



Shire of Harvey

**ORDINARY COUNCIL
MEETING
MINUTES**

21st February 2017

TABLE OF CONTENTS

A.	OFFICIAL OPENING	5
B.	PUBLIC QUESTION TIME	5
C.	READING FROM A BOOK OF LEARNING AND WISDOM	5
D.	APOLOGIES/LEAVE OF ABSENCE	5
E.	DECLARATIONS OF MEMBERS' AND OFFICERS' PERSONAL INTEREST	5
F.	PETITIONS/DEPUTATIONS	5
G.	CONFIRMATION OF MINUTES	5
	Ordinary Council Meeting – 31 st January 2017.	5
H.	ANNOUNCEMENTS BY THE PERSON PRESIDING OR C.E.O WITHOUT DISCUSSION	6
I.	ADOPTION OF STANDING, OCCASIONAL & SUNDRY COMMITTEE MEETING MINUTES	9
	Yarloop Anniversary Event Working Group – 20 th January 2017.....	9
	Yarloop Town Development Working Group – 6 th February 2017	9
	Leschenault Leisure Centre Advisory Committee – 10 th February 2017.....	9
	Community Safety and Crime Prevention Advisory Committee – 14 th February 2017	9
	Bush Fire Advisory Committee – 20 th February 2017	12
	Corporate Services Committee – 21 st February 2017	12
	Development Services Committee – 14 th February 2017	13
	<i>(Including Planning, Health and Building Reports listed below)</i>	
8.1	PLANNING REPORT	
	8.1.1 Effluent Management Plan and Local Development Plan – Riverbank Estate, Roelands – Calibre Consulting (on behalf of Two Hills Pty Ltd) – Lot 9201 Craigie Drive, Roelands (S150551).	13
	8.1.2 Application for Development Approval – Stage 2 Redevelopment of Hocart Lodge – Aged Care Facility – Total Project Management – Lot 36 (No. 3) Knowles Street, Harvey (A015720 (Previously A001272)).	13
	8.1.3 Application for Development Approval – Modification to Allocated Building Envelope – C. and L. Bramley – Lot 954 (No. 26) Avalon Road, Australind (A012150).	13
	8.1.4 Proposed Road Names for Inclusion on Reserved Road Names Register – Shire of Harvey – Australind Locality (PS/N/002).	13
	8.1.5 Coastal Hazard Risk Mapping and Adaptation Plan (Draft) – Final Adoption – Shire of Harvey (B000183).	13

8.2	BUILDING REPORT	
8.2.1	Proposed Over Size Outbuilding – M. and H. Dunstall – Lot 53 Howson Drive, Brunswick (A008634).....	13
8.2.2	Building Permit Applications Received – Building Permits Issued – January 2017 – Shire of Harvey (BSR017 (15)).....	13
J.	REPORTS BY OFFICERS OF COUNCIL	
	CORPORATE SERVICES	
1.	Proposed Off Road Vehicle Event – Western Australian Off Road Racing Association – Lot 268 South Western Highway, Warawarrup (A002762).....	6
2.	Policy Manual Update – Various Policies – Shire of Harvey (GRP004).....	14
3.	Review of the Emergency Services Levy – Economic Regulation Authority – State of Western Australia (FMR/015).....	19
4.	Harvey Community and Sporting Facility – Funding Arrangement – Shire of Harvey – Harvey Recreation and Cultural Centre (B000150).....	21
5.	Proposal for Bushfire Recovery Art Project – Yarloop Bushfire Recovery Community Sub Committee – Shire of Harvey (ES/I/007).....	23
6.	Meetings for Coming Months (CCC001).....	27
K.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	28
L.	NOTICE OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING.....	28
M.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN.....	28
N.	REPORTS OF MEMBERS	28
O.	ORDERS OF THE DAY.....	29
1.	Agreement for In-kind Maintenance and Upgrade of Roads in Lieu of Monetary Contribution – Nicholas Vitalone and Michael Paul Dagostino T/A Amroc Industries, Carbone Bros Pty Ltd and Bluestripe Pty Ltd T/A ABA Civil (Operators) and Shire of Harvey.	29
2.	General Conditions of Contract for the Resurfacing of the Australind Tennis Courts.	29
3.	General Conditions of Contract for Design and Construction of the Australind Skate Park.	29
P.	MOTIONS WITHOUT NOTICE (by permission of majority of members).....	30
Q.	MATTERS BEHIND CLOSED DOORS (Under Section 5.23 (2)(c) of the Local Government Act, 1995).....	30
	Confidential Item 1 – Tender T012017 – Leschenault Leisure Centre Upgrade – Various Tenderers – Leschenault Leisure Centre, Australind (T012017).....	30
	Confidential Item 2 – Tender T022017 – Supply and Installation of New Sports Lighting – Various Tenderers – Harvey Recreation Ground and Binningup Bowling Club (T022017).....	30
R.	CLOSURE	31

SHIRE OF HARVEYCOUNCIL MINUTESMINUTES OF THE ORDINARY MEETING OF THE HARVEY SHIRE COUNCIL, HELD IN THE COUNCIL CHAMBER, YOUNG STREET, HARVEY, ON TUESDAY, 21ST FEBRUARY 2017, COMMENCING AT 4:05P.M.ATTENDANCE

Shire President	Cr.	T.G.	Jackson
Deputy Shire President	Cr.	P.J.	Beech
	Cr.	B.	Adams
	Cr.	F.	Burgoyne
	Cr.	G.	Campbell
	Cr.	P.	Giancono
	Cr.	A.	Lovitt
	Cr.	P.	Monagle
	Cr.	A.J.	Shortland
	Cr.	D.	Simpson
	Cr.	K.J.	Wood

STAFF

Chief Executive Officer	Mr.	M.	Parker	
Executive Manager Corporate Services	Mr.	S.	Collie	
Executive Manager Technical Services	Mr.	T.	Naudé	
Principal Building Surveyor	Mr.	M.	Stewart	4.05p.m. – 4.45p.m.
Acting Principal Environmental Health Officer	Mr.	H.	Jones	4.05p.m. – 5.22p.m.
Manager Planning Services	Mr.	S.	Hall	4.05p.m. – 4.55p.m.
				4.58p.m. – 5.35p.m.
Manager Community & Economic Development	Mr.	P.	Quinlivan	

GALLERY

	Mr.	K.	Howard	4.05p.m. – 4.45p.m.
	Mr.	B.	Schwesermann	4.05p.m. – 5.22p.m.

PRESS

	Mr.	L.	Bertelli	4.05p.m. – 5.22p.m.
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A. OPENING AND WELCOME

The Shire President opened the meeting at 4.05p.m.

B. PUBLIC QUESTION TIME

Nil.

C. READING FROM A BOOK OF LEARNING AND WISDOM

Read by Cr. Campbell.

D. APOLOGIES AND LEAVE OF ABSENCE

Apology: Cr. Sabourne

Leave of Absence: Cr. Carbone

E. DECLARATIONS OF MEMBERS' AND OFFICERS' PERSONAL INTEREST

Nil.

F. PETITIONS/DEPUTATIONS**CORPORATE SERVICES ITEM 1 – PROPOSED OFF ROAD VEHICLE EVENT – WESTERN AUSTRALIAN OFF ROAD RACING ASSOCIATION – LOT 268 SOUTH WESTERN HIGHWAY, WARAWARRUP (A002762).**

Mr. Ken Howard made a presentation to Council seeking support for the Officer's Recommendation contained within this Item. Mr. Howard referred to the past successful running of the event as well as inviting Councillors to attend the event.

G. CONFIRMATION OF MINUTES

ORDINARY COUNCIL MEETING – Tuesday, 31st January 2017.

Recommendation

That the Minutes of the Council Meeting held on Tuesday, 31st January 2017, as printed be confirmed as a true and correct record.

17/031.

Campbell/Beech

“That the Minutes of the Council Meeting held on Tuesday, 31st January 2017, as printed be confirmed as a true and correct record.”

CARRIED 11-0

H. ANNOUNCEMENTS BY THE PERSON PRESIDING OR C.E.O WITHOUT DISCUSSION

Nil.

Change in Order of Business

17/032. **Beech/Adams**
“That the Agenda be taken out of order to consider Corporate Services Item 1.”

CARRIED 11-0

Item No.	1
Subject	Proposed Off Road Vehicle Event
Proponent:	Western Australian Off Road Racing Association
Location:	Lot 268 South Western Highway, Warawarrup
Reporting Officer:	Manager Community and Economic Development
File No.:	A002762

Summary

This report presents a proposal by the Western Australian Off Road Racing Association Inc. (WAORRA) to conduct a one day event for seriously ill children and their families at the “Commonage” on the area of land that is leased to the Jeep Owners Club of WA. It is recommended that Council approve the event subject to conditions.

Background

For the past seven years the WAORRA has held a fun day for seriously ill children and their families from the Starlight Foundation. The event was originally held at a privately owned property in Dwellingup however due to the property being sold, Council approval was granted to conduct the event at the “Commonage” in February 2016.

The WAORRA has submitted a proposal seeking Council’s approval to again conduct an off road vehicle event at the “Commonage” between the hours of 10am and 3pm on Sunday, 19th March 2017. Similar to last year the request is to conduct the event on land that is managed under a lease agreement by the Jeep Owners Club of WA. WAORRA and the Jeep Owners Club have been in regular contact regarding the proposed event and the Club has provided a letter of support.

The Lease Agreement between the Shire and the Jeep Owners Club of WA permits use of the land for *“education and progressive driving skills in the area of four wheel drive vehicles.”* Given that the event would involve volunteer drivers in Confederation of Australian Motor Sport (CAMS) accredited vehicles taking a child on a fun lap of the circuit, the proposed use of the site is somewhat different to the permitted use and the matter is referred for Council’s consideration.

Comment

Based on last year’s event, approximately 150 people are expected to attend including 60 - 80 children, their families, drivers and event volunteers.

SIGNED _____ DATED 14th March 2017.

The event itself involves the children being taken on a fun lap of the circuit with a vehicle leaving every 3-4 minutes. Although the vehicles would be travelling at some speed, the event is not a race and for the most part only one vehicle would be on the track at the one time. There would be a break for lunch followed by a further session of rides with the event concluding by 3pm.

Subject to Council's approval, the event would be run by WAORRA under a permit from CAMS which includes strict conditions and measures to minimise any safety risks. As with any event involving motorised vehicles there is some risk involved however, Staff have met the organisers and believe that potential risks have been identified and steps taken to mitigate those risks. In order to provide security of the site on the evening before the event a request has been received from one of the organisers to camp overnight. This is permitted under the Lease Agreement which allows camping on a restricted number of occasions.

The event is intended to be for the children and their families rather than a public event and as such, would not be promoted in the community. From all reports last year's event was successful and there were no incidents or concerns. It is recommended that Council approve the event subject to a number of conditions.

Strategic Framework

Within the Shire's Strategic Community Plan 2013 – 2023, Strategy 3.1.4 states:

"Continue to support community events and programs."

Statutory/Policy Environment

The land upon which the proposed event is to be run is managed under a lease agreement by the Jeep Owners Club of Western Australia Inc.

Council's Property Local Law (2008) will apply in relation to the use of Council Property.

Risk Management

The Risk Theme Profile identified as part of this report is ***Ineffective management of Facilities/Venues/Events***. The Consequence could be Health and Reputational if an accident occurred due to inadequate management of the event. The Risk Consequence could be "Major" and the Likelihood "Unlikely" (2) resulting in a "Moderate" (8) level of risk. The risk is mitigated by the conditions of approval for the event that are recommended in this report.

Budget Implications

Nil

Officer's Recommendation

That Council approves the request from the Western Australian Off Road Racing Association Inc. to conduct an off road vehicle event at the Commonage on 19th March 2017, between the hours of 10am and 3pm, subject to the following conditions:

1. Completion of an Events Application Package including a Risk Management Plan to the satisfaction of the Shire;

SIGNED _____ DATED 14th March 2017.

2. Traffic management arrangements for the proposed event including the need for advanced warning signage on South Western Highway and Main Roads WA approval, being approved by the Executive Manager Technical Services;
3. The Western Australian Off Road Racing Association Inc. obtaining Public Liability insurance to the value of \$20 million for the event;
4. The event being approved by the Confederation of Australian Motor Sport Ltd. (CAMS) and conducted strictly in accordance with the conditions of the CAMS permit with a copy of the permit to be provided to the Shire within the Events Application Package;
5. An Ambulance and a "Fast Attack" fire truck being present for the duration of the event;
6. No fires are permitted to be lit at any time during set up period, during the event itself or in the pack up period;
7. Dust suppression measures are put in place to the satisfaction of the Executive Manager Technical Services; and
8. The event area is left in a clean and tidy condition at the conclusion of the event.

17/033. **Adams/Beech**
"That the Officer's Recommendation be adopted."

CARRIED 11-0

The Order of Business as listed within the agenda was resumed at 4.28p.m.

I. ADOPTION OF STANDING, OCCASIONAL & SUNDRY COMMITTEE MEETING MINUTES (Beige)

Yarloop Anniversary Event Working Group
20th January 2017.

MINUTES

- 17/034. **Lovitt/Burgoyne**
“That the Minutes of the Yarloop Anniversary Event Working Group, held on Friday, 20th January 2017, as printed, be received and the recommendations contained therein be adopted by Council.”

CARRIED 11-0

Yarloop Town Development Working Group
6th February 2017.

MINUTES

- 17/035. **Beech/Burgoyne**
“That the Minutes of the Yarloop Town Development Working Group, held on Monday, 6th February 2017, as printed, be received and the recommendations contained therein be adopted by Council.”

CARRIED 11-0

Leschenault Leisure Centre Advisory Committee
10th February 2017.

MINUTES

- 17/036. **Simpson/Campbell**
“That the Minutes of the Leschenault Leisure Centre Advisory Committee, held on Friday, 10th February 2017, as printed, be received and the recommendations contained therein be adopted by Council.”

CARRIED 11-0

Community Safety and Crime Prevention Advisory Committee
14th February 2017.

MINUTES

- 17/037. **Campbell/Burgoyne**
“That the Minutes of the Community Safety and Crime Prevention Advisory Committee, held on Tuesday, 14th February 2017, as printed, be received and the recommendations contained therein be adopted by Council.”

CARRIED 11-0

Corporate Services Committee
21st February 2017

MINUTES

Item No. 7.9	
Subject:	Request for Rates Concession 2016/17 Financial Year
Proponent:	Binningup Nominees Pty Ltd
Location:	Lots 194, 195, 199, 200 and 8002 Binningup – Public Open Space – Footpaths
Reporting Officer:	Finance Manager
File No.:	FM/R/012 Attachment Reg. No. 16/16124

Summary

The developers of Peppertree Lakes Estate Binningup – Binningup Nominees Pty Ltd have made a written application for a rates concession on the abovementioned lots within this subdivision. It is recommended that the concession be approved.

Background

Council has previously granted a Rates Concession on this land and resolved:-

- “1. That Council resolves to grant a concession in accordance with Section 6.47 of the Local Government Act 1995 on the general rates on Lots 194, 195, 199, 200 and 8002 – Binningup Public Open Space for the period 1st July 2015 to 30th June 2016, based on the percentage of the land area used for “Public Open Space”.
2. That Council invites the developer to make a written application in May each year informing Council of any changes to the use of the land or any transfers to the Crown and applying to Council to consider a concession for the next rating year relating to Lots 194, 195, 199, 200 and 8002.”

The land is in the ownership of Binningup Nominees Pty Ltd and is currently rateable land under Section 6.26 of the Local Government Act 1995 (“the Act”). The subdivision development is covered by the Shire of Harvey Town Planning Scheme No. 12 – Peppertree Lakes Guided Development Scheme.

The developer has advised that Lots 194, 195, 199, 200 and 8002 are Public Open Space (POS) lots that have footpaths running through them and have not been transferred to the Crown at this time.

Under Clause 3.7 of the Peppertree Lakes Guided Development Scheme the POS shall be vested in the Crown.

When POS land is vested in the Crown, the land automatically becomes non-rateable land under section 6.26(2)(a)(i) of the Act.

Section 6.26 (2) “The following land is not rateable land-
(a) Land which is the property of the Crown and
(i) Is being used or held for a public purpose.”

SIGNED _____ DATED 14th March 2017.

Comment

Staff agrees that the POS should be exempt from rates because in a standard subdivision of land the POS is vested in the Crown under the Planning and Development Act 2005 when the WA Planning Commission approves the survey.

Staff believe that the basis for estimating the concession should be the Total Rates on the Land divided by the total area of the estate (57.1737ha) multiplied by the area of lots 194, 195, 199, 200 and 8002, (1.7186ha). i.e. 2016/2017 Rates \$12,672.86 / 57.1737 X 1.7186 = \$380.94.

Statutory/Policy Environment

The applications for rate concession can only be considered under Section 6.47 of the Local Government Act 1995 which states:-

*“a Local Government may at the time of imposing a rate or service charge or at a later date resolve to waive (**Absolute Majority required**) a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.”*

Strategic Framework

Within the Shire’s Strategic Community Plan 2013 – 2023, Strategies 4.3.4 and 4.5.3 state:

4.3.4 *“Monitor and ensure compliance with the regulatory framework for local government.”*

4.5.3 *“Review rating strategies.”*

Risk Management

The Risk Theme Profile identified as part of this report is **Failure to fulfil Compliance Requirements** and the Consequence is Financial Impact. The controls in place have determined that the Risk Rating for this matter is "Insignificant" therefore there is no treatment proposed.

Budget Implications

Concession of \$380.94.

Officer’s Recommendation

That Council:

1. Grants a concession in accordance with Section 6.47 of the Local Government Act 1995 on the general rates on Lots 194, 195, 199, 200 and 8002 – Binningup Public Open Space for the period 1st July 2016 to 30th June 2017, based on the percentage of the land area used for “Public Open Space”; and
2. Invites the developer to make a written application in May each year informing Council of any changes to the use of the land or any transfers to the Crown and applying to Council to consider a concession for the next rating year relating to Lots 194, 195, 199, 200 and 8002.

ABSOLUTE MAJORITY REQUIRED

SIGNED _____ DATED 14th March 2017.

- 17/038. **Campbell/Giancono**
"That the Officer's Recommendation be adopted."
CARRIED BY ABSOLUTE MAJORITY 11-0

Corporate Services Committee
21st February 2017

MINUTES

- 17/039. **Wood/Giancono**
"That the Minutes of the Corporate Services Committee, held on Tuesday, 29th November 2016, be received and the recommendations listed hereunder be adopted en-bloc."
- 7.1 Financial Statement for the Period Ending 31st January 2017 – Shire of Harvey (CCC062).
 - 7.2 Debtors Reconciliation – Shire of Harvey (FMS006).
 - 7.3 Statement of Investments – Shire of Harvey (FMS006).
 - 7.4 Accounts for Payment – Shire of Harvey (FMS006).
 - 7.5 Accounts for Payment by Electronic Fund Transmission – Shire of Harvey (FMS006).
 - 7.6 Schedule of Credit Card Payments Submitted – Shire of Harvey (FMS006).
 - 7.7 Major Projects – Status Report – Shire of Harvey (FMS006).
 - 7.8 Request for Rates Exemption – Activ Foundation (Inc.) – Lot 295 (No. 45) Parkfield Way, Lot 322 (No. 39) Vaughans Way, Lot 649 (No. 9) Balwyn Way and Lot 933 (No. 8) Carlingford Way, Australind (A004189, A012533, A013039, A014345).

CARRIED 11-0

Bush Fire Advisory Committee
20th February 2017.

MINUTES

- 17/040. **Wood/Burgoyne**
"That the Minutes of the Bush Fire Advisory Committee, held on Monday, 20th February 2017, as printed, be received and the recommendations contained therein be adopted by Council."
CARRIED 11-0

Development Services Committee
14th February 2017

MINUTES

- 17/041. **Simpson/Beech**
 “That the Minutes of the Development Services Committee Meeting, held on Tuesday, 14th February 2017, be received and the recommendations listed hereunder be adopted en-bloc.”

8.1 PLANNING REPORT

- 8.1.1 Effluent Management Plan and Local Development Plan – Riverbank Estate, Roelands – Calibre Consulting (on behalf of Two Hills Pty Ltd) – Lot 9201 Craigie Drive, Roelands (S150551).
- 8.1.2 Application for Development Approval – Stage 2 Redevelopment of Hocart Lodge – Aged Care Facility – Total Project Management – Lot 36 (No. 3) Knowles Street, Harvey (A015720 (Previously A001272)).
- 8.1.3 Application for Development Approval – Modification to Allocated Building Envelope – C. and L. Bramley – Lot 954 (No. 26) Avalon Road, Australind (A012150).
- 8.1.4 Proposed Road Names for Inclusion on Reserved Road Names Register – Shire of Harvey – Australind Locality (PS/N/002).
- 8.1.5 Coastal Hazard Risk Mapping and Adaptation Plan (Draft) – Final Adoption – Shire of Harvey (B000183).

8.2 BUILDING REPORT

- 8.2.1 Proposed Over Size Outbuilding – M. and H. Dunstall – Lot 53 Howson Drive, Brunswick (A008634).
- 8.2.2 Building Permit Applications Received – Building Permits Issued – January 2017 – Shire of Harvey (BSR017 (15)).

CARRIED 10-1

Mr. Howard and Mr. Stewart left the meeting at 4.45p.m.

J. REPORTS BY OFFICERS OF COUNCIL**CORPORATE SERVICES**

Item No.	2
Subject:	Policy Manual Update – Various Policies
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Coordinator Corporate Planning
File No.:	GRP004

Summary

A review of the Shire of Harvey Policy Manual has commenced in conjunction with the creation of a number of new and amended local laws.

It is recommended that Council, having reviewed the new policies, adopts the policies within this report.

Background

As part of the ongoing review of Council policies and compliance functions, a review of the Policy Manual has commenced. This review is being undertaken in conjunction with the creation of a number of new and amended local laws.

A number of new policies are proposed at this time. These policies will provide immediate guidance for the broader Policy Manual review, disaster relief donations, general donations, and matters resulting from the recent local law review. Endorsement of the new Policies is now sought.

The numbering of policies will be done administratively following Council's decision on the report.

Comment***Policy 1: Policy Manual***

A new Policy is recommended as noted in ***Attachment 1*** to this report.

This Policy has been developed to recognise the function and objectives of Council's Policy Manual. It provides guidance to Councillors and staff on the purpose and function of Council policies and the Policy Manual.

A formal Procedure has been developed to assist staff in the implementation of this Policy.

Policy 2: Common Seal

A new Policy is recommended as noted in ***Attachment 2*** to this report.

The Shire of Harvey updated its Standing Orders Local Law on the 31st January 2017, which amongst other changes, removed the previous authorisation to affix the Common Seal. The former Standing Orders Local Law 2001 included the following section:

PART 19 - Common Seal**19.1 The Council's Common Seal**

- (1) *The CEO is to have charge of the common seal of the Local Government, and is responsible for the safe custody and proper use of it.*
- (2) *The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the President and the CEO or a senior employee authorised by him or her.*
- (3) *The common seal of the Local Government is to be affixed to any Local Law which is made by the Local Government.*
- (4) *The CEO is to record in a register each date on which the common seal of the Local Government was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.*
- (5) *Any person who uses the common seal of the Local Government or a replica thereof without authority commits an offence.*

The new Policy has been developed to give authorisation to the Shire President and CEO to affix the Common Seal of the Shire of Harvey to relevant legal and planning documents.

The CEO and Shire President exercise this authority to use the Common Seal under Delegation number 1.1.12.

Policy 3: Disaster Relief Donations

A new Policy is recommended as noted at **Attachment 3** to this report.

This Policy has been developed to guide Council in managing donations received in the event of a disaster, and the transparent distribution of those donations.

This policy has been formulated using a number of references including experience from the recent Yarloop fires, the City of Perth Lord Mayor's Distress Relief Fund Operation Policy, Department of Fire and Emergency Services Policy 4.4, and other procedures and Codes of Practice.

A formal procedure has been developed to assist staff in the implementation of this Policy.

Statutory/Policy Environment

Local Government Act 1995:

2.7. Role of Council

- (1) *The Council —*
 - (a) *governs the local government's affairs; and*
 - (b) *is responsible for the performance of the local government's functions.*
- (2) *Without limiting subsection (1), the Council is to —*
 - (a) *oversee the allocation of the local government's finances and resources; and*
 - (b) *determine the local government's policies.*

The Local Government Act 1995, and Local Government (Functions & General) Regulations 1996, are referenced in the draft Shire of Harvey Use of Common Seal Policy.

SIGNED _____ DATED 14th March 2017.

A section of Council's Policy Manual is recommended to be updated.

Strategic Framework

Within the Shire's Strategic Community Plan 2013 – 2023, Strategy 4.2.2 states:

"Maintain, review and ensure relevance of Council's policies and local laws."

Risk Management

The Risk Theme Profile identified as part of this report is ***Inadequate Document Management Processes***. There is no Consequence associated as Council can amend or adjust its policies at any time if it sees fit or if there are any further changes required. With no Consequence identified there is no Risk present.

The application of individual policies may require risk assessment on a case by case basis.

Budget Implications

Nil.

Officer's Recommendation

That Council adopts the following new Policies as noted at ***Attachments 1, 2 and 3*** to this report and updates Council's Policy Manual:

1. Policy Manual;
2. Common Seal; and
3. Disaster Relief Donations.

Amended Officer's Recommendation

The following amended Officer's Recommendation was tabled at the meeting along with amended wording to Common Seal Policy (refer Attachment 2) which is attached hereunder:

That Council:

1. Adopts the following new Policies as noted at ***Attachments 1, 2 and 3*** to this report and updates Council's Policy Manual:
 - a. Policy Manual;
 - b. Common Seal;
 - c. Disaster Relief Donations; and
2. Amends Delegation 1.1.12 to read as follows:-

1.1.12	DELEGATION SUBJECT:	Use of the Common Seal
	LEGISLATIVE POWER:	Local Government Act, 1995 (Section 5.42)
	DELEGATE:	Chief Executive Officer

SIGNED _____ DATED 14th March 2017.

That Council delegates authority to the Chief Executive Officer, in consultation with the Shire President, to use the Common Seal of the Shire of Harvey without the specific approval of Council in accordance with Council's Policy on the use of the Common Seal:

ABSOLUTE MAJORITY REQUIRED

- 17/042. **Burgoyne/Simpson**
"That the amended Officer's Recommendation be adopted."
CARRIED BY ABSOLUTE MAJORITY 11-0

Amended Attachment 2

(Number) COMMON SEAL POLICY

Introduction

The *Local Government Act 1995* (the Act) provides for the execution of legal documents by affixing the Common Seal. A document is considered duly executed (s9.49A) if the Common Seal is affixed in accordance with the requirements of the Act.

Objective

To give authorisation to the President and Chief Executive Officer to affix the Common Seal of the Shire of Harvey to relevant legal documents.

Scope

This Policy applies to the President and Chief Executive Officer.

Policy Statement

The President and Chief Executive Officer are authorised to sign and affix the Common Seal of the Shire of Harvey to the following legal documents without referral to Council.

- a) Legal documents required as a condition of a subdivision or development approval previously granted by Council.
- b) Grant agreements/acquittals requiring the affixing of the Common Seal for grants which have previously been approved by Council.
- c) Withdrawal of Caveats which have been placed on titles in relation to recovery of rates action which need to be removed to facilitate the sale and recovery of rates or in circumstances where the rates have been paid.

All other legal documents requiring the affixing of the Common Seal must be referred to Council for approval.

The CEO is to record in a register each date on which the common seal of the Shire of Harvey was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.

The common seal register shall be held in the CEO's Executive Assistant's office. The Common Seal shall be stored in the Council's safe at all times when not in use.

Responsibilities

The CEO is to have charge of the Common Seal, and is responsible for the safe custody and proper use of it.

Division: (Relevant Division)	Relevant Legislation: Local Government Act 1995 S9.49A & 9.49 Local Government (Functions & General) Regulations 1996 R34
Reviewer: Executive Manager Corporate Services	Delegated Authority: Delegation 1.1.12
Adopted: Minute (date)	Procedure: N/A
Amended:	Other References:
Review Date: January 2019	

Item No.	3
Subject:	Review of the Emergency Services Levy
Proponent:	Economic Regulation Authority
Location:	State of Western Australia
Reporting Officer:	Executive Manager Corporate Services
File No.:	FMR/015

Summary

The Economic Regulation Authority is presently undertaking a review into the Emergency Services Levy (ESL) as it operates in Western Australia. An Issues Paper has been prepared to facilitate discussion on the Review (refer **Attachment 1**). Submissions have been sought with a closing date of 10th March 2017. This report recommends Council endorse a submission prepared by staff (refer **Attachment 2**) who have regular input into the operations of the ESL.

Background

The Emergency Service Levy was introduced by the State Government on 1st July 2003, with a key aim to fund the operations of emergency services throughout the State. The ESL is a property based levy collected by local governments which is then provided to the State for distribution to a variety of Emergency Service agencies.

Further detail on the breakdown of how the levy is made up across the variety of applicable categories can be found on page 10 of **Attachment 1**.

The Department of Fire and Emergency Services (DFES) and its predecessor the Fire and Emergency Services Authority (FESA) is the primary State authority involved in the allocation and distribution of ESL funds.

The ESL currently funds the operations of the following agencies:

- Career Fire and Rescue Service
- Volunteer Fire and Rescue Service
- Local Government Volunteer Bush Fire Brigades
- State Emergency Service
- Volunteer Fire and Rescue Service Units
- Volunteer Marine Rescue Service

Prior to the introduction of the ESL, Emergency Services agencies were funded through a variety of sources including a compulsory levy applied to insurance companies which was recovered through premiums. There were considerable inequities in the previous system particularly where property owners chose not to insure or insured off shore, thus not contributing to the provision of emergency services while still receiving the benefit.

Additionally from a local government perspective each local government, in general terms, contributed directly to the costs of operating Bush Fire Brigades. Again this proved inequitable as the discretion in funding allocated by local governments saw wide discrepancies in the level of emergency service provided depending on a local government's priorities and capacity to provide funding.

The *Report of the Special Inquiry into the January 2016 Waroona Fire* prepared by Mr Euan Ferguson raised the following concerns with the administration of the ESL:

SIGNED _____ DATED 14th March 2017.

- Stakeholders perceive that increases in the levy are used to supplement the administrative costs of the Department of Fire and Emergency Services (DFES), rather than funding frontline services.
- Insufficient funds are being directed towards mitigation activities, with priority being given to response, despite greater financial benefits from investing in mitigation rather than response.
- There is a lack of transparency in the way funding from the ESL is allocated and concern that the allocation is not based upon risk.

These statements are generally agreed with and are incorporated into the draft response to the Economic Regulation Authority review.

Comment

The three key statements above as contained in the Ferguson Report are the cornerstone and context of the Economic Regulation Authority review. The draft response prepared by staff reflects these points and includes other matters that are of concern.

Council's former Executive Manager Corporate Services, Mr. Ron Scantlebury was involved with the initial set up of the ESL giving Council firsthand knowledge of the matter. Mr. Scantlebury was consulted and contributed to the draft response prepared.

Statutory/Policy Environment

Section 38 of the *Economic Regulation Authority Act 2003* provides the statutory basis for conducting this review.

The *Fire and Emergency Services Act 1998* is the legislation under which DFES is established. DFES was established on 1st November 2012.

The ESL is established by the *Emergency Services Levy Act 2002*, Part 6A of the *Fire and Emergency Services Act 1998* and the *Fire and Emergency Services Regulations 1998*.

Strategic Framework

Within the Shire's Strategic Community Plan 2013 – 2023, Outcome 4.7 states:

"Maintain appropriate emergency services and planning."

Budget Implications

Nil.

Risk Management

The Risk Theme Profile identified as part of this report is ***Providing Inaccurate Advice/Information***. There is no Consequence identified as Council is providing feedback only via a submission with no decisions associated. Council is seeking to influence the review of the ESL by making this submission.

Officer's Recommendation

That Council endorses the draft response to the Economic Regulation Authority on the review of the Emergency Services Levy as noted at **Attachment 2** to this report.

17/043. **Adams/Burgoyne**
"That the Officer's Recommendation be adopted."

CARRIED 11-0

Item No. 4

Subject:	Harvey Community and Sporting Facility - Funding Arrangements
Proponent:	Shire of Harvey
Location:	Harvey Recreation and Cultural Centre
Reporting Officer:	Manager of Community and Economic Development
File No.:	B000150

Summary

This report provides information on the funding shortfall for the Harvey Community and Sporting Facility and recommends that Council authorises the Chief Executive Officer to submit a grant application to the Federal Government's Building Better Regions program seeking a \$700,000 contribution to the project and invite quotations to undertake detailed design and documentation for the new facility.

Background

A report to Council at the 31st January 2017 meeting advised that the Department of Sport and Recreation (DSR) had approved a grant of \$400,000 for the proposed Harvey Community and Sporting Facility and Council resolved in part as follows:

"That Council:

1. *Accepts the following Department of Sport and Recreation CSRFF grants that have been offered for projects within the Shire of Harvey:*

<i>\$400,000</i>	<i>Construction of the Harvey Community and Sporting Facility</i>
<i>\$ 78,000</i>	<i>Leschenault Recreation Park Oval 5 Lighting</i>
2. *Lists for consideration of funding in its 2017/18 and 2018/19 Draft Budgets respectively the nominated financial contributions to the projects identified in part 1 above;*
3. *Receives a further report that identifies potential options to make up the shortfall in funding for the Harvey Community and Sporting Facility project; and*

Since the January 2017 Council meeting correspondence has been received from the Minister for Regional Development advising that a further grant of \$300,000 has been approved through the Royalties for Regions South West Regional Grants Scheme.

Based on a construction cost estimate of \$2.1 million plus \$70,000 for fit out, the funding model for the new facility that was endorsed by Council in June 2014 is as follows:

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Department of Sport and Recreation (33%)	\$ 700,000
Other State and Federal Government funding (33%)	\$ 700,000
Shire of Harvey (24%)	\$ 490,000
Community contribution (10%)	\$ 210,000
Lotterywest (Fit out)	\$ 70,000
TOTAL	\$2,170,000

Whilst the DSR grant of \$400,000 is very much appreciated, the approved grant is \$300,000 less than the requested grant of \$700,000 and leaves a shortfall in the funding model. Even with the approval of the Royalties for Regions grant, there is still an overall shortfall of \$700,000 in funding for the project.

With regard to the community contribution to the project, the fundraising committee is on track to achieve or even exceed its target by the end of June 2017. The current situation is that approximately \$13,000 is still to be raised however a number of fundraising activities are being planned that should result in the target being achieved within the next 3-4 months. Discussions are also taking place with potential commercial sponsors which may result in additional contributions from the private sector.

Comment

In considering options to address the funding shortfall it is proposed that an application be submitted to the Federal Government's "Building Better Regions" program seeking a \$700,000 contribution to the project. The project is eligible for funding under this program and Staff recently met with the Executive Officer of Regional Development Australia South West to seek his assistance and advice regarding the grant submission.

Grant applications close on 28th February 2017, and with the balance of funding for the project already secured, there is a reasonable chance that the application may be successful. Should the application be approved and depending on timing of the grant announcement, construction of the new facility could commence by the end of 2017.

One of the conditions of the Building Better Regions Program is that projects must be "shovel ready" and able to commence construction within three months of the grant announcement. In order to demonstrate that the Shire is able to achieve that condition it is recommended that quotations be invited for detailed design and documentation for the new facility. An allocation of \$50,000 has been included in Council's 2016/17 Budget for this purpose and although this may not be sufficient to complete the preparation of tender documentation, it will allow commencement of this critical task. Although there is some risk in commencing detailed design prior to all of the funding for the project being secured, the likely consequence of not being "shovel ready" would be that the grant application is unsuccessful.

Statutory/Policy Environment

The development of the proposed additional Community and Sporting Facility at the Harvey Recreation and Cultural Centre is currently included in the Shire's Forward Capital Works Plan and Corporate Business Plan for the years 2017/18 and 2018/19.

Council's Purchasing Policy (11.18) requires three written quotations to be obtained for procurement of goods or services where the value exceeds \$50,000 but is less than the tender threshold of \$150,000.

Strategic Framework

Within the Shire's Strategic Community Plan 2013 - 2023, Outcome 3.4 and Strategy 3.4.6 state:

3.4 *"Services, infrastructure and facilities continue to meet community needs."*

3.4.6 *"Continue to maintain and enhance recreation centres to service a wide range of the community."*

Risk Management

The Risk Theme Profile identified as part of this report is ***Providing Inaccurate Advice/Information***. The Consequence could be Reputational and Financial if Council decided not to support the recommendation to apply for the grant. There is also a Financial risk of proceeding to design and documentation of the building in the absence of all external funding sources being confirmed. The Risk Consequence is considered to be "Moderate" (3) and the Likelihood "Unlikely" (2) resulting in a "Moderate" (6) level of risk.

Budget Implications

The proposed Community and Sporting Facility at the Harvey Recreation and Cultural Centre is currently included in the Shire's Forward Capital Works Plan and Corporate Business Plan for the years 2017/18 and 2018/19.

Officer's Recommendation

That Council authorises the Chief Executive Officer to:

1. Submit a grant application to the Federal Government's Building Better Regions program seeking a \$700,000 contribution to the Harvey Community and Sporting Facility project; and
2. Invite quotations for detailed design and documentation for the Harvey Community and Sporting Facility and select the most advantageous quotation.

17/044. **Campbell/Beech**
"That the Officer's Recommendation be adopted."

CARRIED 11-0

Item No.	5
Subject:	Proposal for Bushfire Recovery Art Project
Proponent:	Yarloop Bushfire Recovery Community Sub Committee
Location:	Shire of Harvey
Reporting Officer:	Manager Community and Economic Development
File No.:	ES//007
	Attachment Reg. No

Summary

This report provides information on a proposal to undertake a community art project and exhibition as a bushfire recovery activity and recommends that Council sets up a Working Group to develop and oversee the project.

SIGNED _____ DATED 14th March 2017.

Background

A recent initiative of the Yarloop Bushfire Recovery Community Sub Committee is to facilitate a community art project that may include a series of workshops and culminate in an exhibition of artworks towards the end of 2017 leading up to the two year anniversary of the fire.

The use of art as an activity to aid recovery from a disaster event has been successful in a number of places including Margaret River and Mundaring. Amongst other things the Yarloop Town Development Plan will consider the opportunity and potential locations for a "Memorial Park" that may include sculpture and other public artwork pieces.

This proposal is to undertake a community art project as a bushfire recovery activity involving local art groups and the wider community. Preliminary discussions have taken place with representatives from the Harvey Arts Society and the Harvey Districts Creative Arts Centre and both groups have expressed interest in being involved.

Comment

The detail of the proposal is yet to be "fleshed out" however it would involve engaging with the community and encouraging people to participate in a series of workshops designed to provide and enhance their skills to enable participants to produce an artwork based on the theme of "regeneration".

The second part of the project would be to conduct an exhibition towards the end of the year to provide the opportunity for workshop participants and other local artists to display their artwork at a professionally curated exhibition. Potential venues for the exhibition component include the Harvey Recreation and Cultural Centre and the Harvey Town Hall.

The cost to undertake the project is unknown at this time but a preliminary estimate would be in the order of \$20,000 - \$30,000. The main costs are likely to be engaging a suitable person to coordinate the proposed community workshops and exhibition. Potential sources of funding for the project may include:

- Country Arts WA
- Lotterywest
- Alcoa Harvey Sustainability Fund
- Shire of Harvey

The proposed art project would complement and follow on from the "Stories from the Fireground" project as an activity to aid the recovery process for individuals and the community as a whole.

If Council is supportive of the proposal it would be recommended that a Working Group be set up by Council to develop and oversee the project. Specific tasks of the Working Group would include:

- Further develop and refine the format of the bushfire recovery art project;
- Obtain quotes and cost estimates for the project and present a funding proposal for Council's consideration;
- Assist with the preparation of grant applications for the project;

- Assist with the selection of a Project Coordinator subject to funding for the project being secured;
- Oversee the project and provide guidance to the Project Coordinator as required.

The proposed membership of the Working Group is as follows:

- Two (2) Shire Councillors
- Manager of Community and Economic Development
- One (1) representative from the Harvey Arts Society
- One (1) representative from the Harvey Districts Creative Arts Centre
- One (1) community representative

In summary, the proposal to undertake an art project and exhibition as a bushfire recovery activity is a positive initiative that may assist with the recovery process for individuals and the community as a whole.

Statutory / Policy Environment

N/A

Strategic Framework

Within the Shire's Strategic Community Plan 2013 – 2023, Strategy 3.1.4 states:

“Continue to support community events and programs.”

Risk Management

The Risk Theme Profile identified as part of this report is ***Providing Inaccurate Advice/Information***. The Consequence could be Reputational if Council decided not to support the recommendation. The Risk Consequence is considered to be “Minor” (2) and the Likelihood “Unlikely” (2) resulting in a “Low” (4) level of risk.

Budget Implications

No implications for the current Budget, however it is likely that a Council contribution to the project will be requested in the 2017/18 Budget.

Officer's Recommendation

That Council:

1. Subject to the availability of funding endorses the proposal to conduct a community art project and exhibition as a bushfire recovery activity;
2. Sets up the “Bushfire Recovery Art Project Working Group” with the following Terms of Reference:
 - Further develop and refine the format of the bushfire recovery art project;
 - Obtain quotes and cost estimates for the project and present a funding proposal for Council's consideration;

SIGNED _____ DATED 14th March 2017.

- Assist with the preparation of grant applications for the project;
 - Assist with the selection of a Project Coordinator subject to funding for the project being secured;
 - Oversee the project and provide guidance to the Project Coordinator as required.
3. Appoints the following membership of the Bushfire Recovery Art Project Working Group:
- Cr _____;
Cr _____; and
Manager Community and Economic Development
4. Invites nominations from the Harvey Arts Society, the Harvey District Creative Arts Centre and the community to serve on the Working Group.

17/045. **Shortland/Burgoyne**
“That Council:

1. **Subject to the availability of funding endorses the proposal to conduct a community art project and exhibition as a bushfire recovery activity;**
2. **Sets up the “Bushfire Recovery Art Project Working Group” with the following Terms of Reference:**
 - **Further develop and refine the format of the bushfire recovery art project;**
 - **Obtain quotes and cost estimates for the project and present a funding proposal for Council’s consideration;**
 - **Assist with the preparation of grant applications for the project;**
 - **Assist with the selection of a Project Coordinator subject to funding for the project being secured;**
 - **Oversee the project and provide guidance to the Project Coordinator as required.**
3. **Appoints the following membership of the Bushfire Recovery Art Project Working Group:**

Cr Tania Jackson;
Cr Greg Campbell; and
Manager Community and Economic Development
4. **Invites nominations from the Harvey Arts Society, the Harvey District Creative Arts Centre and the community to serve on the Working Group.”**

CARRIED 11-0

Mr. Hall left the Chamber at 4.55p.m. and returned at 4.58p.m.

Item No. 6			
Subject: Meetings for Coming Months			
File No.: CCC001			
Meeting	Location	Date	Time
Yarloop Town Development Working Group	Harvey Chamber	27 th February 2017	10.00a.m.
Disability Access and Inclusion Advisory Committee	Harvey Chamber	28 th February 2017	2:00p.m.
Work Safety Committee	Harvey Chamber	2 nd March 2017	3:00p.m.
Development Services Committee	Australind Chamber	7 th March 2017	4:00p.m.
Harvey Local Emergency Management Committee	Harvey Chamber	13 th March 2017	5:30p.m.
Corporate Services Committee	Australind Chamber	14 th March 2017	1:00p.m.
Audit Committee	Australind Chamber	14 th March 2017	2.00p.m.
Ordinary Council	Australind Chamber	14 th March 2017	4:00p.m.
Development Services Committee	Harvey Chamber	28 th March 2017	4:00p.m.
Leschenault Leisure Centre Advisory Committee	LLC	31 st March 2017	8:00a.m.

Officer's Recommendation

That the Meetings for Coming Months be noted.

17/046. **Giancono/Campbell**
"That the Officer's Recommendation be adopted."

CARRIED 11-0

SIGNED _____ DATED 14th March 2017.

K. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Cr. Jackson requested that the following Notice of Motion be placed on the Ordinary Council Meeting Agenda of 21st February 2017:

Jackson/_____

“That Council request Staff to prepare a report on a Shire wide fire mitigation green waste verge pickup.”

STAFF COMMENT – ACTING PRINCIPAL ENVIRONMENTAL HEALTH OFFICER

A report prepared on this matter would be anticipated to provide information on the following matters (but not limited to) –

- Equity in the cost of providing such a service.
- Fire and safety issues (liability).
- Whether or not tip passes would be retained in service areas.
- Aesthetic issues with waste accumulating on street verges.
- Time of year for green waste collections.
- Newly established developments having minimal green waste volumes.
- Issues associated with the storage of waste on verges.
- Illegal dumping of waste from other owners or from outside the Shire.
- Size of green waste stockpile and items (e.g. restriction of 2m³, 200mm diameter)
- Number of services to be provided per year.

17/047.

Jackson/Beech

“That Council request Staff to prepare a report on a Shire wide fire mitigation green waste verge pickup.”

CARRIED 11-0

L. NOTICE OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil.

M. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

N. REPORTS OF MEMBERS

Cr. Adams

Cr. Adams reported on the following:

- Leschenault District Health Advisory Committee meeting he noted that the Harvey Hospital Redevelopment is on track;
- Leschenault Catchment Council meeting held 15th February 2017;
- Commented on the Harvey Senior Citizens bus hire being used by other parties;
- Bunbury Harvey Regional Council meeting with the trial on mattress crusher/ shredder disposal successful; and
- Attended a Local Government Asset Management course with Cr. Beech.

SIGNED _____ DATED 14th March 2017.

Cr. Beech

Cr. Beech reported on his attendance at:

- Harvey Recreation and Cultural Centre along with the Manager Community and Economic Development on 2nd February 2017, where Murray Cowper presented a certificate acknowledging \$300,000 is being made available for the extension of the Centre;
- Brunswick River Cottages on 7th February 2017, with the Acting Chief Executive Officer and Manager Community and Economic Development;
- Bunbury Geographe Growth Plan launch, with Cr. Jackson on 9th February 2017, where Hon Terry Redman launched the Plan;
- Attended an Infrastructure Asset Management Course, along with Cr. Adams on 13th February 2017;
- Harvey Community Radio 96.5FM meeting; and
- Harvey Recreation and Cultural Centre Committee meeting with Cr. Shortland where discussion on funds took place.

Cr. Jackson

Cr. Jackson reported her attendance at:

- Bunbury Geographe Growth Plan launch, with Cr. Beech on 9th February 2017;
- Harvey Recovery Centre Morning Tea held Thursday, 2nd February 2017;
- Nationals Campaign Launch;
- Myalup Community Association meeting;
- Town Development Working Group meeting;
- Community Sub Committee meeting, meeting with Sally Talbot MLC and Labour candidate for Murray/Wellington Robyn Clark; and
- Bunbury Wellington Economic Alliance meeting in Collie.

O. ORDERS OF THE DAY**Officer's Recommendation:**

That approval be granted to affix the Common Seal of the Shire of Harvey to the following items:

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Agreement for In-kind Maintenance and Upgrade of Roads in Lieu of Monetary Contribution – Nicholas Vitalone and Michael Paul Dagostino T/A Amroc Industries, Carbone Bros Pty Ltd and Bluestripe Pty Ltd T/A ABA Civil (Operators) and Shire of Harvey. 2. General Conditions of Contract for the Resurfacing of the Australind Tennis Courts. 3. General Conditions of Contract for Design and Construction of the Australind Skate Park. | <p>Prepared By
McLeods
Barristers and
Solicitors</p> <p>Shire of Harvey</p> <p>Shire of Harvey</p> |
|---|--|

17/048. **Campbell/Wood**
"That the Officer's Recommendation be adopted."

CARRIED 11-0

SIGNED _____ DATED 14th March 2017.

P. MOTIONS WITHOUT NOTICE (by permission of majority of members)

Nil.

Q. MATTER BEHIND CLOSED DOORS (under Section 5.23 (2) of the Local Government Act 1995)**Suspension of Standing Orders**

17/049. Burgoyne/Campbell

“That Council suspends Standing Orders and Moves Behind Closed Doors in accordance with Section 5.23 (2)(c) of the Local Government Act 1995, to deal with matters that relate to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.”

CARRIED 11-0

Standing Orders were suspended at 5.22p.m.

Mr. Bertelli, Mr. Jones and Mr. Schwasermann left the Meeting at 5.22p.m.

CONFIDENTIAL ITEM 1 – TENDER T012017 – LESCHENAULT LEISURE CENTRE UPGRADE – VARIOUS TENDERERS – LESCHENAULT LEISURE CENTRE, AUSTRALIND (T012017).

17/050. Lovitt/Campbell

“That Council in response to tender T012017, accepts the tender submitted by Baroven Pty Ltd trading as Smith Constructions Bunbury for \$1,210,350 exclusive of GST for the Upgrade and Extensions to the Leschenault Leisure Centre.”

CARRIED 11-0

CONFIDENTIAL ITEM 2 – TENDER T022017 – SUPPLY AND INSTALLATION OF NEW SPORTS LIGHTING – VARIOUS TENDERERS – HARVEY RECREATION GROUND AND BINNINGUP BOWLING CLUB (T022017).

17/051. Campbell/Beech

“That Council:

1. In relation to Tender T022017, accepts the tender submitted by Cablewest Electrical Contracting Pty Ltd for \$357,000 exclusive of GST for supply and installation of new sports lighting at the Harvey Recreation Ground (200 lux option) and Binningup Bowling Club (metal halide floodlights with hinged poles); and
2. Supports the Harvey Football Club’s request for a self-supporting loan of \$41,124 as its contribution towards the Harvey Recreation Ground lighting upgrade and notes that Budget provision has been included in Council’s 2016/17 Budget for community self-supporting loans.”

CARRIED 11-0

SIGNED _____ DATED 14th March 2017.

Resumption of Standing Orders

17/052. **Burgoyne/Campbell**
 “That Standing Orders be resumed.”

CARRIED 11-0

Standing Orders were resumed at 5.34p.m.

R. CLOSURE

There being no further business to discuss, the meeting was declared closed at 5.35p.m.

I, Tania Gae Jackson certify that the aforesaid Minutes of the meeting held on Tuesday, 21st February 2017, are confirmed as a true and correct record of that meeting on Tuesday, 21st February 2017.

Tania G. Jackson
SHIRE PRESIDENT