



SHIRE OF
HARVEY



Agenda Briefing Session **Agenda**

Harvey Council Chamber

Tuesday, 21 June 2022

4PM

Shire of Harvey
Agenda Briefing Session

Dear Councillor,

Notice is hereby given that the next meeting of the Harvey Shire Council will be held in the Harvey Council Chamber, Young Street, Harvey, on Tuesday, 21 June 2022 commencing at 4pm.

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

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Annie Riordan', with a stylized flourish at the end.

Annie Riordan
Chief Executive Officer

17 June 2022.

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1. Official Opening

Disclaimer

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

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

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

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

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

Acknowledgement of Country

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

2. Record of Apologies and Leave of Absence

3. Declarations of Members' and Officers' Personal Interest

4. Deputations

5. Officer's Reports

5.1. Chief Executive Officer

Item No.	5.1.1.
Subject:	Variation to Lease Agreement - Leschenault Men's Shed Inc.
Proponent:	Shire of Harvey
Location:	Part Lot 42 Leisure Drive, Australind
Reporting Officer:	Coordinator Governance and Risk
Authorising Officer:	Chief Executive Officer
File No.:	AO13480
Attachments:	<ol style="list-style-type: none"> 1. Lease Agreement Expires 30 April 2026 [5.1.1.1 - 32 pages] 2. Application for Extension of Area to Lease Agreement [5.1.1.2 - 2 pages] 3. Lot 42 Leisure Drive Map [5.1.1.3 - 1 page] 4. Freehold Certificate of Title [5.1.1.4 - 1 page] 5. Map of Current and Proposed Lease Area Extension [5.1.1.5 - 1 page] 6. Variation of Principal Lease [5.1.1.6 - 3 pages]

Summary

The Leschenault Men's Shed Inc. has requested an extension to the area that is currently leased with the Shire of Harvey for the premises at part Lot 42 Leisure Drive Australind.

On 1 May 2021 the Shire of Harvey entered into a Lease Agreement with the Leschenault Men's Shed for a period of five years expiring on 30 April 2026 (**Attachment 1**).

It is recommended that Council considers a lease extension and a variation to the current lease agreement.

Background

The Leschenault Men's Shed has operated from premises at part Lot 42 Leisure Drive Australind and has recently celebrated their 10 year anniversary.

Men's Sheds throughout Australia provide for the mental and physical wellbeing of members resulting in benefits to men's mental health and wellbeing which in turn provide flow on benefits to the community. Council has previously been supportive of this group's activities.

The proponent is an incorporated body and operates with a Management Committee overseeing its day-to-day activities.

Comment

On 10 May 2022, correspondence was received advising that the Leschenault Men's Shed Inc. are seeking to extend the current area of their Lease Premises to furnish a proposed additional hardstand (**Attachment 2**). This relates to the property described as part Lot 42 Leisure Drive Australind, as shown on the attached plan (**Attachment 3**).

Officers are not aware of any breach of the lease terms by the Leschenault Men's Shed during the current lease agreement.

Currently the rental is \$1.00 per annum on demand.

The land and building currently being leased and the proposed extension of area are held as freehold title by the Shire of Harvey (**Attachment 4**).

Leschenault Men's Shed Inc. currently lease the area marked red and named as Initial Lease Area and the area marked blue and named as Previous Extended Lease Area (**Attachment 5**).

Statutory/Policy Environment

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

Policy 1.1.13 – Community Lease Policy 4.6 Alterations and additions

Policy 1.1.13 – Community Lease Policy 4.7 Use of Premises

Strategic Framework

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

Goal 2: A safe, accessible and connected community where everyone has the opportunity to contribute and belong.

Objective 2.1 To support people through all stages of life.

Objective 2.3 Active and resilient community groups and volunteers.

Community Engagement

Community Participation Goal

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

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

Promise to the Community

Inform: We will keep you informed.

Collaborate: We will work together with you to formulate solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.

Risk Management

The Risk Theme Profile identified as part of this report is **Business and Community Disruption**. The Consequence could be **Reputational** and **Property** should council not adopt the recommendation. The risk is considered **Minor** and the likelihood **Unlikely**, given the report has been thoroughly researched and peer reviewed, conditions being recommended to comply with legislative requirements resulting in a **Low** Risk being present.

Budget Implications

Nil.

Authority/Discretion

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

Voting Requirements

Absolute Majority

Officer's Recommendation

That Council:

1. Approves the extension of the Lease Area as shown on the attached plan shaded and thatched in the green colour and Marked Proposed Extended Lease Area (***Attachment 5***).
2. Approves the draft Variation of Lease Agreement (***Attachment 6***).
3. Authorises the Shire President and Chief Executive Officer to execute and seal the finalised Variation of Lease Agreement document.

BY ABSOLUTE MAJORITY

5.2. Infrastructure Services

Item No.	5.2.1.
Subject:	Gibb Street, Harvey – Proposed On-Road Parking Restrictions
Proponent:	Shire of Harvey
Location:	Gibb Street, Harvey
Reporting Officer:	Director Infrastructure Services
Authorising Officer:	Chief Executive Officer
File No.:	R000002
Attachments:	1. Proposed 30 min Parking bays - Gibb Street Harvey [5.2.1.1 - 1 page]

Summary

A request has been received for the creation of two ½ P (30 minute) time restricted parking bays in the vicinity of the existing medical premises on the south side of Gibbs Street east of Becher Street, Harvey.

The request has emanated as a result of parents and teachers from the Harvey Primary School taking up the available unrestricted on road parking adjacent to the existing medical premises during school hours making it difficult for patrons to park in close proximity to the premises.

In October 2020, Council approved the introduction of an ACROD bay on Gibb Street. The proposed time restricted parking bays as shown in **Attachment 1** would be located on road to the east of the existing ACROD bay.

Background

Section 1.9 of the Shire of Harvey Parking Local law states that “*a local government may, by resolution, prohibit or regulate by signs or otherwise the stopping or parking of any vehicle or any class of vehicles in any part of the parking region...*”

The proposal is to apply a ½ P time restriction to two existing on road parking bays to be in force from 8.00am to 5.30 pm Monday to Friday.

This would not compromise school parking as there are numerous unrestricted on road parking bays in Gibb Street and Becher Street. In addition, there is an existing off road parking area on the north side of the Primary School where there is an agreement in place between the Education Department and the Shire for the use of this parking area by the Primary School.

Comment

Officers have liaised with the adjoining business and have observed that most of the on-road parking in Gibbs Street is taken up during normal business and school hours making it difficult for elderly persons, and others, to park near the medical premises.

The proposal will result in no loss of existing on road parking and will not compromise road safety. The proposal will improve the amenity for the nearby business by restricting all day parking at this location and allow for parking ‘churn’ thus freeing up parking when required by visitors to the adjoining business.

Statutory/Policy Environment

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

Strategic Framework

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

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

Community Engagement

Community Participation Goal

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

Promise to the Community

Inform: We will keep you informed.

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The Consequence could be **Reputational** if Council decides not to support the request for the restricted parking zone, the Risk Consequence is considered to be **Minor** and the Likelihood **Unlikely** resulting in a **Low** level of risk. The Risk is mitigated by Council supporting the request.

Budget Implications

The cost to implement the proposal will be in the order of \$300 and would be funded from the annual signage budget.

Authority/Discretion

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council approves the implementation of two ½ P (30 minute) on road parking bays on Gibb Street, Harvey operating from 8.00am to 5.30pm Monday to Friday as shown in **Attachment 1**.

Item No.	5.2.2.
Subject:	Harvey Diversion Drain Artwork
Proponent:	Shire of Harvey
Location:	Uduc Road, Harvey
Reporting Officer:	Director Infrastructure Services
Authorising Officer:	Chief Executive Officer
File No.:	B000096
Attachments:	<ol style="list-style-type: none"> 1. Harvey Diversion Drain and HDEP Opening.docx [5.2.2.1 - 1 page] 2. Harvey Diversion Enhancement Project (HDE P) infrastructure.docx [5.2.2.2 - 2 pages]

Summary

On 20 April 2022, a request was received from the Secretary of Harvey Mainstreet Inc. requesting that the Shire favourably consider taking ownership of the Harvey Diversion Enhancement Project (HDEP) infrastructure including future maintenance and replacement as required.

The HDEP ran from 2008 – 2014 with the original funding of \$200,000 provided from the Pinjarra / Brunswick Sustainability Fund.

Harvey Mainstreet championed the HDEP as part of the entry statement to the town of Harvey and the infrastructure was opened on 14 March 2014 refer **Attachment 1**.

While the Shire has been responsible for maintaining the surrounding landscaping, fencing and paths, Harvey Mainstreet, through volunteers, have been responsible for maintaining the HDEP infrastructure.

Should Council support the request by Harvey Mainstreet, all of the HDEP infrastructure maintenance would become the Shire's responsibility.

Background

Harvey Diversion Enhancement Project

The HDEP was formed in 2006 with three members and at the time Harvey Mainstreet Inc. was approached to act as the incorporated body for grant applications and community consultation processes. The HDEP subsequently become a sub-committee of Harvey Mainstreet Inc. with monthly reporting requirements and additional community members were co-opted onto the HDEP as required.

- In 2007 the HDEP were successful in securing funding of \$200,000 from the South West Development Commission (Pinjarra – Brunswick Junction Sustainability Strategy)
- From 2007 to 2014 the HDEP undertook community consultation, planning, design, gained relevant approvals, and oversaw the manufacture and installation of the artwork which officially opened in March 2014
- From 2014 to the present works have continued via HDEP and the Shire to enhance and upgrade area.

Ordinary Council Meeting – 2 October 2012

Council considered a report from the HDEP Committee for the installation of a new artwork at the Harvey diversion drain on the southern side of the existing bridge on Uduc Road, Harvey. Council was advised that the Diversion Drain infrastructure was located on land under the management

and control of the Water Corporation.

The Water Corporation, at the time, wrote to the Harvey Mainstreet Committee advising them that it was prepared to approve the installation of the artwork subject to the Committee agreeing to the following three conditions:

1. Take full responsibility for the maintenance of the attachment including clearing of any debris collected by it.
2. Indemnify the Water Corporation against all claims arising from the erection of the attachment and its presence on the drain structure.
3. Relocate the attachment at their own cost as may be necessary by the future operations and maintenance requirements of the Water Corporation.

Officers acknowledged that the Harvey Mainstreet Committee did not have the capacity to accept responsibility for the Water Corporation's conditions and Harvey Mainstreet subsequently wrote to the Shire asking if Council would accept the responsibilities in order to allow the project to proceed'.

In considering the request Shire Officers noted that the Shire already had a number of public artworks at various locations throughout the Shire and made allowance in its Annual Budget for undertaking maintenance of those artworks.

Officers further considered that if Council was supportive of the proposal, *"it would not be unreasonable for the new artwork to be treated in a similar way to the Shire's existing public art"*. It was further considered that the artwork structure *"would be relatively low maintenance"* however it would be recommended that some funds be allocated for maintenance of the viewing area and regular clean-up of the base of the Diversion Drain.

With regard to the second condition, i.e. *"the requirement to indemnify the Water Corporation"* Officers at the time considered that this condition was *"not unreasonable"* as this was a standard condition in most agreements where one party approves the use of its land or property to another party.

Shire Officers indicated that the Shire already had significant Public Liability Insurance cover in place and received advice that the Policy could be extended to *"include cover for the proposed artwork"* and that the condition *"would require the Shire to accept responsibility and liability for any injury or accident that might occur in relation to the artwork"*. So it was acknowledged that the nature of the artwork this may carry some risk for the Shire.

Shire Officers further indicated that the third condition was *"unlikely to eventuate however if it was to occur it was acknowledged that there would be some cost to remove the artwork and possibly reinstall it at another location"*.

Following consideration of the report Council made the following decision:

"That Council

- i. Supports the proposal to install a new public artwork titled "an army of men - shovel in hand" as per the attached concept plan in the area of the Harvey Diversion known as "Coffee Pool" immediately south of the Uduc Road Bridge subject to Council being satisfied that any safety concerns are dealt with to its satisfaction prior to the commencement of the project.*
- ii. Accepts the Water Corporation's conditions of approval for the installation of the proposed artwork at "Coffee Pool" as outlined in this report and establishes a formal agreement with the*

Water Corporation that defines the responsibilities of both parties for the use of the land."

Request from Harvey Mainstreet

On 20 April 2022, the following request was received from the Secretary of Harvey Mainstreet Inc. requesting that the Shire favourably consider taking ownership of the Harvey Diversion Enhancement Project (the Project) infrastructure including future maintenance and replacement as required.

"The Harvey Diversion Enhancement Project (HDEP), a sub-committee of Harvey Mainstreet Inc. (HMI) has recently requested HMI to seek clarification from Council regarding maintenance of equipment and future potential upgrades at the Uduc Road Bridge site.

The HDEP was formed in 2006 by Cr Brian Hollands (dee), David Marshall and Ellis Fielder in response to anti-social behavior (graffiti, rubbish, illegal drugs) taking place in that area. At that time, it was hoped to eliminate this negative behavior by enhancing the area and celebrating the amazing history of the digging of the Harvey diversion.

Through the support of the then local MP Mick Murray, a grant of \$200,000.00 was awarded to the HDEP via the Pinjarra-Brunswick sustainability fund and was placed in trust with the South West Development Commission.

Based on the theme "the construction of the Harvey diversion", local Shire of Harvey artists, No. 33 Safehaven Studios (Alex and Nicole Mickle) were employed to develop a public artwork and interpretive area. The official opening was conducted on 8 March 2014. Lighting and a water fountain was added in 2016 through funding accessed from the Federal Government, Shire of Harvey and HMI.

From that time, the HDEP equipment has been maintained by a small group of volunteers, at their own expense. The Shire of Harvey has maintained the gardens, fences and paths.

HMI and the HDEP appreciates the support of Council from the beginning of the project in 2006 until now and believes the area still has great potential for further enhancement as an entry statement, public artwork and historical interpretive area for current and future generations.

HMI would request consideration by Council of taking ownership of the HDEP infrastructure including future maintenance and replacement as required."

Comment

Following Council's decision (Ordinary Council Meeting – 2 October 2012) a contract was entered into between Harvey Mainstreet and the artist which incorporated clauses regarding safety etc. In addition, the Shire wrote to Water Corporation confirming that it would accept its conditions for approval.

The project was subsequently completed and opened in March 2014 and since that time the following maintenance works have been ongoing:

- Artwork – algae removal as required – Harvey Mainstreet volunteers
- Fountains, nozzles etc. (maintenance/replacement) – Harvey Mainstreet volunteers
- Lighting, maintenance/replacement – Harvey Mainstreet volunteers / Shire
- Gardens, paths and fencing – Shire
- Drain Infrastructure – Water Corporation overgrown, trees, debris etc. – Water Corporation

- Periodic checks of structure – Harvey Mainstreet.

Harvey Mainstreet has indicated that ongoing maintenance would be approximately \$4,000 per annum predominantly to replace signage, globes, the pump foot valve and water feature jets as required.

In addition, Harvey Mainstreet has advised that the existing artwork on the drain walls requires refurbishment, although there are options to change / enhance what was originally painted at some future stage possibly with some new artwork.

Harvey Mainstreet has also indicated that while they recognise that this is another piece of infrastructure for the Shire to maintain they believe that it is a very important piece of artwork regarding the history of the area and adds to the points of interest in the Harvey town site.

Conclusion

Shire Officers have considered the request to take over the HDEP infrastructure and, as previously reported to Council, acknowledge that the Harvey Mainstreet Committee does not have the ongoing capacity for the longer term care and maintenance of the infrastructure even though the current estimated annual cost is not significant.

In addition, in considering the request it is noted that the Shire already has a number of public artworks at various locations and that this would form another piece of infrastructure that would come under this portfolio.

The main ongoing maintenance will comprise replacement of fountain nozzles and light globes. The remainder of the infrastructure is in good condition and in a robust state. Inspections will be undertaken on a regular basis to ensure that preventative maintenance is undertaken as required.

It also provides an opportunity to partner with Harvey Mainstreet in the future to source grant funding to improve/upgrade the infrastructure and promote it as a potential historical tourist destination.

It is therefore recommended that Council favourably considers the request received from Harvey Mainstreet

Statutory/Policy Environment

The Diversion Drain Reserve is under the care, control and management of the Water Corporation however there is an agreement in place between the Shire and Water Corporation regarding the HDEP Infrastructure.

Strategic Framework

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

<i>Goal 1:</i>	<i>A diversified and thriving economy that offers a wide range of business and work opportunities as well as consumer choice.</i>
<i>Objective 1.1</i>	<i>The Shire is a tourist destination of choice.</i>
<i>Goal 4:</i>	<i>A liveable, sustainable and well-designed built environment that is accessible to all.</i>
<i>Objective 4.1</i>	<i>Playgrounds and parks are vibrant, accessible and well maintained.</i>
<i>Objective 4.4</i>	<i>Places with current or potential heritage or cultural significance are protected and preserved for future generations.</i>

- Goal 5: *A representative leadership that is future thinking, transparent and accountable.*
- Objective 5.2 *Build partnerships and work collaboratively to amplify the outcomes that can be achieved.*

Community Engagement

Community Participation Goal

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

Promise to the Community

Inform: We will keep you informed.

Risk Management

The Risk Theme Profile identified as part of this report is **Inadequate Engagement Practices**. The Consequence could be **Reputational** if the community is not supportive of the proposal however it is considered that by the Shire taking over the maintenance of the HDEP Infrastructure this would benefit the wider community as an important Harvey Townsite landmark would continue to be effectively maintained. The Risk Consequence is considered to be **Moderate** and the likelihood **Unlikely** resulting in a **Low** risk being present.

Budget Implications

It has been estimated that ongoing maintenance of the HEDP Infrastructure would be approximately \$4,000 per annum predominantly to replace signage, globes, the pump foot valve and water feature jets as required, to be included in the Central Ward Reserve Maintenance Budget.

Authority/Discretion

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Notes the request from Harvey Mainstreet for the Shire to consider taking on the care, control and management of the Harvey Diversion Enhancement Project Infrastructure.
2. Advises Harvey Mainstreet that it agrees to take on Harvey Diversion Enhancement Project Infrastructure, as shown in **Attachment 2**, from 1 July 2022 at an estimated cost of \$4,000 per annum.
3. Ensures that additional funds are included in the Meridan Park annual grounds maintenance Budget allocation.

5.3. Sustainable Development

Item No.	5.3.1.
Subject:	New Private Road Name Recommendations - Lot 567 Christina Street, Australind
Proponent:	Able Planning and Project Management
Location:	Lot 567 (No. 201) Rothesay Crescent, Australind
Reporting Officer:	Senior Planning Officer
Authorising Officer:	Director Sustainable Development
File No.:	A016326
Attachments:	1. Road Naming Request [5.3.1.1 - 3 pages]

Summary

Council is requested to consider a list of private road names to be submitted to Landgate's Geographic Names Committee (GNC) for the registration of two internal Private Roads within the draft survey strata plan 84158 at Lot 567 (No. 201) Rothesay Crescent, Australind. The proposed internal road layout showing preferred names is provided at **Attachment 1**.

Background

When naming new roads in subdivisions, the developer may propose names they have selected themselves if they comply with the GNC's document 'Policies and Standards for Geographical Naming in Western Australia' (2017). The Applicant has provided two preferred allocated road names and four additional names for alternative use. All the proposed names have passed the Preliminary Validation process required by Landgate.

Comment

Rationale for Basis of Naming

The theme that the Applicant has chosen is 'native vegetation' and the origins of the theme are demonstrated in the following table (Table 1).

Table 1: Proposed Road Name, Origin and Source

Preference	Road Name	Origin	Source
1.	Mirbelia	the local shrub, Mirbelia dilatata (Holly-leaved Mirbelia) see: https://florabase.dpaw.wa.gov.au/browse/profile/4090	Landowner
2.	Hibbertia	the local shrub, Hibbertia cuneiformis (Cutleaf Hibbertia) see: https://florabase.dpaw.wa.gov.au/browse/profile/5117	Landowner
3.	Ficinia	the local sedge, Ficinia nodosa (Knotted Club Rush) see: https://florabase.dpaw.wa.gov.au/browse/profile/20216	Landowner
4.	Grevillea	the shrub that is found in the upper reaches of the Collie River, Grevillea ripicola (Collie Grevillea) see: https://florabase.dpaw.wa.gov.au/browse/profile/2082	Landowner

5.	Regelia	local shrub, Regelia ciliata (Barrens Regelia) see: https://florabase.dpaw.wa.gov.au/browse/profile/6012	Landowner
6.	Callistemon	the large shrub found in the upper reaches of the Collie River, Callistemon phoeniceus (Lesser Bottlebrush) see: https://florabase.dpaw.wa.gov.au/browse/profile/5395	Landowner

The GNC requires that all new road naming requests be submitted using an online form. Part of this online system allows proposed road names to be queried for their availability first. Names that do not pass the preliminary validation process are not automatically ruled out, if they are included in the proposed list then further research is required to demonstrate that they comply with the Policy standards. Table 2 demonstrates the results below.

Table 2: GNC Preliminary Validation Process

Name	Road Name	Result of Preliminary Validation
1	Mirbelia	Passed Preliminary Validation
2	Hibbertia	Passed Preliminary Validation
3	Ficinia	Passed Preliminary Validation
4	Grevillea	Passed Preliminary Validation
5	Regelia	Passed Preliminary Validation
6	Callistemon	Passed Preliminary Validation

Conclusion

The naming of common property accessways is not a requirement within a survey strata plan, however, the practice allows for larger numbers of units to within the same subdivision to be more accurately identified by emergency services and postal services etc.

Officers are supportive of the theme and names submitted by the Applicant. All names have passed preliminary validation.

Statutory/Policy Environment

Western Australian Land Information Authority (Landgate)

- Policies and Standards for Geographical Naming in Western Australia (2017)

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

“Road Name Submission Process

Landgate accepts applications for new names relating to roads, localities, administrative boundaries, and topographic features. Such applications should be directed to the relevant local government for their endorsement and submission to Landgate.

General information on the process for submitting naming applications is shown at Appendix 1A.

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

- *the reason for the proposal or name change*
- *origin of each road name and its source*
- *a location by local government, locality and estate name if known*
- *identification on a map clearly indicating extent and precise start and end points*
- *photographs or sketches*
- *any other supporting information such as historic articles, reference materials, publications etc*
- *where applicable, evidence of landowner, family, or community support*
- *if the name is Aboriginal in origin, evidence of support from relevant Aboriginal Community*
- *if the application is for a renaming, evidence of consultation from the affected residents and property owners is required.*

Section 2: Roads

Private roads and rights-of-way

A private road is any road that is not a public road which is open to public access or for use by other services. Private roads and rights-of-way must be clearly identified and uniquely named to facilitate the application of standardised addressing to all land parcels in Western Australia.

The delivery of emergency and other services to residents and businesses are often impeded when private road names are not officially recorded. To minimise confusion, standardise address allocations and support emergency service responders, all road naming policies and addressing standards must be applied.

Private roads include but are not limited to:

- *some roads or driveways to battle-axe blocks*
- *roads indicated on community subdivision plans*
- *roads in various cluster developments*
- *roads on private property, for example, roads in caravan parks*
- *other forms of 'rights of way.'*

Naming a road on private land does not mean that Landgate, the secretariat, the GNC or the Minister is accepting responsibility for that road other than of ensuring its name meets the required naming policies for Western Australia.

2.8.1 Roads on Private Property

Private roads include (but are not limited to) any formed roads and tracks within a commercial logging site, caravan park, retirement village or closed-gate community. If the intention is for these private roads to be used for property street addressing, way finding purposes or for general public access,

they must be named in accordance to these policies.

All private roads should be named and submitted for approval, especially if the road gives access to one or more properties that cannot be assigned an alternative unambiguous urban or rural address.

The irregular and ungoverned naming of roads within complexes can lead to confusion and interruption to the efficient delivery of emergency and other essential services. The official approval of road names within such complexes ensures that the details are accessible to the wider community and are included on the majority of relevant organisational and public mapping products.”

Strategic Framework

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

- | | |
|---------------|--|
| Goal 4: | <i>A liveable, sustainable, and well-designed built environment that is accessible to all.</i> |
| Objective 4.2 | <i>A connected and well-maintained network of local roads, footpaths, cycle ways and trails.</i> |

Community Engagement

Community Participation Goal

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

Promise to the Community

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

Risk Management

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

Budget Implications

Nil.

Authority/Discretion

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

Supports the inclusion of the following names for the Private Roads included within Lot 567 (201) Rothesay Crescent, Australind as per ***Attachment 1*** and for Officers to submit the names to Landgate's Geographic Names Committee with supporting documentation from the applicant for its consideration:

1. Mirbelia Lane
2. Hibbertia Lane

and the following alternative names for approval:

3. Ficinia Lane
4. Grevillea Lane
5. Regelia Lane
6. Callistemon Lane.

Item No.	5.3.2.
Subject:	Proposed Outbuilding Prior to Construction of a Dwelling
Proponent:	Mr A. Whittam
Location:	Lot 60 (No. 86) Johnston Road, Yarloop
Reporting Officer:	Planning Officer
Authorising Officer:	Director Sustainable Development
File No.:	A000552
Attachments:	<ol style="list-style-type: none"> 1. Application [5.3.2.1 - 8 pages] 2. Location Plan [5.3.2.2 - 1 page] 3. Previous Refusal [5.3.2.3 - 4 pages]

Summary

An Application for Development Approval has been received for the construction of an outbuilding on Lot 60 (No. 86) Johnston Road, Yarloop (refer **Attachment 1**) prior to construction of the dwelling. Despite Officers having delegation to determine the application under delegation 9.1.2(2), it is referred to Council at the request of the Applicant. It is recommended that the application be refused.

Background

Site Description

Lot 60 (No. 86) Johnston Road, Yarloop is zoned Residential R15/30/50 under the Shire's District Planning Scheme No. 1 (the Scheme) and is located within the Yarloop townsite, 300m east of the railway reserve. The site is of regular shape with an area of 804m². An inspection of the site in March 2022 noted the presence of a caravan and sea container and that a steel shed frame had been partially constructed (refer **Attachment 2**).

Site History

In July 2021, the Applicant contacted the Shire enquiring whether Development Approval was required to build a house and/or outbuilding on the subject property. Based on the information provided at the time, Officers advised that Development Approval was not required if the development was compliant with the requirements.

However, as the Applicant would like to construct the outbuilding prior to building the dwelling an Application for Development Approval is required. An application was submitted in March 2022 for the proposed outbuilding. This application was refused (refer **Attachment 3**) under delegation as it was inconsistent with the intent and provisions of the Shire's Local Planning Policy 4.2.6 – Variation to R Codes (Outbuildings) for the following reasons:

- The proposed outbuilding would not be appurtenant to a dwelling.
- A dwelling had not been substantially commenced on the site.
- A Building Permit had not been obtained for a dwelling on the site.
- Insufficient justification had been provided to vary the provisions of the Local Planning Policy.

Subsequent to the refusal, the Applicant queried their options and Officers advised of the following:

- Obtain a Building Permit for the dwelling and reapply.
- Apply to the State Administrative Tribunal for a review of the decision.

- Reapply with additional justification requesting the application be referred to Council for determination.

On 23 May 2022, a new Application for Development Approval was submitted for the construction of the proposed outbuilding prior to the dwelling.

Proposal

The application proposes a 6m x 6m steel framed and walled outbuilding with a wall height of 2.4m and gable ridge height of 3m.

The Applicant has provided additional justification for requesting that Council approves the construction of the outbuilding prior to the dwelling (refer **Attachment 1**), including:

- The original intent when purchasing the property was to build a dwelling but due to health problems, the dwelling construction was put on hold.
- There has been a price increase of more than \$20,000 to date for the proposed dwelling.
- It will take approximately six months to obtain funds to build the dwelling.
- The outbuilding will only be for storage of building tools and personal items.
- The outbuilding will not be lived in by the Applicant.
- Having the outbuilding on the site would provide him with an opportunity to be more prepared for building the dwelling.
- Urgent approval for the outbuilding is required.

Comment

The Policy provides that within the “Residential” zone, outbuildings *“will only be considered for approval when appurtenant to a dwelling or when a dwelling has been substantially commenced”*. A dwelling is considered to be “substantially commenced” when it has been constructed to plate height.

As per the Western Australian Planning Commission’s Factsheet on outbuildings, a shed structure proposed on a lot without a dwelling is inconsistent with the definition of an outbuilding and would then be considered a “warehouse/storage” use, which is not permitted within the “Residential” zone. For this reason, many local governments require a dwelling to be substantially commenced prior to the construction of an outbuilding.

To acknowledge the current lengthy delays being experienced in the building industry, Officers consider that there are circumstances where it may be appropriate to grant Development Approval for an outbuilding prior to the construction of the dwelling once a Building Permit has been obtained for the dwelling. In these circumstances it should be demonstrated that a building contract for the dwelling is in place and confirmation is received from the builder that a delay in materials or labour workforce is preventing the dwelling from being constructed within a standard timeframe.

Whilst the Applicant’s justification is acknowledged, approval of the outbuilding prior to any of these criteria being met would set an undesirable precedent given the relaxation to the Policy that has been provided by Officers.

An inspection of the property has identified that the landowner has already commenced the unauthorised construction of the outbuilding on the site. A concrete pad and wall framing have been erected in the proposed location, 2.9m from the rear boundary and 1.3m from the side boundary.

As the structure has commenced and approval is not recommended, it is advisable for Chief Executive Officer to issue a s214 Notice under the *Planning and Development Act 2005* to at least have the wall framing removed. This can be issued under delegation and to this effect a condition of Council requiring this course of action is not required.

Conclusion

The reasons for refusal of the previous application remain a relevant consideration. Officers consider an approval to be inappropriate for the following reasons:

- The overall proposal for the site is not at a stage equivalent to when a dwelling is considered “substantially commenced.”
- Supporting the application would set an undesirable precedent for future outbuilding applications.
- An outbuilding on a vacant residential lot is considered to be a “warehouse/storage” use, which is not permitted within the “Residential” zone.

Officers therefore recommend the application be refused.

Statutory/Policy Environment

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

- Clause 67 (2) (g)

Consideration of “any local planning policy for the scheme area”

Planning and Development Act 2005

s214. Illegal development, responsible authority’s powers as to (in part)

- 1) For the purposes of subsections (2) and (3) —
 - a. a development is undertaken in contravention of a planning scheme or an interim development order if the development —
 - i. is required to comply with the planning scheme or interim development order; and
 - ii. is commenced, continued or carried out otherwise than in accordance with the planning scheme or interim development order or otherwise than in accordance with any condition imposed with respect to that development by the responsible authority pursuant to its powers under that planning scheme or interim development order;

Shire of Harvey District Planning Scheme No.1

- Clause 1.6.1 (a)

“to encourage and control the continued orderly development of land within the Shire in a manner that enhances the quality of life of the Shire community.”

Shire of Harvey Policies

- LPP 4.2.6 Variation to R Codes – Outbuildings (excerpt)

PART 1 “Residential Zone”

- 1.3) *“Outbuildings will only be considered for approval when appurtenant to a dwelling or when a dwelling has been substantially commenced.”*

Strategic Framework

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

- Goal 1: *A diversified and thriving economy that offers a wide range of business and work opportunities as well as consumer choice.*
- Objective 1.3 *Sustainable urban, rural and industrial development*
- Goal 2: *A safe, accessible and connected community where everyone has the opportunity to contribute and belong.*
- Objective 2.5 *Equity for all people.*
- Goal 4: *A liveable, sustainable and well-designed built environment that is accessible to all.*

Community Engagement

Community Participation Goal

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

Promise to the Community

Inform: We will keep you informed.

Risk Management

The Risk Theme Profile identified as part of this report is **Failure to Fulfil Compliance Requirements**. The Consequence could be **Reputational** or **Compliance** if Council approves the application without giving due regard to the advice provided in the Report. The risk is considered **Minor** and the likelihood **Unlikely**, given that the report has been thoroughly researched, peer reviewed, provided by a qualified Shire Officer and recommends refusal. This results in a **Low** risk being present.

Budget Implications

Nil.

Authority/Discretion

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

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council refuses the Application for Development Approval for an Outbuilding on Lot 60 (No. 86) Johnston Road, Yarloop as the proposed development is contrary to Clause 67(2)(g) of the Planning and Development (Local Planning Schemes) Regulations 2015 as it is inconsistent with the intent and provisions of the Shire's Local Planning Policy 4.2.6 Variation to R Codes – Outbuildings for the following reasons:

1. The proposed outbuilding is not appurtenant to a dwelling.
2. A dwelling has not been substantially commenced on the site.
3. A Building Permit has not been obtained for a dwelling on the site.

5.4. Corporate Services

Item No.	5.4.1.
Subject:	Listing of Accounts Paid – May 2022
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Finance
Authorising Officer:	Director Corporate Services
File No.:	FM/S/006
Attachments:	1. Payments May 22 [5.4.1.1 - 14 pages]

Summary

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

Background

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

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

Comment

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

<u>Voucher</u>	<u>Amount</u>
Schedule of Accounts	
Municipal EFT 60270 - EFT 60692	\$2,818,273.15
117389 – 117394	\$3,260.19
DD24022.1 - DD24074.19	\$159,367.44
CBA Credit Cards	\$7,003.97
Electronic Funds Submitted	<u>\$1,177,535.86</u>
Total	<u>\$4,165,440.61</u>

Statutory/Policy Environment

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

Strategic Framework

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

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

Community Engagement**Community Participation Goal**

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

Promise to the Community

Inform: We will keep you informed.

Risk Management

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

Budget Implications

The payments listed above have been budgeted for in the Shire's 2021 – 2022 Budget.

Authority/Discretion

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council notes the list of accounts paid at **Attachment 1** for the period of May 2022 totalling \$4,165,440.61.

Item No.	5.4.2.
Subject:	Financial Statements as at 31 May 2022
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Finance
Authorising Officer:	Director Corporate Services
File No.:	FM/S/006
Attachments:	1. Financial Statements as at 31 May 2022 [5.4.2.1 - 14 pages]

Summary

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

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

	ACTUAL	BUDGET	VARIANCE
	31 May 2022	2021 – 2022	
Statement of Financial Performance			
Ordinary Revenue	\$40,204,490	\$45,448,883	\$5,244,393
Ordinary Expenditure	\$39,617,817	\$52,317,117	\$12,699,300
Capital Revenue	\$3,145,704	\$18,550,220	\$15,404,516
Capital Expenditure	\$3,670,191	\$23,102,452	\$19,432,261
End of Period Profit / (Loss)	\$8,368,526		
Statement of Financial Position			
Current Assets	\$46,246,935		
Net Assets	\$554,075,413		

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

Background

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

Comment

Rates Revenue

Rates revenue of \$22.5 million and rubbish rates of \$3.5 million was generated in August 2021. The due date for rates was 24 September 2021. Approximately 97% of the rates were collected by 31 May 2022.

Cash Flow and Interest Earnings

The Shire holds by way of cash and term deposit \$8.20 million in Municipal Funds and \$36.35 million in restricted Trust and Reserve Funds. The average interest rate on these funds is 0.65%. New term deposits are attracting an interest rate for 90 days of approximately 1.20%.

Operating Grants and Subsidies

100% of the 2021 – 2022 Financial Assistance Grants (FAGS) have been received as of 31 May 2022. First Instalment of FAGS grant for the financial year 2022 – 2023 has also been received and has been transferred to unspent grant reserve, to be utilised in the FY 22/23.

Employee Costs

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

Materials, Contracts, Utilities and Other Expenses

The financial statements reflect the first eleven months of the financial year, and it is anticipated the Shire will operate within its means and in line with the Shire's adopted 2021 – 2022 Budget.

Capital Expenditure

The Shire budgeted to spend \$23.1 million on capital projects throughout the Shire in 2021 – 2022. Capital works have commenced in a number of areas including roads, building works and recreation works. Expenditure totalling \$3,670,191 has been reported at the end of May 2022. Few significant capital works projects have been carried forward to the next financial year 2022 - 2023.

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

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

The Notes to the Statement of Financial Performance, as well as the Notes to the Statement of Financial Position, include additional information reported on a by Program basis identifying reasons

for variances between budgets and actuals.

Variances to budget approved in the Ordinary Council Meeting in March 2022 along with the revised opening surplus for the financial year 2021 – 2022 has also been included as Amended budget item in the attached reports.

Statutory/Policy Environment

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

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

Strategic Framework

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

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

Objective 5.3 Accountable leadership supported by a professional and skilled administration

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

Community Engagement

Community Participation Goal

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

Promise to the Community

Inform: We will keep you informed.

Risk Management

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

Budget Implications

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

Authority/Discretion

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

Voting Requirements

Simple Majority

Officer's Recommendation

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

Item No.	5.4.3.
Subject:	Schedule of Fees and Charges for 2022 – 2023
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Finance
Authorising Officer:	Director Corporate Services
File No.:	FMH001
Attachments:	1. Budget 22-23 Proposed Fees and Charges V 8 [5.4.3.1 - 13 pages]

Summary

The Schedule of Fees and Charges is attached for Council to consider for the 2022 – 2023 financial year (refer **Attachment 1**). For the 2022 – 2023 year there have been a number of increases so as to cover costs incurred in providing these services, in addition to some legislated changes.

The most predominant fee or charge listed in the Schedule of Fees and Charges is the Waste service charge. This charge is applicable to the majority of properties in the Shire and as such are listed separately as follows:

Residential Waste Service Charge

\$370 per annum for the weekly removal of one 240L mobile 'FOGO' garbage bin, fortnightly removal of one 240L mobile 'General Waste' garbage bin and fortnightly removal of one 240L mobile 'Recycling' garbage bin plus one tip pass (includes four standard tip entries).

Additional Waste Service Charge

\$130 per annum for the additional fortnightly removal of one 240L mobile 'General Waste' garbage bin.

\$130 per annum for the additional fortnightly removal of one 240L mobile 'FOGO' garbage bin.

Commercial or Non-Residential Waste Service Charge

\$215 per annum for the weekly removal of one 240L mobile 'General Waste' garbage bin.

\$140 per annum for the weekly removal of one 240L mobile 'FOGO' garbage bin.

Rural Waste Service Charge

\$120 per annum on those rural properties which do not have a weekly 240L mobile garbage bin service – this provides one tip pass which allows 26 standard tip entries.

Background

The Shire adopts the Schedule of Fees and Charges on an annual basis in accordance with Section 6.16 of the *Local Government Act 1995*. In terms of this section the Shire may impose and recover a fee or charge for any goods or services it provides or proposes to provide, other than a service for which a service charge is imposed.

The Shire has approximately 650 different fees and charges. Section 6.16(3) of the *Local Government Act 1995* states that these fees and charges are to be imposed when adopting the annual budget but may be imposed during a financial year by absolute majority and with the requirement to advertise them. This item is presented to Council to allow the early introduction of the fees and charges prior to the adoption of the draft 2022-2023 Budget.

The Schedule of Fees and Charges will also be included as part of the draft 2022-2023 Budget.

Comment

Listed below is a comparison of the past two years of rubbish charges compared to the proposed 2022 – 2023 charge.

	2020 – 2021	2021 – 2022	2022 – 2023
Residential Waste Charge Service	\$308	\$320	\$370
Commercial Waste Charge Service	\$194	\$200	\$215
Additional Waste Charge Service on General and 'FOGO' bins	\$115	\$120	\$130
Rural Waste Charge Service (Number of Standard Tip entries reduced from 52 to 26 in financial 2022 – 2023)	\$105	\$110	\$120

The increase in these charges for the 2022 – 2023 financial year are mainly due to increased CPI costs, 45% increase in the disposal cost waste, 35% increase in the recycling processing and estimating 40% increase in the FOGO processing.

Of the other changes to fees and charges there are new fees and charges proposed in the Building Business Unit, Ranger Services, Leisure Centres and the Dr. Peter Topham Memorial Pool.

The majority of amendments to existing fees and charges relate to the Halls and Recreation, Grounds, Leschenault Leisure Centre fees and Harvey Recreation and Cultural Centre fees.

Statutory/Policy Environment

Waste Avoidance and Resources Recovery Act 2007 – provides authority for the Shire to collect refuse waste and to recoup the cost of same.

Planning and Development Regulations 2009, Schedule 2 – provides the maximum fees for local government planning services.

Local Government Act 1995, Section 6.16, allows for the imposition of fees and charges by Council by Absolute Majority.

Local Government Act 1995, Section 6.17, gives guidance in determining the level of fees or charges (i.e. taking into account the cost to the local government in providing that service or good).

Strategic Framework

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

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

Community Engagement

Community Participation Goal

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

Promise to the Community

Inform: We will keep you informed.

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/information**. The Consequence could be **Financial**, **Reputational** or **Compliance** should an inappropriate or unrealistic fee be adopted by Council. The Risk consequence is considered to be **Moderate** and the likelihood **Unlikely** resulting in a **Low** risk being present.

Budget Implications

The proposed Schedule of Fees and Charges has allotted income streams included as part of the draft 2022 – 2023 Budget.

Waste Service Charge

The application of a rubbish charge is to provide sufficient funds to carry out that service. The intent of this charge is not to provide additional surplus or subsidy to the Shire's general rates.

Authority/Discretion

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

Voting Requirements

Absolute Majority.

Officer's Recommendation

That Council adopts the attached Schedule of Fees and Charges for the 2022 – 2023 financial year following the statutory advertising period (refer **Attachment 1**), along with the following rubbish charges:

1. Residential Waste Service Charge

\$370 per annum for the weekly removal of one 240L mobile 'FOGO' garbage bin, fortnightly removal of one 240L mobile 'General Waste' garbage bin and fortnightly removal of one 240L mobile 'Recycling' garbage bin plus one tip pass (includes four standard tip entries).

2. Commercial Waste Service Charge

\$215 per annum for the weekly removal of one 240L mobile 'General Waste' garbage bin.

\$140 per annum for the weekly removal of one 240L mobile 'FOGO' garbage bin.

3. Additional Waste Service Charge

\$130 per annum for the additional fortnightly removal of one 240L mobile 'General' garbage bin.

\$130 per annum for the additional fortnightly removal of one 240L mobile 'FOGO' garbage bin.

4. Rural Waste Service Charge

\$120 per annum on those rural properties which do not have a weekly 240L mobile garbage bin service – this provides one tip pass which allows 26 standard tip entries.

BY ABSOLUTE MAJORITY

Item No.	5.4.4.
Subject:	Forward Capital Works Plan 2022 – 2027
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Finance
Authorising Officer:	Director Corporate Services
File No.:	FMB001
Attachments:	1. Forward Capital Works Plan 2022 – 2027 [5.4.4.1 - 26 pages]

Summary

This report presents the Forward Capital Works Plan (FCWP) 2022 – 2027. The FCWP defines and details its proposed investment in capital infrastructure for the next five years and is linked to the Council's Strategic Community Plan.

Following the workshop of the Shire's Forward Capital Works Plan held 31 May 2022, Officers present to Council for consideration and adoption the Forward Capital Works Plan 2022 – 2027. The attached documents include all alterations or amendments made at the workshop.

It is recommended that the Forward Capital Works Plan 2022 – 2027 be adopted (refer **Attachment 1**).

Background

At a workshop on 31 May 2022, Council reviewed the Forward Capital Works Plan (FCWP) 2022 – 2027. Alterations and amendments made at that workshop have been included in the FCWP. In turn, the FCWP will inform the capital works within Corporate Business Plan and Annual Budget.

Comment

The Forward Capital Works Plan 2022 – 2027 is a five year rolling Plan that informs the Corporate Business Plan in the activation of Strategic Community Plan priorities.

The Shire's objective in preparing the FCWP is to identify:

- Key infrastructure projects that will benefit its community.
- Cost of the projects in today's dollars and affordability.
- Potential sources of revenue available to the Shire to fund the infrastructure projects.

The Forward Capital Works Plan was prepared based on the following principles:

- Planning for new assets aligns with the needs of the community and the Shire's capacity to maintain them into the future.
- The social, environmental and economic impacts of creating any new assets in the Shire have been carefully considered.
- The Shire has taken into account the renewal of assets and will ensure that they are maintained in good condition into the future.
- The amount of funding the Shire allocates to capital works is based on what the Shire can afford and is sustainable into the future.

- The Shire's future revenue base from rates and other sources is likely to grow along with the community expectations for infrastructure and services.

Statutory/Policy Environment

Local Government Act 1995, Section 5.56 – deals with planning for the future.

Local Government (Financial Management) Regulations 1996, regulation 5(2)(a) – The CEO is to ensure that the resources of the local government are effectively and efficiently managed.

Strategic Framework

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

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

Community Engagement

Community Participation Goal

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

Promise to the Community

Inform: We will keep you informed.

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The Consequence could be **Financial** and **Reputational** should inappropriate or unrealistic assumptions be used in the Forward Capital Works Plan. The risk is considered **Moderate** and the likelihood **Unlikely**, therefore it is considered that there is a **Low** risk present.

Budget Implications

The Forward Capital Works Plan informs the Corporate Business Plan which forms the basis for the development of the Annual Budget. The Annual Budget for 2022 – 2023 will in turn be presented to Council for its consideration in July 2022.

Authority/Discretion

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council adopts the Forward Capital Works Plan 2022 – 2027 as per ***Attachment 1***.

Item No.	5.4.5.
Subject:	Specified Area Rates 2022 – 2023
Proponent:	Shire of Harvey
Location:	Galway Green Subdivision Estate Kingston Subdivision Estate Treendale Subdivision Estate Lakewood Shores Subdivision Estate Treendale District Centre
Reporting Officer:	Director Corporate Services
Authorising Officer:	Chief Executive Officer
File No.:	FMB003, FMR013
Attachments:	Nil

Summary

The Shire maintains the common landscape areas of the Galway Green Subdivision Estate, Kingston Subdivision Estate, Treendale Subdivision Estate, Lakewood Shores Subdivision Estate and the Treendale District Centre to a higher standard than normally provided throughout the Shire and in past years has imposed a specified area rate (SAR) on the rate payers of these Estates and Centre to cover part of the additional cost of these services.

Lakewood Shores Subdivision had a SAR applied to it for the first time in 2021 – 2022 with Council agreeing to further consult with the Ratepayers of that Estate relating to its continuance prior to 2022 – 2023. Following the results of the consultation, it is recommended that the landscaped areas in the Lakewood Shores Subdivision Estate continue to be maintained to the same high standard as in 2021 – 2022 and that the SAR continues to be imposed.

It is recommended that Council include provision in the draft 2022 – 2023 Budget for a specified area rate to the ratepayers within the Galway Green Subdivision Estate, Kingston Subdivision Estate, Treendale Subdivision Estate and the Treendale District Centre and Lakewood Shores Subdivision Estate as detailed in the report below.

Background

For the past decade the Shire has maintained the common landscape areas of the Galway Green, Kingston and Treendale Subdivision Estates to a standard higher than normally provided throughout the Shire. The cost of this service has been born by the ratepayers within these Estates by way of an imposed specified area rate (SAR).

Since 2013 – 2014 the Shire has also imposed a SAR on the ratepayers of the Treendale District Centre to maintain the landscape of the common areas of the District Centre.

In 2021 – 2022 the Shire imposed a SAR on the ratepayers of the Lakewood Shores Subdivision Estate to maintain the landscape maintenance of the common areas within the Estate to a standard higher than normally provided throughout the Shire.

The Shire's contributions/cost and the SAR applied for the previous three years are as follows:

Galway Green	<u>2019 – 2020</u>	<u>2020 – 2021</u>	<u>2021 – 2022</u>
Shire Contribution/Cost	\$18,468	\$18,364	\$31,864
Specified Area Rate	\$66,532(393 lots)	\$66,636(393 lots)	\$68,572(393 lots)
Total Contribution/Cost	\$85,000	\$85,000	\$100,436

Kingston	<u>2019 – 2020</u>	<u>2020 – 2021</u>	<u>2021 – 2022</u>
Shire Contribution/Cost	\$55,000	\$59,924	\$139,808
Specified Area Rate	\$185,263(1173L)	\$188,668(1195L)	\$199,479(1246L)
Total Contribution/Cost	\$240,263	\$248,592	\$339,287

Treendale	<u>2019 – 2020</u>	<u>2020 – 2021</u>	<u>2021 – 2022</u>
Shire Contribution/Cost	\$167,574	\$425,925	\$170,944
Specified Area Rate	\$347,426(1289L)	\$354,075(1333L)	\$381,069(1478L)
Total Contribution/Cost	\$515,000	\$780,000	\$552,013

Lakewood Shores	<u>2021 – 2022</u>
Shire Contribution/Cost	\$78,688
Specified Area Rate	\$31,256(181 lots)
Total Contribution/Cost	\$109,944

Treendale District Centre	<u>2019 – 2020</u>	<u>2020 – 2021</u>	<u>2021 – 2022</u>
Shire Contribution/Cost	\$0	\$0	\$0
Specified Area Rate	\$40,000	\$40,000	\$40,000
Total Contribution/Cost	\$40,000	\$40,000	\$40,000

Comment

The Shire introduced a SAR to the ratepayers of Lakewood Shores Estate in 2021 – 2022 and conducted further consultation with the affected ratepayers in May 2022. The consultation included a letter to the ratepayers followed by a public meeting and an online survey (with paper survey forms available from the Binningup Country Club).

The survey questions asked were:

- Are you happy with the level of landscape maintenance over the past 12 months?
- Do you want to retain the current level of service, retaining the specified area rate?
- Do you want to reduce the current level of service and remove the specified area rate?

There were 64 returned surveys from a possible 181 properties (35%).

Of the survey responses received, 40 (63%) indicated they were happy with the level of landscape maintenance. 36 (56%) wanted to reduce the level of service and remove the SAR and 37 (58%) wanted to retain the level of service and retain the SAR. There were 117 ratepayers (65%) who did not respond to the survey.

The results of the survey indicated by a small margin that the ratepayers were happy with the level of landscape maintenance provided and that they were prepared to pay the SAR for the service. When including the 117 (65%) nonresponses to the survey, it is safe to accept most ratepayers in Lakewood Shores Estate are happy with the landscape maintenance provided and are content to pay the SAR to retain that level of service. As a result, it is recommended the SAR be retained for Lakewood Shores Estate.

The proposed funding to be included in the draft 2022 – 2023 Budget for the landscape maintenance of the Estate areas are:

Galway Green

Shire's Contribution/Cost
 Specified Area Rate
 Total Contribution/Cost
 Rate-in-the-dollar
 average – SAR / No. of properties

2022 – 2023

\$37,556
 \$62,880(393 lots)
 \$100,436
 \$0.008861
 \$160

Kingston

Shire's Contribution/Cost
 Specified Area Rate
 Total Contribution/Cost
 Rate-in-the-dollar
 average – SAR / No. of properties

2022 – 2023

\$135,127
 \$204,160(1276 lots)
 \$339,287
 \$0.008504
 \$160

Treendale

Shire's Contribution/Cost
 Specified Area Rate
 Total Contribution/Cost
 Rate-in-the-dollar
 average – SAR / No. of properties

2022 – 2023

\$197,842
 \$354,171(1489 lots)
 \$552,013
 \$0.01148
 \$238

Lakewood Shores

Shire's Contribution/Cost
 Specified Area Rate
 Total Contribution/Cost
 Rate-in-the-dollar
 average – SAR / No. of properties

2022 – 2023

\$80,984
 \$28,960(181 lots)
 \$109,944
 \$0.009499
 \$160

Treendale District Centre

Shire's Contribution/Cost
 Specified Area Rate
 Total Contribution/Cost
 Rate-in-the-dollar

2022 – 2023

\$0
 \$40,000
 \$40,000
 \$0.007589

There was a revaluation of all gross rental value properties in 2021 – 2022 which reflected a variation of property valuations between the subdivision areas attracting a SAR. This results in an inability to compare rate in the dollar percentage increases between 2021 – 2022 and the proposed 2022 – 2023.

A percentage increase or decrease can however be viewed on the average SAR (total levied SAR divided by the number of properties) and is as follows.

	<u>2021 – 2022</u>	<u>2022 – 2023</u>	<u>Percent Change</u>
Galway Green	\$174	\$160	less 8% (-\$14)
Kingston	\$160	\$160	0%
Treendale	\$258	\$238	less 8% (-\$20)
Lakewood Shores	\$173	\$160	less 7% (-\$13)

Statutory/Policy Environment

Local Government Act 1995, Section 6.37 – dealing with the imposition of specified area rates.

Strategic Framework

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

- | | |
|---------------|--|
| Goal 4: | <i>A liveable, sustainable and well-designed built environment that is accessible to all.</i> |
| Objective 4.1 | <i>Playgrounds and parks are vibrant, accessible and well maintained.</i> |
| Objective 4.3 | <i>Shopping precincts and residential areas are well presented and accessible, with development enhancing their character.</i> |
| Goal 5: | <i>A representative leadership that is future thinking, transparent and accountable.</i> |
| Objective 5.3 | <i>Accountable leadership supported by a professional and skilled administration.</i> |
| Objective 5.4 | <i>Sound governance, including financial, asset and risk management.</i> |

Community Engagement

Community Participation Goal

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

Promise to the Community

Inform: We will keep you informed.

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The consequence could be **Financial** or **Compliance** if incorrect costings or processes relating to budgeting or the imposing of rates is not correct. The risk is considered **Minor** and the likelihood **Unlikely**, given that the report has been thoroughly researched and provided by a qualified Shire Officer. This results in a **Low** risk being present.

Budget Implications

Galway Green Estate:

The proposed common area landscape maintenance cost in 2022 – 2023 is \$100,436.
The proposed SAR rate-in-the-dollar is \$0.008861 which would generate \$62,880 in rates.
The proposed balance to be funded from the Shire's Municipal Fund is \$37,556.

Kingston Estate:

The proposed common area landscape maintenance cost in 2022 – 2023 is \$339,287.
The proposed SAR rate-in-the-dollar is \$0.008504 which would generate \$204,160 in rates.
The proposed balance to be funded from the Shire's Municipal Fund is \$135,127.

Treendale Estate:

The proposed common area landscape maintenance cost in 2022 – 2023 is \$552,013.
The proposed SAR rate-in-the-dollar is \$0.01148 which would generate \$354,171 in rates.
The proposed balance to be funded from the Shire's Municipal Fund is \$197,842.

Lakewood Shores Estate:

The proposed common area landscape maintenance cost in 2022 – 2023 is \$109,944.
The proposed SAR rate-in-the-dollar is \$0.009499 which would generate \$28,960 in rates.
The proposed balance to be funded from the Shire's Municipal Fund is \$80,984.

Treendale District Centre:

The proposed common area landscape maintenance cost in 2022 – 2023 is \$40,000.
The proposed SAR rate-in-the-dollar is \$0.007589 which would generate \$40,000 in rates.

Authority/Discretion

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council include provision for the following Specified Area Rates for the common area landscape maintenance in its draft 2022 – 2023 Budget along with revenue and expenditure amounts as detailed in this report:

- Galway Green Estate using a rate-in-the-dollar of \$0.008861
- Kingston Estate using a rate-in-the-dollar of \$0.008504
- Treendale Estate using a rate-in-the-dollar of \$0.01148
- Lakewood Shores Estate using a rate-in-the-dollar of \$0.009499
- Treendale District Centre using a rate-in-the-dollar of \$0.007589.

5.5. Community and Lifestyle

Item No.	5.5.1.
Subject:	Community Sporting and Recreational Facilities Funds – Brunswick Recreation Ground Power and Lighting Upgrade
Proponent:	Shire of Harvey
Location:	Brunswick Recreation Ground
Reporting Officer:	Director Community and Lifestyle
Authorising Officer:	Chief Executive Officer
File No.:	F000295
Attachments:	<ol style="list-style-type: none"> 1. Light Pole Location [5.5.1.1 - 1 page] 2. Lighting Design [5.5.1.2 - 1 page] 3. Opinion of Probable Cost Lighting [5.5.1.3 - 1 page] 4. Opinion of Probable Cost Power [5.5.1.4 - 1 page]

Summary

The report recommends that Council supports a Community Sporting and Recreation Facilities Fund (CSRFF) grant application for a proposed power and lighting upgrade at the Brunswick Recreation Ground and that the application be forwarded to the Department of Local Government, Sport, and Cultural Industries (DLGSC) in June 2022.

Background

The Shire has been working closely with members of the Brunswick community and interested stakeholders to upgrade the lighting at the Brunswick Recreation Ground (BRG). In conducting initial investigations, it became apparent that a power upgrade would also be needed. As a requirement of the proposed power upgrade, there is a requirement to amalgamate the existing separate lands parcels that currently comprise the BRG to meet Wester Power regulatory requirements.

In April 2021, Council endorsed the BRG Master Plan that identified lighting of Brunswick Oval as a critical component for increasing activation for events and participation in physical activity through sport and recreation. Specifically, the ability for Harvey Brunswick Leschenault Football Club (HBLFC) to continue to provide for their men's, women's, and junior leagues and for the Brunswick Agricultural Society to deliver the annual Brunswick Agricultural Show. Further to lighting requests the Master Plan identified that power upgrades will be required to support increased lighting and power needs from developments.

In May 2021, HBLFC provided the Shire with a lighting report (the Sage Report) completed by Sage Consulting. The Sage Report concluded that the oval lighting installed in 1998 at this location has reached its end of useful life. Since this time there has been a significant shift in Australian Standards and technology. The status of the lighting at the BRG is insufficient to meet current and future needs and pose a risk to users of the site due to irregular maintenance schedules.

Based on this information the Shire's Forward Capital Works Plan 2022 – 2025 included a nominated amount to support this project and Officers commenced further investigations to gather the data required to submit a grant application to State Government that supports the upgrade of power and lighting at the BRG. This work was completed by Sage Consulting in November 2020 and has been used to develop the scope of the project.

Each year DLGSC invite grant applications from local governments and community groups for projects that provide facilities and infrastructure for sport and recreation. The program aims to increase participation in sport and recreation through rational development of superior quality, well designed

and well utilised facilities. The CSRFF program provides up to one third of the cost of eligible projects with the balance of the funds to be provided by the local government and/or the community groups.

Comment

The total project scope will be split across two contracts. The first contract will be specific to the power requirements and the second contract will be specific to the lighting requirements. Both contracts form part of the one project and the one grant application that is to be made to DLGSC.

Project Scope – Power

The scope of works comprises the supply and installation of electrical services to Brunswick Oval and includes:

- Schedule of Drawings that form part of the Contract Documents that will include a regulatory 14-day public comment before completing.
- Electricity supply at a Nominal Voltage of 231/400 V and Nominal Frequency of 50 Hz.
- Disconnection and removal of existing mains switchboards (MSB-1 and MSB-2), brick hut, switchboard boxes and redundant cabling and equipment .
- Site works such as trenching, backfilling, compaction, directional drilling, cable pits, cabling, and earthing.
- Installation of a new standard mains switchboard (MSB), two new standard mains distribution boards, to include concrete flooring, sub mains cabling, and conduit connections as per the design provided in **Attachment 1** Electrical Design.
- Complete inspection, testing, and commission and to meet practical completion of the project complete labelling, painting and corrosion protection to all equipment and structures.
- Provision of Operating and Maintenance Manuals and Log Books.

The successful consultant will need to apply for the connection of electricity supply and test and commission supply at completion. The Shire will absorb the connection charges. The floodlighting distribution board, poles, luminaires, control gear cubicles and associated cabling and conduits are included in the scope of works for lighting that will form part of a separate contract.

Project Scope – Lighting

The scope of works comprises the supply and installation of lighting and a lighting control system to Brunswick Oval and includes:

- Installation of a new Floodlight Distribution Board on the West of the oval
- New cabling from the distribution boards to the poles
- Lighting to AS 2560.2.3 “Semi-professional - competition” (200 lux)
- Obtrusive light limited to AS/NZS 4282 Zone A3 “Medium district brightness”

- Design and Documentation, including geotechnical investigation and report
- Four new 33 m poles with new concrete footings
- New LED driver cubicles at each pole
- Ten 1.2 kW LED floodlights on each pole
- Halytech control system
- Information above is provided in **Attachment 2** Light Pole Location and **Attachment 3** Lighting Design.

Opinion of Probable Costs

The Opinion of Probable Costs (OPC) are provided in **Attachment 4** and **Attachment 5** Opinion of Probable Cost. The OPC for power is an estimated total cost of \$596,600 and the OPC for lighting is an estimated total cost of \$750,420. Both OPCs have included a regional variation rate and have excluded GST. Based on the total project cost of \$1,347,020 a funding model has been developed in consultation with clubs and associations.

Funding Model

The following funding model is proposed to progress this project and support the grant application.

CSRFF Grant Application	\$550,000
Shire of Harvey	\$500,000
Harvey Brunswick Leschenault Football Club/User groups	\$177,020
Alcoa/WAFC/other	\$120,000
TOTAL EST. PROJECT COST	\$1,347,020

Not included in this funding model above, are operational costs the Shire incurred during 2021 – 2022 to prepare the site and specifications ready for grant application. This has included geotechnical and site investigations, surveyor fees and the preparation and transfer of a small parcel of land (presented to Council as part of a separate report). The total cost to the Shire in preparation of this project has been approximately \$82,000.

Service Continuity

Due to the nature of work required to be conducted it is imperative that at no time there is access permitted onto the playing field service including an additional two metre offset. This includes Shire Officers conducting routine maintenance and ground works.

The works are proposed to be conducted in a small window at the completion of the football season and prior the Brunswick Agricultural Show requiring access to the area. Alternatively, works can be conducted after the annual Brunswick Agricultural Show and prior to the commencement of the next AFL season.

The Shire supported user groups of Brunswick Oval with temporary lighting for the 2021 Brunswick Agricultural Show. It will be necessary for the Shire to also procure temporary lighting for the remainder of the current AFL season 2022 and the 2022 Brunswick Agricultural Show, until the power and lighting

upgrade can be completed. The annual anticipated cost of this temporary service provision is approximately \$40,000.

Discussion

There is an increased demand for sports to be played at the Brunswick Oval, being driven by increasing population growth in the Shire and the pending issue that the closest playing fields at the Leschenault Recreation Park (LRP) are already at carrying capacity. The provision of lighting will be required to support current and future increased utilisation for night training and games. Noting there is currently three-night training sessions and one night game that are already significantly impacted.

The annual Brunswick Agricultural Show and community groups such as the Men's Shed and the Lions hold occasional events in the evening that require suitable lighting. Suitable lighting provides additional opportunities for more and diverse events to be held in this location in the future that supports the Shire's Tourism RoadMap 2031.

The BRG is also a designated Emergency Evacuation Centre with the Brunswick Oval providing opportunities as a Helipad. The Shire currently uses this facility for day use in its mosquito management program however it is identified that lighting of a helipad to standards is required for night-time helicopter landings and day use with low light and poor weather conditions

The report includes a lux level of lighting of 200 lux. Consultation with the WA Football Commission (WAFC) and the HBLFC confirmed that this would be an appropriate specification if further developments would progress.

Statutory/Policy Environment

Work Health and Safety Act 2020

Occupational Safety and Health Regulations 1996

Building Act 2011

Building Regulations 2012

Strategic Framework

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

- | | |
|----------------------|--|
| <i>Goal 2:</i> | <i>A safe, accessible and connected community where everyone has the opportunity to contribute and belong.</i> |
| <i>Objective 2.7</i> | <i>An active and healthy community.</i> |
| <i>Goal 4:</i> | <i>A liveable, sustainable and well-designed built environment that is accessible to all.</i> |
| <i>Objective 4.5</i> | <i>Shire buildings, gardens and grounds are fit for purpose and well maintained.</i> |

Community Engagement

Community Participation Goal

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

Promise to the Community

Involve: We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The Consequence could be **Reputational** and **Financial** should Council not adopt the recommendation to support the proposed Community Sporting and Recreation Facility Fund application. The risk is considered is considered **Minor** and the likelihood **Unlikely**, given that the report has been thoroughly researched, resulting in a **Low** Risk being present.

Budget Implications

The Shire's Forward Capital Works Plan 2021 – 2025 nominated \$300,000 to support this project. It is proposed that this amount is increased to \$500,000 and that Council notes the following proposed changes to the Forward Capital Works Plan 2022 – 2026 to accommodate:

- B23.25 Entry Statement \$50k be moved to Year 3
- B22.39 BRG Lighting & *Power Upgrade* \$1,000,000 be increased to \$1,300,000 (increase Shire of Harvey contribution from \$150k to \$500k)
- B23.24 Universal Access Toilets \$300k be moved to Year 3

The Shire's Annual Budget 2021 – 2022 allocated a total of \$82,000 to prepare the project.

The Shire's Annual Budget 2022 – 2023 to also include an allocation of \$40,000 to provide temporary lighting to the Brunswick Oval until the power and lighting upgrade can be completed.

Authority/Discretion

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

Voting Requirements

Simple Majority.

Officer's Recommendation

That Council endorses the Chief Executive Officer to submit a Community Sporting and Recreation Facility Fund application for power and lighting upgrades at the Brunswick Recreation Ground.

Item No.	5.5.2.
Subject:	Request to Waive Fees – The Boundary Rooms Inc. Harvey
Proponent:	Shire of Harvey
Location:	Harvey
Reporting Officer:	Coordinator HRCC
Authorising Officer:	Director Community and Lifestyle
File No.:	21/00990
Attachments:	1. Letter from Boundary to SoH [5.5.2.1 - 1 page]

Summary

A request has been received from The Boundary Rooms Inc. for the annual fee to be reduced for financial year (FY) 2021 – 2022 and waived for future years (refer **Attachment 1**). Council has previously delegated the authority to waive fees and charges to the Chief Executive Officer where they relate to a not-for-profit organisation or for community grants. This has however been referred to Council as the request is for more than one year.

It is recommended Option 3 below, be approved, and the fees adjusted as written.

Background

A Memorandum of Understanding (MOU) was signed on 1 July 2021 between the Shire of Harvey and The Boundary Rooms Inc. (The Boundary Inc.). It was agreed that a fee of \$5,000 per year was to be paid by The Boundary Inc. to the Shire of Harvey for the ongoing use by clubs of The Boundary facility located at the Harvey Recreation Ground (HRG). The Boundary Inc. represents the following clubs: Harvey Bengier Cricket Club, Harvey Hockey Club, Harvey Walking Group, TSKF Karate and Harvey Cycling Group.

The Boundary Inc. have formally requested the fee is waived as per **Attachment 1**.

Comment

It was the intent of The Boundary Inc. to pay the full amount of the fee, with fundraising efforts conducted throughout the year. However, The Boundary Inc. encountered some challenges in raising the full amount assigned in the MOU.

The smaller clubs that were signatories of The Boundary Inc. have disbanded during the year, in part due to the global Covid-19 pandemic. It was thought that the Harvey Hawks Football Club would join The Boundary Inc. on relocation to the HRG as they would also require use of the facility however, the ongoing drainage project and works to the oval has deferred their relocation for some time.

The Harvey Bengier Cricket Club has therefore been the sole user of the facility and contributor to the \$1,862 raised towards the \$5,000 annual fee.

In consultation with The Boundary Inc., Officers have presented four possible options for Council to consider, of which Option 3 is the preferred option.

Option 1: The Boundary Rooms Inc. should pay the full fee for FY 2021 – 2022 as per the MOU.

Option 2: A partial waiver of fees for FY 2021 – 2022 fee to \$1,862, and a full fee waiver for FY 2022 – 2023.

Option 3: A partial waiver of fees FY 2021 – 2022 fee to \$1,862 and a full fee waiver of future fees until the effects of the Covid-19 pandemic ease, drainage and oval works are complete and the Harvey

Hawks Football Club have relocated to the HRG.

Option 4: A full fee waiver for current and future years.

Option 3 is the preferred option. This option acknowledges the challenges that user groups face whilst respecting the contributions required to support extensive works to maintain facilities for future use.

It is acknowledged that The Boundary Inc. will need to review and amend its constitution, in relation to membership, with a reviewed MOU to be signed between the Shire and The Boundary Inc. in due course.

Statutory/Policy Environment

Nil.

Strategic Framework

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

Goal 2: A safe, accessible and connected community where everyone has the opportunity to contribute and belong.
Objective 2.3 Active and resilient community groups and volunteers.

Community Engagement

Community Participation Goal

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

Promise to the Community

Involve: We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.

Risk Management

The Risk Theme Profile identified as part of this report is **Ineffective Management of Facilities/Venues/Events**. The Consequence could be **Reputational** if the fees are not waived. The risk is considered **Minor** and the likelihood **Likely**. This results in a **Moderate** risk being present.

Budget Implications

Option 1: No budget implications.

Option 2: Budget deficit of \$3,183 for FY 2021 – 2022 and \$5,000 for FY 2022 – 2023

Option 3: Budget deficit of \$3,183 for FY 2021 – 2022 and \$5,000 for each ongoing FY year until works are completed and user groups can relocate to the HRG and start using The Boundary.

Option 4: Budget deficit of \$5,000 for the current FY.

Authority/Discretion

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Receives the request from The Boundary Rooms Inc. for a partial waiver of fees as per **Attachment 1**.
2. Endorses Option 3 for a partial fee waiver for 2021 – 2022 and future fee waivers for future years.
3. Authorises the CEO to negotiate and sign a new MOU between the Shire and the Boundary Inc.

Item No.	5.5.3.
Subject:	Library Vision 2022 – 2032
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Branch Librarian
Authorising Officer:	Director Community and Lifestyle
File No.:	B000367
Attachments:	<ol style="list-style-type: none"> 1. Library Vision Report [5.5.3.1 - 32 pages] 2. Library Consultation Report [5.5.3.2 - 29 pages]

Summary

This report recommends that Council adopts the Library Vision 2022 – 2032 (Library Vision 2032) refer **Attachment 1**.

The purpose of the Library Vision 2032 is to inform, influence and drive future planning and priorities of the Shire's library services to ensure implementation in the short term aligns with where we want to be in the long term. The report outlines the library vision, mission, guiding principles, strategic goals and actions that will guide library services planning and priorities for the next 10 years.

Background

At the Ordinary Council Meeting of 27 July 2021, Council endorsed the Shire's Corporate Business Plan 2021 – 2025 which directs Officers to finalise and promote the Vision of Libraries in the Shire of Harvey.

Library Vision 2032 is the first library strategy for the Shire. It was developed using the following methodology namely:

- Background research
- Community and stakeholder consultation
- Analysis and report development
- Feedback and review with final report submitted to Council for endorsement.

In March 2022, library officers undertook a range of community engagement activities to inform the development of the report. This included a community survey, community pop-ups and feedback from Library Advisory Group members. Approximately 290 people completed the survey. The high participation numbers highlighted the value community members place on their libraries. The consultation findings and analysis that informed the development of this report are provided in **Attachment 2**.

Comment

Library Vision 2032 identifies five strategic goals and thirteen actions that will drive the library vision and mission:

Goal 1 Connection and Inclusion:

- Develop and deliver relevant and dynamic library program activities and events.
- Provide meaningful spaces that encourages community to connect, create, collaborate, read

and relax.

- Be a place that fosters and celebrates cultural diversity.

Goal 2 Literacy and Learning:

- Deliver targeted dynamic programs that enhance literacy and life-long learning.
- Ensure no one is left behind in the digital world.

Goal 3 Infrastructure and Workforce:

- Support plans for new libraries in Australind and Harvey precincts.
- Continue to support, upskill, train and provide professional development for staff.

Goal 4 Consult and Collaborate:

- Be an active collaborator and partner in library affairs at local level.
- Be an active partner in the South West Library Consortia.
- Be an active partner in library affairs at state level.
- Consult and engage community when developing library program and services.
- Build a sustainable library volunteer program

Goal 5 Accountable and Sustainable:

- Commit to good governance to ensure we remain accountable and sustainable.

These goals and actions will ensure we continue to empower, inspire and connect and many people to literacy, learning, skills, creativity and experiences beyond books. Furthermore, it supports the Shire's Strategic Community Plan, Strategic Direction 2: Connected Communities.

As we implement actions, evaluation of our performance and progress will be reported to Council and community quarterly and annually.

Statutory/Policy Environment

Library Board Act 1955

Strategic Framework

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

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

Community Engagement

Community Participation Goal

Collaborate: To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution

Promise to the Community

Collaborate: We will work together with you to formulate solutions and incorporate your advice and recommendations into the decisions

Risk Management

The Risk Theme Profile identified as part of this report is **Inadequate Engagement Practices**. The Consequence could be **Reputational** if the Shire does not adequately involve and engage with the community and stakeholders. This risk is mitigated by the engagement of Library Advisory Group and thorough consultation process undertaken to develop this Report. The Risk Consequent is considered **Minor** and the likelihood **Unlikely** resulting in a **Low** level of Risk

Budget Implications

Nil.

Authority/Discretion

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Adopts the Library Vision 2022 – 2032 as per **Attachment 1**.
2. Receives the Library Consultation Report as per **Attachment 2**.

Item No.	5.5.4.
Subject:	Community Grants Program
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Place
Authorising Officer:	Director Community and Lifestyle
File No.:	F/M/B/003
Attachments:	Nil

Summary

The Shire of Harvey Grant Funding Program aims to acknowledge and strengthen the valuable contribution that community groups and organisations make towards the Shire being a vibrant, inclusive and connected community.

This year, the Program received 30 funding submissions across six grant categories. This report recommends that Council considers these applications as part of the Shire's Annual Budget 2022 – 2023.

Background

At the Ordinary Council Meeting of 22 March 2022, Council endorsed a review of the Shire's grant funding program to include funding across six grant categories including:

- Community Support Grant – funding for projects that build the capacity and wellbeing of the Shire of Harvey community.
- Placemaking Grant – funding for community-led initiatives that make a positive contribution to the physical character, amenity, or activation of a community.
- Infrastructure Grant – funding to upgrade, extend or construct well planned community and recreation facilities.
- Arts, Culture and Heritage Grant – funding to support projects that provide opportunities to participate in arts, culture, or heritage.
- Community Events Grant – funding to support events run by and for the local community.
- Partnership Agreement – funding to achieve longer term community development outcomes through strategic partnerships.

In line with previous years, the 2022 – 2023 funding round was advertised in local papers, on the Shire's social media and website platforms and through direct communication with community groups. Applications closed on 26 April 2022 and 30 applications were received.

Each of the applications received has been reviewed and assessed by a panel of Shire Officers in order to determine the recommendation contained in this report.

Comment

A summary of the grant applications received for each grant category is outlined below. All amounts are exclusive of GST.

The applications received from the newly formed Harvey Artists Co-Op will be considered at a later date pending the outcome of the Harvey Visitors Centre Expression of Interest process.

The Panel accepted some late applications from community groups this year who were impacted by Covid and unable to meet submission timeframes.

All applications presented meet the criteria as outlined in the Community Guidelines.

The total amount available across all categories is \$450,000. Two of the six categories are undersubscribed. A Community Facilities Reserve is requested to be established for unspent funds to support the upgrade and improvement of the Shire's community infrastructure in line with the Forward Capital Works Plan and asset management priorities.

Community Support Grant

This grant category provides funding to community groups for projects and that build community resilience and support a safe, accessible, and connected community where everyone has the opportunity to contribute and belong. There are two funding streams within this category:

- Stream 1 (not to be considered at this time): Funding up to \$1,000 open all year until a total funding pool of \$10,000 has been exhausted.
- Stream 2 (to be considered at this time): Funding up to \$5,000. Total funding pool is \$40,000.

Submissions:

Group or Organisation	Project	Request	Recommendation
Roelands Village	Follow the Flowers	\$5,000	\$5,000
Rotary Club of Harvey	Harvey Gala Night	\$4,500	\$4,500
St Pauls Harvey	Youth Program Storage	\$5,000	\$5,000
Valued Lives	Employment Peer Support	\$5,000	\$5,000
YouthCare	Chaplaincy Service	\$5,000	\$5,000
Totals		\$24,500	\$24,500

Placemaking Grant

This grant category supports the principles of placemaking to inspire communities to collectively reimagine and reinvent public spaces as the heart of every community. This category provides funding up to \$2,000 and has a total funding pool of \$20,000.

Group or Organisation	Project	Request	Recommendation
Brunswick CRC (Brunswick Town Team)	River Walk	\$1,500	\$1,500
Yarloop CRC	Yahoo in Yarloop	\$1,775	\$1,775
Totals		\$3,275	\$3,275

Infrastructure Grant

This grant category provides funding to local not-for-profit community groups or organisations to upgrade, extend or construct well planned sport, recreation and community facilities that contribute to a vibrant, inclusive and healthy Shire. Submissions up to \$50,000 will be accepted, with a total funding pool of \$100,000.

Submissions:

Group or Organisation	Project	Request	Recommendation
Australind Senior Citizens	Solar Panels	\$6,474	\$6,474
Brunswick Agricultural Society	Alan Evans Selling Complex	\$20,074	\$10,037
Harvey Community Radio	Community Precinct Transition	\$50,000	\$48,000
Harvey CRC	Outdoor Multipurpose Area	\$15,363	\$15,363
Lions Club of Brunswick	Lions Nursery Airflow	\$4,656	\$2,326
St John Ambulance Harvey	Needs Assessment and Masterplan	\$24,000	\$16,000
Totals		\$120,567	\$98,200

Submissions received exceed the total funding pool. As such, it is recommended that:

- Brunswick Agricultural Society and Lions Club of Brunswick be awarded 50% of the funding requested in line with grant requirement that the applicant must contribute at least 50% of the total project cost from either the applicant's organisation, other sources of funding or in-kind support.
- St John Ambulance Harvey receive funding for Stage 1 of the proposed project schedule.
- The total funding allocated to Harvey Community Radio is reduced to \$48,000 in order to provide a sufficient level of funding for the project but to not exceed the total funding pool.

Arts, Culture and Heritage Grant

This grant category provides funding to support arts, culture and heritage projects that contribute to a vibrant, diverse and engaged community. Submissions up to \$5,000 will be accepted, with a total funding pool of \$30,000.

Submissions:

Group or Organisation	Project	Request	Recommendation
Harvey Aboriginal Corporation	Cultural Tour Video	\$5,000	\$5,000
Harvey Historical Society	Operation of Museum	\$3,506	\$3,506
Valued Lives	Tiny Door Art Trail	\$5,000	\$5,000
Totals		\$13,506	\$13,506

Community Events Grant

This grant provides funds to assist community groups and organisation to conduct community based events that encourage participation and add vibrancy to the area. Submissions up to \$5,000 will be accepted, with a total funding pool of \$50,000.

Submissions:

Group or Organisation	Project	Request	Recommendation
Australind Baptist Church	Family Christmas Carols	\$5,000	\$5,000
Brunswick Slot Cars	National Championships	\$5,000	\$5,000
Harvey Lions Club	Lions Convention	\$5,000	\$5,000
Leschenault Progress Association	Leschenault Community Day	\$1,371	\$1,371

South West Opera Company	Gibbs Pool Concert	\$5,000	\$5,000
Total		\$21,371	\$21,371

Partnership Agreement

The purpose of the Partnership Agreement is to support the operating capacity of not-for-profit community groups and organisations to deliver activities, programs and services to the local community over a five-year agreement term.

Each group or organisation that enters into an agreement with the Shire will be required to report against key performance indicators which will be developed in partnership with the Shire. The outcomes of these key performance indicators will relate the Shire's Strategic Community Plan, the grant objectives and the evaluation criteria outlined below. These reports will be communicated to community and Council via quarterly and annual reporting.

There will also be a requirement for a community group or organisation that receives funding under a Partnership Agreement to maintain regular contact with Shire Officers as well as arrange and attend quarterly progress meetings which will form part of the reporting process.

The total funding pool is \$200,000.

Group or Organisation	Project	Request	Recommendation
Brunswick CRC	Youth Program and Community Library	\$31,711.62	\$30,000
BREC	Regional Entertainment Program	\$20,000	\$20,000
Harvey Community Radio	Operating Costs	\$12,000	\$10,000
Harvey CRC	Service Provision	\$44,719	\$30,000
Harvey Mainstreet	Harvey Harvest Festival	\$21,000	\$21,000
Lot 208	Youth Program	\$85,000	\$80,000
South West Academy of Sport	Support Program	\$9,000	\$9,000
Total		\$223,430.62	\$200,000

Submissions received exceed the total funding pool. As such it is recommended that:

- Brunswick and Harvey CRC receive the same level of funding in order to maintain equity of financial support.
- Harvey Community Radio receive a \$10,000 in order to maintain current levels of funding.
- The total funding allocated to Lot 208 is reduced to \$80,000 in order to provide a sufficient level of funding for the project but to not exceed the total funding pool.

Statutory/Policy Environment

Section 6.2 of the *Local Government Act 1995* prescribes preparation of an annual budget.

Strategic Framework

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

Goal 2: A safe, accessible and connected community where everyone has the opportunity to contribute and belong.

Objective 2.1 To support people through all stages of life.

Objective 2.3 Active and resilient community groups and volunteers.

Community Engagement

Community Participation Goal

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

Promise to the Community

Inform: We will keep you informed.

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The consequence could be **Reputational** and **Financial** should Council not adopt the recommendation to support the grant applications. The consequence rating is considered **Minor** and the likelihood **Unlikely**, therefore it is deemed that there is a Low risk present.

Budget Implications

This report recommends total expenditure of \$360,852 to be paid from Municipal Funds in the 2022 – 2023 draft Budget.

Authority/Discretion

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council lists for consideration of funding in its 2022 – 2023 draft Budget the following allocations:

1. Community Support Grant

Group or Organisation	Project	Recommendation
Roelands Village	Follow the Flowers	\$5,000
Rotary Club of Harvey	Harvey Gala Night	\$4,500
St Pauls Harvey	Youth Program Storage	\$5,000
Valued Lives	Employment Peer Support	\$5,000
YouthCare	Chaplaincy Service	\$5,000
Total		\$24,500

2. Placemaking Grant

Group or Organisation	Project	Recommendation
Brunswick CRC (Brunswick Town Team)	River Walk	\$1,500

Yarloop CRC	Yahoo in Yarloop	\$1,775
Total		\$3,275

3. Infrastructure Grant

Group or Organisation	Project	Recommendation
Australind Senior Citizens	Solar Panels	\$6,474
Brunswick Agricultural Society	Alan Evans Selling Complex	\$10,037
Harvey Community Radio	Community Precinct Transition	\$48,000
Harvey CRC	Outdoor Multipurpose Area	\$15,363
Lions Club of Brunswick	Lions Nursery Airflow	\$2,326
St John Ambulance Harvey	Needs Assessment and Masterplan	\$16,000
Total		\$98,200

4. Art, Culture and Heritage Grant

Group or Organisation	Project	Recommendation
Harvey Aboriginal Corporation	Cultural Tour Video	\$5,000
Harvey Historical Society	Operation of Museum	\$3,506
Valued Lives	Tiny Door Art Trail	\$5,000
Total		\$13,506

5. Community Events Grants

Group or Organisation	Project	Recommendation
Australind Baptist Church	Family Christmas Carols	\$5,000
Brunswick Slot Cars	National Championships	\$5,000
Harvey Lions Club	Lions Convention	\$5,000
Leschenault Progress Association	Leschenault Community Day	\$1,371
South West Opera Company	Gibbs Pool Concert	\$5,000
Total		\$21,371

6. Partnership Agreement

Group or Organisation	Project	Recommendation
Brunswick CRC	Youth Program and Community Library	\$30,000
BREC	Regional Entertainment Program	\$20,000
Harvey Community Radio	Operating Costs	\$10,000
Harvey CRC	Service Provision	\$30,000
Harvey Mainstreet	Harvey Harvest Festival	\$21,000
Lot 208	Youth Program	\$80,000
South West Academy of Sport	Support Program	\$9,000
Total		\$200,000

Item No.	5.5.5.
Subject:	Brunswick Place Plan
Proponent:	Shire of Harvey
Location:	Brunswick Junction
Reporting Officer:	Manager Place
Authorising Officer:	Director Community and Lifestyle
File No.:	B000413
Attachments:	<ol style="list-style-type: none"> 1. Brunswick Junction Place Plan [5.5.5.1 - 24 pages] 2. Brunswick Junction Place Plan Engagement Outcomes Report [5.5.5.2 - 19 pages]

Summary

This report presents the draft Brunswick Junction Place Plan and recommends that Council endorses the Plan as per **Attachment 1**.

Background

Action 4.3.2 of the Shire of Harvey's Corporate Business Plan 2021 – 2025 is to design and develop Place Plans that outline strategies to deliver community outcomes in each locality. The Brunswick Junction Place Plan is the first in a series of place plans which will be developed across the Shire as part of this overarching place-based approach.

A place-based approach means working with communities to better understand and respond to localised priorities and aspirations. Along with other informing strategies, these Place Plans will help to define and harness each place's identity, creative activation, improve connectivity and manage spaces.

Comment

The Brunswick Junction Place Plan proposes that by having a shared vision and working together on a range of actions, community, stakeholders and the Shire can leverage collective resources to achieve stronger outcomes.

In developing the Plan, the Shire engaged the services of the Town Team Movement, who together with Shire Officers, designed an inclusive and meaningful engagement process in collaboration with businesses, community organisations and residents. The engagement aimed to bring together community champions to feel more empowered and socially connected and to better understand from community how to create an even better Brunswick Junction. The outcomes of this engagement process are outlined in the Brunswick Junction Place Plan Engagement Outcomes Report as per **Attachment 2**.

The Plan defines a community-lead vision and builds a roadmap to achieving that vision through a list of actions and placemaking tools. The Action List includes the role that the Shire will play in delivering each action and a measure of each action in terms of resource allocations.

The Plan outlines four focus areas which are aligned with the Project for Public Space's (PPS) principles for what makes a successful place.

Focus Area: Identity

- This focus area is aligned to the PPS principle of comfort and image where the presentation of a place determines a person's perception.

Focus Area: Activation

- This focus area is aligned to the PPS principle of sociability, where people are engaged in activities in a place.

Focus Area: Connectivity

- This focus area is aligned with the PPS principle of access and linkages, where a place is judged by its accessibility and connectiveness.

Focus Area: Spaces

- This focus area is aligned with the PPS principle of uses and activities, where spaces are needed to entice and invite community participation.

Outcomes of the Plan will be reported to the Brunswick and Surrounding Areas Advisory Group, the newly formed Brunswick Junction Town Team, and reported to Council in quarterly and annual reports.

Statutory/Policy Environment

Nil.

Strategic Framework

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

<i>Goal 2:</i>	<i>A safe, accessible and connected community where everyone has the opportunity to contribute and belong.</i>
<i>Objective 2.1</i>	<i>To support people through all stages of life.</i>
<i>Objective 2.3</i>	<i>Active and resilient community groups and volunteers.</i>
<i>Objective 2.6</i>	<i>The creative talent and cultural diversity of the community is recognised, supported and celebrated.</i>
<i>Objective 2.7</i>	<i>An active and healthy community.</i>
<i>Goal 4:</i>	<i>A liveable, sustainable and well-designed built environment that is accessible to all.</i>
<i>Objective 4.4</i>	<i>Places with current or potential heritage or cultural significance are protected and preserved for future generations.</i>
<i>Objective 4.5</i>	<i>Shire buildings, gardens and grounds are fit for purpose and well maintained.</i>
<i>Goal 5:</i>	<i>A representative leadership that is future thinking, transparent and accountable.</i>
<i>Objective 5.2</i>	<i>Build partnerships and work collaboratively to amplify the outcomes that can be achieved.</i>
<i>Objective 5.6</i>	<i>A customer centred approach to everything we do.</i>

Community Engagement**Community Participation Goal**

Collaborate: To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.

Promise to the Community

Collaborate: We will work together with you to formulate solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.

Risk Management

The Risk Theme Profile identified as part of this report is **Inadequate Engagement Practices**. The Consequence could be **Reputational** if the Shire does not adequately collaborate with the community and stakeholders. This risk is mitigated by an inclusive engagement design and thorough consultation process undertaken to develop the Plan. The Risk Consequence is considered to be **Minor** and the likelihood **Possible** resulting in a **Moderate** level of risk.

Budget Implications

Funding for projects listed in the Plan where the Shire has a lead role are operational and will be nominated through the Shire's 2022 – 2023 draft Budget for Council's consideration. Some projects may be subject to external grant applications.

Authority/Discretion

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Adopts the Brunswick Junction Place Plan as per **Attachment 1**.
2. Receives the Brunswick Junction Place Plan Engagement Outcomes Report as per **Attachment 2**.

6. Notice of Motion for Following Meeting

7. Matters Behind Closed Doors

7.1 Infrastructure Services

7.1.1 Application for Exemption to Keep More than the Prescribed Number of Dogs

Reason for Confidentiality as per the *Local Government Act 1995* s.5.23(2)(e):

- i.) “A matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government.”

Item No.	7.1.1.
Subject:	Application for Exemption to Keep More than the Prescribed Number of Dogs
Proponent:	Shire of Harvey
Location:	REDACTED
Reporting Officer:	Manager Waste and Safety Services
Authorising Officer:	Director Infrastructure Services
File No.:	A12271
Attachments:	<ol style="list-style-type: none"> 1. Confidential Attachment 1 [7.1.1.1 - 2 pages] 2. Confidential Attachment 2 [7.1.1.2 - 7 pages] 3. Confidential Attachment 3 [7.1.1.3 - 11 pages]

Summary

An application for an exemption to keep more than the prescribed number of dogs has been received and Officers have assessed the proposal. It is recommended that Council refuses the application for the reasons outlined in the Confidential Report.

Background

In December 2021, the Shire received a complaint regarding the number of existing dogs at the property prescribed in the Confidential Report. Rangers subsequently investigated the complaint and found nine unregistered dogs at the address.

Rangers advised the owner that in accordance with the *Dog Act 1976* it was a requirement that all dogs within the Shire be registered and that only two dogs over the age of three months can be kept within a property without an exemption to keep additional dogs. Rangers further advised the owner that in accordance with the Shire's Dog Local Law 2017, a maximum of six dogs can be applied for.

As a result, the owner of the property, applied for an exemption to keep more than the prescribed number of dogs and subsequently reduced the number of dogs at the property from nine to six and registered the six dogs (refer table in Confidential Report).

The property is zoned Special Residential and provides sufficient area for six dogs of the size and breed nominated.

Consultation

The surrounding property owners were consulted regarding the application and at the conclusion of the consultation period, four property owners objected to the proposal (refer **Confidential Attachment 1**), with an additional objection from a neighbour in close proximity.

Five objections were received.

- Two of the objections were received from the owners of the adjacent property.
- Three objections were received from property owners from across the road and behind the property (refer **Confidential Attachment 2**).

Comment

The current application was considered and reviewed based on the following:

- Feedback received
- Suitability of the property to contain the number of dogs
- History of complaints received
- Welfare of the dogs including:
 - Provisions of shade/water
 - Property fences
 - General condition of dogs
 - Cleanliness of property
 - Size of property.

Details of the assessment are outlined in the table in the Confidential Report (refer photos **Confidential Attachment 3**).

Determining the application

This application has been considered and reviewed in line with the general indicia established by the State Administrative Tribunal (Tribunal):

- Attributes of the dogs, such as their breed, size, nature whether de-sexed and any history of complaints
- The size, location and zoning of the premises at which the dogs are housed
- The conditions of the dogs' accommodation, for example the standard of fencing shade, security, cleanliness and factors that may affect their welfare
- Other factors such as aggregation of dogs in the same area, the Applicant's experience in and methods of handling dogs and motivation in obtaining more than the prescribed number of dogs.

If the local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of *Dog Act 1976* relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises.

Agenda Briefing Tuesday 17 May 2022

A previous confidential item on an Application for Exemption to Keep more than the Prescribed Number of Dogs at the same property was discussed at the above meeting.

Ordinary Council Meeting Tuesday 24 May 2022

At this meeting, after reviewing discussion from the Agenda Briefing held on Tuesday 17 May 2022, on the Application for Exemption to Keep more than the Prescribed Number of Dogs at this property Council resolved that:

'This Agenda Item has been moved to be considered at the Ordinary Council Meeting Tuesday, 28 June 2022, to allow Officers to investigate the matter in more depth.'

Planning comments

Officers have reviewed the application for an exemption to keep more than the prescribed number of dogs at the property and considered the application given its commercial nature.

Officers consider that the nature of the proposal would be classified as "Dog Kennels" under the Shire of Harvey's District Planning Scheme No. 1 and would require therefore Development Approval.

However, as the subject site is located within a Special Residential zone and "Dog Kennels" is not a permitted use within this zone, should a development application for "Dog Kennels" be submitted, Application this would be refused by the Shire's administration.

The proposal is therefore considered to be a Kennel Establishment and the exemption under Section 26 (3) *Dog Act 1976* is not applicable and cannot be granted.

Statutory/Policy Environment

Dog Act 1976 – Section 26. Controls the number of dogs permitted. Section 26 (3) allows the Local Government to grant an exemption in respect of a limit on the keeping of dogs in any specified area. If local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances.

Policy 2.3.15 – More than the Prescribed Number of Dogs

Strategic Framework

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

Goal 2: A safe, accessible and connected community where everyone has the opportunity to contribute and belong.
Objective 2.2 Create a community where people are safe.

Community Engagement**Community Participation Goal**

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

Correspondence was sent to direct neighbouring properties advising of an application in their area.

Promise to the Community

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

Any comments received regarding the application are advised of the outcome of the application.

Risk Management

The Risk Theme Profile identified as part of this report is **Inadequate Environment Management** (considered the neighbourhood environment). The Consequence would be **Environment** if there are any justified complaints received due to a third dog being located at the premises. The Consequence rating is considered **Moderate** and the Likelihood as **Possible**, giving a **Moderate** rating.

Budget Implications

Application fee of \$90 to keep more than the prescribed number of dogs.

Authority/Discretion

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

Voting Requirements

Simple Majority.

8. Closure of Meeting