



**CONFIRMED**

# MINUTES

## ORDINARY COUNCIL MEETING

Held

18 December 2019

At

Shire of Dardanup  
ADMINISTRATION CENTRE EATON  
1 Council Drive – EATON

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## **MISSION STATEMENT**

“Provide effective leadership in encouraging balanced growth and development of the Shire while recognizing the diverse needs of our communities.”

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## COUNCIL ROLE

<b>Advocacy</b>	When Council advocates on its own behalf or on behalf of its community to another level of government / body /agency.
<b>Executive/Strategic</b>	The substantial direction setting and oversight role of the Council e.g. Adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<b>Legislative</b>	Includes adopting local laws, town planning schemes and policies.
<b>Review</b>	When Council reviews decisions made by Officers.
<b>Quasi-Judicial</b>	When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.

Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g.: under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

## DISCLAIMER

"Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity that has an application before the Shire must obtain, and should only rely on, written notice of the Shire's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the Shire on the operation of a written law, or the performance of a function by the Shire, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Shire. Any advice on a matter of law, or anything sought to be relied upon as a representation by the Shire should be sought in writing and should make clear the purpose of the request."

## RISK ASSESSMENT

<b>Inherent Risk</b>	The level of risk in place in order to achieve the objectives of the Council and before actions are taken to alter the risk's impact or likelihood.
<b>Residual Risk</b>	The remaining level of risk following the development and implementation of Council's response.
<b>Strategic Context</b>	These risks are associated with achieving Council's long term objectives.
<b>Operational Context</b>	These risks are associated with the day-to-day activities of the Council.
<b>Project Context</b>	Project risk has two main components: <ul style="list-style-type: none"> <li>• Direct refers to the risks that may arise as a result of project, which may prevent the Council from meeting its objectives.</li> <li>• Indirect refers to the risks which threaten the delivery of project outcomes.</li> </ul>

**SHIRE OF DARDANUP**

**MINUTES OF THE SHIRE OF DARDANUP ORDINARY COUNCIL MEETING HELD ON WEDNESDAY, 18 DECEMBER 2019, AT SHIRE OF DARDANUP - ADMINISTRATION CENTRE EATON, COMMENCING AT 5.00PM.**

**1 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS**

The Presiding Member, Cr. M T Bennett declared the meeting open at 5.00pm, welcomed those in attendance and referred to the Disclaimer, Acknowledgement of Country, Emergency Procedure and the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers:

*Acknowledgement of Country*

*The Shire of Dardanup wishes to acknowledge that this meeting is being held on the traditional lands of the Noongar people. In doing this, we recognise and respect their continuing culture and the contribution they make to the life of this region by recognising the strength, resilience and capacity of Wardandi people in this land.*

*Affirmation of Civic Duty and Responsibility*

*Councillors and Officers of the Shire of Dardanup collectively declare that we will duly, faithfully, honestly and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgement and ability. We will observe the Shire's Code of Conduct and Standing Orders to ensure efficient, effective and orderly decision making within this forum.*

*Emergency Procedure*

*In the event of an emergency, please follow the instructions of the Chairperson who will direct you to the safest exit route. Once outside, please proceed to the Assembly Area points located to the western side of the front office car park near the skate park and gazebo where we will meet (and complete a roll call).*

## 2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED

### 2.1 Attendance

Cr. Michael Bennett	-	Elected Member
Cr. Janice Dow	-	Elected Member
Cr. Tyrrell Gardiner	-	Elected Member
Cr. Luke Davies	-	Elected Member
Cr. Mark Hutchinson	-	Elected Member
Cr. Peter Robinson	-	Elected Member
Cr. Carmel Boyce	-	Elected Member
Mr André Schönfeldt	-	Chief Executive Officer
Mr Phil Anastasakis	-	Deputy Chief Executive Officer
Ms Susan Oosthuizen	-	Director Sustainable Development
Mr Nathan Ryder	-	Acting Director Infrastructure
Ms Cathy Lee	-	Manager Governance & HR
Mrs Marisa Blandford	-	Executive Support Officer
Mrs Natalie Hopkins	-	Manager Financial Services
Mr John Kowal	-	Manager Recreation Centre
Mr Brenton Scambler	-	Manager Development Services

1 member of the Media

6 members of the Public

### 2.2 Apologies

Cr. Patricia Perks	-	Elected Member
Mr Luke Botica	-	Director Infrastructure

### 2.3 Leave of Absence Previously Approved

Cr. Stacey Gillespie     -     [Res 311-19]

## 3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

None.

**4 PUBLIC QUESTION TIME**

*Note: Public Question Time commenced. [5.01pm]*

**4.1 Mr Paul Kurack – Regarding the Crime Rate in Eaton**

Mr Kurack - I've spoken to (Hon.) Mick Murray and Cr. M T Bennett regarding the increase in juvenile crime in Eaton. I recently had a child jump out in front of my car whilst driving in Eaton; I had to swerve to miss them. I have grown up in Eaton and I am disappointed in what I'm seeing lately and wondering where it's all heading. Someone is going to get hurt, killed, or seriously maimed.

I've seen kids abuse patrons at the shopping centre and the security guards. The elderly are fearful, my Mother is scared she will get robbed in the carpark. I have seen kids drinking at the skate park. I know of a single mother that had her house broken into and has had to install thousands of dollars worth of security to feel safe in her own home. It's a sad state of affairs when the criminals roam free and the honest people are trapped in their own homes. I've also spoken to the police at Australind and I am told there is very little that can be done because of the age of these kids. What can be done? Is there anything we can do as a community, bar locking ourselves in our homes at night, to try and rectify this situation?

*Response:*

*Cr. M T Bennett – There was a similar situation toward the end of last year also. The shire formed a Community Safety Committee to address the concerns then. It is too close to Christmas for there to be a meeting called again of that committee, but we could look at this in the new year. I think we had a great deal of success with the CCTV project last year and the police involvement.*

*Cr. M T Bennett – We had representatives from the Police Department and the Department of Communities; and Youth Justice assisted as well. They spoke with the families involved and listened to their issues as well, there were big challenges for some as they are raising their own children as young parents as well. I will contact Senior Sgt Mark Smith OIC of Australind Police and see if we can get the Community Safety Committee back together again and discuss where things are going.*

*Note: Public Question Time ended. [5.09pm]*

**5 APPLICATIONS FOR LEAVE OF ABSENCE**

None.

## 6 PETITIONS/DEPUTATIONS/PRESENTATIONS

*Note: Deputations commenced. [5.10pm]*

6.1 *Title: Mr Ross Underwood, Planning Solutions – Regarding Item 12.2 Proposed Application for Development Approval – Use Not Listed – Digital Billboard (LED Advertising Sign) – Lot 15 (382) Clifton Road, Waterloo – (R.C. Barbetti Pty Ltd)*

Good afternoon Shire President and Councillors. I refer to item 12.2 on the agenda relating to the proposed digital billboard to be erected on the eastern side of Forrest Highway. Planning Solutions is the applicant for the billboard. I would like to thank the officers for their professionalism with this matter. We support the officer recommendation for approval of the billboard subject to 10 conditions.

I would like to talk briefly about the purpose of the billboard because it's important for Council to understand what sets this apart from other billboards. I will then discuss its planning merit including the General Farming zone objectives, and dealing with light from the billboard.

### **Purpose of the billboard**

So it's important to note the purpose of the billboard is promote the Eaton Fair Shopping Centre and its tenants, and community events such as The Bull & Barrel Festival, much like the digital boards do in the centre already. This sets it apart from other billboards along the Highway that display third party advertisements – this billboard will be supporting local businesses in Eaton, which in turn helps those businesses by bringing in new customers.

One of the problems faced by Eaton Fair is that it is not visible from the Highway, and so people will drive through the Shire without thinking about the Shopping Centre or even realising it is there. Many of the people driving past may simply not know what kinds of businesses are there, or the community events held at the Shopping Centre. This billboard will do its part by drawing new customers to the Centre, helping the local businesses thrive.

Simply put, this billboard is for the benefit of the Shire.

### **General Farming zone**

Turning now to the planning merits. We have read closely the submissions made. One of the criticisms made is the proposal is not consistent with the General Farming zone objectives. I don't intend to read out the objectives – they are on page 35 of the agenda. But suffice to say the zone objectives are to provide for a wide variety of productive farming activities and retaining the rural character and amenity of the locality. The billboard is consistent with the zone objectives meaning it is permitted for the following reasons.

1. The billboard does not prevent any farming activities from happening on the land. The property has an area of 94 hectares and this billboard will not prevent any of the land from being used for farming activities.
2. Billboards are ordinary and commonplace in rural zones. There are six essentially identical billboards in rural areas further north along Forrest Highway. Further, the rural character of the area needs to be considered in the context of the Highway, nearby urban development, and the bright street lighting around the intersections at Grand Entrance and Hynes Road.



3. Importantly, the Department of Planning Lands and Heritage has confirmed the billboard is compatible with priority agricultural land. Their response is submission no.3 in the Schedule of Submissions.

### **Light from the billboard**

Finally, I would like to address the issue of light, which is heavily regulated. Main Roads has detailed criteria for the brightness of advertising. Additionally, there are Australian Standards published this year which control the obtrusive effects of outdoor lighting by setting limiting values for lighting. Both of these documents set stringent standards which are designed to minimise the impact of the lighting on residential areas.

The officers have recommended two conditions which control lighting. Condition 6 sets the maximum brightness levels. Condition 7 requires a lighting consultant to undertake an assessment to ensure compliance with the Australian Standards. These conditions give a level of comfort that the billboard will be set at appropriate brightness levels.

It should be noted these standards do not apply to any street lighting that might be installed along this Highway, which for safety reasons needs to be much brighter.

### **Conclusion**

This billboard is permitted in the General Farming zone. There are controls in place to regulate the brightness of the billboard. But most importantly, this proposed billboard will benefit local businesses by drawing in new customers. We ask Council to approve this billboard in accordance with the officers' recommendation.

#### *Response:*

*Shire President, Cr. M T Bennett thanked Mr Underwood for his presentation and asked Councillors if they had any questions to ask on the matter.*

#### *Questions:*

1. *Cr. C N Boyce – Do you know of any other 20 metre towers in urban areas?*

Response: Mr Ross Underwood – Yes, on the Kwinana Freeway, in close proximity to housing. There are others up and down the freeway that are also lit by floodlights.

2. *Cr. C N Boyce – In this resolution it's mentioned a number of times that there are other signs in the Shires of Waroona and Murray and the City of Mandurah. My recollection of these signs is that they are in paddocks with nothing urban around them. Are these really comparable with this proposal?*

Response: Mr Ross Underwood– There is a similar sign to what is proposed on the corner of the intersection at Sandridge Road and King Road in Bunbury, which is right behind houses. The Homemaker Centre in Bunbury also has a large vertical LED Billboard. That went through a period of adjustment to get the light settings correct.

3. *Cr. C N Boyce – Is the Sandridge Rd sign lit up?*

Response: Mr Ross Underwood– Yes, it is an LED Billboard.

4. Cr. J Dow – Are Planning Solutions happy with the clause requiring removal of the billboard after 10 years?

Response: Mr Ross Underwood – Yes, we have no issues with that stipulation.

Note: Deputation ended. [5.20pm]

## 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### 7.1 Ordinary Meeting Held 27 November 2019

#### OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

359-19      MOVED -      Cr. P S Robinson      SECONDED -      Cr. M Hutchinson

**THAT the Minutes of the Ordinary Meeting of Council held on 27 November 2019, be confirmed as true and correct subject to no corrections.**

CARRIED  
7/0

## 8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

None.

## 9 ANNOUNCEMENTS OF MATTERS FOR WHICH MEETING MAY BE CLOSED

It is recommended that Council go behind closed doors toward the end of the meeting in accordance with Shire of Dardanup Standing Orders & Local Government Act 1995 Section 5.23 (2) - Matters for Which Meeting May Be Closed:

Standing Order and the Local Government Act 1995 provides for Council to resolve to close the meeting to the public and proceed behind closed doors for matters:

<p>S 5.23 (1) Subject to subsection (2), the following are to be open to members of the public-</p> <p>(a) all Council meetings; and</p> <p>(b) all meetings of any committee to which a local government power or duty has been delegated.</p>
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- (2) *If a meeting is being held by a Council or by a committee referred to in subsection (1) (b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following -*
- (a) *a matter affecting an employee or employees;*
  - (b) *the personal affairs of any person;*
  - (c) *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;*
  - (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
  - (e) *a matter that if disclosed, would reveal -*
    - (i) *a trade secret;*
    - (ii) *information that has a commercial value to a person; or*
    - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;*
  - (f) *a matter that if disclosed, could be reasonably expected to -*
    - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
    - (ii) *endanger the security of the local government's property; or*
    - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
  - (g) *information which is the subject of a direction given under section 23 (1a) of the Parliamentary Commissioner Act 1971; and*
  - (h) *such other matters as may be prescribed.*
- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

*Note: Shire President advised that the meeting will go behind closed doors toward the end of the meeting to discuss a matter affecting an employee or employees; and a matter that deals with "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".*

*Process:*

*Shire President, Cr. M T Bennett advised that he was moving a procedural motion to deal with Item 12.3 at the end of the meeting under Item 16 – Matters Behind Closed Doors; in accordance with Section 5.23 (c) of the Local Government Act 1995 and also in accordance with the Shire of Dardanup Standing Orders Local Law sections 12.1 (g) and Section 13.7.*

#### PROCEDURAL MOTION

360-19      MOVED -      Cr. M T Bennett      SECONDED -      Cr. P S Robinson

**THAT "Item 12.3 - Tender for Replacement of Cardio and Strength Fitness Equipment" not be dealt with in the normal order of business and be dealt with at Item 16 as a 'Matter Behind Closed Doors'.**

CARRIED  
7/0

#### 10      QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

None.

## 11 DECLARATION OF INTEREST

"Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences."

Key Management Personnel (which includes Elected Members, CEO and Directors) are reminded of their requirement to disclose biannually transactions between Council and related parties in accordance with Council Policy CP039.

*Discussion:*

*Shire President, Cr. M T Bennett asked Councillors and staff if there were any Declarations of Interest to be made.*

*The following declarations of interest were made:*

- *Cr. M T Bennett declared an Impartiality interest in "Item 12.1 – Eaton Bowling Club Redevelopment Project" as he is a Patron of the Eaton Bowling Club.*
- *Cr. L Davies declared a Closely Associated Person and Financial Interest in "Item 12.2 – Proposed Application for Development Approval – Use Not Listed – Digital Billboard (LED Advertising Sign) – Lot 15 Clifton Road, Waterloo – (R.C. Barbetti Pty Ltd)" as he is employed by Coles Eaton Fair.*

## 12 REPORTS OF OFFICERS AND COMMITTEES

12.1 Title: Eaton Bowling Club Redevelopment Project

*Reporting Department: Infrastructure Directorate*

*Reporting Officer: Mr James Reilly - Project Development Engineer*

*Legislation: Local Government Act 1995*

### DECLARATION OF INTEREST

Cr. M T Bennett declared an Impartiality Interest in this item as he is a Patron of the Eaton Bowling Club. As a consequence there may be a perception that my Impartiality on the matter may be affected.

Cr. M T Bennett left the room [5.22pm] and Cr. P S Robinson assumed the Chair.

### Overview

-

Council Resolution [OCM 11-18] from the Ordinary Council Meeting held on 24 January 2018 required the Chief Executive Officer to form a project working group to develop a project scope and designs for the redevelopment of the Eaton Bowling Club building. This report is hereby provided to Council in accordance with the resolution and seeks Council's consideration of the concept design as developed through the Working Group and request that Council consider progressing the project to the detailed design/construction phase.

### Background

-

A \$2 Million State Government contribution towards the creation of a Community Hub at the existing Eaton Bowling Club was provided in 2018-19. \$50,000 was received for the planning phase of the project and a further \$1 Million was recently allocated to the project through the Department of Local Government, Sport and Cultural Industries to bring the project funding to \$3 Million.

At the Ordinary Meeting of Council held on 24 January 2018 it was resolved [OCM 11-18]:

#### *THAT Council:*

1. *Endorse the formation of a project working group reporting to the Eaton Sports Committee to develop the project scope and designs for the redevelopment of the Eaton Bowling Club building.*
2. *Appoints the following as members of the project working group:*
  - a) *Shire of Dardanup: Cr. C N Boyce and Cr. T G Gardiner.*
  - b) *Eaton Bowling and Social Club Inc: four members.*
  - c) *The Chief Executive Officer to appoint Shire staff as required to participate in the project working group.*
3. *Authorises the Chief Executive Officer to prepare and implement Terms of Reference for the project working group.*
4. *Includes a representative and proxy from the Eaton Bowling and Social Club Inc. on the Eaton Sports Committee.*

The items raised in the resolution have been implemented by Shire staff to the project milestone whereby concept designs have been developed, further funding has been sourced and the project is ready to move to the final design and construction phase.

The Eaton Bowling Club building is a Shire owned building that is leased to the Eaton Bowling & Social Club Inc. The current lease will expire on 24 September 2034. The building and associated bowling facilities are situated at the northern side of Reserve 27516 (North of Eagle Wetland Reserve) with primary road frontage on Pratt Road and secondary frontage on Foster Street and Bobin Street.



The existing building is approximately 500m<sup>2</sup> in area, constructed in 1972 with extensions added in 1979 and although the Shire's asset plans do not indicate any major expenditure requirements over the next ten years, the building is old and perhaps considered to be well below the current standards adopted for such buildings. From a modern functionality and aesthetics point of view the building would require significant refurbishment works. The working group looked at the option to renovate the existing building and an assessment of the current building was carried out by Suckling Civil and Structural Engineers. The Engineers Report (Appendix ORD: 12.1A) advised that a new purpose-built facility would be the most suitable option.

In July 2019, Council appointed two members from the Eaton Senior Citizens to the Working Group. The Eaton Senior Citizens Inc. were included in the project with the intention of relocating the Senior Citizens Centre to the new facility. A list of project and operational requirements were presented to the Shire by the Eaton Senior Citizens. The Eaton Senior Citizens requested that these items be addressed in order for them to consider the relocation to the new premises. These requirements were considered in the development of the concept designs and have been met by the design that has been prepared.

#### Legal Implications

The procurement of an architect and/or contractor, depending on the project delivery model adopted, shall be in accordance with the Shire's Procurement Policy and Division 2 – Tenders for Providing Goods or Services of the Local Government (Functions and General) Regulations 1996.

#### *Part 4 — Provision of goods and services*

#### *Division 2 — Tenders for providing goods or services (s. 3.57)*

#### *11. When tenders have to be publicly invited*

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150 000 unless subregulation (2) states otherwise.*

#### *Local Government Act 1995*

#### *Local Government (Financial Management) 1996*

The Local Government Act 1995 requires the Council to consider and approve any changes to the budget.

**6.8. Expenditure from municipal fund not included in annual budget**

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
  - (b) is authorised in advance by resolution\*; or
  - (c) is authorised in advance by the mayor or president in an emergency.

\* Absolute majority required.

- (1a) In subsection (1) —

**additional purpose** means a purpose for which no expenditure estimate is included in the local government's annual budget.

- (2) Where expenditure has been incurred by a local government —

- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
- (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the Council.

Strategic Community Plan -

Strategy 1.5.1 - Participate in and seek collaborative resource sharing opportunities. (Service Priority: High)

Strategy 1.6.1 - Provide opportunities for the community to engage with Councillors and Staff. (Service Priority: High)

Strategy 2.6.1 - To provide a variety of places to live, work and play that meet the current and future needs of the community. (Service Priority: Very High)

Strategy 3.3.2 - Support volunteer groups within the Shire of Dardanup. (Service Priority: High)

Strategy 4.1.4 - To provide essential infrastructure: Facilitate the provision of essential services and infrastructure to support the growing community and local economy. (Service Priority: High)

Strategy 5.2.1 - To encourage physical activity by providing services and recreational facilities that encourage our community towards an active and healthy lifestyle. (Service Priority: Very High)

Strategy 5.3.1 - To provide community facilities that enable a healthy community that volunteers, embraces lifelong learning and cultural awareness, and is involved with a diverse range of vibrant community, sporting, cultural and artistic organisations an

Environment

Councils Wood Encouragement Policy CP032 states that the Council will consider timber and wood products as a first option in the construction of its own building projects. If the new building incorporates timber construction, the timber will be from a sustainable source and its carbon benefits will contribute to the reduction in impacts resulting from CO2 in the environment.

Precedents

Council has engaged architects for the design and documentation for the construction of the two pavilion buildings and change room building at the Glen Huon Reserve. Design and Construct documentation has also been developed for the New Shire Administration and Library Building Project.

Budget Implications -

The following table outlines the cost projections for the project:

<b>INCOME</b>	
Grant	\$ 3,000,000
Shire In-kind	\$ 75,000
Allocation from Sale of Centre	\$ 403,409
Shire Road Program Funding	\$ 332,000
<b>Total Income</b>	<b>\$ 3,807,000</b>
<b>EXPENDITURE</b>	
Expenditure 2018-2019 (Actual)	\$ 4,370
Expenditure 2019-2020 (Actual to date)	\$ 16,240
Building Construction (QS Estimated)	\$ 3,182,800
Carpark	\$ 182,000
Road Modifications	\$ 150,000
Project Management (Projected Shire staff in-kind)	\$ 75,000
Temporary Accommodation	\$ 200,000
<b>Total Expenditure</b>	<b>\$ 3,810,409</b>
<b>NET COST TO COUNCIL</b>	<b>\$ 0</b>

\$204,175 is allocated in the 2019-20 budget towards the continued planning and design of this new facility, which was to be funded partly through the unspent contribution of \$50,000 in the previous year together with an additional \$157,800 from the Department of Sport & Recreation Grant.

The Long Term Financial Plan includes an allocation of \$1,792,200 in 2020-21 to be funded from the remaining election commitment allocation.

These long term financial estimates will be updated with these latest costs estimates to reflect a total estimated building project cost of \$3,457,800 (excluding car park and road modifications). It would also make provision for the additional funding of \$1 Million dollars recently allocated by the Department of Local Government, Sport and Cultural Industries.

A Quantity Survey (QS) estimate for the project indicates that \$3,182,800 would be necessary to complete the building as per the concept that has been developed. This estimate does not include car parking or any road works, which can be funded through the Shire's road construction program. However, it does include a contingency factor of 5% on the design and construction costs.

It is also expected that the Shire will need to make provision for the temporary accommodation of the Eaton Bowling Club while the new building is constructed. This is estimated at \$200,000 +GST. This estimate was obtained by the Bowling Club a number of years ago and will need to be confirmed as being sufficient.



It should be noted that the project budget also indicates that funds are to be used from the sale of the current Eaton Senior Citizens Centre on Sanford Way. Once the building is vacated, Council has the option of selling the property and utilising the proceeds on the new building. This matter will need further consideration by Council.

Budget – Whole of Life Cost -

This will be a consideration in determining the type, size and fit out of the building. It should be noted that the maintenance of the building and any repairs of damage is typically the responsibility of the lessee under the lease agreement. Any renewal works associated with normal wear and tear of the building structure is scheduled in the 10 Year Building Plan and undertaken at the cost of the Shire.

The grant received will enable the Shire to renew the Eaton Bowling Club. If the funds were not forthcoming, the Shire would need to allocate additional funds, from its own sources, for ongoing preservation and renewal works in its forward plans.

As proposed above, once the Eaton Senior Citizens Inc. vacate the existing building on Sanford Way, Council will dispose of this facility. This will effectively remove the facility from the Shire's asset register and the remove the need to finance the ongoing life cycle costs of the asset.

A new lease agreement will be prepared and executed prior to the completion of the new building, that will cover all operational and lifecycle costs of the building. This lease will be based on the Shire's current template that was recently endorsed by Council in November 2019.

Council Policy Compliance

CP034 – Procurement Policy & CP032 – Wood Encouragement Policy

Risk Assessment -

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix ORD: 12.1B) for full assessment document.

<b>Tier 2 – 'Low' or 'Moderate' Inherent Risk.</b>	
Risk Event	Financial impact and Service Interruption
Inherent Risk Rating (prior to treatment or control)	High (12 - 19)
Risk Action Plan (treatment or controls proposed)	Careful management of the detailed design process and construction works. Stage construction works or hire transportable buildings for the duration of the works. Both options will incur extra costs
Residual Risk Rating (after treatment or controls)	Any items with a Residual Risk Rating over 12 (considered to be 'High' or 'Extreme' risk after control or treatments proposed) will be added to the Risk Register.
Risk Category Assessed Against	<ul style="list-style-type: none"> <li>Financial - There is a risk that the project exceeds the allocated budget allowance.</li> <li>Service Interruption - Risk that the Bowling Club will not be able to operate while construction is occurring.</li> <li>Legal and Compliance - The procurement of an architect shall be in accordance with the Shire's Procurement Policy and Division 2 – Tenders for Providing Goods or Services of the Local Government (Functions and General) Regulations 1996.</li> <li>Reputational - Risk to the Shires reputation if the construction runs over time and budget.</li> </ul>

Officer Comment

This report seeks Councils direction for a number of matters to enable Officers to progress the project through a Design and Construct contract.

- *Pratt Road – Road Closure*

One of the matters that Council should consider is whether to construct the new building closer to the Collie River. This option would give the building views over the river and may provide a truly unique setting and facility.

According to the traffic engineer report (Appendix ORD: 12.1C) Pratt Road can be closed between Bobin Street and Foster Street without causing any issues to the adjacent road network. Hamilton Road is expected to attract additional traffic if Pratt Road is closed, however, Hamilton Road is a District Distributor road and has the capacity to accommodate the additional vehicles.

Council therefore has three options with regards to the location of the building:

1. Replace the building where the existing building is;
2. Replace the building with a building partially or wholly in Pratt Road reserve; or
3. Replace the building to the north of the existing building as close to Pratt Road as possible.

Option 1: would require the current building to be completely demolished before any works could be undertaken. Additionally it would not allow for views of the Collie River, and being centrally located on the site will not allow the site to be utilised to its maximum capacity. Therefore Officers are not recommending this option.

Option 2: Under this scenario where the building is to be built partially or wholly inside the Pratt Road, Road Reserve, Council will first need to close the Road. This road closure process will delay the project while community consultation occurs. There is also a risk that the road closure may be objected to by the local residents and therefore closing the road could prove problematic and cause significant delays for the building project. Officers recommend that the building not be constructed on the existing Pratt Road, Road reserve, whether wholly or partially for the following reasons:

- That the road would need to be closed in accordance with the Land Administration Act and would result in delays due to the lengthy process associated with this;
- The closure would result in the loss in ability to re-instate the road in future should it be necessary (e.g. loss of river foreshore due to erosion).
- Reduction in space to provide amenities between the building and the river.
- The need to relocate services.
- The building may not achieve the desired viewing range of the existing bowling greens.

Option 3: As an alternative to permanently closing the road, the building could be located as close to the road as practicable and the existing road, if it remains, could be modified to suit the new building position. Traffic calming measures along the section of Pratt road between Foster Street and Bobin Street could provide options for the new Building to better interact with the Eaton Foreshore Reserve. Options that could be looked at include but are not limited to:-

- Reducing the road width;
- Installation of speed bumps, chicanes, pedestrian refuges;
- Installation of a raised median;
- Provision of on-street parking;
- Changing Pratt Road to one-way.

- Construction of a carpark that links between western and eastern portions of Pratt Road (thus still providing thoroughfare through the carpark, albeit limited).

Any changes to road alignment will not be funded from the project budget, but will be incorporated into the annual road construction program which is funded from Reserve. Officers therefore recommend Option 3 as the best location for the new Building.

- *Concept Plan*

Veen's Design Group were appointed as the Architect for the concept and tasked with developing the Concept Plans and costings for the new facility in cooperation with Eaton Bowling Club Redevelopment Working Group.

The objective of the Eaton Bowling Club Concept Plan was to develop a contemporary design and layout that will be capable of meeting the needs of the users and wider community, including the following components:

- Function area;
- Commercial kitchen;
- Bar Facility with cool room;
- Multiple offices;
- Toilets;
- Locker rooms;
- An Alfresco area allowing views across the bowling greens;
- Parking options; and
- Other requirements.

Additional factors to be considered were:

- Use of the Pratt Road, road reserve and additional parking area adjacent to the Collie River;
- Keeping the Bowling Club facility operational during construction works;
- Viewing aspects;
- Access and egress; and
- Pedestrian and vehicular movement.

The Working group met on two occasions with the Architect and also held several other informal meetings to develop the Concept plans to the satisfaction of both the Eaton Bowling Club and Eaton Senior Citizens. The final concept plans are attached (Appendix ORD: 12.1D) along with the QS Estimate (Appendix ORD: 12.1E).

The QS estimates the total cost of the project to be \$3,517,600 +GST. Within the QS estimate there is an allocation of \$182,000 for the construction of a new bitumen car park which may be funded from a source separate to the building budget. The Community Sporting and Recreation Facilities Fund (CSRFF) generally doesn't make funds available for car parking and with this in mind the Shire should consider funding this component of the project. Removing this from the estimate will reduce the overall total cost by \$182,000 to \$3,335,600.

The QS estimate allows for a Design Contingency of 7.5% and a Construction Contingency of 7.5%. These are conservative allowances and could be reduced to 5.0% as the building is single storey and not an overly complex build. Geotechnical investigations have been carried out on the site and ground conditions are not considered to be a problem for this site.

With these reductions of the QS estimate the project cost is estimated at \$3,182,800 +GST. This still leaves the project \$182,800 over budget. The Quantity Surveyor has advised that as the plan is concept

only they have been conservative in their allowances and in the current construction climate Tendered prices could bring the actual price in line with the \$3 million budget.

Council has to decide whether to proceed with the concept plan as per (Appendix ORD: 12.1D) or request the working group to meet again with the Architect to look at options to reduce the overall area of the building design and the subsequent cost of the building. Alternatively, Council could generate further funds for the project though any proceeds received should the Council decide to sell the existing Senior Citizens premises on Sanford Way, when the Senior Citizens move to the new facility.

Officers therefore recommend that Council agree that the Sale of the Senior Citizens premises on Sanford Way is to occur and that the funds will be used to cover any shortfall that may arise from this project.

- *Staged Construction*

The Quantity Surveyor has commented that the staged construction of the building will be quite difficult to achieve due to the location of the existing building. There will be considerable additional costs which have been estimated to be \$275,000 and the overall construction time will be longer. Consideration should be given to hiring suitable transportable buildings for the duration of the build to enable the Bowling Club operate while construction is occurring.

Officers are however suggesting that if a wood building is to be constructed this may allow for a quick assembly time and could potentially mean less disruption for the bowling club until the new facility is built. This would be included in the proposed EOI or Tender process as it could have a significant cost benefit to the project.

- *Wood Encouragement Policy – CP032*

With the Wood Encouragement policy in mind it is recommended that the Shire of Dardanup utilises the Design and Construct model to ensure the building will be predominantly of timber construction.

- *Eaton Senior Citizens*

The Eaton Senior Citizens Inc. held a special meeting on 6 December 2019 to consider a motion to rescind a previous resolution from February 2019 that supported the Eaton Senior Citizens Inc. being a part of the Eaton Bowling Club Building Project and for them to relocate to and co-locate at the new facility. At the special meeting, the motion to rescind the previous resolution was lost. Therefore, the Eaton Senior Citizens Inc. are in support of the development of the new facility and them being based there in future.

A MoU has been drafted (Appendix ORD: 12.1F) that will link the two organisations to the new facility and its ongoing operation. This MoU confirms the relocation of the Eaton Senior Citizens from their current location on Sanford Way to the new building, terms of the co-location at the building and the management structure. The signing of the MOU by both organisations is anticipated to occur in the near future.

- *Shire of Dardanup Town Planning Scheme No.3 (TPS3)*

Lot 510 has a dual zoning. Pursuant to TPS3 the northern part of the lot is Zoned 'Other Community' and the remainder of the lot is a Local Scheme Reserve for 'Recreation' purposes.

- *Bushfire Requirements – SPP 3.7*

Lot 510 is located within a designated Bushfire Prone Area. The provisions of State Planning Policy 3.7 – 'Planning in Bushfire Prone Areas' should be adhered to when considering development on this property.

It is recommended that an independent and accredited Bushfire Assessor is engaged to determine the appropriate bushfire risk mitigating measures (in accordance with SPP 3.7) that would need to be applied to this proposed development.

Lot 510 is located within a designated Bushfire Prone Area. The provisions of State Planning Policy 3.7 –

- *Design and Construct Contract*

Traditionally, the Shire has delivered building projects by calling separate tenders and awarding separate contracts for detailed design and construction. This is a standard delivery model, and is described as follows:

1. Expressions of Interests (EOI) called for Architects, the Architect will select their project team to develop the detailed design for the project.
2. Staff evaluate submissions and shortlist up to six architects.
3. Successful architects provide a presentation to the Shire.
4. Council endorse the selection of three Architects to submit tender prices.
5. Request for Tender (RFT) submissions for the Architect (to be chosen from the selected candidates from the EOI process) will be evaluated by staff and a preferred Architect will be appointed by Council.
6. Once the detailed design has been finalised by the Architect and adopted by Council, an RFT will be issued to select a Builder for the construction stage of the project.
7. The successful builder will be appointed by Council.

However, during the development of project scope for the new Administration and Library Building, it became evident that a combined design and construct contract is better suited should Council wish that the building be predominantly built from timber.

Design and Construct (D&C) is a project delivery method whereby the Contractor takes responsibility for both the design and construction of the project based on a concept and requirements specified by Council.

The Shire's Wood Encouragement Policy encourages new buildings to be predominantly constructed out of timber. Staff research and investigations have led to the opinion that if the building is to be predominantly built from timber the best outcome will be achieved if the timber fabricator and builder are included in the process from the onset. Some of the benefits of D&C are as follows:-

- **Shorter Program**  
A decrease in the overall duration of the project when compared to other procurement methods.
- **Fix Cost**  
The total project 'final estimate' cost before the design is detailed and can be secured.
- **Innovation**  
The introduction of construction knowledge, buildability and innovation (design and construction methods) while the design is being detailed and during the construction process. This is critical as the building is to be predominantly built out of timber.

- **Improve Value**  
A decrease in the total project cost when compared to other procurement methods or enhanced performance.
- **Establish Program**  
The project completion date before the design is detailed can be secured.
- **Reduce Claims**  
A decrease in opportunities for claims compared to separate design and construct responsibilities.

It is therefore recommended that Council supports a D&C procurement model, which would include the following:

1. EOI called for Contractors that will establish a project team for a D&C contract, to not only develop the detailed designs for the project, but also its construction.
2. Staff will evaluate submissions and shortlist up to six contractors.
3. Shortlisted contractors will present to the Council.
4. Council will choose three contractors to submit tenders.
5. RFT submissions for Contractor (chosen from the shortlist in the EOI process) will be evaluated by staff and a preferred contractor will be appointed by Council.

Council Role - Executive/Strategic.

Voting Requirements - Absolute Majority.

Change to Officer Recommendation - No Change.

#### **OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION**

361-19      MOVED -      Cr. T G Gardiner      SECONDED -      Cr. C N Boyce

**THAT Council:**

1. **Acknowledges that the Eaton Bowling and Social Club Inc. and the Eaton Senior Citizens Inc. have entered into a MoU that requires the Eaton Senior Citizens to relocate to and co-locate in the new building with the Eaton Bowling and Social Club Inc. subject to the terms and conditions of the MoU.**
2. **Endorses the Concept Plans for the new Bowling Club and Senior Citizens:**
  - a) **Drawing No 9032-19-A001 Rev F**
  - b) **Drawing No 9032-19-A002 Rev H**
  - c) **Drawing No 9032-19-A003 Rev H**
3. **Requires the building to be predominantly of timber construction.**

- 4. Approves a Design and Construct (D&C) contract model for the procurement of the new Bowling Club and Eaton Senior Citizens Community Facility and endorses the preparation of a Project Procurement Plan that includes:**
  - a) Calling of Expressions of Interest from suppliers to undertake the project based on the concept design;**
  - b) The selection of six suppliers by the Chief Executive Officer to make a presentation to the Council;**
  - c) The shortlisting of three suppliers by Council who are to be invited to submit a Tender for the project;**
  - d) The inclusion of a WALGA officer to participate as a non-voting Panel Member for both the Expression of Interest and Tender Assessment Panels; and**
  - e) The inclusion of the Procurement Officer (chair), Chief Executive Officer, Director Infrastructure, Deputy Chief Executive Officer and Project Development Engineer to participate as voting Panel Members for both the Expression of Interest and Tender Assessment Panels.**
- 5. Instruct the Chief Executive Officer to develop plans for the redesign and reconfiguration of Pratt Road between Foster Street and Bobin Street that will:**
  - a) Allow the new facility to be positioned as practicably close to the lot boundary to maximise the potential for river views.**
  - b) Result in traffic calming along that section of Pratt Road.**
  - c) Allow for parking in the vicinity of the new building.**
  - d) This work is to be funded from the Shire's annual road construction program and a provision is made in the 2020-2021 Budget.**
- 6. Does not include the provision of parking in the Expression of Interest (EOI) for the building design and construction contract and instructs the Chief Executive Officer to explore options and develop plans for the provision of suitable parking at the facility.**
- 7. Authorises the Chief Executive Officer to finalise the EOI document for a D&C contract for the new building and proceed to the calling of expressions of interest.**
- 8. Instructs the Chief Executive Officer to seek a valuation report on the existing Eaton Senior Citizens Centre property on Sanford Way Eaton.**
- 9. Instructs the Chief Executive Officer to present a report back to Council following the closure of the Expressions of Interest process with a recommended shortlist of suppliers and an assessment of the project financials for further Council consideration and deliberations.**

CARRIED

6/0

*By Absolute Majority*

Note: Shire President, Cr. M T Bennett returned to the room and resumed the Chair [5.24pm].

12.2 Title: Proposed Application for Development Approval – Use Not Listed – Digital Billboard (LED Advertising Sign) – Lot 15 (382) Clifton Road, Waterloo – (R.C. Barbetti Pty Ltd)

Reporting Department: Sustainable Development Directorate

Reporting Officer: Mr Brenton Scambler - Manager Development Services

Legislation: Local Government Act 1995

**DECLARATION OF INTEREST**

Cr. L Davies declared a Closely Associated Person and Financial Interest in this item as he is employed by Coles Eaton Fair.

Cr. L Davies left the room. [5.25pm]

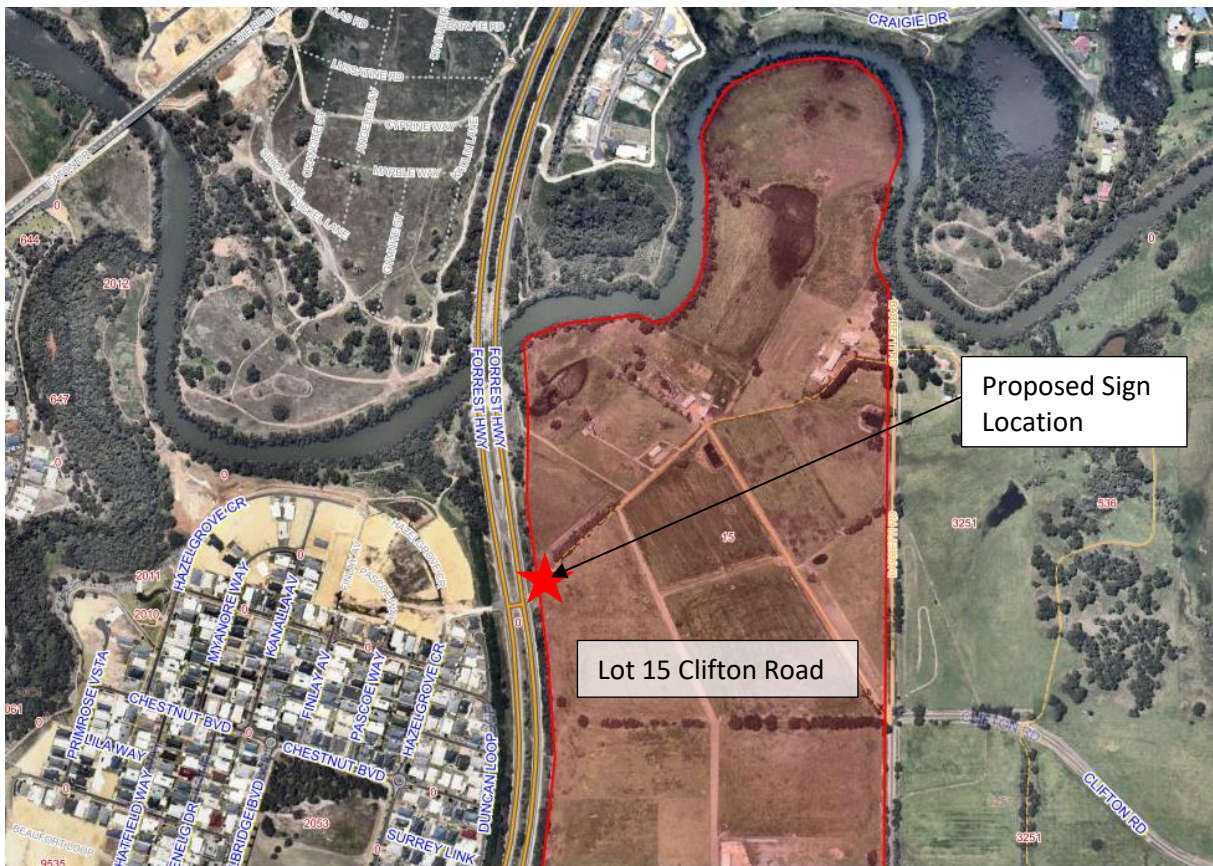
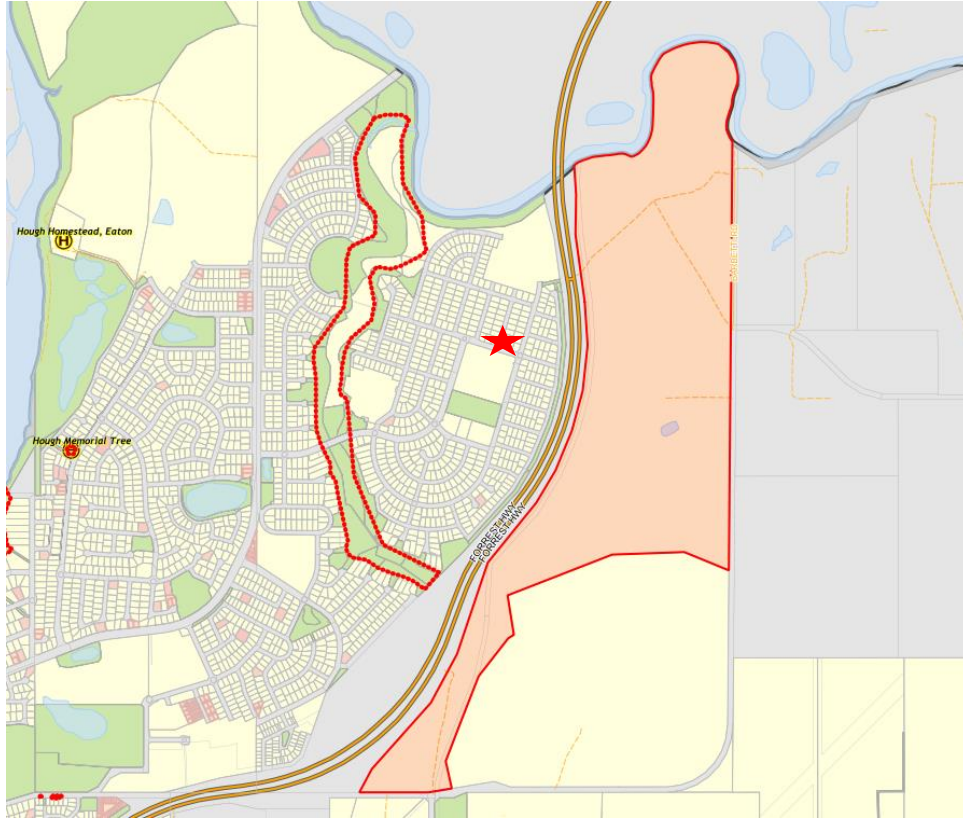
Overview -

An application for development approval has been received for a 'Use Not Listed' for the installation of a Digital Billboard (LED advertising sign on Lot 15 (392) Clifton Road, Waterloo (the subject site). (Appendix ORD: 12.2A-D). The proposal was advertised to properties within a 600 metre radius of the site and was also referred to properties within the Harvey Shire and seven (7) objections were received.

As Officers do not have delegation to determine applications where objections have been received, this application has been referred to Council for determination. The Officers have assessed the application and consider it to comply with the provisions of the Town Planning Scheme No.3 (TPS3) and relevant state planning policies and are therefore recommending approval subject to appropriate conditions and advice as detailed in the Recommendation.

Location Plans





**Background**

An application for development approval for the installation of a Digital Billboard (LED advertising) sign for the subject site is proposed to be located adjacent to the Forrest Highway approximately 400 metres south of the Collie River Bridge (Appendix ORD: 12.2A). The subject site is located within the “General

Farming” Zone under Town Planning Scheme No.3 (TPS3) and is 94.4 hectares in size. The subject site is used for cattle farming and also has an existing telecommunications tower located approximately 280 metres north of the proposed LED sign location.

The proposed LED sign was advertised from 3 October 2019 to 13 November 2019, to properties within a 600 metre radius of the site into Millbridge and was also referred to properties within the Harvey Shire (Treendale and Meadow Landing). Seven (7) objections to the proposal were received from surrounding land owners and the Shire of Harvey.

The application was referred to Government Agencies inclusive of Main Roads Western Australia (MRWA) for comment. MRWA raised no objection to the application but have advised that it will be required to comply with the Main Roads Policy and Application Guidelines for Advertising.

### Officer Comment

#### Planning Discussion

- *Proposal*

An application for development approval on the subject site is presented to Council for consideration. The sign measures 15.8 metres wide, 5.37 metres high and has a ground clearance of 15 metres. The sign is supported by a steel column in an ‘A’ frame configuration, with an overall height of the structure of 20.37 metres above the natural ground level (Appendix ORD: 12.2C). The sign is double sided, and aligned at a 60 degree angle to face both the north and southbound lanes of the Forrest Highway. The sign is proposed to display a variety of third party advertisements, advertisements relating to the Eaton Fair Shopping Centre and its tenants. The sign displays are in full colour, with a maximum daytime brightness of 6,000cd/m<sup>2</sup>, in keeping with Main Roads WA policy.

- *Context / Site Analysis*

The subject site is zoned Rural in the Greater Bunbury Regional Scheme and “General Farming” under the Shire of Dardanup Town Planning Scheme No.3, and is located on the eastern side of the Forrest Highway adjacent to the Millbridge Estate. The subject site is bound by the Collie River to the north, Barbetti Road to the east and south, and Forrest Highway/Millbridge Estate to the west. The land surrounding the proposed development is predominantly used for farming activities, however the Millbridge residential estate is located approximately 125 metres due west of the signage location (Refer to Appendix ORD: 12.2A).

The sign has a proposed nil setback to Forrest Highway and is located within an existing cleared paddock area used for cattle grazing. The subject site also contains an existing telecommunications tower located approximately 280 metres north of the proposed LED sign location. Additionally, there is a gas pipeline easement running along the eastern side of the footing for the sign. The application was referred to the gas pipeline operator ATCO Gas Australia for comment, who have no objection to the proposal subject to a number of advice notes being included on the approval. As such, the Officers recommendation includes the advice notes requested from ATCO Gas.

- *Greater Bunbury Region Scheme (GBRS)*

The subject site is zoned ‘Rural’ under the GBRS and is located adjacent to the Forrest Highway Primary Regional Road Reservation. The property is also situated within the Priority Agricultural Land Policy area established under the GBRS. The application was referred to the Department of Planning, Lands and Heritage (DPLH) for its consideration and comment in regards to the GBRS.

The DPLH assessed the proposal and considered it to be consistent and compatible with the Priority Agricultural Land Policy area and the 'Rural' zone under the GBRS. The DPLH provided comment to the Shire regarding the proposal, and advised that the development does not require approval under the GBRS.

- *Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed Provisions - Clause 67*

Clause 67 of Deemed Provisions outlined within the Planning LPS Regulations contains a list of matters to be considered by Local Government when determining an application for Development Approval. The proposal has been assessed against Clause 67 and the relevant matters to be considered are addressed below.

- (a) *the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*

An assessment against the aims and provisions of TPS3 is addressed later in this report. The proposal is considered to generally be in compliance with the aims and objectives of the Scheme.

- (c) *any approved State planning policy;*

State Planning Policy 2.5 – Rural Planning (SPP2.5) has been prepared by the Western Australian Planning Commission to guide development within Rural Zones throughout the State. SPP2.5 acknowledges that rural zones are highly flexible and cater for a wide range of land uses including intensive and extensive agriculture, primary production, animal premises, basic raw material extraction, biodiversity conservation, natural resource management, tourism, regional facilities and public purposes including waste infrastructure. Additionally, the flexibility of rural zones means that rural land can be a complex mix of uses, where the zoning of the land may not adequately reflect the range of land uses on the ground.

In this regard, Shire Officers consider the application to be consistent with the objectives and provisions of SPP2.5.

- (h) *any structure plan, activity centre plan or local development plan that relates to the development;*

The proposal falls within the boundaries of the Wanju Draft District Structure Plan area. In this regard, the subject site is located within the Fergus Precinct which is predominantly comprised of urban land. As such, a condition has been placed on the Officers recommendation limiting the approval of the sign for a period of 10 years or until such time as urban development commences. The recommended condition will enable the Shire to adequately consider the signage in the context of the future urban development of the subject land.

- (m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*

The sign is proposed to be directly next to the Forrest Highway, similar sized large format advertising signs have been constructed in similar rural locations adjacent to the Forrest Highway in the Shire of Waroona, Shire of Murray and the City of Mandurah. Shire Officers therefore believe that the proposal will be similar to those signs in height, bulk, scale, orientation and appearance and is considered compatible with the setting. In relations to other development on adjoining land Officers have considered the potential amenity impacts of the proposed sign below and consider that with appropriate conditions of approval these impacts can be appropriately managed.

- (n) *the amenity of the locality including the following —*
- (i) *environmental impacts of the development;*
  - (ii) *the character of the locality;*
  - (iii) *social impacts of the development;*

The proposed digital advertising sign is located approximately 125m from the nearest existing dwelling (whom objected to the proposal), and approximately 100m from future housing on the western side of Forrest Highway. Light emissions from the digital billboard has the potential to affect the amenity of residential properties during night time hours. The brightness of the displays will be controlled so as to comply with the parameters set out in Australian Standard AS/NZS 4282:2019 Control of the Obtrusive Effects of Outdoor Lighting. Officers are of the opinion that appropriate conditions to require compliance with the Australian Standard will effectively address the potential amenity impacts.

- (w) *the history of the site where the development is to be located;*

The subject site has historically been used for agricultural / cattle farming pursuits. A telecommunications tower was previously approved on the subject site, and subsequently constructed in May 2017.

- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*

The impact of the proposed development on the community as a whole is discussed further in the Town Planning Scheme assessment section of this report.

- (y) *any submissions received on the application;*

Submissions on the application are discussed in further detail in the advertising section of this report.

- (za) *the comments or submissions received from any authority consulted under;*

The comments and submissions received from authorities on the application are discussed in further detail in the advertising section of this report.

- *Shire of Dardanup Town Planning Scheme No. 3 - Assessment*

The general objectives of TPS3 are:

- (a) *to zone the Scheme Area for the purposes in the Scheme described;*
- (b) *to secure the amenity, health and convenience of the Scheme Area and the inhabitants thereof;*
- (c) *to make provisions as to the nature and location of buildings and the size of lots when used for certain purposes;*
- (d) *the preservation of places of natural beauty, of historic buildings and objects of historical and scientific interest.*

The proposed development on the subject land has been assessed against the abovementioned objectives of TPS3. Shire Officers consider the application to be generally consistent with the objectives of the Scheme. In this regard however, it is noted that the sign may have the potential to impact on the amenity of land owners/occupiers in the immediate vicinity of the sign location by way of light emissions. As such, a condition has been included in the Officer's recommendation to require the submission of an assessment report of the completed development. The assessment report is to be conducted by a suitably qualified lighting consultant to confirm compliance, and to demonstrate the ongoing

management of the sign complies with the Australian Standard AS 4282-2019: Control of Obtrusive Effects of Outdoor Lighting. Shire Officers consider that a demonstrated compliance with the Australian Standard will limit any potential amenity impacts caused by the sign.

The TPS3 objectives for the 'General Farming' zone are as follows:

- *To provide for a wide variety of productive farming activities, ranging from broad acre grazing to horticulture, which are compatible with the capability of the land and retain the rural character and amenity of the locality.*
- *To protect areas of significant agricultural value, particularly those in irrigation districts, from conflicting land uses.*
- *To facilitate low-key tourist development where it is incidental to the use of the land for farming purposes and where land use conflict can be minimised.*

In addition to the above, Clause 3.13.1 of TPS3 outlines a number of matter which the Shire should have regard to in considering development applications within non-urban zones within the Scheme area. In considering applications to commence development the Council shall have regard to:

- a) *the need to protect the economic viability of the rural land use generally;*
- b) *the need to preserve the rural character and a rural appearance of the area;*
- c) *the need to ensure that the existing standard of roads, water and electricity supply and other services is sufficient for the additional demands that the proposed development would create; and*
- d) *the need to ensure that in general all buildings are at least twenty metres from any lot boundary adjoining a street and the Council may require an additional setback in order to preserve the rural character of the area.*

In respect to the retention of rural character and amenity of the locality, similar sized large format advertising signs have been constructed in rural locations adjacent to the Forrest Highway in the Shire of Waroona, Shire of Murray and the City of Mandurah. As the sign is directed facing north and south adjacent to the Forrest Highway, it is not anticipated to adversely impact on the rural character of the area. The proposal is also not anticipated to place any significant additional demands on the existing services in the area. Shire Officers have considered the potential amenity impacts of the proposed sign on the rural character of the area and consider that with appropriate conditions of approval these impacts can be appropriately managed.

In regards to the TPS3 objectives of the 'General Farming' zone, and Clause 3.13.1 considerations for non-urban zones, whilst the sign is not entirely consistent with the intent for the zone to provide for a variety of productive farming activities, the location of the sign is unlikely to inhibit or constrain farming activities from occurring on the subject lot. Additionally, the DPLH has considered the proposal to be consistent with the 'Rural' zone under the GBRs.

- *TPS3 Signage Requirements – Clause 4.4*

Clause 4.4 - SIGNS of TPS3 states as follows:

- 4.4.1 *The maximum size of signs, notices and advertising devices is set down in the Development Table for each land use shown therein. The provisions apply in addition to by-laws made by the Council under the Local Government Act relating to signs and hoardings.*

The Development Table (Appendix II – Development Table Part B – Non Residential Land Uses) as referenced in Clause 4.4.1 was subsequently replaced by Town Planning Scheme Amendment 167 which was gazetted on 12 July 2010. Amendment 167 to TPS3 subsequently removed the signage requirements from the Development Table and no further signage provisions are contained within the scheme. Additionally, the Shire does not have any by-laws made by Council under the Local Government Act relating to signs and hoardings.

In regards to the above, Shire Officers have considered the proposed sign in the context of other approved large format advertising signs within a rural setting. The proposed sign is of a similar dimension and height to other signs approved in rural locations along the Forrest highway to the north. Given there are no signage provisions within TPS3, the Shire Officers consider the proposed sign to be of an acceptable size and dimension on the basis that the proposal is of a similar size and dimension to other large format advertising signs in similar rural locations.

- *TPS 3 Boundary Setbacks*

TPS3 requires development within the 'General Farming' zone to be setback a minimum of 20 metres from a side or secondary street boundary. The proposed development seeks approval for a nil setback to the sign panel and a setback of approximately 7.9 metres to the supporting steel column (Appendix ORD: 12.2B ).

Notwithstanding the proposed non-compliance with the minimum setback requirements, Clause 7.6.1 of TPS3 provides that the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.

In considering the variation, Council must be satisfied that -

- a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 7.2.4; and*
- b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.*

In making its decision on applications for its special approval, the Council shall take into consideration the matters listed in what is now referred to as clause 67 of the Local Planning Schemes Regulations Deemed Provisions. An assessment against clause 67 of the Deemed Provisions was discussed above.

Shire Officers have considered the proposed setback variation and take the view that the 20 metre boundary setback prescribed by the Scheme in this case is not warranted. Given the location of the gas pipeline easement on the site being setback approximately 11 metres from the western property boundary, to achieve the TPS3 setback of a minimum 20 metres, the sign would need to be setback 35 metres from the boundary. To relocate the proposed sign further into the property would also require the removal of mature vegetation and trees. It should be noted that the setback of the sign support pole is sufficient to allow for fire appliance access to the fire break.

Shire Officers have considered the proposed setback variation and are supportive on the basis that the amenity impacts of the sign being constructed at a nil setback are appropriate.

- *Advertising*

The application was publicly advertised from 3 October 2019 to 13 November 2019 inclusive. The application was sent via mail to surrounding land owners, the Shire of Harvey, and also to Government Agencies. Additionally, the application was placed on the public notices section of the Shire's website and advertised in the local newspapers. A total of 16 submissions were received of which, nine (9)

submissions raised no objection, and (7) seven in objection to the proposal. The full submissions are provided as Appendix ORD: 12.2G, and a schedule of submissions is provided at Appendix ORD: 12.2E.

The main points of objection raised in the submissions are as follows:

1. Amenity impacts of light spill from the sign particularly at night;
2. Impacts on visual amenity and location of sign in a Rural setting;
3. Consistency with GBRS and TPS3;
4. Inconsistency with Main Roads Policy and Application Guidelines for Advertising.

The following section will address the main points of objection raised in the submissions and provide an Officers response.

- *Amenity impacts of light spill from the sign particularly at night*

There are two guiding documents to be considered in regards to the impacts of light spill from a development and these are;

- Australian Standard AS/NZS 4282:2019 Control of the Obtrusive Effects of Outdoor Lighting, and
- Main Roads Policy and Guidelines for Advertising Signs Within and Beyond State Road Reserves.

The Australian Standard for the Control of the Obtrusive Effects of Outdoor Lighting takes into account several aspects of potential obtrusiveness, unwanted light falling on surrounding properties, the brightness of the illumination which may obstruct visibility of nearby residents and users of adjacent roads and public property. The objective of the standard is to provide a common basis for assessment of the likely effects of developments that involve the provision of outdoor lighting. The standard sets out limitations on technical lighting parameters which need to be implemented as part of developments proposing outdoor lighting.

In addition to the Australian Standard, Main Roads Policy and Guidelines for Advertising Signs Within and Beyond State Road Reserves also specifies maximum lighting outputs for advertising signage so not to cause a distraction or safety hazard to road users. In this regard, Main Roads specify a maximum lighting output of 6000cd/m<sup>2</sup> for daytime hours, and 300cd/m<sup>2</sup> for night time hours.

In regards to the amenity impacts of the sign, two conditions have been included in the Officers Recommendation requiring the submission of a lighting report and compliance certification that the signage complies with the Australian Standard, and a separate condition requiring the sign not exceed 300cd/m<sup>2</sup> during the night. Shire Officers consider that the implementation of these conditions will address any potential light impacts caused by the development.

- *Impacts on visual amenity*

The potential for visual amenity impacts of the sign are noted, the nature of large format advertising signs are that they are designed to be visually prominent. In this regard, the design of the proposed advertising sign is such that it is to be constructed at a 60 degree alignment to Forrest Highway. At the proposed angle the immediate residents within Millbridge are likely to only have a glanced view of the sign. Additionally, the location of the Forrest Highway landscape buffer should largely obscure the view of the sign to the adjacent residents.

Residents within Treendale and Meadow Landing may have a view of the sign once constructed, given the existing land levels and the proposed finished height of the sign. In this regard however, residents within Treendale and Meadow Landing will have approximately 500 metres of separation between the sign and their properties. It is anticipated that the inclusion of the Officers recommended conditions requiring compliance with Australian Standard, the angle of construction of the sign to Forrest Highway

and the setback to residents within the Shire of Harvey will alleviate the potential impacts on visual amenity.

In respect to the location of the proposed advertising within a rural setting, similar sized large format advertising signs have been constructed in rural locations adjacent to the Forrest Highway in the Shire of Waroona, Shire of Murray and the City of Mandurah. As such it is considered that large format advertising signs are an acceptable development within a rural environment. Additionally, the subject site is located within the future Wanju development area, and in the longer term it is highly likely that the land will be developed for urban purposes. In this regard, a condition has been recommended that requires the signage to be removed prior to the urban development commencing.

Shire Officers have considered the potential amenity impacts of the proposed sign on the rural character of the area and consider that with appropriate conditions of approval these impacts can be appropriately managed.

- *Consistency with the GBRS and TPS3*

The Shire referred the application to the DPLH for its consideration and comment in regards to the requirements of the GBRS. The DPLH subsequently assessed the proposal and considered it to be consistent and compatible with the Priority Agricultural Land Policy area and the 'Rural' zone under the GBRS. The DPLH provided comment to the Shire regarding the proposal, and advised that the development does not require approval under the GBRS. A copy of the submission from the DPLH is contained within the Schedule of Submissions (Appendix ORD: 12.2E) to this report.

There are a number of similar sized large format advertising signs which have been constructed in rural locations adjacent to the Forrest Highway in the Shire of Waroona, Shire of Murray and the City of Mandurah. In regards to the TPS3 objectives of the 'General Farming' zone, whilst the sign is not entirely consistent with the intent for the zone to provide for a variety of productive farming activities, the location of the sign is unlikely to inhibit or constrain farming activities from occurring on the subject lot.

- *Inconsistency with Main Roads Policy and Application Guidelines for Advertising.*

The application was referred to Main Roads for its comment and consideration in regards to the Policy and Guidelines for Advertising Signs Within and Beyond State Road Reserves. Main Roads provided a response to the Shire raising no objection to the proposal subject to compliance with the following:

- i) Minimum legible letter size as detailed under 5.3.1 of the Main Roads Policy and Applications Guidelines for Advertising Signs and;
- ii) Luminance and illumination levels as detailed under Appendix B of the Main Roads Policy and Applications Guidelines for Advertising Signs.

As such conditions and advice notes included in the Officers recommendation include the requirements of the Main Roads submission.

- *Conclusion*

Shire Officers have considered the application and submissions received in this regard. Whilst TPS3 does not contain any provisions regarding advertising signage, the sign was considered against similar proposals within a rural setting. In this regard, it is considered that large format advertising signs are an acceptable form of development within a rural environment. Additionally, the subject site is located within the future Wanju development area, and in the longer term it is highly likely that the land will be developed for urban purposes and will have the opportunity for further review at that point in time. On balance whilst the application may have the potential to generate amenity impacts, with appropriate conditions and ongoing management these impacts can be adequately addressed.



Legal Implications -

For the purpose of Councillors considering a financial or impartiality interest only, the proponent is Planning Solutions and the land owner is R.C. Barbetti Pty Ltd.

Planning and Development Act 2005  
 Planning and Development (Local Planning Schemes) Regulations 2015  
 Greater Bunbury Region Scheme  
 State Planning Policy 2.5 – Rural Planning  
 Shire of Dardanup Town Planning Scheme No.3

Strategic Community Plan

Strategy 1.1.1 - To be equitable, inclusive and transparent in decision making. (Service Priority: High)

Strategy 4.1.3 - To encourage business to develop: Support the capacity of local firms and industry to establish, grow and employ. (Service priority: Moderate)

Strategy 4.3.1 - To attract and retain major investment in the region. (Service Priority: High)

Environment -

Whilst there is not vegetation clearing required as part of this application, Shire Officers are aware that the applicant is in discussion with Main Roads with respect to the removal of vegetation within the Forrest Highway reserve adjacent to the proposal. It is also understood that the applicant is proposing to undertake landscaping within the Forrest Highway reserve adjacent to the sign location. It should be noted that the removal of the vegetation within the Forrest Highway reserve is not within the control of the Shire and is at the discretion and approval of Main Roads.

Precedents - None.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessment -

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix ORD: 12.2F) for full assessment document.

<b>Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.</b>	
Risk Event	Development Approval – Lot 15 (382) Clifton Road, Waterloo – ‘Use Not Listed’ – Digital Billboard (LED Advertising Sign)
Inherent Risk Rating (prior to treatment or control)	Moderate (5 - 11)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	<ul style="list-style-type: none"> <li>Reputational – Potential damage to Shire’s reputation should an appeal of the Shire’s decision or conditions imposed be sought.</li> </ul>

Council Role - Quasi-Judicial.

Voting Requirements - Simple Majority.

**Note:**

*Cr. C N Boyce moved an alternate motion to refuse the application as there were concerns regarding the light spill, setbacks and inconsistency with the objectives of the "General Farming Zone" under Town Planning Scheme No. 3.*

**ELECTED MEMBER ALTERNATE RESOLUTION**

MOTION MOVED - Cr. C N Boyce SECONDED - Cr. P S Robinson  
LOST

THAT Council REFUSES the development application contained within the attachments (Appendix ORD: 12.2A-D) for the 'Use Not Listed' – Digital Billboard (LED Advertising Sign) at Lot 15 (382) Clifton Road, Waterloo under the Shire of Dardanup Town Planning Scheme No. 3 and the Greater Bunbury Region Scheme, for the following reasons:

1. The amenity and light spill impacts on the adjoining residential areas are unacceptable;
2. The development does not comply with the minimum boundary setbacks as prescribed by Town Planning Scheme No. 3; and
3. The proposal is not consistent with the objectives of the "General Farming" Zone under Town Planning Scheme No. 3.

LOST  
2/4

FOR THE MOTION	AGAINST THE MOTION
Cr. C N Boyce Cr. P S Robinson	Cr. M T Bennett Cr. J Dow Cr. T G Gardiner Cr. M Hutchinson

*Note: As the previous motion was lost, Cr. J Dow put the Officer Recommended resolution.*

Change to Officer Recommendation - No Change.

**OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION**

362-19 MOVED - Cr. J Dow SECONDED - Cr. T G Gardiner

**THAT Council:**

1. **Determines the proposed 'Use Not Listed' – Digital Billboard (LED Advertising Sign) is consistent with the objectives of the 'General Farming' Zone and therefore permitted;**
2. **Approves the proposed 'Use Not Listed' - Digital Billboard (LED Advertising Sign) on Lot 15 (382) Clifton Road, Waterloo under the Shire of Dardanup Town**

**Planning Scheme No.3 and the Greater Bunbury Region Scheme subject to the following conditions:**

**Conditions:**

1. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Dardanup stamp, except where amended by other conditions of this approval.

<p>P1 (Location Plan) received at the Shire's Offices on 24.9.2019; P2 (Detailed Site Plan) received at the Shire's Offices on 24.9.19; P3 (Proposed Billboard Location and Elevation Plan) received at the Shire's Offices on 24.9.19; P4 (Visual Context Plan) received at the Shire's Offices on 24.9.19;</p>
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2. The sign is not to be constructed of reflective materials.
3. The sign is to be located wholly within the confines of the lot boundary and not within road reserve.
4. The sign being kept clean and free from graffiti and vandalism at all times by the owner/occupier to the satisfaction of the Shire of Dardanup. Any graffiti shall be removed and vandalism repaired within 48 hours.
5. No clearing of vegetation is to occur without the prior approval of the Shire of Dardanup.
6. Illumination of the proposed sign shall not exceed 300cd/m<sup>2</sup> between the hours of 6pm and 6am during the months of April to September, and between the hours of 7pm and 5am during the months of October to March, and shall not flash, pulsate or chase.
7. Upon practical completion and prior to operation of the proposed signage, an assessment report of the completed development must be conducted by a suitably qualified lighting consultant to confirm compliance, and shall demonstrate the ongoing management of the sign complies, with Australian Standard AS 4282-2019: Control of Obtrusive Effects of Outdoor Lighting to the satisfaction of the Shire of Dardanup.
8. The applicant shall repair the sign, within 48 hours, as required and at the request of the Shire of Dardanup.
9. The sign shall at all times be maintained to a high standard to the satisfaction of the Shire of Dardanup.
10. Approval of the signage is valid for a period of ten (10) years, or until such time as residential development commences in the Fergus Precinct identified in the Wanju District Structure Plan, whichever occurs first. Prior to the expiry of this period all signage and supporting structures are to be removed or an application for renewal of the approval submitted to and approved by the Shire of Dardanup.

**Advice Notes:**

- Note 1.** Should the applicant be aggrieved by the decision or any condition imposed, then a right of review should be lodged with the State Administrative Tribunal within 28 days of the date of this decision.
- Note 2.** The applicant should ensure that the proposed development complies with all other relevant legislation, including but not limited to, the Environmental Protection Act 1986 and Regulations, Health (Miscellaneous Provisions) Act 1911 and Regulations, and the National Construction Code.
- Note 3.** The applicant is advised that this is not a building permit the Shire of Dardanup issues to enable construction to commence. A building permit is a separate Council requirement and works cannot be commenced until a building permit is obtained.
- Note 4.** With regard to Condition 7, the final assessment report must include Residential Exclusion Zones for daytime, dawn/dusk and night time conditions. The lighting reports and studies must be prepared by a suitably qualified lighting consultant.
- Note 5.** The applicant is advised they must submit a Dial Before You Dig enquiry prior to the sign being installed.
- Note 6.** The applicant is advised that the proposed development shall comply with Main Roads Policy and Application Guidelines for Advertising Signs Within and Beyond State Road Reserves.
- Note 7.** The applicant is advised that Lighting Studies must be prepared by a consultant that is eligible for membership of the Lighting Council of Australia.
- Note 8.** Any development on the subject site shall be designed and constructed to protect Western Power infrastructure and interests from potential land use conflict. Proponents should refer to <https://westernpower.com.au/safety/360-aware/industry-safety/>
- Note 9.** A High Pressure ATCO Gas pipeline exists within the immediate vicinity of the development application area, being within the 16 metre Easement D370773. ATCO Gas must be notified of any works within 15 metres of this gas pipeline and infrastructure before those works begin. Ph: ATCO Gas on 9499 5272.
- Note 10.** Future construction and any proposed access by heavy machinery across the ATCO HP gas mains (including proposed access and access upgrades) need to be managed in accordance with the ATCO document Additional Information for Working Around Gas Infrastructure - AGA-O&M-PR24 <https://www.atco.com/en-au/for-home/natural-gas/wa-gas-network/working-around-gas.html>

CARRIED

4/2

FOR THE MOTION	AGAINST THE MOTION
Cr. J Dow Cr. M T Bennett Cr. M Hutchinson Cr. T G Gardiner	Cr. P S Robinson Cr. C N Boyce

Note: Cr. L Davies returned to the room [5.42pm].

12.3 Refer Item 16.0 - Title: Tender for Replacement of Cardio and Strength Fitness Equipment

Reporting Department: Sustainable Development Directorate  
Reporting Officer: Mr John Kowal – Manager Recreation Services  
Mr Phil Anastasakis - Deputy Chief Executive Officer  
Legislation: Local Government Act 1995

**Process:**

Refer to 'Item 9 – Announcements of Matters for which Meeting may be Closed' on page 6 of these minutes. This item was moved [Res 360-19] to be dealt with behind closed doors - refer Item 16.0 on Page 111 of these minutes.

12.4 Title: Permanent Road Closure – Part of Wellington Mill Road

Reporting Department: Infrastructure Directorate  
Reporting Officer: Mr Luke Botica - Director Infrastructure  
Legislation: Local Government Act 1995  
Land Administration Act 1997

Overview -

Council is requested to support a request for road closure of a portion of Wellington Mill Road adjacent to Lot 107. This portion of road is surplus to Shire requirements and if the request is supported by Council, the closure process will be progressed in accordance with the requirements of the Land Administration Act 1997.

Council is requested to consider whether to support the closure in principle at this stage. Further consideration on the proposed closure will occur at a future meeting once public notice is given and any submissions are considered.

Background -

The Shire of Dardanup has received a request from the owner of Lot 107 Wellington Mill Road requesting Council consideration for the permanent closure of a portion of Wellington Mill Road immediately adjacent to Lot 107.

The following map indicates the location of Lot 107 (as marked by the red dot):



The section of road requested for closure is shown below:



The requested road closure is approximately 1,050 m<sup>2</sup>.

The owner of Lot 107 proposes to use the portion of closed road to 'own' their access way and to construct a 250,000 litre fire-water supply tank. The tank is best located within this land due to the head

of water feeding the tank being higher than the top of tank, and to allow easy volunteer fire brigade and community access to the water resource.

### Legal Implications

Section 58 of the Land Administration Act 1997 is applicable to the requested road closure:

#### **58. Closing roads**

- (1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*
- (4) *On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —*
  - (a) *by order grant the request; or*
  - (b) *direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
  - (c) *refuse the request.*
- (5) *If the Minister grants a request under subsection (4) —*
  - (a) *the road concerned is closed on and from the day on which the relevant order is registered; and*
  - (b) *any rights suspended under section 55(3)(a) cease to be so suspended.*
- (6) *When a road is closed under this section, the land comprising the former road —*
  - (a) *becomes unallocated Crown land; or*
  - (b) *if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.*

### Strategic Community Plan

Strategy 2.1.1 - To protect and preserve open spaces, natural vegetation and bushland. (Service Priority: Very High)

Strategy 2.2.2 - To provide sustainable transport infrastructure. (Service Priority: High)

Strategy 3.4.2 - Maintain appropriate emergency services and planning. (Service Priority: Very High)

Strategy 4.3.3 - To plan and facilitate adequate transport, infrastructure and utility services to meet industry requirements. (Service Priority: Very High)

### Environment

The portion of road proposed to be closed is predominantly cleared and currently provides access to Lot 107 and Lot 105.

Precedents

The Shire has undertaken similar road closures for various reasons in the past. In most cases, they have been road sections that have no purpose for the Shire and are better suited to be amalgamated with the adjoining lots.

Budget Implications

All costs associated with the closure will be recovered from the owner of Lot 107. The owner of Lot 107 has confirmed their agreement to this.

Road reserve land is not owned by the Shire (the Shire has care, control and management of the land only), therefore, the Shire does not have the right to be able to sell the land to the owner of Lot 107. This will be undertaken by the Department of Planning, Lands & Heritage and the Shire will not receive any proceeds from the sale of land. The Land Administration Act 1997 only allows the Shire to request the Minister to close the road following public notice and consideration of any submissions received.

Budget – Whole of Life Cost

The section of road to be closed is currently under the care, control and management of the Shire. It currently does not contain any infrastructure and generally does not require any maintenance expenditure from the Shire. Its closure and amalgamation with the adjoining lot will have negligible impact on the whole of life cost of the road.

Council Policy Compliance

CP090 – Community Engagement Policy

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix ORD: 12.4) for full assessment document.

<b>Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.</b>	
Risk Event	Financial - The cost of the road closure is not paid by the proponent and by default is passed on to the Shire.
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Event	Service Interruption - The closed road prevents current access to Lot 105.
Inherent Risk Rating (prior to treatment or control)	High (12 - 19)
Risk Action Plan (treatment or controls proposed)	Include a condition regarding the inclusion of an easement to protect access (Note: this is already agreed to by the proponent).
Residual Risk Rating (after treatment or controls)	Low (1 - 4)
Risk Event	Legal and Compliance - Following consideration of submissions, the road closure is not supported by Council.

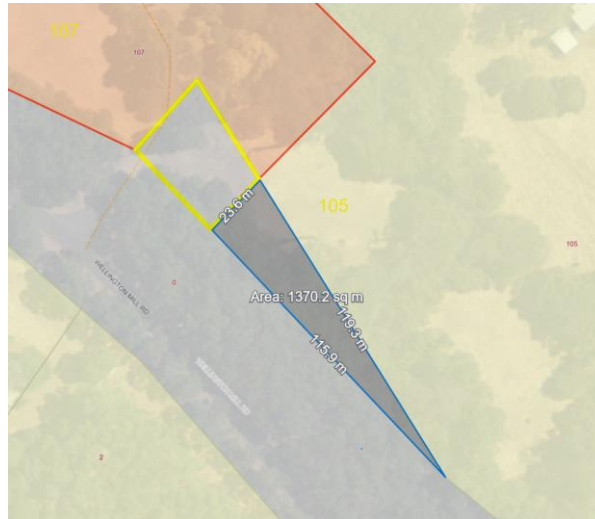


<b>Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.</b>	
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Event	Reputational - Following consideration of submissions, the road closure is not supported by Council.
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Event	Environment - Remnant trees in the closed road are cleared following amalgamation with Lot 107.
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	<ul style="list-style-type: none"> <li>• Financial Impact - The cost of the road closure is not paid by the proponent and by default is passed on to the Shire.</li> <li>• Service Interruption - The closed road prevents current access to Lot 105.</li> <li>• Legal and Compliance - Following consideration of submissions, the road closure is not supported by Council.</li> <li>• Reputational - Following consideration of submissions, the road closure is not supported by Council.</li> <li>• Environment - Remnant trees in the closed road are cleared following amalgamation with Lot 107.</li> </ul>

### Officer Comment

The proposal has the support of the affected neighbour (in writing), and the Wellington Mill Volunteer Fire Brigade. However, in accordance with the requirements of the Land Administration Act 1997, public notice is required to seek any comments from the community, service providers and utilities. Any objecting submissions will be brought back to Council, after which, Council will make a final determination on whether to request the Minister to close the portion of road. It is recommended that Council authorise the Chief Executive Officer to finalise the road closure if no objections are received.

It should be noted that a further section could be considered for closure which is shown in the following diagram as the grey coloured triangular portion immediately to the south-east of the requested closure (approximately 1,350m<sup>2</sup>). However, the proponent has sought comment from the owners of the adjoining property who have advised that they are not interested in acquiring the extra portion of land. Therefore, the additional portion of road closure will not be pursued. Further to this, it is highly unlikely that the Minister would support the closure of the extra portion of road if there is no one willing to purchase the land from the Crown.



The portion of road proposed for closure currently does not feature any utility services. The irregular shape is the result of crown land rationalisation undertaken in the past to close an unused rail line servicing the old Wellington Mills.

The section requested for closure and amalgamation into Lot 107 does not have any current or future purpose or use for the Shire. Therefore, from the Shire's perspective there is no reason to not agree to commence the road closure process.

The proposed use of the close road once it is amalgamated to Lot 107 includes the installation of a water tank. The fact that the owner has advised that the tank will be available to the local volunteer bush fire brigade during fire emergencies is highly desirable. This will assist to build greater resilience in the Shire's rural fire fighting capacity.

It should be noted that the proponent has advised that they will provide an easement for access to the neighbouring property which currently has a gate that is accessed through the portion of road proposed to be closed.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

\*Delegated authority requires an Absolute Majority.

Change to Officer Recommendation - No Change.

#### OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

363-19      MOVED -      Cr. P S Robinson      SECONDED -      Cr. T G Gardiner

**THAT Council, in relation to the proposal to permanently close a portion of Wellington Mill Road adjacent to Lot 107 Wellington Mill Road:**

- 1. Supports the proposal to close the section of road, subject to:**
  - a) The closed section of road being amalgamated into Lot 107 Wellington Mill Road;**
  - b) An easement being created over part of the closed portion road to provide unimpeded access benefitting Lot 105 Wellington Mill Road and burdening Lot 107 Wellington Mill Road; and**

- c) **The owner of Lot 107 Wellington Mill Road indemnifying the Council of all costs associated with the closure.**
- 2. **Pursuing the road closure in accordance with the requirements of Section 58 of the Land Administration Act 1997 by:**
  - a) **Advertising the proposed closure for a period of 35 days; and**
  - b) **At the lapse of the 35 day period, Council considering any submissions made within that period, prior to making any request to the Minister to close the portion of road.**
- 3. **Delegates authority\* to the Chief Executive Officer to finalise the road closure if no objections are received.**

CARRIED

7/0

*By Absolute Majority*

12.5 Title: Approval to Re-Tender Bridge Maintenance Services

*Reporting Department:* Corporate & Governance Directorate  
*Reporting Officer:* Mr Allan Hutcheon - Procurement Officer  
*Legislation:* Local Government Act 1995

Overview -

This report seeks to provide Council with the necessary information for Council to approve the Chief Executive Officer to publicly re-tender the requirement for Bridge Maintenance Services.

Background -

In August 2019, tenders were publically invited for the provision of Bridge Maintenance Services to the Shire of Dardanup through the South Western Times, the West Australian, Council's web page and the Council's e-tendering portal (Tenderlink).

Five submissions were received from the following suppliers:

- Jomar Contracting;
- BUSS;
- JAK Civil;
- Geographe Civil; and
- C & D Cutri.

The C & D Cutri tender was not compliant, and therefore was excluded from the evaluation process. The remaining four submissions were evaluated against the weighted criteria.

Based on the tender submissions received and the tender evaluation process, Jomar Contracting was deemed as the most advantageous to Council. A report was presented to Council on 25 September 2019 in which Council resolved [276-19] the following:

*THAT Council:*

1. *Accepts the submission and rates from Jomar Contracting for Tender RFT-F0151278 – Bridge Maintenance.*
2. *Enters into a three-year contract with Jomar Contracting for the Bridge Maintenance at the rates tendered, with the contract ending 30 June 2022.*
3. *Authorises the Shire President and Chief Executive Officer to sign and execute the Contract.*

Following the closing of the tender, and subsequent report to Council in September 2019, Council Officers were advised in early October that Jomar Contracting's Bridge Maintenance business had been purchased by Jomar (WA) Pty Ltd.

Legal Implications -

*Local Government Act 1995*

- 3.57. *Tenders for providing goods or services*

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

### *Local Government (Functions and General) Regulations 1996*

#### *Part 4 — Provision of goods and services*

#### *Division 2 — Tenders for providing goods or services (s. 3.57)*

#### *11. When tenders have to be publicly invited*

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150 000 unless subregulation (2) states otherwise.

### Strategic Community Plan

Strategy 1.1.2 - Monitor and ensure compliance with the regulatory framework for local government governance and operations. (Service Priority: High)

Strategy 5.1.1 - To provide an efficient road network for efficient movement of people and goods by road. (Service Priority: Very High)

Environment - None.

Precedents - None.

### Budget Implications

Provision for this tender and the required services are included in the 2019-2020 Annual Budget.

Budget – Whole of Life Cost - None.

### Council Policy Compliance

Procurement Policy CP034.

Risk Assessment -

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix ORD: 12.5) for full assessment document.

<b>Tier 1 – No discernible Inherent Risk has been identified (no Risk Theme or Consequence).</b>	
Risk Event	Re-tender Bridge Maintenance Services
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	<ul style="list-style-type: none"> <li>Legal &amp; Compliance – Requirement to re-tender Bridge Maintenance Services Request for Tender (RFT) to ensure that Council is not in</li> </ul>

**Tier 1 – No discernible Inherent Risk has been identified (no Risk Theme or Consequence).**

	breach of the Local Government (Function and General) Regulations 1996 Pt 4 Division 2 s. 3.57.
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Officer Comment

Council Resolution [276-19] was approved at the Ordinary Council Meeting held 25 September 2019 accepting the tender from Jomar Contracting. On 4 October 2019 Council was advised the recommended tenderer Jomar Contracting's bridge maintenance section of the business had been purchased by a new business entity Jomar (WA) Pty Ltd, with the Director being one of the ex-employees of Jomar Contracting.

The normal contractual process for when a company is purchased, is that you novate the services from the old entity to the new entity.

Over the last several months Council's Procurement Officer has sought advice from both WALGA and LGIS, with Council advised that:

1. Novating a contract without testing the market as per the Local Government (Functions & General) Regulations 1996 would put the Council in breach of those Regulations; and that
2. It does not recommend the novation of contracts where the value is above the tender threshold unless it is through a tender exempt mechanism.

Therefore, to engage another supplier to perform the services of Bridge Maintenance, the Council will have to publically re-tender these works.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation - No Change.

**OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION**

364-19      MOVED -      Cr. M T Bennett      SECONDED -      Cr. C N Boyce

**THAT Council:**

1. **Acknowledges that due to the sale of Jomar Contracting to Jomar (WA) Pty Ltd, that Council Resolution [276-19] to award the contract to Jomar Contracting is no longer valid.**
2. **Acknowledges the advice received from WALGA, and in accordance with this advice, authorises the Chief Executive Officer to publically re-tender the Bridge Maintenance Services.**

CARRIED  
7/0

12.6 Title: Differential and Specified Area Rate Review

Reporting Department: Corporate & Governance Directorate  
 Reporting Officer: Mr Phil Anastasakis – Deputy Chief Executive Officer  
 Legislation: Local Government Act 1995

Overview

This report seeks Council's consideration of the Differential Rates and Eaton Landscaping Specified Area Rate review.

Background

As part of Council's Strategic Community Plan and Corporate Business Plan, a review of Differential Rates has been identified under Action 1.3.5.1 which states:

<b>1.3.5.1</b>	<p><i>Undertake a Rating Strategy review every 4 years, to integrate with the Strategic Community Plan full review.</i></p>	<p><i>As part of the annual budget development process, a Rating Strategy is included in the Strategic Financial Plan. It is proposed that during 2019/20 a Rating Strategy review will be conducted to specifically investigate the potential impact of implementing differential rating. This review will align with the internal review of the Strategic Community Plan.</i></p>
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In addition to this Strategic Action, Council resolved at the Strategic Planning Committee meeting held on 16 April 2019, and subsequent Ordinary Council meeting [Res 134-19], the following in relation to the Eaton Landscaping – Specified Area Rate:

134-19                      *MOVED -*                      *Cr. P S Robinson*                      *SECONDED -*                      *Cr. L Davies*

*THAT Council:*

1. *Endorses the 10 year Parks & Reserves Asset Management Plan 2019/20-2028/29 program of works presented to the Strategic Planning Committee on 1 May 2019 – (Records System Link R0000632926 & (Electronic Appendix ORD: 12.14E).*
2. *Requests the Chief Executive Officer to undertake a review of how the Eaton Landscaping Specified Area Rate is applied based on the ovals and Eaton Foreshore being considered as regional open space, with improvements and maintenance of regional open space to be funded out of General Revenue.*
3. *Requests the Chief Executive Officer to include consideration of the Eaton Landscaping Specified Area Rate in the 2019/20 Rating Strategy Review, with this review process to include community engagement prior to the final report being presented to Council for consideration.*
4. *Request the Chief Executive Officer to review the Parks and Gardens Asset Management Plan with an intent to ensure a consistent standard throughout the Shire.*

*CARRIED*  
*7/0*

Following Council's consideration of this report, it is proposed that community consultation be invited on the proposal to introduce Differential Rates and the staged removal of the Eaton Landscaping Specified Area Rate. Feedback from this process will inform the Rating Strategy Review which forms part of the development and cyclical review of the Corporate Business Plan and Long Term Financial Plan, which will culminate in the development of the 2020/21 Annual Budget.

Each year Council has considered a proposed Rating Strategy prior to the draft budget being provided to Council for consideration. Determining the amount to be raised from rates at this time of the budget process allows total revenue to be calculated (and an acceptable rate increase considered), thereby enabling these funds to be allocated across operating and capital expenditure areas as part of the production of a balanced budget. The Rating Strategy Agenda item will be considered at the proposed Integrated Planning Committee meeting scheduled for 11 March 2020.

The Rating Strategy will determine and confirm:

1. The application of a Differential Rate or General Rate system;
2. The inclusion of any Specified Area Rates i.e.: Bulk Waste Collection, Eaton Landscaping;
3. A minimum percentage increase to rates for all rating categories and the increase to all minimum rates;
4. That the method of calculating any rate yield increase is based on Council increasing or decreasing the rates in the dollar so that the impact of any changes in the GRV or UV for properties is minimised by proportionally changing the rate in the dollar to achieve the total rate yield target.
5. That the Rating Strategy applies for the full 4 year period of the Corporate Business Plan and Long Term Financial Plan, based on a percentage increase to rates for all categories and a percentage increase to all minimum rates to reflect the Local Government Cost Index increase; and
6. The application of any payment on time discounts and incentives.

Council Officers have progressed this review through the formation of a Working Group consisting of staff from Governance, Finance, Rates, Town Planning and Business Information Systems areas. As an outcome of this process, a comparison of other similar sized and regional local governments with differential rating systems in place was undertaken to determine industry standards and the basis for their differential rate categories, and rates in the dollar. The below table shows this comparative data for the residential category, with a list of all categories in (Appendix ORD: 12.6A).

Local Government	Residential Differential Rate	Rural Differential Rate	Minimum Rate
Shire of Dardanup	\$0.100662		\$1,547.50
		\$0.006259	\$1,547.50
Shire of Capel	\$0.092069		\$1,385.00
		\$0.005077	\$1,385.00
Shire of Augusta-Margaret River	\$0.107581		\$1,335.00
		\$0.004705	\$1,498.00
Shire of Harvey (general rate)	\$0.085534		\$1,080.00
+ additional SARs		\$0.005188	\$1,080.00
City of Bunbury	\$0.096310		\$1,191.00
			\$1,191.00
City of Busselton	\$0.098489		\$1,375.00
		\$0.004455	\$1,500.00
Shire of Denmark	\$0.096428		\$1,097.00
		\$0.004857	\$1,343.00
Shire of Serpentine-Jarrahdale	\$0.091307		\$1,276.00
		\$0.004034	\$1,383.00
Shire of Murray	\$0.09676		\$1,143.00



Local Government	Residential Differential Rate	Rural Differential Rate	Minimum Rate
		\$0.006654	\$1,143.00
Shire of Narrogin	\$0.113035		\$1,105.00
		\$0.007075	\$799.00
Shire of Northam	\$0.100200		\$944.00
		\$0.005099	\$874.00

This comparative data has been used to formulate the following proposed differential rating categories for the Shire of Dardanup:

UV Rates	Description	Rate in the Dollar	Percentage Change
<p>The Shire applies a tiered rating approach resulting in properties with non-rural uses paying a higher rate in the dollar depending on the number of approved non-rural uses. The reason being is that non-rural uses have an impact on the need for essential services, facilities and infrastructure for the entire community and visitors. The scale of non-rural uses provides some equity between properties with Commercial, Industrial, Accommodation and Tourism activities in rural zones of agricultural land.</p>			
<ul style="list-style-type: none"> <li>Rural</li> </ul>	Properties that have a rural land use located outside of townsite boundaries and applies generally to agricultural areas. Sets the base rate for which UV Tiered differential rating categories UV1, UV2 and UV3 are applied.	\$0.006509	3.99%
<ul style="list-style-type: none"> <li>Rural UV 1</li> </ul>	UV1 applies to properties where the predominant use of the land is prima-facie rural and the property has one approved non-rural use excluding residential and ancillary residential uses. The rate in the dollar equates to the UV base rate times 1.15.	\$0.007485	18.66%
<ul style="list-style-type: none"> <li>Rural UV 2</li> </ul>	UV2 applies to properties where the predominant use of the land is prima-facie rural and the property has two approved non-rural uses excluding residential and ancillary residential uses. The rate in the dollar equates to the UV base rate times 1.30.	\$0.008462	34.54%
<ul style="list-style-type: none"> <li>Rural UV 3</li> </ul>	UV2 applies to properties where the predominant use of the land is prima-facie rural and the property has three or more approved non-rural uses excluding residential and ancillary residential uses. The rate in the dollar equates to the UV base rate times 1.45.	\$0.009438	50.07%
<ul style="list-style-type: none"> <li>Mining</li> </ul>	Properties that have a mining land use located outside of townsite boundaries. The rate in the dollar equates to the UV base rate times 1.50, with a \$2,500 minimum rate.	\$0.009764	61.55%

GRV Rates			
<ul style="list-style-type: none"> <li>Residential</li> </ul>	<p>Properties that have a residential land use located primarily within the Shire's townsites of Eaton, Millbridge, Dardanup and Burekup. Consist of Residential and Ancillary Residential Uses (dwellings, home occupations and home offices). These properties have access to most Council services including footpaths, street lighting, parks, etc.</p>	\$0.104688	2.99%
<ul style="list-style-type: none"> <li>Residential Rural</li> </ul>	<p>Properties that have a residential rural land use located outside of townsite boundaries. As a result of the higher GRV valuations for these properties and less services provided (i.e.: no footpaths or street lighting) the rate in the dollar is lower than the residential rate.</p>	\$0.102424	1.90%
<ul style="list-style-type: none"> <li>Commercial</li> </ul>	<p>Properties that have a commercial land use generally within the town centres' business districts including cafés, restaurants, food and clothing shops, showrooms, etc. It is noted that rate levies paid by commercial property owners are generally tax deductible and can accommodate a larger number of customers.</p>	\$0.104688	3.99%
<ul style="list-style-type: none"> <li>Industrial</li> </ul>	<p>Properties that have an industrial and composite industrial land use may include light industry, fuel depots, motor vehicle repairs, showroom, storage facilities, warehouses, workshops, waste processing or landfill facilities. It is noted that rate levies paid by commercial property owners are generally tax deductible and can accommodate a larger number of customers.</p>	\$0.104688	3.99%
<ul style="list-style-type: none"> <li>Accommodation</li> </ul>	<p>Properties that have an accommodation land use generally include camping grounds, caravan parks, chalets, motels and holiday units. It is noted that rate levies paid by commercial property owners are generally tax deductible and can accommodate a larger number of customers</p>	\$0.104688	3.99%

Vacant Land Use			
<ul style="list-style-type: none"> <li>• Residential</li> </ul>	Properties with a Residential zoning that are vacant. The minimum is the same as the Rural Residential developed category, however the rate in the dollar is higher partly to encourage land owners to develop their property - 125% of Base GRV	\$0.13086	9.15%
<ul style="list-style-type: none"> <li>• Residential Rural</li> </ul>	Properties with a Rural Residential zoning that are vacant. The minimum is the same as the Rural Residential developed category, however the rate in the dollar is higher partly to encourage land owners to develop their property - 125% of Base GRV	\$0.12803	5.04%
<ul style="list-style-type: none"> <li>• Commercial</li> </ul>	Properties with a Commercial zoning that are vacant. The minimum is the same as the Rural Residential developed category, however the rate in the dollar is higher partly to encourage land owners to develop their property - 125% of Base GRV	\$0.13086	18.30%
<ul style="list-style-type: none"> <li>• Industrial</li> </ul>	Properties with an Industrial zoning that are vacant. The minimum is the same as the Rural Residential developed category, however the rate in the dollar is higher partly to encourage land owners to develop their property - 125% of Base GRV	\$0.13086	18.30%

A summary of the Differential Rate Modelling for 2020/21 is provided in (Confidential Document 12.6B).

### Legal Implications

#### 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.*

#### *Division 2 — Annual budget*

##### 6.2. *Local government to prepare annual budget*

- (1) *During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt\*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*

*\* Absolute majority required.*

- (2) *In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —*
  - (a) *the expenditure by the local government; and*
  - (b) *the revenue and income, independent of general rates, of the local government; and*
  - (c) *the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.*
- (3) *For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.*

#### **6.28. Basis of rates**

- (1) *The Minister is to —*
  - (a) *determine the method of valuation of land to be used by a local government as the basis for a rate; and*
  - (b) *publish a notice of the determination in the Government Gazette.*
- (2) *In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be —*
  - (a) *where the land is used predominantly for rural purposes, the unimproved value of the land; and*
  - (b) *where the land is used predominantly for non-rural purposes, the gross rental value of the land.*
- (3) *The unimproved value or gross rental value, as the case requires, of rateable land in the district of a local government is to be recorded in the rate record of that local government.*
- (4) *Subject to subsection (5), for the purposes of this section the valuation to be used by a local government is to be the valuation in force under the Valuation of Land Act 1978 as at 1 July in each financial year.*
- (5) *Where during a financial year —*
  - (a) *an interim valuation is made under the Valuation of Land Act 1978; or*
  - (b) *a valuation comes into force under the Valuation of Land Act 1978 as a result of the amendment of a valuation under that Act; or*
  - (c) *a new valuation is made under the Valuation of Land Act 1978 in the course of completing a general valuation that has previously come into force,*

*the interim valuation, amended valuation or new valuation, as the case requires, is to be used by a local government for the purposes of this section.*

#### **6.32. Rates and service charges**

- (1) *When adopting the annual budget, a local government —*
  - (a) *in order to make up the budget deficiency, is to impose\* a general rate on rateable land within its district, which rate may be imposed either —*
    - (i) *uniformly; or*
    - (ii) *differentially;**and*
  - (b) *may impose\* on rateable land within its district —*
    - (i) *a specified area rate; or*

- (ii) a minimum payment;
- and
- (c) may impose\* a service charge on land within its district.

\* Absolute majority required.

- (2) Where a local government resolves to impose a rate it is required to —
  - (a) set a rate which is expressed as a rate in the dollar of the gross rental value of rateable land within its district to be rated on gross rental value; and
  - (b) set a rate which is expressed as a rate in the dollar of the unimproved value of rateable land within its district to be rated on unimproved value.

### 6.33. Differential general rates

- (1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —
  - (a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005; or
  - (b) a purpose for which the land is held or used as determined by the local government; or
  - (c) whether or not the land is vacant land; or
  - (d) any other characteristic or combination of characteristics prescribed.
- (2) Regulations may —
  - (a) specify the characteristics under subsection (1) which a local government is to use; or
  - (b) limit the characteristics under subsection (1) which a local government is permitted to use.
- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.
- (4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.
- (5) A differential general rate that a local government purported to impose under this Act before the Local Government Amendment Act 2009 section 39(1)(a) came into operation<sup>1</sup> is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate.

[Section 6.33 amended: No. 38 of 2005 s. 15; No. 17 of 2009 s. 39; No. 28 of 2010 s. 34.]

### 6.34. Limit on revenue or income from general rates

Unless the Minister otherwise approves, the amount shown in the annual budget as being the amount it is estimated will be yielded by the general rate is not to —

- (a) be more than 110% of the amount of the budget deficiency; or
- (b) be less than 90% of the amount of the budget deficiency.

### 6.35. Minimum payment

- (1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.
- (2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.

- (3) *In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —*
- (a) *50% of the total number of separately rated properties in the district; or*
  - (b) *50% of the number of properties in each category referred to in subsection (6),*
- on which a minimum payment is imposed.*
- (4) *A minimum payment is not to be imposed on more than the prescribed percentage of —*
- (a) *the number of separately rated properties in the district; or*
  - (b) *the number of properties in each category referred to in subsection (6),*
- unless the general minimum does not exceed the prescribed amount.*
- (5) *If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.*
- (6) *For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —*
- (a) *to land rated on gross rental value; and*
  - (b) *to land rated on unimproved value; and*
  - (c) *to each differential rating category where a differential general rate is imposed.*
- [Section 6.35 amended: No. 49 of 2004 s. 61.]*

#### 6.36. *Local government to give notice of certain rates*

- (1) *Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.*
- (2) *A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).*
- (3) *A notice referred to in subsection (1) —*
- (a) *may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency; and*
  - (b) *is to contain —*
    - (i) *details of each rate or minimum payment the local government intends to impose; and*
    - (ii) *an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and*
    - (iii) *any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;*
- and*
- (c) *is to advise electors and ratepayers that the document referred to in subsection (3A) —*
    - (i) *may be inspected at a time and place specified in the notice; and*
    - (ii) *is published on the local government's official website.*
- (3A) *The local government is required to prepare a document describing the objects of, and reasons for, each proposed rate and minimum payment and to publish the document on the local government's official website.*
- (4) *The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.*

- (5) *Where a local government —*
- (a) *in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or*
  - (b) *proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),*

*it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.*

*[Section 6.36 amended: No. 16 of 2019 s. 62.]*

### 6.37. *Specified area rates*

- (1) *A local government may impose a specified area rate on rateable land within a portion of its district for the purpose of meeting the cost of the provision by it of a specific work, service or facility if the local government considers that the ratepayers or residents within that area —*
- (a) *have benefited or will benefit from; or*
  - (b) *have access to or will have access to; or*
  - (c) *have contributed or will contribute to the need for,*
- that work, service or facility.*
- (2) *A local government is required to —*
- (a) *use the money from a specified area rate for the purpose for which the rate is imposed in the financial year in which the rate is imposed; or*
  - (b) *to place it in a reserve account established under section 6.11 for that purpose.*
- (3) *Where money has been placed in a reserve account under subsection (2)(b), the local government is not to —*
- (a) *change the purpose of the reserve account; or*
  - (b) *use the money in the reserve account for a purpose other than the service for which the specified area rate was imposed,*
- and section 6.11(2), (3) and (4) do not apply to such a reserve account.*
- (4) *A local government may only use the money raised from a specified area rate —*
- (a) *to meet the cost of providing the specific work, service or facility for which the rate was imposed; or*
  - (b) *to repay money borrowed for anything referred to in paragraph (a) and interest on that money.*
- (5) *If a local government receives more money than it requires from a specified area rate on any land or if the money received from the rate is no longer required for the work, service or facility the local government —*
- (a) *may, and if so requested by the owner of the land is required to, make a refund to that owner which is proportionate to the contributions received by the local government; or*
  - (b) *is required to allow a credit of an amount proportionate to the contribution received by the local government in relation to the land on which the rate was imposed against future liabilities for rates or service charges in respect of that land.*
- (6) *Where —*
- (a) *before the coming into operation of the Local Government Amendment Act 2012 Part 2 Division 5, a specified area rate was imposed, or purportedly imposed, under this section by a local government for the purpose of the provision of underground electricity; and*

- (b) *the underground electricity was not, or will not, be provided, or not wholly provided, by the local government,*

*the rate is, and is taken always to have been, as validly imposed under this section as it would have been if, at the time of the imposition of the rate, the local government were to provide the underground electricity.*

*[Section 6.37 amended: No. 2 of 2012 s. 20.]*

#### 6.47. Concessions

Subject to the *Rates and Charges (Rebates and Deferments) Act 1992*, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive\* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.

\* *Absolute majority required.*

#### 23. Rates information required

*The annual budget is to include —*

- (a) *in relation to general rates —*
- (i) *the objects of, and reasons for, any differential rates imposed under section 6.33 and any differential minimum payments imposed under section 6.35(6)(c); and*
  - [(ii) *deleted*]
  - (iii) *for each general rate —*
    - (I) *the rate in the dollar;*
    - (II) *whether the basis for the rate is the gross rental value or the unimproved value of land;*
    - (III) *an estimate of the number of properties to which the rate will apply;*
    - (IV) *an estimate of the total rateable values of the properties referred to in item (III);*
    - (V) *the amount it is estimated will be imposed by way of —*
      - (A) *the rate; and*
      - (B) *interim rates; and*
      - (C) *back rates;*
- and*
- (iv) *for each differential general rate, the characteristics which form the basis for the imposition of the rate;*
- and*
- (b) *if a differential general rate or minimum payment differs from the proposed rate or payment set forth in the local public notice given under section 6.36 —*
- (i) *details of the rate or payment set forth in the public notice; and*
  - (ii) *reasons for the difference;*
- and*
- (c) *in relation to each minimum payment —*
- [(i) *deleted*]
  - (ii) *the amount of the minimum payment; and*
  - [(iii), (iv) *deleted*]
  - (v) *an estimate of the total rateable values of the properties to which the minimum payment is to apply; and*



- (vi) *an estimate of the total number of properties to which each minimum payment is to apply; and*
  - (vii) *the amount it is estimated will be imposed by way of each —*
    - (I) *minimum payment; and*
    - (II) *interim minimum payment; and*
    - (III) *back minimum payment;*
- and*
- (d) *for each specified area rate —*
    - (i) *the purpose of the rate; and*
    - (ii) *the rate in the dollar; and*
    - (iii) *a brief description identifying the area within which the rate is to be imposed; and*
    - (iv) *whether the basis for the rate is the gross rental value or the unimproved value of land; and*
    - (v) *an estimate of the total rateable values of the properties rated on gross rental value or rated on unimproved value, as the case requires; and*
    - (vi) *the amount it is estimated will be imposed by way of —*
      - (I) *the rate; and*
      - (II) *interim rates; and*
      - (III) *back rates;*
- and*
- (vii) *how the proceeds of the rate are to be applied, including an estimate of —*
    - (I) *the amount to be applied; and*
    - (II) *the amount to be set aside in a reserve account; and*
    - (III) *the amount to be applied from the reserve account.*

Strategic Community Plan -

Strategy 1.1.3- Maintain best practice governance systems and practices. (Service Priority: Moderate)

Strategy 1.3.1 - Implement the Integrated Planning and Reporting Framework including the Long Term Financial Plan, Workforce Plan, Asset Management Plans and Corporate Business Plan. (Service Priority: High)

Strategy 1.3.2 - Monitor and produce statutory budgetary and financial reporting requirements applicable to local government operations. (Service Priority: High)

Strategy 1.3.5 - Review rating strategies. (Service Priority: High)

Environment - None.

Precedents -

Council has not previously introduced Differential Rating. An Eaton Landscaping Specified Area Rate has been applied by the Shire of Dardanup for residents in the Eaton/Millbridge areas since 2009/2010.

Please refer to the attached (Appendix ORD: 12.6C) History of the Specified Area Rate for Eaton Landscaping.

Budget Implications

After taking into consideration all other sources of income, Council is required to raise sufficient rates to meet its total expenditure. While Council is allowed to adopt a budget that has a surplus or deficit that does not exceed 10% of its rate revenue, it is not a sustainable long term strategy.

When considering the amount to be raised from Council rates, reference should be made to the Council's ten year Strategic Financial Plan and Long Term Financial Plan that was readopted by Council on 5 June 2019 [OCM 141-19, 142-19 & 143-19]. This plan was based on a rate increase of 4.0% for 2019/20 increasing over the next four years of the plan to 6.5%, then returning to increases of 6% thereafter. This plan already represents a significant decrease in expected rate increases compared to previous long term financial plans.

Together with an annual surplus, the long term financial plan also assumes an annual growth rate in rateable assessments as follows:

<b>Adopted of 2019/20 Long Term Financial Plan Projections</b>										
	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
Growth	0.89%	0.97%	0.96%	0.72%	0.80%	1.07%	1.30%	1.73%	1.72%	2.00%
FTE's	119.07	120.17	126.47	129.37	132.57	136.97	141.17	141.97	142.17	142.17
Rate Increase	4.0%	5.0%	6.0%	6.5%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%
Accumulated Surplus	\$117,485	\$248,512	\$263,258	\$248,757	\$268,214	\$208,944	\$77,277	\$250,795	\$191,437	\$115,294

While Council has adopted annually its Rating Strategy as part of the Integrated Planning and Reporting and budget process, this has not previously incorporated differential rates and has been focussed on maintaining a single UV and GRV General Rate across the Shire.

Based on these previous resolutions of Council, the rates modelling for 2020/21 has been formulated at this time using a 4.0% increase in overall rates revenue (excluding growth through interim rates), which is forecast to generate rate income of \$13,815,058, compared to \$13,278,132 for 2019/20. This is an increase of \$536,926 on the total rates income. This projected overall rate income increase has formed the basis of the differential rate review target rate. Refer to the confidential document (Confidential Document: 12.6D) for a detailed list of properties where the differential rate increase is above the overall rate increase of 4%.

The current Long Term Financial Plan, has been reviewed by Council Executive and will require Council review and consideration as part of the 2020/21 budget development process. The current draft 2020/21 Long Term Financial Plan is based on the following:

<b>Draft 2020/21 Long Term Financial Plan Projections</b>										
	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30
Growth	0.97%	0.96%	0.72%	0.80%	1.07%	1.30%	1.73%	1.72%	2.00%	2.15%
FTE's	116.67	117.97	116.97	120.77	121.77	123.57	126.27	127.47	128.17	128.17
Rate Increase	4.0%	4.0%	4.0%	4.0%	4.0%	4.0%	4.0%	4.0%	4.0%	4.0%

It should be noted from the above that Council Executive have reviewed and substantially reduced the projected Full-time Equivalents (FTE's) employee numbers in the Workforce Plan in an effort to balance expenditure against the forecast reduced rate increases. This will have an impact on the service levels and maintenance of existing and new services and facilities across the Shire of Dardanup, which Council will need to consider and resolve to accept or not accept as part of the annual budget development process for 2020/21, and the annual review and update of the Corporate Business Plan, Long Term Financial Plan, Workforce Plan and Asset Management Plans.

- *Eaton Landscaping Specified Area Rate*

The Eaton Landscaping Specified Area Rate was the subject of a report to Council in May 2019, where an overview of the funds raised and expenditure incurred since its inception in 2009/10 was provided (Appendix ORD: 12.6C). This identified that the Specified Area Rate was raised against 4,321 properties in 2018/19 at an average cost of \$55.38 per property. This average is distorted to some degree as 11.5% of the Specified Area Rate is raised by Eaton Fair Shopping Centre. If this one large contributor is removed, the average cost per household is \$48.95. This generated a total of \$241,677 in revenue in 2018/19. The average contribution per household in 2019/20 is \$49.65 (excluding Eaton Fair).

Council resolved that the Chief Executive Officer undertake a review of how the Eaton Landscaping Specified Area Rate is applied based on the ovals and Eaton Foreshore being considered as regional open space, with improvements and maintenance of regional open space to be funded out of General Revenue.

Since the introduction of the Specified Area Rate in 2009, the standard of the parks within Eaton has improved to more closely match the standard of parks within Millbridge, which is a positive outcome of the Specified Area Rate being applied across the whole of Eaton and Millbridge. Following an evaluation of the Eaton Landscaping Specified Area Rate and the original intention of the rate, together with the amount of capital upgrade works that have occurred since 2009 in Eaton, it is considered that in the future the Eaton Landscaping Specified Area Rate could be removed if differential rates were to be brought in.

Future capital works within parks and reserves across the whole Shire would be included in the Parks & Reserves Asset Management Plan, which Council could consider annually. This would enable capital works to be funded from external grants, developer contributions or Council funds. Any new capital works emanating from the Community Facilities Plans for Dardanup, Eaton and Burekup could then be included in this Parks and Reserves Asset Management Plan.

- *Annual Percentage Rate Increases*

Factors such as the growth of the Shire, need for additional resources to meet growth demands, the rising cost of labour and materials, previous rate increases approved and a perception of the affordability of a reasonable rate increase are some of the factors taken into account when considering the percentage by which rates in the dollar and minimum rates have to be increased.

It has also been widely recognised that increasing rates by a factor equivalent to the increase in the Consumer Price Index (CPI) is not prudent financial management as the CPI provides a good estimate of a household's expectation of the price changes (increases) to the goods and services they consume but it does not provide a good estimate of the cost pressures faced by local government.

In the past indices such as the Local Government Cost Index (LGCI) have also been used as a guide for rate increases as the use of this index has been advocated by the Western Australian Local Government Association (WALGA).

#### *Budget – Whole of Life Cost*

As no new assets have been created, there are no direct whole of life or ongoing cost implications. The cost associated with no longer raising part or all of the Eaton Landscaping Specified Area Rate will need to be incorporated into and offset by the new differential rate category applicable to those households who were subject to the Specified Area Rate.

The rating strategy deployed by Council in the 2020/21 financial year will form part of a long term financial planning strategy to maintain the sustainable operations of Council. If Council is not able to

adequately fund operations in the 2020/21 financial year, then the financial position of Council will potentially deteriorate in future years as assets age further and demand for services increase with projected population growth.

#### Council Policy Compliance

The budget is based on the principles contained in the Strategic Community Plan and Corporate Business Plan. *Policy 2.7 – Preparation of Integrated Financial Plan and Annual budget* applies.

*Policy CP090 -Community Engagement* applies - At this stage Council are being requested to consider the Differential Rate and Specified Area Rate review and no formal consultation is required, however it is proposed to undertake community consultation prior to the Rating Strategy being formally endorsed by Council. When the differential rates are determined Council is required by legislation to advertise the proposed rates for a period of 21 days prior to their adoption by Council.

#### Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix ORD: 12.6E) for full assessment document.

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Differential and Specified Area Rate Review
Inherent Risk Rating (prior to treatment or control)	Moderate (5 - 11)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	<ul style="list-style-type: none"> <li>• Financial – financial loss through incorrect rating</li> <li>• Legal &amp; Compliance - Risk of Council breaching the Local Government Act 1995 through not complying with rating requirements</li> <li>• Reputational - Loss of reputation through non-compliance or mismanagement of funds</li> </ul>

#### Officer Comment

The Department of Local Government Operational Guideline No2 “*Changing Methods of Valuation of Land*” provides the following Principles to observe when reviewing the method of valuing land, which can be applied equally to the method of calculating rate revenue.

- *Principles to Observe*

*In implementing suitable systems and procedures, local governments should observe the principles of:*

- *objectivity;*
- *fairness and equity;*
- *consistency;*
- *transparency; and*
- *administrative efficiency.*

The prospects for a satisfactory outcome will be significantly improved if these principles are correctly applied.

The Department of Local Government, Sport and Cultural Industries provides additional background information on rating and differential rates:

➤ *Introduction*

*Local governments impose rates on the properties within their district to raise revenue to fund the services and facilities provided to residents and visitors. The quantum of rates payable is determined by three factors: the method of valuation of the land, the valuation of the land and improvements, and the rate in the dollar applied to that valuation by the local government.*

*Land is rated according to its unimproved value for land used predominantly for rural purposes or gross rental value for land used predominantly for non-rural purposes. The Valuer General values the land in accordance with the provisions of the Valuation of Land Act 1978. The local government sets a rate in the dollar which is applied to this valuation to give the rates liability for each property.*

*A local government may impose a single general rate which applies to all of the properties in the unimproved value or gross rental value category. Alternatively the local government can distinguish between land in either category on the basis of its zoning, use or whether it is vacant land (or other characteristic set out in regulations), or a combination of these factors, and apply a differential general rate to each.*

*The purpose of the imposition of a differential general rate is generally to ensure that every landowner makes a reasonable contribution to the rate burden.*

*The Minister notes a number of key values to be considered when applying a differential general rate that is more than twice the lowest differential general rate, which should be considered when imposing a differential general rate.*

➤ *Objectivity*

- *The land on which differential general rates has been rated according to one or more of the following land characteristics:*
  - *zoning*
  - *land use*
  - *vacant land.*

➤ *Fairness and Equity*

- *The Council of the local government has reviewed its expenditure and considered efficiency measures as part of its budget deliberations.*
- *The objects of imposing differential rates and reasons for each proposed differential general rate are set out by the local government in a publically available document.*
- *These objects and reasons clearly explain why each differential general rate is proposed to be imposed.*
- *The objects and reasons clearly explain why it is proposed to set the differential general rate at that particular rate.*
- *If a category of ratepayer is significantly contributing to the local government's revenue through fees, charges and other payments, the local government has not used these same costs as the justification for the difference in differential general rate.*
- *If there are fewer than thirty ratepayers who will be subject to the differential general rate, each affected ratepayer has been informed in writing by the local government of:*
  - *the key values*
  - *the local government's objects of and reasons for proposing to impose the differential general rates*
  - *the differential general rate that will apply to the ratepayer's property; and*
  - *the differential general rate that applied in the previous year for comparison and was given at least 21 days to make submissions to the local government on the proposal.*

- *The ratepayers' submissions, if any, and the local government's response to each ratepayer's submission recorded in the minutes of the Council meeting at which the response was adopted.*
- *Consistency*
  - *The local government has rated similar properties that are used for the same purpose in the same way.*
  - *The proposed differential rates align with the rating strategy in the corporate business plan and long term financial plan or the Council of the local government has detailed its reasons for deviating from that rating strategy.*
  - *The local government has reviewed and considered rates proposed in neighbouring or similar local government districts in the rating strategy.*
- *Transparency and administrative efficiency*
  - *The local government has:*
    - *prepared and made publically available a document clearly describing the object of and reason for each differential general rate;*
    - *given public notice in a newspaper circulating generally throughout the district and exhibited to the public on a notice board at the local government's office and at every local government library in the district*
    - *published the notices after 1 May in the relevant year.*
  - *The public notice published by the local government contained:*
    - *details of each differential general rate that the local government intends to impose*
    - *an invitation for submissions to be made by an elector or ratepayer*
    - *a closing date for submissions which is at least twenty one days after the day on which the notice is published*
    - *advice on the time and place where a document containing the objects of and reasons for the differential general rates can be inspected.*
  - *The Council of the local government has:*
    - *each ratepayer submission considered (if any).*

As part of preparing an annual budget, Council considers community needs in relation to its available income requirements for the coming year before deciding how much it should raise in general rates. Council will also consider the extent of the rate burden on rate payers and may decide to forgo some activities and services in order to avoid high rate rises.

Undertaking a Differential Rating and Landscaping Specified Area Rate review to inform the Rating Strategy requires Council to strike a balance between competing principles to come up with a mixture of rates and charges that provides the income needed for its annual budget while meeting the tests of equity, efficiency and simplicity.

- *Purpose of the Rating Strategy*

The purpose of the Rating Strategy is to provide Council's preferred position on the following:

- differential rating;
- method of rates calculation;
- annual percentage rate increase;
- minimum rates; and
- payment on time discount.

- *Differential Rating*

This report on Differential Rating proposes the creation of one Rate Category for each Land Use group. This will create the following Differential Rating categories:

1. Residential (group 1 GRV)
2. Commercial (group 2 GRV)
3. Industrial (group 3 GRV)
4. Mining (group 7 UV)
5. Rural Residential (group 8 GRV)
6. Accommodation (group 9 GRV)
7. Rural (group 10 UV)
8. Rural UV 1 (group 11 UV)
9. Rural UV 2 (group 12 UV)
10. Rural UV 3 (group 13 UV)
11. Residential Vacant (group 15 GRV)
12. Rural Residential Vacant (group 16 GRV)
13. Commercial Vacant (group 17 GRV)
14. Industrial Vacant (group 18 GRV)

Differential rating has been adopted in order to spread the rate burden equitably and associate rating with land use. The following describes the differential rating categories proposed for use in 2020/21:

Unimproved Value Properties
<p><b><u>Rural</u></b> Properties that have a rural land use located outside of townsite boundaries and applies generally to agricultural areas. Sets the base rate for which UV Tiered differential rating categories UV1, UV2 and UV3 are applied.</p>
<p><b><u>Rural UV 1</u></b> UV1 applies to properties where the predominant use of the land is prima-facie rural and the property has one approved non-rural use excluding residential and ancillary residential uses i.e.: cellar door sales or restaurant or bed and breakfast accommodation. The rate in the dollar equates to the UV base rate times 1.15.</p>
<p><b><u>Rural UV 2</u></b> UV2 applies to properties where the predominant use of the land is prima-facie rural and the property has two approved non-rural uses excluding residential and ancillary residential uses i.e.: cellar door sales and restaurant or restaurant and bed and breakfast accommodation. The rate in the dollar equates to the UV base rate times 1.30.</p>
<p><b><u>Rural UV 3</u></b> UV3 applies to properties where the predominant use of the land is prima-facie rural and the property has three or more approved non-rural uses excluding residential and ancillary residential uses i.e.: cellar door sales and restaurant and bed and breakfast accommodation. The rate in the dollar equates to the UV base rate times 1.45.</p>
<p><b><u>Mining</u></b> Properties that have a mining land use located outside of townsite boundaries. The rate in the dollar equates to the UV base rate times 1.50.</p>
Gross Rental Value Properties
<p><b><u>Residential</u></b> Properties that have a residential land use located primarily within the Shire's townsites of Eaton, Millbridge, Dardanup and Burekup. Consist of Residential and Ancillary Residential Uses (dwellings, home occupations</p>

and home offices). These properties have access to most Council services including footpaths, street lighting, parks, etc.

#### **Rural Residential**

Properties that have a residential rural land use located outside of townsite boundaries. As a result of the higher GRV valuations for these properties and less services provide (i.e.: no footpaths or street lighting) the rate in the dollar is lower than the residential rate.

#### **Commercial**

Properties that have a commercial land use generally within the town centre's business districts including cafés, restaurants, food and clothing shops, showrooms, etc.

It is noted that rate levies paid by commercial property owners are generally tax deductible and can accommodate a larger number of customers.

#### **Industrial**

Properties that have an industrial and composite industrial land use may include light industry, fuel depots, motor vehicle repairs, showroom, storage facilities, warehouses, workshops, waste processing or landfill facilities.

It is noted that rate levies paid by industrial property owners are generally tax deductible and can accommodate a larger number of customers.

#### **Accommodation**

Properties that have an accommodation land use generally include camping grounds, caravan parks, chalets, motels and holiday units.

It is noted that rate levies paid by accommodation property owners are generally tax deductible and can accommodate a larger number of customers, and patrons utilise public facilities such as toilets, parks, footpaths, boat ramps, etc.

### **Vacant Land Use**

#### **Residential Vacant Land Use**

Properties with a Residential zoning that are vacant. The minimum is the same as the Rural Residential developed category, however the rate in the dollar is higher partly to encourage land owners to develop their property - 125% of Base GRV

#### **Rural Residential Vacant Land Use**

Properties with a Rural Residential zoning that are vacant. The minimum is the same as the Rural Residential developed category, however the rate in the dollar is higher partly to encourage land owners to develop their property - 125% of Base GRV

#### **Commercial Vacant Land Use**

Properties with a Commercial zoning that are vacant. The minimum is the same as the Rural Residential developed category, however the rate in the dollar is higher partly to encourage land owners to develop their property - 125% of Base GRV

#### **Industrial Vacant Land Use**

Properties with an Industrial zoning that are vacant. The minimum is the same as the Rural Residential developed category, however the rate in the dollar is higher partly to encourage land owners to develop their property - 125% of Base GRV

Minimum rates for all of the GRV and UV rating categories will be the same (\$1,594.00) except for Residential (\$1,547.50) and Mining (\$2,500.00), with rates in the dollar being different for each category. The valuation of individual properties are also relied upon to provide differentiation within these rating categories.



The rate in the dollar for properties in the Rural Residential category is less than that applied for the other GRV categories as it is argued that these properties receive less local government services than properties in town sites.

- *Method of Rates Calculation*

In broad terms, the total amount of money to be raised in general rates is divided by the total value of all rateable properties. The resulting figure is called the "rate in the dollar".

Council determines the amount to be paid in rates by applying a rate in the dollar to the assessed value of each property. When that total value of all properties increases, the Council reduces the rate in the dollar to compensate. There is no windfall gain.

- *How a "Rate in the Dollar" is calculated?*

For a Council using only a general rate, the rate in the dollar is calculated as follows:

If Council plans to raise the total GRV rate revenue of \$10 million, and the total Gross Rental Value of all rateable properties in the municipality is \$2.38 billion, then the rate in the dollar is calculated by dividing \$10 million by \$2.38 billion = 0.42 cents in the dollar.

- *How are Property's Rates calculated?*

The basis for calculating property rates are the gross rental values (GRV) and unimproved values (UV) for individual properties provided by Landgate's Property and Valuations area multiplied by the relevant rate in the dollar.

A property's GRV represents the amount of the gross annual rental the land might obtain if it is let on a tenancy basis from year to year.

A property's UV means the amount the land may reasonably be expected to obtain if it was sold and assuming no improvements to the land had been made.

A local government will each year determine the rate in the dollar that is applied to each of its rating categories to raised adequate funds to provide services and facilities to its community.

The formula for calculating the rates for an individual property (excluding any additional charges or arrears) is the valuation (based on GRV or UV) multiplied by the rate in the dollar set by the Council. Council determines the rate in the dollar as part of the budget process.

For example if the Gross Rental Value of a property is \$250,000 and the Council rate in the dollar is set at 0.42 cents, the rate bill would be \$1,050 (\$250,000 x 0.0042).

- *Property Valuations.*

Property values affect the amount paid in municipal rates. State legislation requires that all properties in every municipality are revalued every 3-5 years. Dardanup is required to revalue its GRV properties every 3 years and its UV properties every year.

Changes in property values will vary across a municipality. These will be reflected in each property's rate bill. A general revaluation may result in the rates for some properties going up while others go down. If a property's value increases by less than the average increase across the municipality, the rates for that property will be relatively lower. Rates will be relatively higher if a property's value increases by more than the average increase in valuation.

Councils do not collect extra revenue as a result of the revaluation process. Valuations are simply used as an apportioning tool to assess the rates payable for each individual property.

Information about a property's value is included on the rate notice issued by the Council.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. OR:

As per Local Government (Administration) Regulations 1996 11(da) Council records the following reasons for amending the Officer Recommended Resolution:

OFFICER RECOMMENDED RESOLUTION

THAT Council:

1. Endorse in principle the inclusion of Differential Rating into the Rating Strategy for the 2020/21 financial year based on the creation of the following land use categories:
  - a) Residential (group 1 GRV)
  - b) Commercial (group 2 GRV)
  - c) Industrial (group 3 GRV)
  - d) Mining (group 7 UV)
  - e) Rural Residential (group 8 GRV)
  - f) Accommodation (group 9 GRV)
  - g) Rural (group 10 UV)
  - h) Rural UV 1 (group 11 UV)
  - i) Rural UV 2 (group 12 UV)
  - j) Rural UV 3 (group 13 UV)
  - k) Residential Vacant (group 15 GRV)
  - l) Rural Residential Vacant (group 16 GRV)
  - m) Commercial Vacant (group 17 GRV)
  - n) Industrial Vacant (group 18 GRV)
2. Endorse in principle the discontinuation of the Eaton Landscaping Specified Area Rate into the Rating Strategy for the 2020/21 financial year; and
3. Seek public comment on the item (1) and (2) above for consideration as part of the 2020/21 budget development process.

*Note:*

*Cr. J Dow moved a procedural motion to defer consideration of the item until the January Ordinary Meeting of Council to allow more time for the item to be workshopped with Councillors.*



12.7 Title: New Policy – CP047 – State Administrative Tribunal (SAT) Representation Policy

*Reporting Department:* Sustainable Development Directorate  
*Reporting Officer:* Mrs Suzanne Occhipinti - Senior Planning Officer  
*Legislation:* Local Government Act 1995

Overview

In order to provide a consistent and transparent approach to proceedings before the State Administrative Tribunal (SAT), a draft policy has been prepared regarding representation of the Shire. This report provides Council with the opportunity to consider the adoption of the policy, which is recommended by Council Officers.

Background

One of the principal roles of Council under Section 2.7 of the Local Government Act 1995 is to determine the Policies of the Local Government.

The existing Council Policy Manual was reviewed in its entirety, at the Special Council Meeting held on 26 July 2018. A number of obsolete policies were deleted and changed to 'Administrative Polices' and/or 'Administrative Procedures'.

Other than CP125 – Litigations, the Shire has no other Council Policy relating to SAT proceedings.

Legal Implications - None

Strategic Community Plan

Strategy 1.1.1 - To be equitable, inclusive and transparent in decision making. (Service Priority: High)

Strategy 1.4.2 - Maintain, review and ensure relevance of Council's policies and local laws. (Service Priority: Moderate)

Environment - None.

Precedents

The policy manual is reviewed regularly.

Budget Implications

Timely decision-making by Council, both as a direct decision-making authority, and as a participant in proceedings before the SAT, can have a significant impact on the viability of activities and businesses. Economic benefits may be derived from activities and businesses, including employment creation, dealt with through the appeals process.

Budget – Whole of Life Cost

Proceedings before the SAT can have significant financial implications for the Shire, but the cost of representation will vary depending on the nature and complexity of the appeal. A consistent, transparent and efficient approach to proceedings is necessary to ensure that community benefits are maximised, and that limited resources are effectively used.

Council Policy Compliance - None.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the Officer Recommendation. Please refer to (Appendix ORD: 12.7) for full assessment document.

<b>Tier 3 – ‘High’ or ‘Extreme’ Inherent Risk.</b>	
Risk Event - Reputational	Council Policy – Shire representation at the State Administrative Tribunal (SAT)
Inherent Risk Rating (prior to treatment or control)	High (12 - 19)
Risk Action Plan (treatment or controls proposed)	Adoption of Council Policy to guide representation at SAT by external parties, where the Council decision is contrary to the Officer recommendation. This will enable objective negotiation and/or representation, and improve perceived transparency.
Residual Risk Rating (after treatment or controls)	Low (1-4)
Risk Category Assessed Against	<ul style="list-style-type: none"> <li>• Financial - Financial cost to Council by either engaging external representation or by diverting officers from other workloads.</li> <li>• Legal and Compliance - That Council not determine appropriate Policies for the Local Government, which may adversely impact the planning and decision making framework.</li> <li>• Reputational - That Council’s decision is not represented objectively, where a Council decision is contrary to the Officer recommendation.</li> </ul>

Officer Comment

Proceedings before the SAT generally need to take into account a wide range of different matters, including legislative frameworks, community values, relevant state and local policies and the aspirations of the proponent. Proceedings are often complex and have resource and cost implications for the Shire. This includes the cost to Council of Officers attending SAT, the accompanying cost of diverting those Officers’ time away from other work, as well as the reputational cost to the Shire from SAT decisions.

The opportunity to achieve positive outcomes for the community through facilitated mediation proceedings is an important consideration. Mediation proceedings are confidential and are generally not open to members of the public. It can be difficult to achieve good outcomes where Officers are required to defend a decision of the Council which was contrary to the Officer recommendation. Therefore, the proposed Council Policy encourages a consultant to be appointed to represent Council where Council makes a decision contrary to the Officers recommendation. This aims to assist in demonstrating that Council is making every reasonable effort to operate in an open, transparent manner, and in the best interests of the community. The draft policy is tabled at the end of this item.

The proposed Council policy has not been advertised for community comment, as it is considered to relate to internal processes.

There are essentially four (4) options available to Council in considering the proposed policy, as follows:

1. Adopt the policy, as proposed
2. Adopt the policy, as proposed but with modifications
3. Defer consideration of the policy, to enable further consideration of a particular matter
4. Not adopt the policy.

The adoption of the policy is recommended.

**Note:**

Chief Executive Officer, Mr André Schönfeldt advised that the words 'or relevant Director' were to be removed from point 4.3.8 of the policy below as this was incorrectly included in the policy.

- 4.3.8 The decision to engage, or not engage, independent consultants as described in 4.3.7 above, shall be made by the Chief Executive Officer. ~~or relevant Director.~~

Council Role - Legislative.

Voting Requirements - Simple Majority.

Change to Officer Recommendation - No Change.

**OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION**

366-19 MOVED - Cr. M T Bennett SECONDED - Cr. P S Robinson

**THAT Council adopts draft Council Policy No. CP047 titled 'State Administrative Tribunal (SAT) Representation Policy' as provided below:**



COUNCIL POLICY NO:-

**CP047 - State Administrative Tribunal (SAT) Representation Policy**

**GOVERNANCE INFORMATION**

<b>Procedure Link:</b>	NA	<b>Administrative Policy Link:</b>	NA
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**ADMINISTRATION INFORMATION**

<b>History:</b>	New	OCM 18/12/19	Res: 366-19	<b>Synopsis:</b>	Policy created
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**1. RESPONSIBLE DIRECTORATE**

Directorate – Sustainable Development

**2. PURPOSE OR OBJECTIVE**

The objective of this Policy is to:

- Outline the Shire's general position and approach to proceedings before the State Administrative Tribunal;
- Support the Shire's continued efforts to achieve general community compliance with relevant statutory requirements;
- Support the Shire's continued efforts to operate in an open and transparent manner; and
- Support the Shire's continued efforts to operate in a financially responsible manner.

**3. DEFINITIONS**

None relevant

**4. POLICY**

This Policy applies to State Administrative Tribunal matters, which involves but is not limited to the Shire's Planning, Compliance, Building and Health Services.

The State Administrative Tribunal (SAT) was established in Western Australia in 2005 as an independent body that makes and reviews a range of administrative decisions. Individuals, businesses, public officials and vocational boards can bring before the SAT many different types of applications related to civil, commercial and personal matters. These range from reviews of multi-million dollar tax judgements and dog destruction orders to disciplinary proceedings, guardianship questions and town planning and compensation issues.

The SAT was established by the State Administrative Tribunal Act 2004 (SAT Act) and the State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 (Conferral Act). The Conferral Act refers to more than 130 existing Acts of Parliament, known as enabling Acts. The enabling Acts give the SAT the jurisdiction to make decisions on specific matters. The most common proceedings before the SAT for the Shire are in relation to the following:

- (a) Where an applicant is aggrieved by a determination on an application for development approval under the provisions of the Shire's Town Planning Scheme No.3 (TPS3);
- (b) Where an applicant is aggrieved by the lack of a determination on an application for development approval within the timeframes prescribed in TPS3;
- (c) Where a party is aggrieved under the provisions of the Dog Act 1976.

The SAT is required to consider all relevant information available to it, including any submissions received during the advertising of the proposal previously conducted by the local government and the formal determination of the local government. In general terms, the SAT may ultimately:

- (a) Reaffirm the original decision;
- (b) Set aside or vary the original decision and substitute its own decision; or
- (c) Invite the Shire to re-consider the proposal, often in the light of new information that has become available during proceedings before the SAT.

This policy does not deal with the procedures involved in making an application for review or the process of the review as these matters are the subject of separate legislation and regulations.

#### 4.1 Status

- (a) Relationship to State Administrative Tribunal Act 2004

This policy shall be read in conjunction with the SAT Act. To the extent of any inconsistency between this policy and the SAT Act, the SAT Act shall prevail.

- (b) Relationship to Planning and Development Regulations 2015

No relevant provision in TPS3

To the extent of any inconsistency between this policy and the provisions of TPS3, the Scheme shall prevail.

#### 4.2 Interpretations

This policy does not seek to establish any specific interpretations or definitions for terms it contains.

#### 4.3 Policy Measures

##### Council's Role in SAT Proceedings

4.3.1 Upon the commencement of a SAT review the Council ceases to be the decision-maker with respect to the matter the subject of the review (unless the SAT invites the Council to reconsider its original decision), and instead becomes a party to the proceeding. However the Council has an obligation under the SAT Act to use its best endeavours to assist the SAT to make the correct and preferable decision in the review.

4.3.2 In order to maintain the integrity of the SAT review process and uphold its obligation to the SAT, elected members and employees should avoid discussions or correspondence

concerning an ongoing SAT review with third parties, except where necessary or appropriate:

- (a) to inform a person that a matter is before the SAT;
- (b) to make a person aware of their ability to access relevant information on the SAT website at [www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au), including information concerning the role of third parties in SAT reviews;
- (c) to inform a person of the outcome of a step in, or the outcome of, the SAT proceedings; and
- (d) to assist the SAT or the Council in the SAT review (e.g. to obtain advice from an expert or government agency, or to obtain a witness statement).

4.3.3 In the interests of avoiding any later conflict and in maintaining integrity in the process, direct communication between a proponent and the Shire's elected members (individually or collectively) should be avoided for the duration of proceedings before the SAT. Should contact be made by a proponent, the elected member/s are encouraged to:

- (a) make the person aware of this Council policy; and
- (b) advise the applicant to contact the Shire's responsible officer if they require any further information.

#### Representation

4.3.4 Where the applicant has retained legal representation, the Shire will be legally represented.

4.3.5 Where an applicant has elected on their application for review to the SAT in a Class 1 planning matter to not have legal representation, the Shire shall be represented by either officers or appointed consultants.

4.3.6 Where a Council decision is the same or essentially the same as an officer's recommendation, or corrects or improves the content of an officer's recommendation, then officers shall generally provide a written response on behalf of the Council and/or attend a mediation or Tribunal hearing as an expert witness to represent the Council's position. Decisions in respect of which officers are to attend proceedings shall be determined by the Chief Executive Officer.

4.3.7 Where an application is made for the review of a decision that is substantially inconsistent with a recommendation made by Shire officers, then in the interests of the Council and Shire officers, and to assist the SAT, independent consultants may be engaged to represent the Shire during the SAT process, and will usually be engaged if the matter proceeds to a final hearing. This does not preclude Officers from attending mediation to provide the SAT factual information on behalf of Council

4.3.8 The decision to engage, or not engage, independent consultants as described in 4.3.7 above, shall be made by the Chief Executive Officer.

#### Mediation Proceedings

4.3.9 The Shire acknowledges the Tribunal's desire to resolve matters by mediation where possible and will generally agree to participate in the SAT mediation process, provided there is a reasonable prospect of reducing or clarifying the issues in dispute, or achieving a negotiated outcome. Discussions occurring for the purposes of mediation are conducted by the Tribunal on a "without prejudice" and confidential basis and the Council acknowledges that the content of this discussion cannot be discussed outside the mediation session.



- 4.3.10 Where a matter is referred to mediation, the consultant or officer with conduct of the matter:
- (a) Shall participate constructively in the mediation in order to attempt to reach a compromise solution;
  - (b) Shall not agree to any compromise solution at the mediation beyond the scope of the officer's delegated power; and
  - (c) Shall refer any potential solutions arising out of the mediation back to the decision maker in the original application.
- 4.3.11 With respect to (b) above, where the matter was originally considered by Council, any proposed compromise solution arising from the mediation shall be presented to Council for further consideration in accordance with the procedures for section 31 reconsiderations set out below.
- 4.3.12 Where practical, officers shall provide regular updates on proceedings before the SAT to elected members. The updates shall, however, generally be limited to issues relating to the programming of proceedings, including timeframes and likely cost implications. Specific details in relation to the proceedings shall generally not be discussed and officers and elected members shall acknowledge that such meetings are not decision-making forums.

### Section 31 Reconsiderations

- 4.3.13 The Tribunal may refer a matter to Council under section 31 of the SAT Act, inviting Council to reconsider the original decision. This regularly occurs following the mediation process, or where there has been a deemed refusal. In the interests of achieving time and cost-effective outcomes for all parties involved, officers shall generally seek to resolve matters through a section 31 reconsideration process.
- 4.3.14 The responsible Shire officer, in consultation with their Director, shall have the discretion to advise the SAT member during mediation proceedings as to whether or not a reconsideration under section 31 would likely assist with the resolution of matter in a timely and cost effective manner.
- 4.3.15 Upon receipt of an invitation from the SAT to reconsider the matter, the officer or consultant shall assess the proposal and refer it to the Council. The Council may then affirm the original decision, vary the decision or set aside the decision and substitute a new decision.
- 4.3.16 Reports presented to Council for consideration under Section 31 of the Act following mediation will be presented as confidential reports, except where, in the opinion of the Chief Executive Officer there are exceptional circumstances which justify a contrary position.
- 4.3.17 Where a proposal the subject of a SAT review has already been advertised by the Council, the proposal will not be re-advertised before the Council reconsiders the proposal pursuant to a section 31 invitation except where:
- (a) the SAT mediating member suggests re-advertising, or the applicant agrees; or
  - (b) the proposal to be re-considered is substantially different to the proposal in the form already advertised and may add planning issues not raised by the original proposal; or
  - (c) in the judgment of the officer or consultant with conduct of the matter, there are exceptional circumstances which justify re-advertising.
- 4.3.18 Following the Council's decision upon re-consideration, the Shire will inform persons who made a submission (whether on the original or amended proposal) of the Council's decision.

### Involvement of third parties

- 4.3.19 Third parties may make a request at any time to the SAT to make a submission, either in person or in writing, in respect of a particular matter. Such requests must be in writing and sent to the SAT (not through the Shire).
- 4.3.20 A third party may only be present during a mediation session by invitation from the Tribunal.
- 4.3.21 It is the responsibility of any third party interested in proceedings before the SAT to obtain their own independent advice. The Shire may, however, raise awareness of the ability of a third party to make a submission to the SAT through the following methods:
- (a) making this policy publicly available through the Shire's policy manual, which is published on the Shire's website; and
  - (b) informing those persons who lodged a submission during the public advertising of a proposal of the lodgement of a SAT application for review. The Shire shall make all reasonable endeavours to contact, in writing, such persons within a fourteen (14) day period of the Shire's receipt of a copy of the application for review.
- 4.3.22 Upon receipt of a request by a third party to make a submission, the SAT must consider whether the person has 'sufficient interest' in the proposal to justify their involvement and whether the involvement of the person would aid the SAT in progressing the matter towards an ultimate determination. The involvement of a third party is generally limited to final hearings, which are usually only programmed where mediation proceedings have failed to reach an agreed outcome between the applicant and the Shire.
- 4.3.23 As the Shire is bound by the confidential nature of the process, the Shire will generally be unable to provide any updates to a third party as to the progress of a section 31 re-consideration until after it has been determined.

### Appeals against Decisions of the Tribunal

- 4.3.24 The Shire will not generally appeal a decision of the Tribunal unless, in the opinion of the Council following legal advice, it is considered that the Tribunal has made an error of law, and the issue at stake has significant implications for the Shire or local government in general.

### Parallel Direction Notice under s214 of the Planning and Development Act 2005

- 4.3.25 Where an application for review of a decision is lodged and the matter is also the subject of a direction notice under s214 of the Planning and Development Act 2005, the Shire will generally defer enforcement of the direction notice until such time as the application before the Tribunal is determined. In the event that the review application is dismissed, the Shire will enforce the direction notice immediately without further consideration by Council.
- 4.3.26 The Shire may however decide to continue with enforcement or prosecution if the matter is considered to have significant implications for the Shire or community in general.

### Notifying parties of proceeding outcomes

- 4.3.27 Upon the conclusion of proceedings before the SAT, information about the outcome is notified in the following manner:
- (a) through the publication of a decision report by the SAT on the SAT website at [www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au);
  - (b) through written advice being sent to those persons who lodged submissions during the public advertising of the proposal;

(c) through the inclusion of relevant details in the monthly 'Information Bulletin' presented to Council through relevant Committee and Council Meetings.

4.3.28 The information made available by the Shire will usually be limited to the decision outcome (e.g. approval or refusal) and shall not include information that is not generally publicly available – for example the nature of discussions before the SAT that were conducted in a confidential manner.

4.3.29 Relevant Policies/Council Documents  
Not applicable

## **5. REFERENCE DOCUMENTS**

- Local Government Act 1995;
- State Administrative Tribunal Act 2004 (SAT Act);
- State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 (Conferral Act);
- Town Planning Scheme No 3 (TPS3);
- Planning and Development Act 2005;
- Planning and Development (Scheme) Regulations 2015
- Building Act 2011;
- Building Regulations 2012;
- Food Act 2008;
- Caravan Parks & Camping Ground Act;
- Caravan Parks & Camping Ground Regulations 1997;
- Health (Aquatic Facilities) Regulations 2007;
- Health (Asbestos) Regulations 1992;
- Health (Miscellaneous Provisions) Act 1911;
- Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974;
- Public Health Act 2016;
- Dog Act 1976.

CARRIED  
7/0

12.8 Title: Annual Report and Annual Electors Meeting

<i>Reporting Department:</i>	<i>Corporate &amp; Governance Directorate</i>
<i>Reporting Officer:</i>	<i>Mr Phil Anastasakis – Deputy Chief Executive Officer</i>
<i>Legislation:</i>	<i>Local Government Act 1995</i>

Overview

This report presents the 2018/19 Annual Report and Annual Financial Statements to Council for consideration and adoption, and sets the date for the Annual Electors meeting.

Background

Section 5.53 of the *Local Government Act 1995* requires a Local Government to prepare an Annual Report for each financial year. The 2018/19 Annual Report is provided under a separate cover.

The Annual Report is to contain;

- a) *a report from the mayor or president;*
- b) *a report from the CEO;*
- c) *an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;*
- d) *the financial report for the financial year;*
- e) *such information as may be prescribed in relation to the payments made to employees;*
- f) *the auditor's report for the financial year;*
- g) *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993;*
- h) *details of entries made under section 5.121 during the financial year in the register of complaints, including —*
  - i) *the number of complaints recorded in the register of complaints;*
  - ii) *how the recorded complaints were dealt with;*
  - iii) *any other details that the regulations may require;*
  - iv) *such other information as may be prescribed.*

The Annual Report includes some general information about the Shire of Dardanup, the Strategic Objectives and Key Performance Areas of Council, Elected Member details, reports from the President and Chief Executive Officer, and an overview of the activities and achievements of the past financial year and the audited annual financial statements.

The adoption of the Annual Report by Council allows for the holding of the Annual Electors Meeting which is proposed for Wednesday 29 January 2020, commencing at 6.30pm in the Eaton Council Chambers, following the completion of the monthly Council meeting.

Legal Implications

*Local Government Act 1995*

*S5.54. Acceptance of annual reports*

- (1) *Subject to subsection (2), the annual report for a financial year is to be accepted\* by the local government no later than 31 December after that financial year.*

*\* Absolute majority required.*

- (2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

*[Section 5.54 amended by No. 49 of 2004 s. 49.]*

*S5.55. Notice of annual reports*

*The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.*

*S5.55A. Publication of annual reports*

*The CEO is to publish the annual report on the local government's official website within 14 days after the report has been accepted by the local government.*

*[Section 5.55A inserted by No. 5 of 2017 s. 8.]*

*5.27. Electors' general meetings*

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

Should the Annual Report be adopted at this meeting (18 December 2019), Local Public notice of 14 days is required to be given per s5.29 of the Local Government Act.

It is therefore recommended that the Annual Electors Meeting follow recent practice and be held following the Ordinary Meeting of Council on 29 January 2020.

Strategic Community Plan

Strategy 1.3.1 - Implement the Integrated Planning and Reporting Framework including the Long Term Financial Plan, Workforce Plan, Asset Management Plans and Corporate Business Plan. (Service Priority: High)

Strategy 1.3.2 - Monitor and produce statutory budgetary and financial reporting requirements applicable to local government operations. (Service Priority: High)

Environment - None.

Precedents - None.

Budget Implications

The Annual Report is produced internally and the preparation and printing costs are incorporated within the staffing, printing and stationery budgets.

The Annual Financial Report presents the financial performance for the past financial year and is scrutinised by an independent auditor to ensure compliance with legislation and accounting standards. The financial impact upon the current financial year is that the audited net current assets position becomes the actual brought forward surplus/(deficit) for the Rate Setting Statement.

Budget – Whole of Life Cost

As no assets/infrastructure is being created, there are no whole of life costs relevant to this item.

Council Policy Compliance - None.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix ORD: 12.8A) for full assessment document.

<b>Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.</b>	
Risk Event	Annual Report and Annual Electors Meeting
Inherent Risk Rating (prior to treatment or control)	Low (1-4)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	<ul style="list-style-type: none"> <li>• Legal and Compliance - Risk of Council breaching the Local Government Act 1995 Risk that the 2018/19 Annual Report is not received by Council.</li> <li>• Reputational - Loss of reputation through non-compliance or mismanagement of funds</li> </ul>

Officer Comment

In addition to the financial report, the Annual Report includes commentary on the past year's activities and performance as well as statements from the Shire President and Chief Executive Officer, and other information to comply with various statutory requirements.

The Independent Audit Report was provided to the Audit and Risk Committee at its meeting on 4 December 2019, where the Committee reviewed the recommendations to Council. Council's Auditors have issued an unqualified Audit Report, (Appendix ORD: 12.8B). The Audit Report is also shown on page 61 of the Annual Financial Report that forms part of the Annual Report (Appendix ORD: 12.8C - provided to Councillors under separate cover).

Council is in sound financial health and this is reflected in its statutory financial ratios that require reporting in the Annual Financial Report. It is also important to note that statutory financial ratios are not intended to be the only factor to consider in assessing Council's overall performance. Other factors include the range of services offered, the efficiency of services delivered and overall community satisfaction.

Council's actual carried forward surplus as at 30 June 2019 was \$404,751. This can be compared against the budgeted opening carried forward surplus in the 2019/20 budget of \$301,183. The favourable variance of \$103,568 will be included in the 2019/20 mid-year budget review for consideration by Council.

I would like to take the opportunity to thank the Corporate & Governance Directorate staff for their efforts and high service standard during the year under review and the annual audit process. There were a number of significant activities required during the financial year to accommodate changes in reporting requirements and Australian Accounting Standards. The change in the reporting assets with a value of less than \$5,000 from the asset register to an operating expense, and the associated inclusion of many of those assets onto the Portable and Attractive Items Asset Register, has required significant work from finance staff. The capitalisation of previous expenditure related to the construction of the Treendale Bridge has also involved a prior period adjustment, which recognises the portion of the bridge within the Shire of Dardanup as a Council asset.

I also wish to acknowledge and thank;

- a) Manager Financial Services, Mrs Natalie Hopkins for the Annual Financial Report; and
- b) Communications Officer, Mrs Kristy Hitchens for the Annual Report document.

Council is requested to consider and accept the Annual Report for the 2018/19 financial year and endorse the holding of the Annual Electors meeting on Wednesday, 29 January 2020, in Eaton after the monthly Council meeting.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation - No Change.

#### OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

367-19      MOVED -      Cr. J Dow      SECONDED -      Cr. C N Boyce

**THAT Council:**

1. **Receive and adopt the Shire of Dardanup 2018/19 Annual Report (Appendix ORD: 12.8C) incorporating the audited Annual Financial Statements for the financial year ended 30 June 2019; and**
2. **Endorse the holding of the Annual Electors Meeting at the Administration Centre, Eaton on the 29 January 2020 commencing at 6.30pm.**

CARRIED  
7/0

12.9 Title: Monthly Statement of Financial Activity for the Period Ended 30 November 2019

Reporting Department: Corporate & Governance Directorate  
 Reporting Officer: Mr Ray Pryce - Accountant  
 Legislation: Local Government Act 1995

Overview -

This report presents the monthly Financial Statements for the period ended 30 November 2019 for Council adoption.

Background -

The Monthly Statement of Financial Activity is prepared in accordance with the Local Government (Financial Management) Regulations 1996 r. 34 s. 6.4. The purpose of the report is to provide Council and the community with a reporting statement of year-to-date revenues and expenses as set out in the Annual Budget, which were incurred by the Shire of Dardanup during the reporting period.

Legal Implications -

Local Government Act 1995 – Section 6.4

**6.4. Financial Report**

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.
- (2) The financial report is to —
  - (a) be prepared and presented in the manner and form prescribed; and
  - (b) contain the prescribed information.

Local Government (Financial Management) Regulations 1996 r. 34

Part 4 — Financial Reports — s. 6.4

34. Financial activity statement required each month (Act s. 6.4)

- (1A) In this regulation —  
**committed assets** means revenue unspent but set aside under the annual budget for a specific purpose.
- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
    - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
    - (b) budget estimates to the end of the month to which the statement relates; and
    - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
    - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
    - (e) the net current assets at the end of the month to which the statement relates.
  - (2) Each statement of financial activity is to be accompanied by documents containing —



- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
  - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
  - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
- (a) according to nature and type classification; or
  - (b) by program; or
  - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
- (a) presented at an ordinary meeting of the Council within 2 months after the end of the month to which the statement relates; and
  - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

[Regulation 34 inserted in Gazette 31 Mar 2005 p. 1049-50; amended in Gazette 20 Jun 2008 p. 2724.]

### Strategic Community Plan

Strategy 1.3.2 - Monitor and produce statutory budgetary and financial reporting requirements applicable to local government operations. (Service Priority: High)

Environment - None.

Precedents - None.

Each month Council receives the Monthly Financial Statements in accordance with Council Policy and Local Government (Financial Management) Regulations.

### Budget Implications

The financial activity statement comprises of budget estimates, actual expenditure, and revenues to the end of the month to which the statement relates. Material variances and explanations of these are included in the notes that form part of the report.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessment -

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix ORD: 12.9A) for full assessment document.

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Failing to monitor the financial performance can increase the risk of a negative impact on the financial position and non-compliance with legislative requirement could result in a qualified audit.
Inherent Risk Rating (prior to treatment or control)	Moderate (5 - 11)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable. Note: Any items with a Residual Risk Rating over 12 (considered to be ‘High’ or ‘Extreme’ risk after control or treatments proposed) will be added to the Risk Register.
Risk Category Assessed Against	<ul style="list-style-type: none"> <li>• Legal Compliance - Non-compliance with the legislative requirements that results in a qualified audit</li> <li>• Non-compliance that results in a qualified audit can lead stakeholders to question the Council’s ability to manage finances effectively.</li> <li>• Financial Impact - Not monitoring ongoing financial performance would increase the risk of a negative impact on the financial position</li> </ul>

Officer Comment

-

The Monthly Financial Report for the period ended 30 November 2019 is attached (Appendix ORD: 12.9B) and consists of:

- Statement of Financial Activity by Program – including Net Current Assets (liquidity)
- Statement of Comprehensive Income by Nature and Type
- Notes to the Statement of Financial Activity:
  - \* Note 1 Statement of Objectives
  - \* Note 2 Explanation of Material Variances
  - \* Note 3 Trust Funds
  - \* Note 4 Reserve Funds
  - \* Note 5 Statement of Investments
  - \* Note 6 Accounts Receivable (Rates and Sundry Debtors)
  - \* Note 7 Salaries and Wages
  - \* Note 8 Rating Information
  - \* Note 9 Borrowings
  - \* Note 10 Budget Amendments

The Statement of Financial Activity shows operating revenue and expenditure by statutory program and also by nature and type, as well as expenditure and revenue from financing and investing activities - comparing actual results for the period with the annual adopted budget, the annual revised budget and the year-to-date revised budget. The previous year annual results are also included for information.

Actual values for the year to date are compared to the year to date revised budget to present a percentage variance as well as the variance amount in Note 2 – Explanation of Material Variances. The minimum level adopted by Council to be used in the Statement of Financial Activity in 2019/20 for reporting material variances is 10% or \$50,000, whichever is greater.

Note 5 – Statement of Investments reports the current Council cash investments and measures the portfolio against established credit risk limits based on reputable credit ratings agencies and incorporated in the Council’s Investment Policy.

The Statement of Financial Activity includes the end-of-year surplus brought forward from 2018/19 as per the audited 2018/2019 financial statements of \$404,751, with a forecast anticipated surplus at 30 June 2020 of \$278,846.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation - No Change.

**OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION**

368-19      MOVED -      Cr. M T Bennett      SECONDED -      Cr. C N Boyce

**THAT Council: adopts the Monthly Statement of Financial Activity (Appendix ORD: 12.9B) for the period ended 30 November 2019.**

CARRIED  
7/0

12.10 Title: Schedule of Paid Accounts as at 5 December 2019

Reporting Department: Corporate & Governance Directorate  
 Reporting Officer: Mrs Amy Lawrence – Senior Finance Officer  
 Legislation: Local Government (Financial Management) Regulations 1996

Overview

Council is presented the list of payments made from the Municipal, Trust and Reserve Accounts under delegation since the last Ordinary Council Meeting.

Background

Council delegates authority to the Chief Executive Officer annually:

- To make payments from Trust, Reserve and Municipal Fund;
- To purchase goods and services to a value of not more than \$200,000;
- To purchase goods and services for the Tax Office and other Government Agencies up to the value of \$300,000;
- To purchase goods and services for Creditors where an executed agreement or legal obligation exists which has prior Council endorsement.

Legal Implications

Local Government Act 1995

S6.5. *Accounts and records*

Local Government (Financial Management) Regulations 1996

R11. *Payments, procedures for making etc.*

R12. *Payments from municipal fund or trust fund, restrictions on making*

- (1) *A payment may only be made from the municipal fund or the trust fund —*
  - (a) *if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*
  - (b) *otherwise, if the payment is authorised in advance by a resolution of the Council.*
- (2) *The Council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the Council.*

S13. *Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.*

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
  - (a) *the payee's name; and*
  - (b) *the amount of the payment; and*
  - (c) *the date of the payment; and*
  - (d) *sufficient information to identify the transaction.*
- (2) *A list of accounts for approval to be paid is to be prepared each month showing —*
  - (a) *for each account which requires Council authorisation in that month —*
    - (i) *the payee's name; and*
    - (ii) *the amount of the payment; and*
    - (iii) *sufficient information to identify the transaction; and*
  - (b) *the date of the meeting of the Council to which the list is to be presented.*
- (3) *A list prepared under subregulation (1) or (2) is to be —*

- (a) presented to the Council at the next ordinary meeting of the Council after the list is prepared;  
and  
(b) recorded in the minutes of that meeting.

### Strategic Community Plan

Strategy 1.3.2 - Monitor and produce statutory budgetary and financial reporting requirements applicable to local government operations. (Service Priority: High)

Environment - None.

### Precedents

Council endorses the Schedule of Paid Accounts at each Ordinary Council Meeting.

### Budget Implications

All payments are made in accordance with the adopted annual budget.

Budget – Whole of Life Cost - None.

### Council Policy Compliance

Payments are checked to ensure compliance with Council's Purchasing Policy CP034 – Procurement Policy and processed in accordance with Policy CP035 – Payment of Accounts.

### Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix ORD: 12.10) for full assessment document.

<b>Tier 2 – 'Low' or 'Moderate' Inherent Risk.</b>	
Risk Event	Schedule of Paid Accounts as at 5 December 2019
Inherent Risk Rating (prior to treatment or control)	Moderate (5 - 11)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	<ul style="list-style-type: none"> <li>• Legal Compliance - Failing to monitor the financial performance can increase the risk of a negative impact on the financial position and non-compliance with legislative requirement could result in a qualified audit</li> <li>• Reputational - Council could be seen in a negative light if it fails to: <ul style="list-style-type: none"> <li>- adhere to the relevant Policies and Procedures.</li> <li>- pay accounts by due dates.</li> </ul> </li> </ul>

### Officer Comment

This is a schedule of 'paid accounts' - the accounts have been paid in accordance with Council's delegation.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation - No change.

**OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION**

369-19      MOVED -      Cr. C N Boyce      SECONDED -      Cr. P S Robinson

**THAT Council receive the Schedule of Paid Accounts report as follows:**

**CONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING HELD 18 DECEMBER 2019**

Payment	Date	Name	Invoice Description	Fund	Amount
<b>ELECTRONIC FUNDS TRANSFER</b>					
EFT36348	21/11/2019	A D Engineering International Pty Ltd	Repairs to Variable Message Sign Trailer	MUNI	2,008.60
EFT36349	21/11/2019	Access Wellbeing Services	EAP Consultations	MUNI	187.00
EFT36350	21/11/2019	Amity Signs	Guide PostS - Qty 50 White/20 Blue	MUNI	2,832.50
EFT36351	21/11/2019	April Mccarrey	Umpire Recoup Netball 19-11-2019	MUNI	66.00
EFT36352	21/11/2019	Aquila Food Forest	Library Programs - Sustainable Living Workshop - November	MUNI	230.00
EFT36353	21/11/2019	Australia's South West	Ferguson Valley and Wellington Forest Marketing Plan (Grant Funded Expense)	MUNI	82,500.00
EFT36354	21/11/2019	Australind Tyre Service	Supply and Fit 2 x Loader Tyres/2 x Trailer Tyres	MUNI	3,850.00
EFT36355	21/11/2019	Australind/Eaton Medical Centre	Pre-Employment Medical and Audio Tests - 2 employees	MUNI	390.00
EFT36356	21/11/2019	Bluesteel Enterprises Pty Ltd	Safety Equipment and Clothing - Burekup BFB/Waterloo BFB	MUNI	2,624.99
EFT36357	21/11/2019	BOC Ltd	ERC - Hire of Oxygen Bottle	MUNI	12.19
EFT36358	21/11/2019	Boyles Plumbing and Gas	Waterloo Hall - Replace Pipe From Toilet to Septic Tank/ERC - Plumbing Mtce	MUNI	1,451.23
EFT36359	21/11/2019	Brandicoot	Monthly Web Hosting for Shires Webpages	MUNI	895.98
EFT36360	21/11/2019	Brett Hodgson	Umpire Recoup Basketball 20-11-2019	MUNI	88.00
EFT36361	21/11/2019	Bunbury Face Painting and Entertainment	Community Events - Face Painting and Kids Bubbles - Buy It Back Fair 2019	MUNI	570.00

**CONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING HELD 18 DECEMBER 2019**

<b>Payment</b>	<b>Date</b>	<b>Name</b>	<b>Invoice Description</b>	<b>Fund</b>	<b>Amount</b>
EFT36362	21/11/2019	Bunbury Harvey Regional Council	Banksia Road - Organics Disposal	MUNI	97.47
EFT36363	21/11/2019	Bunbury Machinery	PTO Shaft Cover for Tractor Slasher	MUNI	107.16
EFT36364	21/11/2019	Bunbury Mower Service	Trailer Expenses - Bar Oil Polesaw Tank Breathers Cover Autocut	MUNI	227.85
EFT36365	21/11/2019	Bunnings Group Limited	Sundry Equipment and Repairs Blower Vacuum	MUNI	512.64
EFT36366	21/11/2019	Burekup and District Country Club	Burekup Community Facilities Plan Workshop 1	MUNI	400.00
EFT36367	21/11/2019	C & D Cutri	Bridge 0192A - Repairs to Timber Sheeting	MUNI	7,480.00
EFT36368	21/11/2019	Cameron Baker	Umpire Recoup Basketball 20-11-2019	MUNI	88.00
EFT36369	21/11/2019	Cape Shades Pty Ltd	Hang Shade Sails at the Glen Huon Playground	MUNI	600.00
EFT36370	21/11/2019	Capri Di Candilo	Umpire Recoup Netball 19-11-2019	MUNI	67.50
EFT36371	21/11/2019	CB Traffic Solutions	Traffic Management - Pile Road and Crooked Brook	MUNI	10,828.40
EFT36372	21/11/2019	Cineads Australia Pty Ltd	ERC - Cineads Monthly Fee	MUNI	1,100.00
EFT36373	21/11/2019	Civil & Structural Engineers	Provision of Design for Rebound Wall - Dardanup Tennis Club	MUNI	495.00
EFT36374	21/11/2019	Connect Call Centre Services	After Hours Call Centre Service	MUNI	378.24
EFT36375	21/11/2019	Cross Security Services	CCTV System - Upper Ferguson BFB	MUNI	2,882.00
EFT36376	21/11/2019	D M & S Curtin	Eaton Boomers Club - Investigate Fault With Freezer	MUNI	187.00
EFT36377	21/11/2019	Dalyellup Yoga	ERC - Yoga Instruction	MUNI	120.00



**CONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING HELD 18 DECEMBER 2019**

Payment	Date	Name	Invoice Description	Fund	Amount
EFT36378	21/11/2019	Daniel Woods	Umpire Recoup Basketball 20-11-2019	MUNI	22.00
EFT36379	21/11/2019	Dapco Tyre and Auto Centre	Vehicle Service (2 x vehicles)/New Turbo for Ranger Vehicle DA9287	MUNI	4,491.72
EFT36380	21/11/2019	Dardanup Garage & Service Station	Trailer Mtce - Remove and Replace Wheel Bearings	MUNI	412.79
EFT36381	21/11/2019	Dardanup Rural Supplies	4 Packs of Survey Droppers	MUNI	623.80
EFT36382	21/11/2019	David John Leek T/A Acefire	2.5 Kilo Fire Extinguisher for the Events Team.	MUNI	88.00
EFT36383	21/11/2019	David Wells Builder	Seal Roof Above Records Area	MUNI	858.00
EFT36384	21/11/2019	Dell Australia Pty Ltd	Microsoft Wireless Desktop 2000 - CEO	MUNI	61.60
EFT36385	21/11/2019	Deputec Pty Ltd	ERC - Deputy Roster Software 2019/2020	MUNI	99.00
EFT36386	21/11/2019	Doherty's Painting	ERC - Painting of Walls Outside Group Fitness Room	MUNI	880.00
EFT36387	21/11/2019	Donna Bastow	Umpire Recoup Basketball 20-11-2019	MUNI	154.00
EFT36388	21/11/2019	Donna Whitton	Umpire Recoup Netball 15-11-2019	MUNI	60.00
EFT36389	21/11/2019	Eaton Pet Vet	2019-2020 Animal Management Program (Sterilisation)	MUNI	215.00
EFT36390	21/11/2019	Eaton Primary School	2019-2020 School Citizenship Award	MUNI	165.00
EFT36391	21/11/2019	Eaton Senior Citizens Association	Community Grant Funding R1 2019-2020	MUNI	1,223.00
EFT36392	21/11/2019	Eco Faeries	Education Recycling Crafts Children's Entertainment - Buy It Back Fair 2019	MUNI	1,250.00

**CONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING HELD 18 DECEMBER 2019**

<b>Payment</b>	<b>Date</b>	<b>Name</b>	<b>Invoice Description</b>	<b>Fund</b>	<b>Amount</b>
EFT36393	21/11/2019	Emerge Associates	Environmental Consultancy and Testing - Dardanup Depot Tank Decommission	MUNI	2,856.06
EFT36394	21/11/2019	Evelyn Butchart	Seniors Week 2019 Catering- Seniors Celebration Day Luncheon	MUNI	825.00
EFT36395	21/11/2019	Glenn Anthony Firth	Refund of Unused Membership Fees Following Cancellation	MUNI	500.76
EFT36396	21/11/2019	Go Electrical Contracting	Eaton Boomers Club - Attend Electrical Faults	MUNI	173.25
EFT36397	21/11/2019	Hospitality House Australia	ERC - Purchase of Food Processor for ERC Café	MUNI	2,613.00
EFT36398	21/11/2019	Hynes Contracting	Various Invoices - Road Mtce/Oval Preparation Bull and Barrel Event	MUNI	2,997.50
EFT36399	21/11/2019	Ian Bridge	Reimbursement of Catering For Organised Prescribed Roadside Burn	MUNI	207.37
EFT36400	21/11/2019	Jasmine Barrett	Umpire Recoup Basketball 20-11-2019	MUNI	88.00
EFT36401	21/11/2019	Jaycar Electronics	Health Equipment: USB Temperature Humidity Datalogger	MUNI	149.00
EFT36402	21/11/2019	Jim's Test and Tag	2019/2020 Test and Tags at Various Council Buildings	MUNI	1,374.45
EFT36403	21/11/2019	Josie Phillips	Umpire Recoup Netball 18-11-2019	MUNI	135.00
EFT36404	21/11/2019	JR & A Hersey Pty Ltd	Supplies for Plant/Trailer Repairs	MUNI	637.12
EFT36405	21/11/2019	Kaitlyn O'Dea	Umpire Recoup Netball 18-11-2019	MUNI	90.00
EFT36406	21/11/2019	Karyn Rowe	Umpire Recoup Netball 18-11-2019	MUNI	135.00
EFT36407	21/11/2019	Katie Tilbee	Uniform Reimbursement	MUNI	41.97
EFT36408	21/11/2019	Kenny Pomare	Umpire Recoup Basketball 20-11-2019	MUNI	88.00

**CONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING HELD 18 DECEMBER 2019**

Payment	Date	Name	Invoice Description	Fund	Amount
EFT36409	21/11/2019	Kristy Marie Hamilton	Animal Control Cage Bond Refund	MUNI	150.00
EFT36410	21/11/2019	Kyralee Collins	Umpire Recoup Netball 18-11-2019	MUNI	66.00
EFT36411	21/11/2019	Les Mills Asia Pacific	ERC - Les Mills Monthly Licence Fees	MUNI	1,242.82
EFT36412	21/11/2019	LGIS - Local Government Insurance Services	Motor Vehicle Insurance Adjustment 2018-2019 - Hire Plant	MUNI	1,859.31
EFT36413	21/11/2019	LGIS WA	LGIS Property Adjustment 2018/19 - Inclusions and Bridge Valuation Corrections	MUNI	14,901.40
EFT36414	21/11/2019	Lonsdale Party Hire	Equipment Hire - Buy It Back Fair 2019	MUNI	1,861.83
EFT36415	21/11/2019	Maia Financial Pty Ltd	IT Leased Expenditure: Nutanix Servers, Dell Servers, Storage, Switches	MUNI	31,292.86
EFT36416	21/11/2019	Malatesta Road Paving and Hotmix	Crooked Brook Road Primer Seal/Aggregate/Bitumen	MUNI	30,452.35
EFT36417	21/11/2019	Maximum Results Exercise Physiology	Library Programs - Health Talk for Seniors Celebration Day	MUNI	132.00
EFT36418	21/11/2019	McKayhla Pomare	Umpire Recoup Basketball 20-11-2019	MUNI	66.00
EFT36419	21/11/2019	McLeods Barristers and Solicitors	Advice Regarding Land Acquisition for Road Works	MUNI	9,515.00
EFT36420	21/11/2019	MDC Legal	Industrial Relations - Professional Fees	MUNI	5,940.00
EFT36421	21/11/2019	MGM Bulk Pty Ltd	Supply and Deliver Gravel - Crooked Brook Road/Shoulder Repairs	MUNI	108,821.15
EFT36422	21/11/2019	Nites Electrical	Repairs to Lights at Waterloo Hall	MUNI	673.75
EFT36423	21/11/2019	NSCO Consulting	ERC - Facilitation of Team Dynamics and Leadership	MUNI	715.00

**CONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING HELD 18 DECEMBER 2019**

<b>Payment</b>	<b>Date</b>	<b>Name</b>	<b>Invoice Description</b>	<b>Fund</b>	<b>Amount</b>
EFT36424	21/11/2019	Nathan Stacey	Umpire Recoup Basketball 20-11-2019	MUNI	154.00
EFT36425	21/11/2019	Officeworks Superstores Pty Ltd	Stationery Expenses/lpad Cover	MUNI	327.55
EFT36426	21/11/2019	Perfect Landscapes	Mowing - Eaton Drive Islands/Various Parks in Shire of Dardanup	MUNI	4,554.00
EFT36427	21/11/2019	Pete Lewis	Library Programs - Live Music In the Library - November	MUNI	75.00
EFT36428	21/11/2019	Pollen Nation	Library Programs - Recycled Book Vases - November Workshop Dried Flower Bags - Seniors Day	MUNI	540.00
EFT36429	21/11/2019	Porter Consulting Engineers Tusno Pty Ltd	RFQ QUO-F0139063 Engineering Design Ferguson Road	MUNI	10,500.05
EFT36430	21/11/2019	Pro Crack Seal	Repair Cracks In Red Asphalt - Calico Court/Galen Close	MUNI	2,750.00
EFT36431	21/11/2019	QM Airconditioning	Degassing of Fridges - Transfer Station	MUNI	333.91
EFT36432	21/11/2019	Retech Rubber	Surface Repairs - Carramar Park	MUNI	1,391.50
EFT36433	21/11/2019	RJ Pestell Family Trust T/A Subway Treendale	Subway Catering for Councillor Workshop 4/11/2019	MUNI	191.00
EFT36434	21/11/2019	Shire of Dardanup	BSL/BCITF payment for Council Building Licence: Shade Sails Eaton Foreshore	MUNI	150.05
EFT36435	21/11/2019	Signs Plus	Employee/Councillor Name Badges	MUNI	60.60
EFT36436	21/11/2019	SMR Psychology	Employee Assistance Program	MUNI	187.00
EFT36437	21/11/2019	Southern Lock and Security	Repair Front Door Lock - Don Hewison Centre/Key Cutting - Hall (3)	MUNI	262.50
EFT36438	21/11/2019	Spoonsperry	Entertainment and Workshop for Seniors Celebration Day 2019	MUNI	446.00

**CONFIRMED** MINUTES OF THE ORDINARY COUNCIL MEETING HELD 18 DECEMBER 2019

<b>Payment</b>	<b>Date</b>	<b>Name</b>	<b>Invoice Description</b>	<b>Fund</b>	<b>Amount</b>
EFT36439	21/11/2019	Synergy	Electricity Account Various Location including Townsite Street Lights	MUNI	35,819.34
EFT36440	21/11/2019	Telstra	Satellite Phone Dardanup Office Fax	MUNI	261.29
EFT36441	21/11/2019	Therese Price	Umpire Recoup Netball 18-11-2019	MUNI	127.50
EFT36442	21/11/2019	Toni Hotchin	Umpire Recoup Netball 19-11-2019	MUNI	67.50
EFT36443	21/11/2019	Tracey Tupaea	Umpire Recoup Netball 19-11-2019	MUNI	66.00
EFT36444	21/11/2019	Tutt Bryant Hire	Hire of Rubber Tyre Roller - October	MUNI	2,866.81
EFT36445	21/11/2019	Visimax Safety Products	Labelopes Official Notice 1000	MUNI	219.00
EFT36446	21/11/2019	Veens Design Drafting Service	Eaton Bowling Club Redevelopment - Architectural Services	MUNI	2,609.75
EFT36447	21/11/2019	Water Corporation	Water Use and Service Charges Various Locations	MUNI	1,592.45
EFT36448	21/11/2019	Woolworths Group Limited	General Items Purchased - Grocery/Milk	MUNI	259.48
EFT36449	28/11/2019	ABC Filter Exchange	ERC - Cleaning of 4 Filters for Range Hood (Café)	MUNI	49.50
EFT36450	28/11/2019	All Aussie Truck and Bobcat Services	Clean Up and Works at Transfer Station	MUNI	660.00
EFT36451	28/11/2019	Amity Signs	RHS Poles with Caps	MUNI	323.40
EFT36452	28/11/2019	Ausq Training	Basic Worksite Traffic Management & Traffic Controller	MUNI	766.00
EFT36453	28/11/2019	Australind Landscaping Supplies	Mulch 10 Cubic Metres	MUNI	990.00
EFT36454	28/11/2019	Activ Industries Bunbury	Watering of Depiazzi Park	MUNI	1,355.20

**CONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING HELD 18 DECEMBER 2019**

Payment	Date	Name	Invoice Description	Fund	Amount
EFT36455	28/11/2019	B.Social	Employee Payroll Deduction - Social Club	MUNI	160.00
EFT36456	28/11/2019	BCE Spatial Pty Ltd	Location and Marking of Services - Ferguson Road 2019	MUNI	2,972.75
EFT36457	28/11/2019	Ben Anderson	Reimbursement of Meals BRPC Forum	MUNI	123.40
EFT36458	28/11/2019	Boyles Plumbing and Gas	Supply and Install New Zip Filter - Depot Leaking Tap - Dardanup Oval	MUNI	512.82
EFT36459	28/11/2019	Brenton Scambler	Fuel Reimbursement and Car Parking Fees	MUNI	116.92
EFT36460	28/11/2019	Brett Hodgson	Umpire Recoup Basketball 27-11-2019	MUNI	110.00
EFT36461	28/11/2019	Brownes Foods Operations Pty Ltd	ERC - Cafe Stock	MUNI	154.30
EFT36462	28/11/2019	Bunbury and Districts Softball Association	Venue Hire - End of Year Party 2019	MUNI	150.00
EFT36463	28/11/2019	Bunbury Harvey Regional Council	Regional Waste Education Program	MUNI	2,010.80
EFT36464	28/11/2019	Bunbury Machinery	Eaton Admin Building Mtce - Cherry Picker Hire	MUNI	90.00
EFT36465	28/11/2019	Bunbury Psychological Services	Counselling Services - EAP	MUNI	154.00
EFT36466	28/11/2019	Bunnings Group Limited	Storage Containers Pipe Inserts Batteries and Parts	MUNI	145.17
EFT36467	28/11/2019	Buswest	Vacation Care - Bus From ERC to Capel Park and Return	MUNI	275.00
EFT36468	28/11/2019	Cameron Baker	Umpire Recoup Basketball 27-11-2019	MUNI	88.00
EFT36469	28/11/2019	Capri Di Candilo	Umpire Recoup Netball 26-11-2019	MUNI	67.50

**CONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING HELD 18 DECEMBER 2019**

<b>Payment</b>	<b>Date</b>	<b>Name</b>	<b>Invoice Description</b>	<b>Fund</b>	<b>Amount</b>
EFT36470	28/11/2019	Cleanaway	Kerbside Refuse Removal - Street & Park Bin Collections	MUNI	52,291.80
EFT36471	28/11/2019	Connect Call Centre Services	After Hours Call Centre Service	MUNI	411.13
EFT36472	28/11/2019	Craven Foods	ERC - Cafe Stock	MUNI	240.19
EFT36473	28/11/2019	Cross Security Services	Security Monitoring Service - Depot Martin Pelusey Rd, Eaton Admin Centre	MUNI	286.00
EFT36474	28/11/2019	Cleanway Xtra Cleaning Services	Cleaning of Carpets and Wiping of Walls Due to Fire Damage (Insurance Claim)	MUNI	390.00
EFT36475	28/11/2019	Daniel Woods	Umpire Recoup Basketball 27-11-2019	MUNI	88.00
EFT36476	28/11/2019	Dardanup Garage & Service Station	Trailer Repairs - Retighten Bolts	MUNI	55.00
EFT36477	28/11/2019	Dardanup General Store	Supply of Milk and General Goods	MUNI	7.20
EFT36478	28/11/2019	Dardanup Rural Supplies	Pile Road - Cement/Sundry Items	MUNI	156.00
EFT36479	28/11/2019	Data #3 Limited	Desktop Software Expense - Acrobat Pro Dc Team Subs	MUNI	117.69
EFT36480	28/11/2019	David John Leek T/A Acefire	Istall/Replace Fire Extinguishers - Various Buildings	MUNI	231.60
EFT36481	28/11/2019	Donna Bastow	Umpire Recoup Basketball 27-11-2019	MUNI	154.00
EFT36482	28/11/2019	Dx Print Group Pty Ltd	Business Cards - Councillors/Employee	MUNI	418.00
EFT36483	28/11/2019	Darryl Fishwick	Umpire Recoup Basketball 27-11-2019	MUNI	88.00
EFT36484	28/11/2019	Eaton Basketball Association	Community Grant Funding R1 2019-2020.	MUNI	1,000.00
EFT36485	28/11/2019	Eve Yoga	ERC - Yoga Instruction	MUNI	120.00

**CONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING HELD 18 DECEMBER 2019**

Payment	Date	Name	Invoice Description	Fund	Amount
EFT36486	28/11/2019	Evelyn Butchart	Catering for Citizenship Ceremony	MUNI	297.00
EFT36487	28/11/2019	Fit Tech Gym Support	Climb Mill Repair, Replacement Cable Rear Delt/Pec Fly	MUNI	693.00
EFT36488	28/11/2019	Guardians of Happiness	Council Meeting Catering - 16 Days In WA Campaign Cupcakes	MUNI	140.00
EFT36489	28/11/2019	Geofabrics Australasia Pty Limited	Pile Road Expenditure - Filterwrap	MUNI	1,419.00
EFT36490	28/11/2019	Hancock Memorials	RSL Memorial Dardanup Refurbishment of Granite Memorial Panel	MUNI	2,267.10
EFT36491	28/11/2019	Harvey Norman	Universal Dual Display and Docking Station - Manjimup Office DFES Officer	MUNI	378.00
EFT36492	28/11/2019	Heatleys	Protective Equipment - P2 Face Masks	MUNI	133.32
EFT36493	28/11/2019	Hitachi Construction Machinery Australia Pty Ltd	Replace Park Brake - John Deere	MUNI	3,472.87
EFT36494	28/11/2019	Isabel Cody	Uniform Reimbursement	MUNI	18.72
EFT36495	28/11/2019	Josie Phillips	Umpire Recoup Netball 25-11-2019	MUNI	135.00
EFT36496	28/11/2019	Jason Cartledge	Umpire Recoup Basketball 27-11-2019	MUNI	44.00
EFT36497	28/11/2019	Kaitlyn O'Dea	Umpire Recoup Netball 26-11-2019	MUNI	90.00
EFT36498	28/11/2019	Karyn Rowe	Umpire Recoup Netball 25-11-2019	MUNI	150.00
EFT36499	28/11/2019	Kings Tree Care	Removal of Street Tree	MUNI	1,100.00
EFT36500	28/11/2019	Kristy Lee Macintyre	Rates Refund - Overpayment of Rates	MUNI	16.00



**CONFIRMED** MINUTES OF THE ORDINARY COUNCIL MEETING HELD 18 DECEMBER 2019

Payment	Date	Name	Invoice Description	Fund	Amount
EFT36501	28/11/2019	Leeuwin Ocean Adventure Foundation Ltd	Leeuwin Scholarships for 2019-2020, Voyage # 2002. Four Scholarships	MUNI	9,400.00
EFT36502	28/11/2019	Malatesta Road Paving and Hotmix	Emulsion 125 Litres	MUNI	400.00
EFT36503	28/11/2019	Mantrac	Slash Southern End of Shier Rise (Reserve)	MUNI	495.00
EFT36504	28/11/2019	Nathan Stacey	Umpire Recoup Basketball 27-11-2019	MUNI	132.00
EFT36505	28/11/2019	Paxon Consulting Group Pty Ltd	Business Plan & Financial Analysis Review - New Administration & Library Build.	MUNI	10,010.00
EFT36506	28/11/2019	Perfect Landscapes	Mowing Various Parks and Ovals and Broad Leaf Spraying	MUNI	5,753.00
EFT36507	28/11/2019	PFD Food Services Pty Ltd	ERC - Cafe Order	MUNI	297.90
EFT36508	28/11/2019	PFI Supplies	ERC - Cleaning Products	MUNI	750.30
EFT36509	28/11/2019	Polylink Piping Systems Pty Ltd	Pile Road Expenditure - 2 x 6M - 375 Diameter	MUNI	422.40
EFT36510	28/11/2019	Prestige Products	ERC - Cleaning Toilet Rolls	MUNI	570.97
EFT36511	28/11/2019	Schweppes Australia Pty Ltd	ERC - Cafe Order	MUNI	539.82
EFT36512	28/11/2019	Sharon Joy Martin	Refund of Cost From Unsterilised to Sterilised Dog	MUNI	150.00
EFT36513	28/11/2019	Southwest Ventures T/A Geographe Ford	75,000Km Service - DA648	MUNI	390.00
EFT36514	28/11/2019	Stephen Eaton	Reimbursement of 50% per Study Leave Policy Expenditure	MUNI	3,720.00
EFT36515	28/11/2019	Stewart and Heaton Clothing Company Pty Ltd	PPE for Waterloo BSB	MUNI	4.93
EFT36516	28/11/2019	Surveying South	Capital Roads Works Reinstall Pegs On New Road Culverts and Mark New Seal	MUNI	3,168.00

**CONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING HELD 18 DECEMBER 2019**

Payment	Date	Name	Invoice Description	Fund	Amount
EFT36517	28/11/2019	Synergy	Electricity Account for Dardanup Oval - Lot 55 Ferguson Road (2 months)	MUNI	1,532.83
EFT36518	28/11/2019	Sarah Martin	Reimbursement for Working With Children Check	MUNI	87.00
EFT36519	28/11/2019	T & V Fencing	Depot - Supply 10 Gate Remotes	MUNI	770.00
EFT36520	28/11/2019	T J Depiazzi & Sons	Depiazzi Park - Bushland Mulch	MUNI	4,302.10
EFT36521	28/11/2019	Tailtap	Community Skateboarding and Scooter Clinic	MUNI	825.00
EFT36522	28/11/2019	Telstra	Various Lines for Eaton Admin Centre, Council Mobiles/iPads	MUNI	9,660.14
EFT36523	28/11/2019	Terau Aroha Tamatea	Umpire Recoup Netball 25-11-2019	MUNI	154.00
EFT36524	28/11/2019	Therese Price	Umpire Recoup Netball 26-11-2019	MUNI	127.50
EFT36525	28/11/2019	Toni Hotchin	Umpire Recoup Netball 26-11-2019	MUNI	135.00
EFT36526	28/11/2019	Total Eden Pty Ltd	Parts for Repairs - Parks & Gardens	MUNI	173.39
EFT36527	28/11/2019	Travis Ashe	Uniform Reimbursement	MUNI	250.00
EFT36528	28/11/2019	Tyrecycle Pty Ltd	Collection of Tyres and Rims	MUNI	1,671.85
EFT36529	28/11/2019	Toll Transport	Postage & Freight on Various Equipment/Items	MUNI	114.24
EFT36530	28/11/2019	WALGA	Local Government Act 1995 - Advanced Course	MUNI	1,045.00
EFT36531	28/11/2019	Water Corporation	Water Service & Usage Charges - Castlereagh Vista and Wilmot Ct	MUNI	122.00

**CONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING HELD 18 DECEMBER 2019**

<b>Payment</b>	<b>Date</b>	<b>Name</b>	<b>Invoice Description</b>	<b>Fund</b>	<b>Amount</b>
EFT36532	28/11/2019	Winc Australia Pty Ltd	ERC - Stationery Order	MUNI	292.82
EFT36533	28/11/2019	Wonderful Worm Waste	Educational Worm Farm Activities and Workshop - Buy It Back Fair 2019	MUNI	700.00
EFT36534	28/11/2019	Woolworths Group Limited	General Supplies	MUNI	498.90
EFT36535	28/11/2019	Work Clobber	ERC - Staff Uniforms/Protective Clothing - Public Works	MUNI	1,173.00
EFT36536	28/11/2019	Western Australian Rangers Association Inc.	Attendance to WARA Legal Workshop (Staff Training)	MUNI	150.00
EFT36537	28/11/2019	Zoe Hill	Umpire Recoup Netball 25-11-2019	MUNI	77.00
EFT36539	05/12/2019	Action Kerbing	Concrete Works - West Dardanup BFB	MUNI	10,070.50
EFT36540	05/12/2019	Alison Evans	Uniform Reimbursement	MUNI	30.00
EFT36541	05/12/2019	Amity Signs	No Access to Roof Pace Sign - Upper Ferguson Fire Station	MUNI	99.00
EFT36542	05/12/2019	April Mccarrey	Umpire Recoup Netball 03-12-2019	MUNI	66.00
EFT36543	05/12/2019	Australian Tax Office	PAYG Withholdings Payrun 29-11-2019	MUNI	133,182.00
EFT36544	05/12/2019	BCE Surveying Pty Limited	Surveying Costs - Harris Road	MUNI	5,362.50
EFT36545	05/12/2019	Big W	ERC - Items for Christmas Sundowner	MUNI	76.00
EFT36546	05/12/2019	Breanna Kate Welsh	Refund Community Centre Bond	MUNI	550.00
EFT36547	05/12/2019	Brett Hodgson	Umpire Recoup Basketball 04-12-2019	MUNI	132.00
EFT36548	05/12/2019	Brownes Foods Operations Pty Ltd	ERC - Cafe Order	MUNI	71.81

**CONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING HELD 18 DECEMBER 2019**

Payment	Date	Name	Invoice Description	Fund	Amount
EFT36549	05/12/2019	Brunswick Sub Centre St John Ambulance	First Aid Post - Spring Out Family Festival 2019	MUNI	311.85
EFT36550	05/12/2019	Bunbury and Districts Softball Association	Pavilion Hire for ERC Members Christmas Function	MUNI	150.00
EFT36551	05/12/2019	Bunbury Army Surplus	OSH Expenditure - Buff Neck Protection	MUNI	289.50
EFT36552	05/12/2019	Bunbury Geographe Economic Alliance	Local Government Membership Fees - Bunbury Geographe Economic Alliance	MUNI	12,733.88
EFT36553	05/12/2019	Bunbury Machinery	Fertiliser Spreader - 4 Days	MUNI	272.71
EFT36554	05/12/2019	Bunbury Mower Service	Air Filters Fuel Filters Tank Vent Spark Plugs for BR 600 Blowers	MUNI	256.50
EFT36555	05/12/2019	Bunbury Subaru	12,500Km Service of Subaru Forester - DA9605	MUNI	328.64
EFT36556	05/12/2019	Bunnings Group Limited	Parts and Materials for Extra Holding Bay at Tip Site	MUNI	578.26
EFT36557	05/12/2019	Cameron Baker	Umpire Recoup Basketball 04-12-2019	MUNI	88.00
EFT36558	05/12/2019	Capri Di Candilo	Umpire Recoup Netball 03-12-2019	MUNI	90.00
EFT36559	05/12/2019	Carmel Boyce	Councillor Allowance	MUNI	1,158.92
EFT36560	05/12/2019	Caroline Mears	Chair Yoga - November 19	MUNI	240.00
EFT36561	05/12/2019	CB Traffic Solutions	Traffic Management - Pile Road Reconstruction	MUNI	6,557.52
EFT36562	05/12/2019	City of Busselton	Contribution to Busselton-Margaret River Airport Marketing Fund for 2019/20	MUNI	2,200.00
EFT36563	05/12/2019	Citygate Properties Ptd Ltd	Refund Reserve Bond (for Eaton Fair Christmas Carnival)	MUNI	540.00

**CONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING HELD 18 DECEMBER 2019**

<b>Payment</b>	<b>Date</b>	<b>Name</b>	<b>Invoice Description</b>	<b>Fund</b>	<b>Amount</b>
EFT36564	05/12/2019	Civil & Structural Engineers	Structural Engineer's Inspection On Structural Remedies	MUNI	808.50
EFT36565	05/12/2019	Cleanaway Solid Waste Pty Ltd	Monthly Kerbside Waste Collection	MUNI	10,120.42
EFT36566	05/12/2019	Country Landscaping Pty Ltd	Eaton Oval - Service Water Metre	MUNI	176.00
EFT36567	05/12/2019	Craven Foods	ERC - Cafe Stock	MUNI	191.30
EFT36568	05/12/2019	Canning Bridge Auto Lodge	Accommodation x 1 Night for Advanced Rates Training (2 day Training)	MUNI	130.00
EFT36569	05/12/2019	Class Act	Class Act - Music for Annual Dinner On 6 March 2020 Deposit	MUNI	100.00
EFT36570	05/12/2019	Daniel Woods	Umpire Recoup Basketball 04-12-2019	MUNI	88.00
EFT36571	05/12/2019	Dardanup Rural Supplies	Torch Batteries and Cement	MUNI	99.84
EFT36572	05/12/2019	Dell Financial Services Pty Ltd	Nutanix Server (Nutanix) x 1- Contract No 009-0141985-001	MUNI	3,410.99
EFT36573	05/12/2019	Dianne Fay Aleknavicius	Library Programs - Tai Chi at Eaton Foreshore and Seniors Day - November	MUNI	90.00
EFT36574	05/12/2019	Donna Bastow	Umpire Recoup Basketball 04-12-2019	MUNI	154.00
EFT36575	05/12/2019	Donna Whitton	Umpire Recoup Netball 29-11-2019	MUNI	45.00
EFT36576	05/12/2019	Easifleet Management	Lease Payments for Volkswagen Tiguan 132 Tsi Adventure - CEO	MUNI	2,517.86
EFT36577	05/12/2019	Emily Goyder	Umpire Recoup Netball 02-12-2019	MUNI	90.00
EFT36578	05/12/2019	Erin Hutchins	Meal Reimbursement from 2 Day Training Course	MUNI	38.00
EFT36579	05/12/2019	Eve Yoga	ERC - Yoga Instruction	MUNI	180.00

**CONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING HELD 18 DECEMBER 2019**

Payment	Date	Name	Invoice Description	Fund	Amount
EFT36580	05/12/2019	Fuji Xerox Australia Pty Ltd	Monthly Leasing Costs - Photocopier Fleet	MUNI	4,785.00
EFT36581	05/12/2019	Grazing By Abbey	ERC - Food for Members Christmas Sundowner	MUNI	1,050.00
EFT36582	05/12/2019	Greg Harewood	Fauna Survey for Harris Road Upgrade Works	MUNI	1,848.00
EFT36583	05/12/2019	Guardians of Happiness	Library Program s- Pickled Veggies Workshop/Festive Cupcakes Seniors Day	MUNI	660.00
EFT36584	05/12/2019	Harvey Norman	ERC - 2 x Hisense TV and Tilt Brackets	MUNI	1,330.00
EFT36585	05/12/2019	Howson Technical	Project Management - Eaton Drive Roundabout	MUNI	4,807.00
EFT36586	05/12/2019	Illion Australia Pty Ltd ( Tenderlink)	Tenderlink Public Notice Fee	MUNI	165.00
EFT36587	05/12/2019	Janice Dow	Councillor Allowance	MUNI	1,158.92
EFT36588	05/12/2019	JCW Electrical Pty Ltd	Eaton Admin - Disconnect Vandalised Air Conditioner Transportable Offices	MUNI	209.00
EFT36589	05/12/2019	Josie Phillips	Umpire Recoup Netball 02-12-2019	MUNI	157.50
EFT36590	05/12/2019	June Keil	Worms In Your Garden - November	MUNI	100.00
EFT36591	05/12/2019	Jason Cartledge	Umpire Recoup Basketball 04-12-2019	MUNI	88.00
EFT36592	05/12/2019	Karyn Rowe	Umpire Recoup Netball 03-12-2019	MUNI	165.00
EFT36593	05/12/2019	Kirsty Shooter	Reimbursement for Prizes - ERC Members Christmas Party	MUNI	75.80
EFT36594	05/12/2019	Kleenit Pty Ltd	Graffiti - Eaton Rec Centre	MUNI	165.00

**CONFIRMED** MINUTES OF THE ORDINARY COUNCIL MEETING HELD 18 DECEMBER 2019

Payment	Date	Name	Invoice Description	Fund	Amount
EFT36595	05/12/2019	Kmart	Christmas Decorations for Eaton Administration Office	MUNI	82.50
EFT36596	05/12/2019	Kyle Jones	Umpire Recoup Basketball 04-12-2019	MUNI	22.00
EFT36597	05/12/2019	Lee Gareth & Sheena Kirsten Amers	Crossover Rebate	MUNI	159.00
EFT36598	05/12/2019	Luke Davies	Councillor Allowance	MUNI	1,158.92
EFT36599	05/12/2019	Malatesta Road Paving and Hotmix	Pile Road - Supply and Spray Bitumen Aggregate	MUNI	23,105.55
EFT36600	05/12/2019	Mark Richard Hutchinson	Councillor Allowance	MUNI	1,158.92
EFT36601	05/12/2019	Michael Bennett	Councillor Allowance	MUNI	3,838.25
EFT36602	05/12/2019	Naturaliste Hygiene	Pick and Dispose Sharps Containers - November 2019	MUNI	165.00
EFT36603	05/12/2019	Nathan Stacey	Umpire Recoup Basketball 04-12-2019	MUNI	132.00
EFT36604	05/12/2019	Patricia Perks	Councillor Allowance	MUNI	1,158.92
EFT36605	05/12/2019	Paulo Orso	Refund Cage Hire Bond	MUNI	150.00
EFT36606	05/12/2019	Perfect Landscapes	Mowing - Various Parks and Ovals	MUNI	6,842.00
EFT36607	05/12/2019	Peta Nolan	Uniform Reimbursement	MUNI	96.10
EFT36608	05/12/2019	Peter Robinson	Councillor Allowance	MUNI	1,697.84
EFT36609	05/12/2019	PFD Food Services Pty Ltd	ERC - Cafe Order	MUNI	262.30
EFT36610	05/12/2019	Prestige Products	ERC - Cleaning Products - Toilet Rolls	MUNI	253.00

**CONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING HELD 18 DECEMBER 2019**

Payment	Date	Name	Invoice Description	Fund	Amount
EFT36611	05/12/2019	Prime Supplies	Sundstrom Pro Kit	MUNI	214.50
EFT36612	05/12/2019	Raelene Tedd	Umpire Recoup Netball 02-12-2019	MUNI	67.50
EFT36613	05/12/2019	Site Safe Temporary Fencing South West	Temporary Fencing for Peninsula Lakes Playground Construction	MUNI	896.50
EFT36614	05/12/2019	SMR Psychology	Employee Assistance Program	MUNI	187.00
EFT36615	05/12/2019	Southwest Blocklaying and Machine Hire	Supply and Install Limestone Wall to Perimeter of Peninsula Lakes Playground	MUNI	5,360.30
EFT36616	05/12/2019	Southwest Ventures T/A Geographe Ford	60,000KM Service Ford Ranger DA8514	MUNI	708.00
EFT36617	05/12/2019	Stacey Gillespie	Councillor Allowance	MUNI	1,158.92
EFT36618	05/12/2019	Suzanne Occhipinti	Uniform Reimbursement	MUNI	104.90
EFT36619	05/12/2019	Synergy	Electricity Account for Wellington Mills Public Toilets	MUNI	108.52
EFT36620	05/12/2019	Taylor Anderson	Umpire Recoup Basketball 04-12-2019	MUNI	44.00
EFT36621	05/12/2019	The Perth Mint	2019 Citizenship Ceremony Commemorative Coins	MUNI	193.05
EFT36622	05/12/2019	Therese Price	Umpire Recoup Netball 02-12-2019	MUNI	135.00
EFT36623	05/12/2019	Toni Hotchin	Umpire Recoup Netball 03-12-2019	MUNI	67.50
EFT36624	05/12/2019	Top Jazz Ballet	Refund Reserve Bond	MUNI	540.00
EFT36625	05/12/2019	Total Calibration Pty Ltd	Training for Human Resources In Lanterlia Quiz Builder	MUNI	157.77



**CONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING HELD 18 DECEMBER 2019**

<b>Payment</b>	<b>Date</b>	<b>Name</b>	<b>Invoice Description</b>	<b>Fund</b>	<b>Amount</b>
EFT36626	05/12/2019	Total Eden Pty Ltd	Parks & Reserves Mtce - Various Reticulation Items	MUNI	1,417.14
EFT36627	05/12/2019	Tuna Blue Pty Ltd	Consulting 10 Year It Plan	MUNI	3,520.00
EFT36628	05/12/2019	Tyrrell Gardiner	Councillor Allowance	MUNI	1,158.92
EFT36629	05/12/2019	Veens Design Drafting Service	Bowling Club Redevelopment - Architectural Services - RFQ QUO F0151639	MUNI	1,494.00
EFT36630	05/12/2019	West Coast Commercial Industries	ERC - Supply and Install 6 Door Panels for East Change Rooms.	MUNI	3,340.70
EFT36631	05/12/2019	Wildwood Stone Pty Ltd	Rock Supply - Peninsula Lakes Playground	MUNI	2,134.00
EFT36632	05/12/2019	Winc Australia Pty Ltd	Eaton Administration Office - Stationery Order	MUNI	580.65
EFT36633	05/12/2019	Woolworths Group Limited	ERC - Prizes for Christmas Sundowner	MUNI	70.59
EFT36634	05/12/2019	Xtreme Bounce Party Hire	Bouncy Castle Hire - Buy It Back Fair 2019	MUNI	415.00
EFT36635	05/12/2019	Zoe Hill	Umpire Recoup Netball 03-12-2019	MUNI	44.00

**PAYROLL**

DD14734.1	29/11/2019	WA Super	Payroll Deductions	MUNI	47,703.30
DD14734.2	29/11/2019	Hostplus	Superannuation Contributions	MUNI	538.02
DD14734.3	29/11/2019	Perpetual Wealth Focus Super Plan	Superannuation Contributions	MUNI	174.02
DD14734.4	29/11/2019	MLC Super Fund	Superannuation Contributions	MUNI	790.98
DD14734.5	29/11/2019	Colonial First State First Choice Wholesale Personal Super	Superannuation Contributions	MUNI	325.33

**CONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING HELD 18 DECEMBER 2019**

Payment	Date	Name	Invoice Description	Fund	Amount
DD14734.6	29/11/2019	Diamond Sea Superannuation Fund	Payroll Deductions	MUNI	282.40
DD14734.7	29/11/2019	One Path Masterfund	Superannuation Contributions	MUNI	67.36
DD14734.8	29/11/2019	Suncorp Brighter Super	Superannuation Contributions	MUNI	114.51
DD14734.9	29/11/2019	BT Super for Life	Superannuation Contributions	MUNI	107.35
DD14734.10	29/11/2019	AMP Flexible Super - Super Account	Superannuation Contributions	MUNI	35.78
DD14734.11	29/11/2019	Evans Family Superannuation Fund	Superannuation Contributions	MUNI	250.13
DD14734.12	29/11/2019	Asgard Infinity E Wrap Super	Superannuation Contributions	MUNI	353.46
DD14734.13	29/11/2019	The Bro Code Super Fund	Superannuation Contributions	MUNI	64.80
DD14734.14	29/11/2019	ANZ Smart Choice Super (Onepath Masterfund)	Superannuation Contributions	MUNI	779.05
DD14734.15	29/11/2019	Rest Superannuation	Superannuation Contributions	MUNI	533.65
DD14734.16	29/11/2019	Media Super	Superannuation Contributions	MUNI	604.91
DD14734.17	29/11/2019	Australiansuper	Superannuation Contributions	MUNI	2,601.47
DD14734.18	29/11/2019	Burton Superannuation Fund	Superannuation Contributions	MUNI	348.20
DD14734.19	29/11/2019	Construction & Building Industry Super	Superannuation Contributions	MUNI	400.36

**CONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING HELD 18 DECEMBER 2019**

<b>Payment</b>	<b>Date</b>	<b>Name</b>	<b>Invoice Description</b>	<b>Fund</b>	<b>Amount</b>
<b>CHEQUE</b>					
4	26/11/2019	Shire of Dardanup - Please Pay Cash	Petty Cash Recoup November 2019	MUNI	191.55
<b>BPAY</b>					
DD14714.1	15/11/2019	Synergy	Power Account - Eaton Boomers Football Club	MUNI	3,566.08
DD14731.1	28/11/2019	linet Ltd	Monthly Charge for Business-4 Service Sod@westnet.com.au	MUNI	174.94
<b>CREDIT CARD</b>					
DD14740.1	29/11/2019	Crown Perth	Accom. 2 nights plus Meals for Aust. Instit. Building Surveyors Annual Conference	MUNI	523.20
DD14740.2	29/11/2019	Canva Pty Ltd	Annual License Fee for Canva Pro (Graphic Design Software Program)	MUNI	167.88
DD14740.3	29/11/2019	Mailchimp	Monthly Subscription and Charge for Electronic Newsletter	MUNI	111.99
DD14740.4	29/11/2019	City of Bunbury	Registration (2) for Smart Communities Innovation Forum	MUNI	40.00
DD14740.5	29/11/2019	Surveymonkey Europe	Subscription to Survey Service - Survey Monkey Online	MUNI	111.00
DD14740.6	29/11/2019	SAI Global	Purchase of Australian Standards - AS 3806-2006 Compliance Programs	MUNI	114.92
<b>TRUST</b>					
EFT36538	28/11/2019	Shire of Dardanup	Transfer from Trust (Tourism WA Grant ) to Reimburse. Tourism Marketing Plan	TRUST	75,000.00

Payment	Date	Name	Invoice Description	Fund	Amount
<b>REPORT TOTALS</b>			<b>CERTIFICATE of Chief Executive Officer</b>		<b>968,961.48</b>
EFT	832,884.84		This schedule of accounts to be passed for payment, covering vouchers as above which was submitted to each member of Council has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations and costings and the amounts shown are due for payment.		
Payroll	56,075.08				
Muni Cheque	191.55				
BPAY	3,741.02				
Credit Card	1,068.99				
Trust	75,000.00				
<b>TOTAL</b>	<b>968,961.48</b>				



**MR ANDRÉ SCHÖNFELDT**  
Chief Executive Officer

CARRIED  
7/0

12.11 Title: Audit and Risk Committee Meeting Minutes Held 4 December 2019**MINUTES OF THE SHIRE OF DARDANUP AUDIT AND RISK COMMITTEE MEETING HELD ON 4 DECEMBER 2019, AT THE SHIRE OF DARDANUP – EATON ADMINISTRATION CENTRE, COMMENCING AT 4.00PM****PROCESS**

*In accordance with Shire of Dardanup Standing Orders Local Law 2014, Part 9, s9.2, 'Adoption of Recommendations En Bloc'; A member may move a motion to adopt by one resolution, all the recommendations or a group of recommendations from a Committee or several reports, without amendment or qualification after having first identified those recommendations, if any—*

- (a) which require adoption by an absolute or special majority vote;*
- (b) in which an interest has been disclosed;*
- (c) that has been subject of a petition or deputation;*
- (d) which any member has indicated the wish to debate; and*
- (e) in which any member has indicated the wish to ask a question or to raise a point of clarification,*

*and, each of those recommendations referred to in paragraphs (a), (b), (c), (d) and (e) must be considered separately.*

*Note: Cr. P S Robinson and Cr. T G Gardiner moved and seconded the committee resolutions en bloc.*

Officer Comment

The minutes of the Audit and Risk Committee Meeting are attached (Appendix ORD: 12.11A).

**OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION**

370-19      MOVED -      Cr. P S Robinson      SECONDED -      Cr. T G Gardiner

**THAT Council receive the minutes of the Audit and Risk Committee Meeting held 4 December 2019.**

CARRIED  
7/0

**AUDIT & RISK COMMITTEE RECOMMENDATION & OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION**

371-19      MOVED -      Cr. P S Robinson      SECONDED -      Cr. T G Gardiner

**THAT Council accepts the Auditor's Report (Appendix ORD: 12.11B) by Butler Settineri (Audit) Pty Ltd of the Annual Financial Statements for the 2018/19 financial year.**

CARRIED  
7/0

**AUDIT & RISK COMMITTEE RECOMMENDATION &  
OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION**

372-19            MOVED -            Cr. P S Robinson            SECONDED -            Cr. T G Gardiner

**THAT Council receive the Shire of Dardanup 2018/19 audited Annual Financial Statements for the financial year ended 30 June 2019 (Appendix ORD: 12.11C).**

CARRIED  
7/0

**13            ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

None.

**14            NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

**OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION**

373-19            MOVED -            Cr. C N Boyce            SECONDED -            Cr. T G Gardiner

**THAT Council consider “Delegation 1.2.21 Local Laws – Administer the Functions of the Shire Local Laws” as business of an urgent nature.**

CARRIED  
7/0

14.1    Title:    Delegation 1.2.21 Local Laws – Administer the Functions of the Shire Local Laws

*Reporting Department:*            *Corporate & Governance Directorate*

*Reporting Officer:*                 *Ms Cathy Lee - Manager Governance & HR*

*Legislation:*                         *Local Government Act 1995*

Overview            -

Council are requested to endorse an amendment to Delegation 1.2.21 to clearly authorise the Chief Executive Officer to perform the functions under the Shire of Dardanup Local Laws.

Background -

The Council reviewed its delegations in June 2019 and adopted the 2019/20 Delegations Register. The delegation regarding authorised persons for local laws was adopted under 1.2.1, however the delegation to administer the local laws under 1.2.21 repeated this delegation to appoint authorised officers and should instead have clearly articulated that delegation 1.2.21 was intended to provide the CEO with the ability to perform the functions of the relevant local laws and to on delegate those functions.

Legal Implications -

Local Government Act 1995:

*Division 3 — Executive functions of local governments**Subdivision 1 — Performing executive functions**3.18. Performing executive functions*

- (1) *A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.*
- (2) *In performing its executive functions, a local government may provide services and facilities.*
- (3) *A local government is to satisfy itself that services and facilities that it provides —*
  - (a) *integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body; and*
  - (b) *do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and*
  - (c) *are managed efficiently and effectively.*

Strategic Community Plan

Strategy 1.1.1 - To be equitable, inclusive and transparent in decision making. (Service Priority: High)

Strategy 1.1.2 - Monitor and ensure compliance with the regulatory framework for local government governance and operations. (Service Priority: High)

Strategy 1.1.3 - Maintain best practice governance systems and practices. (Service Priority: Moderate)

Strategy 1.4.2 - Maintain, review and ensure relevance of Council's policies and local laws. (Service Priority: Moderate)

Environment - None.

Precedents -

Council updates and reviews its delegations annually and on an as needs basis.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessment -

The Risk Management Governance Framework has been considered in arriving at the officer recommendation.

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Delegation – Administer the Functions of the Shire Local Laws
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	<p>Legal and Compliance      Unable to fully enact Council’s local laws.</p> <p>Reputational                      Reputation of Council at risk if unable to administer the local laws to assist the community.</p> <p>Service Interruption              Unable to fully enact Council’s local laws as required.</p>

Officer Comment -

Section 5.42 of the Local Government Act empowers Council to delegate authority to the Chief Executive Officer, it is then up to the Chief Executive Officer to delegate authority to other officers.

The Chief Executive Officer is authorised by the Act, section 5.44 to delegate powers to other officers. Such delegations will be made to the relevant officers that have the relevant qualifications and experience in relation to the delegated powers.

Council is requested to adopt the below delegation to ensure good governance of its local laws and allow officers to enforce the local laws as and when required.

Council Role - Legislative.

Voting Requirements - Absolute Majority.

Change to Officer Recommendation - No Change.

**OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION**

374-19                      MOVED -                      Cr. P S Robinson                      SECONDED -                      Cr. C N Boyce

**THAT Council delegate powers and duties to the Chief Executive Officer as empowered by the Local Government Act 1995 with regard to its local laws by adopting delegation “1.2.21 –Local Laws” as follows:**

**1.2.21 Local Laws**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
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<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<u>Local Government Act 1995</u> Section 3.18 Bush Fire Act 1954 Section 48 (cannot be sub delegated) Cat Act 2011 Section 44 and 45 Dog Act 1976 Section 10A.A Public Health Act 2016 Section 21
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to administer the Shire's local laws and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the Shire under the Shire's local laws, and to delegate these functions further: <ul style="list-style-type: none"> <li>• Bush Fire Brigades Local Law;</li> <li>• Cemeteries Local Law 2014;</li> <li>• Dust Control Local Law 2011;</li> <li>• Extractive Industries Local Law;</li> <li>• Health Local Laws 2000;</li> <li>• Local Government Property Local Law 2007;</li> <li>• Dogs Local Law 2014;</li> <li>• Parking and Parking Facilities Local Law 2009;</li> <li>• Standing Orders Local Law 2014; and</li> <li>• Keeping and Control of Cats Local Law 2014;</li> <li>• Activities in Thoroughfares and Public Places and Trading Local Law 2007.</li> </ul>
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Position</b>	
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>		

<b>Compliance Links:</b>	
<b>Record Keeping:</b>	Delegates exercising powers given by delegation are to keep records of exercised delegation in the Tardis Records System – 'Executed Delegations Register'.

**Version Control:**

1	Delegated by Council at the Shire of Dardanup OCM held 26 June 2019, by resolution 180-19
2	Delegated by Council at the Shire of Dardanup OCM held 18 December 2019, by resolution 374-19

CARRIED

7/0

By Absolute Majority

## 15 PUBLIC QUESTION TIME

None.

## 16 MATTERS BEHIND CLOSED DOORS

It is recommended that the following item be heard behind closed doors.

Shire of Dardanup Standing Orders & Local Government Act 1995 Section 5.23 - Matters for Which Meeting May Be Closed:

Standing Order and the Local Government Act 1995 provides for Council to resolve to close the meeting to the public and proceed behind closed doors for matters:

- S 5.23 (1) Subject to subsection (2), the following are to be open to members of the public-*
- (a) all Council meetings; and*
  - (b) all meetings of any committee to which a local government power or duty has been delegated.*
  - (2) If a meeting is being held by a Council or by a committee referred to in subsection (1) (b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following -*
    - (a) a matter affecting an employee or employees;*
    - (b) the personal affairs of any person;*
    - (c) 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;*
    - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
    - (e) a matter that if disclosed, would reveal -*
      - (i) a trade secret;*
      - (ii) information that has a commercial value to a person; or*
      - (iii) information about the business, professional, commercial or financial affairs of a person,**where the trade secret or information is held by, or is about, a person other than the local government;*
    - (f) a matter that if disclosed, could be reasonably expected to -*
      - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
      - (ii) endanger the security of the local government's property; or*

- (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
- (g) *information which is the subject of a direction given under section 23 (1a) of the Parliamentary Commissioner Act 1971; and*
- (h) *such other matters as may be prescribed.*
- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

#### OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

375-19            MOVED -            Cr. T G Gardiner            SECONDED -            Cr. C N Boyce

**THAT in accordance with the Local Government Act 1995, S 5.23, the Council go Behind Closed Doors [5.55pm] to discuss a matter:**

- 1. That deals with 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**
- 2. Affecting an employee or employees.**

CARRIED  
7/0

16.0            Title: Item 12.3 Tender for Replacement of Cardio and Strength Fitness Equipment

*Reporting Department: Sustainable Development Directorate*  
*Reporting Officer: Mr John Kowal – Manager Recreation Services*  
*Mr Phil Anastasakis - Deputy Chief Executive Officer*  
*Legislation: Local Government Act 1995*

#### Process:

*This item was originally in the agenda as Item 12.3 and was moved to be dealt with as a matter behind closed doors. Refer Page 6 and procedural resolution 360-19 of these minutes.*

#### Overview

This report provides Council with the results of the evaluation of tenders for the supply, installation, testing, commissioning and maintenance of the cardio and strength equipment located at the Eaton Recreation Centre (ERC). The report seeks Council approval to award a contract for these services for a combination of outright purchase for strength equipment and a lease term of five years for cardio equipment, based on the recommendation from the Tender Assessment Panel.

#### Background

Tenders have been called in line with Council's 2019/20 budget for the supply, installation, testing, commissioning and maintenance of the cardio equipment (treadmills, steppers, rowers, bikes, etc.) and the strength equipment (pin-loaded, plate loaded machines and free weights) – 'the equipment'. Council's allocated budget for the replacement of the equipment is \$386,419 which is in accordance with the adopted Eaton Recreation Centre 10 year Asset Management Plan.

The cardio fitness equipment at the ERC was previously purchased outright in 2014 [Res 271/14]. This type of equipment generally only has a useful life of five years and therefore the cardio equipment is due for replacement. The strength equipment is also owned outright and is over 15 years old and therefore is well past its used by date. The equipment is antiquated, based on old technology and in some circumstances worn out which may make it potentially unsafe to use. As such the equipment is scheduled for replacement in 2019/20 within the Eaton Recreation Centre Equipment Asset Management Plan.

Attached is an overview of every item of equipment that is proposed to be upgraded, outlining the original purchase date, original purchase cost, points of deterioration and estimated trade-in value (refer to Confidential Document: 12.3A).

The tender also included the requirement for the purchase (trade-in) of the old cardio and strength equipment together with servicing and maintenance of the new cardio and strength equipment for a period of 60 months (five years).

### Legal Implications

The Tender has been conducted in accordance with Part 4 of the Local Government (Functions and General) Regulations 1996.

*Part 4 — Provision of goods and services*

*Division 2 — Tenders for providing goods or services (s. 3.57)*

#### *11. When tenders have to be publicly invited*

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150 000 unless subregulation (2) states otherwise.*

*Local Government Act 1995*

*Local Government (Financial Management) 1996*

The Local Government Act 1995 requires the Council to consider and approve any changes to the budget.

#### **6.8. Expenditure from municipal fund not included in annual budget**

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
- (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
  - (b) *is authorised in advance by resolution\*; or*
  - (c) *is authorised in advance by the mayor or president in an emergency.*

*\* Absolute majority required.*

- (1a) *In subsection (1) —*

***additional purpose*** means a purpose for which no expenditure estimate is included in the local government's annual budget.

- (2) *Where expenditure has been incurred by a local government —*
- (a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
  - (b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the Council.*

- Local Government (Financial Management) Regulations 1996

R11. *Payments, procedures for making etc.*

R12. *Payments from municipal fund or trust fund, restrictions on making*

(1) *A payment may only be made from the municipal fund or the trust fund —*

(a) *if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*

(b) *otherwise, if the payment is authorised in advance by a resolution of the Council.*

(2) *The Council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the Council.*

### Strategic Community Plan

Strategy 5.2.1 - To encourage physical activity by providing services and recreational facilities that encourage our community towards an active and healthy lifestyle. (Service Priority: Very High)

Strategy 1.1.2 - Monitor and ensure compliance with the regulatory framework for local government governance and operations. (Service Priority: High)

Strategy 1.3.2 - Monitor and produce statutory budgetary and financial reporting requirements applicable to local government operations. (Service Priority: High)

Environment - None.

### Precedents

Council's last tender for the replacement of some of the cardio equipment was in 2014 where Council initially planned to replace the cardio equipment through a lease, but after an evaluation was undertaken resolved to purchase the gym equipment outright.

### Budget Implications

The Council's 2019/20 budget allocated \$386,419 for the replacement of the gym equipment – based on purchasing the gym equipment outright through a single lump-sum asset payment. Funding for this purchase is from a dedicated cash reserve established for this purpose.

The tenderers were asked to provide both a tender price for the outright purchase of the equipment (where Council owns the equipment) and a tender price for the lease of the equipment over a 5 year period (where the tenderer retains ownership of the equipment). Additional information and clarification was requested from the preferred supplier on leasing alternatives and pricing.

The gym equipment procurement includes all repairs, maintenance and servicing of the equipment for the 5 year period plus the cost of a fitness management system over the same period.

There are certain benefits that can be achieved through the procurement of the gym equipment via a lease arrangement, compared to an outright lump-sum asset purchase.

Leasing pros and cons include:

- The procurement cost can be spread evenly over the term of the lease to reflect the period of use, matching better the expenditure with usage;

- Lease costs are an expense and for businesses that are taxed, can form part of the overall claimable tax deductions. From 1 July 2019 the Australian Accounting Standards have changed generally requiring leases to be capitalised, recording an asset and liability for future payments;
- The lower annual lease cost compared to a one-off larger lump enables easier financing and better use of cash;
- Leased assets do not need to be depreciated, replaced or disposed of, as the replacement forms part of the lease arrangement, resulting in less staff administration time;
- The replacement of leased equipment is likely to ensure the equipment is replaced every five years, which enables the quality, features and standard to be modern and up to date;
- Interest rates are very low at this time making leasing a very affordable procurement option; and
- Leasing expenditure can impact on the operating surplus and some financial ratios.

Lump-sum purchase pros and cons include:

- A single lump-sum payment requires less administration time due to reduced transaction numbers;
- Ownership of assets requires insurance registers to be maintained and insurance premiums to be paid;
- Ownership of assets requires asset registers to be maintained;
- Assets require 3-5 year valuations to be obtained at a cost to Council;
- Depreciation should reflect the consumption of the asset, but requires administration time;
- Capital expenditure can impact on the cash flow and some financial ratios; and
- The opportunity cost of spending funds on capital items rather than utilising the funds for other purchases is a cost to Council;

Based on an evaluation of the pros and cons of leasing compared to outright asset purchase, it is recommended that the Cardio Gym equipment be procured through an annual operating lease over a 5 year period, with the Strength Gym equipment purchased outright based on a 15 year useful life.

The following table summarises the annual budget expenditure allocation compared with the recommended expenditure over 5 years. A similar analysis has been performed over the anticipated 15 year life of the asset to demonstrate support for the recommendation (refer to Confidential Document: 12.3B).

Original Budget	2019-20	2020-21	2021-22	2022-23	2023-24
Budget – funded from Reserve	\$386,419.00	\$5,600.00	\$5,600.00	\$5,600.00	\$5,600.00
Funds transferred to Reserve - Original LTFP	\$100,000.00	\$250,000.00	\$25,000.00	\$150,000.00	\$150,000.00
Proposed Procurement					
Annual Lease Costs	\$39,843.80	\$39,843.80	\$39,843.80	\$39,843.80	\$39,843.80
Annual Fitness Management System Fee	\$5,600.00	\$5,600.00	\$5,600.00	\$5,600.00	\$5,600.00
Capital Purchase	\$214,949.00				
<b>Total</b>	<b>\$260,392.80</b>	<b>\$45,443.80</b>	<b>\$45,443.80</b>	<b>\$45,443.80</b>	<b>\$45,443.80</b>
Funds transferred to Reserve - Proposed LTFP	\$100,000.00	\$100,000.00	\$150,000.00	\$150,000.00	\$135,000.00

Budget – Whole of Life Cost

If the procurement of the cardio gym equipment is based on a five (5) year lease, then Council will have the option to determine whether it returns the equipment with no further obligations, enters into another lease arrangement, or purchases outright replacement equipment.

If the procurement of the equipment is undertaken as a single lump-sum asset purchase, then the item will need to be included in the ERC Equipment Asset Management Plan, allowing for the life of the asset, replacement of the assets, and the financing of the Asset Management Plan through the cash reserve.

To allow for an evaluation of the whole of life costs of leasing or purchasing cardio and strength equipment, a financial analysis and comparison of costs over a 16 year period was undertaken. Five scenarios were evaluated based on the following:

- Option 1 – 100% Lease over 5 years;
- Option 2 – Lease of cardio equipment over 5 years and purchase of strength equipment every 10 years;
- Option 3 – 100% Purchase of cardio and strength equipment in accordance with the current Asset Management Plan replacement cycle – 4 years for cardio and 6 years for strength equipment;
- Option 4 - 100% Purchase of cardio and strength equipment based on an updated Asset Management Plan replacement cycle of 5 years for cardio and 15 years for strength equipment, including the annual Fitness Management System fee; and
- Option 5 - Lease of cardio equipment over 5 years and purchase of strength equipment based on a useful life of 15 years, including the annual Fitness Management System fee.

Based on this comparison, Option 5 (Lease of cardio equipment over 5 years and purchase of strength equipment based on a useful life of 15 years) demonstrated best value for money taking into consideration the savings achieved through less administrative time associated with the acquisition and sale of equipment items. While there is a finance cost attached to leasing, the financial evaluation over the long term demonstrates the long term benefit. These detailed comparisons are available to Councillors under confidential separate cover (refer to Confidential Document: 12.3C).

Council Policy Compliance

Council's CP34 – Procurement outlines the requirements associated with the Council purchasing.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix ORD: 12.3) for full assessment document.

<b>Tier 2 – 'Low' or 'Moderate' Inherent Risk.</b>	
Risk Event	Request for Tender - Tender for replacement of cardio and strength fitness equipment at the Eaton Recreation Centre.
Inherent Risk Rating (prior to treatment or control)	High (12 - 19)
Risk Action Plan (treatment or controls proposed)	Terms and conditions of supply agreement will require any copies of financial statements and declaration of financial ability to pay debts.
Residual Risk Rating (after treatment or controls)	Moderate (5 - 11)

Tier 2 – 'Low' or 'Moderate' Inherent Risk.	
Risk Category Assessed Against	<ul style="list-style-type: none"> <li>• Financial – moderate risk that the supplier could suffer financial insolvency preventing the supply of the equipment.</li> <li>• Service Interruption – moderate risk that the service could be interrupted due to delays in supply.</li> <li>• Legal &amp; Compliance – low risk of legal action being taken to remedy non-supply.</li> <li>• Reputational – moderate risk of delays causing complaints.</li> <li>• Environment - There is a risk that the new gym equipment will be packaged in cardboard, plastics that may be disposed of by being sent to landfill and not recycled.</li> </ul>

### Officer Comment

Tenders closing on 18 October 2019 called for the supply, installation, testing, commissioning and maintenance of the cardio equipment and the strength equipment (pin-loaded, plate loaded machines and free weights) at the Eaton Recreation Centre. The Request for Tender (RFT) was publically advertised as per the below:

- South Western Times – Thursday 12 September 2019
- West Australian – Saturday 14 September 2019
- Community News – Tuesday 17 & Wednesday 18 September 2019

The detailed schedule of prices submitted is provided to Councillors under (Confidential Document: 12.3C).

A total of six (6) tender submissions were received from the following businesses:

- (i) Fleet Commercial Gymnasiums Pty Ltd;
- (ii) Orbit Commercial Dept;
- (iii) Gymcare;
- (iv) Novofit;
- (v) Technogym Australia Pty Ltd; and
- (vi) Gym Imports Direct Pty Ltd.

All tenders as submitted by the abovementioned businesses were evaluated and two (2) tender submissions fully complied with the tender requirements and have therefore been considered.

- *Tender Evaluation Panel*

The Tender Evaluation Panel comprised of five (5) Shire staff members, being the Procurement Officer (Tender Panel Chairperson), Deputy Chief Executive Officer, Manager Recreation Services, Coordinator Eaton Recreation Centre and the Team Leader Fitness Centre.

All members of the evaluation panel have made a conflict of interest declaration confirming they have no relationships with any of the tenderers.

- *Evaluation of Tenders*

The object of the evaluation panel is to recommend a suitably qualified and experienced contractor to satisfy the requirement of the above mentioned RFT. All responses to the qualitative criteria were assessed by the panel, as well as the rates tendered. (Refer to Confidential Document 12.3D).



Prices were requested on a "per piece of equipment" basis structured on an ideal equipment range, which also included a 60 month wear and tear maintenance and service contract period.

Six (6) suppliers provided equipment options, these submissions were received and assessed. Following assessment it was identified that 4 of the submissions did not fully comply with Tender Requirements and were therefore deemed non-compliant and did not form part of the final assessment.

Of the remaining 2 tenders, they were assessed and scored in accordance with the following criteria and weightings, and a total score was determined to compare the tenders:

ASSESSMENT CRITERIA		RAW SCORE	WEIGHTING	WEIGHTED SCORE
Tendered Price		0 - 10	35%	3.5
Qualitative Criteria	Equipment Functionality	0 - 10	35%	3.5
	Equipment Life	0 - 10	15%	1.5
	Experience	0 - 10	15%	1.5
<b>TOTAL SCORE</b>			<b>100%</b>	<b>10.0</b>

i.e. Weighted Score = Raw Score x Weighting

Prices as tendered were scored on a percentage scale from lowest to highest, with the highest score percentage given to the lowest price. Qualitative aspects were scored on the relative merits of the information provided by the tenderer in its tender.

- *Evaluation Justification*

The evaluation process determined the recommended tenderer clearly represented the best value for money considering responses to qualitative criteria and within the tendered rates submitted. Each tenderer was scored and the results were as follows:

ASSESSMENT CRITERIA		Gymcare	Fleet Commercial Gymnasium Pty Ltd
Tendered Price		0.7	1.05
Qualitative Criteria	Equipment Functionality	3.15	2.8
	Equipment Life	1.35	1.05
	Experience	1.20	1.20
<b>TOTAL SCORE</b>		<b>6.40</b>	<b>6.10</b>

Based on the tender submissions received, Gymcare was deemed as the most advantageous to Council and is the preferred supplier.

Through the combination of leasing and outright purchase, Council is able to purchase all of the required equipment items within Council's allocated budget of \$386,419. For those gym items leased, the cost that would have previously been allocated to the ERC Equipment Reserve can be offset and used to pay for the lease of those items in future years. The remaining transfer to the Reserve will continue to fund the future asset replacements identified in the ERC Equipment Asset Management Plan.

Council Role - Executive/Strategic.

Voting Requirements - Absolute Majority.

Change to Officer Recommendation

No Change. **OR:**

As per Local Government (Administration) Regulations 1996 11(da) Council records the following reasons for amending the Officer Recommended Resolution:

#### OFFICER RECOMMENDED RESOLUTION

THAT Council:

1. Accepts the most advantageous tender for the provision of gym equipment at the Eaton Recreation Centre, being that submitted by Gymcare in accordance with Tender RFT F015287, based on a five year lease for Cardio equipment of \$39,843.80 per annum, annual Fitness Management System fee of \$5,600.00 and outright purchase of Strength Equipment for \$214,949.00;
2. Accepts that, should a Contract not be formed within Gymcare then the next most advantageous Tenderer, being Fleet Commercial Gymnasium Pty Ltd is accepted and a Contract is to be formed, under the terms and conditions noted in Part 1 above, in accordance with Regulation 20(2) of the Local Government (Functions and General) Regulations 1996; and
3. In the event of a leasing arrangement being established in accordance with (1) above, approve as unbudgeted expenditure the annual lease payment for a five year term.

*Process:*

*Cr. C N Boyce moved a procedural motion to defer the item to the mid-year budget review to allow further review of the expenditure given the current constraints on the budget.*

#### PROCEDURAL MOTION

MOTION            MOVED -        Cr. C N Boyce                            SECONDED -        ----  
LAPSED

THAT Council defer this item for consideration as part of the mid-year budget review.

*MOTION LAPSED  
FOR WANT OF A SECONDER*

*Process:*

*As the previous motion lapsed, Cr. J Dow moved the original Officer Recommendation as follows:*

**OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION**

376-19            MOVED -            Cr. P S Robinson            SECONDED -            Cr. T G Gardiner

**THAT Council:**

1.        **Accepts the most advantageous tender for the provision of gym equipment at the Eaton Recreation Centre, being that submitted by Gymcare in accordance with Tender RFT F015287, based on a five year lease for Cardio equipment of \$39,843.80 per annum, annual Fitness Management System fee of \$5,600.00 and outright purchase of Strength Equipment for \$214,949.00;**
2.        **Accepts that, should a Contract not be formed within Gymcare then the next most advantageous Tenderer, being Fleet Commercial Gymnasium Pty Ltd is accepted and a Contract is to be formed, under the terms and conditions noted in Part 1 above, in accordance with Regulation 20(2) of the Local Government (Functions and General) Regulations 1996; and**
3.        **In the event of a leasing arrangement being established in accordance with (1) above, approve as unbudgeted expenditure the annual lease payment for a five year term.**

CARRIED

7/0

*By Absolute Majority*

*Note: As the next item was regarding a staff matter, the following staff left the meeting [6.01pm]:*

- *Manager Recreation Services -Mr John Kowal;*
- *Acting Director Infrastructure – Mr Nathan Ryder;*
- *Manager Planning Services - Mr Brenton Scambler; and*
- *Manager Finance - Mrs Natalie Hopkins.*

16.1    Title: 2019/20 Organisation Change

*Reporting Department: Corporate & Governance Directorate*

*Reporting Officer: Mr André Schönfeldt – Chief Executive Officer  
Ms Cathy Lee – Manager Governance & HR*

*Legislation Local Government Act 1995*

**REPORT UNDER SEPARATE COVER**

**Note:** In accordance with the Local Government Act 1995 5.23 (2) this report is not available to the public. The Shire President tables the confidential report on this matter and provides copies to each elected member. The report will be located in the Records Management System of the Council.

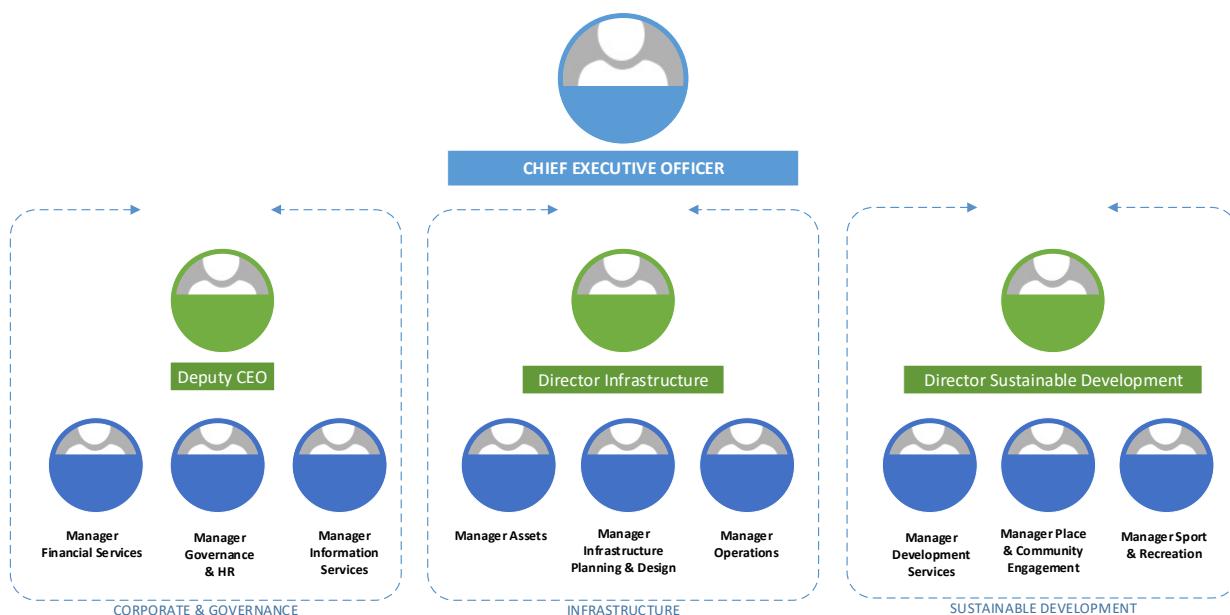
## OFFICER RECOMMENDED RESOLUTION &amp; COUNCIL RESOLUTION

377-19      MOVED -      Cr. C N Boyce      SECONDED -      Cr. M Hutchinson

**THAT Council:**

1. **Notes and supports the Chief Executive Officer's proposed amendments to the organisation structure to:**
  - a) **Include a third management area in the Infrastructure Directorate being Infrastructure Planning & Design; and**
  - b) **Amend the Recreation & Culture departments by changing and renaming the management areas to be "Place and Community Engagement" and "Sport & Recreation".**

as outlined in the confidential report behind closed doors Item 16.2 dated 18 December 2019 (Tardis Ref: R0000688152).
2. **In accordance with S5.2 of Local Government Act 1995 notes and supports the following structure for administering the Shire of Dardanup:**



3. **Requests the Chief Executive Officer to update the Workforce Plan to reflect the new Organisation Structure ensuring that any changes to positions and titles are funded in 2019/20 through the existing budget allocation.**
4. **Supports the commencement of the new structure immediately.**

CARRIED  
7/0

**OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION**

378-19      MOVED -      Cr. T G Gardiner      SECONDED -      Cr. J Dow

**THAT Council return from Behind Closed Doors [6.05pm].**CARRIED  
7/0

*Note: In accordance with Standing Order 5.2(6) the Presiding Officer did not cause the motions passed by Council whilst behind closed doors to be read out.*

**17 CLOSURE OF MEETING**

The Presiding Officer advised that the date of the next Ordinary Meeting of Council will be Wednesday 29 January 2020, commencing at 5.00pm at the Shire of Dardanup - Administration Centre Eaton.

There being no further business the Presiding Officer declared the meeting closed at 6.05pm.  
05-Feb-20

**CONFIRMATION OF MINUTES**

**"As the person presiding at the meeting at which these minutes were confirmed on 29 January 2020, I certify that these minutes have been confirmed as a true and accurate record of proceedings.**

DocuSigned by:

A handwritten signature in black ink, appearing to be "M. Gardiner", written over a blue DocuSign signature line.

Signed: \_\_\_\_\_

(Chairman or Shire President or Other Presiding Officer)