



Shire of Harvey

**ORDINARY COUNCIL
MEETING
MINUTES**

29th August 2017

TABLE OF CONTENTS

A.	OFFICIAL OPENING.....	5
B.	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE	5
C.	APPLICATIONS FOR LEAVE OF ABSENCE.....	5
D.	READING FROM A BOOK OF LEARNING AND WISDOM.....	5
E.	DECLARATIONS OF MEMBERS’ AND OFFICERS’ PERSONAL INTEREST.....	5
F.	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	6
G.	PUBLIC QUESTION TIME	6
H.	PETITIONS/DEPUTATIONS/PRESENTATIONS	6
I.	ANNOUNCEMENTS BY PRESIDING MEMBER OR CEO WITHOUT DISCUSSION	6
J.	CONFIRMATION OF MINUTES	6
	Ordinary Council Meeting – 8 th August 2017.....	6
K.	RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES	7
	Community Safety and Crime Prevention Committee – 15 th August 2017.	7
	Bush Fire Advisory Committee – 21 st August 2017.	7
	Corporate Services Committee – 29 th August 2017.	7
	Development Services Committee – 22 nd August 2017.	14
	<i>(Including Planning, Health and Building Reports listed below)</i>	
8.1	PLANNING REPORT	
8.1.1	Request for Amendment to Development Approval – Shopping Centre Expansion (IGA) and Service Station Redevelopment – DVN (on behalf of Liase Pty Ltd) – Lots 96 and 103 Uduc Road, Harvey; and Lots 29, 33 and 97 Newell Street, Harvey (A001880).....	14
8.1.2	Proposed Mural Façade to Child Care Centre – Treendale Property Developments – Lot 54 (No. 38) The Promenade, Australind (A015418).....	14
8.1.3	Application for Development Approval – Inert Waste Facility Inclusive of Composting Facility – B & J Catalano Pty Ltd – Lots 4 and 7 Runnymede Road, Wellesley (A002628 & A002575).....	8
8.2	BUILDING REPORT	
8.2.1	Building Permit Applications Received – Building Permits Issued – July 2017 – Shire of Harvey – (BSR017 (15)).....	14

L. OFFICER'S REPORTS**CORPORATE SERVICES**

1.	Management Agreement – The Scout Association of Australia WA (Australind Scout Group Branch) – Shire of Harvey – Lot 2431 Marine Drive, Leschenault (CA030 & A008355).	15
2.	Community Sporting and Recreation Facilities Fund – Small Grant Applications – Brunswick District Bowling Club and Brunswick Tennis Club – Brunswick Bowling Club and Brunswick Tennis Club (F000209).	17
3.	Western Australia's Share of Good and Services Tax – Shire of Plantagenet – State of Western Australia (FMX001 (3)).	20
4.	Meetings for Coming Months – Shire of Harvey (CCC001).	22
M.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	23
N.	NOTICE OF MOTION FOR FOLLOWING MEETING	23
O.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	23
P.	REPORTS OF MEMBERS	23
Q.	ORDERS OF THE DAY	25
1.	Section 70A Notification – Lots 25, 26, 35 – 38 on Deposited Plan 411914 – Treendale Nominees – Specified Area Rate.	25
2.	Withdrawal of Caveat – Lot 37 on Deposited Plan 409854 – Caveat No. N380677 – Hocart Lodge.	25
3.	Funding Agreement – Construct Bridge 5370 Over Collie River, Treendale – Shire of Harvey and Shire of Dardanup – Main Roads WA.	25
4.	Lease – Shire of Harvey and Leschenault Mens Shed.	25
5.	Lease – Shire of Harvey and Harvey Main Street Inc. (T/A Harvey Community Radio).	25
R.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	25
S.	MATTERS BEHIND CLOSED DOORS	25
	Confidential Item 1 – Tender T052017 – Supply and Delivery of Gravel Basecourse Road Material – Various Tenderers – Shire of Harvey (T052017).	26
	Confidential Item 2 – Tender T062017 – Supply and Delivery of Limestone Sub-Base Road Material – Various Tenderers – Shire of Harvey (T062017).	26
	Confidential Item 3 – Tender T072017 – Supply and Delivery of Hot Bitumen – Various Tenderers – Shire of Harvey (T072017).	27
	Confidential Item 4 – Tender T082017 – Supply of Pre-Mixed and Hot Mixed Asphalt and Supply and Laying of Hot Mixed Asphalt – Various Tenderers – Shire of Harvey (T082017).	27
	Confidential Item 5 – Tender T092017 – Pruning of Street Trees and Removal and Pruning of Trees Various Locations – Various Tenderers – Shire of Harvey (T092017).	28
	Confidential Item 6 – Land Purchase Proposals – Shire of Harvey – Yarloop townsite (A000470).	28
T.	CLOSURE OF MEETING	28

SHIRE OF HARVEYCOUNCIL MINUTESMINUTES OF THE ORDINARY MEETING OF THE HARVEY SHIRE COUNCIL, HELD IN THE COUNCIL CHAMBER, MULGARA STREET, AUSTRALIND ON TUESDAY, 29TH AUGUST 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. C. Carbone	4.05p.m. – 5.12p.m. 5.21p.m. – 5.39p.m.
	Cr. G. Campbell	
	Cr. P. Giancono	
	Cr. A. Lovitt	
	Cr. P. Monagle	4.05p.m. – 4.36p.m. 4.40p.m. – 5.39p.m.
	Cr. J. Sabourne O.A.M. J.P.	4.05p.m. – 5.25p.m. 5.28p.m. – 5.39p.m.
	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. R. Lotznicker	
Principal Building Surveyor	Mr. M. Stewart	
Principal Environmental Health Officer	Mr. S. Dandridge	4.05p.m. – 4.35p.m.
Manager Planning Services	Mr. S. Hall	
Manager Community & Economic Development	Mr. P. Quinlivan	

GALLERY

	Ms. C. Gelmi	4.16p.m. – 4.36p.m. 4.56p.m. – 5.12p.m.
	Mr. S. Michael	4.05p.m. – 4.13p.m.
	One (1) other member of public	4.05p.m. – 4.36p.m.

PRESS

Harvey Waroona Reporter	Mr. D. Charlesworth	4.05p.m. – 5.12p.m.
-------------------------	---------------------	---------------------

A. OFFICIAL OPENING

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

B. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Nil.

C. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

D. READING FROM A BOOK OF LEARNING AND WISDOM

Read by Cr. Wood.

E. DECLARATIONS OF MEMBERS' AND OFFICERS' PERSONAL INTEREST**• Financial Interests**

Cr. Carbone declared a financial interest in Confidential Item 1 – Tender T052017 – Supply and Delivery of Gravel Basecourse Road Material – Various Tenderers – Shire of Harvey (T052017).

Reason

Cr. Carbone advised that he is a manager at MGM Group which deals with gravel material supply and extractive industries. Cr. Carbone declared he would leave the Chamber for the duration of the item.

Cr. Carbone declared a financial interest in Confidential Item 2 – Tender T062017 – Supply and Delivery of Limestone Sub-Base Road Material – Various Tenderers – Shire of Harvey (T062017).

Reason

Cr. Carbone advised that he is a manager at MGM Group which deals with limestone material supply and extractive industries. Cr. Carbone declared he would leave the Chamber for the duration of the item.

• Impartiality Interest

Cr. Monagle declared an impartiality interest in Corporate Services Item 2 – Community Sporting and Recreation Facilities Fund – Small Grant Applications – Brunswick District Bowling Club and Brunswick Tennis Club – Brunswick Bowling Club and Brunswick Tennis Club (F000209).

Reason

Cr. Monagle advised that he is a committee member on the Brunswick Bowling Club. Cr. Monagle declared he would leave the Chamber for the duration of the item.

F. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

G. PUBLIC QUESTION TIME

Question 1

Mr. Simon Michael sought that Council enact its resolution of 18th October 2016, which was to ensure Dix Road remained open and accessible, as well as amending the road reserve dedication to ensure ongoing access to his property.

Answer 1

Mr. Rick Lotznicker, Executive Manager Technical Services responded advising that action is underway on these matters including Council allocating a budget amount for road access works and to formalise the road reserve to the property owned by Mr. Michael. These actions are underway and are anticipated to be substantially completed in the near future.

Mr. Michael left the meeting at 4.13p.m.

H. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

I. ANNOUNCEMENTS BY PRESIDING MEMBER OR CEO WITHOUT DISCUSSION

Nil.

J. CONFIRMATION OF MINUTES

ORDINARY COUNCIL MEETING – Tuesday, 8th August 2017.

Recommendation

That the Minutes of the Council Meeting held on Tuesday, 8th August 2017, as printed be confirmed as a true and correct record.

17/231.

Shortland/Beech

“That the Minutes of the Council Meeting held on Tuesday, 8th August 2017, as printed be confirmed as a true and correct record.”

CARRIED 13-0

Ms. Gelmi arrived to the meeting at 4.16p.m.

K. RECEIPT OF MINUTES AND RECOMMENDATIONS FROM COMMITTEES

Community Safety and Crime Prevention Committee
15th August 2017.

MINUTES

- 17/232. **Burgoyne/Monagle**
“That the Minutes of the Community Safety and Crime Prevention Committee, held on Tuesday, 15th August 2017, as printed, be received and the recommendations contained therein be adopted by Council.”
CARRIED 13-0

Bush Fire Advisory Committee
21st August 2017.

MINUTES

- 17/233. **Burgoyne/Wood**
“That the Minutes of the Bush Fire Advisory Committee, held on Monday, 21st August 2017, as printed, be received and the recommendations contained therein be adopted by Council.”
CARRIED 13-0

Corporate Services Committee
29th August 2017.

MINUTES

- 17/234. **Beech/Monagle**
“That the Minutes of the Corporate Services Committee, held on Tuesday, 29th August 2017, as printed, be received and the recommendations contained therein be adopted by Council.”
CARRIED 13-0

Development Services Committee
22nd August 2017

MINUTES

Item No.	8.1.3
Subject:	Application for Development Approval – Inert Waste Facility Inclusive of Composting Facility
Proponent:	B & J Catalano Pty Ltd
Location:	Lots 4 and 7 Runnymede Road, Wellesley
Reporting Officer:	Planning Officer (ND)/Manager Planning Services
File No.:	A002628 & A002575 Attachment Reg. No. 17/22348

Summary

Council has received an Application for Development Approval for an “Inert Waste Facility” (IWF) inclusive of a Composting Facility at Lots 4 and 7 Runnymede Road, Wellesley (refer **Attachment 1**). The proposed land use is not listed in the zoning table of the Shire of Harvey District Planning Scheme No. 1 (Scheme) but may be considered as a ‘Use Not Listed’ pursuant to Clause 4.2.4 of the Scheme.

Staff consider that the use of the site may be consistent with the objectives of the ‘Kemerton Industry Buffer’ zone and recommend that the proposal be advertised for public comment prior to final consideration of the proposal.

Background

Lots 4 and 7 Runnymede Road, Binningup (the site) have a total area of 220.67ha and are located approximately 4km east of the Binningup townsite. The site is zoned ‘Kemerton Industry Buffer’ under the Shire of Harvey District Planning Scheme No. 1 and ‘Rural’ under the Greater Bunbury Region Scheme. Runnymede Road connects to Wellesley Road which in turn connects with the Forrest Highway 2kms to the west (refer **Attachment 2**).

Development History**Lot 4**

The western portion of Lot 4 has been utilised for sand extraction since obtaining an extractive industry licence on 7th March 2007. The approval included the allowance of a nil setback to a portion of the northern boundary which abuts the Stage One area within the Lot 7 property.

The last Development Approval for sand extraction on Lot 4 was issued on 6th July 2017.

Lot 7

The western portion of the site, except for a vegetated buffer area adjacent to Runnymede Road, has been utilised for sand extraction since obtaining an extractive industry licence in November 2013. The original Development Approval was granted on 19th December 2011, and expired 19th December 2016. The site was recently approved for continued sand extraction on the 11th April 2017.

More than two-thirds of Lots 4 and 7 have been retained as native bushland in the eastern portions of each lot.

SIGNED _____ DATED 19th September 2017.

Topography

Lot 4 has elevations ranging between approximately 15m and 50m AHD with the higher areas in the central eastern portion of the site. Lot 7 has elevations ranging between approximately 11m and 45m AHD. Both lots have gentle slopes of less than 4% in the extraction areas and an average elevation of 18-20m AHD. Water runoff infiltration occurs via the porous nature of the sand surface therefore there are no distinctive drainage lines or watercourses on the site.

The Development Proposal

The main objective of the proposal is for recycling and reuse of material (inert and green) to divert waste from landfill sites. A copy of the Application is contained within **Attachment 3** and includes the following:

- To backfill the sand pit area on Lot 4 with construction and demolition (C and D) material as shown in **Attachment 4** for recycling and inert waste for burial. Recycling the material will require the need for on-site crushing and processing, which is anticipated to be carried out for approximately 30 days per year.
- To operate a composting facility within the EIL area on Lot 7 **Attachment 5**, within the depression remaining from sand extraction and it is stated that only “green waste” will be accepted for composting.

Comment

As evidenced by **Attachment 3** – the Applicant has provided comprehensive detail of the proposed development, its ongoing operations and rehabilitation. The purpose of this report is not to assess the merits of the proposal but to consider whether the application may be consistent with the objectives of the Kemerton Industry Buffer zone and thus the proposal can be considered following the necessary advertising period.

Use Class Determination

Staff are of the opinion that the proposed use meets the definition of an “Inert Waste Facility”, which is not specifically mentioned in the Zoning Table of the Scheme and is therefore considered to be a “Use Not Listed”. Clause 4.2.4(c) makes provision for a “Use Not Listed” to be considered and provides that Council can “*determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone*”.

Compatibility with the Objectives of the Kemerton Industry Buffer

The Policy Statement contained within Tables 33 (Zoning and Development Standards) of Scheme for the “Kemerton Industry Buffer” zone provides that:

“The primary purpose of this zone is to serve as a low intensity use area between the Kemerton Strategic Industry and Ancillary Industrial zone and the surrounding land uses. No further residential or incompatible development shall take place in this zone and where possible public recreation and flora and fauna conservation shall be encouraged.”

The recycling component of the plant provides a useful facility for the region. The inert waste facility which includes recycling is more acceptable than the mainly current practice of inert materials simply becoming dumped without further use. This proposed use of the land appears to be suitably compatible to the activities operating and/or permitted within the “Kemerton Strategic Industry” zone and is not proposing a sensitive land uses i.e. “residential/caretaker dwelling” or incompatible development.

The inert waste facility is therefore considered to be an appropriate use in the Kemerton Industry Buffer.

If Council agrees that the proposed “Inert Waste Facility” use may be consistent with the objectives and purposes of the zone, pursuant to Clause 4.2.4(c) of the Scheme, the application is then required to be advertised for a period of at least 14 days.

Advertising

A 28 day advertising period is recommended given the need for external agency comments.

Environmental Protection Authority Guidance Statements

Guidance is provided by the Environmental Protection Authority (EPA) with regard to separation distances in relation to “Industrial and Sensitive land Uses” (Guidance Statement No.3, June 2005). In relation to this proposal and the table within the document, it is considered to be classified as “Waste Disposal – inert landfill site which is noted to have noise and dust impacts. The buffer distance is given as 150m for residential uses and an internal buffer of 25m from the boundary. The proposed composting facility (green waste) is required to achieve a separation distance of 150m.

The proposal complies with the current guidance statement from the EPA, however the more recently published draft separation distances (2016) are 300m for the inert waste facility and up to 1,800m for the composting facility based on its projected volume of 20,000 tonnes per year. It is noted that the Applicant has used the new draft separation distances within their report.

Given the draft status of the proposed new separation distances, a distance of less than 1,800m can be considered by Council, however appropriate, scientific data should be provided in support of such a distance. This information has not been provided with the application and the provision of this information should be included with the application prior to advertising.

Fire Management

A compost facility as proposed if not managed appropriately is prone to fire events. In light of this it is recommended that a Fire Management Plan be provided as part of the application details prior to commencement of advertising.

Department of Water and Environmental Regulation - Works Approval

A Works Approval is required for the proposal land use and Staff understand that an application for a Works Approval has been submitted to the Department of Water and Environmental Regulation (DWER) and will be assessed in conjunction with this Application.

Statutory/Policy EnvironmentPlanning and Development Act 2005Planning and Development (Local Planning Schemes) Regulations 2015

The following are portions of Schedule 2 – Deemed Provisions that are relevant to this application:

Section 64 – Advertising Applications

“(1) An application for development approval must be advertised under this clause if the proposed development —“

“(b) relates to a use if —

(i) the use is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located; and

(ii) the local government determines that the use may be consistent with the objective of that zone and that notice of the application should be given;”

“(3) The local government may advertise, or require the applicant to advertise, an application for development approval in one or more of the following ways —

(a) by giving notice of the proposed use or development to owners and occupiers of properties in the vicinity of the development who, in the opinion of the local government, are likely to be affected by the granting of development approval, including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is given to the person;”

Shire of Harvey District Planning Scheme No.1

The following are portions of the Scheme that are relevant to this application:

- Clause 4.2.4 – Zoning and Development Tables

“If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the land use categories the Council may:-“

“(c) determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 2.3 in considering an application consent. In approving such an application the Council may apply any conditions or development standards it deems necessary.”

Environmental Protection Act 1986

The EPA Act provides the statutory framework for consideration of suitable separation distances between Industrial and Sensitive Land Uses.

SIGNED _____ DATED 19th September 2017.

Strategic Framework

Within the Shire's Strategic Community Plan 2017 - 2027, Strategy 2.3.1 in part:

"Continue to implement integrated environmental, social and land use planning which will:

- *Minimise land use conflict.*
- *Protect significant vegetation, where possible."*

Risk Management

The Risk Theme Profile identified as part of this report is ***Providing Inaccurate Advice/Information***. The Consequence could be Reputational or Compliance if an incorrect assessment of the landuse or insufficient community engagement occurs. The Risk is mitigated by the recommendation for advertising and the report being thoroughly researched, peer reviewed and provided by a qualified Council officer, resulting in LOW Risk being present.

Budget Implications

Nil.

Officer's Recommendation

That Council:

1. Pursuant to Clause 4.2.4(c) of the Shire of Harvey's District Planning Scheme No. 1, determines that the proposed "Use Not Listed" detailed in the Application for Development Approval for Lots 4 and 7 Runnymede Road, Binningup can be considered as "Inert Waste Facility inclusive of a Composting Facility" which may be consistent with the objectives and purpose of the 'Kemerton Industry Buffer' zone; and

ABSOLUTE MAJORITY REQUIRED

2. Requests the Applicant to provide the following additional information in order for Council to make an informed decision on the Application for Development Approval for an "Inert Waste Facility inclusive of a Composting Facility" on Lots 4 and 7 Runnymede Road, Binningup:
 - a. Site specific, scientific information to support the consideration of the Composting Facility at a distance less than 1800m from the nearest sensitive land use; and
 - b. A Fire Management Plan suitable for the proposed development.
3. Pursuant to Clause 4.2.4.(c) of the Shire of Harvey's District Planning Scheme No. 1, upon receipt of the above required additional information, the Application for Development Approval for an "Inert Waste Facility inclusive of a Composting Facility" on Lots 4 and 7 Runnymede Road, Binningup be advertised for public comment in accordance with Section 64(3)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

SIGNED _____ DATED 19th September 2017.

17/235. **Carbone/Giancono**

“That Council, pursuant to Clause 4.2.4(c) of the Shire of Harvey’s District Planning Scheme No. 1, determines that the proposed “Use Not Listed” detailed in the Application for Development Approval for Lots 4 and 7 Runnymede Road, Binningup can be considered as “Inert Waste Facility inclusive of a Composting Facility” which may be consistent with the objectives and purpose of the ‘Kemerton Industry Buffer’ zone.”

CARRIED BY ABSOLUTE MAJORITY 12-1

17/236. **Beech/Campbell**

“That Council:

- 1. Requests the Applicant to provide the following additional information in order for Council to make an informed decision on the Application for Development Approval for an “Inert Waste Facility inclusive of a Composting Facility” on Lots 4 and 7 Runnymede Road, Binningup:**
 - a. Site specific, scientific information to support the consideration of the Composting Facility at a distance less than 1800m from the nearest sensitive land use; and**
 - b. A Fire Management Plan suitable for the proposed development.**
- 2. Pursuant to Clause 4.2.4.(c) of the Shire of Harvey’s District Planning Scheme No. 1, upon receipt of the above required additional information, the Application for Development Approval for an “Inert Waste Facility inclusive of a Composting Facility” on Lots 4 and 7 Runnymede Road, Binningup be advertised for public comment in accordance with Section 64(3)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015.*”**

CARRIED 12-1

Development Services Committee
22nd August 2017

MINUTES

- 17/237. **Monagle/Burgoyne**
“That the Minutes of the Development Services Committee Meeting, held on Tuesday, 22nd August 2017, be received and the recommendations listed hereunder be adopted en-bloc.”

8.1 PLANNING REPORT

- 8.1.1 Request for Amendment to Development Approval – Shopping Centre Expansion (IGA) and Service Station Redevelopment – DVN (on behalf of Liase Pty Ltd) – Lots 96 and 103 Uduc Road, Harvey; and Lots 29, 33 and 97 Newell Street, Harvey (A001880).
8.1.2 Proposed Mural Façade to Child Care Centre – Treendale Property Developments – Lot 54 (No. 38) The Promenade, Australind (A015418).

8.2 BUILDING REPORT

- 8.2.1 Building Permit Applications Received – Building Permits Issued – July 2017 – Shire of Harvey – (BSR017 (15)).

CARRIED 12-1

Mr. Dandridge left the Meeting at 4.35p.m.

L. OFFICER'S REPORTS**CORPORATE SERVICES**

Item No.	1	
Subject:	Management Agreement – The Scout Association of Australia WA (Australind Scout Group Branch)	
Proponent:	Shire of Harvey	
Location:	Lot 5764 Marine Drive, Leschenault	
Reporting Officer:	Executive Manager Corporate Services	
File No.:	CA030 & A008355	Attachment Reg. No. 17/25441

Summary

The Australind Scout Group has requested that its Management Agreement with the Shire of Harvey for the building known as 'Scouts Storage Shed' located on Lot 5764 Marine Drive, Leschenault be extended for a further term of five (5) years, with a further option of an additional five (5) years. Approval is recommended.

Background

Commencing 13th November 2007, the Shire of Harvey entered into a Management Agreement with the Scout Association of Australia WA, Australind Scout Group Branch (SAA), for a period of ten (10) years, expiring on 12th November 2017. This agreement sets out the terms, conditions and responsibilities of the SAA and the Shire, in respect of the management of the Storage Shed. Attached is a location map of the building concerned (refer **Attachment 1**). The Storage Shed is located adjacent to the Settlers Hall.

The group has now indicated in writing, that it wishes to renew this agreement (refer **Attachment 2**). The Management Agreement is not a lengthy document and is per **Attachment 3**.

Comment

Staff are not aware of any breach of the agreement terms and conditions by the Group during the course of the recent agreement. There are no known unresolved difficulties arising out of the relationship between the Group and the Shire regarding the use and operations of the building.

The changes recommended from the current lease document are as follows:

- Increase in Public Liability Insurance with the standard clause now being 20 million dollars (\$20,000,000). The current document has this at ten million dollars (\$10,000,000).
- It is not stated in the current Management Agreement that the Club is responsible for Contents Insurance. It is proposed that a clause to this effect is included in the new document.

Statutory/Policy Environment

Section 3.58 of the Local Government Act 1995, deals with the disposal of Property which includes leasing.

SIGNED _____ DATED 19th September 2017.

Clause 30 of the Local Government (Functions and General) Regulations, 1996, details when the disposition of property is exempt from the provision of Section 3.58 of the Act. A disposition of property to a body:

- i) The objects of which are of a charitable benevolent, religions, cultural, educational, recreational sporting or other like nature; and
- ii) The members of which are not entitled to profit from the body's transactions are considered exempt.

Strategic Framework

Within the Shire's Strategic Community Plan 2017 - 2027, Strategy 3.1.3 states:

"Continue to provide facilities and services to support local community organisations."

Budget Implications

Nil.

Risk Management

The Risk Theme Profile identified as part of this report is ***Business and Community Disruption***. The consequences identified are Reputational and Property. The risks associated with the possible consequences are mitigated by having a consensual agreement in place approved by both parties.

The Consequence rating associated with this matter is "Moderate" (3), and the Likelihood being "Unlikely" (2) giving a MODERATE Risk Rating.

Officer's Recommendation

That Council:

1. Approves the renewal of the Management Agreement between the Shire of Harvey and The Scout Association of Australia WA Branch, for the building known as 'Scouts Storage Shed' located on Lot 5764 Marine Drive Leschenault, for a term of five (5) years, expiring 12th November 2022, with the option to extend for a further five (5) years; and
2. Increase the Public Liability Insurance amount required to the standard clause now being 20 million dollars (\$20,000,000).

17/238. **Carbone/Simpson**

"That the Officer's Recommendation be adopted."

CARRIED 13-0

One (1) member of public left the Meeting at 4.36p.m.

Ms. Gelmi left the Chamber at 4.36p.m.

Cr. Monagle, having declared an impartiality interest in the following item, left the Chamber at 4.36p.m.

SIGNED _____ DATED 19th September 2017.

Item No.	2
Subject:	Community Sporting and Recreation Facilities Fund – Small Grant Applications
Proponent:	Brunswick District Bowling Club and Brunswick Tennis Club
Location:	Brunswick Bowling Club and Brunswick Tennis Club
Reporting Officer:	Manager Community and Economic Development
File No.:	F000209

Summary

This report provides information on grant applications received under the Community Sporting and Recreation Facilities Fund (CSRFF) and recommends that Council ranks the applications in order of priority and submits them to the Department of Local Government, Sport and Cultural Industries (formerly the Department of Sport and Recreation).

Background

Each year CSRFF grant applications are invited from Local Governments and community groups for projects that provide facilities and infrastructure for sport and recreation. The program aims to increase participation in sport and recreation through rational development of good quality, well designed and well utilised facilities.

Grant applications may request up to one third of the cost of eligible projects with the balance of the funds to be provided by the Local Government and/or the community group. In addition to the main funding round in September for larger scale projects, there are two small grant funding rounds in March and August each year for small scale projects up to \$200,000 in value.

This report provides details on two applications that have been received under the Small Grants program.

Comment

The following comments are made with regard to the two grant applications:

Brunswick Bowling Club – Replace Turf on the “C” Green

The Brunswick Bowling Club bowling green surface has deteriorated significantly due to saline water and Red Pearl Grass. A better surface would improve bowling, encourage more club members, enable more programs with youth and corporate bowls programs, which will in turn improve the Club’s revenue and increase its future viability.

The proposed funding arrangement for the project is as follows:

Brunswick District Bowling Club - cash	\$ 6,300
Club voluntary work and donations	\$ 6,300
CSRFF grant application	<u>\$ 6,300</u>
Total	\$18,900

The Brunswick District Bowling Club is an important part of the social fabric of the town and currently has 160 members. The Club has nominated a cash contribution of \$6,300 plus GST and will contribute over \$6,300 of voluntary labour and donated materials.

SIGNED _____ DATED 19th September 2017.

This project is similar to one undertaken by the Club 3 - 4 years ago to reconstruct the "B" Green which resulted in a high quality grass green bowling surface. Should the CSRFF grant application be successful, the project could be commenced in early 2018 and be available for the 2018/19 bowls season. The Club has not requested a contribution to the project from Council.

Brunswick Tennis Club – Hit-up Wall and Basketball Backboard

The proposal is to construct a new hit up wall and hard stand area adjacent to the Brunswick Tennis Courts. The Club has over 60 junior members and the new wall and hardstand area would provide the opportunity for junior players to practice whilst waiting their turn to play on the courts. The Brunswick CRC has expressed interest in this project and has committed to contribute \$500 towards the cost. This area will add another dimension to their afterschool activities and include a basketball backboard/ring and a four square area. The project will provide extra facilities that will encourage and provide opportunities for increased physical activity for young people living in the town. A grant of \$8,000 was recently approved from the Alcoa Harvey Sustainability Fund as a contribution to the project.

The Brunswick Tennis Club is providing sporting and social opportunities for young people living in the town and this project will provide an additional facility to keep them involved. The Club has nominated a financial contribution of \$2,540 (plus GST) and will contribute \$2,600 of voluntary labour and donated materials. No financial contribution has been requested from Council.

The proposed funding arrangement for the project is as follows:

Brunswick Tennis Club	\$ 2,540
CSRFF grant application	\$ 7,570
Voluntary work and donations	\$ 2,600
Alcoa Sustainability Fund	\$ 8,000
Brunswick Lions Club	\$ 1,500
Brunswick CRC	<u>\$ 500</u>
Total	\$22,710

The role of Council is to assess the two applications and rank them in order of priority. Whilst both projects are considered to be needed and worthwhile, the Brunswick Bowling Club has been largely self-reliant and has received minimal financial support from Council over the years. The Club recently considered the option of converting the "C" Green to a synthetic surface but decided to rebuild and retain a traditional grass surface which is a much less expensive option. As well as providing sporting and social opportunities for local residents, the Club draws a significant number of its members from Australind, thus providing a valuable facility and service to that community. In order to give this application a good chance of being successful it is recommended that it be allocated the number 1 priority ranking.

The Brunswick Tennis Club application is also considered to be a worthwhile project and due to the nature of the project is likely to have a good chance of being successful.

Statutory / Policy Environment

Policy 11.10 relates to financial assistance by Council to organisations and clubs occupying land owned by or vested in the Council and states that Council will consider providing a one third contribution to projects of this nature.

Strategic Framework

Within the Shire's Strategic Community Plan 2017 – 2027, Strategies 3.1.2 and 4.5.1 state:

3.1.2 *“Continue to engage local community groups to understand needs, improve facilities and source grant funding.”*

4.5.1 *“Maximise Shire grant funding.”*

Risk Management

The Risk Theme Profile identified as part of this report is ***Inadequate Engagement Practices***. The Consequence could be ***“Reputational”*** should Council not adopt the recommendation to support the two applications and submit them through to the Department of Sport and Recreation. The Consequence rating is considered “Minor” and the likelihood “Unlikely”, therefore the Risk is deemed to be LOW.

Budget Implications

Nil. Neither the Brunswick District Bowling Club nor the Brunswick Tennis Club has requested funding from the Shire of Harvey.

Officer's Recommendation

That Council submits the following Community Sporting and Recreation Facilities Fund grant applications to the Department of Local Government, Sport and Cultural Industries for the 2017/18 Small Grants funding round:

Priority	Description	CSRFF	Club	Volunteer Contribution	Other	Total
1	Brunswick District Bowling Club – Replace Grass Surface.	\$6,300	\$6,300	\$6,300		\$18,900
2	Brunswick Tennis Club - construct a new hit-up wall and hardstand.	\$7,570	\$2,540	\$2,600	\$10,000	\$22,710

17/239. **Adams/Burgoyne**
“That the Officer's Recommendation be adopted.”

CARRIED 12-0

Cr. Monagle returned to the Chamber at 4.40p.m.

SIGNED _____ DATED 19th September 2017.

Item No.	3
Subject:	Western Australia's Share of Good and Services Tax
Proponent:	Shire of Plantagenet
Location:	State of Western Australia
Reporting Officer:	Chief Executive Officer
File No.:	FMX001 (3)
	Attachment Reg. No.17/24104

Summary

The Shire of Plantagenet has written to all Local Governments in Western Australia (refer **Attachment 1**) seeking their support in writing to the Prime Minister to highlight this State's very low share of the Goods and Services Tax (GST) revenue and to seek to have the matter addressed.

It is recommended that Council support this endeavour by writing to the leaders of both major political parties as the issue is considered to go beyond politics.

Background

The very low rate of GST revenues being returned to Western Australia has been well highlighted in the media for several years. The expected return to WA of approximately 34 cents for each dollar of GST collected has again highlighted what has been described as an inequitable allocation.

GST revenues are distributed to the States via the Horizontal Fiscal Equalisation Methodology through the Commonwealth Grants Commission. This methodology seeks to ensure an equitable split of these funds to the States and Territories (refer **Attachment 2** for further details).

In recent years the Western Australian share of GST distribution has reduced to all time low levels (expected to be 34 cents per dollar of GST collected in 2017/18), based, it is suggested, on the high earnings available to the State during the mining boom years and due to the lag time that any changes take to impact the distribution model.

Not only has this State's finances been impacted by the reduction in mining royalties, but this has hit at the same time as reduced GST revenue and the ongoing financial impacts accompanied by the larger population growth through the mining boom period.

The Federal Government has acknowledged the current inequities in the system and have suggested a floor be placed in the formula to ensure no State falls below a minimum threshold (e.g. 70 cents in the dollar). The Productivity Commission have also been conducting an inquiry into the issue of Horizontal Fiscal Equalisation.

Comment

Whilst the GST debate has raged for several years, the State's financial position has deteriorated to the extent that impacts on the Local Government sector are being felt in terms of cost shifting, reviews of grant funding availability and reduction in Direct Grants for road maintenance.

The request for a collective message to be sent from the Western Australian Local Government sector on this issue is seen as one way that local communities can send a strong message as to the extreme inequity that is currently being experienced and the impact it is now having on individual communities.

SIGNED _____ DATED 19th September 2017.

It is recommended that this message be sent to both major political parties as it is considered that bi-partisan support is required to provide meaningful change.

Statutory/Policy Environment

The following legislation and arrangements apply:

‘A New Tax System (Goods and Services Tax) Act 1999’ – Section 1.3 - Commonwealth-State Financial Relations.

The GST is levied by the Commonwealth, but the revenue from the GST is distributed to the States and Territories. This arrangement is set out in the ‘Intergovernmental Agreement (IGA) on Federal Financial Relations’.

Strategic Framework

Within the Shire’s Strategic Community Plan 2017 – 2027, Outcome 4.6 and Strategy 4.6.2 state:

4.6 *“Effective collaboration and shared services with other Local, State and Federal Government agencies, industry and community organisations.”*

4.6.2 *“Nurture strategic alliances with major industry groups and government agencies.”*

Risk Management

The Risk Theme Profile identified as part of this Report is ***Providing Inaccurate Advice/Information***. The Consequence could be ‘Reputational’ if the Shire is seen to be out of step with sector or community sentiment. The Consequence rating is considered minor and the Likelihood is possible, resulting in a LOW risk being present.

Budget Implications

The impact of GST revenues on the State Government finances potentially impacts the State’s capacity to fund various grant programs to Local Governments and local communities.

Officer’s Recommendation

That Council supports the endeavours of the Shire of Plantagenet and writes to the Prime Minister of Australia and the Federal Leader of the Opposition requesting urgent action on the distribution of Goods and Services Tax receipts to Western Australia to:

1. Ensure a more equitable distribution of these funds, and
2. Provide suitable protections to ensure that the current inequity of distribution is prevented from reoccurring.

17/240. **Adams/Beech**

“That Council supports the endeavours of the Shire of Plantagenet and urges the Western Australian Local Government Association to write to the Prime Minister of Australia and the Federal Leader of the Opposition requesting urgent action on the distribution of Goods and Services Tax receipts to Western Australia to:

- 1. Ensure a more equitable distribution of these funds, and**
- 2. Provide suitable protections to ensure that the current inequity of distribution is prevented from reoccurring.”**

CARRIED 7-6**Reason for Change to Officer’s Recommendation**

Council was of the view that this matter would more effectively be dealt with via correspondence from the Western Australian Local Government Association, the peak industry body for local government in WA.

Item No.	4		
Subject:	Meetings for Coming Months		
File No.:	CCC001		
	Meeting	Location	Date
	Disability Access and Inclusion Advisory Committee	LLC	5 th September 2017
	Work Safety Committee	Harvey Chamber	7 th September 2017
	Harvey Local Emergency Management Committee	Harvey Chamber	11 th September 2017
	Development Services Committee	Harvey Chamber	12 th September 2017
	Corporate Services Committee	Harvey Chamber	19 th September 2017
	Ordinary Council	Harvey Chamber	19 th September 2017
	Leschenault Leisure Centre Advisory Committee	LLC	22 nd September 2017
	Development Services Committee	Australind Chamber	3 rd October 2017
	Ordinary Council	Australind Chamber	10 th October 2017
	Special Council Meeting	Harvey Chamber	23 rd October 2017
			Time
			2:00p.m.
			3:00p.m.
			5:30p.m.
			4:00p.m.
			2:00p.m.
			4:00p.m.
			8:00a.m.
			4:00p.m.
			4:00p.m.
			4:00p.m.

Officer’s Recommendation

That the meetings for coming months be noted.

17/241. **Campbell/Carbone**

“That the Officer’s Recommendation be adopted.”

CARRIED 13-0

M. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

N. NOTICE OF MOTION FOR FOLLOWING MEETING

Nil.

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

Nil.

P. REPORTS OF MEMBERS**Cr. Beech**

Cr. Beech reported on his attendance at the following:

- Vietnam Veteran's Day along with Cr. Jackson held at the Harvey War Memorial on Sunday, 20th August 2017;
- Citizenship Ceremony along with Councillors Jackson, Giancono, Simpson and Burgoyne held at the Australind Council Chamber on Tuesday, 22nd August 2017;
- Local Government Elections Candidate Information Session along with Councillors Jackson, Giancono and Simpson held at the Harvey Council Chamber on Wednesday, 23rd August 2017; and
- Turning on of the lights event at the Harvey Recreation Ground along with Cr. Jackson, Cr. Giancono and the Manager Community and Economic Development on Saturday, 26th August 2017.

Ms. Gelmi returned to the Chamber at 4.56p.m.

Cr. Adams

Cr. Adams reported on his attendance at the following:

- A meeting of the Morrissey Homestead Inc. Board of Management held Monday, 14th August 2017;
- The Annual General Meeting of the Harvey Senior Citizens' Centre Committee held Wednesday, 16th August 2017;
- A meeting of the Leschenault Catchment Council held Wednesday, 16th August 2017;
- Bunbury Harvey Regional Council meeting held on Thursday, 24th August 2017, noting the purchase of a large shredder was approved; and
- The first Contiguous Local Authority Group meeting for the 2017/18 mosquito threat season held on Friday, 25th August 2017.

Cr. Campbell

Cr. Campbell reported on his attendance at the first Contiguous Local Authority Group meeting for the 2017/18 mosquito threat season held on Friday, 25th August 2017, noting there had been 22 recorded Ross River Virus cases in the Shire of Harvey.

Cr. Lovitt

Cr. Lovitt reported on her attendance at the following:

- A meeting of the District Health Advisory Committee; and
- The Annual General Meeting of the Yarloop Workshops.

Cr. Giancono

Cr. Giancono reported on his attendance at:

- The Annual General Meeting of the Binningup Community Association held 21st August 2017; and
- Citizenship Ceremony held at the Australind Council Chamber on Tuesday, 22nd August 2017.

Cr. Jackson

Cr. Jackson reported on her attendance at the following:

- A meeting of the Bunbury Geographe Growth Plan Steering Committee;
- A meeting of the Bushfire Recovery Art Project Group;
- A meeting with Hon Mick Murray MLA regarding funding commitments and bauxite transport in the Shire;
- Together with the Chief Executive Officer, the Shire's Meritorious Service Award Winner Mr. Bill Scott and Mrs Scott, and representatives of the Shire of Murray attended lunch at Parliament House on Thursday, 10th August 2017, with Ms. Robyn Clark MLA for Murray Wellington;
- As guest speaker at a WALGA Emergency Management Training course;
- The City of Bunbury's Annual Sundowner;
- Citizenship Ceremony along with Councillors Beech, Giancono, Simpson and Burgoyne held at the Australind Council Chamber on Tuesday, 22nd August 2017;
- Together with the Executive Manager Corporate Services a Bunbury Wellington Group of Councils Waste Management meeting;
- Bunbury Geographe Tourism Group meeting;
- A Landcorp Kemerton Industrial Park burn plan meeting with Mr. Mick Papalia;
- Harvey Senior High School assembly – presented a copy of the banner entered in this year's 'Banners in the Terrace' competition;
- Stories from the Fireground Working Group lunch;
- Yarloop Library's 30th Birthday celebration;
- Together with the Executive Manager Corporate Services a meeting with Minister for Regional Development, Alannah MacTiernan on funding commitments and bauxite transport in the Shire;
- Meeting with Hon Steve Thomas MLC along with the Chief Executive Officer;
- South West Development Committee meeting in Busselton;
- A teleconference with the South West Joint Development Assessment Panel regarding a 24 hour service station in Treendale;
- Turning on of the lights event at the Harvey Recreation Ground held on Saturday, 26th August 2017;
- Local Government Elections Candidate Information Session held on Wednesday, 23rd August 2017; and
- Vietnam Veteran's Day along with Cr. Beech held at the Harvey War Memorial on Sunday, 20th August 2017.

Q. ORDERS OF THE DAYOfficer's Recommendation:

That Council:

1. Notes the use of the Common Seal under Delegated Authority (1.1.12) in accordance with Council Policy (10.9) on the following items:

- | | |
|---|---|
| <ul style="list-style-type: none"> • Section 70A Notification – Lots 25, 26, 35 – 38 on Deposited Plan 411914 – Treendale Nominees – Specified Area Rate. • Withdrawal of Caveat – Lot 37 on Deposited Plan 409854 – Caveat No. N380677 – Hocart Lodge. | Prepared By
Shire of Harvey

Shire of Harvey |
|---|---|

2. Notes the use of the Common Seal on items previously authorised by Council as follow:

- | | |
|--|--|
| <ul style="list-style-type: none"> • Funding Agreement – Construct Bridge 5370 Over Collie River, Treendale – Shire of Harvey and Shire of Dardanup – Main Roads WA. • Lease – Shire of Harvey and Leschenault Mens Shed. • Lease – Shire of Harvey and Harvey Main Street Inc. (T/A Harvey Community Radio). | Prepared By
Main Roads WA

Ball & Co Solicitors
Ball & Co Solicitors |
|--|--|

17/242.

Beech/Burgoyne**“That the Officer’s Recommendation be adopted.”****CARRIED 13-0****R. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

Nil.

S. MATTERS BEHIND CLOSED DOORS**Suspension of Standing Orders**

17/243.

Burgoyne/Beech**“That Council suspends Standing Orders and Moves Behind Closed Doors in accordance with Section 5.23 (2) (c) and (e)(ii) 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; and
- A matter that if disclosed, would reveal information that has a commercial value to a person.”

CARRIED 13-0SIGNED _____ DATED 19th September 2017.

Standing Orders were suspended at 5.12p.m.

Mr. Charlesworth and Ms. Gelmi left the Meeting at 5.12p.m.

Cr. Carbone, having declared a financial interest in Confidential Items 1 and 2, left the Chamber at 5.12p.m.

CONFIDENTIAL ITEM 1 – TENDER T052017 – SUPPLY AND DELIVERY OF GRAVEL BASECOURSE ROAD MATERIAL – VARIOUS TENDERERS – SHIRE OF HARVEY (T052017).

17/244. **Giancono/Campbell**
“That Council, in accordance with Regulation 18(5) of the Local Government (Functions and General) Regulations 1996, not accept any tender submission for the Supply and Delivery of Gravel Basecourse Road Material as per Tender No. T052017, and that tenders be recalled.”

CARRIED 12-0

CONFIDENTIAL ITEM 2 – TENDER T062017 – SUPPLY AND DELIVERY OF LIMESTONE SUB-BASE ROAD MATERIAL – VARIOUS TENDERERS – SHIRE OF HARVEY (T062017).

17/245. **Campbell/Adams**
“That Council accepts Tender No. T062017 from Lake Preston Lime, for the Supply and Delivery of Limestone Sub-base Road Material, for a one year period as per the pricing schedule in the tender submission as outlined in the following table, and in accordance with the general conditions of tendering.”

Tenderer	Available from stockpile \$/m ³	Load on Truck at Quarry \$/m ³	Supply and Cart \$/m ³	Depot	Subcontractor Access
Lake Preston Lime	\$15.50	\$15.50	\$15.50 +12c/m ³ /km	Finn Road	Yes

CARRIED 12-0

Cr. Carbone returned to the Chamber at 5.21p.m.

CONFIDENTIAL ITEM 3 – TENDER T072017 – SUPPLY AND DELIVERY OF HOT BITUMEN – VARIOUS TENDERERS – SHIRE OF HARVEY (T072017).17/246. **Monagle/Campbell**

“That Council accepts Tender No. T072017 from Malatesta Road Paving and Hotmix for the Supply and Delivery of Hot Bitumen for a one year period as per the pricing schedule in the tender submission as outlined in the following table, and in accordance with the general conditions of tendering:

Malatesta Road Paving and Hotmix			
Litres	Hot Bitumen Grade 98/2 \$ / Litre	Hot Bitumen Grade 90/10 \$ / Litre	Emulsion CRS 170/60 Sprayed \$ / Litre
0 – 2799	0.96	0.99	0.89
2800 – 5499	0.93	0.97	0.86
5500 – 8199	0.88	0.91	0.81
8200 – 10899	0.86	0.89	0.79
10900 – 13599	0.83	0.86	0.77
13600 – 18199	0.80	0.83	0.77
18200 +	0.77	0.80	0.76

Emulsion CRC 50/60

Delivery Method	Cost per litre
Shire to collect	0.73
Delivered (based on 1,000litres)	1.06

”

CARRIED 13-0**CONFIDENTIAL ITEM 4 – TENDER T082017 – SUPPLY OF PRE-MIXED AND HOT MIXED ASPHALT AND SUPPLY AND LAYING OF HOT MIXED ASPHALT – VARIOUS TENDERERS – SHIRE OF HARVEY (T082017).**17/247. **Shortland/Adams**

“That Council accepts Tender No. T082017 from Malatesta Road Paving and Hotmix for the Supply of Pre-Mixed and Hot Mixed Asphalt and Supply and Laying of Hot Mixed Asphalt, for a one (1) year period as per the pricing schedule in the tender submission, as outlined in the report, and general conditions of tendering.”

CARRIED 13-0**Cr. Sabourne left the Chamber at 5.25p.m.****Cr. Sabourne returned to the Chamber at 5.28p.m.**

