SHIRE OF HARVEY

Agenda Briefing Session
Agenda

Harvey Council Chambers
Tuesday, 20 October 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, 20 October 2026 commencing at 4pm.

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

Yours faithfully,

Tony Nottle
Chief Executive Officer (Temporary)

16 October 2026

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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

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:	**Council Plan Quarterly Report Quarter One 2026–2027**
Proponent:	**Shire of Harvey**
Location:	**Shire of Harvey**
Reporting Officer:	**Council Planning and Reporting Officer**
Authorising Officer:	**Chief Executive Officer**
File No.:	**F/08/00058**
Attachments:	1. Council Plan Quarterly Report Quarter One 2026–2027 [**5.1.1.1** - 96 pages]

Summary

The Council Plan Quarterly Report, Quarter One 2026–2027 (refer ***Attachment 1***) is presented to Council.

The Integrated Planning and Reporting Framework and Operational Guidelines (2016) issued by the Department of Local Government, Industry Regulation and Safety (LGIRS) state that it is best practice for local governments to report quarterly progress against a Local Government's key guiding documents.

Background

Section 5.56(1) of the *Local Government Act 1995 (*Act*)* requires all Local Governments to have a plan for the future of the district, and under the Local Government (Administration) Regulations 1996, all Local Governments are required to have adopted key strategic documents that meet a series of requirements. The Shire's key strategic documents are the Shire's Council Plan 2025–2035 and the Shire's Service Plans 2026–2027. These documents are supported by informing strategies and together, these documents drive the development of the Shire's Annual Budget.

The Integrated Planning and Reporting Framework and Operational Guidelines (2016) issued by the Department of Local Government, Industry Regulation and Safety (LGIRS), which guides the strategic planning process, require that regular monitoring and reporting of these plans are undertaken. Quarterly updates form part of this key reporting process.

The Shire's Council Plan 2025–2035 sets out the actions and services the Shire aims to deliver, with key actions noted for the next four years toward achieving the goals and objectives of the ten-year Council Plan. The Council Plan and Service Plans are reviewed and updated as needed every year, with progress and achievements reported in the Annual Report.

The Shire's Service Plans 2026–2027 were endorsed, and the Council Plan 2025–2035 (Reviewed 2026) adopted, by Council on Tuesday, 28 July 2026.

Comment

The Council Plan Quarterly Report is designed to provide information on the progress and milestones of key actions and services in the Shire's Council Plan 2025–2035 and the Shire's Service Plans 2026–2027.

The actions contained in the Council Plan Quarterly Report, Quarter One 2026–2027 include actions that are to be progressed or are set to commence in the 2026–2027 financial year.

Actions that are not set to be commenced or budgeted for in the 2026–2027 financial year have not been included in this report.

Each action is presented with progress status, where applicable, a percentage completed range, and commentary. The report also displays information on the Key Performance Indicators (KPI) from each service within the Shire Service Plans. Each KPI is displayed with the Service, KPI Title, KPI Target, Figure, and where required, commentary is provided.

Quarter One of 2026–2027 saw the Shire progress a number of key community projects and strategic initiatives. Council adopted the reviewed Council Plan 2025–2035 and endorsed the Service Plans 2026–2027 in July, along with the outcomes of the statutory review of the Shire's 14 local laws. The Long Term Financial Plan was adopted in September.

Infrastructure delivery continued, with the Galway Green irrigation upgrade completed, construction under way on the Virgo Brace playground, the contract awarded for the Old Coast Road-Collie River Bridge fishing platform, and contracts awarded for solar and battery storage at the Leschenault Leisure Centre and Harvey Works Depot. The Leschenault Volunteer Bushfire Brigade facility upgrade neared completion, and new universally accessible amenities opened at Meriden Park.

The Shire's Reconciliation Action Plan was endorsed by Reconciliation Australia in August, the second Harvey Heritage Festival was delivered in September, and new heritage walk and drive trails were launched in Brunswick Junction.

Quarter One Summary

Of the 124 Actions reported against:

- 2.42% are 'Completed'.
- 75.81% are 'In Progress'.
- 0% are 'Behind Schedule'.
- 6.45% are 'On Hold'.
- 0.81% are 'Future Commencement'.
- 14.52% are 'Not Commenced'.

Progress status	Description	Number	Percentage
Completed	The project or action has been completed.	3	2.42%
In Progress	The project or action has started and is in progress.	94	75.81%
Behind Schedule	The project or action has started, but work is behind schedule.	0	0%
On Hold	The project or action has started, but work has stalled and has been put on hold.	8	6.45%
Future Commencement	The project or action is not due to start until a future financial year.	1	0.81%
Not Commenced	The project or action has not yet started but is still expected to start in the current financial year.	18	14.52%
TOTAL		**124**	**100%**

Statutory/Policy Environment

Section 68 of the *Local Government Amendment Act 2023* amended the *Local Government Act 1995* by replacing former section 5.56 (Planning for the Future) with section 5.56 (Council Plan). The amended Act establishes the Council Plan as the principal strategic planning document for local governments and requires it to be prepared, published, reviewed and modified in accordance with the regulations.

While the supporting Council Plan Regulations are yet to commence, local governments continue to have regard to the Integrated Planning and Reporting requirements prescribed under regulations 19C and 19DA of the Local Government (Administration) Regulations 1996.

These requirements recognise the need for integrated strategic planning, resource planning and operational planning to support the delivery of Council's strategic objectives.

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.

No feedback is required for the Quarterly Report however, the actions within the report were derived from the Shire's Council Plan, which was created following extensive community consultation.

Promise to the Community

Inform: We will keep you informed.

The Shire of Harvey Council Plan Quarterly Report, Quarter One 2026–2027 will be published on the Shire's website.

Risk Management

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

Budget Implications

The information contained within this report and future quarterly and annual reports are used to inform the budgeting process.

Authority/Discretion

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council receives the Shire of Harvey Council Plan Quarterly Report, Quarter One 2026–2027 as included in ***Attachment 1***.

Item No.:	**5.1.2.**
Subject:	**South West Country Zone Meeting Minutes August 2026**
Proponent:	**Shire of Harvey**
Location:	**Shire of Harvey**
Reporting Officer:	**Senior Governance Officer**
Authorising Officer:	**Chief Executive Officer**
File No.:	**F/40/26270**
Attachments:	1. Minutes South West Country Zone August 2026 [**5.1.2.1** - 26 pages]

Summary

Minutes from the Friday, 21 August 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 (SWCZ) meeting held on Friday, 21 August 2026 are contained within ***Attachment 1*** for Council's consideration, and it is recommended that they be noted by Council.

This meeting was hosted by the Shire of Harvey. Shire President Campbell provided a presentation to the participants on Harvey projects and key initiatives.

At this meeting the following presentations and items were discussed:

- Polyphagous shot-hole borer
- Zone Constitution
- Innovative Industries of the Future (IIF) Conference
- South West FOGO Processing

The next meeting of the SWCZ will be held on Friday, 20 November 2026 at the Shire of Capel.

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, 21 August 2026 in ***Attachment 1***.

Item No.:	**5.1.3.**
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. Optus Mobile Pty Ltd - Head of Terms - Shire of Harvey [**5.1.3.1** - 10 pages]

Summary

Council is requested to consider revised Heads of Terms (Terms) (***Attachment 1***) for a proposed telecommunications lease between the Shire of Harvey (Shire) and Optus Mobile Pty Ltd (Optus) over Reserve 55071, Lot 501 on Deposited Plan 430802 (reserve).

The proposed Terms are considered to represent an appropriate outcome for the Shire and provide the basis for preparation of a formal lease agreement.

Should Council endorse the Terms, Officers will proceed with the preparation of lease documentation and undertake all statutory approvals including the public notice process under section 3.58 of the *Local Government Act* 1995 and obtaining Ministerial approval, prior to execution of any lease agreement.

Following receipt of the valuation, Officers undertook negotiations with Optus regarding the proposed rental amount, annual rent reviews and the treatment of rates and outgoings. Revised Heads of Terms have subsequently been submitted for Council's consideration. However, these continue to exclude the Shire's proposed provision for the recovery of any rates lawfully imposed during the lease term. Officers recommend that further negotiations be undertaken to address this matter prior to finalisation of the Heads of Terms.

Background

At the Ordinary Council Meeting (OCM) held on Tuesday, 25 August 2026 (August OCM), Council considered a request from Optus to lease the reserve for telecommunications purposes. The proposed lease area is outlined in Attachment 12.1.2.1 from the August OCM and is located on Old Coast Road near the Australind Cemetery carpark.

Council resolved to not accept the initial Heads of Terms submitted by Optus and directed the Chief Executive Officer (CEO) to obtain an independent market valuation of the proposed lease area (Resolution 26/170).

Council also authorised the CEO to negotiate lease terms having regard to the independent valuation and the Shire's commercial interests and requested that a further report be presented to Council following completion of the valuation and negotiations.

In accordance with Council's resolution, an independent market valuation was commissioned and undertaken to determine the market rental value of the proposed lease area.

Comment

Independent Market Valuation

Licenced valuer, PWE Consultants & Valuers, Andrew Mill, was engaged to determine the market rental value of the proposed leased area.

The valuation assessed the market rental value of the proposed telecommunications lease area at $16,000 per annum plus GST. In determining market rental value, the valuer considered the location and characteristics of the site, the proposed lease area, the intended telecommunications use and relevant market evidence.

The key findings of the valuation have been summarised within this report and have been used as the basis for subsequent negotiations with Optus.

Lease Negotiations

Following receipt of the valuation, negotiations were undertaken with Optus. As a result of those negotiations, Optus submitted revised Terms incorporating a commencing annual rental of $16,000 plus GST, aligning with the independently assessed market rental value.

The revised Terms provide for a lease term of 20 years, an initial rent of $16,000 plus GST, annual rent reviews of 3%, market rent reviews at five-year intervals and use of the premises for telecommunications infrastructure and associated equipment.

The proposed rent is considered to represent market rental value and addresses Council's previous concerns regarding the commercial terms of the proposed lease.

During negotiations, Officers also sought to amend the proposed lease terms to address the treatment of rates and charges. While the land is not currently rateable, Officers proposed the inclusion of a clause providing that, should the land become rateable during the lease term, any rates lawfully imposed would be recoverable from Optus. Optus has advised that its standard commercial position is for the annual rental to be inclusive of all rates, charges and outgoings, excluding electricity, and has indicated that it is unwilling to depart from this arrangement.

Officers do not support the inclusion of potential future rates within the agreed annual rental, as the Shire wishes to preserve its ability to apply to the Valuer General for the land to be assessed as rateable and, where legally permissible, charge rates. Accordingly, Officers recommend that Council authorise the CEO to undertake further negotiations with Optus to secure the inclusion of a clause requiring the lessee to meet any rates lawfully imposed during the lease term, notwithstanding Optus' stated position.

The CEO will ensure that the formal lease agreement is consistent with the commercial terms endorsed by Council, complies with all applicable legislative requirements, and adequately protects the Shire's interests and operational needs. Any material departures from the endorsed terms will be referred back to Council for further consideration prior to execution of the agreement.

Land Tenure

The reserve is vested in the Shire for telecommunications purposes. The Management Order authorises the Shire to lease the land for a term not exceeding 21 years, subject to the prior approval of the Minister for Lands under Section 18 of the *Land Administration Act 1997*.

Statutory Requirements

It should be noted that acceptance of the Heads of Terms does not constitute approval or execution of a lease agreement. The Heads of Terms are intended to establish the principal commercial terms to enable preparation of a formal lease agreement.

Before any lease can be entered into, the Shire will be required to satisfy all relevant statutory requirements, including obtaining the prior approval of the Minister for Lands.

In addition, Section 3.58 of the *Local Government Act 1995* applies to the proposed lease. Prior to entering into a lease agreement, the Shire is required to undertake a local public notice process for a minimum period of 14 days and consider any submissions received during the advertising period.

Should Council support the Heads of Terms, Officers will, in conjunction with Optus' legal representatives, prepare a formal lease and undertake the required statutory approval processes before the lease is executed.

Statutory/Policy Environment

Local Government Act 1995:

- Section 3.58 – refers to the disposal of property, including by way of lease before entering into an agreement. The Shire is required to obtain a written market valuation from an independent valuer, with the valuation being no more than six months old.

- The valuation will assist Council in determining whether the consideration proposed under the lease represents an appropriate market outcome for the Shire. Before entering into a lease agreement, the Shire is also required to undertake a local public notice process for a minimum period of 14 days and consider any submissions received during the advertising period.

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:

Pillar 1 – People:	A safe, accessible and connected community where everyone has the opportunity to contribute and belong.
Objective 5:	Ensure equitable access to local services, facilities and places.
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.
Objective 23:	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 with Optus. Should a lease 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. In addition, 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 proposed lease will generate rental income of $16,000 per annum plus GST and include rent reviews of 3% fixed increase annually on the anniversary of the commencement date. A market rent review will be undertaken at the expiry of each five-year term.

The cost of obtaining the independent valuation has been met from the 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:

1. Notes the independent market valuation undertaken in relation to Reserve 55071, Lot 501 on Deposited Plan 430802, and the summary of the valuation provided within this report.

2. Endorses in principle the commercial terms contained in the revised Heads of Terms (***Attachment 1***) submitted by Optus Mobile Pty Ltd, subject to the successful negotiation of a provision requiring the lessee to pay any rates lawfully imposed on the leased premises during the lease term, in addition to the agreed annual rental.

3. Authorises the Chief Executive Officer to:

    a. Undertake further negotiations with Optus Mobile Pty Ltd regarding the treatment of rates and outgoings, consistent with clause 2 above.

    b. Finalise and execute the Heads of Terms on behalf of the Shire of Harvey, provided the negotiations are consistent with the intent of Council's resolution.

c. Prepare and negotiate a formal lease agreement substantially in accordance with the endorsed Heads of Terms, including any amendments necessary to give effect to the agreement, ensure compliance with applicable legislative requirements, and adequately protect the Shire's interests and operational requirements.

d. Undertake the statutory public notice process in accordance with section 3.58 of the *Local Government Act 1995*.

e. Seek Ministerial approval as required under section 18 of the *Land Administration Act 1997*.

f. If submissions are received during the statutory public notice period, or negotiations result in a material departure from the commercial terms endorsed by Council, present a further report to Council for consideration.

4. Should no departures or submissions be received, authorises the Chief Executive Officer and Shire President to execute the formal lease agreement, including signing and affixing the Common Seal.

Item No.	**5.1.4.**
Subject:	**Council Meeting Schedule November 2026 to October 2027**
Proponent:	**Shire of Harvey**
Location:	**Shire of Harvey**
Reporting Officer:	**Senior Governance Officer**
Authorising Officer:	**Chief Executive Officer**
File No.:	**CC/C/001**
Attachments:	1. 2026–2027 Ordinary Council Meeting Schedule [**5.1.4.1** - 1 page] 2. 2026–2027 ARIC Meeting Dates [**5.1.4.2** - 1 page] 3. Policy 1.1.6 - Council Meeting Framework Updated [**5.1.4.3** - 13 pages]

Summary

Council is required to adopt the Council Meeting Schedule (***Attachment 1***) and the Audit, Risk and Improvement Committee (ARIC) Meeting Schedule (***Attachment 2***) for the period November 2026 to October 2027.

This report also presents a comprehensive review of Council Policy 1.1.6 – Council Meeting Framework (***Attachment 3***), which includes the addition of a Council Report Review Session.

This report's recommendation also includes:

- Endorsement of the proposed meeting times for Council engagements.
- Authorisation for the publication and advertising of the adopted meeting schedules in accordance with legislative requirements.
- Authorisation for updates to the Shire of Harvey's (Shire) website to reflect the adopted Framework and associated governance information.

Background

At its Ordinary Council Meeting held on Tuesday, 28 October 2025, Council approved its meeting dates through to Tuesday, 27 October 2026.

The meeting cycle generally commenced on the third Tuesday of each month in accordance with the existing Policy (***Attachment 3***). A variation to the standard meeting dates is usually proposed for December to accommodate the Christmas and New Year public holiday period.

At its Ordinary Council Meeting on Tuesday, 28 July 2026, Council considered a Notice of Motion relating to the provision of Agenda Briefing documentation to Councillors. While the original motion was not carried, Council resolved the following alternative motion:

> *"That the Ordinary Council Meeting reporting cycle be brought to the September Concept Forum for workshopping." (Resolution 26/158)*

As part of the Concept Forum on Tuesday, 15 September 2026, a workshop was held involving Councillors, the Executive Leadership Team and the Governance team. The workshop considered a range of matters associated with the current Council Meeting cycle.

The outcome of the workshop is outlined in the Comment section below and has informed the proposed meeting framework and meeting schedule presented in this report and form part of Council's consideration of its meeting cycle for the forthcoming reporting period.

At the Ordinary Council Meeting held on Tuesday, 22 September 2026, Council also resolved to request the Chief Executive Officer (CEO) investigate and report back to Council on suitable temporary venue options within the Australind area for the conduct of Agenda Briefing Sessions and Ordinary Council Meetings during the reconstruction of the Australind Council Chambers (Resolution 26/193).

Council requested that the report be presented to the November 2026 Ordinary Council Meeting, with any approved changes to be enacted as part of the 2027 Council Meeting Schedule. As a result, Council's consideration of the proposed 2027 meeting schedule will also need to take into account the outcomes of the venue investigation and any decision regarding the future location of Council meetings.

Comment

Summary and Outcome of the September Concept Forum Workshop

During the workshop, Council, the Executive Leadership Team and the Governance team reviewed the current Council Meeting Framework and considered a range of options aimed at improving Councillors' access to information and supporting informed decision-making. The workshop examined the current reporting cycle, meeting history, Agenda volumes, meeting durations, recurring reporting obligations and opportunities to strengthen engagement between Councillors and Officers prior to formal decision-making.

A key theme of the workshop was the increasing volume and complexity of Agenda material presented to Council and the desire for Councillors to have greater opportunity to seek clarification and better understand reports before matters are determined at an Ordinary Council Meeting. While Officers advised that significantly bringing forward Agenda publication was not operationally sustainable due to the reporting, review and quality assurance processes required to prepare Council Agendas, Council expressed a preference for receiving Agenda papers as early as practicable.

As a result of the discussions, it was agreed that the Administration would endeavour to publish Agenda Briefing Agendas and attachments on the Thursday preceding the Agenda Briefing Session, rather than the current Friday publication. This arrangement will be trialled through to the end of the 2026 calendar year to determine its operational feasibility before any permanent change is considered. It was noted that report preparation and governance review processes are already largely structured around a Thursday completion timeframe, however executive review and approval requirements can occasionally affect publication timeframes.

Councillors also discussed the introduction of an additional public Council Report Review Session immediately prior to each Ordinary Council Meeting. This session is proposed to commence at 2.30pm and conclude at 3.30pm before the commencement of the Ordinary Council Meeting at 4pm. The purpose of the session is to provide Councillors with a final opportunity to seek clarification regarding matters contained within the Council Agenda. While the session would be open to the public and livestreamed, it would not include public participation, deputations or debate. Rather, it would be limited to Councillor questions and Officer answers, to assist Councillors in understanding Agenda content before formal consideration by Council.

To support this approach, attendance at Agenda Briefing Sessions and Council Report Review Sessions will be determined by the CEO, having regard to the nature, complexity and significance of the matters to be considered. Where requested by the CEO, relevant Officers may be required to attend to provide a summary of their report and respond to Councillor questions.

Where an Officer is not in attendance, the CEO may refer questions to the relevant Director, who will be responsible for providing appropriate clarification and responses on behalf of the Administration.

During the workshop, Councillors considered a number of alternative meeting cycle models, including a framework that spreads Council activities across three Tuesdays each month. Councillors indicated a preference not to increase the number of Council engagement days and instead requested that Council activities remain concentrated across the final two Tuesdays of each month. This approach recognises that longer meeting days and a greater number of commitments may be required on those days but was considered preferable to extending Council obligations across additional weeks.

To accommodate workshops, training sessions and committee requirements, it was proposed that the second Tuesday of each month be reserved for committee meetings and workshop activities as required. This may include budget workshops, strategic planning discussions, major infrastructure projects, capital works planning, external facilitator sessions and other activities that require Councillor participation outside the usual Council meeting cycle.

The September workshop also identified opportunities to improve the quality and accessibility of information presented to Councillors. The CEO committed to continuing improvements to report writing standards, with a stronger focus on concise and informative report summaries and clearer presentation of key information. Councillors were advised that report writing training is currently being developed by the Governance team and will be delivered across the organisation to support more consistent and effective reporting practices.

Proposed Meeting Schedule for November 2026 to October 2027 and Variations

As contained in ***Attachments 1 and 2*** and included in the recommendation below, the dates for this period are outlined.

Despite the specified schedule, the Policy makes provisions for the standard meeting schedule to be varied by a decision of Council. The following variations are proposed to the standard meeting cycle schedule:

Month	Meeting	Variation Date	Reason
December 2026	Agenda Briefing and Concept Forum	Tuesday, 8 December 2026	This meeting cycle will commence on the second Tuesday of the month to avoid the Ordinary Council Meeting falling on the week of Christmas. The standard meeting cycle would result in the Ordinary Council Meeting being held on Tuesday, 22 December 2026. This would have the Meeting too close to Christmas closure.
	Ordinary Council Meeting	Tuesday, 15 December 2026	
January 2027	Ordinary Council Meeting	Wednesday, 27 January 2027	The usual meeting date of Tuesday, 26 January 2027 is a State Public Holiday for Australia Day which means the Ordinary Council Meeting will need to be held on the following business day.

Amendment to Policy 1.1.6 – Council Meeting Framework

This Policy has undergone a comprehensive review and redevelopment. Due to the extent of the proposed changes, Version 4 of the Policy has been substantially rewritten and does not retain the structure or content of the current Version 3 Policy.

For this reason, a track-changes version of the Policy has not been provided. Instead, the current Version 3 Policy is included as an attachment for reference purposes, together with a clean copy of the proposed Version 4 Policy as contained in ***Attachment 3***.

The Policy has been expanded to provide a more comprehensive governance framework for Council meetings and related engagements. In addition to establishing meeting locations and the annual meeting schedule, the revised Policy introduces detailed guidance regarding:

- Council meeting locations and the process for determining and advertising meeting venues.
- Definitions and purposes of Council meeting types.
- Council Meeting Schedule and meeting cycle framework.
- Applicable statutory and governance requirements under the *Local Government Act 1995*, Local Government (Administration) Regulations 1996 and the Shire's Standing Orders Local Law.
- The role, purpose and governance framework for Council committees and advisory groups.
- Participation and conduct expectations for Council Members and Officers.

The revised Policy provides a clearer, more transparent and comprehensive framework for the structure of Council meetings, while incorporating the outcomes and direction identified through the September 2026 workshop process.

Addition of Council Report Review Session

The new Council Report Review Session is added as part of the Council Meeting framework (see ***Attachment 3***).

The Council Report Review Session will be held immediately prior to each Ordinary Council Meeting and will provide Councillors with a final opportunity to seek clarification on Agenda items, addendums and responses to questions previously taken on notice. The session is intended to support informed decision-making immediately before formal debate and voting occurs.

Unlike an Agenda Briefing Session or Ordinary Council Meeting, the session will be limited to questions from Councillors and responses from Officers and will not include public participation, deputations, resolutions or decision-making.

The Council Report Review Session is intended to complement, rather than replace, the existing Agenda Briefing Session. As outlined in the proposed Policy, no Agenda, Minutes or formal record will be produced for the session and information provided will not be incorporated into the Ordinary Council Meeting Agenda or Minutes. The session is not intended to introduce materially new information or changes to Officer recommendations, with detailed operational requirements outlined in the proposed Policy.

Future Variations and Shire Website Information

Any additional changes to the Ordinary Council Meeting Schedule, after this resolution, will be provided to Council for decision and will be advertised on the Shire’s website.

The report that is scheduled to be presented to Council in November 2026 for suitable temporary venue options within the Australind area for Council meetings, will inform Council's consideration of future meeting locations from 2027 onwards.

As Council's future meeting locations are subject to the outcome of that investigation, the proposed meeting schedule contained within this report does not specify meeting locations beyond February 2027.

Following Council's consideration of the venue investigation report, a further report will be presented to Council seeking endorsement of the meeting locations for the remainder of the 2027 meeting schedule.

Shire Officers will also update the Shire's website to include information from the Policy that outlines every meeting of Council in detail, containing helpful links, infographics and means to help the community understand and navigate the purpose and structure of each meeting.

Statutory/Policy Environment

Local Government Act 1995

- Section 5.3 Deals with Ordinary and Special Council Meetings.
- Section 5.23 Deals with meetings generally open to the public.

Local Government (Administration) Regulations 1996

- Clause 12 requires that, at least once every year, a Local Government is to give public notice of the dates on which and the time at which the Ordinary Council Meetings take place and the Committee Meetings, that are open to members of the public or that are proposed to be open to members of the public.

Standing Orders Local Law 2017

- Clause 3.1(2) Sets out monthly meetings

Council Policy 1.1.6 – Council Meeting Framework (***Attachment 3***)

- This Policy provides an effective, efficient and legally compliant meeting framework for Council Meetings.

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

Promise to the Community

Inform: We will keep you informed.

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

Risk Management

The Risk Theme Profile identified as part of this report is **Failure to Fulfil Compliance Requirements** and **Inadequate Engagement Practices**. The Consequence could be ***Compliance*** if compliance with the Council's statutory requirements is not met. The Risk is considered ***Minor*** and the likelihood ***Unlikely*** as the risk is being mitigated by this report being provided to Council to schedule the meetings and recommending the schedule be advertised, resulting in a ***Low*** Risk being present.

Budget Implications

Budget allocations have been made to facilitate the meeting schedule proposed in this report.

Should Council subsequently resolve to relocate Council meetings to the Australind area during 2027, the financial implications associated with that decision, including any venue hire, equipment, staffing or operational costs, will be considered separately through the report to be presented to Council on temporary meeting venue options. Any additional funding requirements or budget variations arising from Council's decision will be addressed as part of that future report.

Authority/Discretion

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Adopts Council Policy 1.1.6 – Council Meeting Framework, Version 4 as per ***Attachment 3***.

2. Adopts the Council Meeting Schedule for the period November 2026 to October 2027 (***Attachment 1)*** as follows:

Location	Concept Forum And Agenda Briefing Session	Council Report Review Session And Ordinary Council Meeting
Harvey	17 November 2026	24 November 2026
Harvey	8 December 2026	15 December 2026
Harvey	19 January 2027	27 January 2027 (Wednesday)
Harvey	16 February 2027	23 February 2027
TBA	16 March 2027	23 March 2027
TBA	20 April 2027	27 April 2027

TBA	18 May 2027	25 May 2027
TBA	15 June 2027	22 June 2027
TBA	20 July 2027	27 July 2027
TBA	17 August 2027	24 August 2027
TBA	21 September 2027	28 September 2027
TBA	19 October 2027	26 October 2027

3. Notes that meeting locations beyond February 2027 will be presented to Council for determination following consideration of the Australind temporary venue investigation report.

4. Endorses the following time schedule for the period of November 2026 to October 2027 as follows:

    a. Concept Forum: At discretion of the Chief Executive Officer

    b. Agenda Briefing Session: 4pm

    c. Council Report Review Session: 2.30pm

    d. Ordinary Council Meeting: 4pm

5. Adopts the Audit, Risk, and Improvement Committee Meeting Schedule for the period of January 2027 to October 2027 (***Attachment 2***) as follows:

All meetings to commence at 2pm	
Location	**Date**
Harvey	Tuesday, 12 January 2027
Harvey	Tuesday, 13 April 2027
Harvey	Tuesday, 13 July 2027
Harvey	Tuesday, 12 October 2027

6. Pursuant to Clause 12 of the Local Government (Administration) Regulations 1996, requests the Chief Executive Officer to give Local Public Notice of the adopted Meeting Schedule for the period November 2026 to October 2027.

7. Authorises the Chief Executive Officer to update the Shire's website to reflect the adopted Council Meeting Framework, meeting schedule, meeting definitions and associated governance information.

5.2. Infrastructure Services

Item No.:	**5.2.1.**
Subject:	**Harvey Electric Vehicle Charging Infrastructure – Future Direction**
Proponent:	**Shire of Harvey**
Location:	**Shire of Harvey**
Reporting Officer:	**Waste and Sustainability Officer**
Authorising Officer:	**Director Infrastructure Services**
File No.:	**F/12/00075**
Attachments:	1. Excerpt of Report – Proposed R.A.C Electric Highway Charging Stations – Ordinary Council Meeting July 2014 [**5.2.1.1** - 14 pages] 2. Excerpt of Report – R.A.C Electric Highway Partnering Agreement – Ordinary Council Meeting April 2015 [**5.2.1.2** - 38 pages] 3. Excerpt of Report – R.A.C Electric Highway Location of Charging Station – Ordinary Council Meeting June 2015 [**5.2.1.3** - 7 pages] 4. Electric Highway - Shire of Harvey - R.A.C Information Booklet [**5.2.1.4** - 4 pages]

Summary

The Shire of Harvey (Shire) owns the public electric vehicle (EV) charging infrastructure at 31 Hayward Street, Harvey. The site includes a direct current (DC) fast charger and an alternating current (AC) charger. The charging Infrastructure was originally installed through the RAC Electric Highway partnership. That partnership has ended, and the Shire is now responsible for the charging assets.

Both chargers are now at end of life and require significant work to bring them back to operational capacity. The DC fast charger is out of service following the failure of two internal power modules. The AC charger is also faulty, and the hardware manufacturer has advised that replacement is more appropriate than further repair.

This report requests Council to consider the decommission of the Hayward Street charging site, remove the existing charging infrastructure and not replace it. Officers recommend that future public charging provisions to be delivered by the State Government or private market.

Background

In July 2014, Council supported the Royal Automobile Club (RAC) Electric Highway concept and agreed to further investigate a suitable location in Harvey (***Attachment 1***). In April 2015, Council authorised the Chief Executive Officer to enter into a partnering agreement with RAC (***Attachment 2***). Under that arrangement RAC funded and procured the charging infrastructure, with ownership transferring to the Shire upon delivery and the Shire assuming responsibility for operation and maintenance.

In June 2015, Council selected a Hayward Street location near Gibbs Street for the charging station (***Attachment 3***). At that time, Council reports identified that parts of the Hayward Street railway reserve were held under an arrangement with the Public Transport Authority and that land tenure was a relevant consideration for the project.

The RAC Electric Highway Partnering Agreement commenced in August 2015 and was extended for a further five-year term to 25 August 2025. In April 2025, RAC advised that it did not intend to enter a further term, noting that the Electric Highway had operated for almost ten years and that the broader EV charging market had substantially developed. RAC proposed transition arrangements during 2025, after which ownership and responsibility for the Harvey assets remained with the Shire.

RAC usage information demonstrates that the Harvey site has provided a material public charging service. In 2024, the site recorded 998 charging sessions with approximately 21,200 kWh of energy delivered.

RAC reported that 96.3% of identified users were visitors rather than residents, and that the site was the 38th busiest charging location in Western Australia on the Chargefox network at that time (*refer to **Attachment 4***). This indicates that the facility has primarily supported regional travel and visitor movements through Harvey. The chargers did generate some income for the Shire, however after annual servicing and software costs were considered, the outcome was cost neutral.

The RAC site information also records that the charging infrastructure has been modified over time, including transition to the Chargefox network, replacement of charging connectors, replacement of the AC charger as charging standards changed, and replacement of the original DC charger after it was no longer supported.

Current Asset Condition

7 kW AC charger:

The AC charger developed a cable locking fault during late 2025. A May 2026 attendance confirmed that the charger remained faulty and had not been restored to service. Following further review of the charger logs, the hardware manufacturer advised in August 2026 that replacement of the charger was more appropriate than proceeding with further repairs. A replacement cost has been requested and was still pending at the time of preparing this report.

75 kW DC fast charger:

The DC charger began experiencing reduced output and recurring faults during 2026. The Shire's maintenance provider undertook and coordinated a number of repairs and diagnostic activities. After further intermittent faults and outages, the hardware manufacturer confirmed in September 2026, that both internal DCDC power modules had failed, leaving the charger out of service. The Shire's maintenance provider has advised that both modules must be replaced to restore the charger to service.

The quoted cost to replace the two failed DC power modules is $14,980 excluding GST. This amount includes the replacement modules, freight, travel, electrician labour and remote technical support. The Shire's maintenance provider has also advised that, given the recurring faults and ongoing repair costs, replacement of the existing DC charger with a newer supported unit should be considered as an alternative.

Land Tenure and Governance

The current charging infrastructure is situated in the Hayward Street rail reserve area. Historical Council reports referred to the railway reserve as land leased to the Shire by the Public Transport Authority. More recent governance review has identified that the Shire’s current/historical tenure arrangements do not expressly cover the RAC charging station and that negotiations with ARC Infrastructure regarding broader tenure arrangements are yet to be finalised.

Accordingly, the Shire should not commit to substantial replacement works at the current site, or consider occupation rights to a third-party operator, without first confirming the landowner/manager approvals and the appropriate lease, licence or other tenure arrangement. This issue is materially less complex if a future commercial charging site is located and managed on privately owned freehold land.

Officers have considered potential use of other Shire land. Any use of a Shire location remains subject to site suitability, planning, power capacity, parking impacts, statutory property disposal requirements and a competitive market process where appropriate.

Comment

The decision before Council is broader than whether the current charger can technically be repaired. The RAC Electric Highway was established as a demonstration and network seeding project at a time when public EV charging infrastructure was scarce. The market has since matured, the Shire is now directly exposed to asset ownership, technical support, maintenance, network management, payment platform administration and reliability risks that require resources that are in addition to current resource levels.

Officers have investigated the current condition of the EV charging infrastructure, the site tenure arrangements, ongoing maintenance requirements and potential future delivery models available to the Shire. Five options have been identified for consideration. These options would determine the future role the Shire plays in the provision of public EV charging infrastructure.

Option 1 – Decommission the current site and exit direct Shire provision

Decommission and remove the existing AC and DC chargers, make the site safe and reinstate the affected area as required. The Shire would not replace the chargers and would instead rely on, and where appropriate advocate for, future public charging infrastructure to be provided by State Government or the private market.

Option 2 – Repair the existing charging infrastructure at the current site

Proceed with repairs to the existing DC charger by replacing the failed DCDC2 and DCDC3 power modules at a cost of $14,980 excluding GST. The AC charger would remain unresolved, as the hardware manufacturer has recommended replacement rather than further repair. This would still leave the hardware effectively at end of life and older technology.

Option 3 – Replace the charging infrastructure at the current Hayward Street site

Remove the existing chargers and install new supported AC and DC charging equipment at the current location. Indicative costs are approximately $50,000 for a similar 75kW DC charger or $120,000 for a more future-proof 150kW DC charger. A quote of $3,785 excluding GST has also been received for replacement of the AC charger. This option would be subject to resolution of the Public Transport Authority/Arc Infrastructure land tenure and approval requirements.

Option 4 – Investigate an alternative site for a Shire-owned, operated and maintained charging station

Undertake site selection and feasibility investigations for a new charging location on land where the Shire has secure tenure. The Shire would fund the procurement and installation of new charging infrastructure and retain responsibility for its ongoing operation, maintenance and eventual replacement.

Option 5 – Identify Shire-owned land for potential commercial EV charging

Identify suitable Shire-owned land that could be made available for lease to the private market and provide this information to interested EV charging providers. This would support a market-led approach, with any future charging infrastructure funded, operated and maintained by the commercial provider. Initial Shire costs would primarily relate to Officer time and any required property, planning or leasing advice.

Outcomes of the Options

Options 2, 3 and 4 would retain the Shire as the owner and operator of specialised EV charging infrastructure, with ongoing responsibility for maintenance, operating costs, technical support and future asset replacement. Option 2 is the lowest-cost short-term solution but continues to have the EV infrastructure working at part capacity, while Options 3 and 4 involve greater capital and long-term asset management commitments.

Options 1 and 5 would reduce the Shire's direct technical and financial exposure. Option 1 provides the clearest exit from direct service provision but may result in a temporary loss of public charging in Harvey and associated reputational risk. Option 5 would allow the Shire to identify suitable land for potential commercial EV charging, supporting private investment without committing the Shire to ownership, capital expenditure, operation or maintenance of the infrastructure.

Statutory/Policy Environment

Local Government Act 1995 – including requirements applying to the disposal/disposition of local government property where a lease or licence is granted to a commercial operator.

Any continued occupation, replacement or third-party operation at the existing Hayward Street site is subject to confirmation of the relevant Public Transport Authority/Arc Infrastructure land tenure, approvals and access rights.

Any new or replacement charging infrastructure would also be subject to applicable planning, electrical, accessibility, road/parking and procurement requirements.

Strategic Framework

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

Pillar 2 – Planet:	A natural environment that is highly valued, protected and enjoyed.
Objective 8:	Facilitate climate action and responsible use of natural resources.
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.

This report and its attachments will form part of the October 2026 Council Meeting Agenda and Minutes to be posted on the Shire's website and be made available for public access.

Promise to the Community

Inform: We will keep you informed.

This report and its attachments will form part of the October 2026 Council Meeting Agenda and Minutes to be posted on the Shire's website and be made available for public access.

Risk Management

The Risk Theme Profile identified as part of this report is **Inadequate Asset Sustainability Practices**. The Consequence could be to ***Service Delivery Interruption, Financial Impact***, and ***Reputation*** if the Shire does not establish and implement a sustainable long term management approach for the existing EV charging infrastructure, including its repair, replacement, decommissioning or transition to an alternative operating model. The risk is considered ***Moderate*** and the likelihood ***Likely***, resulting in a ***High*** risk being present.

Budget Implications

Option	Budget Impact
Option 1: Decommission existing site	Decommissioning works could be achieved with the existing maintenance budget for the site, estimated at $4,000. Ongoing electricity, network and maintenance costs would cease.
Option 2: Repair existing DC charger	$14,980 excluding GST to replace both failed DC power modules. Does not resolve the AC charger.
Option 3: Replace AC/DC infrastructure at current site	Approximately $50,000 for a similar DC unit or $120,000 for a higher-capacity unit, plus $3,785 excluding GST for the AC charger. Additional site, electrical and tenure costs may apply.
Option 4: Investigate alternative Shire-owned site	Costs are unknown and would require feasibility, power and lifecycle assessments before funding could be determined.
Option 5: Identify Shire-owned land or develop a Strategy for potential commercial EV charging	Initial costs would mainly relate to Officer time and any required property, planning or leasing advice. Capital, operating and maintenance costs would be expected to be borne by the commercial provider. This would also depend on current priorities and Council future direction.

There is currently only adequate budget provision in this year's budget to cover Option 1. Any of the options 2-5 would require further budget consideration.

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 Option 1 as the preferred future direction for public EV charging in Harvey, being to:

    a. Decommission the existing Hayward Street charging site.

    b. Remove the existing charging infrastructure and not replace it.

    c. Explore future public charging provisions to be provided by either the State Government or the private market.

2. Requests that the Chief Executive Officer arrange the decommission and removal of the existing Hayward Street EV charging infrastructure in accordance with Option 1.

5.3. Sustainable Development

Item No.:	**5.3.1.**
Subject:	**Proposed Animal Establishment (Dog Kennels) and Workforce Accommodation – Lot 503 (No. 239) Goss Road, Myalup**
Proponent:	**SL Standley**
Location:	**Lot 503 (No. 239) Goss Road, Myalup**
Reporting Officer:	**Planning Officer**
Authorising Officer:	**Director Sustainable Development**
File No.:	**P248/26, A017266 (previously A006347)**
Attachments:	1. Development Application [**5.3.1.1** - 48 pages] 2. Location Plan [**5.3.1.2** - 1 page] 3. Summary of Submissions - Public [**5.3.1.3** - 4 pages] 4. Summary of Submissions - DBCA [**5.3.1.4** - 2 pages] 5. Acoustics Report [**5.3.1.5** - 45 pages] 6. Fencing Plan [**5.3.1.6** - 2 pages] 7. BAL Report and BMP [**5.3.1.7** - 39 pages]

Summary

An Application for Development Approval has been received for an Animal Establishment (Dog Kennel Facility) and Workforce Accommodation on Lot 503 (No. 239) Goss Road, Myalup (***Attachment 1***). The application proposes three dog kennels with a capacity of 27 dogs and associated outdoor fenced areas, a reception building and two workforce accommodation units with a capacity of ten people.

The application is referred to Council as Officers do not have delegated authority to determine an application where objections have been received during public advertising. Officers have assessed the application and consider that concerns raised during the advertising period can be appropriately mitigated by the implementation of various management plans and conditions.

It is therefore recommended that the application be approved subject to appropriate conditions.

Background

Site Description

Lot 503 (No. 239) Goss Road, Myalup is zoned “Rural” under the Shire of Harvey’s Local Planning Scheme No. 2 (the Scheme) and is located within 16km of the Myalup townsite. The site is of irregular shape with an area of 13.39 ha and contains existing dense vegetation (***Attachment 2***).

On Tuesday, 28 September 2021, the Shire issued development approval for an Extractive Industry at Lot 2 Goss Road, which adjoins No. 239 Goss Road. The approval has since been subject to amendments and licence transfer. The area subject of the extraction activity is located approximately 236m, 264m, and 373m from the nearest dwellings.

Site History

A dwelling was approved on the subject site in 1998. Subsequent approvals were granted for a swimming pool and pergola in 2007, and a patio in 2009. The property is currently utilised for the purposes of a single dwelling and agricultural activities.

Proposal

The application proposes a dog kennel facility and associated workforce accommodation. The dog kennels will operate Monday to Sunday from 7am to 7pm with dog owners coming to the property to drop-off and pick-up their dogs between the hours of 8am and 11am and 3pm and 6pm Monday to Sunday.

The three proposed dog kennel pods measure 16m x 10.5m each, with each individual kennel measuring 6m² (not including the individual runs). The proposal would accommodate a maximum of 27 dogs within 27 kennels, split over the three kennel pods. In addition to the kennels, the application also proposes a reception and wash-down building and two accommodation units up to 10 workers associated with both the dog kennel operation and the existing avocado orchard operation.

Parking and a turnaround area will be provided for in the existing gravel hardstand adjacent to the units with additional parking available next to the existing buildings. In addition to four dedicated exercise yards, the Applicant proposes to fence the entire 1.75 ha avocado orchard with a 2m high chain link fence to allow its use for exercising the dogs.

Advertising

Pursuant to Clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Deemed Provisions), the application was advertised to nearby neighbours between Monday, 3 August 2026 and Thursday, 20 August 2026; being an 18-day period. A total of three submissions were received with all objecting to the proposal. A summary of the public submissions received is provided in ***Attachment 3***. The main points from the submissions are:

- Possible noise from barking dogs
- Environmental and biodiversity impacts
- Waste management
- Land use compatibility
- Bushfire and emergency management.

The application was also referred to the Department of Biodiversity, Conservation and Attractions (DBCA), initially as an adjoining landowner, and then as a referral authority. Comments from DBCA are also provided in ***Attachment 4***.

Comment

Land Use

The proposed dog kennels are considered as an ‘Animal Establishment’ which is defined in the Scheme as:

> *“Premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry – intensive or veterinary centre”*

Animal Establishment is a “D" use within the Rural zone, meaning that it *“is not permitted unless the local government has exercised its discretion by granting development approval”*.

The land use ‘Workforce Accommodation’ is defined in the Scheme as:

> *“Premises, which may include modular or relocatable buildings, used:*
>
> *(a) Primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and*
>
> *(b) For any associated catering, sporting and recreation facilities for the occupants and authorised visitors.”*

Workforce Accommodation is an "A" use within the Rural zone, meaning that it *“is not permitted unless the local government has exercised its discretion by granting development approval after advertising the application in accordance with clause 64 of the deemed provisions”*.

Shire of Harvey Dogs Local Law 2017

The proposed kennel establishment will also be required to comply with the provisions of the Shire of Harvey Dogs Local Law 2017.

In addition to obtaining development approval, the operator must obtain an Approved Kennel Establishment Licence from the Shire prior to commencing operation. The Local Law provides a separate regulatory framework governing the establishment and ongoing management of kennel facilities, including application requirements, public consultation, inspections, operational standards and licence conditions.

Matters relating to noise, odour, waste management, drainage, traffic generation and other potential amenity impacts can be addressed through the licensing process and, where necessary, by conditions imposed on the kennel licence to ensure the facility does not adversely affect surrounding landowners.

Discussion

The Scheme stipulates a minimum parking requirement for Animal Establishments of 1 bay per employee plus 1 visitor bay, with there being no minimum parking requirements for the workforce accommodation. Overall, the proposal requires 11 car bays. The applicant has provided sufficient parking space to comply with these requirements within the dedicated gravel parking in area and adjacent to existing buildings.

The Scheme requires a minimum boundary setback of 20m for all structures. Although the applicant is proposing a reduced setback to the eastern boundary (4.5m), the proposed development will adjoin dense vegetation on the neighbouring property, and the proposed location will reduce impacts on existing vegetation by minimising the extent of clearing required.

Additionally, the Scheme requires that fencing located within the lot boundary setbacks on ‘Rural’ zoned land shall be post and a minimum four strand wire, or post and "ring-lock" or similar. As the proposal includes 2.2m fencing located within the 20m setback area to the eastern boundary, it is considered to be a variation to the Scheme provisions. As the proposed fencing will be surrounded by dense vegetation and is not expected to be visible from the primary street or from adjoining properties, the variation is considered acceptable.

Advertising

During the advertising period, three submissions objecting to the proposal were received. The Applicant was afforded the opportunity to respond to comments received and these have been included, along with the Officer's comments, in the summary of submissions at ***Attachment 3***. As a result of the comments received, the following additional information and modifications are provided.

A Noise Management Plan was submitted with the application which provides for the following noise mitigation measures:

- Dispersed kennel buildings
- Retention of existing vegetation buffers, where practical
- Double glazed windows
- Insulated kennel pod construction
- Supervised exercise activities
- Active management of excessive barking
- Containment of dogs within the insulated kennel buildings during night-time periods.

An Acoustic Report was submitted by the Applicant (***Attachment 5)*** in response to the submissions received during the advertisement period. The Acoustic Report concludes that the proposed kennel facility can comply with the requirements of the Environmental Protection (Noise) Regulations 1997, subject to the implementation of additional mitigation measures. These include:

- Housing dogs indoors during night-time periods
- Restricting access to exercise yards before 9am on Sundays and public holidays
- Installing a 1.8m high acoustic fencing to the exercise areas
- Implementing a Noise Management Plan.

While the implementation of both the Noise Management Plan and the measures identified within the Acoustic Report are considered to sufficiently mitigate potential off-site noise impacts, the Applicant has advised of their intent to install Colorbond fencing with a total height of 2.2m around the full length and width of the kennel compound (***Attachment 6***), in lieu of installing 1.8m acoustic fencing around the individual exercise areas. The Acoustics Consultant has confirmed that this will achieve the same outcome and will promote less barking. Therefore, the Officers recommend that the Acoustic Report be amended to reflect the alternate fencing proposed by the Applicant.

Both the Acoustic Consultant and DBCA identified the need for ongoing noise management, including consideration of impacts on surrounding residents and conservation-significant fauna. Accordingly, it is considered appropriate that the Noise Management Plan be updated in accordance with the recommendations of the amended Acoustic Report and submitted for the Shire's approval prior to the issue of a Building Permit.

Traffic

Submissions received were concerned that the proposal would generate significant traffic and create road safety issues. The Applicant has advised that the only additional traffic to the site will be from drop-offs and pick-ups of dogs. With the maximum number of dogs being 27 at any one time and the hours being spaced between 8am –11am and 3pm – 6pm Monday to Sunday, it is not considered that this will add significant traffic to Goss Road. Additionally, as workers accommodation is provided on-site, the proposed development will have a limited impact on traffic.

Vegetation Removal

The vegetation most likely to be impacted is the remnant bushland on the subject site, particularly areas mapped as the Banksia Woodlands of the Swan Coastal Plain, which is listed as an Endangered Threatened Ecological Community (TEC) under the *Environment Protection and Biodiversity Conservation Act 1999* and is also recognised by DBCA as a Priority Ecological Community (PEC). DBCA advised that impacts may arise from bushfire management works, ongoing Asset Protection Zone maintenance, weed management and vegetation clearing associated with the workforce accommodation and water tanks. The site also contains habitat suitable for threatened fauna including black cockatoos and western ringtail possums and is likely to support other conservation-significant species such as the quenda.

The Applicant has sited the development within an already cleared area to minimise environmental impact.

The Bushfire Management Plan (BMP) states that vegetation modification is required to lower the Bushfire Attack Level (BAL) from BAL-FZ to BAL-29 through the establishment of an Asset Protection Zone (APZ) around the proposed accommodation and reception buildings. The APZ will require modification of approximately 1,692m^2 of native vegetation to reduce the bushfire attack level (BAL) rating from BAL-FZ to BAL-29. The Applicant provides that *"healthy mature trees will be retained where possible"*, focusing instead on reducing understorey fuels, pruning and ongoing maintenance within the APZ (***Attachment 7***).

As identified in the Vegetation Plan, the proposal will not require the removal of native vegetation and will only require the management of the understorey and vertical fuel ladder to mitigate bushfire risks.

Environmental / Biodiversity

Lot 505 Goss Road adjoins the development site and is owned by the Department of Biodiversity, Conservation and Attractions (DBCA). The proposal was referred to DBCA, which identified several areas of concern. DBCA identified potential impacts to the adjacent conservation reserve and areas of remnant vegetation on the site, including impacts to Banksia Woodlands, priority flora, black cockatoos, western ringtail possums and other native fauna through vegetation clearing, noise, lighting, bushfire management activities and potential dog escapes. These concerns have been addressed through conditions requiring bushfire management measures to be implemented in accordance with the approved Bushfire Management Plan, while limiting vegetation clearing to understorey removal and pruning only and thereby assisting in the retention of mature habitat trees and native vegetation.

The implementation of the fencing plan will assist in preventing dog escapes and reducing disturbance to adjacent conservation areas, while the requirement for all external lighting to comply with dark sky principles will minimise light spill and impacts on nocturnal fauna.

Additionally, implementation of an updated Noise Management Plan and Waste Management Plan will assist in managing potential indirect impacts on surrounding biodiversity values through noise emissions and environmental contamination. The advice notes encourage the use of locally endemic native species in future landscaping, further supporting the protection and enhancement of local habitat values.

Conclusion

The proposed Animal Establishment and Workforce Accommodation are considered capable of operating on the subject site without creating unreasonable impacts on surrounding landowners. Technical information provided in support of the application, together with recommended conditions relating to noise management, wastewater disposal, lighting and the operation of the facility, will assist in mitigating potential impacts on neighbouring properties. The Workforce Accommodation is intended to support the approved activities on-site and can be accommodated within the property.

It is therefore recommended that the proposed “Animal Establishment” and “Workforce Accommodation” be approved subject to conditions.

Statutory/Policy Environment

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

- Schedule 2 – Deemed Provisions, Section 64 – Advertising Applications
- Schedule 2 – Deemed Provisions, Section 66 – Consultation with other authorities

Shire of Harvey Local Planning Scheme No.2

- Clause 17 – Zoning Tables
- Clause 18 – Interpreting Zoning Tables
- Table 6 – Car Parking Requirements

Shire of Harvey Delegation:

- Delegation 9.1.2 – Development Applications

Shire of Harvey Dogs Local Law 2017.

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.

Pursuant to Clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Deemed Provisions), the application was advertised to nearby landowners for 18 days.

Promise to the Community

Inform: We will keep you informed.

The application was advertised to nearby landowners for 18 days in accordance with the Clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Deemed Provisions). Submitters will be notified when the Agenda is available and of Council's determination.

Risk Management

The Risk Theme Profile identified for this report is **Providing Inaccurate Advice/Information**. The Consequence could be ***Environmental, Financial, Reputational or Compliance*** if incorrect advice is given or a condition missed. The risk is considered ***Minor*** and the likelihood ***Unlikely***, given that 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 Application for Development Approval for an Animal Establishment (Dog Kennels) and Workforce Accommodation on Lot 503 (No. 239) Goss Road, Myalup, subject to the following conditions:

    a. The development and 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. This approval is valid for a period of two years. If the development is not substantially commenced within this period, a new approval must be obtained before commencing or continuing development.

c. Prior to the issue of a Building Permit, an amended Acoustic Report shall be submitted to and approved by the Shire. The amended Acoustic Report shall detail the following:

    i. Updated recommendations including the installation of 2.2m Colorbond fencing around the outside of the kennel area, in accordance with the approved Fencing Plan.

    ii. Confirmation that the proposed 2.2m Colorbond fencing will achieve compliance with the Environmental Protection (Noise) Regulations 1997.

d. Prior to the issue of a Building Permit, an updated Noise Management Plan as per recommendations of the amended Acoustic Report shall be submitted to and approved by the Shire.

e. Prior to the issue of a Building Permit, bushfire management measures shall be undertaken, and thereafter maintained, in accordance with the approved Bushfire Management Plan and Statement to the satisfaction of the Shire.

f. Prior to the issue of a Building Permit, amended plans showing the proposed water tanks shall be submitted to and approved by the Shire.

g. Prior to the occupation or use of the approved development, the fencing as shown on the approved Fencing Plan shall be installed and thereafter maintained, to the satisfaction of the Shire.

h. Prior to the occupation or use of the approved development, the following approved Plans and Management Plans shall be implemented and thereafter maintained to the satisfaction of the Shire.

    i. Noise Management Plan

    ii. Waste Management Plan

    iii. Vegetation Plan

i. At the completion of the bushfire management measures required to be undertaken by Condition (e), the BAL Assessment undertaken by "WA Fire & Safety" dated 25 June 2026 shall be revised to certify that the BAL rating for the development site has been reduced to a BAL-29.

j. The internal areas of the kennels should incorporate waterproof, impervious and washable floor surfaces, coving to wall junctions, and adequate floor drainage connected to approved wastewater disposal systems.

k. All external lighting associated with the development shall be designed, installed and maintained in accordance with dark sky principles to minimise light spill, glare and sky glow. External lighting shall:

    i. Be fully shielded and directed downward so that no light is emitted above the horizontal plane.

ii. Be the minimum intensity necessary to achieve its intended purpose.

iii. Be designed to prevent light spill beyond the boundaries of the subject site.

iv. Utilise warm-coloured lighting with a correlated colour temperature not exceeding 3000 kelvin.

v. Be operated only when required for safety, security or operational purposes.

vi. The approved lighting shall be maintained for the life of the development to the satisfaction of the local government.

vii. Motion sensors, timers or automatic controls shall be used where practicable to minimise unnecessary illumination during night-time hours.

2. Advises the Applicant of the following additional requirements that are not included as conditions of the approval:

   a. The development that is the subject of this approval may also be regulated by the Building Code of Australia, and a separate building permit must be granted before the development commences.

   b. Any proposed landscaping should include native vegetation species endemic to the local area.

   c. The Shire of Harvey advises that the development the subject of this development approval must comply with the *Environmental Protection Act 1986* and the Environmental Protection (Noise) Regulations 1997 in relation to noise emissions.

Item No.:	**5.3.2.**
Subject:	**Deregulation of Retail Trading Hours**
Proponent:	**Shire of Harvey**
Location:	**Shire of Harvey**
Reporting Officer:	**Economic Development Officer**
Authorising Officer:	**Chief Executive Officer**
File No.:	**F/37/00248**
Attachments:	1. Non Metropolitan Local Government Extended Trading Hours Policy [**5.3.2.1** - 2 pages]

Summary

This report responds to Council's resolution of Tuesday, 25 August 2026 requesting information regarding the potential deregulation of retail trading hours within the Shire of Harvey.

This report recommends that Council authorises the Chief Executive Officer (CEO) to progress to the consultation and investigation phase, in order to assess if an application can be made to the Minister for Commerce for the deregulation of trading hours in the Shire of Harvey.

Background

At its Ordinary Council Meeting held on Tuesday, 25 August 2026, it was resolved (resolution number 26/175):

> *"That Council:*
>
> *Requests the Chief Executive Officer to prepare a report to be presented at the Ordinary Council Meeting in October 2026 in relation to the potential deregulation of retail trading hours within the Shire of Harvey. The report is to address:*
>
> *1. The legislative requirements.*
>
> *2. The consultation requirements, methodology, and costs.*
>
> *3. The costs associated with determining the economic, social, tourism*
>
> *4. Employment impacts of deregulation.*
>
> *5. The retail trading arrangements currently applying within the Shire of Harvey."*

Retail trading hours in Western Australia are regulated under the *Retail Trading Hours Act 1987* (Act). The Act prescribes trading arrangements for different categories of retail shops and provides the Minister, under section 12E, with the power to vary the trading hours that would otherwise apply.

If Council resolves to further investigate deregulation, the outcomes would be presented to Council in a report, containing a recommendation with a decision to request variation of retail trading hours from the Minister. That report would contain the outcome of community and stakeholder consultation, assessment of potential impacts and further analysis. The approaches undertaken by the Shire of Capel and the City of Greater Geraldton illustrate how consultation and evidence can inform Council decisions and support applications to the Minister.

Shire of Capel

The Shire of Capel consulted before seeking full deregulation. Following endorsement of a consultation plan in November 2022, consultation ran from late January to early March 2023, supported by a discussion paper, community and business surveys, written submissions and workshops. The consultation results informed Council's March 2023 consideration of the matter and its subsequent decision to pursue full deregulation.

The Shire of Capel subsequently achieved full deregulation from Saturday, 2 September 2023 following its business and community engagement process.

City of Greater Geraldton

The City of Greater Geraldton adopted a different approach by trialling extended general retail trading hours before determining whether ongoing arrangements should be pursued. A 12-month trial commenced in October 2017, with independent analysis subsequently undertaken to assess community views, business impacts, employment, tourism and other relevant indicators. Following the trial and evaluation, Council supported ongoing extended trading arrangements broadly aligned with those operating in metropolitan Perth rather than unrestricted trading. The Greater Geraldton approach therefore provides an example of a staged process involving a trial, independent evaluation and subsequent Council consideration.

Comment

Legislative Requirements

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

Section 12 of the Act establishes the ordinary trading hours applicable to general retail shops, while section 12E provides the Minister with the power to vary the trading hours that would otherwise apply. Under section 12E, the Minister may make an order authorising retail shops to open at times when they would otherwise be required to be closed.

A variation may apply to all general retail shops, a specified class of shops, general retail shops within a specified area or an individual shop. Accordingly, an application for extended trading hours does not necessarily need to encompass the entire Shire.

Should Council, following consultation and further assessment, determine that it supports changed trading arrangements, the Shire would submit an application for consideration by the Minister responsible for administration of the Act. The application would need to clearly identify the variation being sought and provide supporting evidence in accordance with the applicable State Government application requirements. Applications from non-metropolitan local governments seeking a permanent variation are assessed in accordance with the Non-metropolitan Local Government Extended Trading Hours Policy *(**Attachment 1**)*.

The key criteria considered by the Minister include:

- Consultation with the local community, business and tourism interests and local Members of State Parliament.
- Evidence of broader community support for the proposed variation.
- Support from the relevant local government.

The Department requires evidence of the consultation undertaken and the level of support, including the position of groups consulted and relevant supporting documentation.

Should Council resolve to pursue deregulation following consultation, an application would be submitted to the Minister in accordance with the relevant policy requirements.

Alternatively, Council may wish to resolve not to proceed with consultation and investigation for the potential deregulation of retail trading hours within the Shire of Harvey.

Current Trading Arrangements in the Shire of Harvey

General retail shops within specified commercial areas in Australind and Treendale, including the Australind Shopping Centre, Treendale Shopping Centre and Mardo Commercial Complex, currently operate under extended trading arrangements established under the State retail trading hours legislative framework. The arrangements operate in conjunction with the Retail Trading Hours (Australind) Exemption Order 2009 and Retail Trading Hours (Shire of Harvey) Variation Order 2012.

Day	Permitted Trading Hours
Monday, Tuesday, Wednesday and Friday	7am – 8pm
Thursday	7am – 9pm
Saturday and Sunday	8am – 6pm
Public holidays	8am – 6pm

Outside these areas, general retail shops are subject to standard non-metropolitan trading hours:

- 8am to 6pm Monday, Tuesday, Wednesday and Friday
- 8am to 9pm Thursday and
- 8am to 5pm Saturday.

They must remain closed on Sundays and public holidays.

Other categories of retail shops

The Act separately regulates other categories of retail shops. Small retail shops with the appropriate certificate may trade 24 hours a day. Special retail shops may generally trade between 6am and 11.30pm daily, subject to applicable restrictions. Filling stations (service stations) have deregulated trading hours, although restrictions apply to the non-fuel goods that may be sold outside general retail trading hours.

Accordingly, the practical effect of broader deregulation within the Shire would primarily concern general retail shops that are currently restricted by the standard non-metropolitan hours.

Any extension of permitted trading hours would enable affected retailers to open during additional periods. It would not compel businesses to trade during those additional hours. The current State Government guidance expressly confirms that opening within permitted hours remains the retailer's discretion.

Consultation Requirements and Methodology

Should Council resolve to further investigate broader deregulation, a structured and transparent community and stakeholder consultation process would need to be undertaken before Council determines whether an application should be made to the Minister.

The consultation should clearly explain the existing retail trading arrangements, the specific changes being considered, the businesses and geographical areas affected, and the potential implications of the proposed change.

It should also make clear that extended or deregulated trading hours would provide retailers with greater discretion regarding when they trade but would not compel businesses to open during additional hours.

A Discussion Paper and Frequently Asked Questions document could be prepared to support the consultation. Feedback could then be sought from residents, consumers, affected retailers, shopping centre operators, business and industry organisations, tourism interests, relevant community organisations, retail industry representatives, local Members of State Parliament and other relevant stakeholders.

Consultation could be undertaken through the Shire's website and engagement platform, community and business surveys, written submissions, targeted correspondence, stakeholder meetings or workshops, social media and other appropriate communication channels.

It would be beneficial to separately identify responses from businesses and the broader community when reporting consultation outcomes. This would assist Council in understanding whether the views of businesses directly affected by regulated trading hours differ from those of consumers and the wider community.

The consultation material should be objective and should clearly identify the particular trading arrangements being considered rather than asking generally whether respondents support "deregulation".

A 12-month trial period for retail trading hours may be referred to and discussed during the consultation phase. A 12-month trial requires approval from the Minister and after community consultation has occurred.

Indicative Timeframe

The indicative process allows approximately five months from endorsement to reporting outcomes to Council, including preparation, a five-week consultation period and assessment of submissions. Consultation may be managed internally or with support from a specialist consultant.

An indicative process is outlined below:

Stage	Indicative timeframe
Establish project team and finalise consultation methodology	Weeks 1–2
Prepare and finalise Discussion Paper and FAQs	Weeks 3–9
Finalise consultation and logistical arrangements	Weeks 8–10
Launch consultation	Approximately Week 11
Community consultation	5 weeks
Assess submissions and consultation outcomes	2 weeks
Report outcomes to Council	Approximately Month 6
Submit application to the Minister, if supported by Council	Following Council consideration

Developing a Report – Associated with Assessing Potential Economic, Social, Tourism and Employment Impacts

Preliminary advice obtained by Shire Officers from prospective consultants indicates that the cost and reliability of such an assessment will depend significantly upon its scope.

It may be difficult to isolate the direct effect of retail trading hours from broader influences such as:

- Population growth
- Online shopping
- Changing consumer behaviour
- Cost-of-living pressures
- Seasonal and tourism demand
- Labour availability
- Competition from neighbouring local government districts and
- Individual retailers' commercial decisions.

A comprehensive economic impact assessment would therefore require greater research, data analysis and specialist input.

Assessment Scope

A reduced-scope assessment could examine existing businesses and their operating hours, the extent to which current restrictions affect business operations, retailer demand for additional trading hours, potential staffing and employment implications, community demand, potential impacts on smaller retailers, tourism and visitor servicing, consumer choice, and whether more flexible trading arrangements may support future investment or business attraction.

This approach may provide sufficient information for Council to understand the practical implications of deregulation without the cost and resources associated with a comprehensive economic impact assessment. The scope ultimately selected would determine both the cost of the assessment and the level of detail available to Council.

Preliminary consultant advice indicates that economic, social, tourism and employment impacts may be difficult to isolate from broader retail trends, including online shopping and changing consumer behaviour.

Option 1 – Shire-led consultation and assessment

Internal consultation and report preparation are estimated at $8,000 to $16,000, comprising consultation costs of $5,000 to $7,500 and assessment report preparation costs of $3,000 to $8,500. These estimates include Officer time, promotion and incidentals.

Option 2 – Independent consultant

A specialist consultant could be engaged to undertake consultation, an independent assessment, or both. Indicative consultant estimates range from $10,000 to $40,000 excluding GST, depending on scope. The $10,000 estimate relates to a reduced-scope assessment and excludes consultation, while estimates incorporating both consultation and reporting range from approximately $25,000 to $40,000 excluding GST.

Option 3 – Hybrid approach

Under a hybrid approach, Shire Officers could coordinate the consultation process while specialist assistance is commissioned for defined aspects of the economic, social, tourism or employment assessment. This approach may provide a balance between cost, local knowledge, internal resources and independent specialist expertise. The cost would depend on the extent of external services commissioned, currently estimated to be approximately $10,000–$25,000 excluding GST for a consultant assisted assessment and Shire led consultation.

As the above options involve different scopes and levels of external involvement, the indicative costs are not directly comparable.

Statutory/Policy Environment

Retail Trading Hours Act 1987, Part III

- Section 12 – Prescribes trading hours for general retail shops
- Section 12C – Provides for unrestricted trading by small retail shops
- Section 12D – Regulates special retail shops
- Section 12E – Provides for the Minister to vary the trading hours applying to retail shops
- Section 14 – Relates to unrestricted trading hours for filling stations

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 20:	Create a business-friendly environment to support and attract investment, competition and productivity.

Community Engagement

Community Participation Goal

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

Community participation will be facilitated by providing opportunities to provide feedback via the public consultation process.

Promise to the Community

Inform: 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.

A summary of community and business feedback received during the consultation period will be included as an attachment to the Council report presented following the consultation and research phase. The report and attachment will be publicly available through the Shire's Council meeting Agenda.

Risk Management

The Risk Theme Profiles identified are **Providing Inaccurate Advice/Information** and **Inadequate Engagement Practices**.

There is a risk of ***reputational*** impact where consultation outcomes are perceived as not being adequately considered in Council's decision-making. This risk can be mitigated through a transparent consultation process that clearly reports feedback received and how it has been considered.

If the assessment is undertaken internally, the consequence of inaccurate or incomplete information is considered ***Moderate*** and the likelihood ***Possible***, resulting in a ***Medium*** risk.

Engaging a suitably qualified consultant would provide specialist expertise and greater independence, which may reduce the likelihood of inaccurate or incomplete information. The residual risk would be assessed having regard to the final scope and methodology adopted, reducing the likelihood to ***Unlikely****,* while the overall risk remains ***Medium****.*

Budget Implications

There is no specific allocation for this project in the 2026–2027 Annual Budget.

Depending on the approach adopted, indicative costs are:

- Option 1 – Shire-led consultation and assessment – $8,000–$16,000 for an internally managed consultation and assessment
- Option 2 – Independent consultant – approximately $10,000–$40,000 excluding GST depending on scope of consultation and assessment or
- Option 3 – Hybrid approach – approximately $10,000–$25,000 excluding GST for the currently quoted consultant assessment and Shire led consultation.

Should Council subsequently resolve to proceed with consultation and further assessment, the required funding would need to be identified through a mid-year budget review or another appropriate budget mechanism.

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 report regarding the potential deregulation of retail trading hours within the Shire of Harvey.
2. Authorises the Chief Executive Officer to progress with Option 3 as listed above:
    a. Undertake community, business and stakeholder consultation regarding potential changes to retail trading hours.

b. Engage a suitably qualified consultant to undertake a reduced-scope assessment of the potential economic, social, tourism and employment impacts.

c. Identify an appropriate funding source for consideration through the Shire of Harvey mid-year budget review process.

3. Requests the Chief Executive Officer to present a further report to Council within approximately six months of project commencement, detailing the outcomes of the consultation and assessment and providing recommendations regarding any application to the Minister under section 12E of the *Retail Trading Hours Act 1987.*

Item No.:	**5.3.3.**
Subject:	**Wickham Street Renaming**
Proponent:	**Shire of Harvey**
Location:	**Wickham Street, Yarloop**
Reporting Officer:	**Planning Officer**
Authorising Officer:	**Director Sustainable Development**
File No.:	**C291/01607**
Attachments:	1. Aerial Image [**5.3.3.1** - 1 page] 2. Landgate Request Redacted [**5.3.3.2** - 2 pages] 3. Excerpt - Ordinary Council Meeting March 2026 [**5.3.3.3** - 9 pages] 4. Excerpt - Ordinary Council Meeting May 2026 [**5.3.3.4** - 2 pages]

Summary

Officers have identified a duplication of the name “Wickham” within the Yarloop townsite through the existence of both “Wickham Road” and “Wickham Street” as shown in ***Attachment 1*** Aerial Image.

The duplication is required to be corrected prior to Landgate confirming rural street numbers as it presents a significant risk of confusion and possible delay for emergency responders in the event they are required to attend a property on either road (***Attachment 2***).

This report recommends that Council consider the renaming of Wickham Street and for the Chief Executive Officer (CEO) to proceed with submitting this street renaming application to Landgate’s Geographic Naming Committee to approve the renaming of Wickham Street, Yarloop as “Vivienne Street” and provides an alternative name of “Tippett Street”.

Background

Proposal

Whilst undertaking rural street addressing in Yarloop, Officers noted a road name duplication, which is required to be corrected prior to Landgate confirming rural street numbers. The name “Wickham” has been used twice in the Yarloop townsite as “Wickham Road” and “Wickham Street”. Duplication of road names presents a significant risk of confusion and possible delay for emergency responders in the event they are required to attend a property on either road.

It is understood that the road was named after Montague Wickham who arrived in Yarloop in 1894. He purchased a property, which would be partly subdivided and subsequently auctioned in 1903 to provide housing for the Millars Timber Company. Montague’s son, Charles Wickham, was a member of the Harvey Road Board from 1945 to 1961, and a Shire of Harvey Councillor from 1961 to 1962.

A proposal to rename “Wickham Road” was put to Council at Ordinary Council Meeting on Tuesday, 24 March 2026 (***Attachment 3***). As a result, Council resolved that Officers were to request Landgate’s Geographic Naming Committee to approve the renaming of Wickham Road, Yarloop as “Vivienne Road” with “Tippett Road” provided as an alternate.

At the Ordinary Council meeting on Tuesday, 26 May 2026 (***Attachment 4***) Council determined that the renaming of “Wickham Road” be discontinued due to:

- Concerns raised by affected residents regarding the historical significance of “Wickham Road”.
- That “Wickham Road” services multiple residences and farming properties associated with the Wickham and surrounding families.

- That the “Wickham Road” name predates “Wickham Street” and has significant historical connection to pioneering agricultural settlement within the district.

- That retaining the “Wickham Road name is considered by Council to be in the broader community and historical interest.

It was requested that the process to rename the existing “Wickham Street” to an alternative name is undertaken, with “Vivienne Street” to be considered as the preferred option subject to the required consultation and Landgate approval.

Following the conclusion of the required public advertisement process, no additional alternate names have been provided. Officers, therefore, consider that the original decision of Council to use “Vivienne” as the preferred alternate name, with “Tippett” as secondary alternate remains the most appropriate given the association of both names with the local community and compliance with the Naming Policy. It is recommended that Council approves the Officer Recommendation for the road to be renamed to “Vivienne Street” with “Tippett Street” as an alternate and requests approval from Landgate’s Geographic Names Committee (GNC).

Advertising

The renaming proposal and relevant sections of Landgate’s ‘Policies and Standards for Geographical Naming in Western Australia’ (Naming Policy) was advertised to affected neighbouring landowners and to the Yarloop community during July and August for a 30-day period. Advertising included a notice on the Shire of Harvey’s (the Shire) website and in the Harvey Waroona Reporter newspaper, commencing on Tuesday, 28 July 2026 and concluding on Thursday, 27 August 2026.

During the advertisement period, the Shire received one response, which was an objection. No alternate names were proposed. The submission received is summarised below:

Submitter	Submission	Officer Comment
Nearby landowner	The owner had recently moved, having to change their address on everything. It would be time consuming and difficult to do it again. There are less properties on Wickham Road, meaning less property owners impacted.	Given the risk the duplication presents, and the need to confirm rural street numbers, the renaming is still recommended. Council determined at the Ordinary Council Meeting on Tuesday, 26 May 2026 that Wickham Street is the preferable option for renaming for the following reasons: • Concerns raised by affected residents and landowners regarding the historical significance of Wickham Road. • The fact that Wickham Road services multiple residences and farming properties associated with the Wickham and surrounding families • The fact that Wickham Road name predates Wickham Street and has significant historical connection to pioneering agricultural settlement within the district. • The fact that retaining the Wickham Road name is considered by Council to be in the broader community and historical interest.

Comment

Council's decision at the Ordinary Council Meeting Tuesday, 26 May 2026 was to rename the existing "Wickham Street" to "Vivienne Street". Officers consider "Vivienne Street" is an appropriate name given its association with the origin of the current road name and compliance with the Naming Policy.

At Ordinary Council Meeting Tuesday, 24 March 2026, Council approved "Tippett" as the alternate name to "Vivienne" for the proposed renaming of "Wickham Road". While the proposed renaming of "Wickham Road" is no longer being pursued, Officers consider that "Tippett" remains an appropriate alternate name given its association with the locality and compliance with the Naming Policy.

It is therefore recommended that Council approves "Vivienne Street" as the proposed name with "Tippett Street" as the alternate.

Statutory/Policy Environment

Geographic Naming Committee (GNC)

GNC Policies and Standards for Geographic Naming in Western Australia outline the criteria for the naming of roads. Proposals submitted to the GNC need to include a plan showing the extent of the proposed name and details of the origin of the name. Relevant sections of the Policy include:

- Section 1, Policy 1.2 – Language and spelling
- Section 1, Policy 1.4 – Commemorative names
- Section 2, Policy 2.2 – Components of a road name

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 13:	Protect and preserve places with heritage or cultural significance.
Pillar 5 – Performance:	A representative leadership that is future thinking, transparent and accountable.
Objective 22:	Continue to deliver customer-centred service, communication and engagement.

Community Engagement

Community Participation Goal

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

Limited feedback was received from the local community during the advertising period.

Promise to the Community

Collaborate: We will work together with you to formulate solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.

The names recommended in this report were originally identified during earlier community engagement and have previously been considered by Council.

Risk Management

The Risk Theme Profile identified as part of this report is **Inadequate Engagement Practices**. The consequence could be ***Reputational*** if the correct process is not followed and the public is not adequately consulted. The Risk is considered ***Minor*** and the Likelihood ***Unlikely***, given that consultation with the potentially impacted landowners and the broader community has been undertaken. The names recommended have been sought from the community with multiple appropriate recommendations provided, resulting in a ***Low*** Risk being present.

Budget Implications

Nil.

Authority/Discretion

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council requests the Chief Executive Officer to proceed with submitting this street renaming application to Landgate's Geographic Naming Committee to approve the renaming of Wickham Street, Yarloop as "Vivienne Street" and provides an alternative name of "Tippett Street".

5.4. Corporate Services

Item No.	**5.4.1.**
Subject:	**Payments September 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 September 2026 [**5.4.1.1** - 26 pages]

Summary

A listing of payments for goods and services for September 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* (Act), 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 September 2026 is presented as ***Attachment 1*****,** as summarised below.

Voucher		**Amount**
Schedule of Accounts		
Municipal	CP.71.1 – CP.75.147	$ 3,115,394.03
	117760–117762	$ 43,698.25
CBA Credit Cards		$ 7,720.73
Electronic Funds Submitted/Direct Debits		$ 1,473,666.63
Total		**$ 4,640,479.64**

Purchasing Card Payments included in the Municipal payments above

AMPOL Fuel Card	$ 4,714.20
BP Fuel Card	$ 11,570.80
Puma Fuel Card	$ 1,013.87
Total	**$ 17,298.87**

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:

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 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 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 September 2026 totalling $4,640,479.64.

Item No.	**5.4.2.**
Subject:	**Monthly Financials 30 September 2026**
Proponent:	**Shire of Harvey**
Location:	**Shire of Harvey**
Reporting Officer:	**Accountant**
Authorising Officer:	**Director Corporate Services**
File No.:	**FM/S/006**
Attachments:	1. Monthly Financials 30 September 2026 [**5.4.2.1** - 10 pages]

Summary

At 30 September 2026, the Shire of Harvey (Shire) reported an end of period surplus of $43.3 million, largely reflecting the levying and collection of annual rates and waste charges early in the financial year. This surplus is expected to reduce as operational expenditure and capital works progress throughout the year.

Overall, the Shire remains in a sound financial position, with no significant concerns identified in the operating accounts at this stage of the financial year.

It is recommended Council receives the Financial Statements as at 30 September 2026 as provided in ***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 (***Attachment 1***) reporting on the revenue and expenditure as set out in the Annual Budget under Regulation 22 (1)(d) for the month.

Comment

The Shire continues to maintain a sound cash position, with cash and short-term deposits totalling $48.7 million. Outstanding rates totalled $17.5 million, with approximately 56% of rates collected by 30 September 2026, consistent with the 2024–2025 financial year.

Operating expenditure remains generally in line with the adopted Budget, with materials and contracts approximately $585,000 below year-to-date budget, primarily due to the timing of projects and expenditure.

Capital expenditure totalled $2.7 million against an annual Budget of $50.3 million, representing approximately 5.4% of the annual allocation. A number of major projects are yet to commence, with expenditure expected to increase as works progress. The timing and delivery of the capital works program will continue to be monitored.

The Shire's investment portfolio totalled $50.6 million at 30 September 2026, with no reported breaches of the Investment Policy.

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

	ACTUAL 30 Sept 2026	BUDGET 2026–2027	VARIANCE
Statement of Financial Performance			
Ordinary Revenue	$44,412,141	$51,123,623	$ 6,711,482
Ordinary Expenditure	$15,343,613	$65,414,276	$50,070,663
Capital Revenue	$10,177,862	$46,901,385	$36,723,523
Capital Expenditure	$ 2,721,608	$50,317,897	$47,596,289
End of Period Surplus/(Deficit)			$43,315,336

	ACTUAL
Statement of Financial Position	
Current Assets	$ 68,902,010
Net Assets	$850,685,354

Rates Revenue

Rates revenue of approximately $35,000,000 and waste service charges of approximately $6,800,000 were raised in August 2026. The due date for rates payment was Friday, 25 September 2026. Approximately 56% of the rates were collected by Wednesday, 30 September 2026 compared to 17% for the financial year 2025–2026 and 57% for the financial year 2024–2025. In the financial year 2025–2026, rates were raised in September 2025, therefore the collection percentage as at 30 September 2025 was lower as compared to other financial years.

Cash Flow and Interest Earnings

The Shire holds by way of cash and term deposits $24,758,755 in Municipal funds and $18,213,814 in restricted Trust and Reserve funds. The average interest rate on these funds is 5.10%. New term deposits are attracting an interest rate of approximately 5.25% for a term of 90 days.

Operating Grants and Subsidies

The Shire received $4,381,668 as advance payment for Financial Assistance Grants 2026–2027 in the last quarter of the 2025–2026 financial year. First instalment of Financial Assistance Grant for financial year 2026–2027 was also received in August 2026.

Employee Costs

The employee costs reflect the employee costing for the first three months of the financial year 2026–2027. The Shire is anticipated to remain in line with the Budget 2026–2027 and the Shire's Workforce and Diversity Plan.

Material, Contracts, Utilities and Other Expenses

Although these accounts only reflect the first three months of the financial year, it is anticipated the Shire will operate within its means and in line with the Shire's adopted Budget for the 2026–2027 financial year.

Capital Expenditure

The Shire has budgeted to spend $50,300,000 on capital projects throughout the Shire in 2026–2027. Some of these projects include carry over projects from the financial year 2025–2026.

Expenditure totalling approximately $2,700,000 on capital works has been reported at the end of September 2026. As major projects are completed, and as the Shire is invoiced for these works, the level of reported expenditure will increase.

Please note further information on major projects is delivered through quarterly reporting.

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) Regulations 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 Wednesday, 30 September 2026 provided in ***Attachment 1.***

5.5. Community and Lifestyle

Item No.:	**5.5.1.**
Subject:	**Use of Smart Glasses and other wearable recording devices within the Shire of Harvey**
Proponent:	**Shire of Harvey**
Location:	**Shire of Harvey**
Reporting Officer:	**Director Community and Lifestyle**
Authorising Officer:	**Chief Executive Officer**
File No.:	**F/08/00055**
Attachments:	**Nil**

Summary

This report considers the emerging risks associated with smart glasses and other wearable recording devices within Shire of Harvey (Shire) workplaces, facilities and Council operations. Recent technological advances have made wearable cameras inexpensive, discreet and widely available. Unlike conventional mobile phones, these devices can record audio, video and images without obvious visual cues, increasing the risk of covert recording of employees, Councillors, contractors and members of the public.

The report recommends a review of the Shire's local laws, policies and procedures to address privacy, safety and other implications of this emerging technology relevant to the Shire's facilities, services and operations.

Background

Smart glasses and other wearable recording devices are becoming more accessible in Australia and can discreetly capture images, video and audio in public and work environments. The Office of the Australian Information Commissioner has identified surveillance wearables as an emerging privacy issue, including because people may not know when they are being recorded or how captured information may later be used.

In Western Australia, the *Surveillance Devices Act 1998* regulates the use of listening and optical surveillance devices and the publication or communication of records of private conversations or activities.

These developments are relevant to the Shire because wearable recording devices may be used in facilities, meetings, customer service areas, and other operational settings, and at public events. A review of the Shire’s local laws, policies and procedures will help ensure there is clear guidance for staff, visitors and the community, while supporting privacy, safety, accessibility and responsible governance.

The Shire recently received several emails from concerned community members expressing concern and requesting the Shire to ban the use of smart glasses in all Shire-owned facilities and to advocate to the Prime Minister and the Attorney General for stronger federal regulation in this area.

Comment

The Shire has obligations to maintain a safe workplace, protect confidential information, preserve privacy and ensure the integrity of its decision-making processes.

Smart glasses and similar wearable recording devices create several practical challenges not traditionally addressed by policies designed around mobile phones.

The devices can be used hands-free and inconspicuously, allowing recordings to occur without the knowledge of nearby persons. Many devices also incorporate cloud connectivity, artificial intelligence functions, speech transcription and remote data storage capabilities.

Potential impacts for the Shire include:

- Recording of confidential discussions involving employees, elected members or contractors.
- Recording of complainants, witnesses or vulnerable persons interacting with the Shire.
- Recording of closed Council sessions or confidential briefings.
- Collection of personal information without consent.
- Workplace bullying, intimidation or harassment through covert recording.
- Recording of security systems, access controls or sensitive information displayed on computer screens.
- Potential disclosure of confidential information through publication, sharing or livestreaming of recordings.

Many organisations are responding by reviewing workplace surveillance, acceptable use, information security and visitor management policies to ensure wearable recording technology is specifically addressed. Privacy and employment law specialists have recommended the introduction of signage, designated device-free areas, visitor controls and clear policy directions regarding wearable recording devices.

To proactively manage these risks, it is proposed that the Shire's local laws, policies, procedures and other controls are reviewed to identify and address any risks arising from the use of smart glasses and other wearable recording devices. The review will identify:

- Circumstances where the use of smart glasses and other wearable recording devices may create privacy, safety and community concerns
- Practical and proportionate recommendations to mitigate these concerns
- The operational, financial, legal and enforcement implications of such recommendations.

In the interim, it is recommended that Conditions of Entry to Shire facilities such as recreation and aquatic centres, libraries, and administration buildings are reviewed and amended to restrict unauthorised recording.

Statutory/Policy Environment

Surveillance Devices Act 1988

- Section 5 prohibits the use of a listening device to record a private conversation in certain circumstances, while Section 6 regulates the recording of private activities using optical surveillance devices. Section 9 also restricts the publication or communication of certain records of private conversations or private activities.
- However, the Act does not create a general ban on recording in public places, workplaces or local government facilities. Its application depends on the circumstances, including whether the recording involves a "private conversation" or "private activity", whether consent has been given, and whether any exceptions apply.

- As a result, the Act may assist with covert or unauthorised recordings in higher-risk settings, but it is unlikely to provide a complete basis for banning smart glasses or other recording-capable devices across all Shire facilities.

- Any restriction on recording should therefore be supported by clear local laws, conditions of entry, workplace policies, signage and procedures that identify where recording is not permitted or requires prior authorisation.

Local Government Act 1995

- Recent amendments (Section 5.23A) and regulations require livestreaming or recording of Council meetings depending on the classification of the local government. These provisions relate to authorised Council recordings and do not prevent a local government from managing unauthorised recording activities within its facilities.

Applicable Shire of Harvey policies.

- The Chief Executive Officer has delegated authority to implement interim actions at Shire buildings and facilities where necessary to manage immediate operational, safety, privacy or service continuity risks.

Strategic Framework

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

Pillar 1 – People:	A safe, accessible and connected community where everyone has the opportunity to contribute and belong.
Objective 1:	Create a community where people feel safe.
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 is included in the Agenda Briefing Session and Ordinary Council Meeting documents, which are uploaded to the Shire's website for public viewing.

Promise to the Community

Inform: We will keep you informed.

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

Risk Management

The Risk Theme Profile identified as part of this report **Inadequate Work Health and Safety Practices**. The Consequence could be ***People, Health and Safety*** if measures are not implemented to prevent covert recording of staff and community members and confidential information, and recorded information is used inappropriately. Another potential Consequence could be ***Reputational*** if the recordings are used inappropriately. The Measure of Consequence is ***Moderate***, and the Likelihood is ***Possible*** giving an overall Risk Rating of ***Medium*** to ***High***. The Officer recommendation aims to mitigate these risks by reviewing Shire operations with a view to restricting the use of wearable devices.

Budget Implications

There are no material budget implications related to the Officer's recommendation. However, there may be a cost should Council endorse any actions to be undertaken following the review.

Authority/Discretion

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

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Notes:

    a. The emerging privacy, workplace, governance and security risks associated with smart glasses and other wearable recording devices.

    b. That the Chief Executive Officer may introduce appropriate measures to restrict the use of smart glasses and other wearable recording devices at higher-risk Shire facilities in accordance with existing delegation of authority.

2. Requests the Chief Executive Officer to:

    a. Review the Shire's local laws, policies, procedures and other controls to identify and address any risks arising from the use of smart glasses and other wearable recording devices.

    b. Raise the issue of advocating for stronger regulation of smart glasses and other wearable recording devices for discussion at the next WA Local Government Association South West Country Zone meeting.

    c. Provide a report to Council no later than March 2027 that considers:

        i. Circumstances where the use of smart glasses and other wearable recording devices may create privacy, safety and community concerns.

        ii. Practical and proportionate recommendations to mitigate these concerns.

        iii. The operational, financial, legal and enforcement implications of such recommendations.

6. Notice of Motion for Following Meeting

Nil.

7. Matters Behind Closed Doors

7.1. Infrastructure Services

Item No.:	**7.1.1.**
Subject:	**Bunbury Harvey Regional Council**
Proponent:	**Shire of Harvey**
Location:	**Shire of Harvey**
Reporting Officer:	**Manager Waste and Safety Services**
Authorising Officer:	**Chief Executive Officer**
File No.:	**GR/L/005**
Attachments:	**Nil**

Reason for Confidentiality

Pursuant to sections 5.23(2)(b) and 5.23(4)(b) of the *Local Government Act 1995,* this report contains details relating to the current and proposed governance structure of the Bunbury Harvey Regional Council (BHRC) and its Members of Council.

The confidential information includes:

- Matters relating to the recruitment or employment of the CEO or a senior employee.
- Information relating to the personal affairs of an individual.

Summary

This report seeks Council's direction on the future governance of the Bunbury Harvey Regional Council.

Voting Requirements

Absolute Majority