



SHIRE OF
HARVEY



Agenda Briefing Session **Agenda**

Harvey Council Chambers
Tuesday, 19 May 2026
4PM

Shire of Harvey Agenda Briefing Session

Dear Councillor,

Notice is hereby given that the next meeting of the Harvey Shire Council will be held in the Harvey Council Chambers, Young Street, Harvey, on Tuesday, 19 May 2026 commencing at 4pm.

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

Yours faithfully,



Patrick Hughes

Acting Chief Executive Officer

15 May 2026.

Agenda

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1. Official Opening

Disclaimer

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

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

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

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

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

Acknowledgement of Country

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

2. Record of Apologies and Leave of Absence

Apologies

Leave of Absence

3. Declarations of Members' and Officers' Personal Interest

4. Deputations

5. Officer's Reports

5.1. Chief Executive Officer

| | |
|-----------------------------|---|
| Item No.: | 5.1.1. |
| Subject: | City Status Investigation Outcome |
| Proponent: | Shire of Harvey |
| Location: | Shire of Harvey |
| Reporting Officer: | Executive Advisor to the CEO |
| Authorising Officer: | Chief Executive Officer |
| File No.: | C209/00022 |
| Attachments: | <ol style="list-style-type: none"> 1. City Status Investigation Report [5.1.1.1 - 28 pages] 2. City Status Engagement Report [5.1.1.2 - 45 pages] 3. City Status Appendix [5.1.1.3 - 144 pages] 4. City Status Marketing [5.1.1.4 - 13 pages] |

Summary

This report details the outcomes of the investigation into the potential for the Shire of Harvey to be reclassified to City status and provides the results of a community survey and feedback received from the community during consultation regarding the City status proposal and potential names for a new city.

The report includes four attachments containing detailed reports on the reclassification investigation and community consultation process and results:

1. City Status Investigation Report (**Attachment 1**)
2. City Status Engagement Report (**Attachment 2**)
3. City Status Engagement Report Appendix (**Attachment 3**)
4. City Status Investigation Community Engagement Report – Marketing (**Attachment 4**)

Background

At its November 2025 Ordinary Council Meeting, Council resolved to investigate potential reclassification for the Shire of Harvey to City status. The resolution included the following key actions for the Chief Executive Officer (CEO):

1. Investigate potential reclassification of the Shire of Harvey to City status, recognising the Shire of Harvey’s population growth, urban development, and regional significance.
2. Undertake public consultation to:
 - a. Seek community views on the proposed change of status from Shire to City.
 - b. Gauge community views on naming of the City if the Shire of Harvey acquired City status.
3. Provide information to the community to inform the consultation including:
 - a. An assessment of the Shire of Harvey against criteria to become recognised as a City.
 - b. An outline of the assessment process.
 - c. Potential costs of the transition.
 - d. Potential challenges and benefits of acquiring City status.

4. Prepare a report for Council's consideration which includes:
 - a. The results of the community consultation, including whether there is broad community support or opposition, and the preferred name for the City.
 - b. A recommendation to Council on whether the transition to City status should occur.

The resolution in full is included on page three of the City Status Investigation Report (**Attachment 1**).

Shire Officers commenced collection of the necessary information and assessment against the criteria for City status in December 2025. This information was compiled into a preliminary report and was structured as a set of "Frequently Asked Questions" that were placed in a dedicated "City Status" page on the Shire website.

11,785 letters were sent to residents and ratepayers in the Shire in January 2026 to inform the community about the upcoming consultation. Formal consultation with the community commenced in early February 2026 and continued through to April 2026.

During the consultation process, the Shire conducted seven drop-in community sessions that were held throughout the Shire and attended by Shire Councillors and staff. The drop-in sessions provided an opportunity for community members to receive a briefing on the proposed reclassification and ask questions of the Councillors and staff in attendance.

The proposed reclassification was reported in local newspapers and was shared on community Facebook pages. Additionally, the Shire President and Executive Advisor were interviewed on the local Harvey radio station to maximise awareness of the proposed reclassification and consultation process.

Information was provided to the community via the Shire website and posts on the hire Facebook page. The information was regularly updated in response to questions received from members of the community in the form of "questions from the community". These questions are included in the Appendix D section in **Attachment 3**.

The attached City Status Engagement Report (**Attachment 2**), City Status Engagement Report Appendix (**Attachment 3**) and City Status Engagement Report-Marketing (**Attachment 4**) contain detailed information on the engagement process and outcomes of the consultation.

Comment

Reclassification of a local government from a Shire to a City and changing the name of a local government are dealt with under different sections of the *Local Government Act 1995* and differ greatly in the processes that must be followed. The two processes are set out in the sections below.

City Status

- Requirements for City Status

Requirements for City Status are set out in section 2.4 of the *Local Government Act 1995* (the Act) which sets the criteria for local governments to be classified as a City:

1. The local government must have a population of more than 20,000 people (for regional local governments)
2. More than half of the residents must live in an urban area.

- Assessment Against the Requirements

The Shire of Harvey has the largest population of any shire in regional Western Australia and is one of the fastest growing local governments in regional WA. The Shire's population growth rate is double that of the City of Bunbury and is expected to exceed that of the City of Bunbury within the next decade. This will result in the Shire of Harvey becoming the second largest local government by population in the South-West region, with its population only exceeded by the City of Busselton. Only two Shires have a population greater than that of the Shire of Harvey, both of which are in the Perth Metropolitan Area.

A detailed assessment of the requirements for the Shire to be awarded City status is attached to this report. The report, titled the "City Status Assessment Report" ("the report" **Attachment 1**), details the requirements to become a city, provides information obtained from other local governments who have considered city status, and assesses the Shire's eligibility against these criteria. As noted in the report, the Shire of Harvey meets the criteria to be reclassified as a "City", and it is open to Council to apply to the Minister for this to occur.

- Community Consultation Results

Notwithstanding that there is no requirement to consult with the community set out in the Act, Council resolved to consult with the community and should consider the community consultation outcomes if considering potential reclassification to City status.

The response rate to the Shire survey was very low, with less than 6.6% of people registered on the State Government electoral roll (or 4.6% of the Shire's 2024 population) choosing to participate in the survey. Of the participants:

- 69.5% of respondents, or 4.6% of people registered on the electoral roll (or 3.2% of the Shire's 2024 population), were strongly opposed or opposed to the proposed City Status.
- 21% of respondents, or 1.4% of registered electors (or 1% of the Shire's 2024 population) supported the proposed change in classification.

A summary of the consultation results is included in **Attachment 1**, with detailed analysis of the results included in **Attachment 2**.

The Shire also received questions and written submissions during the consultation process. These are included in **Attachment 3**. This attachment also contains the information that was provided to the community during the consultation process, media coverage that the Shire received, social media posts, and detailed consultation costs.

- Process to Apply for City Status

Applications for reclassification to City status are made directly to the Minister for Local Government (the Minister). There is no established process set out in the Act or any Regulations that establish the form in which this application is made. Information obtained from the City of Busselton and City of Kalamunda suggests that the application should be in the form of a letter from the Shire President, writing on behalf of Council, to the Minister.

Requirements for Change of Name

Requirements for change of name are set out in sections 2.1 and 2.2, and schedules 2.1 and 2.2 of the Act.

These require that the Local Government Advisory Board (LGAB) assesses any application and provides a report to the Minister making recommendation whether to approve the proposed name, not to approve the proposed name, or to propose an alternative name.

The LGAB considers several factors, including:

- Community Interests,
- Physical and topographic features,
- Demographic trends,
- Economic factors, and
- History of the area.

A more detailed list of considerations is provided in **Attachment 1**.

“Community interests” is an important consideration in assessing any potential name change for the Shire of Harvey. For many residents, particularly in Harvey, Brunswick and other rural towns, the current name has strong historical significance and is seen as representing the area’s rural character and way of life. However, more than two-thirds of residents now live in the growing urban centres of Australind and Treendale, where population growth is significantly higher than in the rest of the Shire. This shift from a largely rural community to a predominantly urban one has raised concerns for some residents, as reflected in consultation feedback received by the Shire.

While the Act provides for community consultation regarding proposed name changes, consultation is not mandatory. Schedule 2.1 notes that when making its recommendations, the LGSB “may” consult with the public and interested parties”. Notwithstanding there is no absolute requirement to consult, Council resolved to consult extensively with the community to assess the community’s views in respect to a potential name change.

The number of submissions regarding a potential name change was lower than those received for City reclassification, with only 431 responses received, most of which (71%) opposed a name change. Most of the survey respondents who indicated they did not support a change in classification did not complete this component of the survey.

Of the positive responses, the most popular names suggested were:

- City of Australind
- City of Harvey
- City of Leschenault

Several suggestions were made for a first nations name, such as the City of Korijekup. Other suggestions were for a hyphenated name, such as the City of Australind-Harvey.

Concluding Remarks

Despite extensive efforts to engage with the community as detailed in **Appendix 4**, including letters sent to residents, public information sessions, information provided through social media and on the Shire website, radio interviews and articles in local newspapers, the community response was limited.

It was evident that a relatively small number of people hold very strong views and are opposed to any change in status, several of whom engaged in protracted debate through emails to Shire staff challenging the veracity of information provided by the Shire. These respondents remain strongly opposed to any change in classification. It was also evident that a much smaller number of people were strongly supportive of the change to City status.

There appeared to be confusion amongst some respondents regarding what a reclassification would entail. Some respondents expressed concerns that a change in reclassification to City status would adversely affect the character of the area itself, or that of the town of Harvey.

Others were concerned that more rural land would be developed for urban housing, Shire rates would rise, or that the Shire would require more staff. Other respondents expressed concern that a change in classification would drive the need for the new city to have its own airports, hospitals and waterfront precincts. Shire staff attempted to respond to these submissions, and a full list of the submissions and responses are included in **Attachment 3**.

However, the views of most Shire residents remain unknown, with more than 95% of the Shire population choosing not to participate in the survey or make a written submission to the Shire. While it is open to Council to decide whether to proceed with a request for reclassification or not, it is noted that most people who chose to make a submission were opposed to reclassification. If Council does resolve to proceed, the proposed name of any future city will require additional consideration if the name should be changed from “Harvey” to another name.

Statutory/Policy Environment

Requirements for City Status are set out in s.2.4 of the *Local Government Act 1995*.

Requirements for change of name are set out in s.2.1 and s.2.2, and schedules 2.1 and 2.2 of the *Local Government Act 1995*.

Strategic Framework

The Shire’s Council Plan 2025–2035, states:

- Pillar 5 – Performance:* A representative leadership that is future thinking, transparent and accountable.
- Objective 21:* Continue to deliver proactive and responsible leadership and governance.

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 contains detailed information regarding an investigation into potential reclassification to City status for the Shire of Harvey (refer **Attachment 1**). The report also contains the results of an extensive community consultation program conducted by the Shire where the Shire requested that members of the community participate in a survey to gauge community views regarding the potential reclassification (refer **Attachments 2, 3 & 4**).

The Shire will advise the community if there is a requirement from Council to consult additionally with the community in relation to this matter.

Promise to the Community

Inform: We will keep you informed.

Following Council's deliberation on this matter, the Shire will keep the community informed of Council's decision and any further steps that Council may wish to take in relation to this matter.

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/information**. The Consequence could be **Reputational** should some sectors of the community disagree with Council's decision. The Risk consequence is considered **Moderate** and the likelihood **Possible** resulting in a **Moderate** risk being present. The risk may be mitigated to some extent through communicating the reasons for Council's decision to the community: however, the risk remains at a **Moderate** risk.

Budget Implications

Council has authorised expenditure of \$15,000 in the External Strategic Communications budget account 42126 to fund marketing and other expenditure incurred in investigating an application for redesignation to City Status

Consultation costs incurred by the Shire during the public consultation process totalled \$15,762.

If Council resolves to proceed with the reclassification, the immediate rebranding costs will be in the order of \$56,000. Changes to vehicle logos, staff uniforms, street and information signs, and other Shire logos to a new City logo can be made when the equipment itself requires replacement, avoiding the need for any additional costs to be incurred.

Authority/Discretion

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Receives the Shire of Harvey City Status Investigation Report at **Attachment 1** to this report.
2. Receives the results of the community consultation as detailed in the attached City Status Investigation Community Engagement Report (**Attachment 2**) and City Status Appendix Report (**Attachment 3**).
3. Notes the marketing and promotional materials and activities developed to undertake the community consultation as outlined in the Community Engagement Report – Marketing (**Attachment 4**).
4. Notes the processes to be followed if Council resolves to proceed with reclassification from a Shire to a City or change of name.

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| Item No.: | 5.1.2. |
| Subject: | Appointment of the Audit, Risk and Improvement Committee Independent Presiding and Deputy Members |
| Proponent: | Shire of Harvey |
| Location: | Shire of Harvey |
| Reporting Officer: | Governance Officer |
| Authorising Officer: | Chief Executive Officer |
| File No.: | C082/00005 |
| Attachments: | <ol style="list-style-type: none"> 1. Confidential Attachment 1 2. Confidential Attachment 2 |

Reason for Confidentiality

Pursuant to Section 5.23(4)(b) of the *Local Government Act 1995*, portions of this report contained within **Confidential Attachment 1** and **Confidential Attachment 2** include information relating to the personal affairs of an individual.

This information has not been made public, and its disclosure could reasonably be expected to impact the candidates. Accordingly, the contents of **Confidential Attachment 1** and **Confidential Attachment 2** are provided to Council on a confidential basis.

Should Council wish to discuss the information contained within the confidential attachment, Council will be required to resolve to close the meeting to members of the public in accordance with Section 5.23 of the *Local Government Act 1995*.

During the closed session, discussion is to be limited to the confidential information contained within the attachment and matters directly relating to the tender evaluation and recommendation.

Summary

Suitable candidates have been identified for appointment as the Independent Presiding Member and Independent Deputy Member of the Audit Risk, and Improvement Committee (ARIC) until October 2027. The recommended appointments meet legislative requirements and support the establishment of an effective and fully compliant ARIC, ensuring the Shire meets its obligations ahead of the 30 June 2026 statutory deadline. The candidates are outlined in **Confidential Attachment 1**.

The selection process has now been completed, with interviews held on Tuesday, 5 May 2026, the summary can be found in **Confidential Attachment 2**.

This report presents the interview outcomes to Council and makes a recommendation on which candidate should be appointed for the respective positions.

Background

This report follows on from the formal transition of the Audit Committee to the Audit, Risk and Improvement Committee (ARIC) and the adoption of updated Committee Terms of Reference at the April 2026 Ordinary Council Meeting. The Shire of Harvey (Shire) is maintaining compliance with the Local Government Regulations Amendment Regulations (No. 4) 2025 which require all local governments to establish an Audit, Risk and Improvement Committee (ARIC), including the appointment of an Independent Presiding Member (Chair) and optional Independent Deputy Presiding Member (Deputy), by no later than Thursday, 30 June 2026.

In January 2026, Council endorsed the commencement of an Expression of Interest (EOI) process for the appointment of independent Chair and Deputy positions for the Committee.

The EOI was formally endorsed at the February 2026 Ordinary Council Meeting, Officers released the Candidate Information Pack and commenced recruitment thereafter.

At the April 2026 Audit Committee meeting, a report was presented outlining the progress of the recruitment process, including the update that shortlisted candidates have been selected by the Panel and interviews were to commence. At the same meeting, the Committee considered and recommended for adoption the updated Terms of Reference, formally transitioning the Committee to the Audit, Risk and Improvement Committee (ARIC) in full, consistent with legislative requirements and enabling the appointment of independent Members.

Comment

Interviews with two candidates were conducted on Tuesday, 5 May 2026, at the Harvey Council Chambers. The interview panel comprised of the Shire President, Cr. Dickinson, and Cr. Bromham. In attendance were the Acting Director Corporate Services and the Acting Chief Executive Officer.

Both candidate applications are contained in **Confidential Attachment 1**, comprising of resume and cover letter for both. The Interview summaries are contained in **Confidential Attachment 2** which outline the interviewers' overall scoring, determination of suitability, applicable comments, and recommendation.

The selection process was conducted in a transparent, merit-based manner and the Councillors present confirmed that the recommended appointees possess the appropriate skills, experience and independence required to effectively fulfil the statutory functions of the ARIC independent Chair.

This report recommends that Council does not appoint an ongoing Independent Deputy Presiding Member. Instead, the recommendation requests an Independent Deputy Member be appointed to act on a standby basis should the Independent Presiding Member be unable to attend a meeting. Under this arrangement, the Deputy will not be required to attend all meetings and will only be called upon to chair meetings where the Presiding Member is unavailable. The same fee structure outlined below will apply to the Deputy for meetings attended and chaired only.

The appointment of the Independent Presiding Member and Independent Deputy Member is recommended to be until the next local government elections, scheduled for October 2027. After which appointment terms will be aligned with the local government election cycle. Aligning the term of appointment with election cycles supports continuity, stability and consistency in governance arrangements while allowing for periodic review in line with Council terms.

Once the Independent Presiding Member has been appointed, the Audit, Risk and Improvement Committee Terms of Reference must be brought before the ARIC for review. This review will include the inclusion of defined term lengths for independent appointments to ensure the Terms of Reference remain current, clear and consistent with legislative requirements.

Statutory/Policy Environment

This report is informed by the *Local Government Act 1995*, the Local Government Regulations Amendment Regulations (No. 4) 2025, the Local Government (Audit) Regulations 1996 and the Local Government (Administration) Regulations 1996. These legislative instruments require the establishment of an ARIC before Thursday, 30 June 2026 and mandate the appointment of an independent Presiding Member.

While the Regulations do prescribe the need to have Independent Presiding Member, there is no requirement for the ARIC to have a Deputy Presiding Member, however, this report recommends a Deputy to act on a standby basis should the Independent Presiding Member be unable to attend a meeting.

Strategic Framework

The Shire's Council Plan 2025–2035, states:

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

Objective 21: Continue to deliver proactive and responsible leadership and governance.

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 will be published to the Shire's website and form part of the Ordinary Council Meeting Agenda and Minutes for the May meetings. Once appointed, the Independent Presiding and Deputy Presiding Members will be added to the Shire of Harvey's website.

Promise to the Community

Inform: We will keep you informed.

This report will be published to the Shire's website and form part of the Ordinary Council Meeting Agenda and Minutes for the May meetings.

Risk Management

The Risk Theme Profile identified as part of this report is **Failure to fulfill Compliance Requirements**. The consequences could be **Compliance** if there was a failure to comply with legislative requirements. The Risk Consequence is considered **Minor** and the likelihood **Unlikely** resulting in a **Low** risk being present.

Budget Implications

Independent members of an Audit, Risk and Improvement Committee may be paid a meeting attendance fee in accordance with section 5.100(1)(b) of the *Local Government Act 1995* (Act).

The meeting attendance fee must be set within the prescribed range for independent ARIC members:

- Minimum: \$105 per meeting
- Maximum: \$1,215 per meeting.

Meeting attendance fees are inclusive of preparation time and meeting attendance and are exclusive of superannuation. Council must resolve that any fee adopted represents value for money, having regard to the skills and experience required for the role.

Independent ARIC members may also be reimbursed for reasonable travel and associated expenses incurred in attending meetings, in accordance with sections 5.100(4)–(6) of the Act. The 2025–2026 Budget contains provisions for \$9,400 which is considered sufficient given the average number of meetings for the Committee.

It is recommended that the budget be similar for the next financial year and aligned with any increases required by the State Administrative Tribunal.

A sitting fee of \$880 is recommended for the ARIC Independent Chair, acknowledging that this fee aligns with what a Band Two Shire President could receive as a sitting fee, should the meeting fees not be set annually by the Shire.

Authority/Discretion

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

Voting Requirements

Absolute Majority

Officer's Recommendation

That Council:

1. Receives the applicant information contained in **Confidential Attachment 1** and the interview summary contained in **Confidential Attachment 2**.
2. Authorises the appointment of Candidate Two as the Independent Presiding Member of the Audit, Risk and Improvement Committee, to commence at the July Audit, Risk and Improvement Committee meeting, until October 2027.
3. Authorises the appointment of Candidate One as the Independent Deputy Presiding Member, to preside only in the absence of the Independent Presiding Member.
4. Approves a sitting fee of \$880, payable only to the member chairing the meeting attended.

BY ABSOLUTE MAJORITY

| | |
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| Item No.: | 5.1.3. |
| Subject: | South West Country Zone Meeting Minutes April 2026 |
| Proponent: | Shire of Harvey |
| Location: | Shire of Harvey |
| Reporting Officer: | Governance Officer |
| Authorising Officer: | Chief Executive Officer |
| File No.: | F/40/26270 |
| Attachments: | 1. Minutes South West Country Zone April 2026 [5.1.3.1 - 36 pages] |

Summary

Minutes from the Friday, 24 April 2026 meeting of the Western Australian Local Government Association (WALGA) South West Country Zone Meeting are attached (**Attachment 1**) for Council's noting.

Background

Zone Meetings were established by WALGA as an opportunity for geographically aligned Member Councils, who are responsible for the direct elections of State Councillors, providing input into policy formulation and advice on various matters to come together and collaborate on these issues.

Comment

The Minutes of the South West Country Zone meeting held on Friday, 24 April 2026 are contained within **Attachment 1** for Council's consideration, and it is recommended that they be noted by Council.

Statutory/Policy Environment

Nil.

Strategic Framework

The Shire's Council Plan 2025–2035, states:

- Pillar 5 – Performance:* A representative leadership that is future thinking, transparent and accountable.
- Objective 21:* Continue to deliver proactive and responsible leadership and governance.
- Objective 22:* Continue to deliver customer-centred service, communication and engagement.

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 and the corresponding minutes are made available on the Shire's website.

Promise to the Community

Inform: We will keep you informed.

This report and the corresponding minutes are made available on the Shire's website.

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The Consequences could be **Reputational**. If the Minutes are not appropriately received by Council. The risk is considered **Minor** and the likelihood **Unlikely**. This results in a **Low** risk being present.

Budget Implications

Nil.

Authority/Discretion

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council notes the Minutes of the WALGA South West Country Zone meeting held on Friday, 24 April 2026 in **Attachment 1**.

| | |
|-----------------------------|--|
| Item No.: | 5.1.4. |
| Subject: | Behaviour Complaints Committee – Update to Authority, Terms of Reference and Appointments |
| Proponent: | Shire of Harvey |
| Location: | Shire of Harvey |
| Reporting Officer: | Governance Officer |
| Authorising Officer: | Chief Executive Officer |
| File No.: | CC/C/0141 |
| Attachments: | <ol style="list-style-type: none"> 1. Confidential Attachment 1 2. Confidential Attachment 2 3. Behaviour Complaints Committee Terms of Reference version 2 Draft [5.1.4.1 - 6 pages] 4. BCC ToR version 2 Tracked [5.1.4.2 - 7 pages] 5. Behaviour Complaints Committee Terms of Reference - Version 1 [5.1.4.3 - 3 pages] |

Reason for Confidentiality

Pursuant to Section 5.23(4)(a) of the *Local Government Act 1995*, portions of this report contained within **Confidential Attachment 1** contains legal advice, or other information, over which the local government holds legal professional privilege. This information will not be made public, and its disclosure could reasonably be expected to impact the Shire of Harvey's (shire) legal representation, advice and legal professional privilege.

Pursuant to Section 5.23(4)(b) of the *Local Government Act 1995*, portions of this report contained within **Confidential Attachment 2** include information relating to the personal affairs of an individual. This information has not been made public, and its disclosure could reasonably be expected to impact the business, impartiality and applicable information of the Assessor.

Accordingly, the contents of **Confidential Attachment 1** and **Confidential Attachment 2** are provided to Council on a confidential basis.

Should Council wish to discuss the information contained within the confidential attachment, Council will be required to resolve to close the meeting to members of the public in accordance with Section 5.23 of the *Local Government Act 1995*.

During the closed session, discussion is to be limited to the confidential information contained within the attachment and matters directly relating to the tender evaluation and recommendation.

Summary

This report responds to the commencement of the Local Government (Model Code of Conduct) Regulations 2021 (Code) and the Shire's adoption of the Model Code of Conduct in March 2026. The updated Code altered how behaviour complaint functions must be exercised, resulting in the cessation of the Behaviour Complaints Committee's former delegation and necessitating updated governance arrangements.

The report seeks Council's endorsement of updated Terms of Reference for the Behaviour Complaints Committee, together with the formal authorisation required to enable the Committee to continue performing Council's functions lawfully under the Code of Conduct. It also addresses the authorisation of Shire Officers to undertake complaint administration functions, provides for the appointment of an Authorised Independent Assessor where required, and ensures the Shire's Register of Delegated Authority remains accurate and up to date.

Collectively, the recommendations re-establish a compliant, transparent and robust framework for the management of behaviour complaints, aligned with current legislative requirements and contemporary governance practice.

Background

The Shire of Harvey has an established Behaviour Complaints Committee (the Committee) to manage behaviour complaints made under the Code of Conduct for Council Members, Committee Members and Candidates. The Committee was originally established as a committee of Council under section 5.8 of the *Local Government Act 1995* and was previously authorised to exercise powers under sections 12 and 13 of the Code of Conduct through a delegation made under section 5.16 of the Act. This delegation was recorded in the Shire's Register of Delegated Authority and enabled the Committee to dismiss complaints, make findings and determine outcomes in relation to behaviour complaints, in accordance with the former legislative framework.

On 1 January 2026, amendments to the Local Government (Model Code of Conduct) Regulations 2021 commenced. These amendments provided a three-month transition period, until Wednesday, 1 April 2026, for local governments to adopt the Model Code of Conduct. At its March 2026 Ordinary Council Meeting, Council endorsed the updated Code of Conduct for Council Members, Committee Members and Candidates (Resolution 26/45).

The amended Code clarified that the functions for dealing with behaviour complaints under clauses 12 and 13 of the Code must, by default, be performed by Council itself. The Code further provides that Council may only confer those functions on a committee of Council members or an independent person by passing a resolution in accordance with clause 14B.

The adoption of the Model Code necessitates a review of the Shire's existing behaviour complaints framework, including the Behaviour Complaints Committee's Terms of Reference, authority arrangements and supporting administrative roles. As a result of the change in the regulatory framework, the previous delegation to the Behaviour Complaints Committee ceased to have effect and requires replacement with an express authorisation that aligns with the current Code.

Comment

Legal Advice

The Shire has obtained independent legal advice in relation to the operation of the Code (see **Confidential Attachment 1**). That advice confirms that, upon Council adopting the updated Code of Conduct in March 2026, the previous delegation to the Behaviour Complaints Committee ceased to have effect, as the legislative framework introduced under clause 14B requires an express authorisation of a committee or independent person by resolution of Council.

The advice further indicates that, in the absence of such authorisation, the statutory functions relating to the determination of behaviour complaints default to Council, and any determinations made by a committee without the required authorisation may not constitute a valid discharge of those functions. The advice also confirms that investigative and administrative steps undertaken prior to any determination remain valid and may be relied upon in any subsequent consideration of the matter.

Where behaviour complaints were considered by the Behaviour Complaints Committee after the adoption of the updated Code of Conduct but prior to a compliant authorisation under clause 14B, those matters have not been validly determined and remain outstanding. Accordingly, such matters will need to be reconsidered once the appropriate authorisation framework is reinstated.

In undertaking any reconsideration, Council may have regard to, and rely upon, the investigative and administrative steps already completed, including any evidence collected and reports prepared, as these actions remain valid.

The outcome of any reconvened committee meeting will then be required to be presented to Council for formal endorsement, to ensure that a valid determination is made in accordance with the Code of Conduct and Council's authorisation.

Updated Terms of Reference

The updated Terms of Reference (Terms) (**Attachment 1**) have been prepared to align the Behaviour Complaints Committee's role, authority and operating arrangements with the requirements of the Code. For comparison purposes, **Attachment 3** contains the existing Terms, and **Attachment 2** shows a tracked-changes version of the updated document to demonstrate the nature and extent of the amendments.

The revised Terms:

- Clarify that the Behaviour Complaints Committee may perform functions of Council under clauses 12 and 13 of the Code only where Council has expressly authorised the Committee in accordance with clause 14B.
- Clarify that an Independent Assessor may perform some, more limited, functions of Council under clause 12 of the Code only where Council has expressly authorised the Independent Assessor in accordance with clause 14B.
- Incorporate contemporary governance safeguards and reflect current sector guidance. Recommendation one seeks Council's adoption of the updated Terms.

Authority to the Committee and Behaviour Complaints Officers

Recommendation two seeks Council's express authorisation for the Behaviour Complaints Committee to continue performing its functions under the Code in a manner consistent with the amended regulatory framework. The members of the Behaviour Complaints Committee were appointed by Council resolution in October 2025 (Resolution Number 25/212 and 25/213) and therefore do not require reappointment. Rather, this recommendation provides the necessary authorisation under clause 14B to enable the Committee to continue the key aspects of its role lawfully.

The following aspects of a local government's role under the Code of Conduct would, however, be administratively unwieldy for the Behaviour Complaints Committee to personally undertake:

- Prepare a plan to address the elected member's behaviour
- Consult with the elected member in the formulation of that plan
- Implement the plan.

These functions are therefore to be given to the Authorised Independent Assessor: see next subheading.

The updated Terms also clearly define the role of Behaviour Complaints Officers within the Shire. While the nominated Officer positions remain unchanged, a new authorisation is required under clause 11(3) of the Model Code for these Officers to receive behaviour complaints and withdrawals of complaints and to undertake related administrative functions. This authorisation supports procedural efficiency while maintaining a clear separation between administrative functions and decision-making responsibilities.

Authorised Independent Assessor

Recommendation three relates to the appointment of an Authorised Independent Assessor, being an alternative mechanism available to Council under clause 14B(3) of the Model Code. Details of the proposed assessor, including qualifications, experience, impartiality and fees, are provided in **Confidential Attachment 2**.

The recommendation is deliberately framed to meet the specific requirements of the Code, including that Council be satisfied the assessor is suitably qualified and experienced, is impartial, and does not have any close association with any Council member or employee of the Shire.

The updated Terms define the scope of the assessor's role, noting that the assessor may collect evidence, form assessments and provide recommended findings to the Behaviour Complaints Committee for recommendation to and endorsement by Council.

The assessor does not exercise decision-making as to whether a breach occurred: that is to be undertaken by the Behaviour Complaints Committee.

The Authorised Independent Assessor is also to be authorised to undertake on the local government's behalf, the following functions:

- Prepare a plan to address the elected member's behaviour
- Consult with the elected member in the formulation of that plan
- Implement the plan.

The Authorised Independent Assessor does not have authority to disclose complaint information outside the authorised Officers, Committee and Council. Recommendation three seeks Council endorsement of the assessor's appointment for these functions and the associated fee structure.

Update of the Delegated Authority Register

Finally, Recommendation four notes that the previous delegation relating to the Behaviour Complaints Committee ceased to have effect following the adoption of the Model Code and seeks Council endorsement for the administrative removal of that delegation from the Register of Delegated Authority.

While the Register is formally presented to Council on an annual basis and is next scheduled for consideration in the second half of 2026, this resolution will allow Officers to ensure the Register remains accurate and current in the interim, reflecting Council's updated authorisation arrangements.

Statutory/Policy Environment

- *Local Government Act 1995*
- Local Government (Model Code of Conduct) Regulations 2021
 - clause 11 – Behaviour complaints and receipt of complaints
 - clause 12 – Dealing with behaviour complaints
 - clause 13 – Dismissal of behaviour complaints
 - clause 14B – Performance of local government functions and authorisation of a committee or independent person

- Local Government (Administration) Regulations 1996
- Policy 1.1.10 – Code of Conduct Behaviour Complaints
- Terms of Reference for the Behaviour Complaints Committee
- Register of Delegated Authority and Authorisations
- Standing Orders Local Law 2017

Strategic Framework

The Shire's Council Plan 2025–2035, states:

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

Objective 21: Continue to deliver proactive and responsible leadership and governance.

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 public is, and will continue to be, informed through the publication of Council meeting agendas and minutes on the Shire's website, with additional public reporting provided as required in relation to budgeting matters, the convening of Behaviour Complaints Committee meetings, and the availability of the Register of Delegated Authority.

Promise to the Community

Inform: We will keep you informed.

The public is, and will continue to be, informed through the publication of Council meeting agendas and minutes on the Shire's website, with additional public reporting provided as required in relation to budgeting matters, the convening of Behaviour Complaints Committee meetings, and the availability of the Register of Delegated Authority.

Risk Management

The Risk Theme Profile identified in relation to this item is **Failure to Fulfil Compliance Requirements**. The Consequence could be **Compliance** if Council does not give authority to the Committee, Complaints Officers or appoint an independent assessor. The Risk has been mitigated by Shire Officers obtaining independent legal advice from the Shire's contracted Solicitors and bringing this report before Council. The Risk Consequence is considered **Moderate** and the Likelihood **Unlikely** resulting in a **Medium** level of risk.

Budget Implications

Provision has already been made within the Shire's current budget for the engagement of an independent assessor, should this mechanism be required. Expenditure associated with the appointment of an Authorised Independent Assessor will be accommodated within existing budget allocations under budget item number 45123, and no additional budget allocation is sought as a result of this report.

Authority/Discretion

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

Voting Requirements

Absolute Majority

Officer's Recommendation 1 of 4

That Council receives and adopts the updated Terms of Reference for the Behaviour Complaints Committee, as contained in **Attachment 1**, to align with the Local Government (Model Code of Conduct) Regulations 2021.

BY ABSOLUTE MAJORITY

Officer's Recommendation 2 of 4

That Council:

1. Authorises the Behaviour Complaints Committee in accordance with clause 14B(2) of Schedule 1 of the Local Government (Model Code of Conduct) Regulations 2021, to perform Council's functions under clauses 12 and 13 of the Code of Conduct, in accordance with the now adopted Terms of Reference.
2. Authorises the following Shire Officers as persons authorised under clause 11(3) of Schedule 1 of the Local Government (Model Code of Conduct) Regulations 2021 to receive behaviour complaints and withdrawals of complaints, and to undertake related administrative functions, as provided for in the Terms of Reference and the Code of Conduct:
 - a. Chief Executive Officer
 - b. Director Corporate Services
 - c. Manager Governance and Strategy

BY ABSOLUTE MAJORITY

Officer's Recommendation 3 of 4

That Council:

1. Receives the details of the recommended Authorised Independent Assessor, as contained in **Confidential Attachment 2**.
2. Authorises the Independent Assessor, as named in **Confidential Attachment 2** in accordance with clause 14B(3) of Schedule 1 (Model Code of Conduct) of the Local Government (Model Code of Conduct) Regulations 2021, as Independent Assessor, to perform the following of Council's functions under clause 12 of the Code of Conduct for and on behalf of the local government:
 - a. To prepare a plan to address the behaviour of the person to whom the complaint relates.
 - b. As part of (a), to consult with the person to whom the complaint relates.

- c. To implement the plan to address the behaviour of the person to whom the complaint relates.
3. Is satisfied that the nominated Authorised Independent Assessor is suitably qualified and experienced to perform the investigation and recommendation reporting functions necessary to enable the Behaviour Complaints Committee to make findings under clauses 12 and 13 of the Code of Conduct, on the basis of the skills, experience and suitability demonstrated in **Confidential Attachment 2**.
 4. Authorises the Independent Assessor, as named in **Confidential Attachment 2** to perform the investigation and recommendation reporting functions necessary to enable the Behaviour Complaints Committee to make findings:
 - a. Subject to the Terms of Reference and the Code of Conduct
 - b. On the basis that Council is satisfied the person is impartial and does not have a close association with any Council member or employee of the Shire.
 5. Receives and endorses the fee structure for the Authorised Independent Assessor, as outlined in **Confidential Attachment 2**.

BY ABSOLUTE MAJORITY

Officer's Recommendation 4 of 4

That Council:

1. Notes that the previous delegation relating to the Behaviour Complaints Committee has ceased to have effect following the adoption of the Local Government (Model Code of Conduct) Regulations 2021 and endorses the administrative removal of that delegation from the Shire's Register of Delegated Authority.
2. Notes the independent legal advice outlined in **Confidential Attachment 1** in relation to the operation of the Code.

BY ABSOLUTE MAJORITY

| | |
|-----------------------------|---|
| Item No.: | 5.1.5. |
| Subject: | Code of Conduct Behaviour Complaints Policy Version 3 |
| Proponent: | Shire of Harvey |
| Location: | Shire of Harvey |
| Reporting Officer: | Governance Officer |
| Authorising Officer: | Chief Executive Officer |
| File No.: | F/36/00010 |
| Attachments: | <ol style="list-style-type: none"> 1. Policy 1.1.10 – Code of Conduct Behaviour Complaints V2 [5.1.5.1 - 11 pages] 2. Policy 1 1 10 Behavioural Complaint Policy V3 Draft [5.1.5.2 - 8 pages] |

Summary

This report seeks Council's adoption of Policy 1.1.10 Code of Conduct Behaviour Complaints Policy Version 3 (**Attachment 1**) to complete the alignment of the Shire's behaviour complaints framework with the Model Code of Conduct and the updated Terms of Reference for the Behaviour Complaints Committee presented in the previous report of this month's Council Meeting documents.

Adoption of the updated policy will provide clear procedural guidance for Officers and elected members, support lawful decision-making, and strengthen the Shire's overall governance framework for the management of behaviour complaints.

Background

The Shire of Harvey has an established framework for managing behaviour complaints made under the Code of Conduct for Council Members, Committee Members and Candidates. This framework is supported by Policy 1.1.10 Code of Conduct Behaviour Complaints Policy, which provides procedural guidance for the receipt, administration and consideration of behaviour complaints. The existing version 2 of this policy can be reviewed in **Attachment 2**.

Following the commencement of amendments to the Local Government (Model Code of Conduct) Regulations 2021 on 1 January 2026, and Council's subsequent adoption of the Model Code of Conduct, a review of the Shire's behaviour complaints governance arrangements was undertaken. This review identified the need to update the Behaviour Complaints Committee Terms of Reference (TOR) and to ensure that supporting policies are fully aligned with the current legislative requirements.

Comment

The updated third version of Policy 1.1.10 Code of Conduct Behaviour Complaints Policy (**Attachment 1**) has been prepared to ensure consistency with the Local Government (Model Code of Conduct) Regulations 2021 and to clearly articulate the Shire's procedures for managing behaviour complaints under clauses 11 to 15 of the Model Code.

The revised policy supports the updated TOR by clearly distinguishing between:

- Administrative responsibilities undertaken by authorised Officers, including the receipt and initial handling of complaints.
- Decision-making functions that are performed by Council and the authorised Behaviour Complaints Committee.
- The functions of an Authorised Independent Assessor in accordance with clause 14B of the Model Code.

Version 3 of the policy also reflects contemporary governance practice, improves procedural clarity, and supports transparency and procedural fairness for complainants and respondents.

Adoption of the updated policy will ensure that the Shire's behaviour complaints framework is coherent, legally compliant and capable of consistent application.

Statutory/Policy Environment

Policy 1.1.10 – Code of Conduct Behaviour Complaints

Strategic Framework

The Shire's Council Plan 2025–2035, states:

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

Objective 21: Continue to deliver proactive and responsible leadership and governance.

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 public is informed through the publication of Council meeting agendas, minutes and updated policy on the Shire's website.

Promise to the Community

Inform: We will keep you informed.

The public is informed through the publication of Council meeting agendas, minutes and updated policy on the Shire's website.

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice / Information** and **Failure to Fulfil Compliance Requirements**. The Consequence could be **Compliance** if due processes are not followed, and Policies are not amended to reflect changes in the organisation. The risk has been mitigated by Shire Officers obtaining independent legal advice from the Shire's contracted Solicitors. Risk Consequence is considered **Minor** and the likelihood **Unlikely** resulting in a **Low** risk being present.

Budget Implications

Provision has already been made within the Shire's current budget for the engagement of an independent assessor throughout the complaint review process. Should this mechanism be required, expenditure associated with the appointment of an Authorised Independent Assessor will be accommodated within existing budget allocations under budget item number 45123, and no additional budget allocation is sought as a result of this policy update.

Authority/Discretion

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council endorses the proposed updates to Policy 1.1.10 – Code of Conduct Behaviour Complaints (***Attachment 1***).

5.2. Infrastructure Services

| | |
|-----------------------------|---|
| Item No.: | 5.2.1. |
| Subject: | Galway Green Irrigation Mainline Upgrade |
| Proponent: | Shire of Harvey |
| Location: | Galway Green, Australind |
| Reporting Officer: | Manager Parks Service |
| Authorising Officer: | Director Infrastructure Services |
| File No.: | T062026 |
| Attachments: | 1. Confidential Attachment 1 |

Reason for Confidentiality

Pursuant to Section 5.23(4)(c) and (d) of the *Local Government Act 1995*, portions of this report contained within **Confidential Attachment 1** include information from submitted tenders that is confidential in nature.

The confidential information includes:

- Tendered prices or methodologies for calculating prices submitted by tenderers; and
- Commercially sensitive information, including details of technologies, processes, or methodologies proposed by tenderers in delivering the contract.

This information has not been made public, and its disclosure could reasonably be expected to adversely affect the commercial interests of the tenderers. Accordingly, the contents of **Confidential Attachment 1** are provided to Council on a confidential basis.

Should Council wish to discuss the information contained within the confidential attachment, Council will be required to resolve to close the meeting to members of the public in accordance with Section 5.23 of the *Local Government Act 1995*.

During the closed session, discussion is to be limited to the confidential information contained within the attachment and matters directly relating to the tender evaluation and recommendation.

Summary

Tender T062026 was advertised on Thursday, 26 March 2026 via the Shire of Harvey's E-tendering website, Tenderlink, The West Australian, South Western Times and the Shire's website and public notice board for the Upgrade of the Galway Green Irrigation Mainline.

The Tender closed at 3pm AWST on Thursday, 23 April 2026, at which time one submission was received.

The submission was evaluated in accordance with the Shire's Tender evaluation methodology, and the criteria outlined in the Request for Tender documentation.

The Tender Evaluation Panel has provided a recommendation for Council's consideration in **Confidential Attachment 1**.

Background

The Galway Green Irrigation System supplies irrigation water to public open space (POS), residential verges and road verge areas throughout the Galway Green Estate, Australind.

The system was constructed as part of the Galway Green Estate development and has now reached an advanced stage of asset deterioration.

The irrigation network is supplied by a new Yarragadee bore, which pumps groundwater to a localised holding lake. Water is distributed throughout the estate via an irrigation pump located within the lake.

The system operates as a fully pressurised mainline network, meaning it relies heavily on the ongoing integrity of underground pipework, fittings and joints to operate efficiently and reliably.

Over recent years, the irrigation mainline has progressively deteriorated to the end of its serviceable life. Failures of the mainline and associated fittings have become increasingly frequent during irrigation seasons, largely due to pipe fatigue, joint failure and ageing materials that are under constant pressure. These failures have compromised the reliability of the system and significantly increased maintenance requirements.

As a result, Parks Services has been required to undertake frequent reactive repairs to restore system functionality. On average, the system has experienced four to five major mainline failures per year over the past two years, with individual repair costs typically ranging between \$5,000 and \$7,000 per incident. These costs are continuing to escalate and represent poor value when compared with proactive asset replacement.

In addition to direct repair costs, each failure results in disruption to the irrigation supply for POS and verge areas, negatively impacting turf and landscape condition during critical watering periods. These failures, when they occur in the residential verges, impact landowners through flooding, loss of access and damage to adjacent infrastructure. This has included damage to private landscaping, concrete crossovers and driveways, resulting in some community dissatisfaction and reputational risk for the Shire.

Compounding these issues, several sections of the mainline are located beneath concrete footpaths. When failures occur in these locations, footpaths must be removed and fully reinstated to access the pipework, significantly increasing repair time, cost and disruption.

Comment

Tender Evaluation

The Tender Evaluation Panel (Panel) included the Manager Parks Services, Acting Manager Infrastructure Services and the Technical Officer – Parks. The Tender submission was assessed using the following criteria and weightings.

| Evaluation Criteria | Weighting |
|--|------------------|
| Contract Price | 40% |
| Past experience in provision of required services and provision of at least three (3) references and compliance with tender specification and Health/Safety requirements | 25% |
| Methodology of Irrigation installation works with project Gantt Chart | 20% |
| Organisational structure/ financial capacity/resources | 15% |
| TOTAL | 100% |

Details of the Tender received are outlined in **Confidential Attachment 1**.

Given the age of the system, the frequency of failures, ongoing operational impacts and escalating maintenance costs, the Galway Green Irrigation System is no longer performing at an acceptable or sustainable level. Continued reactive repairs are not cost-effective and do not address the underlying condition of the asset.

Replacement of the irrigation mainline with new, modern infrastructure will significantly improve system reliability, reduce ongoing maintenance expenditure, minimise disruption to residents and ensure the continued delivery of irrigation to POS and verge assets. The proposed upgrade represents a proactive, long-term solution aligned with sound asset management principles and will reduce overall lifecycle costs while improving service outcomes for the community.

Statutory/Policy Environment

- *Local Government Act 1995*
- Local Government (Functions and General) Regulations 1996 – Part 4 Tenders for Providing Goods and Services

Strategic Framework

The Shire's Council Plan 2025–2035, states:

- Pillar 3 – Place:* A liveable, sustainable and well-designed built environment that is accessible to all.
- Objective 12:* Enhance the appearance of public spaces and streetscapes.
- Objective 15:* Ensure Shire facilities, buildings, gardens and grounds are fit for purpose and well maintained.

Community Engagement

Community Participation Goal

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

This public section of the Council report will be provided as part of the minutes available for public review.

Promise to the Community

Inform: We will keep you informed.

The details of the preferred Tenderer and award are Confidential; however, the Resolution of Council will be published in the Council Minutes on the Shire of Harvey's website.

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The Consequence could be **Financial, Reputational** or **Compliance** if due process is not followed in progressing with the recommended infrastructure improvements at Galway Green Estate. The Risk is considered **Low** and the likelihood **Unlikely**, this results in a **Low** risk being present.

Budget Implications

The following allocation is included in the Shire's 2025–2026 Budget:

| Project | Budget Allocation |
|---|-------------------|
| WO – 70549 Galway Green – Irrigation System Upgrade | \$500,000 |

The current budget allocation provides sufficient funding for this project to proceed.

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. Awards the Contract for T062026 –Galway Green Irrigation Mainline Upgrade to the recommended Tenderer for the Tendered amount detailed within **Confidential Attachment 1**.
2. Authorises the Chief Executive Officer to finalise and execute the Contracts with successful Tenderer.

| | |
|-----------------------------|---|
| Item No.: | 5.2.2. |
| Subject: | Closure of Unused Road Reserve (PIN 11600482) |
| Proponent: | Liscol Nurseries Pty Ltd (trading as Harvey Kiwifruit) |
| Location: | Unused Road Reserve (PIN11600482), Uduc |
| Reporting Officer: | Director Infrastructure Services |
| Authorising Officer: | Director Infrastructure Services |
| File No.: | F/40/13509 |
| Attachments: | <ol style="list-style-type: none"> 1. Road Closure – Kiwi Farm [5.2.2.1 - 1 page] 2. Road Closure – Kiwi Farm Aerial [5.2.2.2 - 1 page] |

Summary

The Applicant, Liscol Nurseries Pty Ltd (trading as Harvey Kiwifruit), has requested the permanent closure of an unused road reserve identified as PIN11600482, located in Uduc.

The road reserve is unconstructed and does not currently provide access or form part of the Shire's operational road network. The Applicant has requested closure to enable consolidation with adjoining land to support ongoing agricultural operations.

The request has been the subject of correspondence with the Shire since at least 2021 and has involved multiple areas of the organisation over that time. While preliminary investigation and internal discussions have occurred, the matter has not previously been progressed through a formal Council process.

In accordance with section 58 of the *Land Administration Act 1997* and Regulation 9 of the Land Administration Regulations 1998, the closure of a public road requires public advertising, consideration of submissions and a resolution of Council prior to referral to the Minister for Lands.

This report seeks Council approval to initiate the statutory process, including public advertising of the proposed road closure. It does not seek approval of the road closure itself.

Background

The Shire has received a request from the Applicant to close an unused road reserve identified as PIN11600482, located in Uduc.

The road reserve forms part of a historical cadastral layout and is an unconstructed road reserve that has not been developed or used for vehicular or pedestrian access. It does not currently provide access to adjoining land and does not form part of the Shire's functional road network.

The subject land crosses property currently leased and operated by the Applicant for horticultural purposes. The Applicant has advised that closure of the road reserve is required to support the efficient operation and expansion of agricultural activities on the site.

A review of available mapping and internal information indicate that surrounding roads provide adequate access within the locality and that the subject reserve does not currently perform a transport or access function (refer **Attachment 1 and Attachment 2**).

The matter has a documented history within the organisation, with correspondence relating to the proposed closure dating back to at least 2021 and further engagement occurring through 2024 and 2025 involving multiple Shire Officers and Directorates.

This report establishes a formal and compliant pathway to progress the matter in accordance with legislative requirements, commencing with public advertising of the proposed road closure.

Comment

The subject land is an unconstructed road reserve that has not been developed or used for public access. It does not currently form part of the Shire's operational road network and does not provide connectivity or access to adjoining land.

Available mapping and internal information indicate that surrounding roads provide adequate access within the locality and that the subject reserve does not currently perform a transport or access function.

Notwithstanding this, the land remains a dedicated public road under the *Land Administration Act 1997* and cannot be removed or repurposed without following the prescribed statutory process.

The role of the Shire is to assess the request and undertake consultation in accordance with legislative requirements. Council is not the final decision-maker. Following completion of the statutory process, Council may determine whether to request the Minister for Lands to close the road. The Minister is responsible for the final determination.

The statutory process requires public advertising and consultation in accordance with Regulation 9 of the Land Administration Regulations 1998. This includes publication of a notice of the proposed closure, referral to relevant service authorities and notification of adjoining landowners.

Following the advertising period, a further report will be presented to Council outlining any submissions received and confirming servicing, access and planning considerations. Council will then determine whether to proceed with a formal request to the Minister.

Closure of the road does not result in automatic transfer of the land to the Applicant. If the road is closed, the land becomes Crown land, and any subsequent disposal is managed separately by the State.

Progression of the matter in this manner provides a compliant and transparent pathway to consider the request.

Statutory/Policy Environment

- *Land Administration Act 1997*
- Land Administration Regulations 1998
- *Local Government Act 1995*

Strategic Framework

The Shire's Council Plan 2025–2035, states:

- Pillar 4 – Prosperity:* A diversified and thriving economy that offers a wide range of business and work opportunities as well as consumer choice.
- Objective 19:* Facilitate sustainable urban, rural and industrial development, infrastructure and services to support population and economic growth.

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 outcomes of the advertising process and Council's decision will be reported in a subsequent Council report, with minutes published on the Shire's website for public access.

Promise to the Community

Inform: We will keep you informed.

The outcomes of the advertising process and Council's decision will be reported in a subsequent Council report, with minutes published on the Shire's website for public access.

Risk Management

The Risk Theme Profile identified for this report is **Compliance**. There is a risk that the Shire does not meet its obligations under section 58 of the *Land Administration Act 1997* and Regulation 9 of the Land Administration Regulations 1998 when initiating and progressing the proposed road closure. The Consequence could be **Compliance and Reputational**. The risk is considered **Minor** and the likelihood **Unlikely**, resulting in a **Low** Risk being present.

This risk is mitigated by progressing the matter through the prescribed statutory process, including public advertising, consultation, consideration of submissions and a subsequent Council report prior to any request being made to the Minister for Lands.

A reputational risk may also arise due to the length of time the matter has remained unresolved. This risk is mitigated by progressing the matter through a formal, transparent and compliant Council process.

Budget Implications

There are no significant financial implications to the Shire associated with initiating the road closure process.

Minor costs may be incurred in relation to advertising and administration. Cost recovery arrangements, if applicable, will be confirmed prior to progressing to any subsequent stage.

Authority/Discretion

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Supports the initiation of the closure of the unused road reserve identified as PIN11600482, Uduc, in accordance with section 58 of the *Land Administration Act 1997*.

2. Authorises the Chief Executive Officer to undertake public advertising of the proposed road closure for a minimum period of 35 days in accordance with Regulation 9 of the Land Administration Regulations 1998.
3. Authorises the Chief Executive Officer to progress the statutory road closure process to the next stage, including referral to the Minister for Lands, subject to no objections being received during the advertising period.
4. Requests a further report be presented to Council should any objections be received during the advertising period.

5.3. Sustainable Development

| | |
|-----------------------------|---|
| Item No.: | 5.3.1. |
| Subject: | Draft Updated Local Planning Strategy – Endorsement for Advertising |
| Proponent: | Shire of Harvey |
| Location: | Shire of Harvey |
| Reporting Officer: | Manager Planning Services |
| Authorising Officer: | Director Sustainable Development |
| File No.: | LPST/01/002, C304/00002 |
| Attachments: | 1. Shire of Harvey Local Planning Strategy 2026 Draft [5.3.1.1 - 180 pages] |

Summary

The Shire of Harvey's (the Shire) Local Planning Strategy 2020 (the Strategy) requires updating consistent with the current planning framework. The Strategy has been updated in accordance with the Western Australian Planning Commission's Local Planning Strategy Guidelines and giving consideration to the Bunbury Geographe Sub-regional Strategy and the Shire's Local Planning Scheme No. 2. The draft updated Local Planning Strategy (refer **Attachment 1**) is referred to Council for preliminary endorsement for certification for advertising by the Western Australian Planning Commission.

Background

The Local Planning Strategy (the Strategy) was endorsed by the Western Australian Planning Commission (WAPC) on 22 April 2020. The Strategy details the Shire's land use vision for a period of 15 years. The Strategy is in two parts with Part 1 containing the Strategy and implementation actions and Part 2 containing the background and technical details.

The WAPC released the Bunbury Geographe Sub-regional Strategy (BGSrS) in January 2022, requiring the Strategy to be updated. The Shire's Local Planning Scheme No. 2 (LPS 2), which was gazetted in April 2024, implemented a significant proportion of the Strategy so the required update provides an opportunity for these implementation actions to be removed from the Strategy.

In March 2023, the WAPC published the Local Planning Strategy Guidelines (the Guidelines) which provide "*clear and consistent guidance for the preparation of a local planning strategy*". The Guidelines provide a template for the content of a Local Planning Strategy, and the process for the preparation/endorsement, implementation and review of a Local Planning Strategy.

The Shire engaged a consultant, JE Planning, to assist with the review. The consultant and Shire Officers provided a briefing to Council on Tuesday, 27 May 2025 detailing the purpose, implications and progress of the review of the Strategy. During the briefing, it was explained that the purpose of the update is in relation to the current planning framework and Shire documents and is not for the purpose of detailed review to identify additional future development areas.

Comment

The Strategy was reviewed against the Guidelines, BGSrS and LPS 2, with the following required amendments/updates identified:

- Local Planning Strategy Guidelines
 - Update to the format and layout of the document.

- Expanded details in Part 2 to include:
 - Details and implications of all State and local policies.
 - Updated land supply assessments for residential and industrial land.
 - Rearrangement into Themes and identifying issues and opportunities for each Theme.
- Expanded details in Part 1 to include:
 - Planning Directions and Action tables for each Theme based on the issues and opportunities identified in Part 2.
 - Planning Areas (instead of Planning Precincts).
- Bunbury Geographe Sub-regional Strategy
 - Inclusion of relevant implementation actions such as growth areas of Treendale East, and the rural living areas of Clifton Road and Treendale Road.
- Local Planning Scheme No. 2
 - Removal of all Strategy implementation actions that were included in LPS 2.

Shire Officers originally intended to provide Council and the WAPC with a schedule of proposed amendments, however the extent of amendments required to ensure consistency with the Guidelines has rendered this impractical. Instead, the nature of amendments has been identified in the draft updated Strategy via colour-coded text.

The most significant proposed changes to the Strategy are:

- Reduction of 31 Planning Precincts to 12 Planning Areas.
- Inclusion of new Planning Areas to include:
 - 'East Treendale Urban Growth Area' (Treendale East) from the BGSrS.
 - 'Clifton Road Rural Living Precinct' from the BGSrS.
 - 'Treendale Road Rural Living Precinct' from the BGSrS.
 - Former hospital site in Yarloop from the Shire's Yarloop Town Development Plan.
- Incorporating recommendations from the Shire of Harvey Tourism Road Map 2031 (Tourism Road Map) including:
 - Future provision for a road parallel to the coast ('Coastal Road') between Myalup, Binningup and Buffalo Road, which will also serve as a secondary access.
 - Agritourism.
- Recognition of renewable energy development and the offshore wind farm area.

The draft updated Strategy was referred to the Department of Planning, Lands and Heritage (DPLH) for preliminary Officer comment, particularly in relation to the inclusion of the proposed Coastal Road.

Despite the Coastal Road having a tourism function and therefore being identified in the Tourism Road Map, it will serve a more important function of alternative access for the towns of Myalup and Binningup in the situation of bushfires and will also reduce the need for Forrest Highway to be used by Myalup and Binningup residents as their 'local road' to Australind and further south.

Initial advice received from DPLH Officers is for references to the Coastal Road to be removed from the draft updated Strategy as it raises a range of complex environmental, planning, land and tenure considerations and is inconsistent with the State planning framework. Shire Officers have further queried this initial advice on the basis that:

- The name of 'Coastal Road' refers to a strategic transport corridor that is likely to generally run parallel to the coastline.
- The draft updated Strategy identifies a broad investigation area (proposed as a Planning Action) extending from Myalup in the north to Buffalo Road in the south (including Binningup) and located west of the Forrest Highway. The purpose of this action is to enable investigations into the most appropriate alignment for a road/transport corridor parallel to the coast.
- Inclusion in the Strategy will provide the strategic framework to support the Shire's:
 - Ability to advocate for, secure, or leverage external funding to undertake essential studies.
 - Progression of any meaningful analysis or engagement with landowners and State Government agencies.

At the time of this report, Shire Officers are awaiting a response from DPLH Officers to these further queries. Notwithstanding, the draft updated Strategy is referred for Council's preliminary endorsement for the purpose of advertising.

Statutory/Policy Environment

Planning and Development (Local Planning Schemes) Regulations 2015

Part 3 – Local planning strategies

- Clause 11 – Requirement for local planning strategy for local planning scheme.
- Clause 12 – Certification of draft local planning strategy.
- Clause 13 – Advertising and notifying local planning strategy.
- Clause 14 – Consideration of submissions.
- Clause 15 – Endorsement by Commission.
- Clause 16 – Publication of endorsed local planning strategy.
- Clause 17 – Amendment to local planning strategy.

Strategic Framework

The Shire's Council Plan 2025–2035, states:

| | |
|-------------------------------|--|
| <i>Pillar 1 – People:</i> | A safe, accessible and connected community where everyone has the opportunity to contribute and belong. |
| <i>Objective 2:</i> | Facilitate healthy and active communities. |
| <i>Pillar 2 – Planet:</i> | A natural environment that is highly valued, protected and enjoyed. |
| <i>Objective 7:</i> | Manage and protect natural habitats and ecosystems. |
| <i>Pillar 3 – Place:</i> | A liveable, sustainable and well-designed built environment that is accessible to all. |
| <i>Objective 13:</i> | Protect and preserve places with heritage or cultural significance. |
| <i>Objective 16:</i> | Facilitate safer, connected, well-maintained roads, paths and cycleways. |
| <i>Pillar 4 – Prosperity:</i> | A diversified and thriving economy that offers a wide range of business and work opportunities as well as consumer choice. |
| <i>Objective 17:</i> | Position the Shire as a premium tourist destination of choice. |
| <i>Objective 19:</i> | Facilitate sustainable urban, rural and industrial development, infrastructure and services to support population and economic growth. |

Community Engagement

Community Participation Goal

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

The Planning and Development (Local Planning Schemes) Regulations 2015 requires the draft updated Strategy to be advertised, Council to consider submissions, and publication when endorsed.

Promise to the Community

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

The Planning and Development (Local Planning Schemes) Regulations 2015 requires the draft updated Strategy to be advertised, Council to consider submissions, and publication when endorsed.

Risk Management

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

Budget Implications

Costs associated with reviewing and updating the Local Planning Strategy are included in the current Budget.

Authority/Discretion

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Endorses the Draft Updated Local Planning Strategy 2026, as contained in **Attachment 1**, for the purpose of advertising.
2. Pursuant to clause 12 of the Planning and Development (Local Planning Schemes) Regulations 2015, refers the Draft Updated Local Planning Strategy 2026 to the Western Australian Planning Commission for 'certification' for advertising.
3. Following receipt of the Western Australian Planning Commission's 'certification', advertises Draft Updated Local Planning Strategy 2026 in accordance with Clause 13 of the Planning and Development (Local Planning Schemes) Regulations 2015.

5.4. Corporate Services

| | |
|-----------------------------|--|
| Item No. | 5.4.1. |
| Subject: | Financial Statements as at 30 April 2026 |
| Proponent: | Shire of Harvey |
| Location: | Shire of Harvey |
| Reporting Officer: | Accountant |
| Authorising Officer: | Director Corporate Services |
| File No.: | FM/S/006 |
| Attachments: | 1. Financial Statement as at 30 April 2026 [5.4.1.1 - 9 pages] |

Summary

The Financial Statements as at Thursday, 30 April 2026 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 April 2026 | BUDGET 2025–2026 | VARIANCE |
|---|--------------------------------|----------------------------|--------------------------------|
| Statement of Financial Performance | | | |
| Ordinary Revenue | \$48,322,199 | \$50,431,067 | \$ 2,108,868 |
| Ordinary Expenditure | \$50,084,334 | \$60,793,339 | \$10,709,005 |
| Capital Revenue | \$ 8,493,303 | \$49,809,701 | \$41,316,398 |
| Capital Expenditure | \$ 8,874,003 | \$58,153,079 | \$49,279,076 |
| End of Period Surplus/(Deficit) | | | \$14,478,925 |
| Statement of Financial Position | | | |
| Current Assets | | | ACTUAL \$ 42,747,338 |
| Net Assets | | | \$824,112,999 |

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

Background

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

Comment

Rates Revenue

Rates revenue of \$31.7 million and waste service charges of \$6.5 million including the waste facilities maintenance rate were raised in September 2025. The due date for rates payment was Sunday, 30 November 2025. Approximately 95% of the rates were collected by Thursday, 30 April 2026 compared to 94% 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 \$10.9 million in Municipal funds and \$26.5 million in restricted Trust and Reserve funds.

The average interest rate on these funds is 4.55%. New term deposits are attracting an interest rate of approximately 4.75% for a term of 90 days.

Operating Grants and Subsidies

The Shire received \$2.4 million as advance payment for Financial Assistance Grants 2025–2026 in the last quarter of the 2024–2025 financial year. Three instalments of Financial Assistance Grant 2025–2026 were also received to date in 2025–2026.

Employee Costs

The employee costs reflect the employee costing for the first ten months of the financial year 2025–2026. The Shire is anticipated to remain in line with the Budget 2025–2026 and the Shire’s Workforce and Diversity Plan.

Material, Contracts, Utilities and Other Expenses

These accounts reflect the first ten months of the financial year and although the Shire is mindful of fuel price cost implications, it is anticipated the Shire will operate within its means and in line with the adopted Budget for the 2025–2026 financial year.

Capital Expenditure

The Shire has budgeted to spend \$54 million on capital projects throughout the Shire in 2025–2026. Some of these projects include carry over projects from the financial year 2024–2025. Expenditure totalling \$8.9 million on capital works has been reported at the end of April 2026, noting that the projects listed are at various stages of procurement and construction. Some of the capital projects with unspent budget allocations include;

| | |
|--|--------------|
| Harvey Community Precinct (Library) | \$7,050,000 |
| Australind Office Expansion | \$2,000,000 |
| Binningup Skate Park Redevelopment | \$650,000 |
| LLC – Court Expansion Construction | \$14,950,000 |
| Leschenault Bush Fire Brigade Shed | \$1,423,000 |
| Sanitation (Stanley and Richardson Rd) | \$1,368,000 |
| Playground Equipment (Virgo brace, Yarloop One Tree, Binningup Oval) | \$887,000 |
| Harvey Oval Grounds – Improvements | \$2,000,000 |
| Harvey Playground and Associated Infrastructure | \$1,385,000 |
| Galway Green – Irrigation System Upgrade | \$500,000 |
| LRP Oval 1 – Lighting Southwest Corner | \$880,000 |
| Pending Roadwork Construction works of value approximately | \$4,000,000 |

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

- Statement of Financial Performance by Nature
- Statement of Financial Position
- Notes to the Statement of Financial Performance

- Total Municipal Revenue and Expenditure – Graph
- Statement of Cash at Bank – Loans
- Statement of Cash at Bank – Reserves
- Statement of Cash at Bank – Bonds and Deposits
- Statement of Cash at Bank – Trust
- Current Ratio – Graph
- Outstanding Rates – Graph
- Aged Debtors Summary – Graph
- Current Account Coverage – Graph
- Statement of Investments.

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

Statutory/Policy Environment

Local Government Act 1995

- Section 6.4 – deals with reporting requirements for Financial Reports

Local Government (Financial Management) Regulation 1996

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

Strategic Framework

The Shire's Council Plan 2025–2035, states:

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

Objective 21: Continue to deliver proactive and responsible leadership and governance.

Community Engagement

Community Participation Goal

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

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

Promise to the Community

Inform: We will keep you informed.

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

Risk Management

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

Budget Implications

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

Authority/Discretion

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council receives the Financial Statements as at 30 April 2026 provided at **Attachment 1**.

| | |
|-----------------------------|---|
| Item No. | 5.4.2. |
| Subject: | Payments April 2026 |
| 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 April 2026 [5.4.2.1 - 24 pages] |

Summary

A listing of payments for goods and services for April 2026 is provided as **Attachment 1**. It is recommended that Council notes the attached payments.

Background

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

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

Comment

The list of accounts paid for April 2026 is presented as **Attachment 1**, as summarised below.

| <u>Voucher</u> | <u>Amount</u> |
|--|-------------------------------|
| Schedule of Accounts | |
| Municipal | CP.45.01 – CP.50.130 |
| | 117749–117751 |
| CBA Credit Cards | |
| Electronic Funds Submitted/Direct Debits | |
| Total | <u>\$ 5,088,552.85</u> |

Purchasing Card Payments included in the Municipal payments above

| | |
|-----------------|----------------------------|
| AMPOL Fuel Card | \$ 4,278.81 |
| BP Fuel Card | \$ 8,685.10 |
| Puma Fuel Card | \$ 1,073.15 |
| Total | <u>\$ 14,037.06</u> |

Statutory/Policy Environment

Local Government Act 1995

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

Local Government (Financial Management) Regulation 1996

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

- Regulation 13A – Payments by employees via purchasing cards

Strategic Framework

The Shire's Council Plan 2025–2035, states:

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

Objective 21: Continue to deliver proactive and responsible leadership and governance.

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. 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 the payments that were made in the month detailed.

Promise to the Community

Inform: We will keep you informed.

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

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. The Consequence could be **Financial, Reputation** or **Compliance** if the payments report is not reported accurately, timely or in the required format. The risk is considered **Minor** and the Likelihood **Unlikely**. The risk is mitigated by Council receiving the payments report on a monthly basis and in a form that is in 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 2025–2026 Annual 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 April 2026 totalling \$5,088,552.85.

| | |
|-----------------------------|--|
| Item No. | 5.4.3. |
| Subject: | Proposed Fees and Charges 2026–2027 |
| Proponent: | Shire of Harvey |
| Location: | Shire of Harvey |
| Reporting Officer: | Accountant |
| Authorising Officer: | Director Corporate Services |
| File No.: | FMH001 |
| Attachments: | 1. Budget 26-27 Proposed Fees and Charges [5.4.3.1 - 11 pages] |

Summary

The Schedule of Fees and Charges, as workshopped by Council on Tuesday, 28 April 2026 is attached for Council's consideration for the 2026–2027 financial year.

The proposed schedule does not include waste collection and landfill related fees and charges at this stage. These will be presented to Council as part of the draft 2026–2027 Budget adoption. Delaying the adoption of these waste related fees and charges will allow additional time for further clarity around the operating logistics of residential and commercial waste collection and any operating subsidy requirements of the Bunbury Harvey Regional Council, both of which may affect the quantum of fees and charges.

It is recommended Council adopts the Schedule of Fees and Charges (refer **Attachment 1**) and requests the Chief Executive Officer to advertise the Fees and Charges to the public for implementation from 1 July 2026.

Background

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

The Shire has approximately 650 different fees and charges. Section 6.16(3) of the *Local Government Act 1995* states that these fees and charges are to be imposed when adopting the annual budget. Additional, or variations to existing fees and charges may be imposed during a financial year by Absolute Majority and with a requirement to advertise them. This item is presented to Council to allow the early introduction of the fees and charges prior to the adoption of the 2026–2027 Budget. This allows for the new fees and charges to apply from 1 July, following the statutory advertising period.

The Schedule of Fees and Charges will also be included as part of the draft 2026–2027 Budget.

Comment

The Schedule of Fees and Charges include fees set under legislative authority that allows the Shire to determine the applicable amounts, and fees over which the Shire has no discretion. The fees and charges that the Shire is authorised to set have, on average, increased by approximately 4%–5%.

The most significant reviews have been undertaken in the areas of Cemetery Fees, Halls and Recreation Centres, and the Leschenault Leisure Centre, with fee adjustments determined in accordance with the principles set out in section 6.17 of the *Local Government Act 1995*, including consideration of the cost of providing the service, equity and consistency, and market comparability.

Some new fees and charges are also proposed in some areas, including Cemetery Fees, Halls and Recreation Centres, Other Shire facilities, the Leschenault Leisure Centre and Ranger Services (refer **Attachment 1**). These were workshopped with the Council on Tuesday, 28 April 2026.

Council usually adopts the annual Budget towards the end of July. Part of the Budget adoption is the inclusion of the Schedule of Fees and Charges. The purpose of adopting the Schedule of Fees and Charges prior to the annual Budget is to allow for the amended fees and charges to be imposed from 1 July.

Section 6.19 of the *Local Government Act 1995* states that where a local government wishes to impose any fees or charges outside of the annual budget adoption, it is to give local public notice of its intention to do so along with the date the fee or charge is to be imposed from.

Statutory/Policy Environment

Local Government Act 1995

- Section 6.16 – allows for the imposition of fees and charges by Council by Absolute Majority.
- Section 6.17 – gives guidance in determining the level of fees or charges (i.e. taking into account the cost to the local government in providing that service or good).

Waste Avoidance and Resources Recovery Act 2007

- Provides authority for the Shire to collect refuse waste and to recoup the cost of same.

Strategic Framework

The Shire's Council Plan 2025–2035, states:

| | |
|--------------------------------|---|
| <i>Pillar 5 – Performance:</i> | A representative leadership that is future thinking, transparent and accountable. |
| <i>Objective 21:</i> | Continue to deliver proactive and responsible leadership and governance. |
| <i>Objective 22:</i> | Continue to deliver customer-centred service, communication and engagement. |

Community Engagement

Community Participation Goal

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

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

Promise to the Community

Inform: We will keep you informed.

Council's decision will be recorded in the publicly accessible Council minutes. In addition, a local public notice outlining Council's intention to impose the fees and charges, along with the date, will be advertised.

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/information**. The Consequence could be **Financial**, **Reputational**, or **Compliance** should an inappropriate or unrealistic fee be adopted by Council.

The Risk consequence is considered **Moderate** and the likelihood **Unlikely**. The risk is mitigated by Council reviewing and workshopping the schedule of fees and charges, resulting in a **Low** risk being present.

Budget Implications

The proposed Schedule of Fees and Charges have allotted income streams included as part of the draft 2026–2027 Budget.

Authority/Discretion

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

Voting Requirements

Absolute Majority

Officer's Recommendation

That Council:

1. Adopts the attached Schedule of Fees and Charges for the 2026–2027 financial year (refer **Attachment 1**), excluding waste collection and landfill changes:
2. Requests the Chief Executive Officer to provide local public notice of Council's intention to impose the fees and charges along with the date they will be applied being 1 July 2026.

BY ABSOLUTE MAJORITY

5.5. Community and Lifestyle

Nil.

6. Notice of Motion for Following Meeting

Cr. Carbone requested that the following Notice of Motion be placed in the Ordinary Council Meeting Agenda for May 2026.

That Council:

1. Discontinues support for the current road renaming proposal adopted at the Ordinary Council Meeting held on 24 March 2026 under Item 12.3.1.
2. Retains the existing name of "Wickham Road" in recognition of the historical association of the Wickham family with the district and the longstanding use of the road name.
3. Requests the Chief Executive Officer to undertake the process to rename the existing "Wickham Street" to an alternative name, with "Vivienne Street" to be considered as the preferred option subject to the required consultation and Landgate approval.
4. Directs the Chief Executive Officer to:
 - a. Advise Landgate that Council no longer supports the current proposal affecting Wickham Road
 - b. Withdraw the existing road renaming request from Landgate
 - c. Undertake all necessary consultation with affected landowners and stakeholders.
5. Notes:
 - a. Concerns raised by affected residents and landowners regarding the historical significance of Wickham Road.
 - b. That Wickham Road services multiple residences and farming properties associated with the Wickham and surrounding families.
 - c. That the Wickham Road name predates Wickham Street and has significant historical connection to pioneering agricultural settlement within the district.
 - d. That retaining the Wickham Road name is considered by Council to be in the broader community and historical interest.

7. Matters Behind Closed Doors

Nil.

8. Closure of Meeting