



SHIRE OF
HARVEY



Agenda Briefing Session **Agenda**

**Harvey Council Chamber
Tuesday, 19 November 2024
5PM**

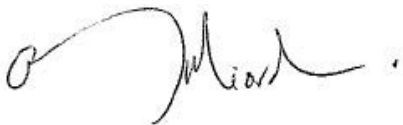
**Shire of Harvey
Agenda Briefing Session**

Dear Councillor,

Notice is hereby given that the next meeting of the Harvey Shire Council will be held in the Harvey Council Chamber, Young Street, Harvey, on Tuesday, 19 November 2024 commencing at 5pm.

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

Yours faithfully,

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

Annie Riordan
Chief Executive Officer

15 November 2024.

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1. Official Opening**Disclaimer**

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

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

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

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

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

Acknowledgement of Country

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

2. Record of Apologies and Leave of Absence**3. Declarations of Members' and Officers' Personal Interest****4. Deputations**

5. Officer's Reports

5.1. Chief Executive Officer

Nil.

5.2. Infrastructure Services

Item No.:	5.2.1.
Subject:	Purchase of Water Allocation
Proponent:	Shire of Harvey
Location:	Australind
Reporting Officer:	Manager Parks Services
Authorising Officer:	Chief Executive Officer
File No.:	C336/0002
Attachments:	Nil

Summary

The Shire of Harvey (the Shire) has an opportunity to purchase an irrigation water allocation via the Department of Water and Environmental Regulation (DWER)'s water entitlement transfer, trades and agreements process.

Trading or leasing water (an agreement) allows water entitlements to be distributed elsewhere amongst landholders in the same water resource area that is fully allocated (i.e. no additional water available).

This Report recommends Council authorise the purchase of 30,000kL of water licence allocation to be used in the Australind area at a cost of approximately \$120,000.

Background

Treendale Estate Land Development is a major residential land development within the Shire of Harvey local government area. Developers, as part of their development approvals, have conditions that require the provision of public open space (POS) landscaping assets, which include irrigation infrastructure, grassed areas, trees and gardens as well as other infrastructure that may include footpaths, shelters, barbeques and playgrounds. These assets are gifted to the Shire through the subdivision development process.

As part of the gifting process, the developer is required to provide the Shire with adequate water allocation to ensure the establishment and the ongoing maintenance of green landscaping into the future.

The Treendale developer undertook the development of POS and associated infrastructure and has subsequently overdeveloped POS within the Treendale housing development, beyond the licence allocation for the estate outside the regulations that govern the licencing of water resources for this prescribed use.

Unfortunately, the development of POS within Treendale continued unrestrained for many years to the point that the licence allocation granted for the development was insufficient to continue to establish or maintain the level of landscaping within the development.

During this period of development, the Shire, at the developer's request, commenced annually transferring 30,000kL of water from the Shire's Yarragadee allocation from Leschenault Recreation Park (LRP) to the developer to allow for the continuation of irrigation to maintain POS within the Treendale development; DWER supported these requests. This decision was believed to have been undertaken at Officer level.

With the introduction of the Parks Services Team and the employment of the Manager Parks Services this was identified as an area of concern for the Shire. The allocation that was transferred was provided from the allocation of irrigation water for the LRP. It was primarily allocated for the future development of ovals seven and eight and, at the time, was seen as not being utilised, so it was made available for

external use by the developer.

Unfortunately, with this allocation being utilised in the Treendale development, the community expectation is now that the Shire would maintain the current level of irrigation allocation to continue to provide the same level of service to the parks and landscaping within Treendale.

Residents through the development of landscaping within the Treendale estate have become accustomed to amenity and POS that is available to the community. To remove any level of landscaping or POS within the community especially with the community contribution to a specified area rate would not meet community expectation that this level of amenity will be maintained.

To allow the Shire to develop ovals seven and eight would require the purchase of additional allocation via DWER water entitlement transfer, trades and agreements process. Alternatively, the Shire would have to consider the removal of a minimum of four hectares of turf and/or landscaping within Treendale or elsewhere within the Australind area to regain the 30,000kL required to establish and maintain ovals seven and eight at the LRP.

DWER allocates 7,500kL of water per hectare for the irrigation of turf and landscaping. Generally, a football oval is two hectares in size.

Comment

The Shire currently has an opportunity to purchase an irrigation water allocation via the DWER entitlement transfer, trades and agreements process.

There is allocation available now that is within the Yarragadee Aquifer, which would allow the Shire to continue the irrigation within Treendale Estate as well as providing an irrigation allocation sufficient to irrigate four hectares of turf with the development of ovals seven and eight at LRP as detailed in the Sport and Recreation Plan 2033 (SRP).

Allocations can be difficult to purchase as currently many allocations coming up for sale are not being supported by DWER who must approve a groundwater allocation sale. This non-support is generally on the basis that where allocations have not been utilised previously DWER classify these allocations if supported as contributing to the over allocating the water resource.

Only when an allocation is utilised for the purpose of irrigation is DWER approving the sale of an allocation to a buyer. Officers believe any offer to buy from the current offered allocation would be supported by DWER at this time.

The purchase of water allocations, while governed by DWER, is currently managed through water trading brokers often within the real estate market and the Shire would be required to undertake any purchase through this process.

The Shire has been in contact with a representative and indications are that an offer to purchase for an allocation of 30,000kL would be successful.

While the development of oval seven and eight is planned for future years, Officers and DWER are not able to guarantee that there will be a water resource for sale when ovals seven and eight are planned to come online. This could potentially impact the Shire's ability to deliver this future project.

It is Officers' understanding that large water users particularly market garden farmers are up taking the opportunity to buy allocations as part of future proofing their business.

The Shire has a current Yarragadee South water allocation (GWL158906(6)) of 510,500kL for the irrigation of up to 67 hectares of POS, this includes POS in Australind, Treendale, Kingston and Galway Green. The purchase of any additional allocation would be added to this Ground Water License.

The Forward Capital Works Plan 2024–2029 provides for the future development of ovals seven and eight.

Significant investment is being planned at the Leschenault Leisure Centre outdoor spaces to improve and expand the service offering. The below table lists the forward plan for the development of ovals seven and eight.

This project is anticipated to come online in the 2028–2029 Financial year.

Without a sufficient irrigation allocation, the development of ovals seven and eight would be put at risk of possibly not being developed.

Document	2024–2025	2025–2026	2026–2027
Forward Capital Works Plan	\$250K Design	\$4M Construction with \$2M in grants	\$4M Construction with \$2M in grants

Statutory/Policy Environment

Environmental Protection Act 1986 and Regulations

Rights in Water and Irrigation Act 1914 and Regulation

Planning and Development Act 2005 s154(2)(c) - Deal with spending POS Trust monies.

Strategic Framework

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

- Goal 3: A natural environment that is highly valued, protected and enjoyed.*
- Objective 3.2 Manage and protect natural habitats, ecosystems and reserves.*
- Goal 4: A liveable, sustainable and well-designed built environment that is accessible to all.*
- Objective 4.1 Playgrounds and parks are vibrant, accessible and well maintained.*

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.

Council's resolution will be included as part of the Ordinary Council Meeting Minutes. These minutes are uploaded to the website and are accessible to the public.

Promise to the Community

Inform: We will keep you informed.

Council's resolution will be included as part of the Ordinary Council Meeting Minutes. These minutes are uploaded to the website and are accessible to the public.

Risk Management

The Risk Theme Profile identified as part of this report is **Inadequate Environmental Management**.

The consequence could impacts to **Property** and **Environment** should Council not take a pro-active approach to minimising damage to vulnerable lands under its care control and management. The Risk Consequence is considered to be **Major** and the likelihood **Likely** resulting in a **High** Risk being present.

Budget Implications

There is no specific budget allocation for the purchase of irrigation water allocation in the 2024–2025 Budget.

The estimated cost is \$120,000 to purchase the water allocation based on the price set for this allocation at \$4.00 per kL. This is within what would be considered a fair market price for the purchase.

It is considered the current limited water licence allocation for the Australind area is the direct result of insufficient transferred water allocations from POS being gifted to the Shire. As a result, it is recommended the best funding source for the acquisition of the 30,000kL of water for approximately \$120,000 is the POS Australind Trust account which has a Budget balance of approximately \$189,000.

In accordance with the *Planning and Development Act 2005* s.154(2)(c), the Shire requires the approval of the Minister for Planning for POS Trust funds to be utilised for this purpose.

Authority/Discretion

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

Voting Requirements

Absolute Majority

Officer's Recommendation

That Council:

1. Approves the application of the Shire of Harvey to purchase 30,000kL Water Allocation for the purpose of irrigating public open space in the Australind area.
2. Requests the Chief Executive Officer to seek approval from the Minister of Planning to utilise \$120,000 of POS Australind Trust account monies for the water licence purchase.

BY ABSOLUTE MAJORITY

Item No.:	5.2.2.
Subject:	Proposed Harvey Accessible Play Ground (and Fenced Dog Park) Masterplan
Proponent:	Shire of Harvey
Location:	Harvey
Reporting Officer:	Manager Parks Services
Authorising Officer:	Chief Executive Officer
File No.:	C073/00019
Attachments:	<ol style="list-style-type: none"> 1. Playground Option 1 [5.2.2.1 - 1 pages] 2. Playground Option 2 [5.2.2.2 - 1 pages] 3. Proposed playground location [5.2.2.3 - 1 pages] 4. TO BE TABLED

Summary

The Shire of Harvey (the Shire) held its Electors' Meeting for the Financial Year 2023–2024 on Tuesday, 27 February 2024. Two motions were provided by the community for consideration and were carried unanimously.

This report deals with one of the motions related to establishing an Accessible Playground in the Harvey Townsite.

Background

Electors' Meeting – 27 February 2024

Ms. Ester Italiano presented the following motion:

"We propose that provisions be made in the upcoming budget of 2024–2025 for the Harvey Accessibility Playground as detailed in submissions to the Shire, received by councillors on Tuesday, 9 February 2024."

Ordinary Council Meeting – 26 March 2024

Following the motion carried at the Electors' Meeting, a report was presented to Council regarding the proposed Harvey Accessible Playground. It was resolved:

"That Council:

- 1. Supports the establishment of an Accessible Playground in the Harvey Townsite.*
- 2. Considers that the most appropriate location for this facility is Meriden Park as shown conceptually in Attachment 1.*
- 3. Develops a concept Playground design, and estimated cost, that includes a number of appropriate play elements as requested by the community.*
- 4. In liaison with community members explores grant funding opportunities and funding partner organisations to progress the potential establishment of an accessible Playground in the Harvey Townsite.*
- 5. Considers allocating an appropriate contributory funding amount for consideration in the 2024–2025 draft Budget towards the development of an accessible playground.*
- 6. Receives further progress reports on the proposal as required."*

Previous Council Decisions relating to a new Playground in the Harvey Town Centre

At its Ordinary Council Meeting held on 23 October 2012, Council considered a report on a proposal to investigate the feasibility of developing a new playground in the Harvey Town Centre. It was resolved that *“Staff continue to liaise with key stakeholders and present a further report on the proposal once additional information is available.”*

At the Ordinary Council Meeting Held on 7 May 2013, Council considered allocating funding in the 2013–2014 draft Budget for the development of a concept plan for a playground at Snell's Park in Harvey.

Funding for developing a concept plan for a playground at Snell's Park, including some contributory funding (subject to grant funding from Lotterywest) for the construction of a playground, was allocated in 2013–2014.

While this funding was carried forward in subsequent budgets, it was not carried forward beyond the 2020–2021 Budget. This was due to pending grant funding and it was considered that Snell's Park may not be the most appropriate location for a playground given that the land is owned by the Public Transport Authority.

Comment

Existing Playgrounds

The Shire currently has 37 Play Spaces (Playgrounds). At its Ordinary Council Meeting held on Tuesday, 25 May 2021, Council adopted the Play Space Strategy 2021–2026 to *“provide direction in terms of the sustainable provision and management of accessible, diverse, creative, high quality and fun Play Spaces that contribute to the developmental and recreational needs of children and their families.”*

Playground Replacement Program

At its Ordinary Council Meeting held on Tuesday, 18 April 2023 Council adopted a 15-year Playground Replacement Program and a 10-year Playground Maintenance Program. No new playgrounds were included in these programs. At that time, it was proposed that the focus should be on replacing existing ageing playground assets.

Proposed Harvey Playground

On Monday, 15 April 2024, Shire Officers met with representatives from Lotterywest and Ms. Ester Italiano to discuss the proposed accessible playground in Harvey.

At the meeting, Lotterywest indicated in-principle support for the proposal and that once the proposal was further developed and cost established, a follow-up meeting should be arranged to discuss funding options further.

Following this meeting, the below was progressed:

- The community further developed the playground proposal in terms of what play elements should be provided and met with Shire Officers to convey this.
- Shire Officers refined the community's proposal in partnership with a playground design company.

- Shire Officers further developed a Master Plan for the proposed playground location, as per clause 2 of Council's decision at the Ordinary Council Meeting held on Tuesday, 26 March 2024.

Council Concept Forum – Tuesday, 24 September 2024

Shire Officers presented Councillors with the following:

- The two proposed playground options (refer **Attachment 1 and 2**)
- The suggested location for the proposed playground (refer **Attachment 3**)
- The indicative Master Plan for the proposed playground and ancillary works i.e. landscaping, seating, shelters, BBQ's, paths, car parking including the inclusion of a fenced dog exercise area* (refer **Attachment 4** which will be tabled)
- Suggested Staging Plan
- Indicative costs for each proposed stage were also discussed.

*Note: The proposed Harvey fenced dog exercise area is subject to a separate report to Council.

Changing Places Toilet Facility

Changing Places facilities are specially designed public restrooms that cater for individuals with high support needs, providing amenities beyond standard accessible toilets. These facilities enable people with severe disabilities and their carers to participate more fully in community life without the limitations imposed by inadequate restroom facilities.

A successful application to the Department of Communities (DoC) in 2022 provided \$170,000 as a 50/50 contribution to construct a Changing Places (CP) facility as part of the Leschenault Leisure Centre (LLC) Expansion Project. The LLC project has not progressed due to funding availability and DoC requested that an alternative location for a CP facility be explored. Given the Notice of Motion to construct toilets at Meriden Park, and the potential to commence the project in the short term, a CP facility is proposed to be included in the design. This report will also recommend the transfer of the budget from the LLC Project to the Meriden Park project as part of the Mid-Year budget review.

Disability Access Toilet Facility

The incorporation of a Changing Place facility will make use of already allocated grant funds, potentially attract further federal funds to support the project, service existing and proposed recreation facilities, and promote Harvey as a destination for people living with disability and their carers. The Changing Place Facility being placed at the new location represents an opportunity for the development to coincide with community need for a disability access toilet facility, as well as present some potential cost savings in tendering the projects together.

Proposed Master Plan Implementation Meriden Park Development:

Stage 1 – 2024–2025

- Harvey Playground – Design, Site Works/Preliminary Works
 - Playground design, removal of car parking, import sand and form up and 'hydra mulch
Budget Allocation: = \$100,000

- Dog Park:
 - Fenced Dog park and associated path access drinking fountain/dog bowl.
Budget allocation = \$60,000.
- Car parking:
 - Reconfigure / extend existing parking area.
 - Remove old car parking and make good in readiness for playground construction.
Budget allocation (LRCl) = \$170,000.
- Toilet Facilities:
 - Changing Places Facility
Estimated cost = \$320,000 of which \$170,000 is funded by Department of Communities (DoC)
 - Disability accessible toilet – Municipal funds to be allocated at the 2024–2025 mid-year budget review
Estimated cost = \$250,000

Potential Total Stage 1 Costs = \$900,000

Officers are investigating the options that are available in pre-fabricated facilities from the supplier of the Changing Places Facilities.

Note: Funds for Stage 1 – Dog Park and Car parking implementation have been included in the 2024–2025 Budget. An allocation of \$100,000 for Playground Design is also included in the 2024–2025 Budget. Part of this allocation can be used for playground preliminary works in readiness for the playground construction i.e. removal of car parking, import sand and form up and 'hydra mulch'. In effect the progression of Stage 1 in this financial year requires an additional \$250,000 to be found for the project from the Shire's Municipal Funds. This will require allocation in the 2024-2025 Mid-Year Budget Review.

Stage 2 – 2025–2026

- Playground construction:
 - Construct an accessible playground as per either Option 1 or 2 (refer Attachments), including zip line depending on funding.
Estimated cost = \$930,000
- Park 'hard and soft' landscaping:
 - Fencing around playground
Estimated cost = \$60,000
 - Paths
Estimated cost = \$50,000
 - Seating
Estimated cost = \$15,000
 - Shelter
Estimated cost = \$35,000

- BBQ
Estimated cost = \$15,000
- Landscaping/retic
Estimated cost = \$55,000
- Drinking fountain
Estimated cost = \$10,000

Potential Total Stage 2 Costs = \$1.17M

Discussion

As mentioned above, while the proposed Harvey fenced dog exercise area formed part of the presentation to Council's Concept Forum and has been included in the draft staging plan. It will be presented to Council in a separate report.

The 2024–2025 Budget allocates funds for the establishment of the dog park and for reconfiguring the existing parking area. This will form part of Stage on of the Meriden Park development.

Councillors who attended the Concept Forum, held on Tuesday, 24 September 2024, were generally in favour of the overall proposal and staging. Given that some of the proposal has been brought forward, there may be a requirement to reduce some of the project, however this is hoped to be mitigated by future grant funding opportunities.

Conclusion

As presented at the September 2024 Concept Forum, the following was suggested as a way forward:

- Agree in principle with proposed concept Master Planning
- Agree on either Option 1 or Option 2 for the Playground (subject to funding)
- Arrange a further meeting with resident representatives regarding the playground
- Consult with the Community regarding the overall proposal
- Pursue Funding Options for Stage 2, i.e. Lotterywest, other grants, and/or asset disposal
- Amend the project in the Forward Capital Works Plan 2025–2026 and onwards for future stages.

Statutory/Policy Environment

N/A

Strategic Framework

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

<i>Goal 2:</i>	<i>A safe, accessible and connected community where everyone has the opportunity to contribute and belong.</i>
<i>Objective 2.7</i>	<i>An active and healthy community.</i>

Goal 4: *A liveable, sustainable and well-designed built environment that is accessible to all.*

Objective 4.1 *Playgrounds and parks are vibrant, accessible and well maintained.*

Community Participation Goal

Community Engagement

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

The Community has been consulted through the initial planning of this Playground. Several meetings have been held between community members and Shire Officers and will continue to occur until Council has determined the preferred design option. Officer's will be providing the Community with a 21-day consultation period and letters will be sent to those residents adjacent to the Playground.

Promise to the Community

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

Shire Officers have been consulting with various community members on this project. Once a decision of Council has been made Shire Officers will advertise the Master Plan for Community consultation for a period of 21-days and a report brought back to Council at the end of that advertising period. Additionally, letters will be sent to those residents adjacent to the Playground.

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/information**. The consequence could be **Financial**, **Reputational** or **Compliance** if measures to improve safety and accessibility for the public are not considered. The risk is mitigated by implementing appropriate improvements to protect the amenity of the community resulting in **Low** risk being present.

Budget Implications

Harvey Accessibility Playground

Should Council support the Officer's Recommendation, the previously adopted Playground Replacement Program will need to be reviewed to allow funding for a potential new Harvey Playground facility. Given the age and condition of some of the existing playgrounds Shire Officers recommend maintaining the existing Playground Replacement Program. Failing to support the program could increase the risk of playgrounds failing, leading to closures.

The estimated cost of a new playground at Meriden Park, including ground works, relocation of the existing parking area, toilet facilities and associated infrastructure and landscaping as shown in **Attachment 4** is detailed in the table below:

Stage 1 – 2024–2025		
Harvey Playground - Investigate and Design	\$100,000	0
Harvey Playground - Site Works / Preliminary Works		\$100,000
Dog Agility Park	\$60,000	\$60,000
Meriden Park Car Park	\$170,000	\$170,000

Changing Places Toilet Facility	\$320,000	\$320,000
Disability Access Toilet Facility		\$250,000
	\$650,000	\$900,000
Additional Funding Requirement for Budget Review		\$250,000

Stage 2 – 2025–2026

Harvey Playground and Associated Infrastructure	\$640,000	\$930,000
Associated Inf - BBQ, Seating, Fencing, Landscaping		\$240,000
	\$640,000	\$1,170,000
Required Amendment to FCWP		\$530,000

Stage 3 – 2026–2027

Harvey Playground and Associated Infrastructure	\$250,000	0
Total	\$1,290,000	\$2,070,000

Potential funding options would need to be explored including, but not limited to, available State and Commonwealth grant funding opportunities, partner organisation contributions, proceeds from the potential sale of underutilised freehold land and Municipal funding.

The Shire has received funding of \$170,000 for a Changing Places Facility through the Department of Communities (DoC). DoC is open to a contract variation to allow construction at Meriden Park as opposed to the LLC and has indicated potential additional federal funding may be available if the project is commenced before 30 June 2025.

Authority/Discretion

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

- Endorses the proposed Master Plan concept plan for the proposed Harvey Accessible Playground and associated works as shown in **Attachment 4**.
- Authorises the Chief Executive Officer to advertise the proposed Master Plan to the community seeking their feedback for a period of 21 Days and provide a further report to Council at the conclusion of the advertising period.
- Notes that:
 - Notes that there will be a requirement for funds to be reallocated at the Mid-Year budget review for Stage 1 of the Meriden Park Development to be completed.

- b) Funds have been included in the 2024–2025 Budget for the creation of a fenced Dog Exercise area in Harvey and the reconfiguration of the existing car parking area, as shown in ***Attachment 4***.
- c) The progression of Stage 2 will be determined by available funding as well as the final playground configuration including other inclusions/exclusions.

Item No.:	5.2.3.
Subject:	Proposed Enclosed Area, Harvey – Further Report
Proponent:	Shire of Harvey
Location:	Harvey
Reporting Officer:	Manager Parks Services
Authorising Officer:	Chief Executive Officer
File No.:	C209/00003
Attachments:	<ol style="list-style-type: none"> 1. Fees Feild [5.2.3.1 - 1 page] 2. Wright Street Location [5.2.3.2 - 1 page] 3. Proposed Enclosed Park Location [5.2.3.3 - 1 page] 4. Proposed Overall Concept [5.2.3.4 - 1 page]

Summary

At its Ordinary Meeting held on Tuesday, 20 June 2023, Council considered a report on the creation of an enclosed dog park and resolved to consult the community to seek feedback regarding the proposal.

Following the consultation process, Council, at its Ordinary Meeting held on Tuesday, 24 September 2023, resolved to support the establishment of an enclosed dog park at Fees Field in Leschenault and to receive a further report on the establishment of an enclosed dog park in Harvey.

This report discusses the proposed Harvey location and recommends on a possible way forward.

Background

Ordinary Council Meeting held on Tuesday, 23 May 2023

A Notice of Motion (the Motion), prepared by President Campbell, was adopted by Council requesting the Chief Executive Officer (CEO) to *“investigate the feasibility and potential provision of an Enclosed Dog Park/s within the Shire with a report to be presented to Council in June 2023.”*

The Motion was prepared following discussions with the community and the Australind/Leschenault Place Advisory Group. Feedback was also provided from the Shire of Harvey's (the Shire) MARKYT Community Scorecard and was the topic of a deputation to Council.

Ordinary Council Meeting held on Tuesday, 20 June 2023

Following consideration of the report, including reference to Recommendation 25 of the Shire's Play Spaces Strategy 2021–2026 to investigate the feasibility and potential provision of dog agility parks in Harvey and Australind, Council adopted the following amended recommendation:

“That Council:

1. *Consults with the community seeking their feedback regarding a proposal for an Enclosed Dog Park as follows:*
 - a) *In Australind/Leschenault to be located at either part of Reserve 39950, Lot 5648 Cathedral Ave (Fees Field) as shown in **Attachments 5, 6 and 7** or in part of Reserve 44403, Lot 501 Marine Parade (Settlers Hall) or the parkland at the corner of Braidwood Drive and Waterford Way as shown in **Attachment 8**.*
 - b) *In Harvey to be located at either Hinge Road, Wright Street, Lee Street or Anne Gerschow Reserve as shown in **Attachment 12**.*

2. *Receives a further report at the conclusion of the consultation period.*

Ordinary Council Meeting held on Tuesday, 24 September 2023

A further report was presented to Council following the community consultation where the following decision was made:

“That Council:

1. *Notes the results of the recent community consultation for the establishment of an enclosed dog park.*
2. *Supports progressing with the establishment of an enclosed dog park at Fees Field in Leschenault in 2023–2024.*
3. *In recognition of the community support for an enclosed dog park in Wright Street, Harvey, further consults with the residents who immediately adjoin the proposed area bounded by Wright Street and Roy Street, and other current known users of the land.*
4. *Receives a further report on the Wright Street proposal at the conclusion of the community consultation which, if supported by residents, will outline funding implications for potential consideration in the 2024–2025 draft Budget.”*

The Fees Field enclosed dog park was successfully created in March 2024 (refer **Attachment 1**).

Comment

As per Clause 3 of Council's resolution from the Ordinary Council Meeting in September 2023, Wright Street, Harvey was suggested as a preferred location for an enclosed dog park based on the feedback received; however, most respondents at the time indicated that they would support any location as per the table below:

Support – Harvey				
Any Location	Wright Street Location	Hinge Road Location	Annie Gerschow Location	Other location
19	18	10	6	-

Having further reviewed the proposed Wright Street location (refer **Attachment 2**), following a discussion at the Harvey Place Advisory Group meeting held on Monday, 12 August 2024, it was considered that there were several disadvantages with this location as follows:

- No formalised parking
- No toilets
- No drinking fountain / water
- No seating shelter
- No landscaping
- Noise for nearby residents
- Not a gazetted dog exercise area

- Area gets wet in winter.

It was considered that a preferred location would be in the existing grassed area to the south-east of the Dr Peter Topham Memorial Swimming Pool, Hinge Road in Harvey as shown in **Attachment 3**.

Council Concept Forum Tuesday, 24 September 2024

Shire Officers presented the indicative proposed Master Plan for the Harvey accessible playground and ancillary works to Councillors present at the Forum, including the inclusion of an enclosed dog park.

Proposed Master Plan Implementation

Stage 1 – 2024–2025:

- Dog Park:
 - Fenced Dog park and associated path access drinking fountain/dog bowl.
Budget allocation = \$60,000
- Car parking
 - Reconfigure / extend existing parking area.
 - Remove old car parking and make good in readiness for playground construction.
Budget allocation (LRCI) = \$170,000

Discussion

Funding for the proposed enclosed dog park has been included in the draft staging plan, and funds have been allocated in the 2024–2025 Budget for its establishment. Funds have also been included for the reconfiguring the existing parking area. (as shown in **Attachment 4**).

Statutory/Policy Environment

N/A

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 2.2</i> | <i>Create a community where people are safe.</i> |
| <i>Objective 2.7</i> | <i>An active and healthy community.</i> |
| <i>Goal 4:</i> | <i>A liveable, sustainable and well-designed built environment that is accessible to all.</i> |
| <i>Objective 4.1</i> | <i>Playgrounds and parks are vibrant, accessible and well maintained.</i> |

Community Engagement

Community Participation Goal

Collaborate: To partner with the public in each aspect of the decision including the development of

alternatives and the identification of the preferred solution.

Once a decision of Council has been made Shire Officers will advertise the Master Plan for community consultation for a period of 21 days and a report brought back to Council at the end of that advertising period. Additionally, letters will be sent to those residents adjacent to the proposed dog park.

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.

Once a decision of Council has been made Shire Officers will advertise the Master Plan for community consultation for a period of 21 days and a report brought back to Council at the end of that advertising period. Additionally, letters will be sent to those residents adjacent to the proposed dog park.

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/information**. The consequence could be **Financial**, **Reputational** or **Compliance** if measures to improve safety and access for the public are not considered. The risk is mitigated by implementing appropriate improvements to protect the amenity of the community resulting in **Low** risk being present.

Budget Implications

Funds totalling \$60,000 have been allocated in the 2024–2025 Budget for the establishment of the dog park.

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. Supports the establishment of an Enclosed Dog Park in the area to the south-east of the Dr Peter Topham Memorial Swimming Pool, Hinge Road in Harvey as shown in **Attachment 3**.
2. Authorises the Chief Executive Officer to advertise the proposed Enclosed Dog Park location seeking community feedback for a period of 21 days with a further report provided to Council at the conclusion of the advertising period.
3. Notes that funds have been included in the 2024–2025 Budget for the creation of an Enclosed Dog Park in Harvey including the reconfiguration of the existing car parking area, as shown in **Attachment 4**.

5.3. Sustainable Development

Item No.:	5.3.1.
Subject:	Short-Term Rental Accommodation – Scheme Amendment, Local Planning Policy and 'Amnesty Period'
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Planning Services
Authorising Officer:	Director Sustainable Development
File No.:	C298/00001, C524/00001
Attachments:	<ol style="list-style-type: none"> 1. Amendment Regulations [5.3.1.1 - 10 pages] 2. Scheme Amendment – Extract [5.3.1.2 - 3 pages] 3. LPP 6.2.1 – Draft [5.3.1.3 - 5 pages]

Summary

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

- Amending the Shire of Harvey Local Planning Scheme No. 2 (the Scheme)
- Preparation of a new Local Planning Policy
- Endorsing an 'Amnesty Period' to waive the penalty fee for applications for retrospective development approval.

It is recommended that Council:

- Initiates Amendment No. 1 to the Scheme
- Prepares Local Planning Policy 6.2.1 – Unhosted Short-Term Rental Accommodation.
- Endorses an 'Amnesty Period' and waives the penalty fee for applications for retrospective development approval for applications submitted up to and including Monday, 30 June 2025.

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 will be mandatory from Wednesday, 1 January 2025. Registration 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 the following land uses:

- Hosted Short-Term Rental Accommodation (e.g. bed and breakfast)
- Unhosted Short-Term Rental Accommodation (e.g. rental of the whole house)
- Tourist and Visitor Accommodation (e.g. larger scale, occupancy greater than 12 people)

The Regulations require Local Planning Schemes to be amended for consistency.

At the Ordinary 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."

Officers have been awaiting the release of relevant guiding documents prior to preparing the Local Planning Policy (LPP).

Comment

Scheme Amendment

The following definition changes were made to the Model Scheme Text (Schedule 1 of the Regulations):

- Amended: cabin, chalet, road house.
- Deleted: bed and breakfast, holiday accommodation, holiday house, motel, serviced apartment, short-term accommodation, tourist development.
- Included: tourist and visitor accommodation.

In addition, definitions were included in the Deemed Provisions (Schedule 2 of the Regulations) for the following:

- Hosted Short-Term Rental Accommodation
- Short-Term Rental Accommodation
- Short-Term Rental Arrangement
- Unhosted Short-Term Rental Accommodation.

Other minor amendments to the Deemed Provisions are provided in Clauses 7 and 8 of the Planning and Development (Local Planning Schemes) Amendment (Short-Term Rental Accommodation) Regulations 2024 as shown in **Attachment 1**.

The Scheme now requires amendment to ensure consistency with the amended Model Scheme Text and Deemed Provisions. To assist local governments, the Department of Planning, Lands and Heritage has provided a template Amendment Report and advised (via Planning Bulletin 115/2024) that all Scheme Amendments relating to STRA will be processed as a priority once submitted to the Western Australian Planning Commission (WAPC).

For consistency with the Regulations, amendments are also required to the following:

- Zoning Table
- Additional Uses in Schedule 1
- Restricted Uses in Schedule 2
- Car parking requirements in Schedule 4.

Attachment 2 provides an extract from the draft Amendment Report detailing the required amendments.

As legislated, the Amendment, once initiated by Council, requires referral to the Environmental Protection Authority and then the WAPC for consent to advertise from the Minister.

Local Planning Policy

The WAPC's Position Statement and the Western Australian Local Government Association's (WALGA) Guideline provide guidance for the preparation of LPPs relating to STRA. As per these guiding documents, the LPP cannot:

- Establish a strategic framework such as strategic housing or tourism goals.
- Outline land use permissibility, set mandatory development requirements, limit or remove discretion available in the Scheme.
- Remove existing exemptions or provide exemptions that would conflict with those existing.
- Replicate any registration or operational process provided for by the STRA Registration Scheme.
- Repeat other non-planning requirements such as matters addressed under other legislation.
- Provide guidance on the operation of STRA within strata properties.

Officers have prepared a draft new LPP (6.2.1) relating to Unhosted STRA (refer **Attachment 3**).

Noting that all existing (unapproved) and proposed STRA requires development approval, 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.

The LPP has been prepared in accordance with:

- 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 is required to be advertised for public comment for a period of 21 days, before being referred to Council for final approval.

Amnesty Period

In accordance with the Planning and Development Regulations 2009, seeking development approval for a use that has already commenced attracts an additional fee as a penalty. For STRA developments, the standard fee is \$295, with an additional \$590 as a penalty (total of \$885) for a retrospective

application.

There is potentially a significant number of existing STRA that do not have development approval. As of Friday, 1 November 2024, the STRA Register contained 23 properties within the Shire. Of these, Officers have determined that:

- Five properties have an existing development approval
- Seven properties are exempt from requiring development approval (hosted)
- 11 properties require retrospective development approval.

Officers are currently compiling a list of existing STRA within the Shire of Harvey local government area. As of Friday, 1 November 2024, 58 properties have been identified (including those already on the STRA Register) within the following localities:

Locality	Number (including hosted)
Australind / Leschenault	11
Binningup	23
Brunswick, Harvey / Uduc	4
Myalup	14

The development approval status of these properties has not yet been confirmed.

To operate and advertise STRA, development approval from the local government is required by Thursday, 1 January 2026. To assist with encouraging STRA operators to obtain development approval well before the Thursday, 1 January 2026 deadline, Officers propose an 'amnesty period' for retrospective applications up to, and including, Monday, 30 June 2025. The retrospective penalty fee of \$590 would be waived during this time.

Conclusion

The Shire is required to amend the Scheme to ensure consistency with the Regulations and Council has requested the preparation of an LPP to guide the assessment of STRA proposals.

Officers are requesting endorsement of an 'Amnesty Period' to waive the penalty fee for applications for retrospective development approval as an incentive for existing unauthorised STRA to seek approval well in advance of the registration deadline imposed by the STRA Act.

Statutory/Policy Environment

Planning and Development Act 2005

- Section 81 – Referral of proposed scheme or amendment to EPA
- Section 83A – Proposed scheme or amendment to be submitted to Minister for approval to advertise

Planning and Development (Local Planning Schemes) Regulations 2015

- Clause 34 – Terms used – Standard Amendment
- Clause 35 – Resolution to prepare or adopt amendment to local planning scheme

- Clause 46A – Resolution to seek approval to advertise standard amendment and provision of amendment to Commission
- Clause 46B – Submission of standard amendment for advertising approval
- Clause 47 – Advertisement of standard amendment
- Schedule 1 – Model provisions for local planning schemes
 - Clause 37 – Terms used

This clause provides the meaning of general terms used.
 - Clause 38 – Land use terms used

This clause provides the meaning of the land use terms used.
- Schedule 2 – Deemed Provisions for local planning schemes
 - Clause 4 – Procedure for making local planning policy

Planning and Development Regulations 2009

- Clause 47 – Fees for certain planning services
- Schedule 2 provides the maximum fees the local government can imposed for planning services.

Strategic Framework

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

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

Community Engagement

Community Participation Goal

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

The Scheme Amendment and Local Planning Policy require advertising.

Promise to the Community

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

The Scheme Amendment and Local Planning Policy require advertising.

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 Scheme is not updated to reflect the changes or if the Scheme Amendment or Local Planning Policy are not prepared in accordance with the Regulations. The risk is considered **Minor** and the Likelihood **Unlikely**, given that the report, Scheme Amendment 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.

The 2024–2025 Budget (GL 104208) did not include a specific allocation of income from STRA applications and therefore, any income received from these applications, will be additional unbudgeted income.

As the uptake of the 'Amnesty Period' will be landowner driven, and the current number of unauthorised STRA is unknown, the amount of potential unbudgeted income to be reduced by the 'Amnesty Period' incentive cannot be quantified. For the purpose of this report, Officers estimate a potential unbudgeted income reduction of around \$23,000 based on the following assumptions:

- 100 x STRA properties within the Shire
- 50% unauthorised
- 80% uptake of 'Amnesty Period'
- Penalty fee waiver for 40 applications.

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 (1 of 3)

That Council:

1. Determines that proposed Amendment No. 1 to the Shire of Harvey Local Planning Scheme No. 2 is a 'standard amendment' pursuant to Clause 35(2) of the Planning and Development (Local Planning Scheme) Regulations 2015 for the following reasons:
 - a) The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment.
 - b) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
 - c) The amendment is not considered a complex or basic amendment.

2. Pursuant to Clause 35 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to adopt Amendment No. 1 to the Shire of Harvey Local Planning Scheme No. 2 to:

a) In clause 37 'Terms Used':

- (i) Delete the definition for "short-term accommodation".

- (ii) Amend the general definition for "cabin" to:

"means a building that –

- (a) is an individual unit other than a chalet; and*

- (b) forms part of –*

- (i) tourist and visitor accommodation; or*

- (ii) a caravan park:*

and

- (c) if the unit forms part of a caravan park - is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period."*

- (iii) Amend the general definition for "chalet" to:

"means a building that —

- (a) is a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and*

- (b) forms part of –*

- (i) tourist and visitor accommodation; or*

- (ii) a caravan park;*

- (c) and if the unit forms part of a caravan park - is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period."*

b) In clause 38 'Land Use Terms Used':

- (i) Delete the definitions for:

- *"bed and breakfast"*
- *"holiday accommodation"*
- *"holiday house"*
- *"motel"*
- *"serviced apartment"*

- *“tourist development”.*
- (ii) Amend the existing land use term for *“road house”* by deleting paragraph (d) and inserting:
- “(d) accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period.”*
- (iii) Insert the definition for *“tourist and visitor accommodation”* as:
- “(a) means a building, or a group of buildings forming a complex, that —*
- (i) is wholly managed by a single person or body; and*
 - (ii) is used to provide accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period; and*
 - (iii) may include on-site services and facilities for use by guests; and*
 - (iv) in the case of a single building — contains more than 1 separate accommodation unit or is capable of accommodating more than 12 people per night;*
- and*
- (b) includes a building, or complex of buildings, meeting the criteria in paragraph (a) that is used for self-contained serviced apartments that are regularly serviced or cleaned during the period of a guest’s stay by the owner or manager of the apartment or an agent of the owner or manager; but*
- (c) does not include any of the following —*
- (i) an aged care facility as defined in the Land Tax Assessment Act 2002 section 38A(1);*
 - (ii) a caravan park;*
 - (iii) hosted short-term rental accommodation;*
 - (iv) a lodging-house as defined in the Health (Miscellaneous Provisions) Act 1911 section 3(1);*
 - (v) a park home park;*
 - (vi) a retirement village as defined in the Retirement Villages Act 1992 section 3(1);*
 - (vii) a road house;*
 - (viii) workforce accommodation;”*
- c) In clause 17 ‘Zoning Table’, insert in alphabetical order the following land uses and permissibility:

- *“Hosted Short-Term Rental Accommodation”* and designate as ‘P’ in the Residential, Rural Residential, District Centre, Priority Agriculture and Rural zones and ‘X’ in all other zones.
 - *“Unhosted Short-Term Rental Accommodation”* and designate as ‘P’ in the Tourism and District Centre zones, ‘D’ in the Environmental Conservation, Priority Agriculture and Rural zones, ‘A’ in the Rural Residential zone and ‘X’ in all other zones.
 - *“Tourist and Visitor Accommodation”* and designate as ‘P’ in the Tourism zone, ‘D’ in the Mixed Use, District Centre, Neighbourhood Centre, Priority Agriculture and Rural zones, ‘A’ in the Residential zone and ‘X’ in all other zones.
- d) In clause 17 ‘Zoning Table’, delete *“Bed and Breakfast”*.
- e) In Schedule 1 Additional Uses, replace:
- (i) *“Holiday Accommodation”* with *“Unhosted Short-Term Rental Accommodation”* in the ‘Additional use’ and ‘Conditions’ columns of No. A3.
 - (ii) *“Bed and Breakfast”* and *“Short Stay Accommodation”* with *“Unhosted Short-Term Rental Accommodation”* in the ‘Additional use’ column of No. A12.
 - (iii) *“Tourist Development”* with *“Tourist and Visitor Accommodation”* in the ‘Additional use’ column of No. A13.
- f) In Schedule 2 Restricted Uses, No. R1, replace *“Holiday Accommodation”*, *“Bed and Breakfast”* and *“Holiday House”* with *“Unhosted Short-Term Rental Accommodation”* in the ‘Additional use’ column.
- g) In Schedule 4 Additional Site and Development Requirements, Table 6 Car Parking Requirements, delete all references to:
- *“Bed and Breakfast”*
 - *“Holiday House”*;
 - *“Motel”*
 - *“Serviced Apartment”*.
- h) In Schedule 4 Additional Site and Development Requirements, Table 6 Car Parking Requirements, amend the following in the *“Land Use Class”* column:
- *“Holiday Accommodation”* to *“Unhosted Short-Term Rental Accommodation”*
 - *“Tourist Development”* to *“Tourist and Visitor Accommodation”*.
3. Pursuant to Section 81 of the *Planning and Development Act 2005*, refers the proposed Amendment No. 1 to the Shire of Harvey Local Planning Scheme No. 2 to the Environmental Protection Authority.
4. Following receipt of advice from the Environmental Protection Authority, requests the Chief Executive Officer to submit proposed Amendment No. 1 to the Shire of Harvey Local Planning Scheme No. 2 to the Minister for consent to advertise, pursuant to Section 83A of the *Planning and Development Act 2005*.

5. Following consent from the Minister, requests the Chief Executive Officer to advertise proposed Amendment No. 1 to the Shire of Harvey Local Planning Scheme No. 2 in accordance with Clause 47 of the Planning and Development (Local Planning Schemes) Regulations 2015.

Officer's Recommendation (2 of 3)

That Council:

1. Pursuant to Schedule 2, Part 2, Division 2, Clause 3 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to prepare Local Planning Policy 6.2.1 as presented within **Attachment 3**.
2. Pursuant to Schedule 2, Part 2, Division 2, Clause 4 of the Planning and Development (Local Planning Schemes) Regulations, requests the Chief Executive Officer to advertise the proposed draft Local Planning Policy for 21 days, and subsequently review the policy in light of any submissions made.

Officer's Recommendation (3 of 3)

That Council endorses an 'Amnesty Period' and waives the penalty fee for applications for retrospective development approval for Unhosted Short-Term Rental Accommodation submitted to the Shire of Harvey up to, and including, 30 June 2025.

Item No.:	5.3.2.
Subject:	Amendment to 2024–2025 Schedule of Fees and Charges – Introduction of Itinerant Trading Fee
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Environmental Health
Authorising Officer:	Director Sustainable Development
File No.:	A2772
Attachments:	Nil

Summary

The current schedule of fees and charges does not support the provision of a licence for Itinerant Food Vendors. Previously, the fees charged were under the Mobile Traders which are not defined under the Shire of Harvey (Shire) Local Laws. An Itinerant Food Vendor – a trader that sells food in various locations, cannot legally offer or sell food unless they hold a valid licence in the Shire.

This Officer report concerns the fees associated with obtaining an Itinerant Food Vendor's Licence under relevant Local Laws. The report outlines the process and legal requirement for fee payment and their impact on both vendors and local government.

It is recommended that Council endorses the proposed amendment to the 2024–2025 Schedule of Fees and Charges for Environmental Health Services to support the provision of Itinerant Food Vendors in the Shire.

Background

Itinerant Food Vendor is defined under the Shire's *Health Local Law 1997* (the Health Local Laws).

Under Part 8 – Itinerant Food Vendors Licence, Division 1 of the Shire's Health Local Laws,

"itinerant food vendor" means a person who travels along the road looking for customers and who sells food from his vehicle parked temporarily on the road to customers who stop him or come to him while he is so parked.

Division 2—Licensing of Itinerant Food Vendors of this Local Law allows for the licensing of an Itinerant Food Vendor.

For anyone wishing to operate as an Itinerant Food Vendor, an application under Schedule 1 under the Health Local Laws must be submitted for the licence. The application must be made in a prescribed form and must include the required fee, which is set by the local government as per section 344C of the *Health (Miscellaneous Provisions) Act 1911*.

The application may be approved as per Schedule 2 of the Health Local Laws, with conditions. These conditions could include compliance with regulations under the *Food Act 2008*, the Shire's *Activities in Thoroughfares and Public Places and Trading Local Law 2017* (Activities in Thoroughfares Local Law) or other guidelines deemed necessary.

Once the application is approved the Authorised Officer, the Environmental Health Manager, will issue the Itinerant Food Vendor's licence. This licence will expire at the end of the fiscal year, 30 June of the following year after it is issued. The licence must be renewed if the operator wishes to continue operating.

Comment

It is recommended that Council supports the Officer recommendation because:

1. The report is prepared in accordance with Shire's Health Local Law, Activities in Thoroughfares Local Law and the Local Government (Financial Management) Regulations 1996.
2. The recommendation in relation to a budget amendment is in accordance with section 6.16 of the *Local Government Act 1995* and section 344C of the *Health (Miscellaneous Provisions) Act 1911*.

Description	Amount (Ex GST)
2.2 Trading in Public Places	
Itinerant Food Vendor	\$400

It is recommended that Council endorses amending the 2024–2025 Schedule of Fees and Charges for Environmental Health Services by including the above categories/charges.

Statutory/Policy Environment

Health (Miscellaneous Provisions) Act 1911

- Section 344C – Fees and charges may be fixed by resolution

Local Government Act 1995

- Section 6.16 – Imposition of fees and charges
- Section 6.19 – Local government to give notice of fees and charges

Strategic Framework

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

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

Council's resolution will be included as part of the Ordinary Council Meeting Minutes. These minutes are uploaded to the website and are accessible to the public.

Promise to the Community

Inform: We will keep you informed.

Council's resolution will be included as part of the Ordinary Council Meeting Minutes. These minutes are uploaded to the website and are accessible to the public.

A local public notice will be issued in accordance with section 6.19 of the *Local Government Act 1995* advising of the amended fees and charges.

Risk Management

Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/information**. The Consequence could be **Financial, Reputational** or **Compliance** should an inappropriate or unrealistic fee be adopted by Council. The risk is mitigated by the report being thoroughly researched, reviewed and provided by a qualified Shire Officer resulting in a **Low** risk being present.

Budget Implications

The Schedule of Fees and Charges is included as part of the 2024–2025 Budget for Environmental Health Services.

Authority/Discretion

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

Voting Requirements

Absolute Majority

Officer's Recommendation

That Council:

1. In accordance with section 6.16(3)(b) of the *Local Government Act 1995*, amends the Shire of Harvey Schedule of Fees and Charges for Environmental Health Services by including a new sub-category of Itinerant Food Vendor shown in the following table.

Description	Amount (Excl GST)
2.2 Trading in Public Places	
Itinerant Food Vendor	\$400

2. Notes that:

- a) The amended Fees and Charges for the Environmental Health Services (Itinerant Food Vendor) fees will take effect on Wednesday, 1 December 2024.
- b) In accordance with section 6.19 of the *Local Government Act 1995* local public notice will be given of the changes to the Shire of Harvey's fees and charges detailed in Part 1 above.

BY ABSOLUTE MAJORITY

5.4. Corporate Services

Item No.	5.4.1.
Subject:	Financial Statements as at 31 October 2024
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Finance
Authorising Officer:	Director Corporate Services
File No.:	FM/S/006
Attachments:	1. Financial Statements 31 October 2024 [5.4.1.1 - 11 pages]

Summary

The Financial Statements as at 31 October 2024 are provided at **Attachment 1**.

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

	ACTUAL 31 October 2024	BUDGET 2024–2025	VARIANCE
Statement of Financial Performance			
Ordinary Revenue	\$ 43,483,156	\$49,037,395	\$5,554,239
Ordinary Expenditure	\$ 17,497,448	\$57,403,257	\$39,905,808
Capital Revenue	\$ 1,299,920	\$34,355,021	\$33,055,101
Capital Expenditure	\$ 4,307,059	\$41,637,971	\$37,330,912
End of Period Surplus/(Deficit)			\$28,966,977
Statement of Financial Position			
Current Assets			\$64,475,017
Net Assets			\$840,396,696

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

Background

In accordance with the provisions of Section 6.4 of the *Local Government Act 1995*, and Regulation 34(1) of the Local Government (Financial Management) Regulations 1996, a Local Government is to prepare each month a Statement of Financial Activity (refer **Attachment 1**) reporting on the revenue and expenditure as set out in the Annual Budget under 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 rate were raised in July 2024. The due date for rates payment was Friday, 27 September 2024. Approximately 64% of the rates were collected by Thursday, 31 October 2024 compared to 65% for the previous year.

Cash Flow and Interest Earnings

The Shire holds by way of cash and term deposits \$19.4 million in Municipal funds and \$32.9 million in restricted Trust and Reserve funds. The average interest rate on these funds is 4.79%. New term deposits are attracting an interest rate of approximately 4.95% 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. First instalment of Financial Assistance Grant 2024–2025 was also received in August 2024.

Employee Costs

The employee costs reflect the employee costing for the first four months of the financial year 2024–2025. The Shire is anticipated to 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 four 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 \$4,307,059 on capital works has been reported at the end of October 2024. 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.

It should be noted that in the Financial Statements for October 2024, actual figures reported for the 2023–2024 financial year do not include the final audited figures and the end of year adjustments for the year ending 30 June 2024. The final position for the 2023–2024 financial year will be reported in the 2023–2024 Annual Financial Statements.

Statutory/Policy Environment

Local Government Act 1995

- Section 6.4

Local Government (Financial Management) Regulation 1996

- Regulation 34

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 bought 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 bought to Council monthly for Council and the public to view and be informed of the Shire's financial position.

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 October 2024 provided at ***Attachment 1***.

Item No.	5.4.2.
Subject:	Payments October 2024
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 October 2024 [5.4.2.1 - 22 pages]

Summary

A listing of payments for goods and services for October 2024 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 purchasing cards (fuel and store) has also been included.

Comment

The list of accounts paid for October 2024 is presented as an **Attachment 1**, as summarised below.

<u>Voucher</u>	<u>Amount</u>
Schedule of Accounts	
Municipal	
EFT 73885 – EFT 74429	\$ 4,666,473.72
117651 – 117656	\$ 42,224.30
DD27704.1 – DD27775.28	\$ 209,055.19
CBA Credit Cards	\$ 14,738.44
Electronic Funds Submitted	\$ 1,305,650.74
Total	<u>\$ 6,238,142.39</u>

Purchasing Card Payments included in the Municipal payments above

AMPOL Fuel Card	\$ 1,263.61
BP Fuel Card	\$ 5,059.35
Puma Fuel Card	\$ 967.03
Coles Card	\$ 1,527.63
Total	<u>\$ 8,817.62</u>

Statutory/Policy Environment

Local Government Act 1995

- Section 5.42

Local Government (Financial Management) Regulation 1996

- Regulation 13
- Regulation 13A

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 October 2024 totalling \$6,238,142.39.

5.5. Community and Lifestyle

Item No.:	5.5.1.
Subject:	Leeuwin Trust Update
Proponent:	Shire of Harvey
Location:	Harvey
Reporting Officer:	Manager Community Development
Authorising Officer:	Director Community and Lifestyle
File No.:	CC/L/0109
Attachments:	Nil

Summary

This report provides an update on the cancellation of the 2024 Sail Training Ship Leeuwin II voyage, sponsored by the Shire of Harvey (the Shire) and local service clubs.

Background

Each year, the Shire collaborates with the Australind Lions, Harvey Lions, Brunswick Lions and the Harvey Rotary Club to sponsor local young people to board the Sail Training Ship Leeuwin II (the Leeuwin) for a week-long leadership and adventure experience. Owned by the Leeuwin Ocean Adventure Foundation, the ship offers sailing experiences that promote personal growth and teamwork. The Shire, Lions and Rotary have supported and contributed to the Shire's Leeuwin Sail Trust to support the Leeuwin Training Program since 1989.

The Shire's Leeuwin Sail Trust Advisory Group had interviewed and confirmed sponsorship for two young applicants (aged 15 and 17) to set sail on Sunday, 29 September 2024. The applicants' co-contribution of \$400 per sailor and the Trust's contribution of \$6,140 were duly paid from the Leeuwin Sail Trust.

However, in late August this year, the Leeuwin sustained significant structural damage when a cargo ship collided with the vessel while docked at Fremantle Port. Consequently, all voyages were cancelled until the Leeuwin can be repaired. The successful applicants were notified that their sponsored position will be honoured for a future voyage without the need to reapply, and co-contribution refunds are being processed.

Comment

A meeting of the Leeuwin Sail Trust Advisory Group was held on Monday, 21 October 2024 to discuss options regarding the Shire's and the Clubs' contributions. One option was to recommend to Council that the Shire donate its 2024 contribution to the Leeuwin Ocean Adventure Foundation to support the restoration of the Leeuwin. However, the group agreed to support the retention of the funds toward a future voyage and to seek a refund from the Foundation.

Statutory/Policy Environment

Nil.

Strategic Framework

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

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

Objective 2.7 An active and healthy community.

The Shire's Youth Strategy 2021–2026 states:

Objective 3.3 Develop and deliver opportunities for our youth to build leadership skills

Action 3.3.3 Provide scholarships for the Leeuwin Sail Scholarship program per annum

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.

Close communications have been maintained with successful applicants for the sponsorship and the members of the Leeuwin Sail Trust Advisory Group.

Promise to the Community

Inform: We will keep you informed.

Updates to the community have been shared through relevant channels.

Risk Management

The Risk Theme Profile identified as part of this report is **Service Delivery Interruption**. The Consequence could be **Reputational** should repairs to the Leeuwin is not possible. The risk consequence is considered **Insignificant** and the likelihood **Unlikely resulting in a Low** risk.

Budget Implications

A refund has been requested from the Leeuwin Foundation with the funds returned to the Shire's Leeuwin Sail Trust.

The four contributing service clubs have also had their 2024 \$1,000 annual contribution returned from the Trust, at the request of the Shire President.

Authority/Discretion

Information Purposes: Includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Acknowledges the damage sustained by the Sail Training Ship Leeuwin II in August 2024 and the subsequent cancellation of the 2024 voyage sponsored by the Shire of Harvey and local service clubs.

2. Notes that:

- a) 2024 successful applicants will be offered a sponsored position on a future voyage of the Sail Training Ship Leeuwin II.
- b) a refund of the contributions paid has been sought, to be used for sponsorship of a future scheduled voyage.

Item No.:	5.5.2.
Subject:	Amendment to 2024-2025 Schedule of Fees and Charges – Brunswick Recreation Ground Lighting
Proponent:	Shire of Harvey
Location:	Brunswick Recreation Ground
Reporting Officer:	Manager Community Development
Authorising Officer:	Director Community and Lifestyle
File No.:	F/35/00039
Attachments:	Nil

Summary

The recent upgrades to the lighting at Brunswick Recreation Ground (BRG) have been successfully completed, enhancing visibility, safety, and accessibility for evening sports and community events. This upgrade aligns with the Shire of Harvey's (the Shire) commitment to improve local recreational facilities and support increased community usage.

It is proposed that the 2024–2025 Fees and Charges schedule be amended to include the cost of utilising the upgraded lighting.

Background

In 2021, the BRG Master Plan (the Master Plan) was developed to guide strategic improvements to the facility in response to community needs and anticipated future demands. Created in collaboration with local stakeholders, the Master Plan identified several key infrastructure projects essential for enhancing the usability and accessibility of the grounds. Among these, lighting upgrades were prioritised as a critical project to support extended use and safety. The lights at the grounds have not been functional for around five years.

Funding for the lighting upgrade and associated power upgrades was successfully obtained through the Community Sport and Recreation Facilities Fund (CSRFF), and the upgrades were completed in October 2024. Since then, the new lighting has been in active use, greatly improving the facility's functionality for evening sports and community events.

Part of the power and lighting upgrade included the provision of new power outlets (26 power outlet cubicles) throughout the recreation ground. This along with the proposed upgrade of the power transformer by Western Power will provide the facility with a more reliable and suitable power system for use by the community and during community events.

The Shire has installed a Halytech Illuminator controller to monitor lighting usage. This system uses a web interface that enables Shire Officers to set up authorised users. Users will be given a code that they send via text message to turn the lights on and off.

Comment

It is proposed that the running costs of \$11.35 per hour (excl. GST) for 100 lux and \$22.70 per hour (excl. GST) for 200 lux are on charged to the user. These costs were provided by the electrical engineer who undertook an assessment of the lighting power usage, with the proposed charges based on cost recovery.

While fees have not previously been charged for lighting usage at the grounds, liaison with clubs has been on-going, and users are aware that fees will be imposed for the increased level of service on a cost recovery basis.

Statutory/Policy Environment

Local Government Act 1995

- 6.16(3) – Imposition of fees and charges.

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 4.5 Shire buildings, gardens and grounds are fit for purpose and well maintained.

The upgrade of lighting at the Brunswick Recreation Ground main oval is also included as an action in the Sport and Recreation Plan 2033 adopted by Council in March 2024 (Item 1.27).

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.

User groups are aware that the fees and charges will be updated and applied to their bookings.

Promise to the Community

Inform: We will keep you informed.

A local public notice will be issued in accordance with section 6.19 of the *Local Government Act 1995* advising of the new fees and charges. Officers will also communicate directly with user groups.

Risk Management

The Risk Theme Profile identified as part of this report is **Inadequate Asset Sustainability Practices**. The Consequence could be **Financial** if Council does not recoup the cost of lighting use. The Measure of Consequence is **Minor** and the Likelihood is **Possible**, giving an overall Risk Rating of **Low**.

Budget Implications

As there have been no functional lights at the grounds for the past five years, the fee for this service is an additional cost to users for an increased service. If the fees are not adopted, the Shire will need to absorb the cost of user groups using lighting. It should be noted that the proposed fees are cost recovery only and do not consider administrative or whole of life costs contribution.

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. Pursuant to section 6.16 (3) of the *Local Government Act 1995*, amends the 2024-2025 Schedule of Fees and Charges to include the following:

Description	Amount excl GST
Brunswick Recreation Ground 100 lux lighting use per hour	\$11.35
Brunswick Recreation Ground 200 lux lighting use per hour	\$22.70

2. Notes that:
 - a) The amended fees and charges for lighting at the Brunswick Recreation Ground will take effect on Wednesday, 1 January 2025.
 - b) In accordance with section 6.19 of the *Local Government Act 1995*, local public notice will be given of the changes to the Shire of Harvey's 2024–2025 Schedule of Fees and Charges detailed in Part 1 above.

BY ABSOLUTE MAJORITY

6. Notice of Motion for Following Meeting

Cr. Boylan requested that the following Notice of Motion be placed in the Ordinary Council Meeting Agenda for November 2024:

That Council noting the Forward Capital Works Program allocation of \$250,000 for the Harvey Playground and Associated Infrastructure in 2026–2027:

1. In accordance with Section 6.8(1)(b) of the *Local Government Act 1995* authorises expenditure of \$250,000 for the installation of a toilet facility at Meriden Park, Harvey in the 2024–2025 financial year to service the Harvey Skatepark and proposed Harvey Accessible Playground.
2. Requests the Chief Executive Officer to identify a suitable funding source of \$250,000 for consideration in the mid-year Budget Review.

7. Matters Behind Closed Doors

7.1. Infrastructure Services

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.:	7.1.1.
Subject:	T092024 – Construction of Footpaths
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Design and Development
Authorising Officer:	Acting Director Infrastructure Services
File No.:	T092024
Attachments:	Confidential Attachment 1

Summary

Tender T092024 for the Construction of Footpaths was advertised on Thursday, 12 September 2024 via the Shire of Harvey’s Tenderlink e-tendering website. At the close of Tender on Thursday, 17 October 2024, three Tenders were received.

Tenderers were advised that the Shire of Harvey (the Shire) was calling Tenders to appoint a Contractor for the construction of new footpaths and the replacement of footpaths for a two-year contract period with a further option of one year at the discretion of the Shire. Following a detailed assessment of the three compliant Tender Submissions, the Tender Evaluation Panel (the Panel) considered that one of the Tenderers represented the best value for the Shire’s operations.

It is therefore recommended that Council awards Tender T092024 as outlined in **Confidential Attachment 1**.

Voting Requirements

Simple Majority

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.:	7.1.2.
Subject:	T082024 – Supply and Delivery of One New Grader
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Acting Director Infrastructure Services
Authorising Officer:	Chief Executive Officer
File No.:	T082024
Attachments:	Confidential Attachment 1

Summary

Tender T082024 for the Supply and Delivery of one new Grader was advertised on Thursday, 26 September 2024 via the Western Australian Local Government Association (WALGA) VendorPanel (EQuotes). At the close of Tender on Friday, 11 October 2024, three Tender Submissions were received with one Submission deemed non-compliant.

Following a detailed assessment of the Tender Submissions, the Tender Evaluation Panel (the Panel) considered that one of the Tenderers presented good value for the Shire’s operations.

It is therefore recommended that Council award Tender T082024 as per the Confidential Officers Recommendation.

This report also recommends that Council dispose of the Shire of Harvey’s (the Shire) existing Grader to as per the Confidential Officers Recommendation.

Voting Requirements

Simple Majority

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.:	7.1.3.
Subject:	Q072024 – Supply and Delivery of One New Backhoe
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Acting Director Infrastructure Services
Authorising Officer:	Chief Executive Officer
File No.:	Q072024
Attachments:	Confidential Attachment 1

Summary

Quotation Q072024 for the Supply and Delivery of one new Backhoe was advertised on Thursday, 26 September 2024 via the Western Australian Local Government Association (WALGA) Vendorpanel (EQuotes). At the close of Quotation on Friday, 11 October 2024, four Quotes were received.

Following a detailed assessment of the Quote Submissions, the Evaluation Panel (the Panel) considered that one of the Respondents presented good value for the Shire’s operations.

It is therefore recommended that Council awards Quotation Q072024 as per the Confidential Officers Recommendation.

This Report also recommends that Council dispose of the Shire of Harvey’s (the Shire) existing Grader as per the Confidential Officers Recommendation.

Voting Requirements

Simple Majority

7.2. Sustainable Development

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.:	7.2.1.
Subject:	Disposal of Land – Lot 46 (1) Hovea Street Myalup
Proponent:	Shire of Harvey
Location:	Lot 46 (No. 1) Hovea Street, Myalup
Reporting Officer:	Acting Director Sustainable Development
Authorising Officer:	Chief Executive Officer
File No.:	A6480
Attachments:	Confidential Attachment 1

Summary

At its Ordinary Council Meeting held Tuesday, 26 September 2023, Council resolved that Lot 115 (No. 39), and Lot 116 (No. 37) Ray Road, Myalup and Lot 46 (No. 1) Hovea Street, Myalup be offered for sale.

An offer has been received for Lot 46 (No. 1) Hovea Street, that exceeds the written valuation, and it is recommended Council authorises the Chief Executive Officer (CEO) to accept the offer contained within **Confidential Attachment 1** and dispose of the lot in accordance with Section 3.58 of the *Local Government Act 1995*.

Voting Requirements

Simple Majority

8. Closure of Meeting