



SHIRE OF
HARVEY



Ordinary Council Meeting **Agenda**

Harvey Council Chamber

Tuesday, 22 October 2024

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, 22 October 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 small dot at the end.

Annie Riordan
Chief Executive Officer

18 October 2024.

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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

At the Ordinary Council Meeting held on Tuesday, 24 September 2024, Mrs Pam McGregor asked the following questions in relation to Item 13:

Question 1: Will you please provide me with details of the substantial refurbishments, what work needed to be done and possibly the reason why the work needed to be done?

Answer 1: The Shire does not have firm details on this however it is based on anecdotal evidence and the evidence of previous work uncovered on the site. The information the Shire does have has been obtained by speaking with industry experts.

Question 2: Will you please provide me with the dates of these numerous occasions?

Answer 2: As mentioned in Question 1, the Shire does not have firm details on this.

Question 3: Will you please provide me with the costs of each substantial refurbishment?

Answer 3: The Shire does not have access to this information as it is believed that the Shire did not undertake the previous works you are mentioning. The Brunswick Tennis Club may be better informed on this.

At the Ordinary Council Meeting held on Tuesday, 24 September 2024, Mr Mark Talbot asked the following questions in relation to Item 13:

Question 1: What was the cost to the Shire of getting Edgeloe's estimate?

Answer 1: The Shire has undertaken design and drafting with a suitably qualified engineer which includes an estimation for construction costs. The total spent at the Shire of Harvey's expense for drafting, design and estimation to date has been \$15,411.

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, 24 September 2024.

Recommendation

That the Minutes of the Council Meeting held on Tuesday, 24 September 2024, as printed be confirmed as a true and correct record.

11. Receipt of Minutes and Recommendations from Committees

Audit Committee Meeting – Tuesday, 15 October 2024.

Recommendation

That the Minutes of the Audit Committee Meeting held on Tuesday, 15 October 2024, as printed be received.

12. Officer's Reports

12.1. Chief Executive Officer

Item No.:	12.1.1.
Subject:	Local Government Elections – Review of WALGA Advocacy Positions
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:	Nil

Summary

Western Australian Local Government Association (WALGA) requests Council to consider the current and alternative advocacy positions relating to Local Government Elections to determine if these positions are still current.

To inform the WALGA State Council meeting scheduled for December 2024, a decision is required by Monday, 28 October 2024.

Background

The *Local Government Amendment Act 2023* introduced a range of electoral reforms that came into effect prior to the 2023 Local Government ordinary elections including:

- The introduction of Optional Preferential Voting (OPV);
- Extending the election period to account for delays in postal services;
- Changes to the publication of information about candidates;
- Backfilling provisions for extraordinary vacancies after the 2023 election;
- Public election of the Mayor or President for larger Local Governments;
- Abolishing wards for smaller Local Governments; and
- Aligning the size of councils with the size of populations of each Local Government (change to representation).

Following requests from several of its zones, WALGA undertook a comprehensive review and analysis of five ordinary election cycles up to and including the 2023 Local Government Election against the backdrop of these legislative reforms. The review and report focused on postal elections conducted exclusively by the Western Australian Electoral Commission (WAEC), with the analysis finding evidence of the rising cost and a reduction in service of conducting Local Government elections in Western Australia.

Comment

The Elections Analysis Review and Report was presented to State Council on 4 September 2024, with State Council supporting a review of WALGA's Local Government Elections Advocacy Positions.

WALGA is requesting Councils consider the current and alternative Elections Advocacy Positions and provide a response back to WALGA for the December 2024 State Council meeting.

The following is a summary of WALGA's current Advocacy Positions in relation to Local Government Elections:

2.5.15 Elections

Position Statement

The Local Government sector supports:

1. Four-year terms with a two-year spill.
2. Greater participation in Local Government elections.
3. The option to hold elections through:
 - Online voting
 - Postal voting, and
 - In-person voting.
4. Voting at Local Government elections to be voluntary.
5. The first past the post method of counting votes.

The Local Government sector opposes the introduction of preferential voting, however if 'first past the post' voting is not retained then optional preferential voting is preferred.

Background

The first past the post (FPTP) method is simple, it allows an expression of the electorate's wishes and does not encourage tickets and alliances to be formed to allocate preferences.

State Council Resolution

- February 2022 – 312.1/2022
- December 2020 – 142.6/2020
- March 2019 – 06.3/2019
- December 2017 – 121.6/2017
- October 2008 – 427.5/2008.

Supporting Documents

- Advocacy Positions for a New Local Government Act
- WALGA submission: Local Government Reform Proposal (February 2022).

2.5.16 Method of Election of Mayor*Position Statement*

Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.

State Council Resolution

- February 2022 – 312.1/2022
- March 2019 – 06.3/2019
- December 2017 – 121.6/2017

2.5.18 Conduct of Postal Elections*Position Statement*

The *Local Government Act 1995* should be amended to allow the Australian Electoral Commission (AEC) and any other third-party provider including Local Governments to conduct postal elections.

Background

Currently, the WAEC has a legislatively enshrined monopoly on the conduct of postal elections that has not been tested by the market.

State Council Resolution

- May 2023 – 452.2/2023
- March 2019 – 06.3/2019
- December 2017 – 121.6/2017
- March 2012 – 24.2/2012.

WALGA has requested the following advocacy positions be considered by Councils:

1. Participation

a) The sector continues to support voluntary voting at Local Government elections.

OR

b) The sector supports compulsory voting at Local Governments elections.

Officers recommend supporting voluntary voting. Compulsory voting would likely introduce increased costs for managing elections. A move to compulsory voting should come with increased financial support for local governments both in the promotion of local government elections and expenses for the election day.

2. Terms of Office

- a) The sector continues to support four-year terms with a two-year spill;
OR
- b) The sector supports four-year terms on an all in/all out basis.

Officers support the two-year split which allows for the continuity of knowledge within Council, as well as supporting the ongoing strategic direction of the Council.

3. Voting Methods

- a) The sector supports FPTP as the preferred voting method for general elections. If OPV remains as the primary method of voting, the sector supports the removal of the 'proportional' part of the voting method for general elections
OR
- b) The sector supports OPV as the preferred voting method for general elections.

Officers recommend FPTP voting as it reduces campaigners running on a OPV ticket. It also significantly reduces the administrative complexity of the vote count on election day.

4. Internal Elections

- a) The sector supports FPTP as the preferred voting method for all internal elections.
OR
- b) The sector supports OPV as the preferred voting method for all internal elections.

Officers recommend FPTP for simplicity.

5. Voting Accessibility

The sector supports the option to hold general elections through:

- a) Electronic voting; and/or
- b) Postal voting; and/or
- c) In-Person voting.

Officers recommend postal voting as it has been the norm for the Shire of Harvey in recent years, while also providing the most accessible voting participation for the community.

6. Method of Election of Mayor

The sector supports:

- a) As per the current legislation with no change – Class 1 and 2 local governments directly elect the Mayor or President (election by electors method), with regulations preventing a change in this method.

- b) Return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.
- c) Apply current provisions to all Bands of Local Governments – apply the election by electors method to all classes of local governments.

Officers support the current method (a) which could be seen to support greater participation in the local government election process, with more say from the community on who is elected as President.

Statutory/Policy Environment

- *Local Government Act 1995*
- Local Government (Elections) Regulations 1997

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 **Reputational** if Council does not confirm its support of the various advocacy positions. 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 recommends that Western Australian Local Government Association adopt the following Local Government Election Advocacy Positions:

1. Participation – Council support the advocacy position that the sector continues to support voluntary voting at Local Government elections.
2. Terms of Office – Council support the advocacy position that the sector continues to support four-year terms with a two-year spill;
3. Voting Methods – Council support the advocacy position that the sector First Past the Post (FPTP) preferred voting method for general elections.
4. Internal Elections – Council support the advocacy position that the sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections.
5. Voting Accessibility – Council support the advocacy position that the sector supports the option to hold general elections through Postal voting;
6. Method of Election of Mayor – Council support the advocacy position as per the current legislation with no change – Class 1 and 2 local governments directly elect the Mayor or President (election by electors method), with regulations preventing a change in this method.

Item No.:	12.1.2.
Subject:	Proposed Amendment to Policy 2.2.8 – Purchasing Policy
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Procurement Officer
Authorising Officer:	Chief Executive Officer
File No.:	CC/P/0008
Attachments:	1. DRAFT with PSP - Policy 2.2.8- Purchasing Policy - Version 10 - 11.10 [12.1.2.1 - 13 pages]

Summary

Policies are general rules or principles adopted by Council to provide clear direction to the Administration, ensure the community is aware of the reason behind administrative and Council decisions, and to be familiar with the logic behind individual decisions.

As part of the ongoing review of Council Polices and compliance functions, Officers have reviewed and amended Policy 2.2.8 – Purchasing Policy

Council is requested to consider the amended Policy 2.2.8 – Purchasing Policy as per **Attachment 1**.

Background

Policies set a guiding direction for the management of the Shire of Harvey (Shire) and establish a fair, transparent and cohesive approach to decision making. Policies develop as Council consider and address issues, or because of external changes such as amended or new legislation and should continue to develop through a process of review and refinement.

The objectives of Council policies are to:

- Provide Council with a formal written record of policy decisions
- Enable Council to maintain a process to continually review policy decisions and to ensure these decisions are remaining in alignment with community expectations, current legislation and other industry trends
- Provide Shire Officers with clear direction to respond to issues and act in accordance with Council decisions and direction
- Enable Elected Members to adequately manage enquiries relating to the role of Council in particular situations
- Enable community members to obtain immediate direction on matters of Council policy.

To ensure good governance, all policies shall be reviewed at a minimum of every three years and a report presented to Council detailing any proposed changes. This does not limit the review of individual policies during the year if identified as requiring review or amendments prior to the due date or if required by legislation.

All policies should be assessed for review based on the following requirements:

- Implications of statutory requirements

- Implications for operational effectiveness and efficiency
- Potential for negative impact on operational activity, strategic objectives, environmental/economic factors and reputation.
- Complex procedures or technical information
- Change is likely to occur.

Comment

Officers have reviewed Policy 2.2.8 – Purchasing Policy and propose the following changes and additions:

- Minor formatting changes throughout the document
- Amendments to 3.1 – Ethics and integrity
- Amendments to 3.3.4 – Purchasing thresholds
- Amendments and additions to 3.3.5 – Exemptions to Procurement Practices
- Addition of 3.3.5.1 – Software Support / Licences / Renewals / Maintenance
- Addition of 3.3.6 – Waiver of Purchasing Requirements
- Addition of 3.4 – Panels of Prequalified Suppliers Established by the Shire

The addition of 3.5.1 – Software Support / Licences / Renewals / Maintenance will provide Officers an exemption to sourcing quotations for the provision, licensing, annual renewal, annual lease payment, maintenance or support of information technology hardware or software that the Shire already utilise and are of a unique nature.

The addition of 3.3.6 – Waiver of Purchasing Requirements will enable the Chief Executive Officer to waive the requirements to obtain quotations of a certain value in specific circumstances. These waivers will be captured in a register.

The addition of 3.4 – Panels of Prequalified Suppliers Established by the Shire is identified in the Shire's Corporate Business Plan as an action for the 2024 – 2025 financial year under 5.4.1 Procurement. This will allow Officers to establish panels for goods and/or services to be supplied to the Shire that are determined to be beneficial. This will improve the efficiency of Officers to access Contractors and obtain quotations.

The use of Prequalified Suppliers is a useful method that most local governments utilise throughout the State. By having a Prequalified Supplier Panel, it can minimise costs and risks when needing to get quotes for minor projects by streamlining the process and having a schedule of rates secured and a list of already screened suppliers ready to select from.

Statutory/Policy Environment

Section 2.7(2)(b) of the *Local Government Act 1995* allows Council to determine the Local Government's Policies.

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.

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 Fulfil Compliance Requirements**. The Consequence could be **Compliance** if policies are not reviewed and maintained. The Risk Consequence is considered to be **Minor** and the likelihood **Unlikely**, given the policy has been thoroughly researched, peer reviewed and provided by a qualified Shire Officer, resulting in a **Low** risk being present.

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 adopts the amendments to Policy 2.2.8 – Purchasing Policy as contained within **Attachment 1**.

Item No.	12.1.3.
Subject:	Proposed New Policy 1.1.20 – Regional Price Preference Policy
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Procurement Officer
Authorising Officer:	Chief Executive Officer
File No.:	PS/P/004
Attachments:	1. DRAFT - Regional Price Preference Policy - Final Draft 4.10 [12.1.3.1 - 3 pages]

Summary

Council is requested to consider a new Regional Price Preference Policy that will help promote local economic development and local and regional businesses through the provision of a price preference allowance to Local Suppliers when evaluating and awarding Tenders under a procurement process. (Refer to **Attachment 1**).

Background

Policies set a guiding direction for the management of the Shire of Harvey (Shire) and establish a fair, transparent and cohesive approach to decision making. Policies develop as Council consider and address issues, or because of external changes such as amended or new legislation and should continue to develop through a process of review and refinement.

The objectives of Council policies are to:

- Provide Council with a formal written record of policy decisions
- Enable Council to maintain a process to continually review policy decisions and to ensure these decisions are remaining in alignment with community expectations, current legislation and other industry trends
- Provide Shire Officers with clear direction to respond to issues and act in accordance with Council decisions and direction
- Enable Elected Members to adequately manage enquiries relating to the role of Council in particular situations
- Enable community members to obtain immediate direction on matters of Council Policy.

This Policy has been developed to provide Local Suppliers an advantage when tendering for Shire contracts. Currently there is a high portion of Tenders being awarded to Metropolitan based suppliers due to their ability to be more cost effective than Local Suppliers. Two recent Tenders received at least two responses from Metropolitan based suppliers and the rates and total tendered price were lower than the Local Supplier. This is because Metropolitan based suppliers can offer lower prices through accessing a larger economic network and closer resources.

The Policy provides an advantage during the evaluation stage by taking 10% or 5% off the tendered price. This will provide the Local Supplier a discount only for the evaluation stage. The awarded amount will be the full tendered price.

This Regional Price Preference Policy is consistent with the proposed amended Purchasing Policy, also presented within this Agenda, however, deals specifically with formal Tenders.

In accordance with Part 4A of the Local Government (Functions and General) Regulations 1996 (Regulations), a new Regional Price Preference Policy (RPP) must be advertised for 21 days inviting submissions commenting on the proposed Policy, and the RPP reviewed considering any submissions being received prior to a resolution to proceed.

It is recommended that Council resolves to prepare the RPP for advertising as presented in **Attachment 1** for 21 days, and subsequently present the RPP back to Council for final approval after consideration of any submissions received.

Comment

Although the implementation of the proposed Policy may result in some products and services procured at a higher cost, this could be balanced with the benefits of supporting local suppliers. The proposed policy enhances the opportunity for Local Suppliers to submit Tenders and encourage the promotion of local economic development.

The proposed Policy has been developed in consultation with Council Policies, the Regulations and templates provided by Western Australian Local Government Association (WALGA).

Officers recommend that the RPP be advertised for public comment in accordance with Regulation 24E of the Local Government (Functions and General) Regulations 1996.

Statutory/Policy Environment

Local Government (Functions and General) Regulations 1996.

Part 4A – Regional Price Preference

24E. Regional price preference policies for Local Governments.

1. *Where a local government intends to give a regional price preference in relation to a process, the local government is to -*
 - (a) *Prepare a proposed regional price preference policy (if no policy has yet been adopted for that kind of contract); and*
 - (b) *Give Statewide public notice of the intention to have a regional price preference policy and include in that notice -*
 - i) *The region to which the policy is to relate; and*
 - ii) *Details of where a complete copy of the proposed policy may be obtained; and*
 - iii) *A statement inviting submissions commenting on the proposed policy, together with a closing date of not less than 4 weeks for those submissions;*

And

- (c) *Make a copy of the proposed regional price preference policy available for public inspection in accordance with the notice; and*
- (d) *Publish the proposed regional price preference policy on the local government's official website.*

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.*

Community Engagement

Community Participation Goal

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

Promise to the Community

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

Risk Management

The Risk Theme Profile identified as part of this report is **Failure to Fulfil Compliance Requirements**. The Consequence could be **Compliance** or **Reputation**. The Compliance risk could be that the Policy is not created in line with the relevant Regulation and the Reputation risk could be that the Shire is not providing reasonable opportunity for Local Suppliers. The risk is considered **Minor** and the likelihood **Unlikely**, given that the report and Regional Price Preference have been thoroughly researched, peer reviewed and provided by a qualified Shire Officer. This results in a **Low** risk being present.

Budget Implications

The cost associated with advertising the proposed Policy in accordance with the Regulations has negligible impacts to the adopted budget. There is no ongoing budget implications anticipated for the implementation of this proposed Policy. Shire Officers must still assess and evaluate tenders on the principle of value for money and must remain within the budgets as allocated within those years adopted Budget.

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. Authorises the Chief Executive Officer to advertise the proposed draft Regional Price Preference for 21 days in accordance with Regulation 24E of the Local Government (Functions and General) Regulations 1996.
2. Requests that following the closure of the advertising period, a report is presented to Council with any submissions made by the public for its consideration of the Policy.

Item No.:	12.1.4.
Subject:	Delegation Review 2024
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Governance Compliance Officer
Authorising Officer:	Chief Executive Officer
File No.:	F/08/00011
Attachments:	<ol style="list-style-type: none"> 1. Register of Delegated Authority 2024 [12.1.4.1 - 205 pages] 2. Proposed new delegations [12.1.4.2 - 22 pages] 3. Delegated Authority as Amended [12.1.4.3 - 177 pages]

Summary

The purpose of this report is to provide additional direction for the Administration to efficiently perform the required functions of the Shire of Harvey (the Shire). Officers have reviewed Council’s Delegation Register and recommends the adoption of the Delegation Register contained within **Attachment 1**.

Background

A delegation is the process prescribed in legislation for assigning authority to exercise an express power or duty from the Delegate (Council) to another person (Chief Executive Officer (CEO)). The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation.

In line with the *Local Government Act 1995*, a Council is required to provide good governance to the people in the district and be predominantly concerned with higher level Policy matters for their local government. Duties and powers which are operational in nature, but exercise a discretion, should be delegated to the CEO. Powers and duties can be delegated to CEOs with conditions attached which limits the exercise of powers or discharge of duties to circumstances prescribed by the Council. For example, a permit application which does not satisfy the conditions attached to a delegation, must be referred to the Council for determination.

At its Ordinary Meeting held on Tuesday, 23 April 2024, Council adopted a new Delegations Register prepared by Officers in accordance with the Delegations Template produced by the Western Australian Local Government Association (WALGA).

As a result of the State Government’s Planning Reform initiatives being implemented on Monday, 1 July 2024, Council’s existing Planning Delegations required amendments to reflect the upcoming changes to the Planning and Development (Local Planning Schemes) Regulations 2015. Council reviewed and adopted these changes at its Ordinary Council Meeting held on Tuesday, 25 June 2024.

Due to the *Local Government Act 1995* reforms, and in line with the requirement for annual review, Officers have reviewed the Delegations Register against WALGA’s Template and are recommending several new delegations (**Attachment 2**), amendments and revocations (**Attachment 3**).

Comment

As a result of the review against the newest WALGA Delegation Template, the following table provides a summary of the new proposed delegations, amendments and revocations. Please note that corrections to grammar, updating delegations to include current Policies and procedures, and the amendment of Record file numbers, are not included as track changes. These changes are considered administrative in nature and therefore have already been actioned by Officers.

Local Government Act 1995 Delegations

Delegation	Comment
1.1.1 – Temporary Closure of Thoroughfare to Vehicles	<p>AMENDED</p> <ul style="list-style-type: none"> • Renumbered to 1.2.8 • Renamed to: “Close Thoroughfares to Vehicles” • Additional delegate condition
1.1.2 – Disposing of Property	<p>AMENDED</p> <ul style="list-style-type: none"> • Renumbered to 1.2.25 • Additional powers delegated • Additional functions • Amended delegate conditions
1.1.3 – Creditors payments from Shire Funds	<p>AMENDED</p> <ul style="list-style-type: none"> • Renumbered to 1.2.27 • Renamed to: “Payment from the Municipal or Trust Funds”
1.1.4 – Investment of Council Funds	<p>AMENDED</p> <ul style="list-style-type: none"> • Renumbered to 1.2.29 • Renamed to: “Power to Invest and Manage Investments”
1.1.5 – Defer, Waive or Write off Debts	<p>AMENDED</p> <ul style="list-style-type: none"> • Renumbered to 1.2.28 • Renamed to: “Defer, Grant Discounts, Waive or Write off Debts” • Amended delegate conditions
1.1.6 – Write off of Interest Charged on Rates Debtors	<p>AMENDED</p> <ul style="list-style-type: none"> • This delegation has been merged with 1.1.5 – new delegation number 1.2.28
1.1.7 – Shire of Harvey Recreation Grounds – Camping	<p>REVOKED</p> <ul style="list-style-type: none"> • Delegation is provided in Local Law delegation 1.4.9. • Regulation 11 cannot be delegated.
1.1.8 – Traders and Stallholders Permits Including Mobile Trader’s Permits relating to Food Trading	<p>REVOKED</p> <ul style="list-style-type: none"> • Delegation is provided in Local Law delegation 1.4.1

1.1.9 – Performing Functions Outside the District	AMENDED <ul style="list-style-type: none"> • Renumbered to 1.2.2
1.1.10 – Compensation – Damage Incurred when Performing Executive Functions	AMENDED <ul style="list-style-type: none"> • Renumbered to 1.2.3
1.1.11 – Powers of Entry	AMENDED <ul style="list-style-type: none"> • Renumbered to 1.2.4 • Additional delegate conditions
1.1.12 – Declare Vehicle is Abandoned Vehicle Wreck	AMENDED <ul style="list-style-type: none"> • Renumbered to 1.2.5 • Note included in delegate condition
1.1.13 – Confiscated or Uncollected Goods	AMENDED <ul style="list-style-type: none"> • Renumbered to 1.2.6 • Note included in delegate condition
1.1.14 – Dispose of Sick or Injured Animals	AMENDED <ul style="list-style-type: none"> • Renumbered to 1.2.7
1.1.15 – Control of Reserves and Certain Unvested Facilities	AMENDED <ul style="list-style-type: none"> • Renumbered to 1.2.9
1.1.16 Obstruction of Footpath and Thoroughfares	AMENDED <ul style="list-style-type: none"> • Renumbered to 1.2.10
1.1.17 – Gates Across Public Thoroughfares	AMENDED <ul style="list-style-type: none"> • Renumbered to 1.2.11
1.1.18 – Public Thoroughfares – Dangerous Excavations	AMENDED <ul style="list-style-type: none"> • Renumbered to 1.2.12
1.1.19 – Crossing – Construction, Repair and Removal	AMENDED <ul style="list-style-type: none"> • Renumbered to 1.2.13
1.1.20 – Private Works On, Over or Under Public Places	AMENDED <ul style="list-style-type: none"> • Renumbered to 1.2.14
1.1.21 – Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift	AMENDED <ul style="list-style-type: none"> • Renumbered to 1.2.16
1.1.22 – Expressions of Interest for Goods and Services	AMENDED <ul style="list-style-type: none"> • Renumbered to 1.2.17
1.1.23 – Rate Record Amendment	AMENDED <ul style="list-style-type: none"> • Renumbered to 1.2.30
1.1.24 – Agreement as to Payment of Rates and Service Charges	AMENDED <ul style="list-style-type: none"> • Renumbered to 1.2.31

1.1.25 – Recovery of Rates or Service Charges	<p>AMENDED</p> <ul style="list-style-type: none"> • Renumbered to 1.2.33
1.1.26 – Recovery of Rates Debts – Require Lessee to Pay Rent	<p>AMENDED</p> <ul style="list-style-type: none"> • Renumbered to 1.2.34
1.1.27 – Recovery of Rates Debts – Actions to Take Possession of the Land	<p>AMENDED</p> <ul style="list-style-type: none"> • Renumbered to 1.2.35
1.1.28 – Rate Record – Objections	<p>AMENDED</p> <ul style="list-style-type: none"> • Renumbered to 1.2.36
1.1.29 – Management of Rates and Service Charges	<p>REVOKED</p> <ul style="list-style-type: none"> • This cannot be delegated and is part of the Annual Budget process
1.2.1 – Appointment of Authorised Persons	<p>AMENDED</p> <ul style="list-style-type: none"> • Renamed to: “Authorise a Person to Perform Specified Functions Under the <i>Local Government Act 1995</i>” • Amend Delegator from CEO to Council • Additional powers delegated • Section 9.10 has been proposed as a new delegation – 1.3.9. • Additional functions • Additional delegate conditions
1.2.2 – Tenders for Goods and Services	<p>AMENDED</p> <ul style="list-style-type: none"> • Renumbered to 1.2.18, 1.2.19, 1.2.20 • For administrative efficiency this delegation has been split into three Delegations. • Resultingly each delegation has been provided with additional functions and conditions.
1.2.3 – Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare	<p>AMENDED</p> <ul style="list-style-type: none"> • Renumbered to 1.3.2 • Note in function has been substituted to a preliminary remark.
1.2.4 – Determine if an Emergency for Emergency Powers of Entry	<p>AMENDED</p> <ul style="list-style-type: none"> • Renumbered to 1.3.1
1.2.5 – Determine and Manage Conditions on Permission for Dangerous Excavations in or	<p>AMENDED</p>

near Public Thoroughfares	<ul style="list-style-type: none"> • Renumbered to 1.3.3 • Note in function has been substituted to a preliminary remark.
1.2.6 – Determine and Manage Conditions on Permission for Private Works on, over or under Public Places	<p>AMENDED</p> <ul style="list-style-type: none"> • Renumbered to 1.3.4 • Note in function has been removed.
1.2.7 – Appoint Person (other than employee) to Open Tenders	<p>AMENDED</p> <ul style="list-style-type: none"> • Renumbered to 1.3.5 • Additional Delegates • Delegate conditions added
1.2.8 – Electoral Enrolment Eligibility Claims and Electoral Roll	<p>AMENDED</p> <ul style="list-style-type: none"> • Renumbered to 1.3.6
1.2.9 – Destruction of Electoral Papers	<p>AMENDED</p> <ul style="list-style-type: none"> • Renumbered to 1.3.7
1.2.10 – Information to be Available to the Public	<p>AMENDED</p> <ul style="list-style-type: none"> • Renumbered to 1.3.10 • Additional Delegate • Removal of irrelevant power delegated • Removal of irrelevant functions that cannot be delegated
1.2.11 – Financial Management Systems and Procedures	<p>AMENDED</p> <ul style="list-style-type: none"> • Renumbered to 1.3.11 • Additional delegate condition
1.2.12 – Audit – CEO Review of Systems and Procedures	<p>AMENDED</p> <ul style="list-style-type: none"> • Renumbered to 1.3.12
1.2.13 – Infringement Notices	<p>AMENDED</p> <ul style="list-style-type: none"> • Renumbered to 1.3.13 • Additional powers delegated • Additional function • Additional delegate condition
1.3.1 – Behaviour Complaints Committee	<p>AMENDED</p> <ul style="list-style-type: none"> • Renumbered to 1.1.2
1.3.2 – Audit Committee	<p>AMENDED</p> <ul style="list-style-type: none"> • Renumbered to 1.1.1

	<ul style="list-style-type: none"> • Additional delegate condition
1.4.1 – Administration of Activities in Thoroughfares and Public Places Local Law	NO CHANGES
1.4.2 – Administration of Activities in Bush Fire Brigades Local Law	NO CHANGES
1.4.3 – Administration of Cemeteries Local Law	NO CHANGES
1.4.4 – Administration of Commonage Local Law	NO CHANGES
1.4.5 – Administration of Dogs Local Law	NO CHANGES
1.4.6 – Administration of Extractive Industries Local Law	NO CHANGES
1.4.7 – Administration of Fencing Local Law	NO CHANGES
1.4.8 – Administration of Health Local Law	NO CHANGES
1.4.9 – Administration of Local Government Property Local Law	NO CHANGES
1.4.10 – Administration of Miscellaneous Provisions Local Law	NO CHANGES
1.4.11 – Administration of Parking and Parking Facilities Local Law	NO CHANGES
1.4.12 – Administration of Pest Plants Local Law	NO CHANGES
1.4.13 – Administration of Waste Local Law	NO CHANGES
1.2.21 – Panel of Pre-Qualified Suppliers for Goods and Services	NEW DELEGATION
1.2.22 – Application of Regional Price Preference Policy	NEW DELEGATION
1.2.23 – Renewal or Extension of Contracts during State of Emergency	NEW DELEGATION
1.2.24 – Procurement of Goods and Services required to address a State of Emergency	NEW DELEGATION
1.2.26 – Acquisition of Interest in Land by Lease or other Short-Term Instrument	NEW DELEGATION
1.2.32 – Determine Due Date for Rates or Service Charges	NEW DELEGATION
1.2.37 – Extend time for Lodging an Objection	NEW DELEGATION
1.3.9 – Extend time for Lodging an Objection	NEW DELEGATION

Building Act 2011 Delegations

Delegation	Comment
2.1.1 – Building and Demolition Permits	<p>AMENDED</p> <ul style="list-style-type: none"> • Renamed: “Grant a Building Permit” • For administrative efficiency this delegation has been split into two Delegations; 2.1.1 and 2.1.2 • Resultingly each delegation has been provided with additional functions.
2.1.2 – Occupancy Permits and Building Approval Certificates	<p>AMENDED</p> <ul style="list-style-type: none"> • Renumbered to 2.1.3

	<ul style="list-style-type: none"> • Additional powers delegated • Additional functions
2.1.3 – Extension of Duration of Occupancy Permits and Building Approval Certificates	<p>REVOKED</p> <ul style="list-style-type: none"> • Included in delegations 2.1.1 and 2.1.2
2.1.4 – Designate Employees as Authorised Persons	<p>AMENDED</p> <ul style="list-style-type: none"> • Removal of irrelevant functions that cannot be delegated • Additional functions • Additional delegate conditions
2.1.5 – Appointment of Approved Officers and Authorised Officers	<p>AMENDED</p> <ul style="list-style-type: none"> • Renumbered to 2.1.12
2.1.6 – Building Orders	<p>AMENDED</p> <ul style="list-style-type: none"> • Updated powers delegated • Additional powers delegated • Additional functions • Removal of delegate condition • Updated express powers to subdelegate
2.1.7 – Inspection and Copies of Building Records	<p>NO CHANGES</p>
2.1.8 – Referrals and Issuing Certificates	<p>AMENDED</p> <ul style="list-style-type: none"> • Renumbered to 2.1.9
2.1.9 – Private Pool Barrier – Alternative and Performance Solutions	<p>AMENDED</p> <ul style="list-style-type: none"> • Renumbered to 2.1.10 • Additional delegate condition
2.1.10 – Smoke Alarms – Alternative Solutions	<p>AMENDED</p> <ul style="list-style-type: none"> • Renumbered to 2.1.11
2.1.5 – Designate Contractors as Authorised Persons (Inspectors)	<p>NEW DELEGATION</p>
2.1.8 – Authorise Persons to Commence Proceedings	<p>NEW DELEGATION</p>

Bush Fires Act 1954 Delegations

Delegation	Comment
3.1.1 – Make Request to FES Commissioner – Control of Fire	<p>AMENDED</p> <ul style="list-style-type: none"> • Removal of delegate condition
3.1.2 – Prohibited Burning Times – Vary	<p>AMENDED</p>

	<ul style="list-style-type: none"> • Removal of irrelevant powers delegated • Additional powers delegated • Additional delegate • Updated delegate condition
3.1.3 – Prohibited Burning Times – Control Activities	AMENDED <ul style="list-style-type: none"> • Removal of delegate conditions
3.1.4 – Restricted Burning Times – Vary and Control Activities	AMENDED <ul style="list-style-type: none"> • Removal of delegate conditions
3.1.5 – Control of Operations Likely to Create Bush Fire Danger	AMENDED <ul style="list-style-type: none"> • Removal of delegate conditions
3.1.6 – Burning Garden Refuse / Open Air Fires	AMENDED <ul style="list-style-type: none"> • Removal of delegate conditions
3.1.7 – Firebreaks	AMENDED <ul style="list-style-type: none"> • Updated function • Removal of delegate conditions
3.1.8 – Appoint Bush Fire Control Officer/s and Fire Weather Officer	AMENDED <ul style="list-style-type: none"> • Removal of delegate conditions
3.1.9 – Control and Extinguishment of Bush Fires	AMENDED <ul style="list-style-type: none"> • Removal of delegate conditions
3.1.10 – Recovery of Expenses Incurred Through Contraventions of This Act	AMENDED <ul style="list-style-type: none"> • Removal of delegate conditions
3.1.11 – Prosecution of Offences	NO CHANGES
3.1.12 – Withdrawal of Infringement Notices	REVOKED <ul style="list-style-type: none"> • Delegation is provided in 3.1.11

Cat Act 2011 Delegation

Delegation	Comment
4.1.1 – Cat Registrations	AMENDED <ul style="list-style-type: none"> • Updated function • Removal of delegate condition
4.1.2 – Cat Control Notices	AMENDED <ul style="list-style-type: none"> • Removal of delegate condition
4.1.3 – Approval to Breed Cats	AMENDED <ul style="list-style-type: none"> • Removal of delegate conditions

4.1.4 – Recovery of Costs – Destruction of Cats	NO CHANGES
4.1.5 – Applications to Keep Additional Cats	AMENDED <ul style="list-style-type: none"> • Renumbered to 4.1.6 • Removal of delegate condition
4.1.6 – Reduce or Waiver Registration Fee	AMENDED <ul style="list-style-type: none"> • Renumbered to 4.1.7
4.2.1 – Infringement Notices – Extensions and Withdrawals	NO CHANGES
4.1.5 – Authorise a Person to Perform Specified Functions Under the <i>Cat Act 2011</i>	NEW DELEGATION

Dog Act 1976 Delegations

Delegation	Comment
5.1.1 – Refuse or Cancel Registration	AMENDED <ul style="list-style-type: none"> • Renumbered to 5.1.3 • Removal of irrelevant function • Removal of delegate condition • Additional delegate condition
5.1.2 – Appoint Authorised Persons	AMENDED <ul style="list-style-type: none"> • Renumbered to 5.1.1 • Removal of irrelevant power delegated • Additional powers delegated • Removal of irrelevant functions • Additional functions • Removal of delegate condition • Additional delegate conditions
5.1.3 – Recovery of Monies Due Under This Act	AMENDED <ul style="list-style-type: none"> • Renumbered to 5.1.6 • Removal of irrelevant power delegated • Updated powers delegated • Removal of delegate condition • Updated delegate conditions

<p>5.1.4 – Dispose of or Sell Dogs Liable to be Destroyed</p>	<p>AMENDED</p> <ul style="list-style-type: none"> • Renumbered to 5.1.7 • Updated power delegated • Removal of delegate condition • Additional delegate condition
<p>5.1.5 – Declare Dangerous Dog</p>	<p>AMENDED</p> <ul style="list-style-type: none"> • Renumbered to 5.1.8 • Removal of delegate condition • Updated delegate conditions
<p>5.1.6 – Dangerous Dog Declared or Seized – Deal With Objections and Determine When to Revoke</p>	<p>AMENDED</p> <ul style="list-style-type: none"> • Renumbered to 5.1.9 • Removal of delegate conditions • Updated delegate condition
<p>5.1.7 – Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice</p>	<p>AMENDED</p> <ul style="list-style-type: none"> • Renumbered to 5.1.10 • Updated power delegated • Removal of delegate condition • Additional delegate condition
<p>5.1.8 – Determine Recoverable Expenses for Dangerous Dog Declaration</p>	<p>AMENDED</p> <ul style="list-style-type: none"> • Renumbered to 5.1.11 • Removal of delegate condition • Additional delegate condition
<p>5.1.9 – Kennel Establishments</p>	<p>AMENDED</p> <ul style="list-style-type: none"> • Renumbered to 5.1.5 • Updated function
<p>5.1.10 – More Than the Prescribed Number of Dogs</p>	<p>AMENDED</p> <ul style="list-style-type: none"> • Renumbered to 5.1.4 • Renamed to “Grant Exemption as to Number of Dogs Kept at Premises” • Updated power delegated

	<ul style="list-style-type: none"> • Updated function • Removal of delegate condition • Additional delegate conditions
5.1.2 – Part Payment of Sterilisation Costs / Direction to Veterinary Surgeons	NEW DELEGATION

Food Act 2008 Delegation

Delegation	Comment
6.1.1 – Determine Compensation	AMENDED <ul style="list-style-type: none"> • Updated delegates
6.1.2 – Prohibition Orders	AMENDED <ul style="list-style-type: none"> • Renamed to: “Prohibition Orders and Certificates of Clearance” • Updated delegates
6.1.3 – Food Business Registrations	AMENDED <ul style="list-style-type: none"> • Updated delegate
6.1.4 – Appoint Authorised Officers and Designated Officers	AMENDED <ul style="list-style-type: none"> • Updated delegates • Additional delegate condition
6.1.5 – Food Business List – Public Access	AMENDED <ul style="list-style-type: none"> • Renumbered to 6.1.7 • Updated delegates
6.1.6 – Debt Recovery and Prosecutions	AMENDED <ul style="list-style-type: none"> • Renumbered to 6.1.5 • Addition powers delegated • Additional functions
6.1.6 – Abattoir Inspection Fees	NEW DELEGATION

Graffiti Vandalism Act 2016 Delegations

Delegation	Comment
7.1.1 – Give Notice Requiring Obliteration of Graffiti	NO CHANGES
7.1.2 – Notices – Deal with Objections and Give Effect to Notices	AMENDED <ul style="list-style-type: none"> • Removal of irrelevant delegate conditions
7.1.3 – Obliterate Graffiti on Private Property	NO CHANGES
7.1.4 – Powers of Entry	AMENDED <ul style="list-style-type: none"> • Removal of delegate condition

Public Health Act 2016 Delegations

Delegation	Comment
8.1.1 – Appoint Authorised Officer or Approved Officer (Asbestos Regs)	NO CHANGES
8.1.2 – Enforcement Agency Reports to the Chief Health Officer	AMENDED <ul style="list-style-type: none"> • Updated Delegate
8.1.3 – Designate Authorised Officer	AMENDED <ul style="list-style-type: none"> • Updated Delegate
8.1.4 – Determine Compensation for Seized Items	AMENDED <ul style="list-style-type: none"> • Renumbered to 8.1.6 • Renamed to: “Dealing with Seized Items” • Additional powers delegated • Additional functions
8.1.5 – Appoint Designated Officer – Information Sharing	AMENDED <ul style="list-style-type: none"> • Renumbered to 8.1.7 • Updated Delegate
8.1.4 – Give Enforcement Orders and Issue Clearance Certificates	NEW DELEGATION
8.1.5 – Enforcement Orders – Implement and Recover Costs	NEW DELEGATION

Planning and Development Act 2005 Delegation

Delegation	Comment
9.1.1 – Advertising of Applications	NO CHANGES
9.1.2 – Development Applications	NO CHANGES
9.1.3 – s214 Directions	NO CHANGES
9.1.4 – Local Development Plans	NO CHANGES
9.1.5 – Performance Based Solutions Under Residential Design Codes	NO CHANGES

There are two delegations that were not recommended to be included in the Shire’s Delegation Register:

- WALGA Delegation 1.2.15 – Works Required for Supply of Gas or Water.

This Delegation is not relevant to the Shire as the Shire is not responsible for supplying water or gas.

- WALGA Delegation 1.3.8 – Acknowledge Primary and Annual Returns.

The CEO did not find it necessary to delegate this responsibility to anyone else and found that the current procedure is sufficient.

It is to be noted that despite Officers having delegations, Officers will in some instance not exercise the delegation and refer the matter to Council for determination.

Statutory/Policy Environment

Local Government Act 1995

- Section 5.42 – Provides Council with the power to delegate some powers and duties to the CEO.
- Section 5.43 – States the limits of delegation for the CEO.
- Section 5.44 – Provides the CEO with the power to delegate some powers and duties to employees.
- Section 5.45 – Other matters relevant to delegations under this Division.
- Section 5.46 – States the manner in which the register of and records relevant to delegations are to be kept.

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.

The delegated register is to be reviewed and adopted by Council once every financial year. The register comes to Council in the form of a report. This report and its attachments are a public document and published to the website for viewing.

Promise to the Community

Inform: We will keep you informed.

Once the reviewed delegated register is adopted by Council the minutes confirming the adoption and the final register are published to the website for viewing.

Risk Management

The Risk Theme Profile identified as part of this report is **Business and Community Disruption, Failure to Fulfil Compliance Requirements and Inadequate Document and Management Practices**. The Consequence could be **Financial, Service Interruption, Compliance or Reputational**. The risk is considered **Minor** and the likelihood **Unlikely**, given that the Delegations are based on model templates in line with legislation, and where identified, checked by qualified professionals. This results in a **Low** risk being present.

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

Absolute Majority

Officer's Recommendation

That Council adopts the Delegations Register as contained within **Attachment 1**.

Item No.:	12.1.5.
Subject:	Lease – Brunswick District Bowling Club Incorporated
Proponent:	Shire of Harvey
Location:	Part of Lot 2 on Diagram 20087 and known as Part of 1 Ommaney Road, Brunswick Junction
Reporting Officer:	Coordinator Governance and Reporting
Authorising Officer:	Chief Executive Officer
File No.:	C051/00007
Attachments:	<ol style="list-style-type: none"> 1. Draft Lease [12.1.5.1 - 53 pages] 2. Council Policy 1.1.13 - Community Lease Policy [12.1.5.2 - 13 pages]

The following additional information is provided in regard to Item 12.1.5.

An amendment has been made to Item 11 of **Attachment 1** to clarify a covenant between the Lessor and Lessee.

Section 6(b) of Item 11 states:

The Lessee covenants with the Lessor at that at the Lessee’s own cost will carry out the following treatments at least once every year to the whole premises:

1. Top dressing the bowling green.
2. Fertilising the bowling green.
3. Maintain the bowling green with a level and true surface, free from weeds.

This has been amended to:

Where there is a functional turf green, the Lessee covenants with the Lessor at the Lessee’s own cost to carry out the following treatments at least once every year to the whole premises:

1. Top dressing the bowling green.
2. Fertilising the bowling green.
3. Maintain the bowling green with a level and true surface, free from weeds.

Section 6(c) of Item 11 states:

The Lessee will at their own cost and expense keep all the manage the artificial bowling greens on the leased premise area and keep the artificial bowling greens in good order and condition and must, if required by the Lessor, promptly replace the artificial bowling greens according to the life of the artificial surfaces and wear and tear so that at all times during the Term, the artificial bowling greens are in an appropriate condition to conduct lawn bowls.

This has been amended to:

Where there is a functional artificial green, the Lessee covenants with the Lessor at the Lessee's own cost and expense to maintain and manage artificial bowling greens on the leased premise area and keep the artificial bowling greens in good order and condition and must, if required by the Lessor, promptly replace the artificial bowling greens according to the life of the artificial surfaces and wear

and tear so that at all times during the Term, the artificial bowling greens are in an appropriate condition to conduct lawn bowls.

Summary

Lot 2 on Diagram 20087 and known as Part of 1 Ommaney Road, Brunswick Junction is a freehold lot owned by the Shire of Harvey (the Shire). On this freehold land is the Brunswick Districts Bowling Club (Premises).

Brunswick Districts Bowling Club Incorporated (BDBC) manage the Premises under a Lease Agreement which expired on 30 June 2024. Officers have liaised with BDBC to formalise a Lease Agreement to the satisfaction of both BDBC and the Shire.

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

Background

BDBC is an incorporated not-for-profit sporting and recreational organisation registered with the Department of Mines, Industry Regulation and Safety under the *Associations Incorporation Act 2015* since 4 April 1957.

The most recent Lease for BDBC to occupy the Premises had a term of 1 July 2014 to 30 June 2019 with an option to extend the term by five years. This option to extend was granted to 30 June 2024 which has now expired.

BDBC submitted a request on 16 March 2024 to renew the Lease of the Premises for a period greater than five years to provide security of tenure to allow longer term forward planning for the future of lawn bowls in Brunswick Junction. A meeting with Officers was also requested to discuss the Premises condition and maintenance.

Officers met with BDBC on 4 April 2024 to discuss a new Lease, resulting in a draft Lease being prepared by Officers and sent to BDBC on 27 May 2024 for review.

To allow for the continuation of occupancy and operations beyond the lease expiration whilst a new Lease was being prepared, an exchange of letters was implemented which enabled a month-by-month extension of the original Lease.

Comment

Officers met with BDBC on 23 August 2024 to discuss the draft Lease, consider possible amendments and provide clarity on particular clauses. As a result, BDBC provided endorsement on 16 September 2024 for the Lease to be considered by Council.

Shire Officers are not aware of any issues of BDBC's management of the Premises, with the most recent Lease being in place since 2014.

Council is requested to consider a Lease Agreement (refer **Attachment 1**) for the Premises with BDBC for the term of five years commencing 1 July 2024 and expiring on 30 June 2029, with the extension option of one further term of five years from 1 July 2029 to 30 June 2034.

Should the Lease be issued to BDBC, Shire 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 (refer **Attachment 2**).

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 Leases will be provided to the public in the form of an online register with the change due to be enacted in 2024.

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> |
| <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 5.4</i> | <i>Sound governance, including financial, asset and risk management.</i> |

Community Engagement

Community Participation Goal

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

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 is 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 **Reputational** 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 BDBC 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 **Moderate** 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.

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. Approves the granting of a new Lease Agreement to Brunswick Districts Bowling Club Incorporated for the management of the premises located at Part of Lot 2 on Diagram 20087 and known as Part of 1 Ommaney Road, Brunswick Junction for a period of five years, commencing 1 July 2024 and expiring 30 June 2029 with the option to extend for one further term for five years as per **Attachment 1**.
2. Authorises the Chief Executive Officer to complete an inspection of the premises located at Part of Lot 2 on Diagram 20087 and known as Part of 1 Ommaney Road, Brunswick Junction prior to execution of the Lease.
3. Authorises the Chief Executive Officer to negotiate minor Lease terms consistent with Community Lease Policy – 1.1.13 including Appendix 1 in **Attachment 2**.
4. Authorises the Chief Executive Officer and Shire President to execute the Lease Agreement and to sign and affix the common seal.

Item No.:	12.1.6.
Subject:	Lease – Brunswick Junction Community Men’s Shed Incorporated
Proponent:	Shire of Harvey
Location:	Part of Lot 1 on Diagram 74852 and known as Part of 10 George Avenue, Brunswick Junction
Reporting Officer:	Coordinator Governance and Reporting
Authorising Officer:	Chief Executive Officer
File No.:	C051/00006
Attachments:	<ol style="list-style-type: none"> 1. Draft Lease [12.1.6.1 - 53 pages] 2. Council Policy 1.1.13 - Community Lease Policy [12.1.6.2 - 13 pages]

The following additional information is provided in regard to Item 12.1.6.

An amendment has been made to Attachment A of Item 4 of Attachment 1 to align with similar leases.

Item 4 states that the Description of the Premises to be leased is:

The Whole of the Land shown thatched in red and outlined in red on the plan marked “Attachment A”.

The demarcated area has been extended to the road as this is standard for community leases.

Summary

Lot 1 on Diagram 74852 and known as Part of 10 George Avenue, Brunswick Junction is a freehold lot owned by the Shire of Harvey (the Shire). On this freehold land is the Brunswick Junction Community Men’s Shed (Premises).

Brunswick Junction Community Men’s Shed Incorporated (BJCMS) manage the Premises under a Management Agreement which expires on 30 November 2024. Officers have liaised with BJCMS to formalise a Lease Agreement to the satisfaction of both BJCMS and the Shire.

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

Background

BJCMS is an incorporated not-for-profit community organisation registered with the Department of Mines, Industry Regulation and Safety under the *Associations Incorporation Act 2015* since 14 August 2017.

BJCMS currently occupy the Premises under a Management Agreement with a term of 1 December 2019 to 30 November 2024 with an option to extend the term by five years.

On 5 March 2024, BJCMS requested a review into the management arrangement in anticipation of the expiration of the current Management Agreement on 30 November 2024. A key reason for this request was to provide greater security of tenure to allow longer term forward planning for the Premises, particularly when seeking grant funding. BJCMS expressed an interest in a lease arrangement similar to that of Leschenault Men’s Shed.

Comment

Shire Officers are not aware of any issues of BJCMS’s management of the Premises, with the most recent Management Agreement being in place since 2019.

Council is requested to consider a Lease Agreement (refer **Attachment 1**) for the Premises with BJCMS for the term of five years commencing 1 December 2024 and expiring on 30 November 2029, with the extension option of one further term of five years from 1 December 2029 to 30 November 2034.

Should the Lease be issued to BJCMS, Shire 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 (refer **Attachment 2**).

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 leases will be provided to the public in the form of an online register with the change due to be enacted in 2024.

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> |
| <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 5.4</i> | <i>Sound governance, including financial, asset and risk management.</i> |

Community Engagement

Community Participation Goal

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

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 is 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 **Reputational** 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 BJCMS 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 **Moderate** 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.

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. Approves the granting of a new lease agreement to Brunswick Junction Community Men's Shed Incorporated for the management of the premises located at Part of Lot 1 on Diagram 74852 and known as Part of 10 George Avenue, Brunswick Junction for a period of five years, commencing 1 December 2024 and expiring 30 November 2029 with the option to extend for one further term for five years as per **Attachment 1**.
2. Authorises the Chief Executive Officer to complete an inspection of the premises located at Part of Lot 1 on Diagram 74852 and known as Part of 10 George Avenue, Brunswick Junction prior to execution of the Lease.

3. Authorises the Chief Executive Officer to negotiate minor Lease terms consistent with Community Lease Policy – 1.1.13 including Appendix 1 in **Attachment 2**.
4. Authorises the Chief Executive Officer and Shire President to execute the Lease Agreement and to sign and affix the common seal.

Item No.:	12.1.7.
Subject:	Lease – EJM and NM Dorant
Proponent:	Shire of Harvey
Location:	Wellington Location 1 Lot 14, Australind
Reporting Officer:	Coordinator Governance and Reporting
Authorising Officer:	Chief Executive Officer
File No.:	C051/00008
Attachments:	1. Draft Lease [12.1.7.1 - 7 pages]

Summary

Council is requested to consider the new Lease to Mr EJM and Mrs NM Dorant (refer **Attachment 1**) and to authorise the Chief Executive Officer to execute the Lease.

Background

Wellington Location 1, Lot 14 Australind is owned freehold by the Shire and borders Mr EJM and Mrs NM Dorant's property to the north, Australind Senior High School to the west and the Brunswick River to the east. This property has been leased from the Shire of Harvey (Shire) by Mr EJM and Mrs NM Dorant (Lessees) for the purpose of grazing. The Lease Agreement has expired, and the Lessees have indicated interest in renewing the Agreement.

Comment

The grazing of the leased area reduces maintenance expenditure to Council, whilst receiving nominal rent. The rental amount for the lease is \$1,000 per annum plus GST, (\$3,000 in total for the duration of the lease). It is not proposed to increase the rent applicable to the Lease.

The Lessees have grazed the area and has maintained the land, fences and gates as required by the Lease. The grazing of stock on this land keeps the area in a neat and presentable appearance and if this was not the case Council would have an expense in maintaining the land. Inspections and visits note that the property is being used and maintained in accordance with the Lease. The Lessees are active in reporting issues, damage or misuse of the surrounding area particularly the river foreshore.

Shire Officers are not aware of any issues of the Lessees' management of the leased area.

Council is requested to consider a Lease Agreement (refer **Attachment 1**) for the property with Mr EJM and Mrs NM Dorant for the term of three years commencing 1 July 2024 and expiring on 30 June 2027, with no option to extend.

Should the Lease be issued to Mr EJM and Mrs NM Dorant, Shire Officers will complete an inspection of the property prior to the execution of the Lease.

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 1.1.2 – 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 leases will be provided to the public in the form of an online register with the change due to be enacted in 2024.

Strategic Framework

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

- Goal 2: A safe, accessible and connected community where everyone has the opportunity to contribute and belong.*
- Objective 2.1 To support people through all stages of life.*
- Objective 2.2 Create a community where people are safe.*
- Objective 2.3 Active and resilient community groups and volunteers.*
- 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 is 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 **Reputational** and **Property**. The risks are mitigated by having a lease agreement drafted in consultation with EJM and NM Dorant. The Risk Consequence rating associated with this matter is **Moderate** and the Likelihood is **Unlikely**, resulting in a **Moderate** risk being present.

Budget Implications

The Lease will provide an annual rental income of \$1,000 (plus GST) to be received in advance, resulting in a total rental income of \$3,000 (plus GST) by the end of the Lease term. The ongoing management of the Lease incorporated in existing financial and human resources.

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. Approves the granting of a new Lease Agreement to Mr EJM and Mrs NM Dorant for the management of a portion of Wellington Location 1, Lot 14 Australind, for a period of three years commencing 1 July 2024 and expiring 30 June 2027 as per **Attachment 1**.
2. Authorises the Chief Executive Officer to complete an inspection of the property at Wellington Location 1, Lot 14 Australind prior to execution of the Lease.
3. Authorises the Chief Executive Officer to negotiate minor Lease terms.
4. Authorises the Chief Executive Officer and Shire President to execute the Lease Agreement and to sign and affix the common seal.

Item No.	12.1.8.
Subject:	Corporate Business Plan 2024–2028 – Quarterly Report, Quarter One
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Coordinator Governance and Reporting
Authorising Officer:	Acting Chief Executive Officer
File No.:	F/08/00058
Attachments:	1. Quarterly Report, Quarter One 2024-2025 [12.1.8.1 - 68 pages]

Summary

The Integrated Planning and Reporting Framework and Operational Guidelines (2016) issued by the Department of Local Government, Sport and Cultural Industries (DLGSC) states that it is best practice for local governments to report quarterly progress against the Corporate Business Plan to Council. This Quarterly Report captures the period of 1 July 2024 to 30 September 2024 (Quarter One).

The Quarterly Report, Quarter One 2024–2025 (refer **Attachment 1**) is presented to Council to be received.

Background

Section 5.56(1) of the *Local Government Act 1995* requires all local governments to have a plan for the future of the district, and under the Local Government (Administration) Regulations 1996, all local governments are required to have adopted two key documents – a Strategic Community Plan and a Corporate Business Plan. These documents are supported by informing strategies. Together these documents drive the development of the local government’s Annual Budget.

The Integrated Planning and Reporting Framework and Operational Guidelines (2016) issued by the DLGSC, which guide the Strategic Community Plan and Corporate Business Plan process, require that regular monitoring and reporting of these plans are undertaken. Quarterly updates form part of this key reporting process.

The Corporate Business Plan 2024–2028 sets out the projects and services the Shire of Harvey (the Shire) aims to deliver over the next four years to work towards achieving the goals identified in the Strategic Community Plan. The Corporate Business Plan is a key business planning tool for the Shire and acts as the intermediary document between the Strategic Community Plan and Annual Budget. It is reviewed and updated every year, with progress and achievements reported on in the Annual Report.

The Corporate Business Plan 2024–2028 was adopted by Council on Tuesday, 23 July 2024.

Comment

The Quarterly Report is designed to provide information on the progress and milestones of key projects in the Corporate Business Plan 2024–2028.

The projects in the Quarterly Report, Quarter One 2024–2025 are presented with a commentary on the timeline for completion of the project, progress of the project and updates of specific actions relating to the project.

The targets for the corporate performance indicators are, unless stated otherwise, the annual targets from the Corporate Business Plan. These are part of the review process and are adjusted if targets that provide better clarity are identified.

Quarter One Summary

Of the 152 projects reported against:

- 8% are ‘Completed’.
- 69% are ‘In Progress’.
- 1% are ‘Behind Schedule’.
- 3% are ‘On Hold’.
- 3% are ‘Future Year’.
- 16% are ‘Not Commenced’.

Projects reported as ‘Behind Schedule’, ‘On Hold’ or ‘Not Commenced’ will be monitored and required consideration of changes will be addressed through the budget development and review process, as well as Corporate Business Plan review process. Amendments will be made where necessary.

Progress status	Description	Number	Percentage
Completed	The project or action has been completed.	12	8%
In Progress	The project or action has started and is in progress.	105	69%
Behind Schedule	The project or action has started, but work is behind schedule.	2	1%
On Hold	The project or action has started, but work has stalled and has been put on hold.	4	3%
Future Year	The project or action is not due to start until a future financial year.	5	3%
Not Commenced	The project or action has not yet started but is still expected to start in the current financial year.	24	16%
TOTAL		152	100%

Details of all 152 projects are outlined in the Quarterly Report, Quarter One 2024–2025 (refer *Attachment 1*).

Statutory/Policy Environment

Local Government Act 1995

- s.5.56 Planning for the future – A local government is to plan for the future of the district.

Strategic Framework

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

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

Objective 5.5 Integrated strategic planning and reporting to drive continuous improvement.

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.

No stakeholder feedback is required for the Quarterly Report however the projects reported on in this report were included in the Corporate Business Plan after extensive community consultation as part of the creation of the Strategic Community Plan.

Promise to the Community

Inform: We will keep you informed.

The Quarterly Report, Quarter One 2024–2025 will be available on the Shire’s website.

Risk Management

The Risk Theme Profile identified as part of this report is **Failure to Fulfill Compliance Requirements**. The Consequence could be **Compliance** if the requirements of the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996* are not met in terms of the Shire having a plan for the future of the district. Another potential Consequence could be **Reputational** if the public perceives that the Shire does not have adequate business planning tools in place to manage finances and resources in a transparent and accountable manner. The Measure of Consequence is **Minor** and the Likelihood is **Unlikely** giving an overall Risk Rating of **Low**. Both risks will be mitigated through adherence to the Integrated Planning and Reporting framework.

Budget Implications

The cost of the projects and actions contained within the Quarterly Report, Quarter One 2024–2025 are as per the Annual Budget and Forward Capital Works Program.

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 Corporate Business Plan Quarterly Report, Quarter One 2024–2025 as included as **Attachment 1**.

12.2. Infrastructure Services

Item No.:	12.2.1.
Subject:	Holbrook Road Trees – Further Report
Proponent:	Shire of Harvey
Location:	Kingston Estate, Australind
Reporting Officer:	Manager Parks Services
Authorising Officer:	Chief Executive Officer
File No.:	F/40/12975
Attachments:	<ol style="list-style-type: none"> 1. Attachment 1 Holbrook community consultation [12.2.1.1 - 2 pages] 2. Attachment 2 Holbrook Trees - Option 1 [12.2.1.2 - 1 page]

Summary

On the evening of Thursday, 6 June 2024, a localised severe weather event occurred along Holbrook Road, Kingston. As a result, multiple localised trees were damaged including two trees being uprooted and falling onto two residential properties that adjoin Holbrook Road.

Shire Officers engaged an Arborist to prepare a report to provide observations, advice and recommendations on the remaining trees and this was reported to Council at its Ordinary Meeting held on 27 August 2024.

Part of Council’s decision was to consult residents on Holbrook Road, Kingston regarding options for removal of trees and this report outlines the feedback received from Holbrook Road residents and makes recommendations of the way forward.

Background

Ordinary Meeting of Council 27, August 2024

Council considered a report from an Arborist’s Advice regarding the Holbrook Road trees where Council made the following decision:

1. *Authorises the Chief Executive Officer to advise residents, that the Arborist’s Recommendation, which is not negotiable and will be undertaken as a minimum due to the high level of risk identified by the Arborist, would comprise of the following (refer Attachment 2):*
 - *Removal of 15 trees and replanting more suitable species.*
 - *Removal of 10 trees and not replanting in that location.*
 - *Retaining 17 trees and reassessing these in 12 months.*
2. *Authorises the Chief Executive Officer to:*
 - a) *Consult with residents of Holbrook Road in Australind to seek their feedback on Option 1 which would comprise the removal of all 42 existing verge trees and the retention of all trees currently planted in the median including planting additional trees in the median where appropriate as shown in Attachment 1.*
 - b) *Prepare a further report to Council at the conclusion of the consultation period.*
3. *Considers listing an additional amount of \$50,000 to the Street Trees Budget in the mid-year Budget review.*

Consultation with the residents on Holbrook Road, Kingston was undertaken during September 2024.

Comment

Resident Feedback

Twenty residential properties that adjoin Holbrook Road were provided with a letter and request form seeking feedback on Council's decision. At the close of consultation, nine responses were received. The feedback is summarised below and in **Attachment 1**.

- 5 x Respondent supported the removal
- 2 x Respondents objected to the removal (one respondent said they would support if there were replacement trees being planted)
- 2 x Respondents neither supported nor objected to the proposal.

Discussion

Shire Officers have reviewed the residents feedback along with the Arborist's recommendations and consider that while trees provide a range of benefits to the ecosystem and to humans, the placement and environment that they are grown is critical in providing a sustainable outcome to the built environment.

While the residents' responses were varied, the majority of respondents supported Option 1 i.e. *the removal of all 42 existing verge trees and the retention of all trees currently planted in the median including planting additional trees in the median where appropriate*

Recommendations

Officers recommend that given the proximity of many of the tall trees to private residences, that the removal of 42 verge trees (excluding the central median trees) would reduce the future risk of potential damage to the private and public infrastructure. Refer **Attachment 2**

It is also recommended not to replant any trees along the verges given the restricted verge width, proximity to other assets and the difficulty in providing a smaller suitable species of tree suitable for narrow environments is the preferred option.

It is however recommended that additional trees be planted in the median, where trees were previously removed, with a more compact variety of Spotted Gum (*Corymbia maculate* 'ST1' Lowanna) which would achieve a lower height typically eight to 10 metres is still supported.

Statutory/Policy Environment

Nil.

Strategic Framework

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

- | | |
|----------------------|--|
| <i>Goal 2:</i> | <i>A safe, accessible and connected community where everyone has the opportunity to contribute and belong.</i> |
| <i>Objective 2.2</i> | <i>Create a community where people are safe.</i> |
| <i>Goal 3:</i> | <i>A natural environment that is highly valued, protected and enjoyed.</i> |
| <i>Objective 3.1</i> | <i>Adopt and encourage sustainable development practices.</i> |

Community Engagement

Community Participation Goal

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

Respondents will be advised of Council's decision

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.

Respondents will be advised of Council's decision

Risk Management

The Risk Theme Profile identified as part of this report is **Inadequate Environmental Management**. The consequence could be impacts to **Property and Environment** should the Shire not take a proactive approach to minimise damage to vulnerable lands under its care control and management. The Risk Consequence is considered to be **Major** and the likelihood **Unlikely** resulting in a **Moderate** Risk being present.

Budget Implications

There is no specific budget allocation for the Holbrook Road trees proposal in the 2024–2025 Budget.

The estimated cost for implementing the Arborist's recommendation has been estimated at an approximate cost of \$50,000 and includes the recommended replanting of mature trees. The cost to implement the Officer's Recommendation (Option 1) is a similar cost of \$40,000–\$50,000.

There is an overall tree budget allocation of \$425,000 in the 2024–2025 budget which is fully allocated to manage trees under powerlines, mulch distribution for fire mitigation, urban and rural trees management, special residential areas and storm damage. Using this budget for the Holbrook Road trees would lead to an over expenditure that would need to be considered in the midyear Budget review.

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. Authorises the Chief Executive Officer to:
 - a) Advise the residents along Holbrook Road that 42 verge trees on Holbrook Road, that adjoin the residential properties will be removed (as shown in **Attachment 2**).
 - b) Source and undertake planting of *Corymbia maculata* 'ST1' Lowanna (Spotted Gum) within the central median island on Holbrook Road.
2. Considers listing an additional amount of \$50,000 to the Street Trees Budget in the mid-year Budget review to enable the works as outlined in clause 1 to be undertaken.

Item No.:	12.2.2.
Subject:	Proposed Reallocation of Road Funding in the 2024–2025 Budget
Proponent:	Shire of Harvey
Location:	Harvey and Brunswick
Reporting Officer:	Director Infrastructure Services
Authorising Officer:	Chief Executive Officer
File No.:	FM/B/001
Attachments:	1. Attachment 1 - 2024 - 2025 Road reallocations . [12.2.2.1 - 2 pages]

Summary

At its Ordinary Meeting held on Tuesday 24 July 2024 Council adopted the 2024–2025 Budget. Included in the Budget are a number of road upgrade and renewal projects.

Since the adoption of the Budget, Officers have reassessed two road projects and consider that other projects not included in the Budget have a higher priority due to their deteriorated condition and usage.

It is therefore recommended that Council defers undertaking works on the identified roads and considers re-allocating the funding to the other roads as discussed in the report.

Background

Each year Officers prepare a road works program that links into the Forward Capital Works Plan with projects ultimately being included in the annual budget.

Officers have reviewed two projects currently included in the 2024–2025 Budget and consider that these two projects be deferred to 2025–2026 and that the funds be reallocated to other road projects which have a higher priority due to their deteriorated condition. It is considered the type of traffic using these roads will cause further deterioration if works are not undertaken in a timely manner.

Comment

Existing Project

The following two road projects are currently included in the 2024– 2025 Budget:

Road	Locality	Budget	Funding Source	Proposed Works	Recommendation
Cooper Street (All)	Harvey	\$180,000	Road to Recovery	Replace kerbing/minor drainage improvements /asphalt overlay	Defer works to 2025–2026. The road requires rehabilitation however the road will not deteriorate further if left for another year due to low traffic volumes.
Shines Crescent (John Street to Clifton Rd)	Brunswick	\$120,000	Roads to Recovery	Replace kerbing/asphalt overlay	Defer works to 2025–2026. The road is in reasonable condition and will not deteriorate further if left for another year due to low traffic volumes. Previous section of Shines

					Crescent which was in poorer condition was upgraded in 2021–2022
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Proposed Projects

Officers consider that the following road projects have higher priority, and their upgrade should take precedence over the two projects listed above:

Road	Locality	Estimated cost	Funding Source	Proposed Works	Recommendation
Korijekup Ave (Third Street to Young Street)	Harvey	\$180,000	Road to Recovery	Widen and reconstruct/ aggregate seal	This section of road is under width and the edges are deteriorating. Has high use to the Harvey Townsite. The section of road west of Third Street was previously widened / upgraded.
Papps Road (All)	Brunswick	\$120,000	Roads to Recovery	Replace kerbing/ repairs / asphalt overlay	This road provided primary access to an industrial area and is extremely deteriorated and sections are at the end of their life. Road requires constant maintenance.

Refer photos at **Attachment 1**

Statutory/Policy Environment

Local Government Act 1995

- Section 6.2 – Requirement for Local Governments to prepare and adopt an annual budget. In preparing the annual budget, the local government is to have regard to the Strategic Community Plan and the Corporate Business Plan.

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

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

Budget will be updated in the Budget review and the information will be made public.

Promise to the Community

Inform: We will keep you informed.

Budget will be updated in the Budget review. Budget will be updated in the Budget review and the information will be made public.

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The Consequence could be **Financial** or **Reputational** should the prioritisation of works not take into account the risk of road failure and subsequent safety and financial factors. The risk consequence is considered **Moderate** and the likelihood **Unlikely**. The risk is mitigated by ensuring that works are prioritised to ensure the Shire's assets are maintained on a priority basis. As such it is considered that a **Low** risk is present.

Budget Implications

There are no Budget implications resulting from this recommendation. The current projects on Budget are fully funded from the Commonwealth Roads to Recovery Program. Should Council adopt the Officer recommendation, a variation will be submitted for approval to Roads to Recovery.

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. Approves the reallocation of funds in the 2024–2025 Budget as follows:
 - a) \$180,000 allocated for Cooper Street Harvey to Korijekup Avenue Harvey between Third Street and Young Street.
 - b) \$120,000 allocated for Shines Crescent, Brunswick between John Street and Clifton Road to Papps Road in Brunswick.
2. Notes that the above projects are currently fully funded from the Commonwealth Roads to Recovery program.
3. Considers including funds in the 2025–2026 Draft Road Works Budget to undertake the required works in both Cooper Street Harvey and Shines Crescent, Brunswick.

Item No.:	12.2.3.
Subject:	Infrastructure Services – Policy Review
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Director Infrastructure Services
Authorising Officer:	Chief Executive Officer
File No.:	CP/P/0008
Attachments:	<ol style="list-style-type: none"> 1. Attachment 1 [12.2.3.1 - 11 pages] 2. Attachment 2 [12.2.3.2 - 11 pages] 3. Attachment 3 [12.2.3.3 - 2 pages]

Summary

The Shire of Harvey determines a policy to be general rules or principles adopted by Council to provide clear direction to the Shire’s Administration, to ensure the community is aware of the reasons that informs administrative and Council decisions.

As part of the ongoing review of Council polices and compliance functions Council is requested to:

- Note the existing policies to be amended as shown in **Attachment 1**.
- Endorse the proposed amendments to these policies as shown in **Attachment 2**.
- Endorse the revocation of existing policy as contained in **Attachment 3**.

Background

Policies set a guiding direction for the management of the Shire and establish a fair, transparent and cohesive approach to decision making. Policies develop as Council considers and addresses issues, or external changes such as amended or new legislation and should continue to be developed through a process of review and refinement.

The objectives of Council policies are to:

- Provide Council with a formal written record of policy decisions.
- Enable Council to maintain a process to continually review policy decisions and to ensure these decisions are remaining in alignment with community expectations, current legislation and other industry trends.
- Provide Shire Officers with clear direction to respond to issues and act in accordance with Council decisions and direction.
- Enable Council Members to adequately manage enquiries relating to the role of Council in particular situations.
- Enable community members to obtain immediate direction on matters of Council policy.

To ensure good governance, all policies should be reviewed at a minimum of every three years and a report presented to Council detailing any proposed changes. This does not limit the review of individual policies during the year if identified as requiring review or amendments prior to the due date or if required by legislation.

All policies should be assessed for review based on the following requirements:

- Implications of statutory requirements.
- Implications for operational effectiveness and efficiency.
- Potential for negative impact on operational activity, strategic objectives, environmental/economic factors and reputation.
- Complex procedures or technical information.
- Change is likely to occur.

The existing policies are provided for reference in **Attachment 1**.

Comment

To assist Council in reviewing the suite of Infrastructure Services policies, Officers have summarised the policies and proposed amendments and revocations and have provided comments as follows:

Proposed Amended Policies – Refer Attachment 2

Policy	Comment
5.2.1 – Recreation Grounds – Agricultural Society Facilities	Administrative changes
5.1.9 – Urban and Rural Tree Management	Amendments to Policy to make it more current

Proposed Revoked Policies – Refer Attachment 3

Policy	Comment
5.1.7 – Private Works Service Sporting Clubs	Needs to be revoked as there are no longer any Private works – service/sporting club in place.

Statutory/Policy Environment

Local Government Act 1995

- Section 2.7 (2)(b) – states that Council is to determine the local government’s policies

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.

These policies will be uploaded onto the Shire's website and the proposed revoked policies will be registered to the Shire's information management system.

Promise to the Community

Inform: We will keep you informed.

These policies will be uploaded onto the Shire's website and the proposed revoked policies will be registered to the Shire's information management system.

Risk Management

The Risk Theme Profiles identified as part of this report is **Providing Inaccurate Advice / Information** and **Failure to Fulfil Compliance Requirements**. The Category of Consequence could be **Compliance** if due processes are not followed, and policies are not amended to reflect internal and external changes. The Measure of Consequence is **Minor** and the Likelihood is **Unlikely** giving an overall Risk Rating of **Low**. This risk will be mitigated through adherence to the policy review schedule and relevant legislative requirements.

Budget Implications

Nil.

Authority/Discretion

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Amends the existing policies as shown in **Attachment 2**.
2. Revokes the existing policy as shown in **Attachment 3**.

12.3. Sustainable Development

Item No.:	12.3.1.
Subject:	Kalgulup Regional Park – Transfer of Land
Proponent:	Department of Planning, Lands and Heritage
Location:	Lots 123 and 3 Barnes Avenue/Eastwell Road, Australind
Reporting Officer:	Manager Planning Services
Authorising Officer:	Director Sustainable Development
File No.:	C307/00034
Attachments:	<ol style="list-style-type: none"> 1. Location Plan [12.3.1.1 - 1 page] 2. Lot 123 [12.3.1.2 - 1 page] 3. Lot 123 Changes [12.3.1.3 - 1 page] 4. Lot 3 [12.3.1.4 - 1 page] 5. Statutory Declarations - Draft [12.3.1.5 - 2 pages] 6. Transfer of Land - Draft [12.3.1.6 - 2 pages]

Summary

Implementation of land tenure/vesting actions identified in the Kalgulup Regional Park Management Plan (KRPMP) has been ongoing since the gazettal of the KRPMP in October 2021. Council's authorisation is required to affix the Shire of Harvey's (the Shire) Common Seal to the Transfer of Land of Lots 123 and 3 Barnes Avenue/Eastwell Road, Australind.

Background

At its Ordinary Meeting on Tuesday, 28 April 2020, Council:

- Endorsed the "Greater Bunbury Regional Park Draft Management Plan 2020".
- Authorised the Chief Executive Officer to sign the "Memorandum of Understanding" associated with the 'Management of and access to lands vested in the Shire of Harvey within the proposed Leschenault Regional Park'.
- Endorsed the name of "Kalgulup Regional Park" (KRP) comprising of the Preston River to Ocean Regional Park and the Leschenault Regional Park.

The KRPMP was gazetted on Friday, 22 October 2021 and includes the intended future vesting and management of the majority of the KRP.

Shire Officers have been working with the Department of Planning, Lands and Heritage (DPLH) on the implementation of tenure/vesting changes of land within the Shire of Harvey. In this regard, DPLH have requested land tenure changes to the following on Barnes Avenue/Eastwell Road, Australind (refer **Attachment 1**):

- Lot 123 on Deposited Plan 64347 Barnes Avenue, Australind (refer **Attachment 2**):

Lot 123 is reserved for "Regional Open Space" under the Greater Bunbury Region Scheme and is owned freehold by the Shire. The portion of Lot 123 adjacent to the river is 3.8571ha and contains a portion of "The Elbow" infrastructure and the portion adjacent to Eastwell Road is 6,400m².

It is proposed that Lot 123 is transferred to the State of WA. "Lot A" (refer **Attachment 3**) containing The Elbow infrastructure be created as a Reserve for Recreation and vested to the Shire of Harvey for management. "Lot B and C" is proposed to be created as a Reserve for Conservation Park and vested in the Conservation and Parks Commission.

- Lot 3 on Deposited Plan 2858 Eastwell Road, Australind (refer **Attachment 4**):

Lot 3 has an area of 3.049ha and is reserved for “Regional Open Space” under the Greater Bunbury Region Scheme and is owned freehold by the Shire of Harvey.

It is proposed that Lot 3 is transferred to the State of WA to be created as a Reserve for Conservation Park and vested in the Conservation and Parks Commission.

The request requires the Shire provide the following for each land parcel:

- Transfer of Land
- Certificate of Title
- Statutory Declaration.

Comment

Shire Officers and the Executive Leadership Team are supportive of the request as it is consistent with the KRPMP.

The Statutory Declaration relates to possible contamination and interests. Drafts of the Statutory Declarations are provided at **Attachment 5**.

The Transfer of Land (refer **Attachment 6**) requires the affixing of the Common Seal. Pursuant to section 9.49A of the *Local Government Act 1995*, the Common Seal is not to be affixed to any document, except as authorised by the local government.

Statutory/Policy Environment

Local Government Act 1995

Section 9.49A Execution of Documents

This section relates to the execution of documents.

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

Objective 5.2 Build partnerships and work collaboratively to amplify the outcomes that can be achieved.

Community Engagement

Community Participation Goal

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

The KRPMP was subject to public consultation.

Promise to the Community

Inform: We will keep you informed.

The KRPMP was subject to public consultation.

Risk Management

The Risk Theme Profile identified as part of this report is **Failure to Fulfil Compliance Requires**. The Consequence could be **Compliance** if the Common Seal is affixed to the Transfer of Land without Council's authorisation. The risk is considered **Low** and the likelihood **Unlikely**, given the report has been thoroughly researched, peer reviewed, provided by a qualified Shire Officer and seeks Council's authorisation to affix the Common Seal to the Transfer of Land. This results in a **Low** risk being present.

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 authorises the Common Seal to be affixed to the Transfer of Land documents for Lot 123 on Deposited Plan Barnes Avenue, Australind and Lot 3 on Deposited Plan 2858 Eastwell Road, Australind.

12.4. Corporate Services

Item No.	12.4.1.
Subject:	Payments September 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 September 2024 [12.4.1.1 - 19 pages]

Summary

A listing of payments for goods and services for September 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 August 2024 is presented as an **Attachment 1**, as summarised below.

<u>Voucher</u>	<u>Amount</u>
Schedule of Accounts	
Municipal	
EFT 73435 – EFT 73884	\$ 3,739,836.00
117646 – 117650	\$ 42,567.35
DD27555.1 – DD28653.1	\$ 209,243.98
CBA Credit Cards	\$ 7,522.64
Electronic Funds Submitted	<u>\$ 1,220,561.54</u>
Total	<u>\$ 5,219,731.51</u>

Prepaid Cards Payments included in the Municipal payments above

AMPOL Fuel Card	\$ 2,489.90
BP Fuel Card	\$ 6,528.44
Puma Fuel Card	\$ 785.95
Coles Card	\$ 818.64
Total	<u>\$ 10,622.93</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 the month before.

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 the month before.

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 September 2024 totalling \$5,219,731.51.

Item No.	12.4.2.
Subject:	Financial Statements as at 30 September 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 30 September 24 [12.4.2.1 - 12 pages]

Summary

The Financial Statements as of Saturday, 30 September 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 30 September 2024	BUDGET 2024–2025	VARIANCE
Statement of Financial Performance			
Ordinary Revenue	\$ 42,634,252	\$49,037,395	\$6,403,143
Ordinary Expenditure	\$ 12,781,817	\$57,403,257	\$44,621,440
Capital Revenue	\$ 1,299,920	\$34,355,021	\$33,055,101
Capital Expenditure	\$ 2,833,413	\$41,637,971	\$38,804,558
End of Period Surplus/(Deficit)			\$33,128,230
Statement of Financial Position			
Current Assets			\$ 69,367,379
Net Assets			\$845,039,576

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

Background

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

Comment

Rates Revenue

Rates revenue of \$30.27 million and rubbish rates of \$6.10 million including the waste levy were raised in July 2024. The due date for rates payment was Friday, 27 September 2024. Approximately 58% of the rates were collected by Monday, 30 September 2024 compared to 56% for the previous year. The Shire continues to pursue unpaid rates as part of its formulated rates debt collection process.

Cash Flow and Interest Earnings

The Shire holds by way of cash and term deposits \$17.3 million in Municipal funds and \$33.2 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 for 90 days of approximately 4.95%.

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.

Employee Costs

The employee costs reflect the employee costing for the first three 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 three 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 \$2,833,413 on capital works has been reported at the end of September 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 September 2024, actual figures reported for the 2023–2024 financial year do not include the final 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 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.

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 of 30 September 2024 provided at **Attachment 1**.

12.5. Community and Lifestyle

Nil.

13. Elected Members Motions of Which Previous Notice Has Been Given**Cr. Junio put forth the following Notice of Motion to be placed on the Ordinary Council Meeting Agenda for October 2024:**

That Council:

1. Notes the recent amendments to the Caravan Parks and Camping Grounds Regulations 1997, which impact camping provisions on land owned by the occupier.
2. Resolves to amend Policy 4.3.3 – Approval to Camp for up to 12 months on land owned by the occupier to reflect:
 - a) The updated timeframe and conditions for camping permits as per the revised Caravan Parks and Camping Grounds Regulations 1997.
 - b) Ensure provisions in the policy align with required health, safety, and environmental requirements of the *Public Health Act 2016*.
 - c) Amend the application process for approvals to camp, ensuring the process complies with the revised regulatory requirements, particularly regarding the maximum duration and conditions under which camping is permitted.
3. Requests the Chief Executive Officer to undertake a review of any other policies and procedures that may be impacted by these regulatory changes and bring further recommendations to Council if necessary.

Reason: Recent amendments to the Caravan Parks and Camping Grounds Regulations 1997 require an update to Council's Policy 4.3.3 to ensure consistency with state legislation. The changes address updated timeframes, safety standards, and application procedures for camping on privately owned land. These reforms simplify the approval process, reducing bureaucracy and giving local governments more flexibility. Previously, approvals were limited to three months, or up to 12 months for caravans if the person held a building or demolition permit. For camping beyond three months, approval from the Minister for Local Government was required. The changes also allow camping on private property for up to five nights, enable local governments to approve camping for up to 24 months without ministerial consent, and grant local governments the authority to revoke approvals if conditions are not met. This policy update is essential to incorporate these regulatory changes and maintain consistency with the revised legislation.

Officer Comment

It is recommended that Council adopt the motion proposed by Councillor Junio to amend Policy 4.3.3 in line with the revised Caravan Parks and Camping Grounds Regulations 1997 and proceed with a comprehensive review of related policies and procedures.

14. Notice of Motion for Following Meeting

15. Reports of Members

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

17. Matters Behind Closed Doors

17.1. 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.:	17.1.1.
Subject:	The Provision of New Playground Equipment – Clifton Park, Australind
Proponent:	Shire of Harvey
Location:	Australind
Reporting Officer:	Manager Parks Services
Authorising Officer:	Chief Executive Officer
File No.:	T072024
Attachments:	1. Evaluation Report - T 072024 - The Provision of New Playground Equipment - Clifton Park Australind S [7.1.1.1 - 10 pages]

Summary

Tender T072024 for the Provision of New Playground Equipment at Clifton Park, Australind was advertised on 12 August 2024 and at the close of Tender on 6 September 2024 three Tender submissions were received.

It is recommended that Council awards Tender T072024 as per the Confidential Officer’s Recommendation.

Voting Requirements

Simple Majority

18. Closure of Meeting