



SHIRE OF
HARVEY



Ordinary Council Meeting **Agenda**

Harvey Council Chamber

Tuesday, 25 February 2025

5PM

Shire of Harvey
Ordinary Council Meeting

Dear Councillor,

Notice is hereby given that the next meeting of the Harvey Shire Council will be held in the Harvey Council Chamber, Young Street, Harvey, on Tuesday, 25 February 2025 commencing at 5pm.

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

Yours faithfully,



Annie Riordan
Chief Executive Officer

21 February 2025.

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1. Official Opening

Disclaimer

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

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

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

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

Acknowledgement of Country

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

2. Record of Apologies and Leave of Absence

3. Applications for Leave of Absence

4. Declarations of Members' and Officers' Personal Interest

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

6. Response to Previous Questions Taken on Notice

7. Public Question Time

8. Petitions/Deputations/Presentations

9. Announcements by Presiding Members or CEO Without Discussion

10. Confirmation of Minutes

Ordinary Council Meeting – Tuesday 28 January 2025.

Recommendation

That the Minutes of the Council Meeting held on Tuesday 28 January 2025, as printed be confirmed as a true and correct record.

11. Receipt of Minutes and Recommendations from Committees

Nil.

12. Officer's Reports

12.1. Chief Executive Officer

Item No.:	12.1.1.
Subject:	Local Government Election 2025
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Coordinator Governance and Reporting
Authorising Officer:	Chief Executive Officer
File No.:	C089/00002
Attachments:	<ol style="list-style-type: none"> 1. Cost Estimate [12.1.1.1 - 3 pages] 2. Ordinary Election Process [12.1.1.2 - 1 page] 3. Written Agreement [12.1.1.3 - 1 page]

Summary

The Western Australian Electoral Commission (WAEC) has advised the Shire of Harvey (Shire) that the next Ordinary Local Government Election (the Election) will be held on Saturday, 18 October 2025.

It is recommended that Council declares the Electoral Commissioner to be responsible for the conduct of the 2025 Election and to decide the method of conducting the Election to be postal.

Background

Under the *Local Government Act 1995* (the Act), Ordinary Local Government Elections are held every two years on the third Saturday in October, with Council members elected for a term of up to four years.

A Returning Officer runs each local government election which by default is the Chief Executive Officer (CEO) of the local government. Council may, with the approval of the WAEC, appoint another person to be the Returning Officer. Common alternatives to the CEO are another staff member of the same local government, a CEO from another local government, the Electoral Commissioner or any other person approved by the Electoral Commissioner.

Each local government can choose to conduct an election as either a voting in-person election or as a postal voting election. If a postal election is selected, then the Electoral Commissioner will conduct the election and appoint a returning officer.

Comment

Historically, the Shire has decided to conduct postal voting Elections. This method of voting may offer the following advantages:

- Increased accessibility – Postal voting makes it easier to vote, especially those who may have difficulty getting to a polling place including people who live far from polling stations, have disabilities, are travelling, or have work or family commitments.
- Higher voter turnout – By making voting more convenient, postal voting can lead to increased participation in local elections resulting in a more representative outcome and a stronger local democracy.
- Greater flexibility – Postal voting allows people to vote at their own pace and in the comfort of their own homes. This can be particularly helpful for people who need more time to consider

their options or who find the polling place environment stressful.

- Reduced costs – Postal voting can be more cost-effective than traditional polling places, as it can reduce the need for staff and infrastructure.

The Electoral Commissioner must conduct the postal voting elections and appoint a returning officer. The 2023 Election had a turnout rate of 25.63% for election of the Shire President, and 27.21% for the election of vacant Councillor positions.

At the Ordinary Council Meeting held Tuesday, 22 October 2024, Council unanimously made the decision to support the advocacy position of the Western Australian Local Government Association that the sector supports the option to hold general elections through postal voting.

On Thursday, 12 December 2024, the Electoral Commissioner provided the Shire a cost estimate for WAEC to conduct the next Election should the Shire proceed with making a declaration in accordance with Section 4.20(4) of the Act (**Attachment 1**).

WAEC has estimated the cost of a postal Election to be approximately \$119,768 excluding GST based on the following assumptions:

- The method of election will be postal
- Five Councillor vacancies
- 22,100 electors
- Response rate of approximately 30%
- Appointment of a local Returning Officer
- Count to be conducted at the Shire office using Count WA.

Although the WAEC estimate is based on five Councillor vacancies, the Shire will only have four ordinary vacancies in line with the Council Election Transition Arrangements resulting in the following composition of Council:

- One Shire President with a term ending in October 2027
- Four Councillors with a term ending in October 2027
- Four Councillors with a term ending in October 2029.

WAEC has acknowledged the delay in results for the 2023 Election and stated improvements in count processes were demonstrated in extraordinary elections held during 2024 that achieved quicker results whilst still retaining accuracy and integrity.

On Wednesday, 16 December 2024, the CEO advised WAEC of the intention to present the cost estimate to Council, accompanied by a Written Agreement from the Electoral Commissioner to conduct the Election.

On Thursday, 9 January 2025, the Electoral Commissioner provided a Written Agreement to be responsible for the conduct of the 2025 Election for the Shire which requires an absolute majority (**Attachment 2**).

WAEC has provided the Local Government Ordinary Election Process designed to assist Council on expectations when considering whether to engage with WAEC to conduct the 2025 Election

(Attachment 3).

Officers recommend that Council declares the Electoral Commissioner to be responsible for the conduct of the 2025 Election and to decide the method of conducting the Election to be postal.

Statutory/Policy Environment*Local Government Act 1995:*

- Section 4.20(4) provides that a local government may declare the Electoral Commissioner to be responsible for the conduct of elections within a particular period.
- Section 4.61(2) provides that a local government may decide to conduct an election as a postal election.

Local Government (Elections) Regulations 1997:

- Regulation 9(3) provides that the Electoral Commissioner's expenses are to be determined on the basis of full accrual cost recovery.

Strategic Framework

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

- Goal 5: A representative leadership that is future thinking, transparent and accountable.*
Objective 5.4 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.

This report is presented to Council as part of a Council Meeting Agenda Item, with the report and attachments being public documents that are published to the website for viewing.

Promise to the Community

Inform: We will keep you informed.

Once the report is considered by Council, the Minutes confirming the decision is published to the website for viewing.

Risk Management

The Risk Theme Profile identified as part of this report is **Failure to Fulfill Compliance Requirements**. The consequences identified are **Compliance**. The risks are mitigated by adhering to the relevant legislation and following guidance provided by the Department of Local Government, Sport and Cultural Industries. The Risk Consequence rating associated with this matter is **Moderate** and the likelihood is **Unlikely**, resulting in a **Medium** risk being present.

Budget Implications

WAEC has estimated the cost of a postal election in October 2025 to be approximately \$119,768 excluding GST.

The previous postal Election held in October 2023 had an expense budget of \$122,525 but actual expenditure was \$110,446.

In accordance with the Local Government (Elections) Regulations 1997, WAEC conducts elections on the basis of full accrual cost recovery. Should the actual costs incurred to conduct the Election be less or greater than estimated, the final cost may differ from the cost estimate provided.

WAEC has identified the following examples of where cost increases may arise:

- If a Returning Officer is selected that is not local to the area
- If the Shire elects for Australia Post Priority Service for the lodgement of election packages
- If casual staff are required for the issuing of Replacement Election Packages
- If casual staff are required to assist the Returning Officer on election day or night
- Unanticipated cost increases from suppliers.

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. Declares, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2025 ordinary election, together with any other elections or polls which may be required; and
2. Decides, in accordance with section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the election will be as a postal election.
3. Notes the requirement for an allocation of approximately \$119,769 in the 2025–2026 Annual Budget for the 2025 Ordinary Local Government Election.

BY ABSOLUTE MAJORITY

Item No.:	12.1.2.
Subject:	Lease – Rotary Club of Harvey (Inc.)
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Contract Administration Officer
Authorising Officer:	Chief Executive Officer
File No.:	C051/00015
Attachments:	1. Draft Lease Agreement [12.1.2.1 - 43 pages]

Summary

Part of Lot 100 Uduc Road, Harvey, Certificate of Title Vol. 1917, Fol. 360 is a freehold lot owned by the Shire of Harvey (the Shire). Located on this freehold land is the Rotary Club of Harvey (Inc.) (the Rotary Club) storage shed (Premises).

The Rotary Club manages the Premises under a Management Agreement which expired on Sunday, 31 March 2024. Officers have liaised with the Rotary Club to formalise a Lease Agreement to the satisfaction of both the Rotary Club and the Shire.

Council is requested to consider a new Lease for the Premises to the Rotary Club (refer **Attachment 1**) and to authorise the Chief Executive Officer to execute the Lease.

Background

The Rotary Club of Harvey (Inc.) is an incorporated not-for-profit community organisation under Rotary Western Australia registered with the Department of Energy, Mines and Industry Regulation, Western Australia, under the *Associations Incorporation Act 2015* since 16 February 2005.

The Rotary Club is a community service association formed by residents of Harvey for the purpose of providing community service through humanitarian, intercultural and educational projects.

The Rotary Club has built on the Shire’s land a complex known as the “Harvey Rotary Club Storage Shed”, to provide for the storage of collectable items and goods that are sold annually at the Harvey Rotary Club Auction. Funds raised support community initiatives within the locality of Harvey.

The Rotary Club currently occupies the Premises under a Management Agreement with the term of 1 April 2004 to Sunday, 31 March 2024. The Agreement included an option to extend for a further term of 20 years.

The Rotary Club confirmed with Officers in February 2024 they wished to renew the Management Agreement. Officers submitted a request to the Executive Leadership Team (ELT) in May 2024 seeking approval to present a draft Deed of Extension to the Rotary Club for 20 years. The ELT permitted a five year term, with the extension option of one further term of five years in accordance with the Community Lease Policy.

Resource changes in June 2024 provided an opportunity for the Shire to recruit a Contract Administration Officer who conducted an audit of the Shire’s Lease Agreements. This audit identified that discussions with the Rotary Club regarding the expired Lease Agreement must recommence which occurred in October 2024.

On Thursday, 30 January 2025 the Rotary Club confirmed their support of a draft Lease Agreement with a five-year term, and the extension option of one further term of five years, in accordance with the Community Lease Policy.

A Memorandum of Understanding (MoU) between the Rotary Club and the Harvey Men's Shed Inc. (Harvey Men's Shed), dated Monday, 24 July 2023, allows the Harvey Men's Shed to use the Premises for recreational and social activities.

Comment

Officers are not aware of any issues relating to the Rotary Club's management of the Premises, with the most recent Management Agreement being in place since 2004.

Council is requested to consider a Lease Agreement (refer **Attachment 1**) for the Premises with the Rotary Club of Harvey for the term of five years commencing Tuesday, 1 April 2025 and expiring on Sunday, 31 March 2030, with the extension option of one further term of five years from Monday, 1 April 2030 to Saturday, 31 March 2035.

Should the Lease be issued to the Rotary Club of Harvey, Officers will complete an inspection of the Premises prior to the execution of the Lease.

The Lease has been drafted in accordance with the Community Lease Policy 1.1.13.

Statutory/Policy Environment

Local Government Act 1995:

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

Local Government (Functions and General) Regulations 1996:

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

Council Policy 1.1.13 – Community Lease Policy:

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

Council Policy 1.1.2 – Common Seal:

- This Policy provides for the execution of legal documents that require the affixing of the Shire Common Seal.

The Department of Local Government, Sport and Cultural Industries (DLGSC) is currently undertaking Local Government Reform to ensure good record keeping and public visibility within local governments. As part of the reform, it is intended that information regarding Shire leases will be provided to the public in the form of an online register with the change due to be enacted in 2025.

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 2.2</i> | <i>Create a community where people are safe.</i> |
| <i>Objective 2.3</i> | <i>Active and resilient community groups and volunteers.</i> |

- Goal 5: A representative leadership that is future thinking, transparent and accountable.*
- Objective 5.1 Effective communication and engagement with the community.*
- Objective 5.4 Sound governance, including financial, asset and risk management.*

Community Engagement

Community Participation Goal

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

The lease agreement is reviewed and adopted by Council as required. The lease agreement is presented to Council as part of a Council Meeting Agenda Item, with the report and attachments being public documents that are published to the website for viewing.

Promise to the Community

Inform: We will keep you informed.

Once the lease agreement is adopted by Council the minutes confirming the adoption are published to the website for viewing.

Risk Management

The Risk Theme Profile identified as part of this report is **Business and Community Disruption**. The consequences identified are **Reputation** and **Property**. The risks are mitigated by having a lease agreement drafted in alignment with the Shire of Harvey Policy 1.1.13 – Community Lease Policy, consultation with the Harvey Rotary Club and an independent inspection of the premises being completed. The Risk Consequence rating associated with this matter is **Moderate** and the Likelihood is **Unlikely**, resulting in a **Medium** risk being present.

Budget Implications

The Lease will provide rental income of one dollar, with the ongoing management of the Lease incorporated in existing financial and human resources per annum.

Authority/Discretion

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Approves the granting of a new Lease Agreement to the Rotary Club of Harvey (Inc.) for the management of the premises located at Part of Lot 100 Uduc Road, Harvey, for a period of five years, commencing Tuesday, 1 April 2025 and expiring Sunday, 31 March 2030 with the option to extend for one further term for five years as per **Attachment 1**.

2. Authorises the Chief Executive Officer to negotiate minor lease terms consistent with Community Lease Policy – 1.1.13.
3. Authorises the Chief Executive Officer and Shire President to execute the Lease Agreement with the Rotary Club of Harvey (Inc.) and to sign and affix the common seal.

Item No.:	12.1.3.
Subject:	Annual General Meeting of Electors
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Governance and Strategy
Authorising Officer:	Chief Executive Officer
File No.:	C073/00019
Attachments:	Nil

Summary

As a requirement of Section 5.33 of the *Local Government Act 1995* (the Act), all decisions made at an Annual General Meeting of Electors (Electors’ Meeting) are to be considered at the next practicable Ordinary Council Meeting.

Background

In accordance with Section 5.27 of the Act, an Electors’ Meeting of a district is to be held once every financial year. The matters to be discussed at the Electors’ Meetings are to be those prescribed under the Act and associated Regulations.

Should a Notice of Motion be carried, it is not to be taken as notice of approval. All decisions made at the Electors’ Meeting are to be considered at the next practicable Ordinary Council Meeting where a formal decision of Council will be made.

The Shire of Harvey (the Shire) held its Electors’ Meeting on Tuesday, 28 January 2025 at 6.30pm in the Harvey Council Chamber. The meeting included receipt of the 2023–2024 Annual Report. Two motions were recorded for consideration.

This report provides an outline of the motions raised as well as further information in relation to questions taken on notice at the meeting.

Comment

Notice of Motion 1 – Ms. Shiela Ferguson:

“In view of the costs which are paid by rate payers, would Council at a meeting in the near future consider placing a limit on the number of incoming and outgoing visits with Moka City, under the Friendship City Agreement.

Moved: Ms. Ferguson

Seconded: Mrs. McGregor

Carried 13-1”

Officer Comment:

A core focus of the Friendship City Agreement is to encourage cultural exchange and interaction between students. It is not recommended that Council restricts the number of students and teachers that visit, nor investors or other relevant parties. Additionally, Council has limited control over these visits.

Regarding official delegation parties, Moka City’s visit to the Shire of Harvey Local Government Area in 2023 represented the City’s inaugural visit following the signing of the Friendship Agreement. Likewise, the Shire’s visit to Moka in 2024 represented the Shire’s inaugural visit, coinciding with Moka City’s 70th Birthday anniversary celebration. As such, a larger delegation was appropriate.

The Shire's delegation to Moka joined far larger delegations from the City of Moka's other sister cities from the USA and Taiwan.

At this stage, no official delegation visit is planned for next financial year, other than student exchange visits with teachers.

Any future delegation size will be considered based on the event's importance but will likely be smaller in number. In the February 2024 Ordinary Council meeting, when referring to Item 12.3.5 Moka – 2024 Visit, Council acknowledged "that smaller delegations should be considered for future trips".

Notice of Motion 2 – Mr. Booth and Cr. Carbone:

Mr. Booth put forth the following motion:

"That Council considers including a specific line item for "Alcohol" within the Budget.

Moved: Mr. Booth Seconded: Ms. Lofthouse

Lost 2-10"

Cr. Carbone foreshadowed the following motion:

"That an "entertainment" line item be kept in the Annual Budget at the discretion of the Shire President and Chief Executive Officer.

Moved: Cr. Carbone Seconded: Cr. Boylan

Carried 10-0"

Officer Comment:

The Shire currently includes in its Budget account number 40108 – Refreshments/Entertainment which is used to fund various functions, host dignitaries and provide for other modest entertainments cost. Officers consider this account provides sufficient allocation to meet the concerns raised by Cr. Carbone. The current budget item is sufficient.

Questions Taken on Notice:

Ms. Ferguson Question 1:

"The total cost to Shire of Harvey ratepayers for the incoming visit by seven delegates and a translator, which was for two nights, was \$26,058 or \$3,257 per head, which is a lot of money for a brief visit, and they paid for their own accommodation.

Some figures relating to this visit taken from monthly payment statements have been brought to my attention:

(a) Catering for Moka dinner, \$7,970 and wine for celebration dinner \$756 which amounts to \$8,726.

In addition to the seven delegates and the translator, how many Councillors, staff and others attended the dinner? How much per head is that?"

Officer Comment:

The total cost of the visit, as reported in the December 2024 Ordinary Council Meeting, was as follows:

Item	Amount
Day Activities	\$ 950
Gifts	\$ 1,453
Translator Fees	\$ 1,934
Two Events – Celebration Dinner and Welcome Function	\$15,641
Travel	\$ 3,385
Refreshments and Lunches	\$ 1,447
Consultant	\$ 800
Other	\$ 446
Total	\$26,056

Many of the expense items, such as decorations, beverages, translation fees, were used for multiple aspects of the visit. This impacts the per head cost per event.

For example, beverages (alcoholic and non-alcoholic) were purchased in bulk and used across several events, with any surplus retained for future functions hosted by the Economic Development team. The majority were from the Harvey Region and were used and continue to be used to promote local producers.

The total number of attendees at each significant event was as follows:

Celebration Dinner	Attendees
Members of Parliament	*4
City of Moka Delegation	8
City of Moka Teachers	5
Shire of Harvey Councillors	*14
Consulate General of Japan in Perth	1
Council of Local Authorities for International Relations - Sydney	2
Local Businesses	6
Shire of Harvey Staff	*13
Local Industry	3
Shire of Harvey Local Government Area Principals and Teachers	8
Media	1
Other	7
TOTAL	72

*Number includes spouses of invitees. There were seven spouses in attendance.

Welcome BBQ Dinner	Attendees
City of Moka Delegation	8
City of Moka Teachers and Students	*27
Shire of Harvey Councillors	4
Harvey Senior High School Teachers, Parents and Students	*25
Harvey Agricultural College Teachers	1
Harvey Aboriginal Corporation	4
Shire of Harvey Staff	7
Media	2
TOTAL	78

*Numbers are estimates

Lunch – Brugan Brewery	Attendees
City of Moka Delegation	8
Shire of Harvey Councillors	1
Shire of Harvey Staff	6
Translator	1
TOTAL	16

Lunch – Treendale Farm Hotel	Attendees
City of Moka Delegation	8
Shire of Harvey Councillors	5
Shire of Harvey Staff	6
Translator	1
TOTAL	20

Leschenault Estuary Water Cruise	Attendees
City of Moka Delegation	8
Shire of Harvey Councillors	4
Shire of Harvey Staff	4
Translator	1
TOTAL	17

Mr. Booth Question 1:

“Behind Jenny’s, between the Radio Station and Kevin’s Meat shop, there is a carpark. Yesterday morning I watched all the trees be removed from that carpark. Are there rules about people removing trees?”

Officer Comment

An inspection of the site indicates that the larger trees were compromising the integrity of the car park’s bitumen seal. The Shire of Harvey Local Planning Scheme No. 2 provides that native vegetation can be removed if it is considered dangerous without the need for development approval. Officers consider that the larger trees would have been considered dangerous and therefore were exempt from requiring development approval. The other vegetation on the site would not have been considered as native vegetation and therefore their removal did not require development approval.

Mr. Booth Question 2:

“I would like to know what the ratio of the Shire of Harvey residents are, in maybe five-year increments, in relation to Shire Officers, to see how that has changed over the years.”

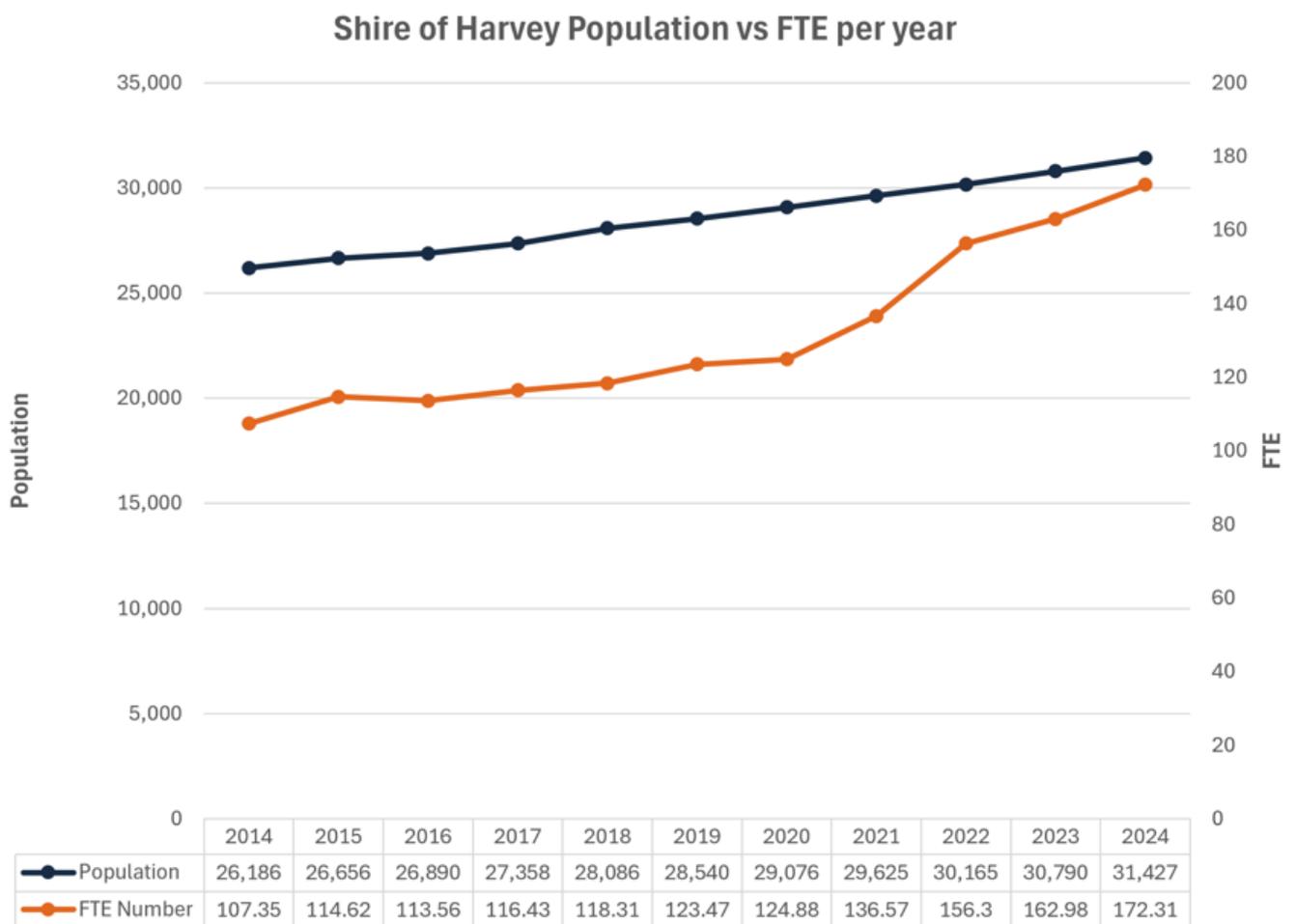
Officer Comment

Each financial year, the Shire of Harvey reviews its workforce planning to ensure it has sufficient resources to deliver on the Strategic Plan, Corporate Business Plan, Forward Capital Works Plan, Budget, and other informing plans and strategies. Local governments in Australia vary in their levels of discretionary service delivery, while mandatory service delivery is generally consistent across Western Australian local governments. Although a population-to-employee ratio can provide a comparative analysis of workforce size, it should never be considered in isolation from the broader

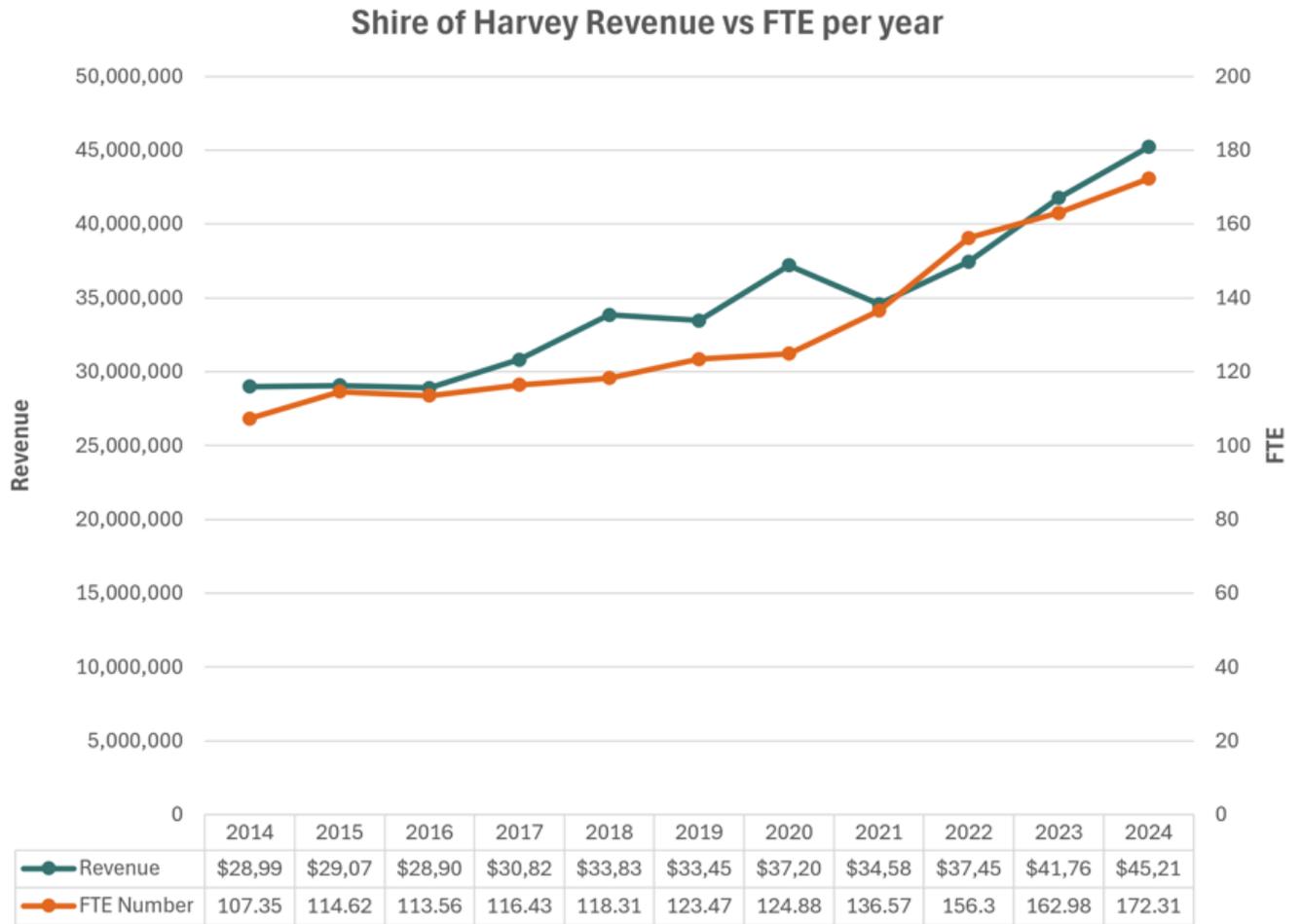
context of local government diversity, land size, and specific circumstances. Irrespective of the difficulty to accurately determine a suitable workforce size, especially in comparison to other local governments, the Shire of Harvey does actively plan and budget for a workforce which meets the service and efficiency expectations of the community, whilst also planning for the sustainability of that workforce over time.

Demonstrated in the below graphs is comparative analysis over 10 years to the Shire's Population and Revenue to Full Time Equivalent (FTE) (*note that the 2024 population figure is an estimate*). Further to this information, and for context, is a graph comparing the Shire of Harvey's FTE in terms of Population and Revenue to other Band 2 Local Governments in Western Australia:

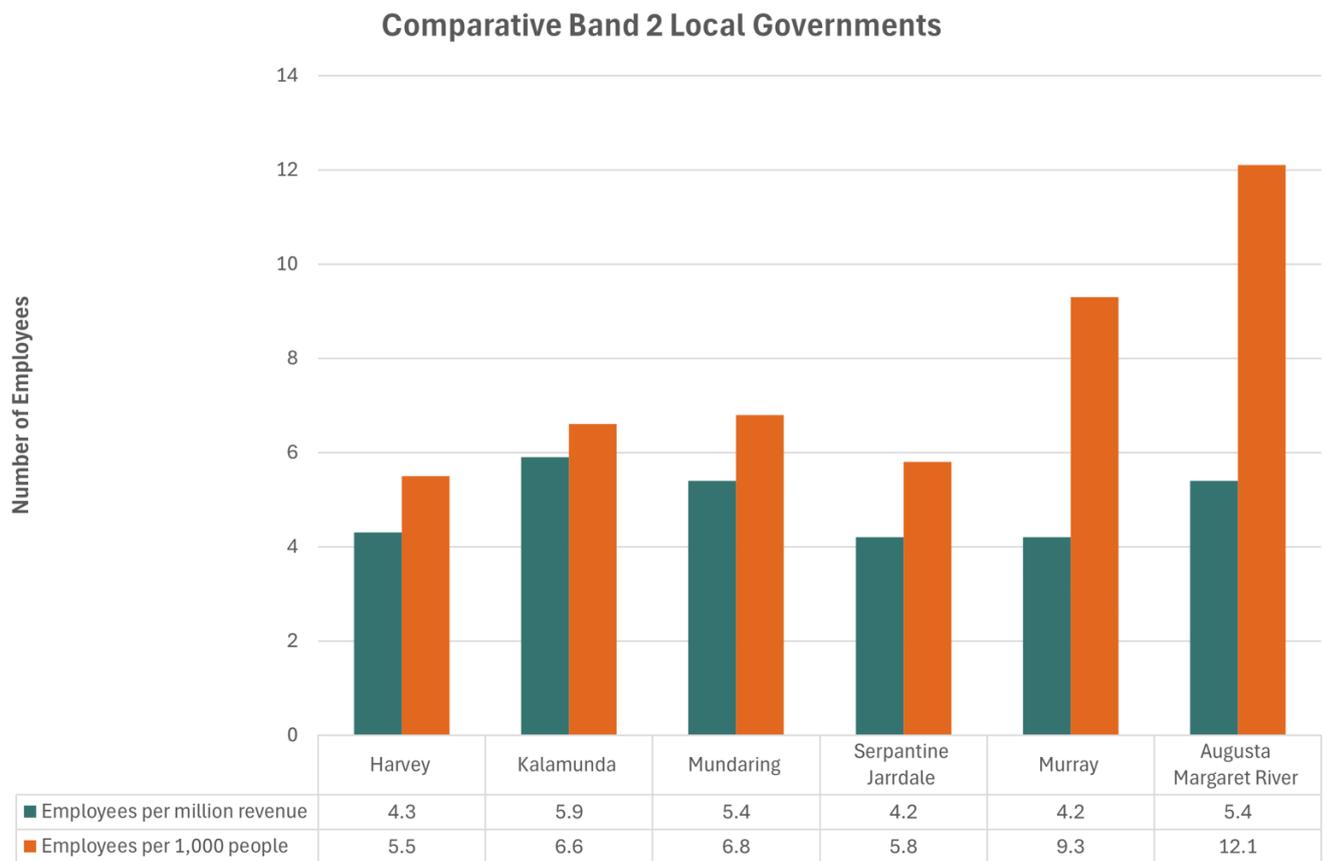
Graph 1:



Graph 2:



Graph 3:



Correction of information previously provided:

Ms. Lofthouse Question 1:

"11 months ago a new colour bond fence was put up around the old Harvey Radio Station in Young Street. It was already drawn up in a plan that the old building would be demolished, and yet you spend \$5,247 on a new colour bond fence which will soon have to be removed when they demolish the old building. That money could have paid for an air conditioner in the Town Hall, but instead, the new fence will soon be carted out to the tip."

Officer Comment and Correction

Following the Elector’s Meeting, further investigation revealed that due to storm damage a 20-metre section of fence between the old Community Radio Station building and a private residence was replaced. The removal of the damaged fence and construction of new fence cost \$3,223. It is not anticipated this section of fence will be impacted by any future building plans relating to the Harvey Community Precinct.

Ms. Lofthouse Question 2:

"The Shire put in the Reports that the rates went up 7%, your Councillors passed that it went up 7%, but our rates went up more than 10%, you must have the figures there. An increase of \$1,894.77 for one year was a rise of 10.36%."

Officer Comment and Correction

Having received this question the day of the meeting, Officers gathered what they understood to be the four rural property rates that belonged to Ms. Lofthouse and calculated the increase in rates paid which calculated to be 6.3%. Following the meeting in discussion with Ms. Lofthouse, it was established that two of the properties belonged to Ms. Lofthouse's brother-in-law. It turned out that those two properties had a lesser increase in rates paid and that Ms. Lofthouse properties had an increase in payment of 10.36% as stated by Ms. Lofthouse.

It was explained to Ms. Lofthouse that the Shire did in fact increase its Rate-in-the-Dollar by 7% and that if her properties' valuation remained constant, the amount payable in rates would have been an increase of 7%. However, the Valuer General through the annual unimproved land revaluation, had increased the valuation of Ms. Lofthouse properties which resulted in a higher level of rates payable.

We apologise for the incorrect information provided at the Electors' Meeting.

Statutory/Policy Environment

Local Government Act 1995

- Section 5.27 – Electors' general meetings
- Section 5.33 – Decisions made at electors' meetings

Strategic Framework

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

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

Objective 5.1 Effective communication and engagement with the community.

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

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.

The Electors' Meeting provides an opportunity for members of the public to directly ask questions to Council, present deputations to Council, and put forth motions.

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.

This report provides responses to questions tabled and recommendations to address motions put forth at the Electors' Meeting.

Risk Management

The Risk Theme Profile identified as part of this report is **Failure to Fulfill Compliance Requirements**. The consequence could be **Compliance** or **Reputation** if the requirements of section 5.33 of the Act are not adhered. The risk is mitigated by ensuring internal processes exist to assist with compliance. The Risk Consequence rating associated with this matter is **Moderate** and the likelihood is **Unlikely**,

resulting in a **Medium** risk being present.

Budget Implications

The financial implications resulting from any Notice of Motions from the Electors' Meeting formally agreed by Council will be considered as part of the Shire's draft 2025–2026 Budget process.

An allocation of \$10,000–\$15,000 is proposed for the Shire's draft 2025–2026 Budget for Friendship Cities activities.

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 (1 of 2)

That Council, in response to motions raised at the Annual General Meeting of Electors held on Tuesday, 28 January 2025:

1. Notes Notice of Motion 1 regarding placing a limit on the incoming and outgoing visits with Moka, under the Friendship City Agreement.
2. Considers the current budget process for the Shire sufficient to determine the Shire's commitment to future delegations under the Friendship City Agreement.

Reason: The Shire's draft budget process allows for clear discussion and deliberation on costs associated with individual budget requests against the Shire's existing operating costs and infrastructure commitments.

Officer's Recommendation (2 of 2)

That Council, in response to motions raised at the Annual General Meeting of Electors held on Tuesday, 28 January 2025:

1. Notes Notice of Motion 2 regarding keeping an "entertainment" line item in the Annual Budget for the discretion of the Shire President and Chief Executive Officer
2. Considers the current line item for Budget account number 40108 – Refreshments/Entertainment sufficient for determining the budget for entertainment at the Shire.

Reason: The retention of this account allows for the operational costs associated with providing various Shire functions as well as providing modest refreshment costs for Staff presentations and events.

Item No.:	12.1.4.
Subject:	WALGA Feedback – CEO Matters and Online Registers
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Coordinator Governance and Reporting
Authorising Officer:	Chief Executive Officer
File No.:	F/08/00052
Attachments:	<ol style="list-style-type: none"> 1. DLGSC Consultation Document [12.1.4.1 - 7 pages] 2. Draft Amendment Regulations 2024 [12.1.4.2 - 27 pages] 3. WALGA Discussion Paper [12.1.4.3 - 14 pages]

Summary

Western Australian Local Government Association (WALGA) is seeking feedback from Local Governments to assist in the composition of a sector-wide response to the consultation process on the introduction of Tranche 1 amendments to the *Local Government Act 1995* (the Act) relating to Chief Executive Officer (CEO) Matters and Online Registers facilitated by the Department of Local Government, Sport and Cultural Industries (the Department).

To inform the WALGA State Council meeting scheduled for May 2025, feedback is required by Wednesday, 19 March 2025.

Background

The *Local Government Amendment Act 2023* (the Amendment Act) was passed by Parliament in May 2023. It implemented several key reforms, particularly relating to local government elections. The Amendment Act also brought about the following changes which are yet to commence:

- Requirements for local government CEO performance criteria and performance reviews to be published.
- A requirement for local governments to publish and maintain registers on their website.

In order to implement these reforms, the State Government drafted the Local Government Regulations Amendment Regulations 2024 which will implement these reforms. These draft regulations are now available for public comment.

The Department recently commenced a consultation process on the introduction of Tranche 1 amendments relating to CEO Matters and Online Registers. In addition to the Consultation Document (refer **Attachment 1**), the Department released the Amendment Regulations (refer **Attachment 2**) that will give effect to the amendments.

The Department’s consultation process includes commentary on CEO Matters and Online Registers, which are summarised below.

CEO Matters include:

- CEO Selection Panel
- CEO Recruitment, Termination and Certification
- CEO Key Performance Indicators (KPIs).

Online Registers include:

- Leasing Register
- Grants and Sponsorship Register
- Development / Applicant Contributions Register
- Goods and Services Contracts Register.

WALGA has prepared a Discussion Paper (refer **Attachment 3**) and seeks feedback from Local Governments by close of business Wednesday, 19 March 2025 to assist in the composition of a sector-wide response to the Department's consultation.

Comment

Officers have reviewed the Department's Consultation Document and WALGA's Discussion Paper with verbatim summaries, recommendations, and Officer comments provided below.

CEO Matters – Publishing KPIs

- **Amendment Regulation 18AA (s.5.38(4)(c) of the *Local Government Amendment Act 2023*)**

Amendment Regulation 18AA relates to the conduct and publication of the annual CEO performance review. Amendment Regulation 18AA(3) requires a statement to be published on the Local Government website stating the target to be achieved for the performance criterion to be met, including whether:

- The target was achieved
- The target was not achieved
- No determination reached on target.

Amendment Regulation 18AA(4) requires the grouping of targets so that a statement can be made as to the percentage of targets achieved, or otherwise.

Amendment Regulation 18AA(5) provides for the exclusion of a target from publication, if:

- The reason a target was not achieved was beyond the CEO's control
- No determination could be made on whether target was achieved
- The Departmental CEO may direct the target be excluded from publication.

WALGA Comment:

Amendment Regulation 18AA reports targets on an 'achieved/not achieved' basis where under current practice, substantial or partial achievement of a target may be satisfactory to a Local Government.

Could Regulation 18AA(3)(b) and (4) be improved by publishing a target that is substantially (though not fully) achieved if to the satisfaction of the Local Government?

Is it necessary to separately report on percentages of target achievement/non-achievement?

In relation to the Departmental CEO's exclusion direction, should regulations:

- Specify that a Local Government may request such a direction, by resolution of Council
- Specify the Departmental CEO may give an exclusion direction for specific types of targets applicable to all Local Governments?

Officer Comment:

Regulation 18AA(3)(b) and (4) could be improved by publishing a target that is substantially (though not fully) achieved if to the satisfaction of the Local Government, as often targets are the completion of projects which span across multiple years.

It is not necessary to separately report on percentages of target achievement/non-achievement, particularly as this could provide an unfair perception if achievement is impacted by circumstances beyond the CEO's control – reporting on the percentage of targets achieved should be up to the discretion of each Local Government.

Regulations should specify that a Local Government may request a Departmental CEO exclusion direction by resolution of Council and that the Departmental CEO may give an exclusion direction for specific types of targets applicable to all Local Governments.

- **Amendment Regulation 18FAA (s.5.39AA(1) of the *Local Government Amendment Act 2023* and s.5.96A(1)(i) of the *Local Government Act 1995*)**

Amendment Regulation 18AA relates to the performance criteria specified in the CEO's contract of employment.

Amendment Regulation 18FAA (1) to (7) sets out the provisions for publication on the Local Government website information relating to the CEO's performance as set out in the employment contract, including that the Departmental CEO may direct the performance criterion be excluded from publication.

WALGA Comment:

In relation to the Departmental CEO's exclusion direction, should regulations specify that a Local Government may request such a direction, by resolution of Council?

Officer Comment:

Regulations should specify that a Local Government may request a Departmental CEO exclusion direction by resolution of Council.

CEO Matters – Independent Persons Panel

- **Amendment Regulation 18FAB (s.5.39A(4) and (5))**

Amendment Regulation 18FAB relates to the establishment by the Departmental CEO of a panel of persons to serve as independent persons on a CEO selection panel.

Amendment Regulation 18FAB(1) to (8) established:

- (1) Updated definitions relating to independent persons and selection panels
- (2) Requires the Departmental CEO to appoint independent persons, and may establish undertakings relating to their conduct on a panel

- (3) and (4) appointing an independent person and serving on the panel in accordance with undertakings
- (5) Notifying of appointment or removal of independent person on a panel.
- (6) and (7) payment of fees to independent person
- (8) Publication by Departmental CEO of a list of independent persons

WALGA Comment:

Amendment Regulation 18FAB broadly aligns with s.5.39A(4) of the *Local Government Amendment Act 2023* as supported by WALGA in the 2022 Reform Proposals.

No provision is made for the appointment of an independent person other than from the Departmental CEO's panel. Attention is drawn to the following extract from Item 5.8 of the Reform Proposals:

'Councils will be able to appoint people outside of the panel with the approval of the (Local Government) Inspector'

Should Amendment Regulation 18FAB include a provision that permits the Departmental CEO or Local Government Inspector to appoint persons from outside the panel, particularly if the list of independent panel members does not include people that reside or live in approximation to rural and remote Local Governments?

Officer Comment:

Amendment Regulation 18FAB should include a provision that permits the Departmental CEO or Local Government Inspector to appoint persons from outside the panel, particularly if the list of independent panel members does not include people that reside or live in approximation to rural and remote Local Governments. This would align with s.5.39A(4) of the *Local Government Amendment Act 2023* as supported by WALGA in the 2022 Reform Proposals

- **Amendment Regulation 18FAC (s.5.39A(4) and (5))**

Amendment Regulation 18FAC introduces the definition of 'disqualifying interest' relating to a financial, indirect financial or impartiality interest in relation to independent panel members. If an independent panel member identifies the existence of a disqualifying interest, they must not continue to serve on the CEO selection panel.

WALGA Comment:

The 'disqualifying interest' provisions are closely related to financial, indirect financial and impartiality interests for Council Members. Newly elected Council Members are required to undergo mandatory training with one specific module of the Council Members' Essentials dedicated to understanding conflicts of interest.

Presently, an independent panel member would only be required to declare a conflict of interest if the CEO selection panel was established as a Committee of Council under s.5.8 of the Act, when the Local Government's Code of Conduct for Council Members, Committee Members and Candidates will apply. The Model Code of Conduct Regulations includes management of conflict of interest under Division 2, cl. 4 'Personal Integrity'. Item 5.8 of the 2022 Reform Proposals does not refer to conflicts of interest.

Should those appointed to the independent persons panel (Amendment Regulation 18FAB) be required to participate in Conflicts of Interest training?

The Department's Guide to Interest Affecting Impartiality at Item 5.4 provides a broad definition of 'friendship'. Does the inclusion of 'impartiality' as a disqualifying interest have potential to lead to a high number of exclusions from selection panels, should the independent person be well acquainted with any candidate?

Should the declaration of an impartiality interest be treated in the same way as for Council Members, whereby a declaration is made but participation continues?

Officer Comment:

Those appointed to the independent persons panel should be required to participate in Conflicts of Interest training, similar to that which is mandatory for Council Members.

The inclusion of 'impartiality' as a disqualifying interest may have potential to lead to a high number of exclusions from selection panels, should the independent person be well acquainted with any candidate. However, 18FAC(2)(B) also notes that this is only if the interest could or could reasonably be perceived, to affect adversely the impartiality of the member as a member of the selection panel. If the interest could not or could not reasonably be perceived, to affect adversely the impartiality of the member as a member of the selection panel, then the matter is resolved. This can also be addressed if the declaration of an impartiality interest is treated in the same way as for Council Members, whereby a declaration is made but participation continues.

CEO Matters – Recruitment, Termination and Certification

- **Amendment Regulation 18FBA (s.5.39B(7))**

Amendment Regulation 18FBA adds an additional certification requirement to that already provided under current Administration Regulation 18FB. Under 18FBA, Council must certify by absolute majority that the recruitment of an incumbent CEO (i.e. one who has already served 10 years or more and was an applicant in the CEO recruitment process under Model Standards) was successful and their contract of employment was renewed.

WALGA Comment:

No information is provided in the Department's Consultation of a reason why this regulation is necessary. Presently, Administration Regulation 18FB requires certification that a CEO recruitment process was conducted in compliance with Model Standards, regardless of the outcome.

Is Amendment Regulation 18FBA necessary to the CEO recruitment process?

Officer Comment:

Although Administration Regulation 18FB presently requires certification that a CEO recruitment process was conducted in compliance with Model Standards, regardless of the outcome, Amendment Regulation 18FBA could provide clarity when administering CEO recruitment by specifically addressing renewal of a contract.

- **Schedule 2 Clause 13 Replaced**

This amendment clarifies the provision for recruitment of a CEO upon the incumbent CEO having served 10 or more consecutive years in the role. This amendment introduces a provision

that having served 10 or more years, an incumbent CEO's contract cannot be varied to extend the term and permits renewal of the contract of employment if the incumbent CEO is selected in the recruitment process.

WALGA Comment:

Presently, Schedule 2 clause 13(2)(b) places a requirement on an incumbent CEO to notify the Local Government if they wish to renew the contract of employment, having already served 10 or more consecutive years in the role. The serving of 10 or more years in the role triggers a CEO recruitment process.

Additionally, the current Schedule 2 clause 13(3) provides that before the expiry of the incumbent CEO's contract of employment, a recruitment process must be conducted. The 'before' provision does not appear in the proposed replacement Schedule 2 clause 13.

Should a CEO recruitment process continue to be held before the expiry of the incumbent CEO's contract of employment, if the CEO has advised their intention to participate in the recruitment process?

Does replaced Schedule 2 clause 13 have potential to create unintended contractual issues? (For example, is it possible to renew an expired contract?)

Officer Comment:

The mandated requirement is objected to on the basis that Council has the right to market test the CEO contract at the end of each and every contract term if it so desires. The preference is for Council to be required to consider whether or not it wishes to go to market in the first instance, enabling clarity around the pros and cons of doing so. Council can then make an active decision about its preferred course of action and provide reasons for its decision, ensuring appropriate public accountability.

- **Schedule 2 Clause 15A Inserted**

The new Schedule introduces requirements for contractual and additional performance criteria.

WALGA Comment:

The introduction of mandated performance criterion is set out in Item 3.5 of the 2022 Reform Proposals. The new Schedule 2 clause 15A provides for standardised content of performance criterion.

Do Local Governments adopt performance criterion additional to the content proposed?

Would the additional clause be beneficial? *'(e) any additional information that the Local Government and CEO agree should apply to performance criterion'*

Officer Comment:

Local Governments should have the ability to adopt performance criterion additional to the content proposed and support the standardisation of content of performance criterion whether contractual or additional.

- **Schedule 2 Clause 25 Inserted**

The intent of the new Schedule 2 clause 25 is to exclude certain provisions if termination occurs during the probationary period (if included in a contract of employment), but after reviewing the

CEO's performance during this period.

WALGA Comment:

Dealing with probationary period performance in the proposed manner offers a dignified contract management approach. The new Schedule 2 clause 25 does not contemplate additional circumstances that might warrant consideration, such as a finding of serious misconduct following an independent inquiry conducted by the Local Government.

Do Local Governments support including additional circumstances where the exclusion provision can be applied? Provide examples.

Officer Comment:

Clause 21 and 22 provide general principles for determining termination of a CEO. Councils should have flexibility to determine the suitability of the CEO to the role during the probation period, however the 21 and 22 should continue to apply to ensure fair process for managing the CEO's employment contract. Recommend deleting the new clause to maintain a flexible, but fair manner for managing probationary periods.

Online Registers

- **Administration Regulation 29E Inserted**

The new Regulation currently states online registers will commence from and must be up to date as at the beginning of 1 July 2025.

WALGA Comment:

With the Department's Consultation process closing in May 2025, submissions will require consideration and there is the prospect some proposals may require redrafting prior to the Amendment Regulations commencing. WALGA suggests an extended commencement date for publication of online registers, to permit adequate time for preparation of information.

It is suggested that a (once off) 12-month grace period to ensure everything is included across the reporting period be provided.

Officer Comment:

The suggestions provided by WALGA to incorporate an extended commencement date for publication of online registers, to permit adequate time for preparation of information, and that a (once off) 12-month grace period to ensure everything is included across the reporting period be provided should be supported.

- **Administration Regulation 29F Inserted (Leases of Land)**

Regulation 29F(1) sets out the types of lease agreements that require publication; Regulation 29F(2) requires the CEO to keep a register of current leases to which a Local Government is a party (i.e. lessee or lessor); Regulation 29F(3) establishes information to be included in the register for publication, but does not require publication of names of persons entering into a residential tenancy agreement; and Regulation 29F(4) provides exclusions from publication.

WALGA Comment:

The new Regulation broadly aligns with the 2022 Reform Proposal and appropriately excludes the names of persons entering into residential tenancy agreements.

The 2022 Reform Proposals pre-date the Privacy and Responsible Information Sharing Bill 2024 which includes provisions relating to public registers, and associated rights of individuals in relation to registers required by a written law.

No provision is provided in relation to confidentiality provisions that may be included in current lease agreements; for example, a Local Government that is lessor of property that is subject of a confidentiality undertaking in the lease agreement.

WALGA seeks comment from Local Governments that may be party to lease agreements that include confidentiality provisions.

In keeping a lease register, does your Local Government foresee any potential implications of the Privacy and Responsible Information Sharing Bill 2024?

Are there additional matters not yet considered that may compromise a lease agreement entered into by a Local Government?

Officer Comment:

The definition of 'lease' needs further refinement or clearer explanation, as at the moment it appears very broad, and seems to potentially capture high frequency and volume agreements such as sports court bookings and gym memberships.

There could be potential implications of the Privacy and Responsible Information Sharing Bill 2024 to keeping a lease register, however these will not be realised until the Bill proceeds through to legislation.

There could be an impact on local government commercial property returns. Reporting the value of all leases in a public register may reduce the ability of local governments to attract commercial returns to properties and operate their property portfolios as income generating assets. Whilst maintaining the asset information is undoubtedly important, perhaps keeping it in a "confidential record" environment would be more appropriate, with access available to auditors and the Inspectorate to ensure probity.

- **Administration Regulation 29G Inserted (Grants and Sponsorship)**

Regulation 29G introduces requirements for grants and sponsorships made in the previous 5-year period to be maintained by the CEO in a register as from 1 July 2025, including information that is set out in sub-regulation (3); Regulation 29G(4) excludes grants and sponsorships that are greater than 5 years old or valued at less than \$500 from inclusion in the register.

WALGA Comment:

Local Governments are very often the principal financial supporter of local community, sporting, arts, aged care and benevolent organisations within the district and the volume of grants and sponsorships issued over a five-year period may be considerable. The prospective commencement date of 1 July 2025 is foreseeably problematic as it may prove difficult for Local Governments to apply the required administrative effort to develop the initial register of information.

Regulation 29G includes similar definitions for 'grant' and 'sponsorship'. Typically, a grant is provided net of the expectation of any benefit to the grantee, whereas a sponsorship normally includes an expectation of a benefit to the sponsoring body. Clearer definitions will assist Local Government administrators managing the publication requirements.

Is it reasonable for the grants and sponsorship register to capture arrangements within the previous 5-year period?

Is the register threshold of \$500 reasonable?

Does the Local Government have adequate capacity to develop a register by 1 July 2025?

Should regulations exclude publication of the name of a recipient where the recipient is a natural person, particularly if the recipient/beneficiary is a child?

Officer Comment:

Clearer definitions for 'grant' and 'sponsorship' will assist Local Government administrators managing the publication requirements.

It is considered onerous to require retrospective construction of the register for the previous five years. The requirement should be to construct the register from commencement of the current financial year and to periodically update it.

The amount of \$500 is not considered significantly material enough to justify the maintenance of the register. The commencement threshold should be \$5,000 to avoid trivialising the accountability requirement.

The requirement to have a register developed by 1 July 2025 is dependent on the content prescribed by the Amendment Regulations. Should grants and sponsorships only provided in the previous five years be required to include in the register, then the Shire does have adequate capacity. However, if historical grants and sponsorships prior to the previous five years are required to be included, then this will place pressure on the Shire's capacity to develop the register by 1 July 2025.

Regulations should be developed which exclude publication of the name of a recipient where the recipient is a natural person, particularly if the recipient/beneficiary is a child.

- **Administration Regulation 29H Inserted (Development Contributions)**

Regulation 29H(1) established definitions that will apply to the keeping of a register of information; Regulation 29H(2) requires the CEO to maintain a register containing development contributions including information set out in Regulation 29H(3); Regulation 29H(4) provides for exclusions; and Regulation 29H(5) establishes a definition of an 'exhausted' development contribution.

WALGA Comment:

Local Governments collect a range of funds for contributions related to development applications. The regulations propose that all Local Governments will be required to establish a register of development contributions and cash in lieu payments to be kept and published.

The Regulations proposed the development of registers for contribution types that have existing legislative requirements in place to ensure appropriate receipt, holding and expenditure of collected funds. For example, those contributions required by Section 154 of the *Planning and Development Act 2005* for money paid in lieu of open space, and formal development contribution arrangements that fall under a development contribution plan developed under State Planning Policy 3.6 Infrastructure Contributions.

WALGA is concerned that there is the potential for duplication of existing process from the proposed regulations which will place undue regulatory burden on Local Government for limited

improvements in transparency and accountability.

Does the requirement to develop and implement registers for these contributions duplicate existing regulatory requirements?

Will the proposed registers create unnecessary regulatory burden on Local Governments?

Does the Local Government have adequate capacity to develop a register?

Considering the details proposed to be included in the registers (set out in Regulation 29H(3)), would your Local Government have collected this information from historical contributions?

Would a requirement to only record new contributions on the proposed registers reduce the regulatory burden on your Local Government?

Officer Comment:

The requirement to develop and implement registers for development contributions duplicates existing regulatory requirements. These contributions are already itemised within the Annual Budget and reported on through the Annual Financial Statements.

The level of regulatory burden of the proposed registers is dependent on the level of detail required to be reported. The proposed required information could be captured however the administrative resources required to compile this into a register would not provide adequate benefit and the Shire would not have adequate capacity to develop this register. The Shire has not collected this information from historical contributions.

The requirement to only record new contributions on the proposed registers would reduce the regulatory burden on the Shire compared to including information from historical contributions, however the implementation and maintenance of new registers would still place strain on already finite resources.

- **Administration Regulation 29I Inserted (Contracts for Goods and Services)**

Regulation 29I(1) establishes that the CEO must maintain a register of contracts for goods and services that includes required information set out in sub-regulation (2). Regulation 29I also requires certain information to be updated in the register during the term of the contract. For example, sub-regulation (2)(f) requires the register to record a summary of variations and sub-regulation (2)(g) requires recording of the amount of payments made to contractors and amounts still to be paid to contractors.

WALGA Comment:

Regulation 29(3)(a) requires publication of contracts greater than \$50,000. Item 3.4 of the 2022 Reforms proposed the publication of contracts above \$100,000, and this was supported by WALGA. It is arguable that the list of accounts paid provides adequate reporting of goods and services transactions, with the register replicating some of the details.

It is noted there are similarities between some information required to be included in the register and information already published in a tenders register - Regulation 17 of the Local Government (Functions and General) Regulations 1996.

Regulation 29I differs from other online registers as certain information will need regular updating. Sub-regulations (2)(f) and (2)(g) will require rolling reporting of variations and payments made and payments pending, throughout the contract term. This requirement is likely to result in considerable administrative effort.

WALGA has previously notified the Department in the WALGA Local Government Reform Proposals Member Response February 2022 that Local Governments are concerned with the publication of sensitive information that could give rise to a risk of use for fraudulent or corrupt purposes:

<p>s.5.94</p> <p><i>Public can inspect certain local government information</i></p>	<p>The Act requires public access or inspection rights for documents that contain personal information, i.e. electoral roll, owner / occupier, rate record [s.5.94(m) and (s)]. The Act only limits the right to access this information where the CEO is unable to be satisfied that the information will not be used for a commercial purpose [Admin.r.29B]. WALGA members have expressed concern of the risks that may extend to information when combined with other personal information; for example, cyber security / identity theft risks OR personal safety risks.</p> <p><i>Recommend there be an analysis of the public benefit versus public risk arising from statutory provisions that ensures public disclosure of documents containing personal details (i.e. electoral rolls, rate record) in the context of the potential for this information to be manipulated or misused for improper purposes.</i></p>
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Local Governments report the particular risk that public information (i.e. list of accounts paid) can be harvested for the purpose of falsifying creditor information, and the subsequent misdirection of creditor payments. The Office of the Auditor General has published guidance on the risk of fraud and corruption in this regard, and the extensive public availability of Local Government, as opposed to State or Federal Government, creditor information has potential to exacerbate that risk within the sector.

Does the publication of the register of contracts have potential to elevate the risk of fraud or corruption in your Local Government? Could this risk be minimised if the information required to be published in the register was reviewed?

Has your Local Government assessed the current risk associated with the current level of publicly available information related to the purchase of goods and services? Do you have any suggestions relating to the required information?

The proposed threshold of \$50,000 is too low and not reasonably manageable; is a higher figure of \$100,000 or even the \$250,000 tender threshold amount more appropriate?

Officer Comment:

The publication of the register of contracts could have potential to elevate the risk of fraud or corruption however this risk could be minimised if the information required to be published in the register was reviewed. The Shire is yet to assess the current risk associated with the current level of publicly available information related to the purchase of goods and services.

The significant difference in size and scale of local governments across the State makes it difficult to establish a single expenditure threshold that validly captures relevant expenditure for every local government. In line with the State’s recognition of the operational and financial differences between the varying classes of local governments, (for instance, as demonstrated by the differing requirements of the Model Financial Statements) there should be varying expenditure thresholds for triggering the register requirements. For example:

- Class 1 – \$150K
- Class 2 – \$100K

- Class 3 – \$75K
- Class 4 – \$50K.

There also needs clarification on whether the expenditure threshold will be per-annum or cumulative over the contract term.

Conclusion

Generally, Officers are supportive of the feedback drafted by WALGA and provide the above comments to assist WALGA in composing a sector-wide response to the consultation process facilitated by the Department. However, Officers note that the implementation of the proposed Amendment Regulations will require changes to processes and additional resourcing, and this should be considered during the implementation phase.

Statutory/Policy Environment

Local Government Act 1995

Local Government Amendment Act 2023

Local Government (Administration) Regulations 1996

Strategic Framework

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

Goal 5: A representative leadership that is future thinking, transparent and accountable.
Objective 5.4 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.

This report is included in the Agenda Briefing Session and Ordinary Council Meeting documents, which are uploaded to the Shire's website for public viewing.

Promise to the Community

Inform: We will keep you informed.

The Council resolution will be included in the Ordinary Council Meeting Minutes, which are uploaded to the Shire's website for public viewing.

Risk Management

The Risk Theme Profile identified as part of this report is **Inadequate Engagement Processes**. The Consequence could be **Reputation** if Council does not contribute to the sector-wide response to the consultation process on the introduction of Tranche 1 amendments to the Act relating to CEO Matters and Online Registers. The Measure of Consequence is **Minor** and the Likelihood is **Unlikely**, giving an overall Risk Rating of **Low**.

Budget Implications

There are no budget implications for this Report.

Authority/Discretion

Advocacy: When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council supports the Officers comments throughout this report and requests the Chief Executive Officer to submit this report as feedback in response to the Western Australian Local Government Association Discussion Paper.

12.2. Infrastructure Services

Item No.:	12.2.1.
Subject:	Cathedral Avenue Shared Path – Proposed Land Acquisition – Further Report
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Acting Director Infrastructure Services
Authorising Officer:	Chief Executive Officer
File No.:	F/35/00002
Attachments:	1. Cathedral Ave Shared Path Extension [12.2.1.1 - 1 page]

Summary

To complete the Cathedral Avenue shared path project, a portion of Lots 2 and 3 Cathedral Avenue is required to be purchased. This is due to paper bark trees precluding the construction of the shared path within the existing road reserve. It has been determined that the best way forward, and to satisfy statutory requirements, is to purchase the required portion of land (by negotiation) and proceed with the dedication and amalgamation of the land for road purposes, as shown in **Attachment 1**.

This report seeks approval from Council to undertake further negotiations with the landholder for the purchase of a portion of Lots 2 and 3 Cathedral Avenue, Leschenault based on the new valuation of land.

Background

Cathedral Avenue, Leschenault, runs north from Old Coast Road and south from Buffalo Road. There is an existing shared path from the Collie River Bridge along Old Coast Road and the Leschenault Foreshore that links into the old Cathedral Avenue carriageway in Leschenault. This section of old Cathedral Avenue was recently made more user-friendly by implementing physical measures to stop motor vehicles from using this section of the former roadway. Over the last two financial years, the Shire, using contributory funding from the Department of Transport, has progressively constructed a shared path from Buffalo Road. However, there is currently a ‘missing link’ section of shared path due to the presence of existing paper bark trees which preclude the construction of this path section within the road reserve. Hence the purchase of a portion of land is required.

At the September 2024 Ordinary Council meeting (24/192) it was resolved:

“That Council:

1. Endorses the acquisition of 4,520m2 of land from Lots 2 and 3 Cathedral Avenue, Leschenault to accommodate the construction of the missing Cathedral Avenue shared path link at an estimated cost of \$84,000 (Option 1) as shown in Attachment 1 which includes the following:

- Purchase cost of 4,520m2 from Lots 2 and 3*
- Landgate search fees/registration fees*
- Prepare and execute documentation*
- Licenced surveyor to establish and mark new boundary*
- WAPC application and application for new titles for lodgement at Landgate*

- *Undertakes the renewal of the existing fencing along the northern boundary of Lot 2*
- *Undertakes the installation of a suitable seat and interpretive signage.*

2. Requests the Chief Executive Officer to advise the owner of Lots 2 and 3 Cathedral Avenue of its decision.

3. Authorises the Chief Executive Officer to proceed with dedication in accordance with Section 56 of the Land Administration Act 1997 and implement the additional specified works, should the owner of Lots 2 and 3 Cathedral Avenue accept the proposal."

Officers contacted the landowner and provided the Council decision. The landowner questioned the currency of the valuation of the land due to the original valuation being undertaken approximately 12 months prior to being presented for consideration. The landowner insisted a new valuation be done due to the 12-month timeframe between the offer of Council in September 2024 and the land valuation undertaken in October 2023.

A further valuation was requested from Acumentis in October 2024 and a new valuation of \$65,000 was established as the current land value.

Comment

Shire of Harvey (the Shire) Officers have been in ongoing discussions with the owner of Lots 2 and 3 Cathedral Avenue regarding the Shire's interest in acquiring 4,520m² from part of Lots 2 and 3 for the construction of the shared path. The property owner is very passionate about these properties and their history in respect of the family ancestry. During the discussions, as part of the land sale arrangements, the landowner requested some form of historical memorial (bench seat for example), with a brief history of the original family settlers be placed on the side of the proposed pathway.

The landowner also requested the replacement of the dilapidated boundary fence, equivalent to rural fencing standards, to be constructed at the Shire's expense on the northern boundary of Lot 2. In addition, at the time of sub-division, the landowner requested that consideration be given to amalgamate the balance of Lots 2 and 3 into one lot. Finally, the landowner's asking price was \$75,000. This was removed in the alternative motion supported in the September Ordinary Council Meeting.

Given the current resource levels within Infrastructure Services, it is recommended that the Shire engages Complex Land Solutions Pty Ltd to act on behalf of Council in securing the purchase of the land from the landowner to allow for the construction of the shared use paths project.

Process

Officers have been advised that there would be no application fee payable to the WA Planning Commission (WAPC) if the subdivision application was for the sole purpose of "road widening".

The total cost to undertake the transfer and dedication of land is estimated to cost in the order of \$15,000 and would include the following:

- Landgate search fees/registration fees
- Prepare and execute documentation
- Licenced surveyor to establish and mark the new boundary, WAPC application and application for new titles for lodgement at Landgate.

The cost would be estimated as follows:

Item	Cost
Purchase of Land	\$65,000
Transfer/Dedication	\$15,000
Seat/Plaque	\$ 4,000
Complex Land Solutions Pty Ltd	\$ 5,000
Estimated Total Cost	\$89,000

Statutory/Policy Environment

Land Administration Act 1997

- Section 56 – Dedication of land as road: This requires Council’s support for the formal acquisition process to proceed

Strategic Framework

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

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

Community Engagement

Community Participation Goal

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

Negotiations with the landowner has been undertaken and will continue to occur after Council’s resolution.

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.

Negotiations with the landowner has been undertaken and will continue to occur after Council’s resolution.

Risk Management

The Risk Theme Profile identified as part of this report is **Failure to Fulfil Compliance Requirements**. The Consequence could be **Financial, Reputational** or **Compliance** if correct procedures are not followed for acquiring land under the *Land Administration Act 1997*. The acquisition process will be undertaken by suitably qualified and experienced persons. Therefore, the Consequence is considered **Minor** and the Likelihood is considered **Unlikely** resulting in a **Low** risk being present. The Risk is mitigated by Council supporting the Officer’s recommendation.

Budget Implications

The total cost of the proposal is estimated to be \$89,000 as mentioned above and includes the following:

- Purchase / transfer and dedication of land including survey costs and agent’s fees will be

funded from the Land Acquisition Budget allocation.

- The seating and interpretive plaque would be funded from the Travel Smart Budget allocation.

The path construction is budgeted separately in the 2024–2025 Budget funded 50/50 between the Shire and Department of Transport.

Authority/Discretion

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Endorses the acquisition of 4,520m² of land from Lots 2 and 3 Cathedral Avenue, Leschenault to accommodate the construction of the missing Cathedral Avenue shared path link at the purchase price of \$65,000 as shown in **Attachment 1**.
2. Notes the additional costs of approximately \$24,000 associated with the land acquisition which include the following:
 - a) Landgate search fees/registration fees
 - b) Prepare and execute documentation
 - c) Licenced surveyor to establish and mark new boundary
 - d) WAPC application and application for new titles for lodgement at Landgate
 - e) Undertake the installation of a suitable seat and interpretive signage.
3. Requests the Chief Executive Officer to advise the owner of Lots 2 and 3 Cathedral Avenue of its decision.
4. Authorises the Chief Executive Officer to proceed with dedication in accordance with Section 56 of the *Land Administration Act 1997* and implement the additional specified works, should the owner of Lots 2 and 3 Cathedral Avenue accept the proposal.

12.3. Sustainable Development

Item No.:	12.3.1.
Subject:	Temporary Accommodation on Private Land
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Environmental Health
Authorising Officer:	Director Sustainable Development
File No.:	ED25776728
Attachments:	<ol style="list-style-type: none"> 1. DRAFT Policy 4.3.1 –Temporary Accommodation on Private Land [12.3.1.1 - 4 pages] 2. Policy 4.3.3 – Approval to Camp for up to 12 Months on Land Owned by the Occupier [12.3.1.2 - 3 pages]

Summary

Council is requested to consider the adoption of Policy 4.3.1 – Temporary Accommodation Private Land (**Attachment 1**) to align with the updated Caravan Parks and Camping Grounds Regulations 1997. The revised policy permits the use of caravans as temporary accommodation, ensuring compliance with environmental health, safety, and amenity standards.

These amendments aim to facilitate clear, compliant, and streamlined processes for temporary accommodation approvals while maintaining public health and safety standards.

Background

The Caravan Parks and Camping Grounds Regulations 1997 (the Regulations) govern camping and temporary accommodation provisions across Western Australia. Recent amendments to the Regulations have introduced changes affecting how long individuals can camp on land they own, as well as updated conditions related to health, safety, and environmental requirements. Furthermore, Western Australia is currently facing a housing crisis due to a combination of factors, including a shortage of available housing, population growth, increased demand for rentals, and rising rental prices.

To assist in addressing these changes, at the Ordinary Council Meeting of Tuesday, 22 October 2024, Councillor Junio proposed a motion to update Policy 4.3.3 – Approval to Camp for up to 12 Months on Land Owned by the Occupier and review other policies affected by the amendments. The policy outlines the conditions for camping approvals on privately owned land. Following a policy review, it was determined that Policy 4.3.3 was no longer suitable in its current form. As a result, it has been replaced with the new Policy 4.3.1 – Temporary Accommodation on Private Land.

The new Policy 4.3.1 aligns with the updated Regulations and establishes a clearer framework for permitting the use of caravans as temporary accommodation. It also ensures that minimum environmental health, safety, and amenity standards are upheld.

Comment

Current Housing Challenges

- **Housing Shortages:** Housing supply has not kept up with demand due to construction delays and increased costs, contributing to a lack of availability across the state.
- **Population Growth:** Increased interstate migration and international arrivals have further strained the housing market.

- Rental Demand and Costs: Vacancy rates are at historic lows, leading to significant rental price increases, putting pressure on tenants and increasing the risk of homelessness.

Amendments to the Regulations

The recent amendments to the Regulations aim to alleviate housing pressures by:

- Allowing property owners to seek temporary accommodation approval for up to 24 months
- Empowering local governments to revoke approvals in cases where permit conditions are breached.

These changes provide local governments with the tools to address temporary accommodation needs while ensuring compliance with regulatory standards.

Implications for Council Policy

The previous Council policy permitted property owners to reside on-site for up to 12 months while constructing a dwelling, however this was limited to lots zoned “Special Residential” or “Special Rural” within townsite boundaries, whilst building a permanent dwelling. The updated policy will:

- Reflect the updated Town Planning Scheme
- Expand eligibility to property owners in townsite and residential areas
- Allowing approvals for temporary accommodation within a caravan on already established properties, subject to connection to services.

In addition to updates, the persons authorised to approve permits has been amended, to align with the Council’s Delegated Authority, ensuring delegated officers are empowered to make decisions in accordance with Council’s governance framework.

Statutory/Policy Environment

Caravan Parks and Camping Grounds Regulations 1997

- The Caravan Park and Camping Grounds Regulations 1997 were amended in September 2024. The proposed amendment to Council Policy incorporates the changes to the Regulations whilst considering and addressing the potential amenity and public health safety elements that temporary living arrangements may create.

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 2.1 To support people through all stages of life.*
- Objective 2.2 Create a community where people are safe.*
- Objective 2.5 Equity for all people.*

Goal 5: A representative leadership that is future thinking, transparent and accountable.
Objective 5.6 A customer centred approach to everything we do.

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.

This report is included in the Agenda Briefing Session and Ordinary Council Meeting documents, which are uploaded to the Shire's website for public viewing.

Promise to the Community

Inform: We will keep you informed.

The Council resolution will be included in the Ordinary Council Meeting Minutes, which are uploaded to the Shire's website for public viewing.

Risk Management

The Risk Theme Profile identified as part of this report is **Failure to Fulfill Compliance Requirements**. The consequence of not adopting the recommended policy changes could be **Reputation**, as the Council may fail to align with the revised regulations. The consequence rating is considered **Moderate**, with the likelihood of non-compliance **Likely**, therefore the risk is considered **High**. Implementing the changes ensures clarity, regulatory alignment, and effective enforcement, reducing the potential for these risks.

Budget Implications

Nil.

Authority/Discretion

Legislative:

Includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.

Voting Requirements

Simple Majority.

Officer's Recommendation

That Council:

1. Repeals Policy 4.3.3 – Approval to Camp for up to 12 Months on Land Owned by the Occupier as at **Attachment 2**.
2. Adopts Policy 4.3.1 – Temporary Accommodation on Private Land as provided at **Attachment 1**.

Item No.:	12.3.2.
Subject:	Final Adoption of Local Planning Policy 6.2.1 – Unhosted Short-Term Rental Accommodation
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Planning Services
Authorising Officer:	Director Sustainable Development
File No.:	C524/00001
Attachments:	1. Policy 6.2.1 - Unhosted Short-Term Rental Accommodation - Modified [12.3.2.1 - 5 pages]

Summary

The local planning framework requires updating to respond to the new *Short-Term Rental Accommodation Act 2024*. The updates being progressed include:

- Amending the Shire of Harvey (the Shire) Local Planning Scheme No. 2 (the Scheme)
- A new Local Planning Policy 6.2.1 – Unhosted Short-Term Rental Accommodation (LPP)
- A temporary ‘Amnesty Period’ initiative to waive the penalty fee for applications for retrospective development approval.

No submissions were received during the advertising of the draft LPP. Officers have proposed a modification to the LPP to assist with ensuring the objectives of the LPP can be achieved.

It is recommended that Council proceeds with the LPP, subject to modification.

Background

The State Government has committed to various initiatives to deliver better regulation of the short-term rental accommodation sector. The new *Short-Term Rental Accommodation Act 2024* provides the registration and advertising requirements for Short-Term Rental Accommodation (STRA). The Register, administered by the Department of Energy, Mines, Industry Regulation and Safety, opened on Monday, 1 July 2024, and registration is now mandatory. Registrations will be renewable every 12 months.

The Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) have recently been amended to make provision for various STRA-related uses. An amendment to the Scheme is currently being progressed to ensure consistency with the Regulations.

At the Ordinary Council Meeting of Tuesday, 27 February 2024, Council approved the following ‘Notice of Motion’:

“That Officers prepare a Draft policy for consideration by Council, to provide an assessment criteria as to the appropriateness of holiday homes (short stay accommodation) within rural and urban areas of the Shire.”

A draft LPP was prepared by Officers and at the Ordinary Council Meeting of Tuesday, 16 November 2024, Council resolved to prepare LPP 6.2.1 and requested the Chief Executive Officer to advertise the proposed draft LPP in accordance with the Regulations.

At the conclusion of the advertising period, no submissions were received.

Comment

Officers prepared the draft LPP in accordance with the:

- WALGA Local Planning Policy Guideline: Unhosted Short-Term Rental Accommodation
- Department of Planning, Lands and Heritage Position Statement: Planning for Tourism and Short-Term Rental Accommodation.

The LPP outlines:

- Information required to be submitted with an application, including plans, operation management plan
- Matters to be considered by the Shire when assessing applications
- Potential conditions of an approval
- Consultation requirements.

Since the preparation of the draft LPP, Officers have utilised the draft LPP as a ‘guide’ to assess a number of STRA applications. Applications have been received where the landowner’s and property manager’s location would prevent them from attending the property in the case of an emergency. In accordance with objectives of the draft LPP, Officers consider it appropriate that this matter is included in the LPP and therefore the LPP is proposed to be modified (**Attachment 1**) to include the following in clause 6.1 Matters to be Considered:

“(g) *The location of the Landowner and Property Manager in relation to the development site, in the event they are required to attend the development site in person in the case of an emergency.*”

It is recommended that Council proceeds with the LPP, subject to the proposed modification.

Statutory/Policy Environment

Planning and Development (Local Planning Schemes) Regulations 2015

- Schedule 2 – Deemed Provisions, Part 2 – Local planning framework, Division 2 – Local planning policies
 - Clause 3 – Local planning policies: provides the power to prepare a local planning policy.
 - Clause 4 – Procedure for making local planning policy: outlines the procedure for the making of a local planning policy.

Strategic Framework

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

- Goal 1: *A diversified and thriving economy that offers a wide range of business and work opportunities as well as consumer choice.*
- Objective 1.1 *The Shire is a tourist destination of choice.*
- Objective 1.3 *Sustainable urban, rural and industrial development.*

- Goal 5: *A representative leadership that is future thinking, transparent and accountable.*
- Objective 5.1 *Effective communication and engagement with the community.*

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.

Schedule 2, Part 2, Division 2, Clause 4(4) of the Planning and Development (Local Planning Schemes) Regulations 2015 requires a notice of the LPP to be published on the Shire's website and if considered appropriate, in a newspaper circulated within the locality.

Promise to the Community

Inform: We will keep you informed.

Schedule 2, Part 2, Division 2, Clause 4(4) of the Planning and Development (Local Planning Schemes) Regulations 2015 requires a notice of the LPP to be published on the Shire's website and if considered appropriate, in a newspaper circulated within the locality.

Risk Management

The Risk Theme Profile identified as part of this report is **Failure to Fulfil Compliance Requirements**. The Consequence could be **Compliance, Inadequate Engagement Practices** or **Reputation** if the statutory procedure is not followed. The risk is considered **Minor** and the Likelihood **Unlikely**, given that the report and Local Planning Policy have been thoroughly researched, peer reviewed and provided by a qualified Shire Officer. This results in a **Low** Risk being present.

Budget Implications

The 2024–2025 Budget includes an allocation for advertising costs.

Authority/Discretion

Legislative: Includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Pursuant to Schedule 2, Part 2, Division 2, Clause 4(3)(a) of the Planning and Development (Local Planning Schemes) Regulations 2015, acknowledges that Local Planning Policy 6.2.1 – Unhosted Short-Term Rental Accommodation does not require review in light of submissions made as no submissions were received during the advertising period.
2. Pursuant to Schedule 2, Part 2, Division 2, Clause 4(3)(b)(ii) of the Planning and Development (Local Planning Schemes) Regulations 2015, proceeds with Local Planning Policy 6.2.1 – Unhosted Short-Term Rental Accommodation with modification as contained in **Attachment 1**.
3. Pursuant to Schedule 2, Part 2, Division 2, Clause 4(4) of the Planning and Development (Local Planning Schemes) Regulations 2015, publishes a notice of Local Planning Policy 6.2.1 –

Unhosted Short-Term Rental Accommodation.

12.4. Corporate Services

Item No.	12.4.1.
Subject:	Payments January 2025
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 January 2025 [12.4.1.1 - 20 pages]

Summary

A listing of payments for goods and services for January 2025 is provided as **Attachment 1**. It is recommended that Council notes the attached payments.

Background

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

As a result of this delegation, there is a requirement under the Local Government (Financial Management) Regulations 1996, Regulation 13(3) for a list of payments to be prepared and presented to Council. With the inclusion of Clause 13A in the Local Government (Financial Management) Regulations 1996, a list of payments using the Shire’s purchasing cards (fuel and store) has also been included.

Comment

The list of accounts paid for January 2025 is presented as an **Attachment 1**, as summarised below.

<u>Voucher</u>		<u>Amount</u>
Schedule of Accounts		
Municipal	EFT 75365 – EFT 75738	\$ 2,515,177.90
	117683 – 117685	\$ 4,200.60
	DD28098.1 – DD28212.28	\$ 322,406.74
CBA Credit Cards		\$ 5,403.70
Electronic Funds Submitted		\$ 1,416,438.83
Total		\$ 4,263,627.77

Purchasing Card Payments included in the Municipal payments above

AMPOL Fuel Card	\$ 1,244.30
BP Fuel Card	\$ 4,452.18
Puma Fuel Card	\$ 2,230.30
Caltex Fuel Card	\$ 222.26
Coles Card	\$ 2,443.79
Total	\$ 10,592.83

Statutory/Policy Environment

Local Government Act 1995

- Section 5.42 – Delegation of some powers and duties of CEO

Local Government (Financial Management) Regulation 1996

- Regulation 13 – Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.
- Regulation 13A – Payments by employees via purchasing cards

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.

A report is brought to Council each month with an Attachment detailing all of the payments that were made in the month detailed.

Promise to the Community

Inform: We will keep you informed.

A report is brought to Council each month with an Attachment detailing all of the payments that were made in the month detailed.

Risk Management

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

Budget Implications

The payments listed above have been budgeted for in the Shire's 2024–2025 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 January 2025 totalling \$4,263,627.77.

Item No.	12.4.2.
Subject:	Financial Statements as at 31 January 2025
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Finance
Authorising Officer:	Director Corporate Services
File No.:	FM/S/006
Attachments:	1. Monthly Financials 31 January 2025 [12.4.2.1 - 11 pages]

Summary

The Financial Statements as at 31 January 2025 are provided as per **Attachment 1**.

The following key balances are provided to assist in reporting the Shire of Harvey’s (the Shire) financial performance.

	ACTUAL 31 January 2025	BUDGET 2024–2025	VARIANCE
Statement of Financial Performance			
Ordinary Revenue	\$ 46,147,414	\$49,037,395	\$2,889,981
Ordinary Expenditure	\$ 32,187,202	\$57,403,257	\$25,216,055
Capital Revenue	\$ 6,705,038	\$34,355,021	\$27,649,983
Capital Expenditure	\$ 11,404,951	\$41,637,971	\$30,233,020
Non-Cash Items (Reversed)	<u>\$ 9,042,730</u>		
End of Period Surplus/(Deficit)	\$ 18,303,029		
Statement of Financial Position			
Current Assets			\$55,378,754
Net Assets			\$831,466,336

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

Background

In accordance with 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 Regulation 22 (1)(d) for the month.

Comment

Rates Revenue

Rates revenue of \$30.27 million and waste service charges of \$6.10 million including the waste facilities maintenance rate were raised in July 2024. The due date for rates payment was 27 September 2024. Approximately 83.4% of the rates were collected by 31 January 2025 compared to 80.8% for the previous year.

Cash Flow and Interest Earnings

The Shire holds by way of cash and term deposits \$18 million in Municipal funds and \$31.2 million in restricted Trust and Reserve funds. The average interest rate on these funds is 4.9%. New term deposits are attracting an interest rate of approximately 5% for a term of 90 days.

Operating Grants and Subsidies

The Shire received \$3.84 million as advance payment for Financial Assistance Grants 2024–2025 in the last quarter of the 2023–2024 financial year. Second instalment of Financial Assistance Grant 2024–2025 was also received in November 2024.

Employee Costs

These accounts include the first seven months of the financial year. The Shire anticipates employee costs will remain in line with the Budget 2024–2025 and the Shire’s Workforce and Diversity Plan.

Material, Contracts, Utilities and Other Expenses

Although these accounts only reflect the first seven months of the financial year, it is anticipated the Shire will operate within its means and in line with the Shire’s adopted Budget for the 2024–2025 financial year.

Capital Expenditure

The Shire has budgeted to spend \$41.6 million on capital projects throughout the Shire in 2024–2025. Some of these projects include carry over projects from the financial year 2023–2024. Expenditure totalling \$11,404,951 on capital works has been reported at the end of January 2025. As major projects are completed, and as the Shire is invoiced for these works, the level of reported expenditure will increase.

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

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

The Notes to the Statement of Financial Performance include additional information reported by Nature, identifying reasons for variances between budgets and actuals.

Statutory/Policy Environment

Local Government Act 1995

- Section 6.4 – deals with reporting requirements for Financial Reports

Local Government (Financial Management) Regulations 1996

- Regulation 34 – Financial Activity Statement required each month (*Act* Section 6.4).

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.

A report is brought to Council monthly for Council and the public to view and be informed of the Shire's financial position.

Promise to the Community

Inform: We will keep you informed.

A report is brought to Council monthly for Council and the public to view and be informed of the Shire's financial position, and minutes are made publicly available.

Risk Management

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

Budget Implications

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

Authority/Discretion

Executive: The substantial direction setting and oversight role of the Council. e.g. adopting plans and

reports, accepting tenders, directing operations, setting and amending budgets.

Voting Requirements

Simple Majority.

Officer's Recommendation

That Council receives the Financial Statements as at 31 January 2025 provided as per ***Attachment 1***.

Item No.	12.4.3.
Subject:	Budget Review 2024–2025
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Finance
Authorising Officer:	Director Corporate Services
File No.:	FM/U/001
Attachments:	<ol style="list-style-type: none"> 1. Statement of Financial Activity and Budget Schedules Directorate [12.4.3.1 - 63 pages] 2. Mid Year Budget Review Detailed Sheet with Material Variances 24-25 [12.4.3.2 - 5 pages]

Summary

Local governments are required to conduct a Budget review between 1 January and 31 March each financial year. This is a requirement covered by Regulation 33A of the Local Government (Financial Management) Regulations 1996.

This review provides Council with the opportunity to re-evaluate the current Budget as a result of the many factors that affect works and services including income streams over the first half of the financial year.

It is recommended that Council adopts the 2024–2025 Budget Review outlined in this report and in **Attachments 1** and **2**.

Background

To ensure local governments take the opportunity to review their Budget through the course of a financial year, Regulation 33A of the Local Government (Financial Management) Amendment Regulations 2023 states:

- (1) *“Between 1 January and the last day of February in each financial year a local government is to carry out a review of its annual budget for that year”.*
- (2A) *The review of an annual budget for a financial year must –*
 - (a) *consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) *consider the local government’s financial position as at the date of the review; and*
 - (c) *review the outcomes for the end of that financial year that are forecast in the budget; and*
 - (d) *include the following -*
 - (i) *the annual budget adopted by the local government;*
 - (ii) *and update of each of the estimates included in the annual budget;*
 - (iii) *the actual amounts of expenditure, revenue and income as at the date of the review;*
 - (iv) *adjacent to each item in the annual budget adopted by the local government that states an amount, the estimates end-of-year amount for the item.*
- (2) *The review of a annual budget for a financial year must be submitted to the council on or before*

31 March in that financial year.

(3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

*Absolute majority required.

(4) Within 14 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.”

Comment

This review attempts to project the end of year outlook for the Shire’s finances on an account-by-account basis. Officers note that some major works remain to be completed between now and the end of the financial year. Every attempt has been made to include all material variances as they relate to this review.

Attachment 1 includes a Statement of Financial Activity by Nature and a Statement of Financial Activities by Directorates 2024–2025, which includes a summary of the service areas of the Shire. Following the summary page are the individual accounts for review by Council. Individual accounts which include a material variance have been highlighted in yellow.

Council’s Policy 2.2.14 – Materiality, gives a definition of materiality as being:

“Information is to be considered material if by its omission it misstates or has the potential to adversely affect the decisions about the allocation of scarce resources made by users of a general purpose financial report or the rendering of accountability by preparers.

An amount of \$30,000 in any one account, transaction or variance is considered to be material.”

Attachment 2 highlights the accounts and job numbers which have a material variance defined under Council’s Policy 2.2.14 and includes new Budget line items approved by Council resolutions in various Council Meetings held in this financial year.

Listed below are the material variances to the budget which include the reason for each variance:

Account/Job Name	Income/Expense	Cashflow +In(-Out)
Office of CEO		
Consultant – Strategic Plan	Expense	(20,000)
Description: Quote for Community Scorecard survey was \$20,000 more than the budgeted amount		
Harvey Golf Club Expansion	Expense	(227,000)
Description: Tender amount of the project came in higher than the Budget, details of the tender presented in January 2025 Ordinary Council Meeting (OCM)		
Contribution from Harvey Golf Club	Income	73,000
Description: Out of the additional \$227,000 required for the project, \$73,000 extra to be contributed by the Club (\$65,000 in the form of self-supporting loan, increased from \$150,000 budgeted for in the financial year (FY) 2024–2025 to \$215,000 and \$8,000 additional contribution)		
Brunswick River Cottages Stage 3	Expense	278,413
Description: Forecasted expenditure while drafting the Budget \$1,713,303 actual FY 2023–2024 expenditure \$1,991,716, reduced the budget accordingly		
Social Housing Economic Recovery Package	Income	1,589,594
Description: Budget forecast for FY 2024–2025 anticipated grant to be received in 2023–2024, grant received in the FY 2024–2025		

Corporate Services		
GRV – General Rates	Income	(197,489)
<i>Description: To be refunded back to rate payer due to revised valuation of properties by Valuer-General.</i>		
ESL Levy Collections	Income	82,524
<i>Description: Increased Emergency Services Levy (ESL) Collections to be paid to Department of Fire and Emergency Services</i>		
ESL Levy Collections	Expense	(82,524)
<i>Description: Increased ESL Collections to be paid to Department of Fire and Emergency Services</i>		
Rates Payment Option Fees	Income	60,000
<i>Description: Increased income from Rates instalments interest and fees charges</i>		
General Purpose Grant	Income	62,600
<i>Description: After budget was adopted, the Shire was advised of additional Financial Assistance Grant amount for 2024–2025</i>		
Municipal Investment Interest	Income	20,000
<i>Description: Higher Interest income on Shire funds</i>		
LSL Payments – Harvey and Australind Corporate Admin	Expense	(37,000)
<i>Description: Long service leave (LSL) taken by Harvey & Australind Corporate administration employees</i>		
Transfer from LSL Reserve	Income	37,000
<i>Description: LSL expenditure for Harvey and Australind Corporate admin employees recouped from LSL reserve</i>		
Legal Expenses	Expense	50,000
<i>Description: More debt recovery cost to be recovered from rate payers</i>		
Legal Costs Recovered	Income	(50,000)
<i>Description: More debt recovery cost to be recovered from rate payers</i>		
Commission Received	Income	30,000
<i>Description: More commission from Dept of Transport for DoT services</i>		
Insurance Claims	Expense	(30,000)
<i>Description: Insurance claims lodged to be recouped from Insurance Company</i>		
Insurance Claims Recouped	Income	30,000
<i>Description: Insurance claims lodged to be recouped from Insurance Company</i>		
Parental Leave Salaries	Expense	(40,000)
<i>Description: Employees on Parental leave to be recouped from Centrelink</i>		
Parental Leave Recoup	Income	40,000
<i>Description: Employees on Parental leave to be recouped from Centrelink</i>		
Loan Interest Payments	Expense	30,120
<i>Description: Delay in taking loan for Brunswick River Cottages</i>		
Community and Lifestyle Directorate		
Community and Lifestyle Admin Salaries	Expense	(25,500)
<i>Description: Aboriginal trainee budget for six months</i>		
Sport and Recreation Strategy	Expense	(30,000)
<i>Description: Implementation of Sport and Recreation Strategy</i>		
Community Grants	Expense	(40,000)
<i>Description: Grant to Leschenault Sporting Association, approved at November 2024 OCM</i>		
Transfer from Community Grant Reserve	Income	40,000

Description: Additional grant to be funded from Community Grant Reserve		
Grant funding expenses	Expense	(45,000)
Description: Grant received in FY 2023–2024 for Libraries for project to be undertaken in the FY 2023–2024 and 2024–2025, pending to be spent.		
ALCOA Partnership Grant – HRCC	Income	120,000
Description: New grant agreement signed with ALCOA		
Swim School	Expense	(30,000)
Description: Position omitted in the budget for the financial year 2024–2025		
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Description: Total budget of \$1 million for Ceilings and HP replacement, Ceiling works to be carried forward to FY 2025–2026		
LLC Major Maintenance works	Expense	106,547
Description: Budgeted for Solar panels at HRCC and LLC, partly funded from grant, not successful in grant last year, will apply again this year		
LLC Major Maintenance	Expense	(506,547)
Description: Funds required for Western power upgrade at LLC as per the estimate received from consultant		
Sustainable Development Directorate		
Sullage Removal – Other (No GST)	Income	(175,000)
Description: Sullage Pit closed for seven months due to renovation works		
L.S.L Payments – Town Planning	Expense	(35,000)
Description: LSL taken by employees, to be funded from LSL reserve		
Transfer from LSL reserve – Town Planning	Income	35,000
Description: LSL taken by employees, to be funded from LSL reserve		
Consultant fees	Expense	(45,000)
Description: For stages 3-5 of Local Planning Strategy Review likely to be completed within FY 2024–2025		
Sale of Myalup Land	Income	425,000
Description: Disposal of Myalup land as approved at October and December 2024 OCM's		
Transfer to Building Reserve Major Maintenance	Expense	(425,000)
Description: Proceeds from disposal of Myalup land to be transferred to Building Reserve Major Maintenance as approved at October and December 2024 OCM		
Purchase Plant H9045	Expense	48,000
Description: Vehicle purchased last year, budget not required for this financial year		
Sale Of Plant H9045	Income	(30,000)
Description: Vehicle sold last financial year		
Swimming Pool Inspections	Income	20,000
Description: Higher income from Swimming pool inspection fees		
Destination Harvey Region Development	Expense	19,200
Description: Destination Development Dandjoo Bilya project of \$25,000 carried forward to next FY, \$5,800 extra expended on Consumer & Trade Expo., contributed by organisations, recovered from organisations as Sundry income		
Tourism Development & Signage Strategy	Expense	80,000
Description: Project partly carried over to the next financial year		
Infrastructure Services Directorate		
Bushfire Mitigation Program	Expense	(46,000)
Description: Excess recoup of income received last year, refunded back		

Plant Purchase H9059	Expense	(49,652)
Transfer Plant Reserve H9059	Income	29,425
Description: Vehicle purchased carried over from last financial year		
Plant Purchase H9084	Expense	(49,652)
Transfer Plant Reserve H9059	Income	29,197
Description: Vehicle purchased carried over from last financial year		
New Rangers Vehicle H9013	Expense	(63,727)
Description: Vehicle for New Ranger Position		
Transfer from Plant Reserves	Income	63,727
Description: Vehicle for New Ranger Position, cost to be funded from Plant Reserves		
Leschenault BFB Construction	Expense	(223,000)
Description: Project cost outside DFES funding eligibility		
Tip passes	Expense	(40,000)
Description: Increased use of tip passes by Shire residents		
Urban Rubbish Charge	Income	25,000
Description: Additional fees from Rubbish collection charges		
Richardson Rd Landfill Site Fees	Income	25,000
Description: Additional fees from Rubbish collection charges		
Additional Rubbish Service Charge	Income	30,000
Description: Additional fees from Rubbish collection charges		
Cemetery Major Maintenance	Expense	50,000
Description: Project carried forward to next financial year		
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Description: Savings on amount budgeted		
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Description: Project carried forward to next financial year		
Property Maintenance – Capital	Expense	35,000
Description: Settlers Hall Project cancelled		
Transfer from Building Reserve Major Maintenance	Income	(35,000)
Description: Settlers Hall Project cancelled; funds transferred back to Building Reserve Major Maintenance		
Playground Equipment	Expense	42,186
Description: Add: \$57,814 required for Play spaces upgrade program at Portillo Lane project partially carried over from last FY 2023–2024, Less: \$100,000 for Harvey playground moved to Parks and Gardens major maintenance.		
Parks & Gardens Major Maintenance	Expense	(998,828)
Description: \$25,000 reduced in LRP timber walkways, project completed last FY, \$233,828 additional required for LRP Oval 2 project as per tender approved by Council at January 2025 OCM, \$790,000 for Harvey playground and associated infrastructure.		
Changing places Grant	Income	124,546
Description: Unspent grant to be used to fund Harvey playground and associated infrastructure		

<i>project</i>		
LRCI Program (Phase 4) project	Expense	170,000
Description: Project for Meriden Park car parking combined with Harvey playground and assoc. infrastructure project		
Rec Grounds – Capital Works	Expense	(94,000)
Description: Budget for Brunswick Rec Ground Lighting project increased by \$142,600, due to forecasted expenditure during the budgetary process for the FY 2024–2025 was less than the actual expenditure and for consultancy work not budgeted for. Budget for Harvey Bulls football club football club changeroom reduced by \$48,600 as approved at October 2024 OCM		
Recreation Reserve	Income	114,300
Description: Less transferred from Recreation Facilities Reserve last financial year for Brunswick Recreation Ground lighting project		
Grant Funding	Income	(19,000)
Description: Less CSRFF grant for Harvey Bulls football club changerooms upgrade		
Road Construction works	Expense	757,929
Description: \$440,000 for Harvey Quindanning Rd (RC0002H), \$65,929 Uduc Rd (RC0814), \$275,000 for Asphalt Overlays (RC0309C) project carried over to next financial year. Other changes in the road works project detailed in attachment 2 .		
RRG Grants	Income	(300,000)
Description: RRG funded Harvey Quindanning Rd. project carried forward to next financial year		
Land Acquisition	Expense	(74,000)
Description: Land acquisition of Cathedral Ave., as per September 2024 OCM		
Land Acquisition reserve transfer	Income	74,000
Description: Land acquisition of Cathedral Ave., as per September 2024 OCM, to be funded from Land Acquisition reserve		
Municipal Fund Maintenance	Expense	(300,000)
Description: More maintenance works on Shire Roads, 4% EBA increase in wages for outdoor crew workers, increase in cost of materials, traffic management cost		
Bridge Maintenance	Expense	(300,000)
Description: \$35,000 extra for Harvey Quindanning Rd. Bridge B3712 and \$265,000 for Bridge 4698 Wellesley Road South Brunswick		
Main Road Bridge Cont.	Income	176,667
Description: 2/3rd Contribution from Main Roads for Bridge 4698 works		
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Description: Savings on budgeted expenditure to fund additional expenditure on Street Trees		
Street Trees	Expense	(100,000)
Description: Additional \$50K budget for removal of trees at Holbrook Rd. Australind, \$50k additional needed for general works		
L.S.L Payments - Engineering	Expense	(92,000)
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Purchase of Plant H9062	Expense	(31,805)
Sale Of Plant H9062	Income	20,455
Trans Plant Reserve H9062	Income	11,350
Description: Vehicle purchased carried over from last financial year		
Total Savings		740,056
Difference in Surplus carried forward from last financial year		(538,461)

Savings for revisions in Budget not considered Material	(191,681)
Budget Surplus to be Transferred to Asset Replacement – Plant & Equipment reserve	(9,914)
Surplus/Deficit to be carried forward to next financial year	Nil

Surplus Carried Forward

Although it is not mandatory to have a balanced Budget, Officers are proposing a balanced Budget with a budget surplus of \$9,914 to be transferred to Shire’s Asset Replacement – Plant and Equipment Reserve and no surplus or deficit to be carried forward for the next financial year.

Statutory/Policy Environment

Local Government (Financial Management Regulations) 1996

- Regulation 33A – requirements to carry out a Budget review.

Shire of Harvey Policy 2.2.14 – Materiality.

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.

A report including the financial statements will be brought to Council monthly which will report against the Budget Reviewed amounts for Council and the public to view and be informed of.

Promise to the Community

Inform: We will keep you informed.

A report including the financial statements will be brought to Council monthly which will report against the Budget Reviewed amounts for Council and the public to view and be informed of.

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The Consequence could be **Financial** and **Compliance**. Council working through its proven budget process and the Budget being prepared by qualified, professional Officers helps to mitigate financial and compliance risks. As such it is considered that a **Low** risk is present.

Budget Implications

The Budget review has highlighted a number of accounts where both income and expenditure have deviated from that budgeted and also accounts for previous Council resolutions relating to the Budget review. The Budget review outcome provides for a balanced 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

Absolute Majority

Officer’s Recommendation 1 of 2

That Council approves the increase from \$150,000 to \$215,000 for a self supporting loan to the Harvey Golf Club and authorises the Chief Executive Officer to enter into a self supporting loan agreement with the Harvey Golf Club for an amount of up to \$215,000 for expansion of the Harvey Golf Club building.

BY ABSOLUTE MAJORITY

Officer’s Recommendation 2 of 2

That Council adopts the 2024–2025 Budget Review, which includes a total expenditure of \$100,563,790 (as per the Summary of Financial Activity by Directorate) and which highlights a balanced Budget with Nil Surplus or Deficit to be carried forward for next financial year as per the table below and within **Attachment 1** and **2**.

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<i>Description: To be refunded back to rate payer due to revised valuation of properties by Valuer-General.</i>		
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Description: Increased Emergency Services Levy (ESL) Collections to be paid to Department of Fire and Emergency Services		
ESL Levy Collections	Expense	(82,524)
Description: Increased ESL Collections to be paid to Department of Fire and Emergency Services		
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Description: <i>Total budget of \$1 million for Ceilings and HP replacement, Ceiling works to be carried forward to FY 2025–2026</i>		
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LLC Major Maintenance	Expense	(506,547)
Description: <i>Funds required for Western power upgrade at LLC as per the estimate received from consultant</i>		
Sustainable Development Directorate		
Sullage Removal – Other (No GST)	Income	(175,000)
Description: <i>Sullage Pit closed for 7 months due to renovation works</i>		
L.S.L Payments - Town Planning	Expense	(35,000)
Description: <i>LSL taken by employees, to be funded from LSL reserve</i>		
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Description: <i>For stages 3-5 of Local Planning Strategy Review likely to be completed within FY 24/25</i>		
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Description: <i>Disposal of Myalup land as approved at October and December 24 OCM</i>		
Transfer to Building Reserve Major Maintenance	Expense	(425,000)
Description: <i>Proceeds from disposal of Myalup land to be transferred to Building Reserve Major Maintenance as approved at October and December 24 OCM</i>		
Purchase Plant H9045	Expense	48,000
Description: <i>Vehicle purchased last year, budget not required for this financial year</i>		
Sale Of Plant H9045	Income	(30,000)
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Description: <i>Excess recoup of income received last year, refunded back</i>		
Plant Purchase H9059	Expense	(49,652)
Transfer Plant Reserve H9059	Income	29,425
Description: <i>Vehicle purchased carried over from last financial year</i>		
Plant Purchase H9084	Expense	(49,652)
Transfer Plant Reserve H9059	Income	29,197

Description: Vehicle purchased carried over from last financial year		
New Rangers Vehicle H9013	Expense	(63,727)
Description: Vehicle for New Ranger Position		
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Cemetery Major Maintenance	Expense	50,000
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Purchase of Water Allocation for Treendale Estate	Expense	(120,000)
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Description: Project for Meriden Park car parking combined with Harvey playground and associated infrastructure project		
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Recreation Reserve	Income	114,300
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RRG Grants	Income	(300,000)
Description: RRG funded Harvey Quindanning Rd. project carried forward to next financial year		
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Description: Land acquisition of Cathedral Ave., as per September 2024 OCM		
Land Acquisition reserve transfer	Income	74,000
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Description: LSL taken by employees, to be funded from LSL Reserve		
Transfer From LSL Reserve – Engineering	Income	92,000
Description: LSL taken by employees, to be funded from LSL Reserve		
Purchase of Plant H9062	Expense	(31,805)
Sale Of Plant H9062	Income	20,455
Trans Plant Reserve H9062	Income	11,350
Description: Vehicle purchased carried over from last financial year		
Total Savings		740,056
Difference in Surplus carried forward from last financial year		(538,461)
Savings for revisions in Budget not considered Material		(191,681)
Budget Surplus to be Transferred to Asset Replacement – Plant and Equipment reserve		(9,914)
Surplus/Deficit to be carried forward to next financial year		Nil

BY ABSOLUTE MAJORITY

12.5. Community and Lifestyle

Item No.:	12.5.1.
Subject:	Shire of Harvey Community Grant Program – Partnership Agreements
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Grants Officer
Authorising Officer:	Director Community and Lifestyle
File No.:	C046/00003
Attachments:	1. Template SOH Partnership Agreement Dec 2024 [12.5.1.1 - 9 pages]

Summary

This report provides information regarding four new requests from community groups seeking a Partnership Agreement with the Shire for long standing and respected community events.

Officers recommend that Council considers these requests and authorises the Chief Executive Officer to invite the proponents to submit applications for a three-year partnership as part of the 2025 Community Grant Program process.

Background

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

Council provides annual and ongoing funding to support activities, services and projects which benefit the community, build capacity and contribute to the delivery of the Shire’s Strategic Community Plan goals and priorities.

The Program provides funding across seven categories, that correspond to the primary themes of the Shire’s Strategic Community Plan. These categories and their annual funding allocations are:

1. Community Support – funding pool of \$50,000
2. Athlete Travel Subsidy – funding pool of \$1,500
3. Placemaking – funding pool of \$20,000
4. Arts, Culture, Heritage – funding pool of \$30,000
5. Community Events – funding pool of \$50,000
6. Infrastructure – funding pool of \$100,000
7. Partnership Agreements – funding pool of \$200,000

Council provides a capped amount of \$451,500 annually through the program to support activities, services and projects that benefit the community, build capacity, and contribute to the delivery of the Shire’s Strategic Community Plan goals and priorities. Should the full amount not be expended, any surplus funds remaining are transferred to the Community Grants Reserve to be utilised across future Community Grants Programs.

An annual round of Community Grants is offered, opening in February and closing in April for one-off grants, with allocations approved by Council as part of the annual budget process. In the 2024–2025 financial year, Council approved \$274,798 to 31 activities or organisations.

In addition, on Tuesday, 28 June 2022, Council determined to enter into multi-year partnerships with six organisations that consistently deliver community outcomes on an annual basis. These allocations are included in the annual Budget process.

Shire of Harvey Community Grant Program – Partnership Agreements

The purpose of the Partnership Agreements 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. The aim is to provide surety and to recognise those organisations and activities that deliver repeated or on-going outcomes for the Shire of Harvey community.

Current Partnership Agreements

Council endorsed the following six partnerships on Tuesday, 28 June 2022. Applications for the partnerships were submitted by the community group or organisation via the Smartygrants portal.

Table 1: Current partnership agreements.

Group or Organisation	Project	Cash Contribution
Brunswick Community Resource Centre	Programming	\$ 30,000
Bunbury Regional Entertainment Centre	Regional Entertainment Program	\$ 20,000
Harvey Community Radio	Operational Costs	\$ 10,000
Harvey Community Resource Centre	Service Provision	\$ 30,000
Lot 208 Youth Inc.	Youth Program	\$ 80,000
Southwest Academy of Sport	Support Program	\$ 9,000
TOTAL		\$179,000

The partnerships are a five-year agreement term commencing Friday, 1 July 2022 and due to end Wednesday, 30 June 2027. They are in their third year of a five-year term.

Officers have received requests for a further four partnerships to be considered by Council to support:

- Harvey Agricultural Show
- Brunswick Agricultural Show
- Youth Cattle Camp
- Harvey Harvest Festival.

The Shire has supported these events for many years through the annual Community Grant Program. The following table represents the current cash and in-kind support provided for each event.

Table 2: Current cash and in-kind support for events requesting partnership agreements

Group or Organisation	Project	Current Shire In-Kind Support (approx.)	Current Shire Cash Contributions
Harvey Agricultural Show	Community Event	\$25,000	\$ 5,000
Brunswick Agricultural Show	Community Event	\$25,000	\$ 5,000
Youth Cattle Camp	Community Event	\$ 5,000	\$ 5,000
Mainstreet Inc. Harvey Harvest Festival	Community Event	\$10,000	\$25,000
TOTAL		\$65,000	\$40,000

The Community Grant Program does not normally offer partnerships as an open category of funding. However, given the requests received, it is proposed to invite applications for specified events as part of the 2025 round.

Comment

Officers have prepared a Partnership Agreement template (refer **Attachment 1**) designed to formally articulate the obligations of both the Shire and the group or organisation in relation to the support provided.

The following outlines the rationale behind requests for a more structured, sustainable relationship that allows for smoother project execution, better utilisation of resources and continued community benefit.

1. Timing of Grant Application and Project Delivery

The current annual grant process involves a rigid timeline that proves challenging for certain community groups. The grant applications are open for a six-week window, typically from March to April, and the successful applicants are notified of their funding in August after the Shire’s annual budget is adopted by Council.

This timeline doesn’t lend itself to the project delivery of some events. Under the current guidelines, projects and events must be completed between 1 August of the year Council endorses the budget and 31 March of the following year, when the acquittal report is due. The grant guidelines state that applicants must not have outstanding acquittal reporting for any previous Shire of Harvey funding to be eligible to apply. Many community groups plan their events or projects well in advance, often outside these strict timeframes. The delayed receipt of funding also restricts the ability of these groups to forward plan and secure vendors in a timely manner.

A partnership agreement provides the flexibility for these groups to manage their projects more effectively without being constrained by the Shire’s grant timelines. This enables them to start planning and securing resources earlier, while still ensuring the Shire’s involvement and support.

While the Shire’s existing partnerships are for a term of five years, Officers are proposing that all new partnership agreements are for a term of three years. This would provide the Shire with the flexibility to pursue other opportunities that may arise, while a five-year term is less suitable due to its length and the potential negative perception of breaking a contract.

2. Better Qualification of In-Kind Support

At present, community groups often direct their requests for in-kind support to various business units within the Shire, which makes it difficult to quantify the total support being provided. In-kind contributions such as traffic management, waste collection including supply of bins, public toilet cleaning, preparation of grounds prior to the event, waiver of fees associated with use of grounds, and other resources, are not systematically tracked or coordinated across business units.

This lack of centralisation results in inefficiencies and challenges in measuring the true extent of support offered to these groups. Whilst in-kind support is not cash it is still a cost to the Shire.

A partnership agreement allows for a more transparent and streamlined approach to managing these contributions. By formalising the support offered, both the Shire and community groups can have a clearer understanding of resources allocated, ensuring that contributions are properly accounted for, and the full value of support is recognised (refer **Table 3**).

Table 3 Example: Shire In-Kind Support for Brunswick Agricultural Show 2024

Venue	Day/Rate	Cost
Waiver of all fees associated with the use of Brunswick Recreation Centre 14.10.2023 – 30.10.2023 for duration of bump-in, Show days and bump-out	\$240	\$4,080
Waiver of all fees associated with the use of Brunswick Showgrounds 20.10.2023 – 30.10.2023 for duration of bump-in, Show days and bump-out	\$331	\$ 3,646
Traffic Management	50%	\$ 3,500
Supply/Collection/Disposal 50 Bins		\$ 2,410
Toilets, cleaning, supplies		\$ 1,037
Grounds preparation		\$ 10,413
TOTAL		\$25,086

3. Consistent Support Across Community Groups and Organisations

Currently, community groups may receive varying levels of in-kind support leading to inconsistencies in service delivery. A partnership agreement provides consistent and equitable support across the Shire’s community groups and organisations. By establishing standardised expectations and commitments, the Shire can ensure that all groups, regardless of size or prominence, receive the same level of assistance and resources for their events or initiatives. This consistency would not only improve the quality of the projects but also enhance the Shire’s relationship with its community groups, fostering trust and collaboration.

4. Increasing Capacity of Community Groups

Many community groups operate on a volunteer basis and face limitations in terms of personnel resources, and time. These groups have been applying in the Shire’s Community Grant Program for the same long standing and respected community event/initiative for many years. They rely heavily on external funding to carry out the event, and the uncertainty surrounding grant approval and funding delays can add pressure to their already stretched volunteer teams.

A partnership agreement increases the capacity of these groups by offering them assurance of funding, thus reducing the burden of having to repeatedly apply in the Shire of Harvey Community Grant Program. This assurance allows groups to focus on the delivery and execution of their events of projects, rather than spending valuable time navigating the grant application process each year. Over time, this would help increase the overall effectiveness of these community groups and ensure their long-term sustainability.

5. Longstanding and Beneficial Community Events

Many of the events for which these groups apply for funding are long-standing and have proven to be highly beneficial to the community. These events often have deep-rooted value, bringing people together, supporting local culture, and enhancing social well-being.

However, administering these events requires significant resources, both financial and logistical. If the

Shire were to take over the management and administration of these events, the costs would be considerably higher, demanding additional staff time, funding, and resources. By partnering with community groups, the Shire can continue to achieve its community outcome objectives while minimising its administrative burden and cost while helping leverage the expertise, passion, and commitment of these local volunteers.

Conclusion

Officers recommend that Council authorises the Chief Executive Officer to invite the following proponents to submit applications for a three-year partnership as part of the 2025 Community Grant Program process.

- Harvey Agricultural Show
- Brunswick Agricultural Show
- Youth Cattle Camp
- Harvey Harvest Festival.

This would enable a recommendation to be made to the May 2025 Ordinary Council Meeting for Council to consider the amount and conditions of the proposed partnership agreements.

Formalising the in-kind support into a three-year partnership agreement provides a structured framework that benefits both the Shire and the community groups. For the Shire, it ensures effective resource allocation, increased accountability, and strengthened community relations. For the community groups, it provides predictability and capacity building.

Statutory/Policy Environment

Policy 3.1.12 – Community Funding

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 2.3</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 5:</i> | <i>A representative leadership that is future thinking, transparent and accountable.</i> |
| <i>Objective 5.1</i> | <i>Effective communication and engagement with the community.</i> |
| <i>Objective 5.2</i> | <i>Build partnerships and work collaboratively to amplify the outcomes that can be achieved.</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.

The partnership proposals have been requested by community groups and this report is in response to their requests.

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.

A record of this report will be on the Shire's website and direct communication and co-design of the partnership agreement will take place with the community groups.

Risk Management

The Risk Theme Profile identified as part of this report is **Inadequate Engagement practices**. The consequence could be **Reputational** and **Financial** should Council not adopt the recommendation to support the community groups' request for a partnership. The consequence rating is considered **Minor** and the likelihood **Unlikely**, therefore it is deemed that there is a **Low** risk present.

Budget Implications

Council will consider the budget implications of the partnership requests when a recommendation is made to the May 2025 Ordinary Council meeting when all categories of the Shire of Harvey Community Grant Program are considered.

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. Requests the Chief Executive Officer to invite partnership applications to be submitted in the upcoming Shire of Harvey Community Grant Program round for the following events:
 - Harvey Agricultural Show
 - Brunswick Agricultural Show
 - Youth Cattle Camp
 - Harvey Harvest Festival.
2. Notes that the assessment panel will review the applications received and make a recommendation to Council for consideration at the May 2025 Ordinary Council Meeting.
3. Endorses the Agreement Template as provided at **Attachment 1** to be used to formalise all Shire funding partnerships with external parties.

Subject:	Coastal Community Fund Consultation
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Community Development Officer - AM
Authorising Officer:	Chief Executive Officer
File No.:	C/B/028
Attachments:	<ol style="list-style-type: none"> 1. Community Suggestions and Votes [12.5.2.1 - 7 pages] 2. Myalup Master Plan [12.5.2.2 - 21 pages] 3. Binningup Skatepark Concept Report [12.5.2.3 - 22 pages] 4. Binningup Skatepark Pre-design Budgeting [12.5.2.4 - 1 page]

Summary

This report presents the findings from the coastal community consultation, which was conducted to identify potential legacy projects for the allocation of a 40% percentage of the Coastal Community Reserve Account (CCRA).

The community's preferences for coastal legacy projects are broadly summarised under the following suggested initiatives:

- Development of Myalup shared paths (including Lakes Josephine and Preston)
- Myalup to Binningup shared path
- Myalup Beach improvements
- Binningup Skatepark
- Binningup to Buffalo Beach shared path.

Certain categories, such as the various Myalup beach suggestions, will require further consultation to determine priorities and clarify specific ideas for investigation.

A complete list of all suggested projects from the coastal community consultation, along with their associated votes, can be found in **Attachment 1**.

Background

In 2009, the Water Corporation and the Shire of Harvey (the Shire) collaborated to establish a Community Benefits Package, designed to support communities affected by the construction of the Southern Seawater Desalination Plant (the Plant). A central component of this initiative was the creation of the CCRA, which was intended to fund meaningful community development and 'legacy' infrastructure projects in Myalup and Binningup. These funds were earmarked specifically for new projects, rather than for routine maintenance or operational costs.

Initially, the Community Benefits Package provided a one-time payment of \$1 million (plus GST). During the Plant's construction, the Shire successfully secured an additional \$750,000 for soil disposal at the Richardson Road Landfill site, increasing the total funding in the Coastal Communities Fund to \$1.75 million, with additional interest accrued over time.

In discussions with the Shire's Chief Executive Officer (CEO) and the Water Corporation and Southern Seawater Alliance, it was proposed that the CCRA be dissolved as it had fulfilled its initial purpose of supporting the community during the Plant's construction. It was suggested that the remaining funds be allocated to one or two key infrastructure projects, including the Binningup Skatepark and Pump Track, a revamp of the Binningup Community Hall, or other smaller community projects. An alternative

was for the Shire to retain the funds in the CCRA and continue to administer them annually through the Community Grant Program, which offers up to \$450,000 in grants.

After 14 years of payments to coastal community groups, the CCRA balance was \$1,015,931 as of Tuesday, 28 November 2023. During the Ordinary Council meeting at this date Officers recommended dissolving the CCRA and requested the CEO to consult with the Binningup and Myalup communities to identify project(s) to pursue. The Shire endorsed an alternative motion, and it was resolved:

“That Council:

- 1. Dissolve the agreement with Water Corporation and the Southern Seawater Alliance and the funds remaining in the Coastal Reserve be administered as follows*
 - a. 60% of the remaining funds to be retained in the Coastal Communities Reserve Account and administered as part of the annual coastal community grant funding process.*
 - b. 40% of the remaining funds to be allocated towards a significant legacy project/s.*
- 2. Request the Chief Executive Officer to engage the communities of Binningup and Myalup to determine which legacy projects should be pursued with 40% of the remaining funds (or \$406,000).”*

In response to the above Council resolution, the Shire conducted community consultation to determine which legacy project/s should be pursued.

The primary methods of communication used for the consultation included:

- Emailing all known coastal community groups
- Online consultation via a webpage on the Have Your Say engagement platform (HYS)
- The webpage included the Myalup Master Plan (MMP), developed by a consultant engaged by the Myalup Community Association (MCA), and the Binningup Skatepark Concept Report.
- Two in-person consultation sessions held in Myalup (Wednesday, 4 December 2024) and Binningup (Saturday, 7 December 2024).

The Shire's consultation efforts reached the following:

- In-person community consultation sessions: 36 participants
- Online engagement:
 - Participants who made suggestions: 54
 - Total number of suggestions: 110
 - Total votes made by the community for these suggestions: 174

Additionally, the Shire consulted the Binningup community regarding a new skatepark to replace the existing one at Binningup Oval. The initiative for a new skatepark originated from the Binningup Community Garden in 2022, which expressed strong support for the project and applied for a Coastal Communities Fund Grant to advance it. A skatepark consulting firm, CONVIC, was appointed to engage with the community in designing a new skatepark concept.

The attendance for the skatepark consultation by CONVIC (84 participants total) was as follows:

- Pre-design questionnaire in June 2024: 50 participants (15 online, 35 in-person)
- Concept Design Community Workshop on Tuesday, 22 October 2024: 34 participants: (eight online, 26 in-person).

Comment

To provide additional information for the community's consideration, the online HYS platform attached both the MMP (refer **Attachment 2**) and the Binningup Skatepark Concept Report (BSCR – refer **Attachment 3**).

H+H Architects were engaged by the MCA in November 2023 to undertake a Visioning and Master Plan study for the Myalup townsite and wider area. The project requested ideas and suggestions from local residents to improve the townsite. All suggestions were recorded and common themes discussed with the MCA and developed into the final Master Plan. The intention of the MMP was to provide a desired future direction for the Myalup townsite. The suggestions cover a multitude of projects, including projects on private land not owned or managed by the Shire (for example land adjacent to Myalup Beach car park). The MMP does not contain a timeline or details of implementation steps, costs or enquiries with stakeholders. The BSCR was developed by CONVIC to summarise the preferences of the Binningup community for the proposed new Skatepark including the type of facility to be built, auxiliary features (including shade, seating etc). The report also detailed a summary of the attendance figures of the consultation. Since the completion of the BSCR, CONVIC has developed a detailed design for the Skatepark, including the construction specifications based on the concept design which is currently under review by the Shire.

A summarised analysis of the community suggestions from HYS are noted below:

Suggestions	Votes
Myalup shared path trails (multiple indistinct suggestions)	31
Myalup to Binningup shared path	23
Myalup beach improvements (multiple indistinct suggestions)	29
Binningup Skatepark	12
Binningup to Buffalo Beach shared path	12
Myalup Beach road to Diversion track	3
Total	110

Further community consultation and investigation will be required for related suggestions (such as Myalup Beach improvements) to clarify the project and seek community agreement on the priority.

Officers have investigated many of the community preferences noted above and provide the following commentary.

Myalup shared paths

- The MMP includes recommendations for shared pathways around Lake Preston, Lake Josephine, and the 100-Acre Wood.
 - Lake Preston and Lake Josephine form part of the Yalgorup National Park which is managed by the Department of Biodiversity, Conservation and Attractions (DBCA). Any trail development would require DBCA approval.
 - The 100-Acre Wood, also referred to as 'Lot 100', is a Tuart-forest located north of the Myalup township, owned freehold by the Shire. It extends inland from Lake Preston

Road (excluding private properties along the road) to the coastline. The consultant engaged for the Harvey Region Trails and Adventure Master Plan observed that while an excellent local community trail, it was not deemed a priority or a major trail initiative.

- Any trails developed in the Myalup area will need to be developed within the DBCA Trail Development Process (TDP). This process offers landowners, land managers, and trail users in Western Australia a structured methodology to ensure that trails are sustainable and serve as assets rather than liabilities. The TDP is a comprehensive framework that necessitates robust community support to successfully implement its eight-step process.
- There is currently no Shire resource to maintain trails. The Shire could further consult the Myalup community and seek community support for a 'Friends of Myalup shared paths' to apply for grants and maintain trails.
- There is a requirement for environmental and Aboriginal surveys.

Summation: Requires further consultation to determine priorities and clarification of suggestions for investigation.

Myalup to Binningup shared path

- Would predominately involve four landowners which inherently means that any developments to this land are outside the control of the Shire and dependent upon the owners' discretion being:
 - Qube
 - Fiveight
 - Lombardos Group
 - WA Water Corporation (Southern Seawater Desalination Plant)
 - State Government.
- The area between Myalup and Binningup is predominately sandy, and while no cost estimate is available, it is anticipated that a significant amount of materials will be needed for trail construction.
- Land owned by Qube requires a bridge and a road to be developed.
- The Harvey Region Trails and Adventure Master Plan 2023 (HRTAMP) designates a 37km 'Coastal Shared Use Trail' (CSUT) as a priority initiative. A Feasibility Study and Master Plan are identified as the next essential steps to advance the development of the trail. This shared use trail provides an opportunity to connect the coastal communities of Myalup, Binningup and Australind. A shared use trail from Preston Beach and Yalgorup National Park in the north, to the settlements of Myalup and Binningup, continuing to Leschenault Peninsula, will also provide connectivity to services and infrastructure for local residents.

Summation: This trail is a long-term possibility dependent upon negotiation with and support of private landowners. A Feasibility Study and Master Plan as recommended by the HRTAMP is required to advance the development of the trail.

Myalup beach improvements

- There is currently no consensus on priority and future direction of Myalup beach access (pedestrian and vehicles), accessibility and shaded/BBQ area.

- There is limited space to provide improved access/egress for vehicles and pedestrian traffic. Despite being identified in the MMP, the land south of the carpark is owned privately so cannot be developed.
- Any developments for the beach will need to be strategic and balanced with environmental and erosion concerns.

Summation: Further community consultation will be required to clarify and prioritise community preferences for Myalup beach improvements.

Binningup Skatepark

- There is strong support for a Skatepark that was initiated by the community with support for concept design. Detailed design complete.
- Action supported by following Shire documents:

Corporate Business Plan 2024–2028:

Action 4.1.2 – Redevelop the Binningup Skatepark

Sport and Recreation Plan 2033:

Item 1.65 (High Priority) – Provide new neighbourhood level skate park with an option to provide an associated 3-on-3 basketball court.

- Total pre-budgeted cost (Refer **Attachment 4**):

Item	Cost
Binningup Skatepark	\$350,000
Ancillary Skatepark items	\$276,000
Total	\$626,000

Summation: Skatepark is costed, consulted, designed and close to tender for contractor.

Binningup to Buffalo Beach shared path

- Predominately involves two private landowners south of Binningup – Fiveight and Lombardos.
- Refer to CSUT comment in the Myalup to Binningup Shared path commentary.

Summation: This trail is a long-term possibility dependent upon negotiation with and support of private landowners.

Conclusion

Officers are recommending that Council approves the commencement of the tender for contract in 2024–2025 and subsequent construction of the Binningup Skatepark utilising \$350,000 sourced from the CCRA. The skatepark featured predominately in the consultation, has historically been requested by the Binningup community, and is costed, designed and ready to commence.

Officers are also recommending additional consultation with the Myalup community to identify priority projects. Any community-identified project, such as a beach improvement initiative, will require a comprehensive development plan that includes cost estimates, ecological and Aboriginal heritage

surveys, sustainable funding, and an ongoing maintenance budget. No further action can proceed until consultation is completed, and a detailed plan has been developed, which may take up to a year to fully realise. It is proposed that the remaining unquarantined funds in the Coastal Communities Reserve Account be utilised for this purpose.

Statutory/Policy Environment

Local Government Act 1995:

- Section 6.8(1)(b) – deals with expenditure not included in the Budget requires a resolution of Council by Absolute Majority.
- Section 6.11 – deals with conditions around Reserve Accounts and expenditure being used for the purpose of the Reserve.

Strategic Framework

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

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

Objective 5.1 Effective communication and engagement with the community.

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.

The community has played a pivotal role in shaping decisions and providing input on how funds would be utilised. Online engagement via the Have Your Say platform along with in person consultation sessions have captured feedback and ideas from community members.

Promise to the Community

Inform: We will keep you informed.

Council's decision will be documented in the publicly accessible Council minutes. Shire Officers will also collate suggestions from the community, provide commentary on their ideas and inform them of Council's decision on the Have Your Say platform.

Risk Management

The Risk Theme Profile identified as part of this report is **Inadequate Engagement Practices**. The consequence could be **Reputation** and **Financial Impact**. If the Coastal community do not perceive they have been adequately consulted the Shire's reputation in this part of the Shire community will be affected. The Reputation consequence is considered **Moderate** and the likelihood is **Possible** resulting in a **Medium** risk being present.

Budget Implications

It is proposed that \$406,000 is allocated from the Coastal Communities Reserve Account in 2024–2025, with \$350,000 utilised for the construction of the Binningup Skatepark and \$56,000 for Myalup project plan/s.

Ancillary items connecting to and located around the proposed Binningup Skatepark will require

additional funding of \$276,000. If this is to proceed, additional funding will be sought from Alcoa Harvey Sustainability Fund, Lotterywest and via the Council budget process.

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 approves the following unbudgeted allocations sourced from the Coastal Community Reserve Account in the 2024–2025 Financial Year:

- a) \$350,000 for the construction of the Binningup Skatepark.
- b) \$56,000 to engage a consultant to undertake consolidation of input from Myalup residents and develop a detailed plan for suitable future project/s in Myalup.

BY ABSOLUTE MAJORITY

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

Nil.

14. Notice of Motion for Following Meeting

15. Reports of Members

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

7. Matters Behind Closed Doors

17.1. Executive Services 7.1.1 CEO Leave

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

s.5.23(2)(a): “a matter affecting an employee or employees.”

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

Item No.:	17.1.1.
Subject:	CEO Leave
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Governance and Strategy
Authorising Officer:	Chief Executive Officer
File No.:	PL/S/910
Attachments:	Confidential Attachment 1

Summary

An inconsistency has been raised regarding Council’s management practice of leave approval for the Chief Executive Officer (CEO). This report seeks to clarify the process for Council managing the CEO’s leave application process by formal resolution to have the Shire President approve the CEO’s requests for Annual Leave and all other leave entitlements.

Voting Requirements

Simple Majority

17.2. Infrastructure Services

17.2.1 T112024 – Tender for the Redevelopment of the Brunswick Tennis Courts

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

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

Item No.:	17.2.1.
Subject:	T112024 – Tender for the Redevelopment of the Brunswick Tennis Courts
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Acting Director Infrastructure Services
Authorising Officer:	Chief Executive Officer
File No.:	T112024
Attachments:	Confidential Attachment 1

Summary

Tender T112024 for the Redevelopment of the Brunswick Tennis Courts was advertised on Thursday, 19 December 2024 via the Shire of Harvey’s (the Shire) Tenderlink e-tendering website. At the close of Tenders on Friday, 24 January 2025, one Tender was received.

Tenderers were advised that the Shire was calling Tenders to appoint a Contractor for the Redevelopment of the Brunswick Tennis Courts. Following a detailed assessment of the compliant Tender Submission, the Tender Evaluation Panel (the Panel) considered that the Tenderer was suitable to undertake the Contract.

The Tender response came in over the allocated budget for the four-court option and was under budget for the three-court option.

It is recommended that Council awards Tender T112024 as per the Officer’s Recommendation.

Voting Requirements

Simple Majority

17.2.2 WALGA Energy Project Phase 2

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

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

Item No.:	17.2.2.
Subject:	WALGA Energy Project Phase 2
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Waste and Sustainability Officer,
Authorising Officer:	Director Corporate Services
File No.:	C057/00004
Attachments:	Confidential Attachment 1
	Confidential Attachment 2

Summary

The Shire of Harvey (the Shire) is currently part of the Western Australian Local Government Association (WALGA) Sustainable Energy Project (the Project). This Project is an Australian Competition and Consumer Commission (ACCC) approved buying group of Local Governments that has contracted electricity under a volume aggregated purchasing process.

A Request for Quotation (RFQ) was advertised by WALGA for a Phase Two contract term commencing Tuesday, 1 April 2025. Participants of the Project entered a Memorandum of Understanding (MOU) with WALGA which allowed the contestable energy spent to form part of the procurement process for the purposes of pricing.

Offers were received and evaluated by Shire staff, members of WALGA and technical constants.

Due to the competitive cost compared to the open market, the “Synergy – Unconforming Unbundled – 100% Take Up” option has been selected as the preferred option, with the “Synergy – Unconforming Unbundled 65%+ Take Up” selected as a suitable fall-back option if 100% take up cannot be achieved.

It is recommended that inclusion of 100% Natural Power proportion be included in the preferred offer from Synergy, as this achieves a monumental environmental outcome while remaining cost effective due to the volume aggregated purchasing process.

Voting Requirements

Simple Majority

18. Closure of Meeting