



SHIRE OF
HARVEY



Ordinary Council Meeting **Agenda**

Harvey Council Chambers
Tuesday, 25 August 2026
4PM

Shire of Harvey Ordinary Council Meeting

Dear Councillor,

Notice is hereby given that the next meeting of the Harvey Shire Council will be held in the Harvey Council Chambers, Young Street, Harvey, on Tuesday, 25 August 2026 commencing at 4pm.

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

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Tony Nottle', followed by a horizontal line.

Tony Nottle
Temporary Chief Executive Officer

21 August 2026.

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1. Official Opening

Disclaimer

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

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

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

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

Acknowledgement of Country

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

2. Record of Apologies and Leave of Absence

3. Applications for Leave of Absence

4. Declarations of Members' and Officers' Personal Interest

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

6. Response to Previous Questions Taken on Notice

Mrs. Sheila Ferguson asked the following questions at the Ordinary Council Meeting held Tuesday, 28 July 2026:

At the last Council meeting the Deputy Shire President terminated Public Question Time, without debate, after 14 minutes when there were "still quite a lot of questions left". There is no record of this in the minutes. The Shire's 2025 Information Statement states "The allotted public question time during a Council meeting is 20 minutes and may be extended if circumstances require."

The Regulations stipulate that "The minimum time [my emphasis] to be allocated for [public question time] ... is 15 minutes."

Question 1: Will you allow 20 Minutes for Public Question Time in future and what circumstances do you require for it to be extended?

Answer 1: Public Question Time is conducted in accordance with section 5.24 of the *Local Government Act 1995*, Regulations 6 and 7 of the Local Government (Administration) Regulations 1996, and Part 6 of the Shire of Harvey Standing Orders Local Law 2017.

Regulation 6(1) of the Local Government (Administration) Regulations 1996 requires that a minimum of 15 minutes be allocated for the asking of and responding to questions raised by members of the public at an Ordinary Council Meeting. The legislation does not prescribe a maximum period for Public Question Time.

The Shire acknowledges that the 2025 Information Statement incorrectly referred to an allotted Public Question Time of 20 minutes. This reference was inconsistent with the Shire's Standing Orders Local Law and the applicable legislation. This document has since been corrected.

The Shire will continue to comply with the legislative requirement to provide a minimum of 15 minutes for Public Question Time at Ordinary Council Meetings. Any extension of Public Question Time beyond the minimum period will be determined in accordance with clause 6.7(9) of the Shire of Harvey Standing Orders Local Law 2017, which provides that Council may, by resolution, agree to extend Public Question Time.

In considering whether an extension is warranted, regard may be given to matters such as the number of persons wishing to ask questions, the number of unanswered questions remaining, the efficient conduct of the meeting and any resolution of Council to extend the period. The Presiding Member is also responsible for determining Public Question Time procedures in accordance with Regulation 7 of the Local Government (Administration) Regulations 1996.

The Shire's 2025 Information Statement states "Any member of the public attending a Council meeting can ask up to three questions ..." Standing Orders state "Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions." It does not state how many questions a person may ask in total.

Question 2: Will you allow members of the public to ask up to three questions?

Answer 2: No change is proposed to the current arrangements for Public Question Time.

The Shire acknowledges that the 2025 Information Statement incorrectly stated that members of the public could ask up to three questions during Public Question Time. This information was inconsistent with the Shire of Harvey Standing Orders Local Law 2017 and has since been corrected.

Clause 6.7(5) of the Shire of Harvey Standing Orders Local Law 2017 provides that each member of the public with a question is entitled to ask up to two questions before other members of the public are invited to ask their questions. The purpose of this provision is to ensure that all members of the public are afforded an equal and fair opportunity to participate in Public Question Time.

Neither the *Local Government Act 1995* nor the Local Government (Administration) Regulations 1996 prescribe a maximum number of questions that may be asked by an individual member of the public. Regulation 7(3) requires that each member of the public wishing to ask a question be given an equal and fair opportunity to ask a question and receive a response.

Accordingly, the Shire will continue to conduct Public Question Time in accordance with the Standing Orders Local Law and applicable legislation. Any further questions being subject to the time available and the management of Public Question Time by the Presiding Member.

At the last Council meeting the Deputy Shire President said the remaining questions would be “taken on notice and answers provided through the normal course.” This aligns with Standing Orders which state that where a member of the public provides written questions the Presiding Member may elect for the questions to be responded to as normal business correspondence. However, Standing Orders also state “When a question is taken on notice the CEO is to ensure that ... a summary of the response is included in the agenda of the next meeting of the Council.” According to this, as the remaining questions were “taken on notice” they should have been included in the agenda for this meeting.

Because all Council meetings are held in Harvey, a 70km round trip from where the majority of the Shire’s residents live, the President has said she will ask questions on behalf of members of the public. Questions are therefore often submitted in advance. If they are treated as normal business correspondence the purpose of Public Question Time will be defeated and those residents unable to make the trip to Harvey will be denied the opportunity to have their questions on the public record.

Question 3: What were the remaining questions at the last meeting, what were the responses and in future, if questions are submitted in writing in advance and there is no time left, will you publish them and the responses either in the minutes or the agenda of the next meeting?

Answer 3: The remaining questions referred to were submitted to the Shire in writing prior to the July 2026 Ordinary Council Meeting.

In accordance with clause 6.7(6) of the Shire of Harvey Standing Orders Local Law 2017, the Presiding Member of the July 2026 Ordinary Council Meeting elected for those written questions to be responded to as normal business correspondence. Written responses were subsequently provided directly to the members of public who submitted those questions.

As the questions were not asked during Public Question Time and were not taken on notice during the meeting, they were not included in the minutes of the July 2026 Ordinary Council Meeting. The Local Government (Administration) Regulations 1996 require the minutes to include a summary of questions raised by members of the public at the meeting and a summary of the responses provided.

The Shire acknowledges that clause 6.7(3) of the Standing Orders Local Law requires a written response and inclusion of a summary in the agenda of the next Council meeting where a question is taken on notice. However, clause 6.7(6) provides a separate process whereby written questions submitted by a member of the public may, at the discretion of the Presiding Member, be responded to as normal business correspondence.

Ms. Leanne Pettersson asked the following questions at the Ordinary Council Meeting held Tuesday, 28 July 2026:

Question 2: In the 2026–2027 budget forecast, a \$798,000 000 net surplus is forecasted, but this result includes the \$22,270 000 in capital grants, subsidies and contributions. If these grants are delayed and do not eventuate, what would the Shires financial result be? What is the plan to maintain financial sustainability without relying on certain uncertain external grants funding or allowing the underlying position to deteriorate even further?

Answer 2: The \$22.27 million in capital grants, subsidies and contributions included in the 2026–2027 Budget relate to specific capital projects and are recognised in accordance with applicable accounting standards.

If these grants were delayed and did not eventuate during the financial year, the corresponding capital projects would also be deferred or re-phased, as the Shire does not proceed with grant-funded projects without a confirmed funding commitment.

As a result, both the grant income and the associated capital expenditure would be deferred, minimising the impact on the Shire's operating result and cash flow position.

Ms. Julie Whitehead asked the following questions at the Ordinary Council Meeting held Tuesday, 28 July 2026:

I have previously raised the issues with Sienna Grove's trees. There are some dead trees that the Shire has come to remove dead branches from. Some stumps remain and they are not very attractive.

After speaking with one of the Shire Officers, he indicated that the next budget may allow for the removal of these stumps.

Question 2: Is there the possibility of having these trees removed?

Answer 2: Yes. Following an inspection of the trees raised by Ms Whitehead, the Shire's Tree Officer has confirmed that the dead trees identified in Sienna Grove are to be removed.

Works have been scheduled and the Tree Officer will contact Ms Whitehead directly to advise her of the proposed action and timing of the removal works.

The Shire appreciates residents bringing these matters to its attention and will continue to maintain street trees in accordance with its asset management and safety responsibilities.

7. Public Question Time

8. Petitions/Deputations/Presentations

9. Announcements by Presiding Members or CEO Without Discussion

10. Confirmation of Minutes

Ordinary Council Meeting – Tuesday, 28 July 2026.

Recommendation

That the Minutes of the Council Meeting held on Tuesday, 28 July 2026, as published be confirmed as a true and correct record.

11. Receipt of Minutes and Recommendations from Committees

Behavioural Complaint Committee – Tuesday, 4 August 2026.

Recommendation

That the Minutes of the Behavioural Complaint Committee Meeting held on Tuesday, 4 August 2026, as published be received and the recommendations therein be adopted.

Bush Fire Advisory Committee – Monday, 17 August 2026.

Recommendation

That the Minutes of the Bush Fire Advisory Committee Meeting held on Monday, 17 August 2026, as published be received.

CEO Performance Review Committee – Tuesday, 18 August 2026

Recommendation

That the Minutes of the CEO Performance Review Committee Meeting held on Tuesday, 18 August 2026, as published be received and the recommendations therein be adopted.

12. Officer's Reports

12.1. Chief Executive Officer

Item No.:	12.1.1.
Subject:	ARIC Deputy of the Presiding Member Appointment Clarification
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Senior Governance Officer
Authorising Officer:	Chief Executive Officer
File No.:	C082/00005
Attachments:	1. Audit Risk and Improvement Committee Terms of Reference Version 3 Tracked Changed [12.1.1.1 - 4 pages]

Summary

Following advice received from the Department of Local Government, Industry Regulation and Safety (LGIRS) regarding the distinction between a Deputy Presiding Member and a Deputy of the Presiding Member under the *Local Government Act 1995* for the Audit, Risk, and Improvement Committee (ARIC), it has been identified that Council Resolution 26/83 of May 2026 appointed an Independent Deputy Presiding Member, despite the intent of the Officer Report and Council recommendation being for a standby deputy appointment.

This report seeks to align the title with the original intent of both Council and the Committee by amending the appointment from Independent Deputy Presiding Member to Independent Deputy of the Presiding Member for ARIC.

The appointee, term of appointment, remuneration arrangements and functions of the role remain unchanged. This report seeks only to update the statutory title of the position to ensure it accurately reflects Council's original intent and the legislative framework governing ARIC appointments.

Background

At the Audit Committee Meeting held in April 2026, the ARIC Terms of Reference were endorsed (AC26/09), aligning the Committee's structure and governance arrangements with the requirements of the legislative reforms. Section 4 (Membership) of the Terms of Reference, under subsection 4.2, states:

"The Shire can also appoint an independent Deputy Presiding Member".

Following adoption of the Terms of Reference, Shire Officers and Committee Members undertook the recruitment and selection process for the independent ARIC positions. This process resulted in the identification of suitable candidates for appointment as the Independent Presiding Member and the Independent Deputy Member positions.

At the Ordinary Council Meeting held in May 2026, Council considered a report regarding the appointment of independent members to ARIC following the transition from the Audit Committee in accordance with the Local Government Regulations Amendment Regulations (No. 4) 2025. Through Resolution 26/83, Council appointed an Independent Presiding Member and an Independent Deputy Presiding Member for terms expiring in October 2027.

Part 3 of Resolution 26/83 states:

"Authorises the appointment of Candidate One as the Independent Deputy Presiding Member, to preside only in the absence of the Independent Presiding Member."

The report presented to Council outlined the intention that the deputy position operate on a standby basis only, with the appointee not required to attend all meetings and only being called upon to chair meetings in the absence of the Independent Presiding Member. The report further specified that meeting fees would only be payable for meetings attended and chaired by the Deputy.

The report stated:

"...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."

Following the July 2026 ARIC meeting, correspondence was received from the appointed Deputy regarding the distinction between the statutory positions of Deputy Presiding Member and Deputy of the Presiding Member under the *Local Government Act 1995*. To clarify the matter, advice was sought from LGIRS who confirmed the missing preposition 'of' means despite the specific wording of the above resolution and report content the deputy position is not legislatively aligned.

Comment

A review of the May 2026 Council report, recommendation and supporting commentary confirms that Council's intended operating model was for a standby arrangement consistent with a Deputy of the Presiding Member, rather than a Deputy Presiding Member role. While the report consistently described a reserve arrangement, the wording adopted within Resolution 26/83 appointed the candidate as an Independent Deputy Presiding Member. As these positions have different legislative meanings and operational requirements under the *Local Government Act 1995*, the LGIRS advised that any amendment to the appointment must be determined by Council resolution.

Accordingly, this report recommends that Council amend the appointment from Independent Deputy Presiding Member to Deputy of the Presiding Member by inserting the words "of the" to align the appointment with Council's original intent as outlined in the May 2026 Ordinary Council Meeting report and recommendation.

This amendment does not change the appointee, remuneration arrangements, term of appointment, or the functions of the role as previously endorsed by Council. Rather, it ensures the appointment accurately reflects the Deputy role described within the original report and is consistent with the legislative framework governing ARIC membership.

All associated governance documents, appointment records and committee documentation will be updated to reflect the amended title and appointment status. This will include amendments to the ARIC Terms of Reference (**Attachment 1**) and the issuing of an updated appointment letter to the Deputy advising them of the title change.

Statutory/Policy Environment

- *Local Government Act 1995*
- Local Government Regulations Amendment Regulations (No. 4) 2025
- Local Government (Audit) Regulations 1996
- Local Government (Administration) Regulations 1996

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 August meetings.

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 August meetings.

Risk Management

The Risk Theme Profile identified as part of this report is **Failure to fulfil 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.

The risk remains low as Council's original intent was clearly documented throughout the May 2026 report, and the current appointment arrangements have operated consistently with that intent. This report relates to clarification of the statutory appointment title rather than the suitability of the appointee or the operation of the ARIC and is being proactively addressed through this report.

Budget Implications

Nil.

Authority/Discretion

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Receives and notes the advice received from the Department of Local Government, Industry Regulation and Safety confirming that a Deputy Presiding Member and a Deputy of the Presiding Member are separate statutory positions under the *Local Government Act 1995*.
2. Further to Resolution 26/83(3) of the Ordinary Council Meeting held on 26 May 2026, resolves that Candidate One be appointed as the Independent Deputy of the Presiding Member of the Audit, Risk and Improvement Committee, replacing the title of Independent Deputy Presiding Member.
3. Authorises the Chief Executive Officer to issue an updated letter of appointment to the Independent Deputy of the Presiding Member advising of the title amendment and confirming that the role, functions, term of appointment, remuneration arrangements and attendance requirements remain unchanged from those previously endorsed by Council.
4. Authorises the Chief Executive Officer to update all documents, and public information to reflect the amended title to Independent Deputy of the Presiding Member.
5. Endorses the amended Audit, Risk and Improvement Committee Terms of Reference, as **Attachment 1**, to reflect the appointment of an Independent Deputy of the Presiding Member.

Item No.:	12.1.2.
Subject:	Optus Mobile Pty Ltd Lease – Reserve 55071
Proponent:	Shire of Harvey
Location:	Reserve 55071, Lot 501 on Deposited Plan 430802
Reporting Officer:	Contract Administration Officer
Authorising Officer:	Chief Executive Officer
File No.:	F/40/33342
Attachments:	1. Lot 501 on Deposited Plan 430802 – Map [12.1.2.1 - 1 page] 2. Management Order – Lot 501 on Deposited Plan 430802 [12.1.2.2 - 1 page] 3. Optus – Head of Terms – Lot 501 on Deposited Plan 430802 [12.1.2.3 - 10 pages]

Summary

Lot 501 on Deposited Plan 430802, known as Reserve 55071 as outlined in **Attachment 1**, is Crown land newly vested in the Shire of Harvey (Shire) by way of a Management Order (**Attachment 2**) issued by the State Government. The Management Order was created following the excision of a portion of the original reserve by the Department of Planning, Lands and Heritage (DPLH). The Management Order reserves the land for the purpose of telecommunications facilities, with the power to lease for a term not exceeding 21 years.

Following the receipt of the Management Order, Optus Mobile Pty Ltd (Optus) submitted a Head of Terms (**Attachment 3**) seeking the Shire's agreement to enter into a lease agreement over Reserve 55071 for a proposed telecommunication facility known to Optus as Site P1322 Leschenault. The Head of Terms outlines the principal commercial and operational terms proposed by Optus in advance of a formal lease agreement being prepared.

Any proposed commercial lease would constitute a disposal of property once it is presented under section 3.58 of the *Local Government Act 1995*. Through this, an independent market valuation is required to assist Council in determining an appropriate commercial outcome for the Shire. It is therefore through this report recommended that Council consider authorising an independent market valuation to satisfy statutory requirements and authorise the Chief Executive Officer to undertake further negotiations with Optus.

Should negotiations result in acceptable lease terms, a further report will be presented to Council prior to the disposal of property process being undertaken and lease agreement being executed.

Background

In August 2025, Optus approached the Shire seeking to lease Lot 501 on Deposited Plan 430802, Reserve 55071, for the purpose of constructing and operating telecommunications infrastructure.

At the time of the initial request, the land formed part of Crown Reserve 43512 vested in the Shire for cemetery purposes. The reserve purpose did not provide the Shire with the relevant authority to lease the land for telecommunications infrastructure.

Optus advised the Shire that DPLH was undertaking a process to excise a portion of the reserve and create a separate reserve to vest to the Shire for telecommunications infrastructure. Shire Officers (Officers) subsequently advised Optus that the proposal could not be progressed until the excision process had been completed and a new Management Order had been issued and accepted by the Shire.

DPLH has since completed the process and issued a new Management Order vesting Lot 501 on Deposited Plan 430802, comprising an area of 1,086 square metres, in the Shire for the purpose of telecommunication facilities, with the power to lease for a term not exceeding 21 years. The Shire is therefore authorised to consider a lease over the land, subject to the requirements of the *Local Government Act 1995* and the *Land Administration Act 1997*.

Following the receipt of the Management Order, Optus submitted a Head of Terms outlining the proposed commercial and operational terms of a lease agreement.

As the proposed lease would constitute a disposal of property under section 3.58 of the *Local Government Act 1995*, the Shire is required to obtain an independent market valuation and undertake the prescribed public notice process before entering into a lease agreement.

As part of its preliminary assessment, Officers have reviewed publicly available telecommunications lease proposals from other Western Australian local governments. In June 2024, the City of Kalamunda advertised a proposed lease to Optus for approximately 72 square metres of land at an annual rental value of \$21,600 plus GST, with annual increases of 3 per cent. The proposal was supported by an independent market valuation obtained in May 2024, which assessed the market rental value at \$21,600 plus GST per annum.

Comment

The proposed telecommunications facility is consistent with the purpose of Reserve 55071 and has the potential to provide improved telecommunications coverage and network capacity within the Leschenault area. The establishment of telecommunications infrastructure on the reserve is therefore considered an appropriate use of the land in accordance with the Management Order.

Following receipt of the Head of Terms, Officers undertook a review of the document. While the reserve has been specifically created for telecommunications purposes and the proposed lease term is consistent with the authority granted under the Management Order, Officers consider that further assessment of the proposed commercial terms is warranted before any documentation is executed.

Under section 3.58 of the *Local Government Act 1995*, the granting of a lease constitutes a disposal of property. As part of this process, the Shire is required to obtain a market valuation to determine whether the consideration to be received is consistent with the market value and to inform Council's decision making.

As part of its assessment, Officers reviewed publicly available telecommunications lease proposals from other Western Australian local governments. This review identified variations in rental outcomes for comparable telecommunications facilities and highlighted the importance of obtaining an independent market valuation before determining whether the proposed lease arrangements represent an appropriate commercial outcome for the Shire.

Accordingly, Officers do not recommend endorsement of the current Head of Terms presented before Council at this time. Instead, it is recommended that Council authorise the Chief Executive Officer to obtain an independent market valuation of the site and undertake further negotiations with Optus from a more informed position.

Should negotiations result in mutually acceptable terms, a further report will be presented to Council seeking endorsement of the proposed lease arrangement. At that stage, the requirements of section 3.58 of the *Local Government Act 1995*, including public advertising of the proposed disposal, would be undertaken. As the land is Crown land vested in the Shire, any lease would also require the consent of the Minister for Lands pursuant to section 18 of the *Land Administration Act 1997*.

Statutory/Policy Environment

Local Government Act 1995:

- Section 3.58 – refers to the disposal of property, including by way of lease before entering into a lease agreement. The Shire is required to obtain a written valuation of the market value not more than six months old from an independent valuer. The valuation will assist Council in determining whether the consideration proposed under any lease agreement represents an appropriate market outcome for the Shire.

Land Administration Act 1997:

- Section 18 – Reserve 55071 is Crown land vested in the Shire of Harvey for management purposes. Section 18 of the *Land Administration Act 1997* requires the consent of the Minister for Lands before a management body may grant a lease or other interest over Crown land. As such, the proposed lease cannot be executed until Ministerial consent has been obtained.

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 5:</i>	Ensure equitable access to local services, facilities and places.
<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.
<i>Objective 23:</i>	Build partnerships and work collaboratively to amplify positive outcomes that can be achieved.

Community Engagement

Community Participation Goal

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

The community will be informed of Council's decision and the process to be undertaken, including obtaining an independent market valuation and negotiations with Optus. Should a lease proposal proceed, the statutory public notice requirements under the *Local Government Act 1995* will provide further information to the community and invite opportunity for public submissions.

Promise to the Community

Inform: We will keep you informed.

The community will be provided access to documentation through the publication of Council agendas and minutes on the Shire's website. If a lease proposal is recommended to Council, the statutory public notice process required under section 3.58 of the *Local Government Act 1995* will be undertaken.

Risk Management

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

This risk rating is achieved by complying with Section 3.58 of the *Local Government Act 1995* to undertake an independent market valuation and the statutory Public Notice period of 14 days inviting public submissions to be received. Additionally, it is achieved by complying with Section 18 of the *Land Administration Act 1997* to seek ministerial approval prior to executing the proposed Lease agreement.

Budget Implications

The recommendation will require the engagement of an independent valuer to determine the market rental value of the proposed lease area. The cost of obtaining the valuation can be accommodated within the current operational budget.

Should Council approve a lease at a later date, the Shire would receive ongoing lease revenue. In accordance with the Management Order, revenue generated from the reserve must be applied towards the management, maintenance and improvement of the reserve and other reserves within the locality or otherwise managed in accordance with the requirements of the *Local Government Act 1995*.

Authority/Discretion

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Notes the receipt of the Management Order for Lot 501 on Deposited Plan 430802, being Reserve 55071, which authorises the Shire of Harvey to lease the land for telecommunications purposes, subject to the prior approval of the Minister for Lands, for a term not exceeding 21 years as detailed in **Attachment 2**.
2. Not accept the Head of Terms (**Attachment 3**) submitted by Optus Mobile Pty Ltd and authorise the Chief Executive Officer to obtain an independent market valuation of Reserve 55071.
3. Authorise the Chief Executive Officer to negotiate lease terms with Optus Mobile Pty Ltd having regard to the independent market valuation and the Shire's commercial interest.
4. Requests that a further report be brought before Council following the completion of the valuation and negotiations, including recommendations regarding any proposed lease agreement.

12.2. Infrastructure Services

Item No.:	12.2.1.
Subject:	Solar PV and BESS Installation – Leschenault Leisure Centre and Shire of Harvey Works Depot
Proponent:	Shire of Harvey
Location:	Leschenault Leisure Centre and Harvey Works Depot
Reporting Officer:	Waste and Sustainability Officer
Authorising Officer:	Acting Director Infrastructure Services
File No.:	T112026
Attachments:	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 T112026 was advertised on Thursday, 2 July 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 Solar PV and BESS Installation for Leschenault Leisure Centre and Harvey Works Depot.

The Tender closed at 3pm AWST on Tuesday, 28 July 2026, at which time eight submissions were received.

The submissions were 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 Shire has received \$251,500 through the Australian Government's Community Energy Upgrades Fund Round 2 to deliver solar photovoltaic (PV) and battery energy storage system (BESS) upgrades at the Harvey Works Depot and Leschenault Leisure Centre (LLC). The grant funding represents 50% of the total project budget.

The project includes a minimum 40 kWp solar PV system, 120 kWh BESS and associated electrical upgrades at the Harvey Works Depot, and a minimum 120 kWp solar PV system at LLC. The works will reduce electricity consumption and operating costs, lower emissions, and improve energy resilience at two key Shire facilities, including the Works Depot's emergency response capability.

Comment

The Tender sought a suitably qualified contractor to provide a complete turnkey solution, including detailed design, supply, installation, Western Power approvals, commissioning, training, documentation and defects rectification.

Tenderers were required to demonstrate relevant solar PV and BESS experience, technical capability, financial capacity, workplace health and safety systems, appropriate insurances, and compliance with applicable electrical, battery storage and Western Power requirements. Submissions were assessed against weighted criteria to determine best value for money, rather than price alone.

The Contract includes a Western Power approval hold point. Major equipment procurement and construction cannot proceed until connection requirements, any required network augmentation, and associated cost implications have been confirmed and approved by the Shire.

Tender Evaluation

The Tender Evaluation Panel (Panel) included the Coordinator Waste and Sustainability, Manager Waste and Safety Services and Manager Special Projects. The Tender submissions were assessed using the following criteria and weightings.

Evaluation Criteria	Weighting
Contract Price	40%
Relevant experience and expertise	25%
Methodology	20%
Compliance with health and safety requirements	15%
TOTAL	100%

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

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:

<i>Pillar 3 – Place:</i>	A liveable, sustainable and well-designed built environment that is accessible to all.
<i>Objective 12:</i>	Enhance the appearance of public spaces and streetscapes.
<i>Objective 15:</i>	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 award of Tender T112026 for the design, supply, installation, commissioning and handover of solar PV and battery energy storage system works at the Harvey Works Depot and Leschenault Leisure Centre. 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 2026–2027 Budget:

Project	Project Expense Budget	Grants
Leschenault Leisure Centre Photo Voltaic Solar or Alternative Energy System	\$210,000	\$105,000
Harvey Works Depot Battery Energy Storage System	\$298,350	\$150,900
TOTAL	\$508,350	\$255,900

The Shire received the first grant instalment of \$75,450 in 2025–2026, with the remaining grant funds to be received in accordance with the grant agreement as project milestones are achieved. The final grant entitlement will be reconciled and acquitted against the actual eligible project expenditure upon completion of the project.

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 T112026 – Solar photovoltaic and battery energy storage system Installation Leschenault Leisure Centre and Harvey Works Depot to the recommended Tenderer for the Tendered amount detailed within ***Confidential Attachment 1***.
2. Authorises the Chief Executive Officer to finalise and execute the Contract with the successful Tenderer.

Item No.:	12.2.2.
Subject:	Cleaning of Shire Public Barbeques and Public Toilets
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Manager Property Services
Authorising Officer:	Director Infrastructure Services
File No.:	T072026
Attachments:	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 T072026 was advertised on Thursday, 25 June 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 provision of cleaning and associated maintenance services for public toilets and public barbecue facilities located throughout the Shire.

The Tender closed at 3pm AWST on Friday, 24 July 2026, at which time six submissions were received.

The submissions were 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 Shire of Harvey advertised Tender T072026 for the provision of cleaning and associated maintenance services for public toilets and public barbecue facilities located throughout the Shire.

These facilities support community access to parks, reserves, recreation areas and other public spaces and must be maintained in a clean, hygienic, safe and serviceable condition.

The Tender covers 26 electric public barbecue facilities and 16 public toilet facilities across Australind, Leschenault, Treendale, Binningup, Brunswick Junction, Cookernup, Harvey, Myalup and Yarloop. Depending on location and usage, the required servicing frequency ranges from twice weekly to daily.

The principal services included within the Tender are:

- Cleaning and sanitising public toilets, showers, fixtures and surrounding areas.
- Cleaning and operational checking of electric barbecues.
- Removal and appropriate disposal of grease and wastewater.
- Supply and replenishment of specified toilet consumables.
- Inspection and disposal of syringe and sharps containers.
- Removal of litter within 20m of the facilities.
- Cleaning of adjacent hardstand areas, tables and benches.
- Removal of minor graffiti and reporting of more substantial graffiti.
- Identification and immediate reporting of faults, vandalism and public safety hazards.
- Periodic deep cleaning, pressure cleaning and descaling.

The successful contractor will be required to provide all necessary labour, vehicles, equipment, water, cleaning materials and approved chemicals, except for limited items specifically identified as being supplied by the Shire. The contractor must also maintain service records, report operational faults and hazards promptly, provide photographic evidence where required and respond appropriately when a site presents a risk to the public.

Given the public nature of the facilities and the risks associated with chemicals, sharps, biological contamination, manual handling, grease disposal and the internal cleaning of electrically powered barbecues, the Tender includes detailed work health and safety requirements. These include approved Job Safety Analyses or equivalent risk assessments, suitable personal protective equipment, current Safety Data Sheets and safe isolation procedures.

The Tender process was undertaken to appoint a suitably experienced and adequately resourced contractor capable of delivering consistent service standards across the Shire's geographically dispersed facilities. Tenders were assessed against price, relevant experience and references, compliance with the specification and health and safety requirements, and organisational structure, financial capacity and available resources.

Comment

Tender Evaluation

The Tender Evaluation Panel (Panel) included the Manager Property Services, Manager Waste and Safety Services and Coordinator Property. The Tender submissions were assessed using the following criteria and weightings.

Evaluation Criteria	Weighting
Contract Price	40%
Experience in provision of required services and provision of at least three (3) references	25%
Compliance with Tender specification and health/safety requirements	20%
Organisational structure/ financial capacity/resources	15%
TOTAL	100%

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

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 award of T072026 for the cleaning of Shire public barbeques and public toilets. 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 2026–2027 Budget:

Project	Budget Allocation
Public Conveniences – Cost Centre 105103	\$217,000
Parks BBQ Cleaning – Cost Centre 113108	\$70,000
Total	\$287,000

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 T072026 – Cleaning of Shire Public Barbeques and Public Toilets to the recommended Tenderer for the Tendered amount detailed within ***Confidential Attachment 1***.
2. Authorises the Chief Executive Officer to finalise and execute the Contract with successful Tenderer.

12.3. Sustainable Development

Item No.:	12.3.1.
Subject:	Retrospective Application for Development Approval – Transport Depot – Lot 135 (No. 147) Korijekup Avenue, Harvey
Proponent:	Mr I Hines
Location:	Lot 135 (No. 147) Korijekup Avenue, Harvey
Reporting Officer:	Planning Officer
Authorising Officer:	Director Sustainable Development
File No.:	P63/26, C291/01405, A2560
Attachments:	1. Application Information [12.3.1.1 - 5 pages] 2. Site Map [12.3.1.2 - 1 page] 3. Summary of Submissions [12.3.1.3 - 4 pages]

Summary

A retrospective Application for Development Approval has been received for a “Transport Depot” on Lot 135 (No.147) Korijekup Avenue, Harvey (refer **Attachment 1**). The application is referred to Council as Officers do not have delegation to determine an application that has received objections. It is recommended that the application be approved subject to appropriate conditions.

Background

Site Description

Lot 135 (No. 147) Korijekup Avenue, Harvey, is zoned “Priority Agriculture” under the Shire of Harvey’s Local Planning Scheme No. 2 (the Scheme) and is located within 2.5km of the Harvey Townsite. The site is of regular shape with an area of 4.047 ha and is mostly flat with an existing dwelling and two associated outbuildings (**Attachment 2**).

Site History

Shire Officers became aware in February 2026 that the site was being used for the parking of multiple commercial vehicles without having a necessary approval. Subsequent communications with the landowner regarding the unauthorised land use as a “Transport Depot” resulted in the subject application seeking retrospective approval of the “Transport Depot”.

Proposal

The application relates to the construction of a hardstand area on the western portion of the site for the parking of the following vehicles:

- Four prime movers
- Two restoration, collectable prime movers (not road worthy or registered)
- One forklift
- One float
- 13 x trailers
- Six dollies.

The application proposes a 200mm thick hardstand area of approximately 3,600m² for the parking of the above vehicles. The gravel is to be sand-based to allow for proper drainage ensuring stormwater is retained on site. The remainder of the site is currently, and will continue to be, used for the grazing of cattle.

The development does not currently include, nor propose, the storage of any goods or materials on site, associated with the use of the vehicles.

Access to the site is from Korijekup Avenue via a 115m long gravelled driveway with double gates to manage access to the site. With regard to operational matters, the Applicant has provided the following:

- Operating times for vehicle movements will be varied and infrequent. The use will operate all days of the week with vehicle movements restricted to between 6am to 6pm.
- The number of vehicle movements will also be varied, with as few as two movements per week up to ten vehicle movements per week.
- The prime movers can often be away on jobs for periods of 1 to 2 weeks at a time, with two of the four currently being off-site on Cocos Island for the foreseeable future.
- The Transport Depot employs three full-time drivers, one casual driver and one office worker.
- There is to be no more than four 20L drums of engine oil kept on site at any given time.
- There are currently no wash down facilities on site or proposed.
- The yard will be treated annually with dust suppression agent DUST IT.
- A vegetation buffer is proposed along the west, north and east boundaries of the parking area.

Advertising

Pursuant to Clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Deemed Provisions), the application was advertised to surrounding landowners for a period of 14 days concluding on Monday, 25 May 2026. A total of ten submissions were received with three supporting the proposal, six objecting to the proposal and one querying the proposal. A summary of the submissions received is provided in **Attachment 3**.

The main points from the submissions are:

- Road safety concerns in relation to the additional movements of heavy vehicles and suitability of the road network.
- Potential impacts on the amenity of the area through noise, dust, visual and increased traffic.
- Consistency with the relevant planning framework.
- Inconsistency with the rural character of the area.
- Potential for fuel, oil, and chemical spills to contaminate waterways.
- Increased risk of introducing weeds, pests and soil-borne diseases to neighbouring farms.

Comment

Land Use

The land use "Transport Depot" is defined in the Scheme as:

"premises used primarily for the parking or garaging of 3 or more commercial vehicles including:
(a) *any ancillary maintenance or refuelling of those vehicles; and*
(b) *any ancillary storage of goods brought to the premises by those vehicles; and*
(c) *the transfer of goods or persons from one vehicle to another;"*

A commercial vehicle is defined in the Scheme as:

"a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including:
(a) *a utility, van, truck, tractor, bus or earthmoving equipment; and*
(b) *a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a)."*

Transport Depot is an "A" use within the Priority Agriculture zone, meaning that it *"is not permitted unless the local government has exercised its discretion by granting development approval after advertising the application..."*

Advertising

Heavy Vehicle Movements

Public advertising submissions raised concerns regarding the additional heavy vehicle movements and associated impacts, specifically;

- decreased vehicle and pedestrian safety and
- suitability of the existing road network.

Information provided by the Applicant indicates that the maximum anticipated vehicle movements would be, at most, ten per week. The Applicant has also advised that this will vary and that it would often be less when the prime movers are off-site on a job.

A 2023 traffic counter positioned approximately 650m east (between Sixth and Seventh Streets) indicates that approximately 14% of the total traffic (97 of a total of 676 vehicles) was attributed to heavy vehicle classifications 3 – 11 (ranging from two axle truck or bus to double road train) over a one-week period. A maximum of an additional five heavy vehicles (equating to ten vehicle movements) utilising the road over one-week is not considered to adversely affect the capacity or performance of the surrounding road network.

Environmental Impacts

Concerns were raised regarding the impact of fuel, oil or chemical spills on waterways and the risk of introducing weeds, pests, and soil-borne diseases to neighbouring farms.

The surrounding topography is generally flat, and the nearest waterway is almost 2km to the north-east. The Applicant has advised that the vehicles are washed down off-site, and the Scheme allows for ancillary maintenance or refuelling of the vehicles. Notwithstanding, the scale of the use is not likely to result in a notable impact on, or contamination of, stormwater run-off. To ensure stormwater is appropriately managed, approval can include a condition requiring a drainage plan.

There is not likely to be an increase in the risk of weeds, pests or soil-borne diseases being spread to neighbouring farms given the vehicles are washed down off-site.

Amenity Impacts

Public advertising submissions also raised concerns regarding impacts to the amenity from the traffic due to noise and dust. Amenity impacts have been addressed by the Applicant as follows:

- Visual impacts will be addressed by the Applicant's proposal to plant a vegetation buffer around the parking area.
- Dust impacts will be addressed by the Applicant's proposal to treat the hardstand with a dust mitigation product, and vegetation screening will also assist.
- Noise impacts are addressed by the operating hours being restricted to between 6am and 6pm and the minimal vehicle movements.

To reduce noise impacts for neighbouring properties, the Applicant has restricted their vehicle movements to the hours of 6am to 6pm. To ensure potential noise impacts from vehicle movements are suitably mitigated, and for consistency with other previous approvals, an approval can include a condition restricting the operating hours to between the hours of 7am to 7pm Monday to Saturday and 9am to 6pm Sunday.

The low volume of vehicle movements generated by the proposed use, when considered alongside the proposed dust suppression measures, operating hours, and vegetation screening, is not expected to result in unreasonable amenity impacts or detract from the established rural and agricultural character of the area.

Planning Framework

Submissions received also noted concerns relating to the consistency of the use with the planning framework. The following sections provide an assessment of the application against the State and local planning framework.

Shire of Harvey Local Planning Scheme No. 2

The Scheme's objectives for the Priority Agriculture zone are:

- (a) *"To identify land of State, regional or local significance for food production purposes.*
- (b) *To retain priority agriculture land for agricultural purpose.*
- (c) *To limit the introduction of sensitive land uses which may compromise existing, future and potential agricultural production."*

The land use, while not agricultural in nature:

- Does not prevent the existing agricultural use (cattle grazing) continuing on the remaining portion of the site.
- Retains more than 90% of the property for other domestic and agricultural uses.
- Is not a sensitive land use.
- Can be easily removed allowing the land to be reinstated for agricultural use.

Therefore, the use is considered to be consistent with the objectives of the zone.

Greater Bunbury Region Scheme Priority Agricultural Land Policy 2017

The Greater Bunbury Region Scheme Priority Agricultural Land Policy 2017 (GBRS Policy) includes the following relevant objectives:

- Protecting the agricultural base of the Greater Bunbury Region Scheme area from the unplanned loss of high-quality productive agricultural land due to subdivision and/or permanent changes of land use.
- Minimising land use conflicts between agricultural activities and other land uses within, adjacent to, or within close proximity to the identified priority agricultural land areas.
- Ensuring the protection of priority agricultural land is taken into account in assessing development application.

The use will not result in a permanent unplanned loss of agricultural land. The majority of the site will still, or have the capacity to, be used as productive agricultural land. The land use is also one that can easily be ceased and the site reinstated in the future for additional agricultural use.

The scale of the use, minimal vehicle movements, dust mitigation and vegetation screening will ensure the Transport Depot does not prejudice the surrounding land's use for agricultural activities.

Based on the above, it is considered that the Transport Depot use is not inconsistent with the GBRS Policy.

Furthermore, clause 5.13 of the GBRS Policy also refers to development proposals complying with State Planning Policy 2.5 Rural Planning (SPP 2.5), which is discussed in the following section.

State Planning Policy 2.5 Rural Planning (SPP 2.5)

The purpose of SPP 2.5 is to protect and preserve rural land assets through ensuring broad compatibility between land uses. The objectives of the policy as relevant to the proposal are:

- Supporting existing, expanded and future primary production through the protection of rural land, particularly priority agricultural land and land required for animal premises and/or the production of food.
- Providing investment security for existing, expanded and future primary production and promote economic growth and regional development on rural land for rural land uses.
- Avoiding and minimising land use conflicts.

The use does not prevent the balance of the property being utilised for agricultural purposes and is not expected to create a land use conflict. Accordingly, the Transport Depot is not considered to be inconsistent with SPP 2.5.

SPP 2.5 provides that development applications should be determined giving consideration to the matters to be considered as identified in the Planning and Development (Local Planning Schemes) Regulations 2015.

Other matters to be considered (Planning and Development (Local Planning Schemes) Regulations 2015)

Clause 67(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) sets out the matters for which the local government is to have due regard when determining an application. The matters set out in the Regulations as relevant to the application are as follows:

- (a) the aims and provisions of the Scheme, (b) requirements of orderly and proper planning, (c) any approved State planning policy:

The proposal has been assessed against, and is deemed to be consistent with, the Scheme, and SPP 2.5. Furthermore, the application has been assessed by Officers, and a determination recommended in accordance with the principles of orderly and proper planning.

- (m) the compatibility of the development with its setting, (n) amenity of the locality, (p) provision for landscaping:

Given the relatively small scale of the proposed development and that it does not impede the ongoing agricultural use of the property, the proposal is considered compatible with its rural setting. Furthermore, due to the limited scale of the development, any off-site impacts on local amenity and character, including visual impacts, noise, dust and traffic, are expected to be minimal. These impacts can be effectively managed through appropriate dust suppression measures, substantial boundary setbacks and the establishment of vegetation buffers. Accordingly, the development is considered compatible with its setting and is not anticipated to adversely affect the amenity or character of the surrounding area.

- (s) adequacy of the proposed means of access to and egress from the site, (t) amount of traffic likely to be generated:

Given the limited increase in vehicles accessing and utilising the road network as a result of the Transport Depot, and as the roads are already utilised by heavy vehicles, the existing road system is considered to cater for the Transport Depot as proposed. Additionally, as the application only seeks to increase the number of vehicle movements by a maximum of ten per week, the volume of traffic likely to be generated is considered to be insignificant given the current traffic volume along Korijekup Avenue.

- (y) any submissions received on the application:

All submissions received during the public advertising period have been assessed and given due regard, with submissions and Officer comments provided within the Summary of Submissions (refer **Attachment 3**) and further discussion within this report.

The development is therefore considered compliant with the relevant provisions under clause 67 of the Regulations.

Conclusion

The use of the site is considered to be small scale with minimal vehicle movements. Potential off-site impacts are proposed to be mitigated by restricting operating hours, undertaking appropriate dust mitigation measures, providing vegetation screening, stormwater management and washing the trucks offsite. The Transport Depot has been assessed against the relevant planning framework, is considered to be consistent with the principles of orderly and proper planning and meets the relevant requirements and objectives of the planning framework. Therefore, Officers recommend the application be approved, subject to appropriate conditions.

Statutory/Policy Environment

Planning and Development (Local Planning Schemes) Regulations 2015

- Schedule 2 – Deemed Provisions, Clause 64 – Advertising Applications
- Schedule 2 – Deemed Provisions, Clause 67 – Consideration of application by local government

Shire of Harvey Local Planning Scheme No. 2

- Clause 9 – Aims of the Scheme
- Clause 16 – Zones
- Clause 17 – Zoning Table
- Division 2 – Land Use Terms Used in Scheme

Greater Bunbury Region Scheme Priority Agricultural Land Policy 2017

State Planning Policy 2.5 – Rural Planning

Strategic Framework

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

<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 19:</i>	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.

Pursuant to clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015, the application was advertised to nearby landowners for 14 days. Submissions were subsequently summarised for consideration as part of the decision-making process. Submitters are notified of Council's consideration of the application.

Promise to the Community

Inform: We will keep you informed.

Submitters will be notified of Council's determination.

Risk Management

The Risk Theme Profile identified as part of this report is **Inadequate Engagement Practices, Failure to Fulfil Compliance Requirements** and **Providing Inaccurate Advice/Information**.

The Consequence could be **Environmental**, **Reputational** or **Compliance** if the statutory assessment and advertising process is incorrectly followed, nearby affected landowners are not consulted, incorrect advice is given or a condition missed. The risk is considered **Minor** and the likelihood **Unlikely**, given that the statutory process has been followed, nearby landowners were consulted, and the report has been thoroughly researched, peer reviewed and provided by a qualified Shire Officer. This results in a **Low** risk being present.

Budget Implications

Nil.

Authority/Discretion

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Approves the retrospective Application for Development Approval for a "Transport Depot" on Lot 135 (No. 147) Koriyekup Avenue, Harvey, subject to the following conditions:
 - a. The development and/or use shall be in accordance with the attached approved plans, subject to modifications required as a consequence of any condition(s) of this approval. The approved plans shall not be modified or altered without first obtaining approval from the Shire.
 - b. Prior to commencing construction of the hardstand area or within 30 days of the date of this approval (whichever occurs first), a Drainage Plan shall be submitted to, and approved by, the Shire. The Drainage Plan shall provide details and specifications to demonstrate how stormwater runoff from the approved transport depot hardstand area will be contained onsite.
 - c. Prior to construction of the hardstand area being completed or within 90 days of the date of this approval (whichever occurs first), the approved Drainage Plan shall be implemented, and thereafter maintained, to the satisfaction of the Shire.
 - d. The activity shall not include the retail sale, display or hire of goods of any nature from the property.
 - e. The approved commercial vehicles shall, at all times, be parked in the location shown on the approved plan to the satisfaction of the Shire.
 - f. The use of the site is limited to the parking of commercial vehicles only; no storage of goods associated with the transport depot activities is permitted on the site.
 - g. The approved use shall not entail major repairs to, or servicing of, the commercial vehicles associated with the transport depot.

- h. Within 30 days of this approval, a Vegetation Screening Plan shall be submitted to, and approved by, the Shire. The Vegetation Screening Plan shall include the location of the vegetation screen and specify details of the species, number and spacing of plants. Vegetation species shall consist of native vegetation endemic to the area.
 - i. Within 90 days of the Vegetation Screening Plan being approved, all vegetation shown on the approved Vegetation Screening Plan shall be installed and thereafter maintained, to the satisfaction of the Shire.
 - j. The approved use shall be restricted to the operating hours of 7am – 7pm from Monday to Saturday, and 9am – 6pm on a Sunday.
- 2. Advises the Applicant of the following additional requirements that are not included as conditions of the approval:
 - a. The development is required to comply with the Environmental Protection (Noise) Regulations 1997.

12.4. Corporate Services

Item No.:	12.4.1.
Subject:	Corporate Services Policy Review 2026 – Financial Hardship Policy
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Director Corporate Services
Authorising Officer:	Chief Executive Officer
File No.:	F/40/13996
Attachments:	1. Financial Hardship Policy [12.4.1.1 - 4 pages] 2. Existing Policy 2.2.2 Financial Hardships [12.4.1.2 - 4 pages] 3. Tracked Changed Existing Policy 2.2.2 Financial Hardships [12.4.1.3 - 6 pages]

The following additional information is provided in regard to Item 12.4.1 in an addendum.

Following the request from the Council, **Attachment 3** has been included the track changes between the existing adopted Policy (2.2.2) and the proposed new Financial Hardship Policy.

Summary

Council is required to periodically review its Policies to ensure compliance with current legislation and strategic relevance. Officers reviewed the Shire of Harvey's (Shire) Corporate Services Policies and presented the outcome to Council at the July Ordinary Council Meeting on 28 July 2026. The Financial Hardship Policy was not presented for consideration at this time as it was still under review by Shire Officers.

It is recommended that Council accepts the review and adopts the amended Policy 2.2.2 – Financial Hardship Policy as contained in **Attachment 1**.

Background

Council, in accordance with Section 2.7 of the *Local Government Act 1995*, has determined the Shire of Harvey's Policies and has adopted Policy 1.1.1 – Council Policy Guidance, to provide direction around policy responsibilities and reviews. Policy 1.1.1 states that all Policies shall be reviewed at a minimum every three years, and a report presented to Council detailing any proposed changes.

The existing Financial Hardship Policy, which can be found at **Attachment 2**, was created because of the financial impact COVID-19 had on many of the Shire's Ratepayers. The Policy, although workable, lacked clarity around some of the administrative elements of applying the Policy.

Officers have now completely revised the document to remove ambiguity, to be clearer around the Policy's intent and make it more workable from an administrative viewpoint.

Comment

The Financial Hardship Policy has been reviewed by Shire Officers resulting in a rewrite of the document.

Below is a list of the main changes to Policy 2.2.2 – Financial Hardship Policy.

- Removed reference to year rates charged in Scope of Policy.
- Added additional hardship criteria examples.

- Added Shire reserves the right not to offer or approve a subsequent application where a previous application has been denied or cancelled due to non-compliance.
- Added subsection 3.3 Applying for financial hardship, which includes requirements and expectations of application.
- Removed under subsection 3.4 reference to Emergency Services Levy.
- Added subsection 3.5 Interest charges and payment arrangement fees, which includes the Shire reserves the right to waive interest charges.
- Removed subsection titled Deferment of rates as it confuses applicants who are not concession holders. Concession holders are managed outside of this policy.
- Subsection 3.6 Debt recovery has been reworded to remove ambiguity.
- Added subsection 3.7 Ratepayer's commitment to the Shire – to outline the Shire's expectation of the applicant.
- Subsection 3.8 Review has been reworded to identify ratepayer's right of appeal.
- Added subsection 3.10 non-compliance, to provide mechanism for cancellation of the agreed payment arrangement due to non-compliance.

Statutory/Policy Environment

Local Government Act 1995 Section 2.7(2)(b) – A role of the Council is to determine the Local Government's Policies.

Shire of Harvey Policy 1.1.1 – Policies shall be reviewed at a minimum every three years and a report presented to Council detailing any proposed changes.

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.

Council agenda and minutes are made available to the public. Adopted Policies are included on the Shire's web site for public viewing.

Promise to the Community

Inform: We will keep you informed.

Council agenda and minutes are made available to the public. Adopted Policies are included on the Shire's web site for public viewing.

Risk Management

The Risk Theme Profile identified as part of this report is a ***Failure to Fulfil Compliance Requirements***. The Consequence could be ***Compliance*** or ***Reputation*** if the Policies are not reviewed and kept current. The risk is considered ***Minor*** and the likelihood ***Unlikely***, given the Policies have been thoroughly researched, peer reviewed and provided by a qualified Shire Officer, resulting in a ***Low*** risk being present.

Budget Implications

Nil.

Authority/Discretion

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council adopts the amended Shire Policy 2.2.2 – Financial Hardship Policy, as contained in ***Attachment 1***.

Item No.	12.4.2.
Subject:	Payments July 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 July 2026 [12.4.2.1 - 26 pages]

Summary

A listing of payments for goods and services for July 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 July 2026 is presented as **Attachment 1**, as summarised below.

<u>Voucher</u>	<u>Amount</u>
Schedule of Accounts	
Municipal CP.61.1 – CP.65.160	\$ 3,159,325.10
117757	\$ 45.90
CBA Credit Cards	\$ 8,737.48
Electronic Funds Submitted/Direct Debits	\$ 2,398,488.01
Total	\$ 5,566,596.49

Purchasing Card Payments included in the Municipal payments above

AMPOL Fuel Card	\$ 5,341.67
BP Fuel Card	\$ 9,374.44
Puma Fuel Card	\$ 174.15
Total	\$ 14,890.26

Statutory/Policy Environment

Local Government Act 1995

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

Local Government (Financial Management) Regulations 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:

<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.

Community Engagement

Community Participation Goal

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

A report is brought to Council each month with an Attachment detailing 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

Most of the payments listed above have been budgeted for in the Shire's 2025–2026 Annual Budget and some of the payments listed above have been budgeted for in the Shire's 2026–2027 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 July 2026 totalling \$5,566,596.49.

12.5. Community and Lifestyle

Nil.

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

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

That Council requests the Chief Executive Officer to prepare a report for Council consideration addressing:

1. The legislative process required to seek deregulation of retail trading hours within the Shire of Harvey under the *Retail Trading Hours Act 1987*.
2. The consultation requirements and approval processes associated with any application to the State Government.
3. The retail trading arrangements currently applying within the Shire of Harvey and a comparison with neighbouring local governments including Bunbury and Dardanup.
4. The potential economic, social, tourism and employment impacts of deregulation on the Shire of Harvey.
5. Feedback from local businesses, shopping centre operators, community organisations and residents regarding full deregulation.
6. Recommendations on whether Council should proceed with an application to the State Government for deregulation of retail trading hours.

Reason for this Motion

The Shire of Harvey has experienced significant population and commercial growth, particularly within the Australind and Treendale areas. While the Shire currently operates under extended trading-hour exemptions, neighbouring local governments have adopted fully deregulated trading arrangements.

An investigation would provide Council and the community with information regarding the advantages, disadvantages and implications of full deregulation before any decision is made on whether to pursue an application to the State Government.

The proposed investigation also aligns with the Shire's Economic Development Strategy, *We Are Forward 2031*, which identifies lagging CBDs not adapting quickly enough to changing consumer behaviours and retail trends as a weakness, and supports creating a business-friendly environment by reducing barriers for businesses and activating CBDs and main streets. It also supports Council Plan Objective 20 to "create a business-friendly environment to support and attract investment, competition and productivity".

Outcome Sought

To enable Council to make an informed decision on whether seeking full deregulation of retail trading hours would be in the best interests of the Shire of Harvey and its residents, businesses and visitors.

Officer Comment

Retail trading hours are regulated under the *Retail Trading Hours Act 1987*.

Section 12E. (1) Variation of trading hours: provides that the Minister may by order vary the trading hours of retail shops by:

(b) requiring retail shops to be closed at a time or times when the shops would otherwise not be required to be closed under section 12(1) or (3), 12B or 12D; or authorising retail shops to be open at a time or times when the shops would otherwise be required to be closed under any of those provisions.

All other local governments in the Greater Bunbury area have deregulated retail trading hours as listed below:

- City of Bunbury
 - o Trading hours deregulated (no restrictions on opening & closing hours, outside of restricted days)
 - o General retail shops must remain closed on Christmas Day, Good Friday and ANZAC Day.
- Shire of Capel
 - o Unrestricted daily trading (no limitations on trading hours or public holiday opening).
- Shire of Dardanup
 - o Unrestricted daily trading (no limitations on trading hours or public holiday opening).

Retail trading hours in the Shire of Harvey have been amended for some areas, however, remain more restrictive than the other local governments in the Greater Bunbury area.

Shire of Harvey current trading hours

Australind and Treendale Shopping Centres and Mardo Commercial Complex;

- Trading from 7.00am to 8.00pm Monday, Tuesday, Wednesday and Friday,
- From 7.00am to 9.00pm on Thursdays and
- From 8.00am to 6.00pm on Saturdays and Sundays, including on public holidays.
- General retail shops must remain closed on Christmas Day, Good Friday and ANZAC Day.

Applications for unrestricted retail trading hours

Applications to vary retail trading hours must be made to the Minister for Local Government, Industry Regulation and Safety (LGIRS).

Advice provided by the Department of Local Government, Industry Regulation and Safety (DLGIRS) is that if Council is considering an application to deregulate retail trading hours, it should consult with the local community, local retail traders and retail trade associations prior to making any application.

The key criteria for an application to vary trading hours is to demonstrate that consultation has been undertaken and that the proposal has broad support within the local community and Council.

The consultation should include the local community, business and tourism interests and local members of state parliament.

Potential impacts of deregulation

While it may be difficult to accurately quantify the potential economic, social, tourism and employment impacts of full deregulation, there is some evidence that the current restrictions are preventing some businesses from operating to their full potential. For example, the Treendale Bunnings store currently has restrictions on the type of products that they are able to sell due to their certification as a special retail shop.

In relation to some retail shops and the restrictions on the types of goods they can sell, some shops apply to be certified as a special retail shop, which allows the shop to open between 6am and 11.30pm every day of the year but restricts it to only selling goods prescribed for their category of special retail shop.

If a shop does not hold a Special shop certificate, they are considered to be a general retail shop and can sell any type of goods, other than motor vehicles, but can only trade general retail trading hours. For shops within the Treendale complex would be 7am to 8pm Monday, Tuesday, Wednesday and Friday, 7am to 9pm Thursdays and from 8am to 6pm Saturdays, Sundays and public holidays.

A variation of trading hours would apply to all general retail shops. If the variation provides for additional hours that would render a certificate ineffective, such as deregulating trading hours, a special retail shop could cancel their certificate and operate as a general retail shop, broadening the range of goods able to be sold at the shop.

Other

Objective 20 of the Shire's Council Plan to support and attract investment, competition and productivity is achieved by implementation of the Shire's Economic Development Strategy (Strategy). The Strategy aims to facilitate a business-friendly environment via clear policies, streamlined approvals, and reducing barriers for businesses. The proposal has the potential to support elements of the Council Plan and Economic Development Strategy, however the extent of any economic benefit would require further assessment.

The consultation process is likely to be extensive, resource intensive and determining the potential economic, social, tourism and employment impacts of deregulation may require advice or assistance from an external consultant.

Officers suggest that the process be staged with the first report to Council addressing the:

- Legislative requirements.
- Consultation requirements, methodology, and costs.
- Costs associated with determining the economic, social, tourism and employment impacts of deregulation.

If the outcome of the above is acceptable, the proposal could progress with the second report to Council addressing the:

- Consultation outcomes.
- Economic, social, tourism and employment impacts of deregulation.
- Recommendation on whether to proceed with an application to deregulate retail trading hours.

14. Notice of Motion for Following Meeting

15. Reports of Members

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

17. Matters Behind Closed Doors

Nil.

18. Closure of Meeting