cemeteries to preserve and enhance their cultural heritage;
- Development and implementation of a Public Health Plan as required by amendments to the Public Health Act 2016 in conjunction with neighbouring local governments to protect and enhance services and wellbeing of the community; and
- Roll out of the Shire's Organic Bin Project and implementation of the Shire's kerbside organics bin service within the district.

Several other initiatives in the CBP rated as “Very High" and "High" are in progress.

- Construction of the Yarloop Community Centre;
- Construction of the Brunswick River Cottages Stage 2 for aged accommodation;
- Construction of the extensions to the new headquarter building for State Emergency Services in Australind;
- Construction of the new Fire Station for the Bushfire Brigade in Binningup;
- Construction of the Harvey Community and Sporting Facility;
- The appointment of consultants for the preparation of a Concept Plan for the progressive restoration and development of the Yarloop Workshops site as part of Yarloop’s Town Development Plan, as a “High" service priority is in progress.

Achievements and finalised major projects during the 2018/19 financial year are included in the monthly Corporate Service Committee reports with major items being:

- Leschenault Men’s Shed Power Upgrade;
- Harvey Visitors Centre Internal Upgrade Contribution;
- Leschenault Leisure Centre – new Scoreboards and Court Resurfacing;
- Harvey Art Gallery and Brunswick Hall - installation of new Accessible Toilets;
- Brunswick Recreation Centre – Reticulation Upgrade;
- Harvey Recreation and Cultural Centre - Gym Equipment and Court Resurfacing;
- Harvey Recreation Ground Perimeter Fencing Replacement;
- Extension of the southern end of The Boulevard, Treendale, and associated works, to connect with the new Collie River Bridge;
- “The Elbow" floating jetty and boat ramp;
- Paris Road landscaping project;
- Stage 2 of the Urban Forest project in Clifton Park;
- Improvement in and around the Leschenault Skate Park;
- Upgrade of the air conditioning system for the Harvey Administration Offices and Chambers.
Statutory/Policy Environment

Section 5.56 of the Local Government Act 1995, requires Western Australian local governments to produce a ‘Plan for the Future’ of the district.

The Local Government (Administration) Regulations 1996, state that a “Strategic Community Plan and Corporate Business Plan, together form a ‘Plan for the Future’ of a district”.

Local Government (Administration) Regulations 1996:

19DA. Corporate Business Plans, requirements for (Acts. 5.56)

(1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.

(2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.

(3) A corporate business plan for a district is to —

(a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government’s priorities for dealing with the objectives and aspirations of the community in the district; and

(b) govern a local government’s internal business planning by expressing a local government’s priorities by reference to operations that are within the capacity of the local government’s resources; and

(c) develop and integrate matters relating to resources, including asset management, workforce planning and long term financial planning.

(4) A local government is to review the current corporate business plan for its district every year.

(5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government’s strategic community plan.

(6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.

*Absolute Majority required.

(7) If a corporate business plan is, or modifications of a corporate business plan are adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

Strategic Framework

Within the Shire’s Strategic Community Plan 2017 – 2027, Strategy 4.1.1 states:


The Shire’s Strategic Community Plan 2017 – 2027 and Corporate Business Plan 2019 – 2023 form the basis of the Shire’s ongoing strategic direction.
Risk Management

The Risk Theme Profile identified as part of this report is **Inadequate Document Management Processes**. The Consequences are “Financial Impact” (if the details in the document are incorrect) and “Compliance” (Statutory requirement to adopt the Corporate Business Plan). The risk is mitigated by the document being thoroughly researched, developed and reviewed as well as being developed taking into account the reviews during 2018 and 2019. As such it is considered that a LOW risk is present.

Budget Implications

The Corporate Business Plan and FCWP form the basis for the development of the Annual Budget for 2019/20 and has been produced in house.

Officer’s Recommendation

That Council, subject to any amendments, adopts the Shire of Harvey Corporate Business Plan 2019 – 2023, incorporating the Forward Capital Works Program, as per **Attachment 1** to this report.

**ABSOLUTE MAJORITY REQUIRED**

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Subject: Meetings for Coming Months</th>
<th>CCC001</th>
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<td><strong>File No.:</strong> Work Safety Advisory Committee</td>
<td>Location: Shire Depot</td>
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<td>3</td>
<td>Special Council Meeting</td>
<td>Location: Harvey Chamber</td>
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<td>3</td>
<td>Community Safety and Crime Prevention Committee</td>
<td>Location: Australind Chamber</td>
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<tr>
<td>3</td>
<td>Heritage Advisory Committee</td>
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<td>3</td>
<td>Development Services Committee</td>
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<td>Harvey Recreation Ground Advisory Committee</td>
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Officer's Recommendation

That the meetings for coming months be noted.