



**Shire of Harvey**

**ORDINARY COUNCIL  
MEETING  
AGENDA**

**14<sup>th</sup> May 2019**

SHIRE OF HARVEY

COUNCIL MEETING

Dear Councillor,

Notice is hereby given that the next meeting of the Harvey Shire Council will be held on Tuesday, 14<sup>th</sup> May 2019, in the Council Chamber, Young Street, Harvey, commencing at 4.00p.m.

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

Yours faithfully,

ANNIE RIORDAN  
CHIEF EXECUTIVE OFFICER

10<sup>th</sup> May 2019.

A G E N D A

A. OFFICIAL OPENING

B. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Cr. Shortland and Cr. Campbell have an Approved Leave of Absence.

C. APPLICATIONS FOR LEAVE OF ABSENCE

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, 23<sup>rd</sup> April 2019.**

**Recommendation**

That the Minutes of the Council Meeting held on Tuesday, 23<sup>rd</sup> April 2019, as printed be confirmed as a true and correct record.

**K. RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES**

Disability Access and Inclusion Advisory Committee	7 <sup>th</sup> May 2019
Special Corporate Services Committee	7 <sup>th</sup> May 2019
<i>This will be dealt with in Item S – MATTERS BEHIND CLOSED DOORS</i>	
<b>Development Services Committee</b>	<b>7<sup>th</sup> May 2019</b>
<i>(Including Confidential Planning Report listed below)</i>	

**9 MATTERS BEHIND CLOSED DOORS**

9.1 Second Request to Purchase Portion Reserve 44240

**L. OFFICER'S REPORTS****TECHNICAL SERVICES**

- |    |   |   |
|----|---|---|
| 1. | South Western Highway Cookernup – Proposed Northbound Overtaking Lane - Main Roads Western Australia - South Western Highway, Cookernup (R000001) | 6 |
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**PLANNING SERVICES**

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| 1. | Submission to Local Planning Strategy - Element (on behalf of Fabray Pty Ltd and Paris Road Australind Pty Ltd) - Lot 561 Paris Road, Australind (A005606, P00100) | 9  |
| 2. | Adoption for Final Approval - Shire of Harvey Local Planning Strategy - Shire of Harvey (P00100)   | 16 |

**CORPORATE SERVICES**

- |    |  |    |
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| 1. | Western Australian Local Government Association (WALGA) – 2019 Annual General Meeting – Voting Delegates - Western Australian Local Government Association - Local Government Convention – Perth Convention Exhibition Centre (GRL004) | 19 |
| 2. | 2019 Shire of Harvey Community Meetings - Shire of Harvey - Australind, Yarloop, Harvey, Binningup and Brunswick (CRC004)  | 20 |
| 3. | Delegations Register and Authorised Officers Review - Chief Executive Officer - Shire of Harvey (CCU003)   | 22 |
| 4. | Meetings for Coming Months – Shire of Harvey (CCC001).   | 25 |

**M. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****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. Notes the use of the Common Seal on items previously authorised by Council as follow:

- |   |                                       |
|---|---------------------------------------|
| • Tender T162018 – Eaton Australind Historic Walk (Christina Street Reserve to Ridley Place)        | Prepared By<br>Dowsing Group          |
| • T152018 – Eaton/Australind Historic Walk (Collie River Bridge – Christina Street)                 | Dowsing Group                         |
| • Customer Funding Works Agreement – Property – 100 Young Street, Harvey (Harvey Recreation Centre) | Water Corporation                     |
| • Scheme Amendment – Shire of Harvey District Planning Scheme No. 1 – Amendment No. 122             | Calibre Professional Services Pty Ltd |
| • Tender No T032019 – Uduc Road Upgrade (Young Street to Herbert Road)                              | Shire of Harvey                       |

**R. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING****S. MATTERS BEHIND CLOSED DOORS**

Special Corporate Services Committee Meeting Minutes

Second Request to Purchase Portion Reserve 44240, Binningup (A000857)

**T. CLOSURE OF MEETING**

**L. OFFICER'S REPORTS**

**TECHNICAL SERVICES**

<b>Item No.</b>	<b>1</b>
<b>Subject:</b>	<b>South Western Highway Cookernup – Proposed Northbound Overtaking Lane</b>
<b>Proponent:</b>	<b>Main Roads Western Australia</b>
<b>Location:</b>	<b>South Western Highway, Cookernup</b>
<b>Reporting Officer:</b>	<b>Executive Manager Technical Services</b>
<b>File No.:</b>	<b>R000001</b>
	<b>Attachment Reg. No. 19/15701</b>

**Summary**

Main Roads WA (MRWA) has prepared plans for the construction of a northbound overtaking lane on the South Western Highway, Cookernup, from Riverdale Road, heading north for approximately 1.7km.

In order for the project to proceed, the land shown shaded in **Attachment 1 (Land Dealings Plan 201802-0458)** is required for inclusion in the South Western Highway road reserve.

To satisfy statutory requirements, MRWA has requested that Council formally resolve to support the future dedication of the land being acquired for road purposes.

**Background**

The State's Road Safety Strategy 2008-2020, Towards Zero, has identified regional run off road crashes as a priority area for reducing the number of people killed or seriously injured.

Sections of the South Western Highway, between Wokalup and Brunswick Junction, were identified in the 'Regional Run Off Road Program' and recent improvement works have comprised shoulder widening, road resurfacing, new line marking, audible edge and centre lines and signage.

MRWA has advised that preconstruction works for the construction of a passing lane, between Yarloop and Harvey, have been progressing this financial year. They are proposing to construct the actual passing lane in the 2019/20 financial year, subject to funding being allocated. Further road widening works are also planned to be implemented over the next two (2) to three (3) financial years.

**Comment**

Staff have considered MRWA's request to acquire land for proposed road improvements and consider that the proposed works will improve safety and the level of service of the road and are in line with the 'Regional Run Off Road Program'.

Given the size of the existing lots, the portions of land proposed to be resumed by MRWA are not considered to be significant and it is not anticipated to have any detrimental effect on the land or its use.

MRWA has already approached all landowners and other affected parties and arrangements for acquisition are currently being finalised.

To enable the land to be dedicated as road reserve, it is a requirement of the *Land Administration Act 1997* that local governments resolve to dedicate the road.

MRWA has requested that Council consider the matter and to satisfy the requirements of Regional and Metropolitan Services at the Department of Planning Lands and Heritage has requested that the Shire provide the following statement:

*“Council at its ordinary meeting held on (Day Month Year) passed a resolution for the dedication of the land the subject of Main Roads Land Dealing Plan 201802-0458-1 as a road pursuant to section 56 of the Land Administration Act 1997.”*

Once endorsed by Council, MRWA will continue the negotiations with the effected land owners to acquire the land and, when acquired, the land would be incorporated into the existing South Western Highway Road Reservation. The Department of Planning Lands and Heritage will be arranging dedication when the land has been acquired.

### **Statutory/Policy Environment**

Section 56 of the *Land Administration Act (1997)* deals with “Dedication of land as road”, which requires Council’s support for the formal acquisition process to proceed.

### **Strategic Framework**

Within the Shire’s Strategic Community Plan 2017 - 2027, Strategy 3.6.1 states:

*“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 Financial, Reputational or Compliance if correct procedures are not followed for acquiring land under the *Land Administration Act (1997)*.

As MRWA is managing the acquisition process, from the Shire’s perspective there is a LOW risk being present.

### **Budget Implications**

Nil – MRWA will be responsible for all costs associated with the land acquisition process.

### **Officer’s Recommendation**

That Council:

1. Notes that Main Roads WA require additional land to construct a northbound overtaking lane on the South Western Highway, Cookernup, from Riverdale Road, heading north for approximately 1.7km, including other road improvements in 2019/20;
2. Endorses the request from Main Roads WA for the acquisition and dedication of land, along the South Western Highway Cookernup, which is the subject of Main Roads Land Dealing Plan 201802-0458-1, as a road pursuant to section 56 of the *Land Administration Act (1997)*, as shown in ***Attachment 1***; and
3. Requests Main Roads Western Australia to provide plans for its consideration, prior to commencing any road works, outlining the extent of the road widening works and proposed drainage improvements, the effect on any existing services and proposal for revegetation of the widened road reservation.

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**PLANNING SERVICES**

<b>Item No.</b>	<b>1.</b>
<b>Subject:</b>	<b>Submission to Local Planning Strategy</b>
<b>Proponent:</b>	<b>Element (on behalf of Fabray Pty Ltd and Paris Road Australind Pty Ltd)</b>
<b>Location:</b>	<b>Lot 561 Paris Road, Australind</b>
<b>Reporting Officer:</b>	<b>Senior Planning Officer (EE)</b>
<b>File No.:</b>	<b>A005606, P00100</b>
	<b>Attachment Reg. 19/06561</b>

**Declaration of Interest:**

The Manager of Planning Services declares an “Impartiality Interest” on this item as he has had a professional relationship with the Proponent and one of the owners, which may be construed as limiting his impartiality required for the assessment of this Submission.

**Summary**

At the Council Meeting held on 23<sup>rd</sup> April 2019, Adoption for Final Approval of the Shire of Harvey Local Planning Strategy (Item No. 8.1.5) was considered and, as a result of the pre-meeting briefing session, Council deferred “*endorsement of the Draft Local Planning Strategy to allow further consideration of the submission(s) associated with Lot 561 Paris Road, Australind.*”

Staff have further assessed and considered the submission by Element associated with Lot 561 Paris Road, Australind (refer **Attachment 1**) and recommends that the modifications proposed by the Submission not be supported as it would not be consistent with the principles of orderly and proper planning.

**Background**

At its meeting held on 23<sup>rd</sup> April 2019, Council considered the adoption of the Shire’s Local Planning Strategy for final approval (Item No. 8.1.5) was considered and, as a result of the pre-meeting briefing session, Council deferred “*endorsement of the Draft Local Planning Strategy to allow further consideration of the submission(s) associated with Lot 561 Paris Road, Australind.*”

The Submission by Element refers to Lot 561 Paris Road, Australind and requests the Draft Local Planning Strategy to be amended as follows:

- Amend Section 3.6.1.1 to acknowledge that the site will provide for a range of light industrial, residential and commercial outcomes for the site via a structure plan (Concept Structure Plan was provided with the Submission).
- Amend the implementation section as follows:  
  
“*Zone Lot 561 Paris Road, Australind to ‘Urban Development’ to facilitate comprehensive structure planning of the site prior to further subdivision or development.*”
- Amend Table 29 by replacing it with the table provided in the Submission.

Staff held a briefing with Councillors on 7<sup>th</sup> May 2019 on Staff's assessment of the Submission. The following matters were raised, and are to be discussed within the 'Comments' section of this Report:

- Separation distances;
- Comparison of Concept Structure Plan with previous Plan;
- Impact on the Treendale District Centre;
- Future industrial land supply with specific references to Bunbury Port and Wanju/Waterloo Structure Plans; and
- Access for heavy vehicles.

#### Site History

Lot 561 Paris Road, Australind was rezoned from General Farming to Light Industry in January 2010 via Scheme Amendment No. 67. The justification provided for the rezoning at that time included:

- The land was in close proximity to services and infrastructure due to the rapid expansion of Treendale; and
- The Greater Bunbury Structure Plan identified the land as being appropriate for Light Industry.

Of the 42 lots in the existing Light Industry zoned area (bounded by Ditchingham Place, Piggott Drive and Sweny Drive), known as the Australind Light Industrial Area (ALIA), only one (1) lot is undeveloped/vacant.

#### Proposal

The subject Submission is supported by an Industrial Land Demand Assessment (ILDA) undertaken by MacroPlanDemasi. With respect to the existing ALIA, the ILDA for Lot 561 provides that:

- Existing business in the ALIA serve the local population rather than agricultural, mining or processing functions/businesses; and
- The ALIA predominantly services urbanised areas rather than industrial business-to-business demand, that is, it is predominantly service commercial uses rather than industrial uses.

#### Industrial Land Supply

The ILDA provides that the Shire has a current supply of industrial land for 62.7 years on the basis of approximately 75.4ha of General and Light Industry zoned land.

#### Comment

##### Industrial Land Supply

Shire Staff consider it inappropriate to include General Industry zoned land in calculating the Shire's current industrial land supply as Lot 561 is currently zoned for Light Industry and therefore the land supply calculation should be on a comparable basis.

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Staff have calculated that the Shire currently has approximately 50.2ha of undeveloped/vacant Light Industry zoned land (Yarloop, Harvey, Brunswick and Australind) which would provide land for 60.2 years. However, 3.8ha of the Light Industry zoned land in Harvey should be excluded from the land supply calculation as development of this land in the future is unlikely due to containing dense native vegetation. Therefore, the Shire's current available Light Industry zone land would be 46.4ha providing a land supply for 55.7 years.

The Concept Structure Plan (CSP) provided in this Submission proposes to remove nearly 60% (approximately 25.7ha) of existing zoned Light Industry land in Australind. This proposal would reduce the Shire's supply of Light Industry zoned land from 46.4ha (a supply for 55.7 years) to 13.8ha (excluding 6.9ha of Lot 561 that is already being used), providing a land supply for 16.5 years – a reduction by more than 70%.

The Western Australian Planning Commission's (WAPC) Greater Bunbury Regional Hotspots Land Supply report (January 2015) provides the following:

- The identification of suitable stocks of industrial land to promote investment and employment opportunities will be critical to realise the potential for economic development;
- A sufficient industrial 'land bank' should be identified to create flexible market choice, respond to short-term hyper growth situations and for emerging and inward investment opportunities;
- When land is in short or limited supply, industries may be forced to delay or limit expansion plans, seek alternative sites (interstate or overseas) or cease trade altogether. Industry may also experience increased levels of competition from alternative land uses, particularly retail and commercial uses;
- Short-term demand for general and light industrial land is comfortably being met by existing industrial areas. There is a slow uptake on 'general and light industry' land with a large amount of land in the Picton and Australind areas that is yet to be developed. It is anticipated however, that demand may grow in the medium/long-term as the region's population increases;
- The South West region is very different in terms of economic drivers and employment to the Perth metropolitan and Peel regions. The industrial land-use mix and proportion of industrial land per capita are much higher and have greater importance within the Greater Bunbury region for economic sustainability;
- The Waterloo site has the potential for transport, logistics, general industry and agri-food processing and there are potential synergies between the Waterloo site and Bunbury Port;
- The *Greater Bunbury Strategy* has identified planned additional areas to accommodate general industry in the Preston Industrial Park;
- Existing stocks of industrial land in the Greater Bunbury region appear suitable to meet short-term demand, particularly in respect to general and light industrial land; and
- Moving forward, it is critical to identify and maintain a suitable stock of land for future industrial development.

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Discussion of Matters from Councillor Briefing*Separation Distances*

The CSP proposes a multi-use corridor of 25m to provide a landscaped buffer between the industrial and residential land uses. Whilst uses within a Light Industry zone should be able to mitigate, avoid or manage any offsite impacts/emissions, compliance with the many legislative requirements is the responsibility of other State agencies and therefore cannot be controlled by the local government.

*Comparison of Concept Structure Plan with previous Plan*

The first draft Structure Plan proposing to replace a portion of the Light Industry zone with residential and commercial zones was presented to Council in late 2017. The subject CSP has addressed some of Council's previous concerns with the proposal to reduce the Light Industry zone by:

- Proposing a central multi-use open space corridor to provide a landscaped buffer between the industrial and residential uses; and
- Increasing the amount of Light Industry zoned land to be retained by 5ha.

*Impact on the Treendale District Centre*

The WAPC's Activity Centres for Greater Bunbury Policy aims to "*distribute activity centres to meet different levels of community needs and enable employment, goods and services to be accessed efficiently and equitably by the community*". This is achieved, in part, by Policy provision 3.1(3) which provides that:

*"The responsible authority should consider the main role/function and typical characteristics for each centre type ... and should not support activity centre structure plans or other structure plans, scheme amendments or development proposals that are likely to:*

- *undermine the activity centre hierarchy or the policy objectives*".

It is therefore considered that the proposed commercial (or local/neighbourhood) centre adjoining the existing Spud Shed would undermine the WAPC's activity centre hierarchy thereby undermining/ eroding the function of the Treendale District Centre, which is only half developed.

*Future industrial land supply*

There are a number of Structure Plans proposing the provision of additional industrial land within the Greater Bunbury area.

- Bunbury Port expansion (Inner Harbour Structure Plan) – The additional industrial land identified on the Bunbury Port expansion plans is for the purpose of General Industry and is therefore not comparable with the Light Industry zoned land that would be lost by the proposed CSP.
- Wanju District Structure Plan – No industrial zoned land is proposed by the Wanju District Structure Plan.

- Waterloo Industrial Park Structure Plan – This plan proposes to cater for service commercial, general industry and light industry uses to complement existing industrial and business parks in the region and to serve the nearby population of Wanju.
- Future Victoria Village – Whilst a Structure Plan has not yet been prepared, this area would provide an additional population catchment for the existing Light Industry zoned land on Lot 561 and therefore, similar to the Wanju District Structure Plan, is unlikely to provide land for industrial purposes.
- Picton Industrial Park (Southern Precinct) – This area is proposed for General Industry and is therefore not comparable with the Light Industry zoned land that would be lost by the proposed CSP.

#### *Access for heavy vehicles*

Allowing the northern portion of Lot 561 to be developed for residential purposes will compromise the use of heavy haulage vehicles through the area,

#### *Alternative Locations for Light Industry land*

An alternative location for Light Industry zoned land would need to be in proximity to the population it serves, in this instance being Australind. Land between Forrest Highway and the Bunbury Outer Ring Road (BORR) is planned for residential and small-scale commercial purposes. The WAPC will not allow further expansion east of the BORR and will not allow further erosion of the strategic agricultural land. Therefore, Staff consider there is no other location suitable, that would be consistent with the State's Planning Framework, to replace the proposed loss of approximately 26ha of Light Industry zoned land.

#### Orderly and Proper Planning

Lot 561 was only recently rezoned to Light Industry on the basis of it being identified in the Greater Bunbury Structure Plan as being appropriate for Light Industry. Therefore, the recent rezoning was, and remains, consistent with the State's Planning Framework.

The purpose of the Light Industry zone is to provide for a range of industrial uses and service industries. Despite comments provided in the ILDA, Staff consider that the existing ALIA is fulfilling the intended purpose of the Light Industry zone.

The proposal needs to be assessed and determined in accordance with the principles of orderly and proper planning. Whilst the term "orderly and proper planning" is not defined in planning legislation, there are a number of case law examples that have attempted to define the term. The starting point is the ordinary and natural meaning of the terms:

*Orderly – characterised by or observant of order, rule, or discipline;*

*Proper – suitable for a specified or implicit purpose or requirement, appropriate to the circumstances or conditions.*

With respect to decision making, to be orderly and proper, the assessment and determination of the proposal needs to be done in an 'orderly' (disciplined, methodical, logical and systematic, and which is not haphazard or capricious) way with planning discretion being directed to identify the 'proper' use of the land (suitable, appropriate or apt or correct use of land clearly having regard to any applicable legislation, subsidiary legislation and planning schemes and policy instruments).

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While the exercise of discretion will involve a judgement about what is suitable, appropriate, or apt or correct in a particular case, that judgement must (if it is to be 'orderly') be an objective one. If the exercise of discretion is to be an orderly one, the planning principles identified as relevant to the proposal should not be lightly departed from without the demonstration of a sound basis for doing so, which basis is itself grounded in planning law or principle.

The WAPC's South West Regional Planning and Infrastructure Framework, December 2015 (SWRPIF) and the Activity Centres for Greater Bunbury Policy, April 2012 (ACGBP) could be considered as the relevant planning principles applicable to this proposal. The SWRPIF provides the following:

- *"The WAPC recognises the need to promote the sustainable development of both traditional and new, innovative industries through proactive land use planning."*
- *"The WAPC recognises that where demand cannot be met in existing industrial parks, additional planning will be required to accommodate new industries and industry types."*
- *"The WAPC will support strengthening of the existing economic base and encourage diversification in industrial and commercial sectors in order to promote growth in traditional as well as knowledge-based, high-value and specialized industries suitable to the South West by supporting agency efforts to:*
  - *ensure supply of industrial and business development land in appropriate locations..."*
  - *ensure that urban expansion does not impact on the operation or future expansion of existing industrial areas"*

In addition, the ILDA concludes that Lot 561, or more specifically the area around the Spud Shed, is ideally suited to a higher and better employment use such as a local/neighbourhood centre. It is noted by Staff that the ACGBP does not identify Lot 561 for a local/neighbourhood centre.

Staff consider the subject Submission has been assessed in an 'orderly' way (being disciplined, methodical, logical and systematic, and which is not haphazard or capricious) and Council is required to exercise its discretion in determining the Submission to identify the 'proper' use of the land having regard to any applicable legislation, subsidiary legislation and planning schemes and policy instruments.

### **Conclusion**

The Submission (and Concept Structure Plan), as contained in **Attachment 1**, is considered to be inconsistent with the principles of orderly and proper planning and therefore Staff recommend that the Shire of Harvey Local Planning Strategy (to be considered at Item 2) not be further modified as requested by this Submission.

### **Statutory/Policy Environment**

#### **Planning and Development Act 2005**

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

- Part 3 – Local Planning Strategies

“14. Consideration of submissions

- (1) *After the expiry of the period within which submissions may be made in relation to a local planning strategy, the local government must review the strategy having regard to any submissions made.*
- (2) *The local government may —*
  - (a) *support the local planning strategy without modification; or*
  - (b) *support the local planning strategy with proposed modifications to address issues raised in the submissions.*
- (3) *After the completion of the review of the local planning strategy the local government must submit to the Commission —*
  - (a) *a copy of the advertised local planning strategy; and*
  - (b) *a schedule of the submissions received; and*
  - (c) *particulars of any modifications to the advertised local planning strategy proposed by the local government.”*

### **Strategic Framework**

Within the Shire’s Strategic Community Plan 2017 – 2027:

Strategy 1.1.2 states as a “Flagship Item”:

*“Complete the Local Planning Strategy.”*

Strategy 2.3.1 states:

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

### **Budget Implications**

Nil.

### **Risk Management**

The Risk Theme Profile identified as part of this report is ***Failure to Fulfil Compliance Requirements***. The Consequence could be ***Compliance/Reputation*** if the Local Planning Strategy is not reflective of Council expectations and compliant with State Planning Policies. The risk is mitigated by the Submission being considered against the principles of orderly and proper planning, resulting in LOW risk being present.

### **Officer’s Recommendation**

That Council does not support the modifications requested by Element’s Submission to the Shire of Harvey’s Local Planning Strategy in relation to Lot 561 Paris Road, Australind (refer ***Attachment 1***) as the proposal is inconsistent with the principles of orderly and proper planning.

<b>Item No.</b>	<b>2</b>
<b>Subject:</b>	<b>Adoption for Final Approval - Shire of Harvey Local Planning Strategy</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Location:</b>	<b>Shire of Harvey</b>
<b>Reporting Officer:</b>	<b>Manager Planning Services</b>
<b>File No.:</b>	<b>P00100</b>

### **Summary**

At its meeting held 23<sup>rd</sup> April 2019, Council resolved to defer “*endorsement of the Draft Local Planning Strategy to allow further consideration of the submission(s) associated with Lot 561 Paris Road, Australind.*”

Within Item 1 on this Agenda, “*Submission to Local Planning Strategy, Lot 561 Paris Road, Australind*”, Staff have assessed the submission and recommends that the modifications proposed by the submission not be supported as it would not be consistent with the principles of orderly and proper planning.

In light of the above, it is recommended that Council receive the submissions and adopt the Shire of Harvey Local Planning Strategy presented to Council at its meeting held 23<sup>rd</sup> April 2019, for final approval subject to the modifications contained within **Attachment 1**.

### **Background**

At its meeting dated 9<sup>th</sup> September 2014, the Council resolved to seek consent to advertise the draft Local Planning Strategy. Staff received feedback from the WAPC in July 2015, which included using a precinct based approach, reformatting the document and preparation of a bushfire risk hazard mapping report.

In May 2016, two workshops associated with the suggested modifications were held with Council. Following those workshops, Council proceeded to adopt the Local Planning Strategy in July 2016 for the purpose of advertising.

Advertising of the LPS occurred in July, August and September 2018. Following the close of advertising the submissions were referred to the Department of Planning Lands and Heritage (DPLH) for preliminary feedback. The Officer’s comments contained within **Attachment 1** are reflective of the advice provided.

At its meeting held 23<sup>rd</sup> April 2019, Council resolved to defer “*endorsement of the Draft Local Planning Strategy to allow further consideration of the submission(s) associated with Lot 561 Paris Road, Australind.*”

### **Comment**

As evidenced by the report presented to Council on 23<sup>rd</sup> April 2019 a total of 27 submissions have been received 10 from private landowners, five (5) consultants and twelve from government agencies. One (1) late submission in regard to the Australind Light Industrial Area was also received.

The late submission in regard to Lot 561 Paris Road was considered by Council in a briefing session held 7<sup>th</sup> May 2019, which informed the recommendation contained within Item 1 of this Agenda. The Officer’s Recommendation below supports the Officer Recommendation from the 23<sup>rd</sup> April 2019 in regard to submissions received associated with Lot 561 Paris Road, Australind.

*“not support the modifications requested by Element’s Submission to the Shire of Harvey’s Local Planning Strategy in relation to Lot 561 Paris Road, Australind as it would be inconsistent with the principles of orderly and proper planning”.*

In light of the above Staff recommend adoption of the Shire of Harvey Local Planning Strategy subject to the modifications, as detailed within **Attachment 1** (inclusive of **Attachments 2 – 7**).

### **Statutory/Policy Environment**

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

Part 3 of the Planning and Development (Local Planning Scheme) Regulations 2015, provides the framework to prepare and adopt a Local Planning Strategy.

#### **14. Consideration of submissions**

- (1) *After the expiry of the period within which submissions may be made in relation to a local planning strategy, the local government must review the strategy having regard to any submissions made.*
- (2) *The local government may —*
  - (a) *support the local planning strategy without modification; or*
  - (b) *support the local planning strategy with proposed modifications to address issues raised in the submissions.*
- (3) *After the completion of the review of the local planning strategy the local government must submit to the Commission —*
  - (a) *a copy of the advertised local planning strategy; and*
  - (b) *a schedule of the submissions received; and*
  - (c) *particulars of any modifications to the advertised local planning strategy proposed by the local government.*

#### **15. Endorsement by Commission**

- (1) *Within 60 days of the receipt of the documents referred to in regulation 14(3) the Commission may —*
  - (a) *endorse the strategy without modification; or*
  - (b) *endorse the strategy with some or all of the modifications proposed by the local government; or*
  - (c) *require the local government to modify the strategy in the manner specified by the Commission before the strategy is resubmitted to the Commission for endorsement; or*
  - (d) *refuse to endorse the strategy.*
- (2) *The Minister or an authorised person may extend the time referred to in subregulation (1).*

### **Strategic Framework**

Within the Shire’s Strategic Community Plan 2017 - 2027, Strategy 1.1.2 states as a “Flagship item”:

*“Complete the Local Planning Strategy.”*

**Budget Implications**

Council has allocated sufficient funds within the 2018/19 Budget for the completion of this project.

**Risk Management**

The Risk Theme Profile identified as part of this report is ***Failure to Fulfil Compliance Requirements***. The Consequence could be Compliance/Reputation if the Local Planning Strategy is not reflective of Council expectations and compliant with State Planning Policies. The risk is mitigated by the Local Planning Strategy having been prepared against the background of Councilor workshops and minor modifications as requested by the Western Australian Planning Commission, resulting in LOW risk being present.

**Officer's Recommendation**

That Council:

1. In accordance with Clause 14(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, reviews the Shire of Harvey Local Planning Strategy having regard to the submissions received during the public advertising period;
2. In accordance with Clause 14(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, supports the Shire of Harvey Local Planning Strategy with proposed modifications as contained in **Attachment 1** (inclusive of **Attachments 2 – 7**) to address issues raised in the submissions; and
3. In accordance with Clause 14(3) of the Planning and Development (Local Planning Schemes) Regulations 2015, submits the Shire of Harvey Local Planning Strategy to the Western Australian Planning Commission with a recommendation that the Shire of Harvey Local Planning be endorsed with the modifications proposed pursuant to Clause 15(1)(b) of the Planning and Development (Local Planning Schemes) Regulations 2015.

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**CORPORATE SERVICES**

<b>Item No.</b>	<b>1</b>
<b>Subject:</b>	<b>Western Australian Local Government Association (WALGA) – 2019 Annual General Meeting – Voting Delegates</b>
<b>Proponent:</b>	<b>Western Australian Local Government Association</b>
<b>Location:</b>	<b>Local Government Convention – Perth Convention Exhibition Centre</b>
<b>Reporting Officer:</b>	<b>Chief Executive Officer</b>
<b>File No.:</b>	<b>GRL004</b>
	<b>Attachment Reg. No.</b>

**Summary**

Council is requested to nominate its voting delegates for the Western Australian Local Government Association's (WALGA's) Annual General Meeting (AGM) to be held at the 2019 Local Government Convention and to advise of its nominations by Friday, 5<sup>th</sup> July 2019.

**Background**

Council's voting delegates at the WALGA AGM are traditionally the Shire President and Deputy Shire President. This is however, dependent on their availability to attend the Convention.

All Member Councils are entitled to be represented by two (2) voting delegates at the AGM of WALGA to be held on Wednesday, 7<sup>th</sup> August 2019. In the event that a Voting Delegate is unable to attend, provision is made for proxy delegates to be registered. Only registered delegates or registered proxy delegates will be permitted to exercise voting entitlements on behalf of Member Councils. Delegates may be Elected Members or serving officers.

**Comment**

It is recommended that Council endorses the Shire President and Deputy Shire President as its delegates and appoints two (2) proxy delegates should one or both of the delegates be unavailable on the day.

**Statutory/Policy Environment**

Clause 24 of the WALGA Constitution details 'Representation and Voting at General Meetings'. This includes voting entitlements at the AGM.

Shire Policy 1.2.5 provides that each Councillor is able to attend the annual WALGA Local Government Convention.

**Strategic Framework**

Within the Shire's Strategic Community Plan 2017 – 2027, Strategy 4.6.2 states:

*"Nurture strategic alliances with major industry groups and government agencies."*

**Risk Management**

The Risk Theme Profile identified as part of this report is ***Inadequate Engagement Practices***. The Consequence could be “Reputational” in not being represented at the WALGA AGM. This is mitigated by the Shire’s Policy 1.2.5 making provision for the attendance of Councillors at the Annual WALGA Convention and nominating proxies to represent the Shire should delegates not be able to attend. As a result, the risk is considered LOW.

**Budget Implications**

The Shire makes provision for Councillor attendance at the WALGA Local Government convention within its Annual Budget in line with Shire Policy 1.2.5. The Convention includes the WALGA AGM.

**Officer’s Recommendation**

That Council appoints the Shire President and the Deputy Shire President as its voting delegates and Cr. \_\_\_\_\_ and Cr. \_\_\_\_\_ as its proxy voting delegates for the 2019 Western Australian Local Government Association’s Annual General Meeting.

<b>Item No.</b>	<b>2</b>
<b>Subject:</b>	<b>2019 Shire of Harvey Community Meetings</b>
<b>Proponent:</b>	<b>Shire of Harvey</b>
<b>Locations:</b>	<b>Australind, Yarloop, Harvey, Binningup and Brunswick</b>
<b>Reporting Officer:</b>	<b>Executive Manager Corporate Services</b>
<b>File No.:</b>	<b>CRC004</b>
<b>Reg. No.</b>	<b>Attachment</b>

**Summary**

The 2019 round of Community Meetings were held over the two weeks commencing Monday, 8<sup>th</sup> April 2019.

This report recommends the endorsing of the notes and actions contained within from the meetings per ***Attachment 1***.

**Background**

The five (5) Community meetings were held over the two weeks commencing Monday 8<sup>th</sup> April 2019 and detail is described in the following table:

<b>Meeting</b>	<b>Venue</b>	<b>Date</b>	<b>Attendance 2019</b>	<b>Attendance 2018</b>
Australind and Leschenault	Leschenault Pavilion	8 <sup>th</sup> April 2019	52 (plus 10 Councillors and 6 staff)	52
Yarloop and Cookernup	Yarloop Fire Station	9 <sup>th</sup> April 2019	18 (plus 12 Councillors and 9 staff)	28
Harvey, Warawarrup and Wokalup	Harvey Recreation and Cultural Centre	10 <sup>th</sup> April 2019	28 (plus 9 Councillors and 9 staff)	21

Binningup and Myalup	Binningup Country Club	15 <sup>th</sup> April 2019	35 (plus 12 Councillors and 9 staff)	36
Brunswick, Benger and Roelands	Brunswick Town Hall	17 <sup>th</sup> April 2019	19 (plus 12 Councillors and 9 staff)	30
			<b>152</b>	<b>167</b>

The format for the meetings consisted of a welcome by the Shire President, introductions of Councillors, and the Chief Executive Officer (CEO) addressing the meeting before a PowerPoint presentation of major projects undertaken in the Shire in the last twelve months was viewed.

The Shire President took the meetings through the published Agenda and invited participation from those present.

### **Comment**

**Attachment 1** covers matters raised by members of the community at the five (5) meetings held. This document now forms the action list for staff who are designated to carry out those matters identified that require attention. There were over 120 separate issues raised though not all require action.

### **Statutory/Policy Environment**

Nil.

### **Strategic Framework**

Within the Shire's Strategic Community Plan 2017 – 2027, Strategy 4.1.2 states:

*“Continue to engage the community through Annual Community Meetings around the Shire”.*

### **Risk Management**

The Risk Theme Profile identified as part of this report is **Inadequate Engagement Practices**. The Consequence would be “Reputational” if residents did not believe they had an opportunity to participate or that their issues were not given due consideration. The risk is mitigated due to widespread advertising of the community meetings, the distribution of agendas by letter drop, the structure of the meeting and subsequent reporting and consideration by Council. The risk is therefore considered LOW.

### **Budget Implications**

The Shire makes a Budget provision each year for its Annual Community Meeting expenses.

### **Officer's Recommendation**

That Council receives the 2019 Community Meetings report (**Attachment 1**) and notes the actions identified to be undertaken as a result of those meetings which are to be implemented under the direction of the Chief Executive Officer.

<b>Item No.</b>	<b>3</b>	
<b>Subject:</b>	<b>Delegations Register and Authorised Officers Review</b>	
<b>Proponent:</b>	<b>Chief Executive Officer</b>	
<b>Location:</b>	<b>Shire of Harvey</b>	
<b>Reporting Officer:</b>	<b>Executive Manager Corporate Services</b>	
<b>File No.:</b>	<b>CCU003</b>	<b>Attachment Reg. No.</b>

### Summary

Council is required to review the delegations of authority that it makes to its Chief Executive Officer and Committees at least once in every financial year. This report provides the opportunity for Council to conduct this review.

### Background

Council is able to delegate to the Chief Executive Officer (CEO) and Committees some of its powers and duties and is required to maintain a register of such delegations. The delegations are required to be reviewed at least once in every financial year. The last review was undertaken by Council at its meeting of 5<sup>th</sup> June 2018. It should be noted however, that Council does have the opportunity to revisit delegations at any time during the year.

A copy of the updated Delegations Register is included at **Attachment 1**.

Council traditionally takes the opportunity to also review the appointment of its Authorised Officers and Registration Officers at this time. An updated Authorised Officers' Schedule is included at **Attachment 2**.

To ensure this review is undertaken annually, it has been undertaken in the May/June period each year depending on how meeting dates fall.

### Comment

Delegations of Authority are used to improve the efficiency of a Shire's operations by allowing routine matters to be dealt with in a timely manner and to reduce the number of minor matters requiring Council consideration.

Since the 2018 Delegations Register review, the following updated or new delegations have been made or are proposed:

- Delegation 2.2.2 Tenders/Quotations – Each year following the review of the Delegation Register, the CEO issues a copy of Purchase Order thresholds for staff. For the avoidance of doubt and to provide a link between acceptance of quotations and the issue of Purchase Orders, the following on-delegation is included in Delegation 2.2.2:

***“The Chief Executive Officer in exercising Delegation 2.2.2 has on-delegated the acceptance of quotations in accordance with the ‘Acceptance of Quotations and Purchase Order Threshold Schedule’ to various staff positions identified in this Schedule”. Refer Attachment 3.***

- Removal of part Delegation 4.3.3 (paragraph No. 2) - "Temporary Accommodation – Building Sites". This temporary delegation was adopted by Council on 26<sup>th</sup> July 2016 (Minute No. 16/186). The objective of the policy was to ensure that the Shire had the ability to approve applications for temporary accommodation on building sites on any lots zoned "Residential" within the Yarloop townsite boundary and the Yarloop fire zone by means of Staff delegation. The policy was approved for a (2) two year period only, expiring on 1 August 2018. The temporary delegation reads as follows:-

*"The Chief Executive Officer is delegated authority to approve applications for temporary accommodation on building sites in the Yarloop townsite and fire zone in accordance with Policy 18.7."*

- An amendment to Delegation 4.3.7 was adopted by Council on 9<sup>th</sup> October 2018 relating to Traders and Stallholders Permits. The amendment is incorporated into the updated Delegations Register.
- Various Town Planning Delegations were reviewed at Council's meeting held on 14<sup>th</sup> October 2018. Additionally, Delegation 4.1.19 relating to Building Envelopes replaced Delegation 4.2.13. Delegation 4.2.13 was not formally revoked and Delegation 4.2.14 now becomes 4.2.13. These changes have also been incorporated into the updated Delegations Register **Attachment 1**.

Since the 2018 review of the Authorised Officers' Schedule, the following changes have been made or are proposed to be made:

- The removal of Authorised Officers – Section 122(1)(a) – *Food Act 2008* – Meat Inspectors – Alan Giorgi, Wendy Howlett, Neil Douglas Travers, Kenneth Hartley Asquith, Anthony Mack, Greg Beattie and Mike Shone. The Meat Inspectors operated from Goodchilds' Abattoir and are no longer employed by the Shire of Harvey.
- The removal of Authorised Officer, Mr. Evan James Dilley, Trainee Building Surveyor, *Building Act 2011*. Mr. Dilley is no longer employed by the Shire of Harvey.
- It is proposed to include Stephen Roberts, Building Surveyor under the *Building Act 2011*.
- It is proposed include Mr. Peter Kay, Manager of Works and Services as an Authorised Officer in the Schedule appointed under the *Local Government Act 1995*.
- It is proposed include Ms. Danielle Isaac as an Authorised Officer pursuant to the *Food Act 2008*. Ms. Isaac is employed as a casual Health Inspector for the Shire.

The above changes have been made to the updated Schedule of Authorised Officers being **Attachment 2**.

### **Statutory/Policy Environment**

Sections 5.18 and 5.46 of the *Local Government Act, 1995*, require annual review of delegations to the Chief Executive Officer and Council Committees.

Other relevant Legislation includes Section 5.42 of the *Local Government Act 1995*, which provides the power to delegate some powers and duties to the Chief Executive Officer by Absolute Majority resolution.

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Section 5.43 limits what can be delegated and Section 5.44 provides that the Chief Executive Officer may delegate powers and duties to employees.

Section 53 of the *Interpretation Act 1984*, provides authority to delegate to a position rather than to an individual.

### **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 ***Failure to fulfil Compliance Requirements***. The Consequence could be ‘Compliance’ or ‘Reputational’ if a review is not conducted as required by legislation or that required changes and new delegations are not included in the register.

The risk is mitigated by the review being scheduled at the same time each year and Senior Officers being asked to review delegations in areas of their responsibility, resulting in a LOW risk in this instance.

### **Budget Implications**

Nil.

### **Officer's Recommendation**

That Council:

1. Having conducted a review of its Delegation Register endorses the delegations outlined in the attached 2019 Delegations Register, (refer ***Attachment 1***); and
2. Approves the Shire of Harvey Authorised Officers' Schedule 2019 as per ***Attachment 2***.

**ABSOLUTE MAJORITY VOTE REQUIRED**

<b>Item No. 4</b>			
<b>Subject: Meetings for Coming Months</b>			
<b>File No.: CCC001</b>			
<b>Meeting</b>	<b>Location</b>	<b>Date</b>	<b>Time</b>
Bush Fire Advisory Committee	Harvey Hills/SES Complex	20/05/2019	7.30p.m.
Heritage Advisory Committee	Australind Chamber	28/05/2019	2.00p.m.
Development Services Committee	Australind Chamber	28/05/2019	4.00p.m.
Bunbury Harvey Regional Council	Australind Chamber	30/05/2019	4.00p.m.
Ordinary Council Meeting	Australind Chamber	04/06/2019	4.00p.m.
Work Safety Advisory Committee	Shire Depot	06/06/2019	3.00p.m.
Community Safety and Crime Prevention Committee	Australind Chamber	11/06/2019	3.30p.m.
Development Services Committee	Harvey Chamber	18/06/2019	4.00p.m.
Corporate Services Committee	Harvey Chamber	25/06/2019	2.00p.m.
Ordinary Council Meeting	Harvey Chamber	25/06/2019	4.00p.m.
Bunbury Harvey Regional Council	Australind Chamber	27/06/2019	4.00p.m.

**Officer's Recommendation**

That the meetings for coming months be noted.