



CONFIRMED

MINUTES

FOR THE

ORDINARY COUNCIL MEETING

Held

22nd of November 2023

At

ADMINISTRATION CENTRE EATON
1 Council Drive - EATON

This document is available in alternative formats such as:

- ~ Large Print
- ~ Electronic Format [emailed]
Upon request.

VISION STATEMENT

“The Shire of Dardanup is a healthy, self-sufficient and sustainable community, that is connected and inclusive, and where our culture and innovation are celebrated.”

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COUNCIL ROLE

Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government / body /agency.
Executive/Strategic	The substantial direction setting and oversight role of the Council e.g. Adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
Legislative	Includes adopting local laws, town planning schemes and policies.
Review	When Council reviews decisions made by Officers.
Quasi-Judicial	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

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

SHIRE OF DARDANUP

MINUTES OF THE SHIRE OF DARDANUP ORDINARY COUNCIL MEETING HELD ON WEDNESDAY, THE 22ND OF NOVEMBER 2023, AT ADMINISTRATION CENTRE EATON, 1 COUNCIL DRIVE, EATON, COMMENCING AT 5.00PM.

1 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS

The Presiding Member Cr. T G Gardiner declared the meeting open at 5.00pm, welcomed those in attendance, 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 and pay our respects to their elders, past, present and emerging. The Shire of Dardanup also respects and celebrates all cultures of all our residents and visitors to our Shire.

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, you will be directed to an appropriate Assembly Area where we will meet (and complete a roll call).

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.

2	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED
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2.1 Attendance

Cr. Tyrrell Gardiner	-	Shire President
Cr. Ellen Lilly	-	Deputy Shire President
Cr. Jack Manoni	-	Elected Member
Cr. Taneta Bell	-	Elected Member
Cr. Annette Webster	-	Elected Member
Cr. Tony Jenour	-	Elected Member
Cr. Mark Hutchinson	-	Elected Member
Cr. Luke Davies	-	Elected Member
Mr André Schönfeldt	-	Chief Executive Officer
Mr Phil Anastasakis	-	Deputy Chief Executive Officer
Ms Susan Oosthuizen	-	Director Special Projects
Mr Ashwin Nair	-	Director Sustainable Development
Ms Cathy Lee	-	Manager Human Resources
Mrs Brooke Sudbury	-	Executive Support Officer
Mrs Natalie Hopkins	-	Manager Financial Services
Mrs Donna Bailye	-	Manager Governance
Mr Kristin McKeachie	-	Manager Assets
Mr Nathan Ryder	-	Manager Infrastructure Planning & Design
Ms Joy Welshman	-	Manager Operations
Ms Tahnia Creedon	-	Communications Officer

2.2 Apologies

Mr Theo Naudé	-	Director Infrastructure
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2.3 Leave of Absence

Cr. Stacey Gillespie	-	Elected Member [Res: 262-23]
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2.4 Previous Meetings

DATE	TYPE	CR. T BELL	CR. L W DAVIES	CR. T G GARDINER	CR. S L GILLESPIE	CR. A C JENOUR	CR. E P LILLY	CR. M R HUTCHINSON	CR. J D MANONI	CR. A L WEBSTER
OCTOBER 2023										
25/10/23	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
NOVEMBER 2023										
15/11/23	AF	✓	NA	✓	Ap	✓R	✓R	✓	✓	✓
22/11/23	OCM	✓	✓	✓	Ap	✓	✓	✓	✓	✓

TYPE LEGEND	
AF	Agenda Forum
CF	Concept Forum
OCM	Ordinary Council Meeting
SCM	Special Council Meeting
WS	Workshop

ATTENDANCE LEGEND	
✓	Attendance
✓R	Remote Attendance
Ap	Apology
LoA	Leave of Absence
NA	Non Attendance

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

None.

4 PUBLIC QUESTION TIME

4.1 Graham Ellis-Smith Item: Amendment 1 to Parkridge Estate Structure Plan

Mr Graham Ellis-Smith read aloud the following question:

Why does the Environmental Assessment by the Proponents state that the area is not suitable habitat for Endangered Species when there are several large Corymbia calophylla (red gum) there for three endangered species of Black Cockatoo Baudins, Carnaby and Red Tails), many large Agonis flexuosa (Peppy trees) there for critically endangered Western Ringtail Possums; and removal of these trees seems counter to the significant efforts of the Shire in habitat protection and establishment elsewhere, and the nature conservation values of the State?

Response:

Mr Ashwin Nair, Director Sustainable Development thanked Mr Ellis -Smith for his question. Mr Nair advised that in terms of the black cockatoo and ringtail possum habitat, the environmental assessment was based on the degree of use by the threatened fauna. Hollow shapes and sizes were considered in addition to foraging activities evident. Officers, however, do not agree and consider the habitat regardless of the degree of use. It is considered that it still provides an environment for black cockatoos and ringtail possum and provides for a broader habitat for other native animals within the locality.

4.2 Cleve Armstrong Item: Amendment 1 to Parkridge Estate Structure Plan

Mr Cleve Armstrong read aloud the following question:

The impact of building a 1 metre high access road to proposed lots on the river across the floodplain, has a study been undertaken in regard to insurance costs and future liabilities? In regard to the removal of the public open space to increase housing lots, has a traffic study been done and the impact on existing homes regarding the road realignment?

Response:

Chief Executive Officer, Mr André Schönfeldt, advised that a structure plan is already approved and that tonight's item is an amendment to the existing plans. Mr Schönfeldt advised that officers are not supportive of tonight's proposed amendment. With regard to the traffic study, the planning has been done, with the intersection at Peninsula Lakes Drive being future proofed. However Council can't comment on specific lots, regarding areas that still have to go through a subdivision process as engineering drawings would need to be assessed, and any flood plane considerations will be assessed at the subdivision stage.

4.3 Michael & Peta Gelmi Re: Luminous Billboards Proposed on Harris Road

Mr Michael Gelmi read aloud the following questions:

*When is the formal proposal due to go to the State Planning Board?
Is the land owned by Main Roads or Shire of Dardanup? Our original residence (where the proposed billboard may be located) was purchased by the Bunbury Outer Ring Road (BORR).
When was due diligence done with local residents in relation to the positioning of the Billboard?
Where did the proposal come from; was it a planning committee or from staff or council within the Shire? Will the Ordinary Council Meeting on the 13th December address the submissions?*

Response:

Chief Executive Officer, Mr André Schönfeldt, advised that the proposal came from himself to Council as a recommendation for Council to own and operate the Billboards to assist with tourism and other opportunities to divert traffic to the Ferguson Valley and into town. The billboards will be on Shire of Dardanup land, within the road reserve, with ownership and control of the boards being held by the Shire. Mr Andre Schönfeldt advised that the proposal will not be put forth at the December meeting, however it may be at the January or February meeting next year.

We are currently advertising for submissions regarding this matter which residents are encouraged to make a submission with their concerns.

The proposal will be considered by Council once the submission period closes and the proposal has been assessed. The Shire may involve an independent person to assist with the assessment.

Your comments will be taken on notice and the Shire is happy to discuss any further concerns that you may have outside of the Council meeting if you require.

Mrs Peta Gelmi asked the following question:

If there is another sign proposed from another body; would it need to go through the same process?

Response:

Chief Executive Officer - Mr André Schönfeldt advised that any proposals of this nature would need to go through the same process that the Shire of Dardanup is currently adhering to.

4.4 Summer Cusack Item: Amendment 1 to Parkridge Estate Structure Plan

Ms Summer Cusack read aloud the following statement:

Good afternoon, everybody. My name is Summer Cusack and this is my brother Aiden. We speak on behalf of our generation when we say we are very concerned about climate change and the continual destruction of the natural habitat of Western Australia. We were here 6 years ago saying this and we will say it again. we will not stand and watch the land owner renege on the agreement where those trees were maintained on their property development.

For whatever reason the land developer wishes to renege on the approved property development there is no way that the earth's environment and animals should be pawns in this and should not pay the ultimate price, that being death in this land developers bid for financial gain. Contrary to whatever the flora and fauna report said which I'll note was paid for by the developer it has been reported by many locals that there are still critically endangered ring tail possums roaming augments the trees at night. We ask you, the Council, to please object to this amendment and maintain the previous property development proposal which insures there will be no destruction of those trees. Thank you for your time.

Response:

Chief Executive Officer - Mr André Schönfeldt advised that the question asked and statement will be answered when Council deliberates on the item.

Shire President - Cr. T G Gardiner thanked Summer for her statement and confidence at presenting at an Ordinary Council Meeting and advised her that her words will be added to the minutes to ensure her voice is heard.

4.5 Lisa Kazalac Item: Request for Spotted Gum at Burekup Primary School (River Valley Primary School) to be placed on the Dardanup Councils Heritage Register

Ms Lisa Kazalac asked the following question:

Has Council conducted wide community consultation on all the trees in the River Valley Primary School, as part of the heritage register recently adopted, and does Council have a heritage list for significant trees, similar to the one the Shire of Harvey currently has?

Response:

Chief Executive Officer - Mr André Schönfeldt, advised that the Heritage List was completed by consultants late last year and was widely advertised earlier this year, in which members of the community could nominate items of historical significance. Mr André Schönfeldt noted that heritage listing are generally related to structures and buildings rather than trees. At this point in time the Shire of Dardanup doesn't have a tree register.

5 APPLICATIONS FOR LEAVE OF ABSENCE

None.

6 PETITIONS/DEPUTATIONS/PRESENTATIONS

6.1 Jill Cross and Caroline Vernon Thanks to Shire staff for another successful Dardanup Bull and Barrell Festival 2023

Ms Jill Cross read out the following:

Congratulations to the new Shire President and Deputy Shire President and all new Councillors from the recent election.

Well it was a hot one! Crowds arrived early and left before it became too hot, went to the beach I think and then came back in droves later in the day ready for the parade of the puppets and the burning of the bull. Overall our numbers were probably down but always bit hard to tell. Our main income streams on the day, children's rides were according to the budget but we didn't sell as many wine glasses as usual. Luckily our stallholders' fees, income prior to the day was well above budget so in the end we made a small loss.

The Festival theme for 2023 was Back In Time. This theme continued the celebrations of the Dardanup townsite 100th year since it was gazetted. Display of old machinery, vintage motorbikes, displays of memorabilia and Dardanup's history were all on show.

Not to mention the beloved fire sculpture that is built out of pine timber donated by Wespine. The fire sculpture depicted the Festival theme with the wooden Bull, a farmer and dog sitting in a model T Ford truck which also celebrated 100 years since the creation of the Model T Ford and would have played an important part in Dardanup's agricultural heritage.

The Festival is sponsored by Healthway with the aim of providing healthy eating choices at the Festival, a smoke free event and promoting the Act Belong Commit strategies.

The Festival showcases our culture and the arts, encouraging our community, particularly our youth to have a go at the arts through creating the giant animal puppets and performing with these in the Festival finale as well as entertaining on the main stage.

The stage programmes featured our local musicians and school children. All accommodation in the area was fully booked. The vigneron and breweries reported good sales and interest in their wine and beer.

The Festival finale, the fire sculpture and now the established parade of the puppets is iconic to our event and draws about 4000 people, many whom attend the Festival just to be at the finale and enjoy the spectacle.

All of this aligns with our Event Vision which is to: -

- Promote the attractions, accommodation, restaurants, vineyards and breweries of the Ferguson Valley.*
- Showcase Dardanup's rural enterprises and industry*

- *Showcase our culture and talents of our local artists and musicians*
 - *Provide a fundraising opportunity for our community groups*
 - *Provide a low cost and social day out for families*
 - *Provide music and art learning experiences for our community*
- Community Support*

The Ferguson Valley Visitor Centre was open on the day of the Festival showcasing tourism in Ferguson Valley.

Dardanup community members set up and clean up the Festival site. 190 volunteers were recorded as assisting set up, on the day of and clean up the Festival. On the day of the Festival approx. 30 locals volunteer at the Festival selling tickets for wine glasses, children's rides, animal nursery and supervising in the children's activity marquee.

11 community groups including our schools organise activities at the Festival, parking cars, Baby change Tent, bar, market and food stalls, and the children's craft activities. These community groups either organise their own stalls or the Festival Committee pays for their services. Leschenault Scouts and Bunbury Men of Song organised food stalls. The Dardanup Central Bushfire Brigade also organised a display entertaining children with their equipment. Dardanup Central, Waterloo and Dardanup West bushfire brigades attend the lighting of the fire sculpture to extinguish the fire when the celebration is completed. The Dardanup Bushfire Brigade Cadets organised the Dog High Jump Competition and did all the MC'ing and The Dardanup Equestrian Centre Committee organised the paid parking at the Dardanup Equestrian Centre. The Festival Committee couldn't organise the Festival without the assistance of our community volunteers. The Festival is our community groups main fundraising opportunity for the year.

The Dardanup Shire staff build road crossovers and sand pads and tidy the town in readiness for the Festival. 15 Local businesses and industries provide cash sponsorship, and many provide in kind assistance such as equipment, fuel and transport.

This year our Festival Committee continued to use Facebook more frequently to promote the Festival. We engaged a wide demographic via Facebook with 7000 followers, 1000 more than last year and 6300 likes, 1300 more than last year.

This year we had 2 new Committee members join the 2023 Committee. The rest of the Committee CARRIED over from 2022. Several of our Committee members have previously attended training courses in event and risk management, using social media to promote your event, 1st aid training and volunteer management. This training ensures the Committee is well equipped to manage the Festival and our skills are continually being updated.

Stallholders reported good sales.

The puppet making workshops were particularly popular with 100 members of our community participating. The workshops gave our local youth an opportunity to work with an artist and showcase their talents at the Festival through the parade of the giant puppets.

The Festival Committee wishes to continue to partner with Curtin Uni and Bunbury Prison Pre Release unit as this eases the demand on our local volunteers. Both these groups particularly enjoy our country cooking and hospitality.

The Dardanup Shire was also pleased with the overall operation of the Festival. Few things to work on as always and our end we have already compiled a list of things to improve for next year. The lack of water to the new changerooms was a pain in the butt saved by the Dardanup West Bushfire Brigade who came to our rescue and carted 20,000 litres of water. I'm sure the Shire will rectify this problem in the near future. The new parking option at the Dardanup Equestrian Centre implemented again this year isn't working well and failed to attract many more cars. It's also very costly option when not adequately used so we are going to get together early next year and consider other options. Parking is always going to be a problem for the Festival but we were heartened to see many of the local residents encouraging people to park on their properties. The extended road closure this year of Recreation Rd plus closure to Ferguson, Little and Doolan St

worked well as there was less vehicle traffic in town and around the Festival site which made it safer for all the pedestrians, particularly those leaving late at night after the burning of the Bull. This year the Festival Committee extended our storage space at Wells Rec Park, renovated all the children's tables, purchased some warm jackets for all the Committee, purchased some new trestles, participated in Dardanup's 100th parade, organised the annual fashion parade with some funds going to Solaris and Salvos and participated in a sausage sizzle at the Royal Show for which we were paid. So it's been a busy year on top of organising the Festival.

Thank you to the Shire for so promptly organising the patch up to the Clubrooms after the storm damage. Aly Smith and Belinda Vanvuuren did a great job there.

We would like to thank Mel Ring, our point of contact in the Shire. We try and not give her too much of a headache and Nigel Lyon, well depends on where the fire sculpture lands as to whether he has a headache or not. He should have been fine this year. Thank you to Michelle Dennis and Neil Nicholson who check on all the food vendors. Thank you to the rest of the staff who have assisted and of course to the Councillors in general who support the Festival with generous funding.

The Festival Committee is busy enthusiastically planning the 2024 Festival which by the way will be our 21st.

Note:

Mrs Jill Cross and Mrs Caroline Vernon presented Council with a basket of goods for the staff room in thanks for all the assistance and hard work provided for this event.

Response:

Shire President, Cr. T G Gardiner thanked Mrs Cross for her presentation, kind words and gift. Cr. T G Gardiner noted that while the weather was not as kind as it could have been, it was a great event and is iconic through the South West.

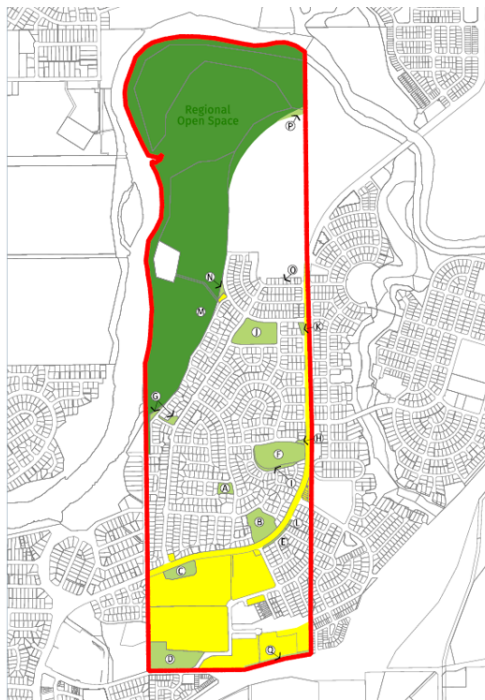
[6.2 Kylie Shaw from Harley Dykstra Item: Amendment 1 to Parkridge Estate Structure Plan](#)

Ms Kylie Shaw from Harly Dykstra read out the following:

Harley Dykstra, representing Parkridge Estate on the matter of the Parkridge Structure Plan Modification 1.

Since 1993 Parkridge has been providing the Eaton Community with lots for residential development, Public Open Space, Regional Open Space, a high school and primary school site, land for the recreation centre and a retirement village.

The original landholdings were referred to as Location 19 which extended from the Forrest Highway on the southern boundary to the Collie River on the northern boundary. The boundary is shown in red on the graphic on the screen. [Duplicated below in the minutes.]



Plan Ref	Reserve No.	Lot Details	WAPC ref	Date Ceded	Common Name	Area (ha)	Purpose
A	45333	5820 on P22133	89548	1998	Lusitano Park	0.4169	Public Recreation
B	44580	5767 on P21400	48548	1997	Sindhi Park	1.6977	Public Recreation
C	45531	4 on DP1019	97513	1999	Bethanie Park	0.9732	Public Recreation
D	45358	19 on DP41075	97513	1998	Eaton Recreation Centre site	2.9057	Public Recreation
E	46255	6060 on P23654	108130	2001	Eaton Drive linear strip	0.1664	Public Recreation
F	48392	1028 on DP1028	118210	2005	Cleveland Bay Park	2.7625	Public Recreation
G	50572	437 on DP42392	118006	2010	Gromark Park	0.2025	Public Recreation
		438 on DP42392		2010		0.1481	
H	48364	890 on P42393	125521	2005	Cleveland Bay Park	0.0739	Public Recreation
I	48392	300 on DP47211	126335	2008	Cleveland Bay Park	0.331	Public Recreation
J	48933	874 on DP48838	127566	2006	Peninsula Lakes Park	2.3695	Public Recreation
K	48870	875 on DP50198	127566	2006	Peninsula Lakes Drive Entry	0.1451	Public Recreation
L	46255	878 on DP52369	127984	2001	Eaton Drive linear strip	0.027	Public Recreation
M	43641	5679 on P19531	91326	1995	Leicester Reserve	1.8611	Public Rec, Foreshore Manage & Drainage
N	53879	8001 on P420816	159295	2021	Peninsula near Homestead lot	0.1411	Public Recreation
TOTAL POS AREA CEDED TO DATE						14.2217	
O			141716			0.4704	Cash-in-lieu payment
P					NE portion lot 9008	0.294	Zoned Recreation - LPS 3
Q					SE portion lot 9000	0.695	Zoned Recreation - LPS 3
TOTAL POS AREA WITH CASH-IN-LIEU PAYMENT						15.6811	
CALCULATED POS REQUIRED FOR LOCATION 19						13.2513	
SHORTFALL/SURPLUS OF POS						2.4298	Surplus

- LOCATION 19
- REGIONAL OPEN SPACE
- PUBLIC OPEN SPACE
- PUBLIC PURPOSES / COMMUNITY FACILITIES

While the modification to the Structure Plan addresses specifically proposed changes to the northern portion of Parkridge Estate, the Structure Plan considers the whole of the original Location 19. It includes the calculation of Public Open Space over the development in keeping with the State Administrative Tribunal resolution, Parkridge Group Pty Ltd v WAPC [WASAT 113 of 2010.]

Various audits and calculations have determined POS requirements for Parkridge over several years. The total POS to be ceded from Location 19 determined by SAT was to be 13.2513 hectares.

The audit provided as part of the Structure Plan modification shows that approx. 15.68ha of POS has been allocated from the original Location 19, approximately 2.4ha in excess of the area determined by SAT.

If the existing Structural Plan is not amended then the total area of POS would be in the order of 18.9 hectares, approximately 5.6 ha over the area determined by SAT.

The areas of POS ceded to date and their function have been accepted by the Shire as part of the 10% POS requirement through the subdivision process as Location 19 was developed. To now not accept areas of POS already ceded is contradictory to decisions made by the Shire at the time of each parcel being ceded.

The southern part of the original Location 19 contains the Eaton Recreation Centre which was given up by Parkridge to the Shire on their request. As development has generally progressed from the south to the north, the majority of the required 10% POS contribution was ceded in the southern portion of the original Location 19.

In addition to the POS given up, it should be noted that some 77.9ha of Location 19 has been reserved as Regional Open Space, most of which has already been dedicated. Further, an area of 14.22ha has already been given up as Public Open Space.

While Regional Open Space is considered separately from the Public Open Space, it still provides a functional area for recreation with dual use paths and nature trails, and in this location, a planned dog park as per Council resolution of 28th April 2021.

With this in mind the provision of Regional Open Space immediately adjacent to the northern portion of the development contributes to the recreational requirements of residents in the northern part of the site.

9 ANNOUNCEMENTS OF MATTERS FOR WHICH MEETING MAY BE CLOSED

9.1 Title: Bunbury & Districts Softball Association – 2023 Annual Financial Report & Business Plan 2023-2026

9.2 Title: Australia Day Awards

9.3 Title: Chief Executive Officer KPI Quarterly Report – July to Sept 2023 Quarter

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:

- 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.*

Note: Shire President, Cr T G Gardiner advised that the meeting would go behind closed doors toward the end of the meeting to discuss S.5.23 section (2)(a) a matter affecting an employee or employees and section 2(e)(ii) information that has a commercial value to a person.

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 CnG CP039.

Note: Chairperson, Cr. T G Gardiner asked Councillors and Staff if there are any Declarations of Interest to be declared.

- *Chief Executive Officer, Mr André Schönfeldt declared a Financial Interest in Item 16.3 - Chief Executive Officer KPI Quarterly Report as the matter relates to Mr Schönfeldt's employment.*
- *Shire President, Cr. T G Gardiner declared an Impartiality Interest in Item 12.3.1 - Omnibus Amendment to Approved Budgets for Various Ongoing and New Capital Works Projects due to being a member of the Ferguson Bush Fire Station Brigade.*
- *Deputy Shire President, Cr. E P Lilly declared an Impartiality Interest in Item 12.2.1 - Relocation of Existing Infrastructure at Cleanaway Site (Lot 2 Banksia Road, Crooked Brook) due to being a member of the Dardanup Environmental Action Group.*
- *Cr. J D Manoni declared an Impartiality Interest in Item 12.4.2 - Burekup Cricket Club Lease Renewal due to being a member of the Burekup Cricket Club.*
- *Cr. T Bell declared a Financial Interest in 12.4.6 due to RFT-F0344431 Ferguson Road Reconstruction and Upgrade 13.56 – 19.56 SLK due to a family member that will be directly affected by the reconstruction and upgrade.*
- *Cr. J D Manoni declared an Impartiality Interest in Item 16.2 Australia Day Citizen of the Year Awards 2024 due to being a member of the Burekup Cricket Club of which one of the nominees is a member of.*
- *Cr. L W Davies declared an Impartiality Interest in 12.4.2 - Burekup Cricket Club Lease due to relative that resides with him is a member of the women's team.*

12 REPORTS OF OFFICERS AND COMMITTEES

12.1 EXECUTIVE REPORTS

None.

12.2 SUSTAINABLE DEVELOPMENT DIRECTORATE REPORTS

12.2.1 Title: Relocation of Existing Infrastructure at Cleanaway Site (Lot 2 Banksia Road, Crooked Brook)

Reporting Department	<i>Sustainable Development Directorate</i>
Responsible Officer	<i>Mr Ashwin Nair – Director Sustainable Development</i>
Reporting Officer	<i>Mr Phil Shephard – Planning Officer</i>
Applicant	<i>Harley Dykstra Planning & Survey Solutions (on behalf of Cleanaway Solid Waste Pty Ltd)</i>
Legislation	<i>Local Government Act 1995</i>
Council Role	<i>Quasi-Judicial.</i>
Voting Requirement	<i>Simple Majority.</i>
	<i>12.2.1A – Development Application Report</i>
	<i>12.2.1B – Development Application Plans</i>
	<i>12.2.1C – Copy of Submissions</i>
	<i>12.2.1D - Risk Assessment</i>
Attachments	<i>12.2.1E – Clause 67 ‘Matters to be Considered’ Assessment</i>
	<i>12.2.1F – Approved Local Development Plan (referenced within appendix E)</i>
	<i>12.2.1G – EPA Notice of Decision to Consent to Minor and Preliminary Works</i>

DECLARATION OF INTEREST

Deputy Shire President, Cr. E P Lilly declared an Impartiality Interest in this item.
Please refer to Part 11 ‘Declaration of Interest’ for full details.

Overview -

To consider a development application for works generally associated with the existing infrastructure at Lot 2 Banksia Road, Crooked Brook. The use of the land for the purposes of a Waste Disposal Facility has already been previously approved and does not form part of this application.

The proposed works involve the relocation of buildings used for workshop and amenities, a gas flare/air compressor unit/generator unit, irrigation tanks and tailings discharge point. The development also includes a new office.

Council should note that under section 41A of the *Environmental Protection Act 1986*, the Environment Protection Authority has consented to the proposed works subject to this application.

Officers do not have delegation to determine applications for development approval within the 'Waste Disposal/Processing' area as identified in the Local Planning Strategy, and as an objection was received during the consultation process which further requires Council to determine the application.

Officers consider that the proposal is generally consistent with Local Development Plan for the site and the broader planning framework and recommend approval subject to conditions.

OFFICER RECOMMENDED RESOLUTION

MOTION MOVED - Cr. T G Gardiner SECONDED – -----
LAPSED

THAT Council:

1. Approves the application for development approval [Appendix ORD: 12.2.1A] for the relocation of existing infrastructure at the Cleanaway landfill site (workshop, office, amenities block, gas flare, air compressor unit and generator unit, irrigation tanks and tailings discharge point) on Lot 2 Banksia Road, Crooked Brook under the Greater Bunbury Region Scheme, Clause 68(2)(b) of Schedule 2 (deemed provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of Clause 7.3 of the Shire of Dardanup Town Planning Scheme No.3, subject to the following conditions:

- a) All development must be CARRIED out in accordance with the approved plans listed below, unless amended with the written consent of the Shire. In the event of an inconsistency between the approved plans and a requirement of the conditions of this development approval, the requirement of the condition prevail:

Approved plans: (Appendix ORD: 12.2.1B) –

- Site Plan - DARD-EW12A-AL (Rev C7) Dated 13.09.23;
- Flare Compound -DARD-LFG-P110 (Rev C3) Dated 13.09.23; and
- Workshop and Office - DARD-EW12A-ALWS (Rev C1) Dated 13.09.23.

- b) Prior to the lodgement of a Building Permit, a Workshop Operation Plan must be submitted to the Shire of Dardanup for approval. The plan must demonstrate the following:

- All measures to manage the risk of contaminants, including hydrocarbons escaping from the area and leaching into the ground;
- Fuel kept onsite to be stored in bunded fire rated fuel tanks;
- The workshop floor being constructed of hardstand and bunded to specifications to cater for the type of vehicles proposed to be parked/serviced/manoeuvring onsite.

Once approved, the plan must be implemented its prior to the use of the development occurring.

- c) All stormwater from the proposed buildings and hardstand areas must be contained on-site at all times, as indicated on the approved plan to

- the satisfaction of the Shire of Dardanup prior to commencing use of the proposed development.
- d) The developments to be connected to an approved on-site effluent disposal system to the satisfaction of the Shire of Dardanup.
- e) The developments to be connected to an approved on-site potable water supply to the satisfaction of the Shire of Dardanup.
- f) Prior to the lodgement of a Building Permit, a Landscape Management Plan to be submitted to the satisfaction of the Shire of Dardanup which demonstrates the following
- Mature native vegetation at a minimum of 1.5m in height along the full southern and eastern extent of the workshop and office buildings.
- Once approved the plan must be installed and maintained thereafter to the satisfaction of the Shire of Dardanup.
- g) Prior to the lodgement of a Building Permit for the development a Bushfire Management Plan is required to be submitted and approved for the relocated workshop and office as it falls within a Bushfire Prone Area. Once approved the Bushfire Management Plan is to be implemented in its entirety prior to it being used to the satisfaction of the Shire of Dardanup.
- h) Prior to the lodgement of a Building Permit for the development a Dust Management Plan be prepared and submitted to the Shire of Dardanup. The plan must demonstrate how dust will be managed from the activities of the workshop area.

*MOTION LAPSED
FOR WANT OF A SECONDER*

Note: As the previous motion lapsed, Cr. E P Lilly put forward a resolution to refuse the application.

Change to Officer Recommendation

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

The resolution was amended from the officer recommended resolution to approve the application to Council refusing the application for the following reasons:

- *The flare is being moved closer to residences;*
- *The shed will become visible without suitable screening;*
- *The proponent has not demonstrated the ability to revegetate the site; and*
- *The overall visual amenity is not considered appropriate.*

COUNCIL RESOLUTION

268-23 MOVED - Cr. E P Lilly SECONDED – Cr. M Hutchinson

THAT Council refuses the application for development approval [Appendix ORD: 12.2.1A] for the relocation of existing infrastructure at the Cleanaway landfill site (workshop, office, amenities block, gas flare, air compressor unit and generator unit, irrigation tanks and tailings discharge point) on Lot 2 Banksia Road, Crooked Brook under the Greater Bunbury Region Scheme, Clause 68(2)(c) of Schedule 2 (deemed provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- 1. The flare is being moved closer to residences;**
- 2. The shed will become visible without suitable screening;**
- 3. The proponent has not demonstrated the ability to revegetate the site; and**
- 4. The overall visual amenity is not considered appropriate.**

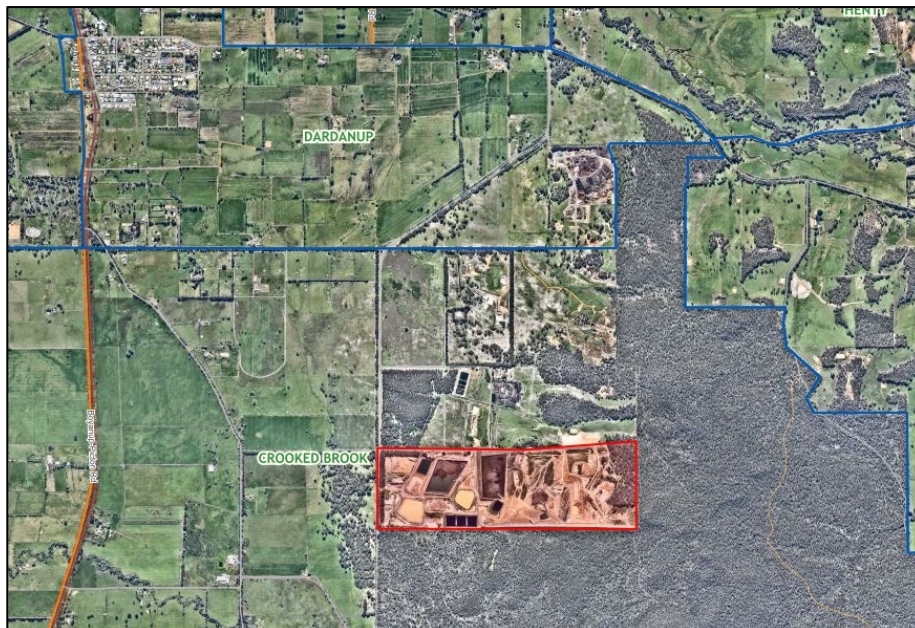
CARRIED
8/2

<i>FOR THE MOTION</i>	<i>AGAINST THE MOTION</i>
<i>Cr. E P Lilly</i> <i>Cr L W Davies</i> <i>Cr. A L Webster</i> <i>Cr. T Bell</i> <i>Cr. A C Jenour</i> <i>Cr. M R Hutchinson</i>	<i>Cr. J D Manoni</i> <i>Cr. T G Gardiner</i>

Background

The site operates as a waste disposal facility that was originally given approval from the (then) Minister for Planning in 1999 and is subject to a Department of Water and Environmental Regulation (DWER) licence issued under Part V of the *Environmental Protection Act 1986*.

Location Plan



The site is located approximately 4 km south-east from the Dardanup townsite and abuts the Dardanup Conservation Park to the east and south. The land to the north contains the Shire of Dardanup waste transfer station, green waste facility and the Water Corporation's Dardanup Wastewater Treatment Plant. Outside of the above adjoining lots, the surrounding area consists of predominantly General Farming zoned areas with rural uses farmland with the closest residence being some 500m south from the site's boundary along Banksia Road.

In terms of the most recent development history over the site, the Joint Development Assessment Panel (JDAP) application submitted in August 2021, which sought approval to construct and operate three additional landfill cells (Cells 9,10, and 12a), is currently in front of the State Administrative Tribunal (SAT). The application was considered deemed refused by the applicant under the *Planning and Development (Local Planning Schemes) Regulations 2015*. Separate to this process however, Council should note that the Environment Protection Authority have concluded their assessment of that proposal and its impacts to key environmental values pursuant to section 44(3)(b)(ii) of the *Environment Protection Act 1986*. Once the appeal period for this decision has lapsed, the SAT is likely to progress with the JDAP application. As part of this process, the Shire will likely be requested to reassess the application and present a new Responsible Authority Report to JDAP at a later date.

Proposal

The proposal is for approval for the relocation of existing infrastructure associated with the landfill operation and the application relates to the works only as the land use component has been approved previously.

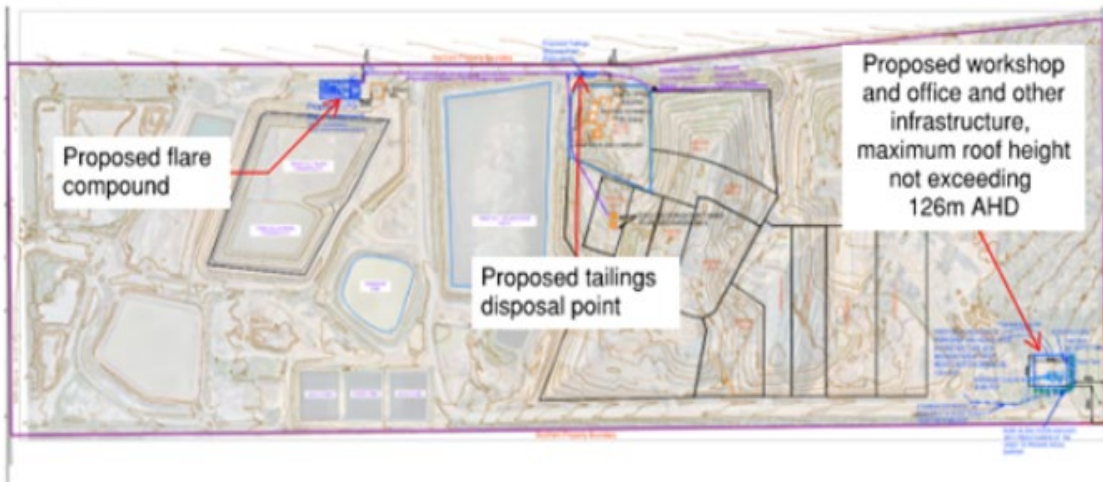
The applicants advise the purpose for the relocation of the infrastructure is to improve management at the site and assist in the planned waste cells staging. The structures to be relocated include (shown in the images below):

- Workshop buildings;
- Amenities/Toilet block;
- Office building 3m x 3m;
- Gas flare, air compressor unit and generator unit;
- Irrigation tanks; and
- Tailings discharge point from its location adjacent to the workshop towards the middle of the subject site near the northern boundary.

Existing site plan



Proposed site plan



Existing structures and infrastructure to be relocated:



Existing workshop buildings



Existing amenities block



Existing landfill gas flare, generator, and air compressor unit



Existing irrigation tanks



Existing tailings disposal point pump and infrastructure located adjacent to the existing workshop

Please refer to [Appendix ORD: 12.2.1.A] for the development application report and [Appendix ORD: 12.2.1.B] for the development application plans.

The outline of the proposal is as follows:

Region Scheme	‘Rural’ zoning
Local Planning Scheme	‘General Farming’ zone
Structure Plan/Precinct Plan	Local Development Plan for Lot 2 Banksia Road, Crooked Brook
Use Class and Permissibility	‘Waste Disposal Facility’ – Use not listed under TPS3
Lot Size	121.66 hectares
Existing Land Use	‘Waste Disposal Facility’ and ‘Industry-Extractive’
State Heritage Register	No
Local Heritage	Nil
Bushfire Prone Area	Yes

Legal Implications

Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015

The proposal requires consideration under the Shire of Dardanup Town Planning Scheme No. 3 (TPS3) which is an operative local planning scheme under the Act/Regulations.

The proposal also requires consideration under the Greater Bunbury Region Scheme due to:

- The property abutting a Regional Open Space reserve;
- The property falls within the Strategic Minerals and Basic Raw Materials Resource Policy area; and
- The proposal is within the Rural Zone.

The applicant has the right to review Council's decision through the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*.

Council Plan

8.1 - Support responsible planning and development.

Environment

The Waste Disposal Facility is a Prescribed Premises under Part V of the *Environmental Protection Act 1986* and operates under Licence L8904/2015 issued by the Department of Water and Environmental Regulation.

The EPA has granted a Notice of Decision to Consent to Minor and Preliminary Works for the Banksia Road Landfill. Under this notice the proponent may carry out the minor and preliminary works once the Shire have granted development approval and all other necessary approvals, permits or licences, have been obtained by the operator. Please refer to Appendix ORD 12.2.1G – *EPA Notice of Decision to Consent to Minor and Preliminary Works*.

The proposal is consistent with the EPA decision except for the proposed 400mm LFG Northern Header line running south from a point close to the Proposed Tailings Disposal Point. This will be subject to a separate approval.

Precedents

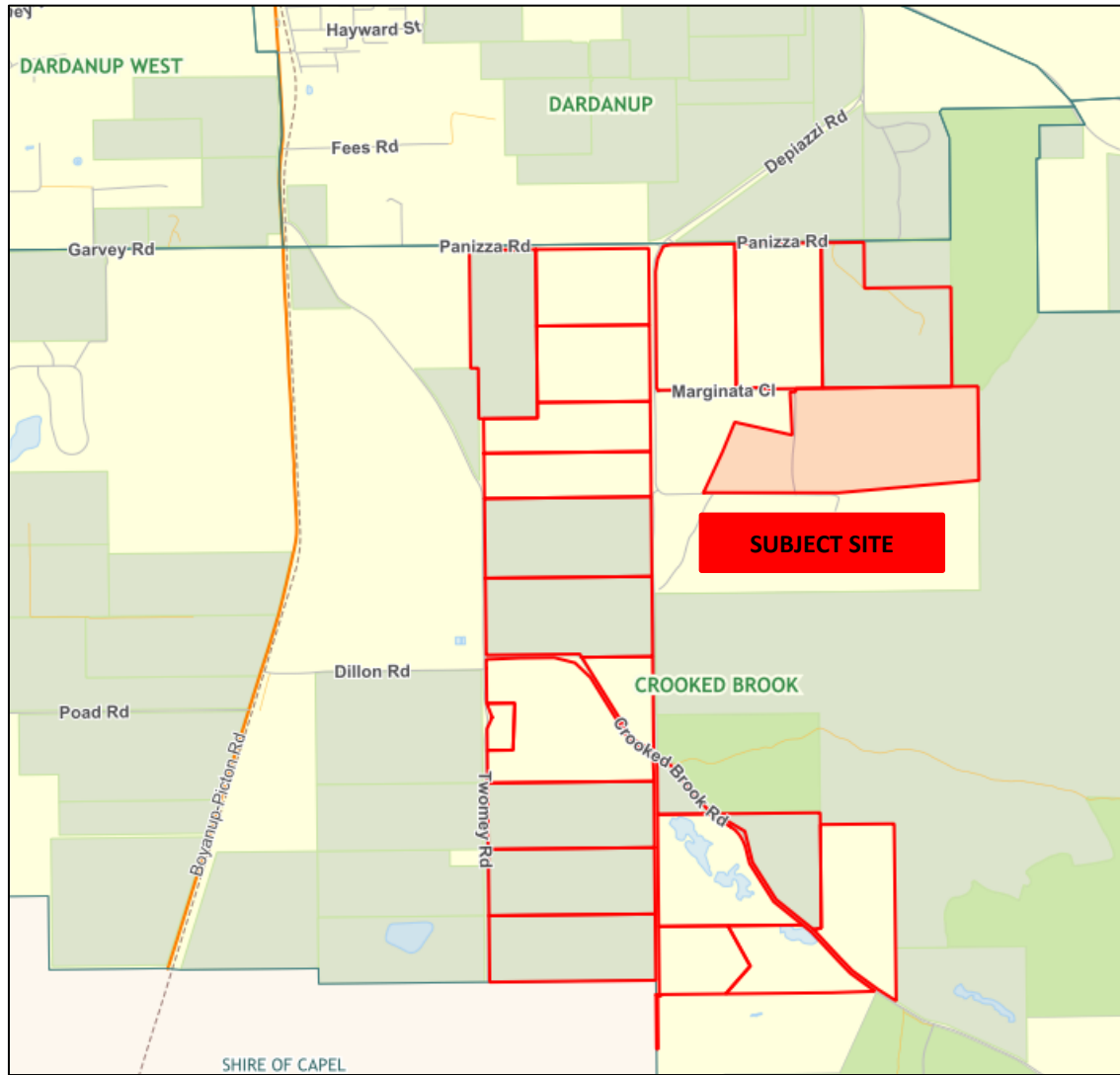
Council have considered several applications related to this site including waste cells, dust management, extractive industry, stormwater infrastructure and the local development plan.

Consultation

Public Consultation

The application was advertised in accordance with cl. 66 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The period for comment was 28-days (7th of July 2023 – 7th of August 2023) and involved the following:

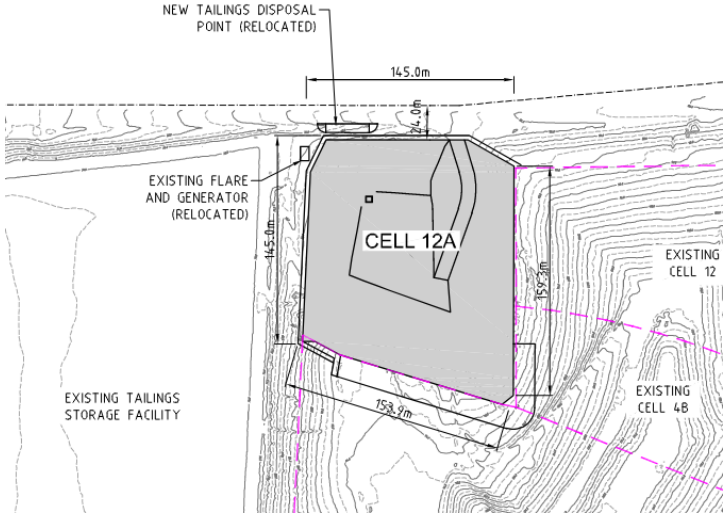
- A notice was displayed at both the Eaton and Dardanup Administration buildings and also placed on the Shire's website;
- A sign was erected on-site;
- The application was referred to the following Agencies:
 - Department of Biodiversity, Conservation and Attractions (DBCA).
 - Department of Mines, Industry Regulation and Safety (DMIRS).
 - Department of Planning, Lands and Heritage (DPLH).
 - Department of Primary Industries & Regional Development (DPIRD).
 - Department of Water and Environmental Regulation (DWER).
 - Water Corporation (WC).
- The application was referred to adjoining/nearby landowners within approx. 2km of the site (see map below):



At the close of the submission period, a total of 7 submissions were received (6 from government/service agencies with no objections) and 1 submission (objection) from a nearby landowner on Crooked Brook Road.

The key issues raised in the submission are summarised below and please refer to [Appendix ORD: 12.2.1.C] for a copy of the submissions.

ISSUE RAISED	SHIRE OFFICER COMMENTS
Question the reason for the moving of infrastructure – is it within the adopted Masterplan of development for the site?	<p>The applicants advise the purpose for the relocation of the infrastructure is to improve management at the site and assist in the planned waste cells staging.</p> <p>The proposal is consistent with the adopted Local Development Plan.</p> <p>No further action is required.</p>
Question what testing for hydrocarbons and contaminates of the current workshop area that is proposed to be shifted have been done or is intended to be done?	The existing workshop area is proposed to be converted to a Landfill Cell (Cell 12A) which is the subject of a separate JDAP application. Excerpt from JDAP application demonstrating the proposed location of Cell 12A as below:

ISSUE RAISED	SHIRE OFFICER COMMENTS
	 <p>Importantly, the EPA has granted a Notice of Decision to Consent to Minor and Preliminary Works and the proposed works are generally in accordance with this decision. The EPA has not Identified testing for hydrocarbons and contaminates as a matter of concern.</p> <p>The new workshop area will be conditioned to be bunded. All stormwater runoff will be controlled and drained to an existing dam.</p>
<p>Question what spillage containment infrastructure will be built on the new workshop area to mitigate any potential contamination from spillage.</p> <p>This is particularly important given the area will be far closer to the boundary of the Greater Bunbury Water Catchment Prescribed area?</p>	<p>The new workshop area will be conditioned to be bunded. All stormwater runoff will be drained to an existing dam. A condition will also be imposed to ensure all contamination sources from the activities to occur within the workshop are also managed.</p> <p>The workshop area and spillage/contamination matters will also be controlled by the DWER under the Environmental Protection Act.</p>
<p>Question what specialist input will be given to ensure that the Dardanup Conservation Park and surrounding landholders are in no greater danger from gas flaring & methane release given that the proposed flare will be a lot closer to the boundary of the park.</p> <p>Relevant authorities need to be asked specifically to comment on any increased risk not just asked for a general comment on the proposal?</p>	<p>The relocation of the gas flare, generator and air compressor unit on the lot will increase the current setback from the boundary with the Dardanup Conservation Park from approx. 900m to over 1300m and therefore the relocation is not expected to increase any risk (including fire threat) to the Park or surrounding landowners.</p> <p>The DBCA submission (see “Consultation with Government/Service Agencies”), have advised that there will be no impacts from the proposed Lot 2 landfill operations on the biodiversity values and management of the Dardanup Conservation Park.</p> <p>They also commented:</p> <ul style="list-style-type: none"> • The gas flare compound and air compressor generator should be relocated to near the Lot 2 northern boundary. • They support the relocation of the tailings disposal point where seepage risks to the adjacent Dardanup Conservation Park are minimised. <p>The Landfill Gas Management Plan prepared for the site advises the purpose of the blower/flare station is to safely and efficiently combust the landfill gas that is recovered from the waste mass to minimise greenhouse emissions. The flare, through combustion</p>

ISSUE RAISED	SHIRE OFFICER COMMENTS
	<p>converts the methane into carbon dioxide and the EPA advise that methane is a potent greenhouse gas with a global warming potential 21 greater than carbon dioxide.</p> <p>The EPA noted that during the relocation of the permanent flare, a temporary flare will be used until the permanent flare is repositioned, negating any additional greenhouse gas impacts.</p> <p>The relocation of the gas flare, generator and air compressor unit will trigger the requirement for a licence amendment from DWER. Based on a previous DWER "Review of Licence L8904/2015/1" decision, the potential for fire is mitigated through monitoring the temperature of the flare as well as the flare being fitted with a flame arrestor. It is considered that there are other mechanisms that adequately address this risk.</p> <p>No further action is required.</p>

Consultation with Government/Service Agencies

- *Department of Mines, Industry Regulation and Safety (DMIRS)*

DMIRS has advised that:

- This proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials.
- Lodge no objections to the development application.

Officer Comment

The proposal does not affect any known geological resource and the Department does not object to the proposal proceeding.

- *Water Corporation (WC)*

The Water Corporation advises that:

- The landfill site immediately abuts the Dardanup Wastewater Treatment Plant, and we have several monitoring bores upstream and downstream of our treatment and storage ponds.
- The proposed buildings and related developments are some distance from our monitoring bores and this aspect of the landfill operations are unlikely to affect our operations and monitoring.

Officer Comment

The Corporation's comments are noted. The property is subject to a Works Approval and Licence through the Department of Water and Environmental Regulation (DWER) which contains controls on any potential stormwater, spills etc. regulated through the Licence, or the general provisions of the Environmental Protection Act.

- *Department of Primary Industries and Regional Development (DPIRD)*

DPIRD advises that:

- They do not object to the proposed relocation of the existing infrastructure associated with the landfill operation.

Officer Comment

The proposal does not affect any agricultural resource and the Department does not object to the proposal proceeding.

- *Department of Water and Environmental Regulation (DWER)*

DWER has advised that:

- The property at Lot 2 Banksia Road is a Prescribed Premises, under Part V of the *Environmental Protection Act 1986* and involves Categories 5, 61 & 64, as per Schedule 1 of the *Environmental Protection Regulations 1987*, subject to Works Approval W5748/2014/1 and Licence L8904/2015/1.
- Licence L8904/2015/1 (the Licence) for the premises contains conditions which specifically reference some of the items of infrastructure that are proposed to be relocated, namely the landfill gas flare and Tailings Cell 1 discharge point and the conditions of the Licence refer to the current placement of this infrastructure and do not authorise the proposed movement, or new location.
- The other works (workshop/amenities, irrigation water supply tanks and irrigation lines) are not specifically referenced within the Licence.
- It is considered that works have the possibility to generate dust, noise, and potentially contaminated stormwater, spills, odour and landfill gas, which would be regulated either through the Licence, or the general provisions of the EP Act.
- The licence holder could apply for a licence amendment to undertake the relocation works which, if approved, could contain conditions to prevent impacts for the relevant environmental factors.
- The relocation of the workshop, laydown area, water irrigation tanks and pipework on their own would not require a licence amendment, however the new placement would be updated on the premises map as part of the next licence amendment.

Officer Comment

The Department's comments are noted. The DWER are the lead agency in controlling the landfill and other activities on-site through the Works Approval and Licence which regulates the operations.

The Department advises that the relocation of the landfill gas flare and Tailings Cell 1 discharge point requires the current Licence to be amended. As noted, above, the Department has approved the relocation of the workshop, laydown area, water irrigation tanks and pipework etc.

The Department's advice which requires the proponents to obtain a licence amendment for the proposed works should be added to the approval, if granted.

- *Department of Planning, Lands and Heritage (DPLH)*

DPLH has advised that:

- The application has been assessed in accordance with the provisions of the Greater Bunbury Region Scheme.

- They do not have any objection to the proposed development in principle.
- As the proposal does not change any land use and the proposed development is incidental to the predominant land use of Waste Disposal Facility under which the lot currently operates, a GBRS approval is not required.

Officer Comment

The proposal is consistent with the Greater Bunbury Region Scheme and the property's use for landfill and the Department does not object to the proposal proceeding.

- *Department of Biodiversity, Conservation and Attractions (DBCA)*

DBCA has advised that:

- There should be no impacts from the proposed Lot 2 landfill operations on the biodiversity values and management of the Dardanup Conservation Park.
- Their preference would be that the gas flare compound is relocated to proposed Location 'B' near the Lot 2 northern boundary.
- Their preference would be that the air compressor generator is relocated to the proposed Location 'B' near the Lot 2 northern boundary.
- They support the relocation of the tailings disposal point where seepage risks to the adjacent Dardanup Conservation Park are minimised.

Officer Comment

The Department's comments are noted. As noted above, the Department of Water and Environmental Regulation are the lead agency in controlling the landfill and other activities on-site through the Works Approval and Licence which regulates the operations. The conditions of the licence address the likely impacts from the operations including dust, noise, potential contaminated stormwater, spills, odour, and landfill gas to ensure there are no impacts on the adjoining the Dardanup Conservation Park.

The Department's recommendation that the gas flare compound and air compressor generator be relocated to the northern boundary is supported and will increase the current setback between them and the Park.

Budget Implications

The applicant has paid the required Development Application fee set out in the Shire's 2023/24 Schedule of Fees and Charges.

Budget – Whole of Life Cost - None.

Council Policy Compliance

SDev CP091 – Local Planning Policy – Exempted Development and Land Use
SDev CP505 – Public Consultation - Planning Matters

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to [Appendix ORD: 12.2.1D] for full assessment document.

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Relocation of Existing Infrastructure at Cleanaway Site Lot 2 Banksia Road, Crooked Brook
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	Financial Should Council refuse the application or approve it subject to conditions not accepted by the proponent, the proponent may seek a review of that decision or condition, there would likely be a financial impact (cost) to defend the decision through the State Administrative Tribunal.

Planning Assessment

Clause 67 of the Deemed Provisions lists matters to be considered in the determination of development applications. A full assessment of the proposal was carried out against the current/future planning framework in accordance with Clause 67 of the Deemed Provisions which is attached [Appendix ORD: 12.2.1.E].

For the purposes of this report, discussion is confined to the issues raised in the submission and where Council is required to exercise discretion.

Land Use

The use of the site for the purposes of a landfill has already been historically approved. The proposal is for the relocation of existing infrastructure and a new office associated with the existing landfill operation. The application relates to the physical works component only and does not affect the current approved land use component.

Town Planning Scheme 3 (TPS3)

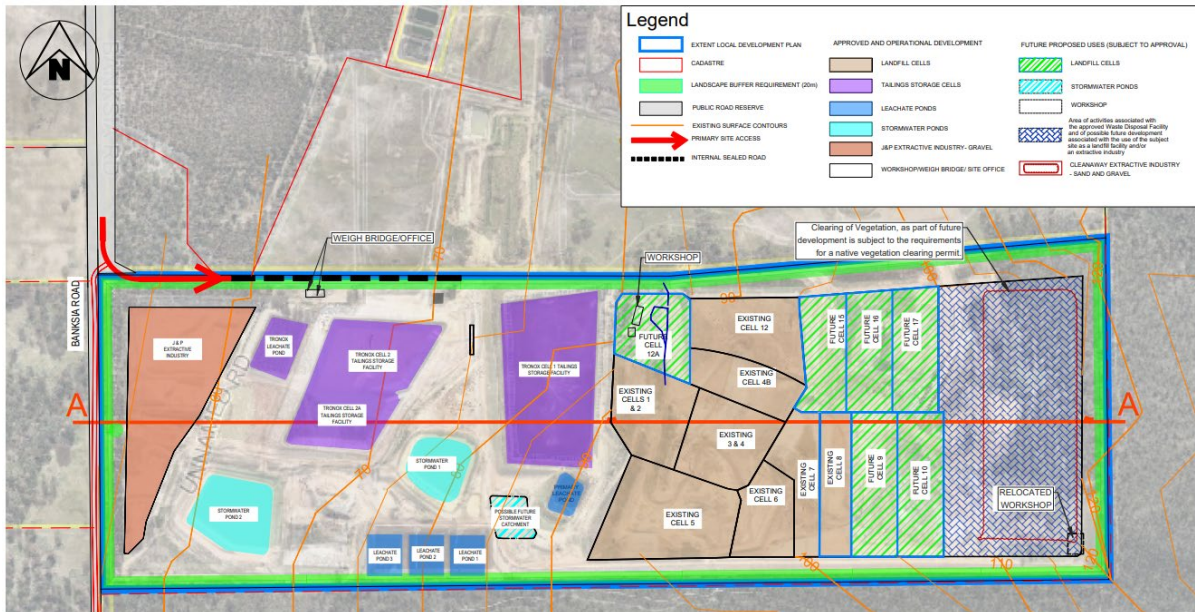
In terms of the physical works, the proposal must satisfy the development standards for the ‘General Farming’ zone contained within cl.3.1 of TPS3 Appendix II – Development Table Part B – Non Residential Land Uses as follows:

Setbacks	Proposal
20m Front	Achieved. The LFG Flare Compound is over 500m from the front boundary to Banksia Road.
20m Rear	Achieved. The bunded area around the relocated office and workshop building is approx. 60m from the rear boundary to Reserve 46403.
20m Side	Achieved. The LFG Flare Compound is approx. 27m and the Tailings Disposal Point is approx. 20m from the northern side boundary to Lot 81 Banksia Road. The bunded area around the relocated office and workshop building is approx. 60m from the southern side boundary to Reserve 46403.

Landscaping	Proposal
Nil required.	Achieved. The bunded area around the relocated office and workshop building is to be landscaped with trees around the eastern and southern sides.

Local Development Plan (LDP) –

The site is also subject to the adopted LDP for Lot 2 Banksia Road, Crooked Brook. Please refer to [Appendix ORD: 12.2.1.E] for the adopted LDP which can also be viewed below:



Local Development Plan

The LDP places a maximum height of 130m AHD for all development on the site (which is a height of 128m AHD to top of waste stack and additional 2m for capping of waste). The relocation of the proposed workshop/office buildings are shown to be in a location onsite with a level of 120m AHD. The workshop is proposed to have a maximum height of 6m. Therefore, the 126m AHD' complies with the LDP requirements.

In terms of the gas flare, this is being relocated towards the lower portion of the site, in an area which has a level of 61m AHD. The gas flare is proposed to have a maximum height of 10m. Therefore, the 71m AHD level also complies with the maximum height restriction within the LDP.

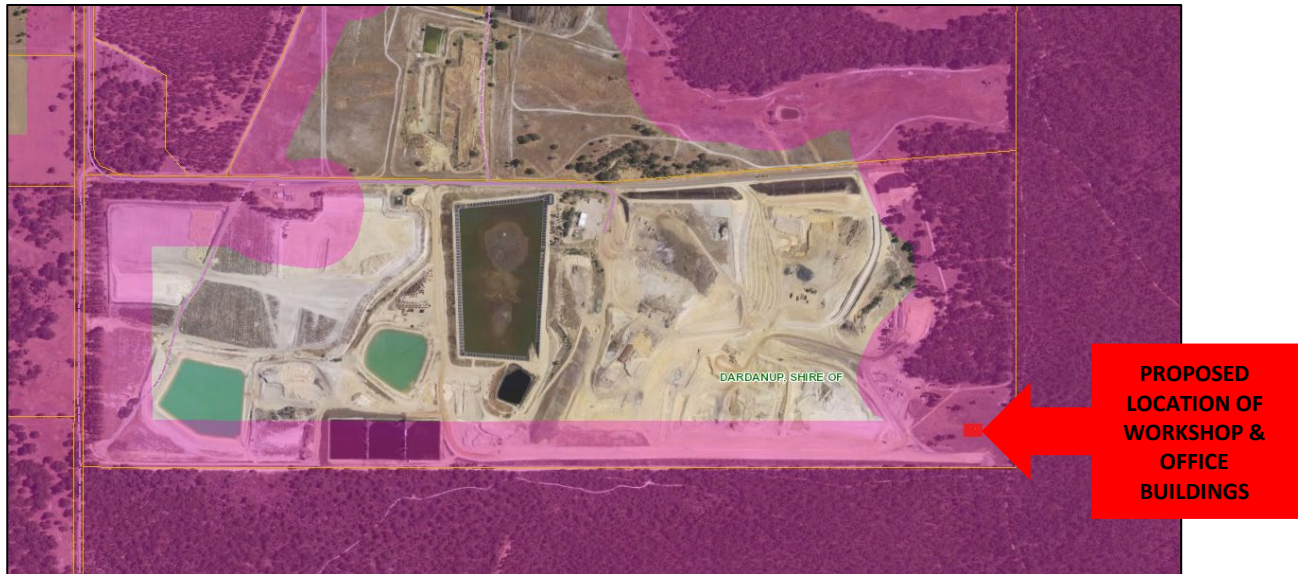
Council should note that spatially, the works proposed generally align with the approved LDP. Specifically, the workshop has been designated to the east of the site consistent with the LDP. The relocation of the workshop will ultimately reduce its visibility from vistas outside of the property as it will be screened by existing stands of vegetation surrounding the site and additional landscape planting to the southern and eastern side of the relocated development. The development as a result will be subject to a Landscape Management Plan being submitted to the satisfaction of the Shire.

Officers consider that the proposal is considered consistent with the LDP and as a result do not consider the minor works proposed to visually impact upon the amenity of the locality.

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

The purpose of the policy is to implement effective, risk-based land use and planning measures to preserve life and reduce the impacts of bushfires on property and infrastructure.

The proposed relocation of the workshop and office buildings will move them from a non-bushfire prone area into a bushfire prone area (see Department of Fire and Emergency Services mapping extract below).



The proponents have requested that Council exempt the development from bushfire planning requirements and provide the following comments in the application:

Lot 2 is partially designated to be bushfire prone by the Department of Fire and Emergency services commissioner. The proposed relocation of existing structures will not result in additional staff accessing the site and will not result in intensification of the existing land use. Therefore, under Part 2.6 of the Guidelines for Planning in Bushfire Prone Areas Version 1.4, decision makers are able to apply exemptions from the requirements of SPP 3.7. It is respectfully requested that exemption from bushfire reporting is applied to this proposal.

The workshop and office buildings are defined as habitable buildings under the *Planning and Development (Local Planning Schemes) Regulations 2015* and the proponents will be required to submit a Bushfire Attack Level assessment and Bushfire Management Plan in accordance with State Planning Policy 3.7 Planning in Bushfire Prone Areas as a condition of approval, if granted.

Amenity

Gas Flare

During the consultation process of the application, concerns were raised over the blower/flare station from a fire risk perspective and visual amenity perspective.

The purpose of the blower/flare station is to safely and efficiently combust the landfill gas that is recovered from the waste mass to minimise greenhouse emissions. The flare, through combustion converts the methane into carbon dioxide and the EPA advise that methane is a potent greenhouse gas with a global warming potential 21 times greater than carbon dioxide.

In terms of fire, the DWER have advised that the potential for fire is mitigated through monitoring the temperature of the flare as well as the flare being fitted with a flame arrestor. It is considered that there are no other mechanisms that adequately address this risk.

In regard to visual amenity, the relocation of the gas flare, generator and air compressor unit on the lot will increase the current setback from the boundary with the Dardanup Conservation Park from approx. 900m to over 1300m. the increased setback is not expected to adversely impact upon the amenity of surrounding landowners in the locality. It is important to note that the structure is already present on the site.

Noise

The activities in the relocated workshop are those activities likely to generate noise as a result of the proposed development. The activities are typically associated with servicing and maintaining vehicle fleet.

In this regard, the Environment Protection Authority's (EPA); Guidance for the Assessment of Environmental Factors recommends the following buffer for Putrescible Landfill site (Class 2 & 3) to sensitive receptors as follows:

'500m separation for sensitive uses (subdivisions) ,150m for single residences & an internal buffer of 35m from the boundary from

In this regard, Officers note that there are no sensitive receptors within the recommended separation distance. As such, the relocation of the workshop is unlikely to result in adverse amenity impacts to the locality by way of noise.

Dust

The Local Development Plan requires consideration given to dust impacts from development proposed onsite. In this regard, Officers note that the movement of vehicles within the relocated workshop area has the potential to generate dust particles. Furthermore, the unique Katabatic winds from the Scarp pose a concern during summer periods. To address this risk, a Dust Management Plan has been conditioned which requires the applicant to demonstrate how dust generated from the operations of the workshop will be managed.

Environment

During the consultation process, concerns were also raised regarding possible environmental impacts associated with the relocated workshop. The application proposes to hardstand the floor of the workshop to stop the potential of hydrocarbons and other contaminants escaping and leaching into the ground. Officers note there is still potential, however, for contaminants to escape from the workshop slab as there is no bunding present. To address this the workshop slab is required to be bunded, which will be conditioned to form part of a broader Workshop Operation Management Plan.

Conclusion

The proposal is for approval for the relocation of existing infrastructure associated with the landfill operation and the application relates to the works only as the land use component has been approved previously.

The proposed relocation of the infrastructure at the Cleanaway landfill facility is consistent with its continued operations and complies with the adopted LDP and broader planning framework. Officers consider that the application complies with the requirements of orderly and proper planning and recommend conditional approval of the application.

END REPORT

12.2.2 Title: Proposed Amendment 1 to Parkridge Estate Structure Plan

Reporting Department	<i>Sustainable Development Directorate</i>
Responsible Officer	<i>Mr Ashwin Nair – Director Sustainable Development</i>
Reporting Officer	<i>Mrs Suzanne Occhipinti - Strategic Planning Officer</i>
Applicant	<i>Harley Dykstra on behalf of Parkridge Pty Ltd</i>
Legislation	<i>Planning and Development Act 2005</i>
Council Role	<i>Quasi-Judicial.</i>
Voting Requirement	<i>Simple Majority.</i>
Attachments	<p><i>12.2.2A – Proposed Parkridge Estate Structure Plan Amendment 1 – full report - Under E Separate Cover</i></p> <p><i>12.2.2A(1) – Proposed Parkridge Estate Structure Plan Amendment 1 – map only</i></p> <p><i>12.2.2B – Approved Parkridge Estate Structure Plan – full report- Under E Separate Cover</i></p> <p><i>12.2.2B(1) – Approved Parkridge Estate Structure Plan – map only</i></p> <p><i>12.2.2C – Schedule of Submissions – Agencies</i></p> <p><i>12.2.2D – Schedule of Submissions – Public</i></p> <p><i>12.2.2E – Risk Assessment</i></p> <p><i>12.2.2F – Officer Technical Assessment</i></p>

Overview

The purpose of this report is for Council to consider its recommendation to the Western Australian Planning Commission (WAPC) with respect to proposed Amendment 1 to the Parkridge Estate Structure Plan (PESP). The proposed amendment seeks to remove Public Open Space (POS), reconfigure residential cells, adjust residential densities, and modify the structure plan boundary to include Lot 9504 Eaton Drive. Officers recommend that the amendment is not supported for the reasons detailed in this report.

Change to Officer Recommendation No Change

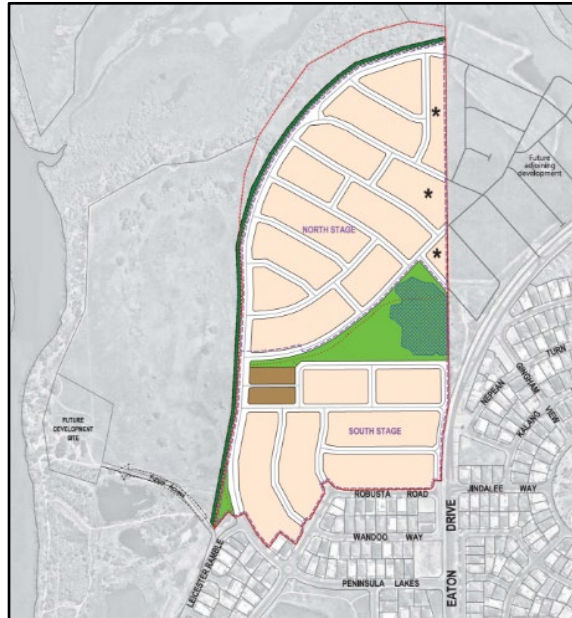
OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

269-23 MOVED - Cr. E P Lilly SECONDED – Cr. T G Gardiner

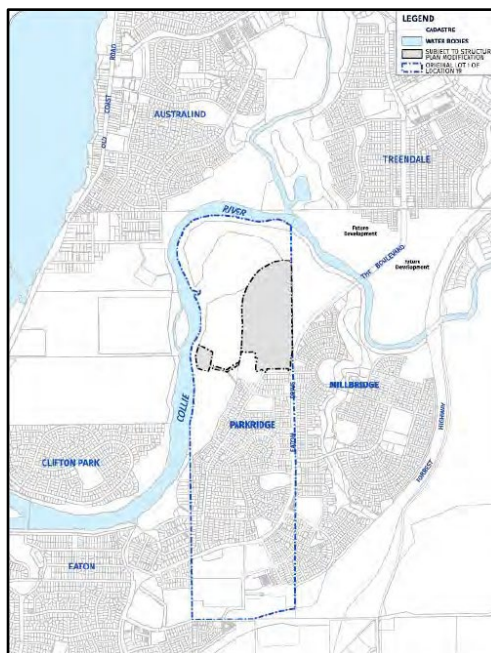
THAT Council, pursuant to Schedule 2, Part 4, Clause 20 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommends to the Western Australian Planning Commission that Amendment 1 to the Parkridge Estate Structure Plan be refused for the following reasons:

- 1. The reduction in Public Open Space proposed by Amendment 1 to the Parkridge Estate Structure Plan is not supported as the proposal does not meet the following objectives and requirements of Western Australian Planning Commission Operational Policy ‘Liveable Neighbourhoods’:**
 - a) Element 1, Objective 5: The proposal does not provide Public Open Space that meets the recreational, social and health needs of existing and future communities;**
 - b) Element 5, Requirement 9.1: The proposal does not contribute a minimum 10% of the gross subdivisible area for Public Open Space; and**

- c) **Element 5, Requirement 9.1: The amendment does not include a Public Open Space schedule detailing the amount, distribution, and function of Public Open Space.**
2. **The removal Public Open Space from the central location depicted on the endorsed Parkridge Estate Structure Plan, as proposed by Amendment 1 to the Parkridge Estate Structure Plan, is not supported for the following reasons:**
- a) **The Black Cockatoo Habitat Tree Review (November 2022, Version 1) confirmed that the Parkridge Estate contains black cockatoo habitat, which are listed as threatened species under the Biodiversity Conservation Act 2016 and the Environment Protection and Biodiversity Conservation Act 1999, and removal of this habitat is unacceptable and avoidable;**
- b) **The central Public Open Space area provides habitat for the common brushtail, threatened black cockatoo, kestrels and other birds, and western kangaroo, and removal of this habitat is unacceptable and avoidable;**
- c) **The central Public Open Space area contains vegetation identified as Priority 1 in the Shire's Local Planning Strategy, being natural areas containing regionally significant vegetation complexes which have at least 2ha in good or better condition (including wetlands), and removal of this habitat is unacceptable and avoidable;**
- d) **It is inconsistent with the objectives and requirements of Western Australian Planning Commission Operational Policy 'Liveable Neighbourhoods' Element 1, Requirement 5.1, as the Amendment 1 proposal does not provide Public Open Space within 300m to all residential lots;**
- e) **It is inconsistent with the objectives and requirements of Western Australian Planning Commission Operational Policy 'Liveable Neighbourhoods' Element 1, Requirement 5.2, as the Amendment 1 proposal does not include a site-responsive Public Open Space network to enhance community wellbeing, facilitate a sense of place and one that encourages physical activity and community interaction;**
- f) **It is inconsistent with the objectives and requirements of Western Australian Planning Commission Operational Policy 'Liveable Neighbourhoods' Element 5, Design Principle 8, as the Amendment 1 proposal does not include an integrated network of Public Open Space that provides communities with access to nature, sport and recreation and therefore the proposal does not meet the Public Open Space function and size requirements;**
- g) **It is inconsistent with the objectives and requirements of Western Australian Planning Commission Operational Policy 'Liveable Neighbourhoods' Element 5, Design Principle 9, as the Amendment 1 proposal does not optimise the siting and design of Public Open Space to promote accessible and efficient use of land; and**



The land originally formed part of Lot 1 of Wellington Location 19 (Location 19), which was rezoned from ‘General Farming’ to ‘Residential’, ‘Residential Development Area’ and ‘Recreation’ via a scheme amendment progressed in 1991. Development in this area prior to the PESP was guided by a plan prepared in July 1991 referred to as ‘Glen Huon Estate Eaton’, or ‘Plan 9’. The plan set out the broad layout of major roads, some indication of zonings and residential densities, schools, and areas of POS. The land area of the original Location 19 is 254.2595ha, and has been subsequently developed for residential purposes, POS, ROS, a recreation centre, a high school, a primary school, and an aged care facility.



Original Lot 1 of Location 19, with proposed amended PESP boundary indicated in grey

Location Plan



Proposal

The outline of the proposal is as follows:

Region Scheme	Greater Bunbury Region Scheme (GBRS) Predominantly zoned 'Urban' with some portions of 'Regional Open Space' reserve
Local Planning Scheme	Local Planning Scheme No. 3 (LPS3) Predominantly zoned 'Development' with some portions reserved 'Recreation' on northern boundary
Structure Plan/Precinct Plan	Parkridge Estate Structure Plan
Use Class and Permissibility	N/A
Lot Size	N/A
Existing Land Use	Residential/Vacant
State Heritage Register	No
Local Heritage	No listing on LPS3 Heritage List Glen Huon Homestead/Hough Homestead (on Lot 9504) included on Local Heritage Survey 2023 (Place No. 50)
Bushfire Prone Area	Yes

Legal Implications

Planning and Development (Local Planning Schemes) Regulations 2015

Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* deemed provisions relates to Structure Plans. Clause 29 relates to the amendment of a structure plan, as follows:

- (1) *A structure plan may be amended by the Commission at the request of the local government or a person who owns land in the area covered by the plan.*
- (2) *The procedures for making a structure plan set out in this Part, with any necessary changes, are to be followed in relation to an amendment to a structure plan under this clause.*

- (3) *Despite subclause (2), the local government may decide not to advertise an amendment to a structure plan if, in the opinion of the local government and the Commission, the amendment is of a minor nature.*
- (4) *An amendment to a structure plan under this clause or clause 29A(2) does not extend the period of approval of the plan unless, at the time the amendment is approved, the Commission agrees to extend the period.*

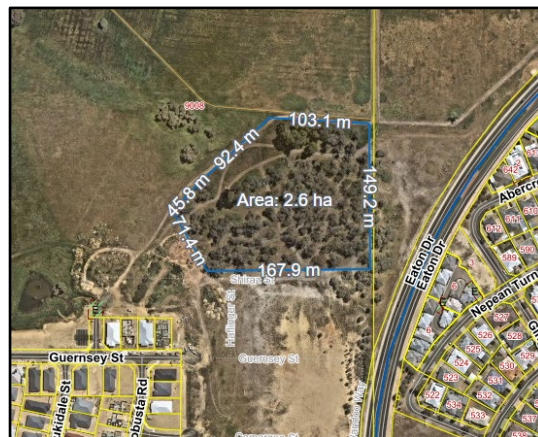
The proposed amendment has been submitted and assessed in accordance with the requirements under Part 4 of the Regulations, including advertising in accordance with Clause 18.

Council Plan

- 2.2 - Increase participation in sport, recreation and leisure activities.
- 5.1 - Care for natural habitats and waterways to preserve native and endangered fauna and flora.
- 6.1 - Increase awareness and adoption of sustainable practices.
- 8.1 - Support responsible planning and development.
- 9.4 - Provide quality parks and playgrounds.
- 14.2 - Ensure equitable, inclusive and transparent engagement and decision- making.

Environment

The PESP adjoins the Collie River foreshore reserve on its northern and western boundaries, which contains remnant vegetation. The land contains a large pocket (approximately 2.6ha) of natural vegetation on its eastern edge, identified as POS in the PESP, and some well-established groupings of trees along the northern boundary. The proposed amendment seeks to remove the central POS area and replace it with residential cells. This will result in the removal of the large pocket of natural vegetation, which is not supported by the officers because it provides valuable habitat and biodiversity. Established trees in the northern portion of the site are also expected to be removed in part or whole due to subdivisional works, but are already identified as residential cells in the PESP.



The submitted Local Water Management Strategy (LWMS) proposes to locate stormwater drainage infrastructure within the adjoining ROS, which is not supported by officers, Department of Biodiversity, Conservation & Attractions (DBCA), or Department of Water & Environmental Regulation (DWER), due to potential impacts on the wetland environment.

Precedents

At the Ordinary Council Meeting held on 29th of August, 2018 Council resolved to recommend to the WAPC that the PESP be approved subject to modifications. A modified version of the PESP was ultimately approved by the WAPC on 1st of October, 2019 and is valid until 1st of October, 2029.

The PESP area and broader Parkridge Estate (forming part of the original Location 19) has been subject to a number of subdivision approvals granted by the WAPC, which has seen the area progressively develop since the 1990’s.

Consultation

The proposed amendment was advertised in accordance with the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Council Policy SDev CP505 – Public Consultation – Planning Matters.

The advertising period was for a minimum of 42 days, concluding on 17th of August, 2023 and involved the following:

- Notice on the Shire’s website.
- Notice displayed at the Eaton and Dardanup Administration buildings.
- Written notice sent to the adjoining landowners within a 500m of the PESP area.
- Written notice sent to the following agencies for a minimum of 42 days, concluding on 17th of August, 2023:
 - Department of Planning, Lands and Heritage (DPLH) – Aboriginal Heritage Conservation branch
 - ATCO Gas
 - Department of Education (DOE)
 - Department of Water and Environmental Regulation (DWER)
 - Department of Health (DOH)
 - Water Corporation
 - Department of Fire and Emergency Services (DFES)
 - Department of Biodiversity, Conservation and Attractions (DBCA)

As a result of this consultation, eight responses were received from government/service agencies, and 36 responses were received from the public. [Appendix ORD: 12.2.2C] contains a schedule of agency submissions and [Appendix ORD: 12.2.2D] contains a schedule of public submissions. An outline of the key issues raised, together with officer comments, are provided below.

Public Consultation

Of the 36 public submissions received, all of these were in objection to or raised concerns with the proposed amendment to the PESP. The key issues raised are summarised below.

ISSUE RAISED	SHIRE OFFICER COMMENTS
Removal of public open space having environmental, social and aesthetic impacts on future and current residents.	Noted and agreed. Shire officers do not support the removal of the central POS area for a range of reasons, such as those raised in submissions including (but not limited to): <ul style="list-style-type: none"> • Lack of access to usable POS for existing and future residents in the area, reducing opportunities for socialising, relaxing and/or active recreation. • POS provision not complying with the minimum 10% requirement set out under the WAPC’s Liveable Neighbourhoods. • Removal of existing vegetation, including mature trees, which provides habitat for local fauna. • Concerns with the functionality and accessibility of existing POS areas referenced in the applicant’s POS audit. • The expectations of previous purchasers in the estate who purchased lots on the basis of being in close proximity to parkland.

ISSUE RAISED	SHIRE OFFICER COMMENTS
Increase in residential density.	<p>The existing PESP applies a 'density range' of R20-R40 (under the Residential Design Codes) to the majority of the estate with R40 coded areas abutting the central POS area. The density 'base code' of R20 applies where a density range is shown but no Density Plan has been provided. To date, no density plan has been provided for the PSP area.</p> <p>The proposed amendment seeks to increase the density code range of R30-R40, relocate the area of R40 coded lots, and apply a new density base code of R30.</p> <p>The density code range proposed under the amendment is in accordance with WAPC guidance, including Liveable Neighbourhoods and recently released Structure Plan Guidelines (August 2023). Notwithstanding, the ultimate allocation of densities and lot sizes would be subject to approval by the WAPC with advice from the Shire at the subdivision stage. The density code range is supported as it enables a range of lot sizes to be provided in response to market demands and changing demographics, and encourages a diversity of housing product. However, officers recommend that if the Amendment to the PESP is supported, it is subject to a Density Plan being submitted to the Shire prior to any further subdivision application being made.</p>
Increased traffic from additional lots where POS is removed.	<p>A Transport Impact Assessment was provided, which demonstrates that the estimated vehicular trips generated by the amended structure plan area will not significantly affect the surrounding road network. The extension, creation and upgrade of roads/intersections will occur as future stages of the estate are developed, in a manner that ensures all lots have adequate access to the public road network.</p>
Removal of native vegetation. Impact on local native flora and fauna.	<p>Concerns with respect to environmental impacts are noted and agreed by Shire officers. In particular, officers do not support removal of the vegetation within the central POS area because the estate contains black cockatoo habitat (which are listed as threatened species under the Biodiversity Conservation Act 2016 (BC Act) and the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)), and the central POS contains habitat for the common brushtail, threatened black cockatoo, kestrels and other birds, and western kangaroo.</p> <p>Officers also do not support the placement drainage infrastructure in the adjoining ROS reserve due to potential impacts on the Kalgulup Regional Park/Collie River foreshore/Wetlands, with potential flow-on effects on local fauna. These concerns are echoed in referral agency submissions received from the Department of Water and Environmental Regulation, Department of Health, Department of Biodiversity, Conservation and Attractions.</p>
Development of the Homestead site into residential lots.	<p>Lot 9504 (Hough's Homestead) is proposed to be included in the PESP area and designated Residential with a density coding of R5. The inclusion of this lot is supported by officers and is in accordance with the 'Development' zoning of the lot under LPS3LPS.</p> <p>The R5 density coding under the R-Codes requires a minimum 2,000m² lot size with 30m minimum frontage. This density coding is considered appropriate for the homestead site, as it enables the creation of larger residential lots where any particular environmental, drainage or other constraints can be catered for as part of future subdivision and development.</p>
Open space previously ceded has not been developed, enhanced or improved for the	<p>Comments with respect to the previously ceded POS parcels are noted and agreed. As discussed in this report, a large proportion of the land previously ceded as 'reserve for recreation' does not function as usable POS due to a range of constraints, including size, landscaping,</p>

ISSUE RAISED	SHIRE OFFICER COMMENTS
use of surrounding residents and ratepayers.	drainage/environmental/water bodies, or forming part of a verge treatment. Officers consider that these areas do not contribute to the provision of POS in a practical sense as they do not provide any recreational function.
Modified intersection and access to Lot 9504 resulting in vegetation disturbance and light, noise and visual impacts on nearby properties.	<p>The amendment proposes to realign the access leg from its current alignment (from Leicester Ramble) by shifting it approximately 150m north to access from Peninsula Lakes Drive. The applicant has advised this is necessary due to issues with achieving sufficient width/batters to raise the level of the finished surface. The proposed alignment avoids any existing vegetation in the ROS. The alignment and width of the access leg is subject to WAPC approval pursuant to its Regional Open Space reservation under the GBRS.</p> <p>Based on the subdivision concept for Lot 9504 included in the submitted BMP, three lots are proposed to be created within this site. Vehicular movements and associated impacts including light and noise for these three lots are likely to be minimal, and significantly less than a typical residential road intersection.</p>
Impact on existing services, such as water, electricity and internet.	Any changes/upgrades to existing services resulting from increased dwelling yields will need to be undertaken by the developer. The proposal is therefore unlikely to have any noticeable impact on existing residents' access to services.
Impact of drainage on the adjacent wetland.	Concerns with respect to the submitted Local Water Management Strategy (LWMS) have been raised by Shire officers, the Department of Water and Environmental Regulation, Department of Health, Department of Biodiversity, Conservation and Attractions. In particular, the placement of drainage infrastructure within the adjoining ROS is not supported. The LWMS must ultimately demonstrate the proposal does not result in any adverse impacts on the adjacent wetland.
Potential flooding impacts on and resulting from development of the Homestead Lot (Lot 9504).	<p>The proposed R5 density coding applicable to Lot 9504 requires a minimum 2,000m² lot size with 30m minimum frontage under the R-Codes. This density coding is considered appropriate for the homestead site, as it enables the creation of larger residential lots where any particular environmental, drainage or other constraints can be catered for as part of future subdivision and development. The potential for flooding of these lots will need to be addressed at the detailed design stage.</p> <p>Similarly, the level of the access leg, including its intersection with Peninsula Lakes Drive (if approved), is subject to detailed design at subsequent stages of planning. The applicant will be required to demonstrate the road design does not result in any flooding impacts to surrounding properties.</p>

Consultation with Government/Service Agencies –

The most relevant of submissions have been summarised below, full submissions can be seen within the relevant attachment:

- *Department of Water and Environmental Regulation (DWER)*

DWER has advised that it does not support the structure plan amendment and has two key concerns:

1. *Stormwater infrastructure is proposed to be located in ROS, and it is important to note that:*

- *The only technical report to reference stormwater infrastructure proposed to be located in ROS is the LWMS, and there is no mention of this fact in the amendment report or any other technical studies. The submission is therefore misleading and incomplete.*
 - *No reference is made to the Eelup/Elbow wetland, which is to be vested in Conservation and Parks Commission, and one of the treatment systems is shown to be within the 50m buffer of this wetland.*
 - *In the current existing PESP and LWMS it was agreed that the perimeter swale would be accepted to discharge in the ROS on the basis that discharge up to the pre-development 20% AEP would be managed for quality within the development. This is no longer the case.*
2. *Removal of the vegetation that was formerly to be retained in the POS needs reconsideration noting:*
- *The fauna survey, dated November 2018, is five years old and should be repeated to assess the current day status.*
 - *A revised referral guideline for threatened black cockatoo species is under consideration by the federal Department of Climate Change, Energy, the Environment and Water, and the proponent should reconsider its obligation to refer the proposal under the Environment Protection and Biodiversity Conservation Act 1999.*
 - *Retention of the vegetation provide many social benefits that align with Liveable Neighbourhoods and other state driven initiatives in relation urban canopies, managing heat island affects, etc.*

The advice received from DWER is consistent with officers' position with respect to the LWMS and proposal to remove the central POS area from the PESP.

- *Department of Fire and Emergency Services (DFES)*

DFES has assessed the submitted bushfire management plans (BMPs) against State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP 3.7) and the Guidelines for Planning in Bushfire Prone Areas (Guidelines). It is noted this includes assessment of the BMP prepared by Lush Fire & Planning (dated 2019) in support of the existing approved PESP, and an additional BMP prepared by BushfireWest (dated 2021) in support of the proposed amendment and relating specifically to Lot 9504.

The BMP supporting the existing PESP (Lush Fire & Planning BMP (Version C)) was prepared in accordance with v1.3 of the Guidelines, which was in effect at the time of preparation but has since been rescinded. The BMP was supported by the Shire at the time. Notwithstanding, DFES has provided feedback on both BMPs.

It is recommended the applicant arrange update of the BushfireWest BMP (dated 2021) to respond to the relevant concerns raised by DFES. It is noted that BMPs are required at the subdivision stage for the broader estate, which will require assessment against the current version of SPP 3.7 and Guidelines. Officers note DFES' comments and no further updates to the existing Lush Fire & Planning BMP (dated 2019) are required at this stage.

- *Department of Biodiversity, Conservation and Attractions (DBCA)*

DBCA has provided the following comments:

Fauna Management

- *The Fauna and Habitat Assessment (Nov 2018, Version 2) found that the central POS depicted on the endorsed Parkridge Estate structure plan contains habitat for the common brushtail, threatened black cockatoo, kestrels and other birds and western kangaroo.*
- *The Black Cockatoo Habitat Tree Review (November 2022, Version 1) confirmed that the Parkridge Estate contains black cockatoo habitat, which are listed as threatened species under the Biodiversity Conservation Act 2016 (BC Act) and the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The assessment recommended that when clearing of native vegetation is unavoidable, direct impacts to fauna should be minimised.*

Public Open Space

- *DBCA notes POS areas are proposed to be removed from the endorsed Structure Plan (2019) as part of Amendment No.1. DBCA recommends that the POS areas be retained as depicted on the endorsed structure plan to provide mature tree habitat for black cockatoos, possums and other fauna and to provide nesting areas for kestrels and other birds.*

Wetlands

- *The EAR (Version 3, Nov 2022) Table 4 refers to the northern Lot 9004 (now Lot 9008) CCW vegetation as being flooded gums and Melaleuca SPP and concluded the CCW does exist.*
- *The Kalgulup Regional Park Management Plan (2021) Appendix 2 refers to a “minimum 50m wetland buffer subject to further discussion” for the Eelup/Elbow wetland and South Collie River foreshore area.*
- *The EAR appears to understate the value of existing mature trees within the CCW buffer area including within the ROS and the development lot at the northern portion of Parkridge Estate.*
- *There has been no change in the classification of the mapped Parkridge Estate CCW areas and therefore the existing CCW boundary and 50m buffer should apply to proposed development areas. Existing mature trees within the CCW and buffer area should be retained.*

Local Water Management Plan

- *DBCA does not support the placement of drainage systems and bioretention swales within the ROS. The proponent should ensure all local water management infrastructure is located and managed within the existing Parkridge Estate boundary, outside CCW and buffer areas. Any monitoring locations proposed within the Kalgulup Regional Park should be identified in consultation with DBCA.*

DBCA’s comments are consistent with Officer concerns.

Budget Implications - None.

Budget – Whole of Life Cost

At subdivision stage, the developer will be responsible for the design and construction of the roads, drainage infrastructure, and the development of POS to the satisfaction of the Shire of Dardanup.

Council Policy Compliance

CP052 – Pathways – Provision for and contribution by Developer

This policy requires preliminary pathway layouts to be included on local structure plans with all pathways being constructed as part of subdivision works. Section 5.3 of Part One of the PESP refers to the applicant/owner making provision for footpaths through the structure plan area, however preliminary pathways layouts are not provided as part of the structure plan mapping.

A 2m wide footpath is provided on one side of all access roads in the developed section of the estate. The same pedestrian pathways are expected to be provided across the remainder of the PESP area.

CP093 – Sustainability

This policy sets out the environmental, social and economic objectives of the Shire at all levels of development and identifies measures for how they can be implemented. Whilst not addressed in the submitted Amendment 1, the policy includes a range of measures to be considered by the developer at the structure plan stage, as outlined below.

CP093 STRUCTURE PLAN REQUIREMENT	SHIRE OFFICER COMMENTS
Apply water sensitive urban design (WSUD) principles to the structure plan design.	The LWMS submitted includes a summary of the WSUD elements that will be implemented within the development to achieve best management practices, under the broad categories of water conservation and servicing, stormwater management, flood protection, ecosystem protection, groundwater management, monitoring and maintenance, and implementation and governance. The LWMS is not supported in its current state as discussed earlier in this report, particularly as it shows the placement of drainage infrastructure within the adjoining ROS which is not supported. It will need to be modified and demonstrate that the proposal does not result in any adverse impacts on the adjacent wetland.
Prepare a LWMS.	An LWMS has been prepared and submitted but is not supported in its current state.
Incorporate cycleway and pedestrian movement plan.	Not demonstrated as discussed under CP052 – Pathways, above.
Provide urban consolidation and lot size/housing choice.	Consistent with the existing PESP, a medium density code range is proposed which provides urban consolidation in an existing residential area. The density range allows for a mix of lot sizes and housing choice.
Propose lot design which incorporates the long axis of the block east-west as appropriate.	The structure plan layout makes the most of east-west street blocks, taking into account the curved northern lot boundary of the PESP.
Use POS to protect and enhance biodiversity through retention of habitat vegetation and ecological linkages.	Not demonstrated. Removal of the central POS area and associated vegetation is not supported due to loss of biodiversity and removal of ecological linkages.

CP093 STRUCTURE PLAN REQUIREMENT	SHIRE OFFICER COMMENTS
Investigate appropriate management of POS and Foreshore Reserves.	Not demonstrated. The submitted LWMS proposes drainage infrastructure within the foreshore reserve which is not supported.
Propose a land use response to topography and land capacity.	The topography of the site does not preclude its development for residential purposes. It is however recommended the central POS area be retained where existing vegetation sits atop the highest point of the site.
Identify and give due consideration to significant ecological, cultural and heritage aspects on the site.	Not demonstrated in terms of the site's ecological aspects, with existing vegetation proposed to be removed from the central POS area. The proposal notes that the developer will investigate ways to incorporate the cultural and heritage aspects of Lot 9504, being Hough's Homestead, into the future development, possibly through the style of development and a commemorative name plaque.
Provide a road and pathway network that is visually enhanced with incorporated street trees and designed to the human scale.	Not demonstrated, however this is expected to be achieved at the subdivision stage. Officers recommend including preliminary pathway layout to be included in the PESP.
Provide a development concept which includes a variety of lot sizes and formats to cater for current and changing community lifestyle requirements.	The medium density code range proposed across the broader PESP area will enable the creation of a variety of lot sizes and formats to cater for current and changing community lifestyle requirements.
Incorporate Liveable Neighbourhoods guidelines with respect to personal safety and security.	Not demonstrated, however such considerations are more appropriately dealt with at the subdivision/development stage.
Demonstrate connectivity of the proposed development internally and surrounding land uses external to the site.	The structure plan layout achieves adequate connectivity both within the estate and to the broader surrounding area.

CP120 – Environment

The objective of this policy relevant to the proposal is to ensure that policies, strategies and management plans are prepared and implemented for natural reserves, endemic flora and fauna and natural landscape areas in care, control and management of the Shire.

As discussed throughout this report, the removal of the central POS area and the associated vegetation is not supported. Officers are of the view that the vegetation stand should be recognised as an important refuge for native wildlife in the broader Eaton/Millbridge/Parkridge urban area, especially for smaller mammals and birds that cannot travel extended distances without respite. DBCA also recommends the POS area be retained to provide mature tree habitat for black cockatoos, possums, and other fauna and to provide nesting areas for kestrels and other birds.

Notwithstanding, it will be recommended via condition of subdivision approval that prior to the commencement of subdivisional works, measures be undertaken to identify any vegetation on the site worthy of retention, including potential habitat or foraging trees for threatened fauna species. Protection measures are to be implemented to ensure such vegetation is not impacted by subdivisional works.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to [Appendix ORD: 12.2.2E] for full assessment document.

TIER 3 – ‘High’ or ‘Extreme’ Inherent Risk.	
Risk Event	Environmental impacts
Inherent Risk Rating (prior to treatment or control)	Extreme (20 - 25)
Risk Action Plan (treatment or controls proposed)	Recommend refusal of the proposal to WAPC based on the grounds of refusal in this report. Note that the environmental risk cannot be reduced through any treatment by the Shire as it will ultimately be up to WAPC to make a decision on the proposal.
Residual Risk Rating (after treatment or controls)	Extreme (20 - 25)
Risk Category Assessed Against	Environment Significant impact to vegetation and important habitat within the central POS area if this is removed for residential development.
	Legal and Compliance SAT appeal by applicant if proposal refused
	Reputational Community expectation that POS shown on endorsed PESP will be provided

Officer Comment

Proposed Amendment 1 to the PESP has been assessed against the applicable State and Local planning framework, and is found to present a number of non-compliances.

The amendment seeks to remove the centrally located 3.0189ha area of public open space approved under the existing PESP, which will significantly reduce the extent of usable recreation space available for existing and future residents. The removal of the POS will result in substantial under provision of POS across the PESP area, reducing from the currently approved 10.24% to just 0.43% of the gross subdivisible area. Whilst the applicant has undertaken an audit of POS provided across the broader Parkridge Estate, including historic areas which have never been included in the PESP, officers’ review of POS in the locality highlights a noticeable shortfall in open space that is functional for the purposes of active or passive recreation.

As part of the removal of POS from the PESP area, a large stand of remnant vegetation is proposed to be cleared. The remnant vegetation is considered to provide environmental benefit to local fauna and is not supported from an environmental perspective by the Shire’s officers, DBCA or DWER.

With the removal of POS, associated drainage basins are proposed to be relocated in accordance with the submitted LWMS. This involves the placement of drainage infrastructure within the adjoining ROS, outside of the PESP boundary and within the 100-year flood plain, with two of the proposed basins located within an Environmentally Sensitive Area. This outcome is not supported by the Shire’s officers, DWER or DBCA.

For the reasons outlined above within the Officer Technical Assessment which can be viewed within [Appendix ORD: 12.2.2F], Officers recommend refusal of proposed Amendment 1.

END REPORT

12.3 INFRASTRUCTURE DIRECTORATE REPORTS

12.3.1 Title: Omnibus Amendment to Approved Budgets for Various Ongoing and New Capital Works Projects

Reporting Department	<i>Infrastructure Directorate</i>
Responsible Officer	<i>Mr Theo Naudé - Director Infrastructure</i>
Reporting Officer	<i>Mr Kristin McKeachie - Manager Assets</i>
Legislation	<i>Local Government Act 1995</i>
Council Role	<i>Executive/Strategic.</i>
Voting Requirement	<i>Absolute Majority.</i>
Attachments	<i>12.3.1 Risk Assessment – Omnibus Amendment to Approved Budgets</i>

DECLARATION OF INTEREST

Shire President, Cr. T G Gardiner declared an Impartiality Interest in this item.
Please refer to Part 11 'Declaration of Interest' for full details.

Overview

This report discusses various ongoing and new capital works projects, for which changes in circumstances make amendment to the approved 2023/24 budgets necessary.

Council is requested to consider a range of outcomes affecting the current 2023/24 Budget, including:

- Establishment of two new projects arising as a consequence of the Bunbury Outer Ring Road (BORR);
- Allocation of currently unallocated grants funds for the Local Roads and Community Infrastructure Phase 4 allocation to meet Councils co-contribution obligation in respect of these new projects;
- Cancellation of two Paths renewal projects due to escalation in cost and unavailability of suitable contractors; and
- Cancellation of a project at Ferguson Bush Fire Station that had been made subject to receipt of grant funds for which the requisite funding was subsequently unavailable.

Council is further requested to authorise the CEO to include provision for construction of the proposed intersection improvements at Moore and Busher Roads to take place in the upcoming 2024/25 Budget, subject to confirmation of the requested Grant allocations from the State.

Change to Officer Recommendation No Change

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

270-23 MOVED - Cr T G Gardiner SECONDED – Cr. M R Hutchinson

THAT Council:

- 1. Endorses the amended scope of works for project J12917 Council Drive Streetscape Project and associated costs.**

2. **Authorises an amendment (increase) of the 2023/24 Budget allocation for Project J12907 (Project Preliminaries - Eaton Drive Intersections) from \$100,000 to \$150,000.**
3. **Authorises an amendment (increase) of the 2023/24 Budget Expenditure Project J12831 BORR – Local Roads from \$50,000 to \$414,787, including recognition of the additional external funding received, and:**
 - a) **Accepts the offered Road Project Grant funding to the amount of \$143,000 from SW RRG for Urgent Repairs to Dowdells Line and makes provision for works to be CARRIED out in the 2023/24 financial year;**
 - b) **Approves the allocation of funds previously received from South West Gateway Alliance (SWGA) in respect of the Dowdells Line urgent repairs in the amount of \$150,000 to this account;**
 - c) **Approves allocation of funds from the Local Roads and Community Infrastructure (LRCI) Phase 4 Grant to meet the Shire’s co-contribution obligations in respect of the Dowdells Line urgent repairs project being \$71,787 in the 2023/24 financial year.**
4. **Approves as unbudgeted expenditure and an amendment (increase) of the 2023/24 Budget Expenditure the establishment of a new project for Design of Intersection Improvements at Moore and Busher Roads, including recognition of the additional external funding received, and:**
 - a) **Accepts the offered Road Project Grant funding to the amount of \$29,000 from SW RRG for Design of Intersection Improvements at Moore and Busher Roads and makes provision for works to be CARRIED out in the 2023/24 financial year;**
 - b) **Approves allocation of funds from the Local Roads and Community Infrastructure (LRCI) Phase 4 Grant to meet the Shire’s co-contribution obligations in respect of the Intersection Improvements at Moore and Busher Roads project being \$14,650 for Moore/Busher Roads intersection in the 2023/24 financial year;**
 - c) **Requests the CEO to make provision for the Construction of the proposed Intersection Improvements at Moore and Busher Roads to take place in the 2024/25 financial year.**
5. **Cancels Project J12923 Russell Road (Burekup Hall to School) path widening from the 2023/24 Capital Works Program and authorises an amendment (decrease) to the 2023/24 Budget Expenditure.**
6. **Cancels Project J12924 Charlotte Street path renewal from the 2023/24 Capital Works Program and authorises an amendment (decrease) to the 2023/24 Budget Expenditure.**
7. **Cancels project J05009 Ferguson Bushfire Station project from the 2023/24 Capital Works Program and authorises an amendment (decrease) to the 2023/24 Budget Expenditure.**

- 8. Notes that adjustment (increase) to budget J11639 to Wells Recreation Reserve Clubrooms as a result of expenses incurred due to storm damage and revenue received as a result of an insurance claim in respect of this event will be required.**
- a) Requests the CEO to provide a further report on this matter once all necessary repairs are complete and all costs and revenues have been identified.**

CARRIED

8/0

By Absolute Majority

Background

With the adoption of Council Budget each financial year, a Capital Works Program (CWP) is being produced to capture all the projects to be delivered throughout the financial year. Contained in this CWP are project details that provided a good summary and ongoing update of all the projects included in the program.

Throughout the financial year certain changes in circumstances have the effect that some projects be altered, cancelled and new projects to be added to the program. This report is presented to Council to consider such changes in circumstances and the associated effect it has on the CWP and Budget for the 2023/34 financial year.

Legal Implications

Aspects of this matter are in line with the requirements of Section 5.2.3 of the State Road Funds to Local Government Agreement 2023/24 to 2027/28 to which the Council is a party: “..Road project grants are to be distributed to projects on a priority basis using a process that is agreed to by the Regional Road Group and endorsed by SAC. These allocations are provided on a cost sharing basis of \$2 from Road Project Grant funds to \$1 from Local Government funds...”

Therefore, except where a Local Government advises the State (via the RRG) that it will not take up an offered grant, the Local Government is required to meet its co-contribution commitment in respect of the Project Funds allocated (being 1/3rd of the total Project Allocation that is actually expended).

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 Act 1995 -

S6.10. Financial Management Regulations

Regulations may provide for —

- (a) the security and banking of money received by a local government; and
- (b) the keeping of financial records by a local government; and
- (c) the management by a local government of its assets, liabilities and revenue; and
- (d) the general management of, and the authorisation of payments out of —
 - (i) the municipal fund; and
 - (ii) the trust fund of a local government.

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.

Council Plan

10.2 - Advocate for improved access to public and shared transport services.

10.3 - Improve road safety, connectivity and traffic flow.

13.1 - Adopt best practice governance.

13.2 - Manage the Shire’s resources responsibly.

Environment - None.

Precedents - None.

Budget Implications

This Proposal (in combination with a foreshadowed Proposal 12.4.6 RFT-F0318137 Council Report for Decision on Tender) will have multiple effects on the current (2023/24), with both positive and negative adjustments required to various projects. These impacts are summarised below:

Budget Reductions				Variance to Sources of Funds (Post Amendment)	
Report Item No(s).	Project	Current Project Budget	Proposed Project Budget	Funding Agency	Amount
* Subject to Council Decision Agenda Item 12.4.6	Ferguson Road 13.56-15.9*	\$1,190,000	\$0	SBS	-\$793,333
				R2R	-\$166,017
				SoD Reserves (Roads)	230,650
6	J12923 Russell Road Widening (Burekup Hall to School)	\$44,312	\$0	SoD Reserves (Pathways)	\$43,021
7	J12924 Charlotte Street path renewal	\$26,304	\$0	SoD Reserves (Pathways)	\$26,178
8	J05009 Ferguson Bushfire Station	\$20,528	\$0		
Nett Reductions:			-\$1,281,144		-659,501

Budget Additions				Variance to Sources of Funds (Post Amendment)	
Report Item No(s).	Project	Current Project Budget	Proposed Project Budget	Funding Agency	Amount
2	Project J12907 (Project Preliminaries - Eaton Drive Intersections)	\$100,000	\$150,000	RRG	\$100,000
				SoD Reserves	\$50,000
3a., 3b.	Project J12831 BORR – Local Roads	\$50,000	\$414,787	SWGA	\$150,000
				RRG	\$143,000
				LRCI 4	\$71,787
				SoD Reserves (Roads)	\$50,000
4a., 4b.	Moore and Busher Roads Intersection Improvement	\$0	\$43,650	LRCI 4	\$14,650
9	Wells Recreation Reserve Clubrooms	\$0	\$9,893	LGIS	\$9,893
Nett Additions			\$468,330		\$589,330
Variance to Original Project Budgets:			-\$915,814	Variance to Revenues:	-\$70,171

Key to Funding Agencies	
SBS	State Black Spot
R2R	Roads to Recovery
RRG	Regional Roads Group
LRCI 4	Local Roads and Community Infrastructure Program (Phase 4)
CSRFF	Community Sporting and Recreation Facilities Fund
LGIS	Local Government Insurance Service

The Nett Change to the Shire’s Income and Expenses in the 2023/24 Financial Year will be a reduction in Expenses of \$915,814 and a reduction in Income of \$70,171. Overall (for the items for which costs and revenues are able to be fully identified) these movements result in a Nett positive balance of \$845,643 distributed between the Shire of Dardanup Roads and Pathways Reserves

Budget – Whole of Life Cost

Subject to confirmation of the requested Grant by SW RRG, this Proposal may affect the upcoming (2024/25) Budget for Capital Works of Roads by \$441,350 for Construction of Intersection Improvements at Moore and Busher Roads. It is proposed that funding of the above future Budget allocation will be as follows:

Project	Funding Source	Amount
Construction of Intersection Improvements at Moore and Busher Roads	Southwest Regional Roads Group Grant	\$294,000
	Local Roads and Community Infrastructure Grant Phase 4	\$147,350

Council Policy Compliance

CNG CP306 – Accounting Policy for Capital Work Section 4.2.9 ‘

...Council should consider the appropriate accounting treatment for project costs when applying for grants and external funding, so that the funding requested reflects as much as possible the subsequent accounting for costs as either expenses or assets.’

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to Appendix ORD: 12.3.1 Risk Assessment – Omnibus Amendment to Approved Budgets for full assessment document.

TIER 3 – ‘High’ or ‘Extreme’ Inherent Risk.							
Risk Event	Omnibus Amendment to Approved Budgets for Various Ongoing and New Capital Works Projects.						
Inherent Risk Rating (prior to treatment or control)	High (12 - 19)						
Risk Action Plan (treatment or controls proposed)	Seek approval from Council to establish new projects in the current (2023/24) budget for new works and to approve amendment or cancellation of works where the scope of works has altered significantly.						
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.						
Risk Category Assessed Against	<table border="0"> <tr> <td>Financial</td> <td>Unbudgeted Expenditure</td> </tr> <tr> <td>Legal and Compliance</td> <td>Shire required to co-contribute 1/3rd of total project costs for RRG grant funded projects.</td> </tr> <tr> <td>Reputational</td> <td>Dowdells Line is receiving significant community complaint, and the Moore Busher Intersection will have economic impacts on the Region.</td> </tr> </table>	Financial	Unbudgeted Expenditure	Legal and Compliance	Shire required to co-contribute 1/3 rd of total project costs for RRG grant funded projects.	Reputational	Dowdells Line is receiving significant community complaint, and the Moore Busher Intersection will have economic impacts on the Region.
Financial	Unbudgeted Expenditure						
Legal and Compliance	Shire required to co-contribute 1/3 rd of total project costs for RRG grant funded projects.						
Reputational	Dowdells Line is receiving significant community complaint, and the Moore Busher Intersection will have economic impacts on the Region.						

Officer Comment

Note: Numbering of sub-headings below refer to Item Numbering of the Officer’s Recommendation.

1. Council Drive Streetscape

Officer’s initiated a request for quotation process to construct the extension of car parking and landscaping adjacent to the new Shire Administration building. The scope of work included earthworks, road works, drainage, lighting, kerbing, landscape, and signage. At the close of the tender period there were no submissions that included all of the required scope nor any that could complete construction within the time frame required.

The scope of works has been reviewed and reduced to include only the western side of the road adjacent to the new Eaton Administration and Library Building. Completion of this portion of the streetscape improvement works will enable the finalisation of all works directly associated with the new Eaton Administration and Library Building prior to its opening.

Negotiations to carry out the works using multiple contractors has enabled the revised scope to be undertaken in a reasonable timeframe.

Although not able to be quantified at the time of writing, it is anticipated that as a result of the reduced scope above, there may be some budget allocation remaining at the completion of this project which will be able to be returned to the Roads Maintenance Reserves. However, the current budget will not be sufficient to enable the full project (including eastern side of Council Drive) to be delivered.

Further consideration should also be given to the costs involving the tie-in road works and crossovers with regards to the change in alignment of Council Drive by Citygate, which may require funding allocation from this project.

Cost estimates for the remaining works will be prepared and included in the 2024/25 Budget deliberations for Council consideration.

2. Project J12907 (Project Preliminaries - Eaton Drive Intersections)

In a letter to the Southwest Regional Roads Group (SW RRG) dated 13 March 2023, the Shire of Dardanup advised that its original proposal and design for Traffic Signals at Glenhuon Boulevard had been rejected (for a second time) by Main Roads (Perth Metro) in February 2022. Main Roads WA believed additional traffic modelling work was required at a holistic level so that all intersections along Eaton Drive were considered at the same time.

As a result of the uncertainty around this project, with the signalised intersection being initially approved by MRWA Southwest, then being rejected by MRWA Metro with a request for additional traffic modelling, the RRG allocation for this project in the 2023/24 financial year was returned to the group. It was however requested by the Shire that an amount of \$100,000 be allocated for the design of the project in 2023/24 with funding be allowed for in 2024/25 for construction, should the intersection ultimately be approved.

The Shire of Dardanup therefore requested that

‘.from the total of \$610,000 unused funding, the amount of \$510,000 be returned to the funding pool and that an amount of \$100,000 be allowed for the intersection design in 2023/24 following the forthcoming MRWA recommendations and as agreed by Council. Thereafter funding will be applied for construction in 2024/25 depending on the design.’

The Shire was subsequently informed by Main Roads (Perth Metro) that the proposed signalised traffic controls at Glenhuon Boulevard would (in fact) be supported and that the Shire should restart mobilisation of the design phase.

The above sequence of events took place around the time of preparation of the Shire’s 2023/24 Budget. It was unclear at that time whether the Shire would be permitted to progress the project and (as a result) only the requested \$100,000 allocation was included in the draft budget as a placeholder. The placeholder Budget allocation assumed that the SW RRG would contribute \$66,667 and the Shire would co-contribute \$33,333 of the total project allocation.

Following approval of the Shire’s draft budget, the Shire was informed by the SW RRG (via the June SW RRG Forecast Report) that a grant of (up to) the full amount of \$100,000 had been allocated for these works. Acceptance of the full amount of the offered grant would require that the Shire be in a position to co-contribute (up to) \$50,000 depending on the actual amount spent on the project.

The Shire’s overall Budget allocation for project J12907 (Project Preliminaries Eaton Drive Inter.) therefore needs to be increased from \$100,000 to \$150,000 to allow the Shire to meet its’ co-contribution obligation being \$1 of Shire Funds for every \$2 of Grant Allocation.

The proposed change to the budget will require allowance for additional own-sources expenditure of (up to) \$16,667 to be drawn from the Roads Reserve as follows (Note the remaining \$33,333 of the proposed budget increase will be provided by the State via the SW RRG):

Original Budget Allocation	Source	
\$100,000	RRG: \$ 66,667 Shire Reserve \$ 33,333	
Proposed Budget Allocation	Source	Nett Change (Increase)
\$150,000	RRG: \$100,000 Shire Reserve \$ 50,000	\$33,333 \$16,667

3. & 4. Dowdells Line and Intersection Improvements Moore and Busher Roads

At its 27th September 2023 Ordinary Council Meeting, Council Decided (Decision 227-23)

“THAT Council:

1. *Receives the request for road closures and the staging options provided by SWGA as per (Appendix ORD: 12.3.1C);*
2. *Supports the temporary road closures as detailed in Option 1 of (Appendix ORD 12.3.1 C).*
3. *Accepts the SWGA final offer as detailed in Confidential Appendix A, in which it offers a funding contribution for maintenance works towards rectification of Dowdells Line.*
4. *Submits Dowdells Line renewal and repair works to the South West Regional Road Group seeking urgent funding to improve road user safety.*
5. *Submits the intersection upgrade required at the corner of Moore Road and Busher Road to the South West Regional Road Group seeking urgent funding to allow full movement of heavy vehicles at this intersection to be possible as required by Main Roads WA once the Bunbury Outer Ring Road is opened.”*

In response to Items 4 and 5 of Decision 227-23, Out of Session Applications for Grant funding for Urgent Repairs on Dowdells Line and for the Design and Construction of Intersection Improvements at Moore and Busher Roads were submitted to the SW RRG via a letter to Mr Robert Barnsley, Director Southwest Region Main Roads Western Australia (MRWA) on the 2nd of October 2023.

Following consideration by the SW RRG, confirmation of approval of the requested Grants was received by the Shire in an email dated 19th October 2023. The Shire was advised that:

Main Roads will commence creating projects for Dowdells Line and Busher Road / Moore Road intersection to reflect the approval for the amounts below:

Project	2023/24
<i>Dowdells Line</i>	<i>\$143,000</i>
<i>Busher/Moore Intersection</i>	<i>\$ 29,000</i>
Total	\$172,000

Based upon the above advice, it is necessary to amend the current (2023/24) Budget for Roads Capital Works to facilitate completion of the nominated works.

In the email from the RRG of 19th October 2023, the Shire was further advised that the 2024/25 funds requested for Busher Road / Moore Road intersection will be assessed as part of the 2024/25 program that is currently being drafted, as per other ongoing projects submitted across the Region. It is therefore recommended that allowance for the construction phase of this project is considered for inclusion in the upcoming 2024/25 Budget, but that it be made subject to approval of the requested Grant being received in due course.

5. Project J12923 Russell Road (Burekup Hall to School) Path Widening

Due to high demand in design works this project has not been fully designed for construction at this time. With the existing trend of higher-than-normal tendered prices for works and the

lengthened timeframes to gain a suitable contractor to undertake the works, it is anticipated that this project will not be completed by the end of the 2023/24 financial year.

Considering the current trend when requesting quotations for path projects and as recently experienced with Russell Road and Charlotte Street parts, it is anticipated that the quotations will come in considerably higher than the allocated budget, which does not offer value for money at this current time.

It is proposed to return the remaining unspent Shire of Dardanup own source allocated funds to the Paths Maintenance Reserves.

6. Project J12924 Charlotte Street Path Renewal

Officers initiated a request for quotation process to construct the footpath along Charlotte St, Dardanup. The scope of work included earthworks, footpaths, pram ramps, drainage, kerbing, and signage.

At the close of the tender period the prices received were in the order of three times the allocated budget. In reviewing the offered prices, Officers did not consider that any of the received proposals represented value for money at this time.

The scope of works cannot be reduced to achieve the required outcomes. With the existing trend of higher-than-normal tendered prices for works and the lengthened timeframes to gain a suitable contractor to undertake the works, it is anticipated that this project will not be completed by the end of the 2023/24 financial year.

It is proposed to return the remaining unspent Shire of Dardanup own source allocated funds to the Paths Maintenance Reserves.

7. Project J05009 Ferguson Bushfire Station

During budget considerations for 2023/24 an allocation of \$20,528 was provided for maintenance works at the Ferguson Bushfire Station subject to receipt of grant funds. At this time the requisite grant funds are unavailable and therefore the budget cannot be funded.

It is proposed to defer this project to a future time pending a successful grant application.

As this project was intended to be fully funded externally, there are no residual funds to be returned to Reserves.

8. Wells Recreation Reserve Clubrooms storm damage

Following extensive storm damage to the Wells Recreation Reserve Clubrooms in early September 2023, officers have been liaising with the Shires Insurance Company to determine the scope of damage and therefore the scope of repairs.

To date, structural, electrical, and engineering reports of the building and surrounding damaged infrastructure have been commissioned. A comprehensive insurance claim has not yet been submitted.

Expenditure on immediate repairs to make the site safe have amounted to \$9,893.

It is anticipated that some of the necessary repairs may not be covered by insurance and will therefore require additional budget allocation to make good. A further report will be presented once a full understanding of all costs is collated.

END REPORT

The Shire is responsible for clearing conditions of Development Approval issued by the Council and the Joint Development Assessment Panel (JDAP), in addition to clearing conditions of Subdivision Approval issued by the Western Australian Planning Commission (WAPC).

In some cases, the developer is unable to complete some of the works in a timely manner, for reasons outside of their control, and requests that the Shire clears the condition and accepts a bond as a guarantee that the works will be completed within a prescribed time.

Where landscaping works are required as a condition of subdivision, the developer is responsible for maintaining the landscape during a two-year establishment period. If clearances are sought prior to the completion of this establishment period, a landscape maintenance bond is required.

Extractive Industry developments usually have a requirement to reinstate the site post extraction works. This is managed through the implementation of a rehabilitation plan. Extractive Industry rehabilitation bonds are required to be paid by Extractive Industry licensees as an undertaking that the rehabilitation works will be completed.

This policy statement has been prepared to clarify the developer's responsibility in seeking clearances to conditions of approval under the control of the Shire of Dardanup and specifies the acceptable levels of risk in relation to accepting bonds that the Council is willing to delegate to the Chief Executive Officer.

3. DEFINITIONS

Definitions are taken as those in the Local Government Act 1995 and associated legislations.

4. POLICY

This policy will apply to all developments, subdivisions and extractive industries within the whole of the Shire of Dardanup.

4.1 Bond Requests

The request for the bonding of outstanding and/or incomplete works must be initiated by the developer or their agent. The request must be in writing and should include as a minimum:

- What outstanding and/or incomplete items are requested for bonding;
- Purpose and reason for bonding each item;
- Civil Construction items will require engineering drawings, specifications and cost estimates prepared by a consulting engineer;
- Landscape Construction items will require landscape drawings, specifications and cost estimates prepared by a consulting landscape architect;
- Cost of items to be bonded;
- A timetable and arrangements for the completion of the bonded work; and
- What benefit there is to the community in clearing conditions prior to works being completed.
- Extractive Industries will have the bond amount conditioned within the development approval.

4.2 Establishing the Value of the Bond

For Development conditions, the developer or their agent will provide a detailed itemised quotation for each item to be bonded. The bond amount will not include GST but will include a surcharge amount of 30% to cover price escalations.

For Subdivision conditions, the engineering consultant will provide the value of the outstanding works as listed in the schedule of rates in the contract. The bond amount will not include GST but will include a surcharge amount of 30% to cover price escalations.

For subdivision landscape maintenance bonds, the developer or their agent will provide a detailed itemised quotation for each maintenance item to be bonded per month. The Landscape Maintenance Bond will be no less than the total value of the maintenance activities required from Practical Completion for 2 full summer periods ending 31 May. The bond amount will not include GST.

For Development Approval – Industry Extractive, rehabilitation bond amounts will be determined from the Shire of Dardanup Schedule of Fees and Charges for the current financial year in accordance with Policy Infr CP055 – Extractive Industries – Site Rehabilitation. The bond amount will not include GST.

4.3 Determining the acceptance of a bond request.

The Chief Executive Officer or their sub-delegate will consider the request and approve it if it meets the following criteria:

- The outstanding works are unable to be completed due to issues beyond the control of the developer;
- For subdivisions, the drainage has been installed, and the roads have had the pavement constructed and the primer seal applied;
- The outstanding works will not create a hazard or inconvenience for the public in the interim;
- The submitted costs are deemed reasonable and do not exceed \$500,000;

- The submitted timeline for completion of the works does not hinder future development and has no adverse impacts to the community; and
- There is a demonstrated benefit to the community in accepting the bond.

Any requests that do not meet the above criteria, will be refused and can be referred to Council for further consideration.

4.4 Bond Approval conditions

Bonds for outstanding works will only be accepted under the following conditions:

- Bonds can only be accepted as cash or a bank guarantee;
- Bank Guarantees must have no expiry date;
- Bonds for outstanding works with a value less than \$100,000 must be accompanied by an endorsed Minor Bonded Works Agreement;
- Bonds for outstanding works with a value over \$100,000 must be accompanied by an endorsed Major Outstanding Works Bond Agreement;
- Bonds for outstanding landscaping works with a value over \$100,000 must be accompanied by a Landscape Outstanding Works Bond Agreement;
- Landscape Maintenance Bonds must be accompanied by a Landscape Maintenance Bond Agreement; and
- Bonds for extractive industries, if required by the Shire, must be accompanied by an Extractive Industry Rehabilitation Bond Agreement.

Templates of the above agreements and the instructions on how to complete the agreements can be found in the related procedure PR 069 – Preparation of Bond Agreements.

4.5 Shire Management of Bond

Cash bonds received by the Shire will be deposited into the Municipal Liability account. Once bond conditions have been fulfilled, and the Shire has approved the return of the bond, the bond value will be returned with no interest payable. Bank Guarantees received by the Shire will be registered as legal documents and held in a secure area. Once bond conditions have been fulfilled and the Shire has approved the return of the bond, the original bank guarantee will be returned.

If bond conditions are not met by the agreed timeframe detailed in the bond agreement, the Shire will write to the developer to determine an acceptable outcome. If the Shire is unable to determine an acceptable outcome, the Shire will write to the developer to advise that the bond agreement is in default, and the Shire intends to rectify the outstanding works utilising the bond monies.

Any Shire proposal to rectify outstanding works must be supported by contractor quotations and included in a Council Meeting Agenda for determination.

CARRIED
8/0
By Absolute Majority

Background

Outstanding works bond requests are currently determined by the Director of Infrastructure, however, there is no Council position on what the earliest stage at which bonding should be considered, the minimum documentation required to calculate the bond amounts, or the maximum bond value that the Shire Officers should be authorised to accept before Council consideration is required.

The proposed new policy '*Infr CP404 Shire Acceptance of Bonds Policy*' clarifies the developer's responsibility in seeking clearances to conditions of approval under the control of the Shire of Dardanup and specifies the acceptable levels of risk in relation to accepting bonds that the Council is willing to delegate to the Chief Executive Officer.

A copy of the proposed Policy is provided in (Appendix 12.3.2A).

The implementation of the Policy is facilitated by the preparation of bond agreements between the Applicant and the Shire of Dardanup, which has been coalesced into *Procedure PR069 – Preparation of Bond Agreements*.

For reference purposes, copies of the following are also provided:

- Procedure PR069 – Preparation of Bond Agreements in (Appendix 12.3.2B);
- Minor Bonded Works Agreement template in (Appendix 12.3.2C);
- Major Outstanding Works Bond Agreement template in (Appendix 12.3.2D);
- Landscape Outstanding Works Bond Agreement template in (Appendix 12.3.2E);
- Landscape Maintenance Bond Agreement template in (Appendix 12.3.2F); and
- Extractive Industry Rehabilitation Bond Agreement template in (Appendix 12.3.2G).

Further detail is provided in the Officer Comment section.

Legal Implications

Policy review is undertaken as a matter of good governance with some policies being required under the Local Government Act 1995.

Strategic policies that set governing principles and guide the direction of the organisation to align with community values and aspirations, are outlined in section 2.7 of the Local Government Act 1995.

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.*

Planning and Development (Local Planning Schemes) Regulations 2015

Council Plan

8.1 - Support responsible planning and development.

13.1 - Adopt best practice governance.

Environment - None.

Precedents - None.

Budget Implications

While this report does not have any direct budget implications, the establishment of this new Policy will result in bond funds received being held in Council’s Municipal bank account and recorded as a Municipal Liability. When the bond conditions are fulfilled, the bond funds will be returned to the relevant developer/debtor and the Municipal Liability removed.

If bonded works are not undertaken by the developer/debtor and Council needs to utilise those funds to undertake the works, then these works will need to be approved by Council as part of the annual budget process, or approved as unbudgeted expenditure if outside of that process.

Budget – Whole of Life Cost

Bonded works for a developer/debtor often relate to capital infrastructure, or relate to ongoing maintenance. The whole of life costs associated with any new works would need to be included in Council’s Asset Management Plans, Long Term Financial Plan and Annual Budget.

Council Policy Compliance

[Infr] CP066 Shire of Dardanup Guidelines for Subdivisional Development
 [Infr] CP055 – Extractive Industries – Site Rehabilitation.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix 12.3.2H) for full assessment document.

TIER 3 – ‘High’ or ‘Extreme’ Inherent Risk.	
Risk Event	Shire Acceptance of Bonds Policy
Inherent Risk Rating (prior to treatment or control)	High (12 - 19)
Risk Action Plan (treatment or controls proposed)	Limiting the acceptance by Shire officers of outstanding works bonds to after roads are primer sealed and drainage installed. Embedding the requirement for bond agreements in the bond policy and following the prepared procedure and bond agreement templates will reduce any risk of litigation if the bond was to be accessed
Residual Risk Rating (after treatment or controls)	Low (1 - 4)
Risk Category Assessed Against	Financial Financial Not limiting the staging of when an outstanding works bond would be considered could result in the Shire being responsible for constructing roads and drainage for created lots if the developer becomes insolvent. Not preparing detailed bond agreements endorsed by all parties could result in legal disputes if the Shire attempted to utilise the bond where a developer defaults.

TIER 3 – ‘High’ or ‘Extreme’ Inherent Risk.		
	Legal and Compliance	Not preparing detailed bond agreements endorsed by all parties could result in legal disputes if the Shire attempted to utilise the bond where a developer defaults.
	Reputational	Not limiting the staging of when an outstanding works bond would be considered could result in extensive delays in provision of roads and drainage if the developer becomes insolvent

Officer Comment -

The Shire is responsible for clearing conditions of Development Approval issued by the Council and the Joint Development Assessment Panel (JDAP), in addition to clearing conditions of Subdivision Approval issued by the Western Australian Planning Commission (WAPC).

In some cases, the developer is unable to complete some of the works in a timely manner, for reasons outside of their control, and requests that the Shire clears the condition and accepts a bond as a guarantee that the works will be completed within a prescribed time.

The proposed new policy ‘*Infr CP404 Shire Acceptance of Bonds Policy*’ clarifies the developer’s responsibility by providing detail on the following aspects of bonds:

- What information is required to support a bond request;
- How to determine the bond value;
- What criteria will be used to accept a bond; and
- What conditions should be placed on the acceptance of a bond.

The application of the proposed policy is in the following areas:

- i) Subdivisional Developments; and
- ii) Extractive Industries.

i) Subdivisional Developments

The Institute of Public Works Engineering Australasia (IPWEA) has published Local Government Guidelines for Subdivisional Development, which the Shire has adopted in Council Policy [Infr] CP066 Shire of Dardanup Guidelines for Subdivisional Development, as a formal set of guidelines to be used as a minimum standard for the design, construction, and verification of subdivisional development.

The guidelines indicate that bonding of incomplete works shall be by negotiation between the Local Government and the developer, and specifies that, where bonding is approved, the developer shall enter into a written agreement with the Local Government.

Where landscaping works are required as a condition of subdivision, the developer is responsible for maintaining the landscape during a two-year establishment period. If clearances are sought prior to the completion of this establishment period, a landscape maintenance bond is required. The conditions specify that all bonds must be accompanied by a prepared and endorsed Bond Agreement.

ii) Extractive Industries

Extractive Industries are subject to the Shire of Dardanup Extractive Industries Local Law 2022, which specifies in clause 5.1(1) ‘For the purpose of ensuring that an excavation site is properly restored or reinstated, the local government may require that the licensee shall give to the local

government a bond.’ The rehabilitation bond amounts will be determined from the Shire of Dardanup Schedule of Fees and Charges for the current financial year in accordance with Policy [Infr] CP055 – Extractive Industries – Site Rehabilitation.

Risk Levels

Developers often entertain the idea of bonding works to get early clearances as it allows them to collect funds on their land contracts as lots are released, prior to having to pay for their works contracts. This relocates a lot of risk to the Shire who would be ultimately responsible for completed the works if the developer defaults.

The attached risk assessment tool (Appendix 12.3.2H) has identified some areas of risk when managing bonds, for which Shire officers currently have limited direction from the above-mentioned guidelines.

Risks Identified in terms of:

- the accuracy of works cost calculations, which can only be properly assessed if the drawings have been approved and the quotations or tender prices are based on those drawings.
- delivery of residential buildings and occupation of those buildings, if bonds are accepted too early before roads and drainage is completed to a primer seal stage. If the developer runs into financial or contractor difficulties and does not complete the roads, the new lot owners will be unable to commence construction of the dwellings until the Shire can arrange for the works to be completed which could take additional time and additional funds beyond the bond amounts.
- gaining access to the bonds, if substandard bond agreements are used to manage the bonds, and this relates to both the Shire and the developer wanting return of bonds in the future. Without detailed robust agreement documentation it is not clear when the bond could be utilised by the Shire or when the bond would be returned to the developer.

Procedure PR069 – Preparation of Bond Agreements

The proposed bond policy ‘Infr CP404’ is supported by Procedure PR069 Preparation of Bond Agreements (Appendix 12.3.2B), which provides officer instruction on how to prepare the bond agreements and references various types of bond agreement templates (Appendices 12.3.2C-G) to ensure consistency of approach.

These bond agreement templates have been utilised successfully in other jurisdictions in the South West Region and have been found to be effective in providing clarity and transparency to the bonding process and subsequently have been welcomed by the development industry.

The proposed ‘*Infr CP404 Shire Acceptance of Bonds Policy*’ has been prepared to address the identified risks to Council and to set a high standard for how the Shire plans and manages developers’ bonds going forward.

Where developers wish to bond projects that do not comply with the Shire’s Acceptance of Bonds Policy, the request would need to be presented to Council for determination.

The Officer’s recommendation is to adopt the proposed new policy ‘*Infr CP404 Shire Acceptance of Bonds.*’

END REPORT

12.3.3 Title: Unbudgeted Expenditure Bridge Repair Works – Dowdells Line

Reporting Department	<i>Infrastructure Directorate</i>
Responsible Officer	<i>Mr Theo Naudé - Director Infrastructure</i>
Reporting Officer	<i>Ms Joy Welshman - Manager Operations</i>
Legislation	<i>Local Government Act 1995</i>
Council Role	<i>Executive/Strategic.</i>
Voting Requirement	<i>Absolute Majority.</i>
Attachments	<i>Appendix ORD: 12.3.3 – Risk Assessment Tool</i>

Overview

This report seeks Council's endorsement to use allocated bridge repair funds for Bridge 3678-Pile Road to undertake urgent works on Bridge 3669-Dowdells Line.

Change to Officer Recommendation No Change

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

272-23 MOVED - Cr. M R Hutchinson SECONDED – Cr. A C Jenour

THAT Council:

- 1. Approves as unbudgeted expenditure \$33,000 for Job 12311 Bridge 3669-Dowdells Line to undertake immediate urgent bridge repairs.**
- 2. Approves 2023/24 budget amendments to reallocate \$33,000 from Job 12306 Bridge 3678-Pile Road to Job 12311 Bridge 3669-Dowdells Line to fund urgent bridge repairs in the 2023/24 financial year.**

CARRIED
8/0

By Absolute Majority

Background

The Shire has an obligation under Main Roads Australia agreement to maintain and repair several bridges within the Shire. These are inspected yearly, and the inspection report provided to officers to undertake repair works.

In October 2023 correspondence was received from Main Roads Western Australia (MRWA) in relation to the condition of bridge number 3669 on Dowdells Line over the Ferguson River. The report indicates severe rotting to piers significantly reducing the load capacity of the bridge and requiring urgent repairs.

The implications of not undertaking the repairs as soon as possible are potential closure of the bridge to all large vehicles leaving it open to emergency vehicles and cars only.

A quotation has been received to the value of \$33,000 with a start date of 23rd of November 2023. There is currently no budget allocated for this bridge repairs. There is however budget for non-urgent repairs to Bridge 3678 on Pile Road. Some works have been completed on Bridge 3678 on Pile Road this year to

ensure it is safe and operational and we are waiting on additional information from MRWA to undertake further non-urgent works.

Legal Implications

Local Government Act 1995, Section 6.8 requires the prior approval of Council before unbudgeted funds are expended.

“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.”*

The Shire owns the bridge assets that are located on local roads within its municipality. MRWA is responsible for asset managing all bridges across the state including local government owned bridge assets. This task is delivered in consultation with each local government. MRWA has advised that not undertaking the repairs is likely to cause the bridge to be closed to heavy vehicles and leaving it open to emergency and light vehicles only, due to safety concerns.

Council Plan

10.3 - Improve road safety, connectivity, and traffic flow.

Environment - None.

Precedents

Bridge repairs and maintenance are normally programmed and coordinated through the Capital Works Program. Urgent repairs of this nature are unprecedented and are not typical in the bridges program. Previously in February 2022 a similar event happened when Bridge 3678 - Pile Road needed significant urgent repair works and a report was presented to the Ordinary Council Meeting on 23rd February 2022 to implement the urgent repair works.

Budget Implications

The 2023/24 Annual Budget does not include a budgeted amount for capital works on Bridge 3669 - Dowdells Line, however a budget exists for Bridge 3678 - Pile Road (\$39,000), with nothing spent to date.

The reallocation of funds of \$33,000 from Job 12306 Bridge 3678-Pile Road to Job 12311 Bridge 3669-Dowdells Line has no impact on Council’s end of year surplus.

Budget – Whole of Life Cost

Costs associated with the bridge renewals, repairs, maintenance and upgrades are covered under Council's Road Asset Management Plan and annual budget.

Council Policy Compliance

The following Council Policies apply:

- CP034 – Procurement Policy;
- CP017 – Project Development; and
- CP074 – Asset Management.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix ORD: 12.3.3) for full assessment document.

TIER 2 – 'Low' or 'Moderate' Inherent Risk.	
Risk Event	Unbudgeted Expenditure Bridge Repair Works – Dowdells Line
Inherent Risk Rating (prior to treatment or control)	High (12 - 19)
Risk Action Plan (treatment or controls proposed)	Reallocation of budget from Account J12306 to undertake bridge repairs
Residual Risk Rating (after treatment or controls)	Low (1 – 4)
Risk Category Assessed Against	Health Bridge collapse
	Financial Additional non budgeted works
	Service Interruption Bridge could be closed to heavy vehicles
	Property Bridge collapse

Officer Comment

Officers undertake yearly inspections under Main Roads WA guidelines to all bridges managed by the Shire. The inspections determine the level of repair and maintenance that is required. In the case of Bridge 3669-Dowdells line the inspection prompted a capacity assessment (weight and traffic levels) which was undertaken by Main Roads WA and resulted in the bridge being identified as having some serious deterioration which could be hazardous to large vehicles.

Officers have been attempting to gain quotations for the repairs and have escalated these with the imminent closure of Dowdells Line for road repairs providing a good opportunity to combine traffic management. Unfortunately, contractors are not available until the 20th November 2023.

Quotations have now been received and estimates for repairs are \$33,000 with a reputable contractor.

The Shire has budget allocations for bridge repairs on Pile Road that are non-urgent and not scoped at this stage. It is proposed to use these funds to undertake the repairs to Bridge 3669-Dowdells Line.

It is recommended that \$33,000 out of the remaining budget for Project J12306 Bridge 3678 - Pile Road be reallocated to Project J12311 Bridge 3669 - Dowdells Line for use on immediate urgent repairs.

END REPORT

12.4 CORPORATE & GOVERNANCE DIRECTORATE REPORTS

12.4.1 Title: Adoption of Cats Local Law 2023

Reporting Department	Corporate & Governance Directorate
Responsible Officer	Mr Phil Anastasakis - Deputy CEO
Reporting Officer	Mrs Donna Bailye - Manager Governance
Reporting Officer	Ms Cathy Lee - Manager Human Resources
Legislation	Local Government Act 1995 Cat Act 2011 Cat Regulations 2012, the Cat (Uniform Local Provisions) Regulations 2013
Council Role	Legislative.
Voting Requirement	Absolute Majority.
Attachments	Appendix ORD: 12.4.1A – Risk Assessment Tool Appendix ORD: 12.4.1B – Submission from DLGSC Appendix ORD: 12.4.1C – Marked Up Amendments to Local Law Clauses Appendix ORD: 12.4.1D – Final Cats Local Law 2023

Overview

Proposed adoption of *Shire of Dardanup Cats Local Law 2023* with minor amendment, for gazettal.

Change to Officer Recommendation No Change

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

273-23 MOVED - Cr T G Gardiner SECONDED – Cr. L W Davies

THAT Council:

1. **Receives the submission received from the Department of Local Government, Sport and Cultural Industries in respect of the *Shire of Dardanup Cats Local Law 2023*.**
2. **Notes that there were no public submissions received in respect of the *Shire of Dardanup Cats Local Law 2023*.**
3. **By Absolute Majority decision, adopts the *Shire of Dardanup Cats Local Law 2023* [Appendix ORD: 12.4.1D] inclusive of the following minor amendments:**
 - **Clause 1.1: Citation changed to italics;**
 - **Clause 1.4: Changed both the citation title and “Government Gazette” to italics.;**
 - **Clause 1.5: In the definition of Act, changed the citation to italics;**
 - **The words “, in the opinion of an authorised person,” deleted from Clause 2.1(1); Clause 2.2(1)(b) and Clause 2.4(2).**

- **Clause 3.1(1) Amended to give clarity that the Shire acknowledges the local law process in the designation of cat prohibited areas by adding the words “*after following the process for amending a local law pursuant to the Local Government Act.*” after the words ‘Schedule 3’;**
 - **Clause 4.8 Conditions – amend subclause (1)(a) to read: *(a) each cat kept on the premises to be kept so as not to create a nuisance; and***
 - **Clause 4.8 Conditions – deletes subclause (1)(b) that read “*(b) that the premises must be adequately fenced (and premises will be taken not to be adequately fenced if there is more than one escape of a cat from the premises);*”; and renumber the following subclauses accordingly.**
4. **Publishes a copy of the adopted local law in the Government Gazette.**
 5. **Gives a copy of the adopted gazette ready Local Law to the Minister for Local Government.**
 6. **After the local law has been published in the Gazette, gives local public notice as per section 1.7 of the *Local Government Act 1995* advising:**
 - **The title of the local law;**
 - **Summarizing the purpose and effect of the local law;**
 - **Specifying the day on which the local law comes into operation; and**
 - **Advising the location of copies of where the local law may be inspected or obtained.**
 7. **Supplies copies of the local law, Explanatory Memorandum, Statutory Procedures Checklist and other supporting material in accordance with Ministerial Directions, to the WA Parliament’s Joint Standing Committee on Delegated Legislation within 10 working days of the gazettal publication date of the local law.**

CARRIED

8/0

By Absolute Majority

Background

At its meeting of 25 January 2023, the Shire of Dardanup resolved [09-23] as follows:

THAT Council:

1. *In accordance with Section 3.12 of the Local Government Act 1995 approves the advertising of the proposed 'Shire of Dardanup Cats Local Law 2023' [Appendix ORD: 12.4.2C] in order to seek community comment;*
2. *Provides a copy of the proposed Local Law and public notice to the Minister for Local Government; and*
3. *After the close of the public consultation period, requests the Chief Executive Officer to submit a report on any submissions received on the proposed Local Law to enable Council to consider the submissions made and to determine whether to make the Local Law in accordance with section 3.12(4).*

Legal Implications

Local Government Act 1995 - S3.12.

Procedure for making local laws:

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2A) *Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (2) *At a Council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to —*
 - (a) *give local public notice stating that —*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
 - And*
 - (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- [(3a) deleted]*
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*

** Absolute majority required.*

- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice —*
- (a) *stating the title of the local law; and*
- (b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
- (c) *advising that the local law is published on the local government’s official website and that copies of the local law may be inspected at or obtained from the local government’s office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section —*

making *in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

The Department of Local Government, Sport and Cultural Industries (‘the Department’) has provided the following advice on their website in relation to making a local law for cats:

“A local government needs to consider what elements of cat control they wish to regulate and only decide to make a local law if:

- *the Act, Cat Regulations 2012, the Cat (Uniform Local Provisions) Regulations 2013 or any other written law do not already cover that matter; and*
- *there appears a sufficient need for additional regulation in that area.”*

Cat Act 2011

The authority for a local government to create a local law under the *Cat Act 2011* is provided in section 79 of the *Cat Act 2011*. The *Cat Act 2011* sets out the requirements inter alia for registration and sterilisation of cats, as well as the requirements for cat management facilities. The *Cat Regulations 2012* set out the requirements for cats to be microchipped and registered, as well as the approval requirements for cat breeders.

Under section 79(3), a local law may be made in relation to one or more of the following:

- (a) *the registration of cats;*
- (b) *removing and impounding cats;*
- (c) *keeping, transferring and disposing of cats kept at cat management facilities;*
- (d) *the humane destruction of cats;*
- (e) *cats creating a nuisance;*
- (f) *specifying places where cats are prohibited absolutely;*
- (g) *requiring that in specified areas a portion of the premises on which a cat is kept must be enclosed in a manner capable of confining cats;*
- (h) *limiting the number of cats that may be kept at premises, or premises of a particular type;*
- (i) *the establishment, maintenance, licensing, regulation, construction, use, record keeping and inspection of cat management facilities;*
- (j) *the regulation of approved cat breeders, including record keeping and inspection;*
- (k) *fees and charges payable in respect of any matter under this Act.*

Offences and penalties are dealt with under Section 84 of the *Cat Act 2011*, which provides for offences and penalties up to \$5,000; if the offence is continuing in nature, the local law can make a further penalty of \$500 per day. Local laws can also specify a minimum penalty.

Council Plan

- 1.2 - Encourage responsible animal management.
- 5.1 - Care for natural habitats and waterways to preserve native and endangered fauna and flora.
- 13.1 - Adopt best practice governance.

Environment -

The local law could include prohibiting cats from regional parks, conservation and bushland areas inhabited by vulnerable fauna. Containment, similar to what is applied under the *Dog Act 1976*, is a longer-term objective that will require advocacy to the State Government from the sector.

Precedents

The Shire adopted its first local law to deal with the keeping and control of cats within the Shire in 2014. The local law was amended in 2015 in line with directions from the Joint Standing Committee on Delegated Legislation.

This local law was based on the Shire of Manjimup Cat Local Law 2021 that was Gazetted on 16th April 2021 (p1409) and amended and published in Government Gazette on 31 March 2023 (p640).

Budget Implications

Costs associated with the review will be advertising and gazettal of the reviewed local law. There is provision within the budget for advertising and no additional costs will be applied to the budget.

Budget – Whole of Life Cost - None.

Council Policy Compliance

Exec 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: 12.4.1A] for full assessment document.

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Adoption of Shire of Dardanup Cats Local Law 2023
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	Legal and Compliance Council has a statutory obligation to make laws which are clear and effective.
	Reputational Council’s reputation will be impacted negatively if it fails to discharge its statutory obligation.

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.		
	Environmental	Ensuring appropriate controls around keeping of cats reduces environmental risks.

Officer Comment

The Minister for Local Government was provided with a copy of the local law for comment on the 23rd of February 2023. Advertising inviting submissions concluded on the 13th of April 2023.

The Act provides that after the last day for submissions the Council is to consider any submissions received and cause a report of the review to be prepared and considered by the Council.

The Department of Local Government, Sport and Cultural Industries [Appendix ORD: 12.4.1B] made the below comments on the Local Law. The following sections are highlighted as amendments to the proposed local law following the receipt of comments from the DLGSC:

DLGSC COMMENTS	ACTION
<p>Minor edits</p> <p>The following minor edits are suggested:</p> <ul style="list-style-type: none"> • Clause 1.1: Change the citation to italics. • Clause 1.4: Change both the citation title and “Government Gazette” to italics. • Clause 1.5: <ul style="list-style-type: none"> ○ In the definition of Act, change the citation to italics. ○ In the definition for district, change the “district” to “<i>district</i>”. 	<p>All three instances updated and amended to be <i>italics</i>.</p>
<p>Clause 2.1 Cats in public places</p> <p>Refer to below DLGSC comments regarding Clause 2.4 – Opinion of authorised person.</p>	<p>The words “, in the opinion of an authorised person,” deleted from 2.1(1):</p> <p>2.1 Cats in public places</p> <p>(1) A cat shall not be permitted in a public place, if in the opinion of an authorised person, the cat is causing a nuisance.</p> <p>(2) If a cat is at any time in a public place in contravention of subclause (1)—</p> <ul style="list-style-type: none"> (a) the owner of the cat commits an offence; and (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.
<p>Clause 2.2 – Banning cats from non-public areas</p> <p>Clause 2.2 states that a cat may not enter any premises without explicit consent and a cat breaching this clause may be seized from the premises.</p> <p>The Parliament’s Delegated Legislation Committee has generally raised issues with clauses that attempt to confine cats to owner’s premises, either explicitly</p>	<p>Clause 2.2 – Cats in other places</p> <p>The Shire of Dardanup’s draft local law was based on the Shire of Manjimup Cat Local Law 2021 that was Gazetted on 16th April 2021 p1409 and amended and published in GG on 31 March 2023 page 640.</p> <p>In addition, the same clause has been accepted by the DLC for the Shire of Augusta Margaret River Cat Local Law – Gazetted on 24 March 2023, Page 584.</p>

DLGSC COMMENTS	ACTION
<p>or via the imposition of indirect conditions that lead to a similar outcome.</p> <p>Further details on this issue can be found in an extract of one of the Committee’s reports which is attached for the Shire’s noting. This report related to the previous version of the Shire’s local law and resulted in Part 2 of that local law being deleted.</p>	<p>There have been no issues with Clause 2.2 for either of these local governments in relation to this clause.</p> <p>It is noted that this clause is also not dissimilar to Clause 2.3 – Cat in prohibited areas.</p> <p>If the cat is causing a nuisance, in any place, then Clause 2.4 would apply.</p> <p>As the Department has suggested the removal of the words ‘<i>in the opinion of an authorised person</i>’ (Refer comments for Clause 2.4) it is proposed that to remain uniform within the local law, that those words be removed from Clause 2.2(1)(b):</p> <p>2.2 Cats in other places</p> <p>(1) A cat shall not be in any place that is not a public place if—</p> <p>(b) the cat, in the opinion of an authorised person, is causing a nuisance.</p>
<p>Clause 2.4 – Opinion of authorised person</p> <p>Clause 2.4(2) provides that a written notice may be issued when a cat is causing a nuisance “in the opinion of an authorised person”.</p> <p>In March this year, the Committee has requested a similar phrase be deleted from the Shire of Kojonup Cat Local Law. Presumably, this is due to the fact that if the matter proceeds to prosecution, guilt will hinge on whether nuisance existed as an actual fact.</p> <p>It is suggested the Shire delete the phrase, as the Committee is likely to raise an issue with it. The deletion is unlikely to have any impact on the clause from an operational perspective.</p>	<p>The words “, in the opinion of an authorised person,” deleted from 2.4(2):</p> <p>2.4 Direction to abate the nuisance of a cat</p> <p>(1) The owner of a cat, or any other person responsible for a cat, shall not allow the cat to create a nuisance.</p> <p>(2) Where, in the opinion of an authorised person, a cat is creating a nuisance, the local government may give written notice to the owner of the cat or any other person apparently in control of the cat, requiring that person to abate the nuisance.</p>
<p>Clause 3.1 – Designation of cat prohibited areas</p> <p>If the local law is made in its current form, the areas listed in Schedule 3 will become cat prohibited areas for the purposes of clause 2.4.</p> <p>Once the local law is made, it is generally unable to be changed except by making an amendment local law via the section 3.12 process in the LGA 1995.</p> <p>It is presumed that the process specified in clause 3.1 is intended to operate in addition to the normal law-making process. If so, the City may wish to make this clear when the local law is submitted to the Delegated Legislation Committee.</p> <p>However, if the purpose of section 3.1 is to provide some kind of administrative power to amend Schedule 3 outside of the normal local law process (e.g. allowing Schedule 3 to be amended by Council</p>	<p>3.1(1) Amended to give clarity that the Shire acknowledges the local law process in designation of cat prohibited areas.</p> <p>3.1 – Designation of cat prohibited areas</p> <p>(1) The Local Government may designate land as a Cat Prohibited Area by stating a description of the land in Schedule 3 after following the process for amending a local law pursuant to the Local Government Act.</p> <p>In addition, the Explanatory Memorandum will include the following information under Part 6:</p> <p>6. ADDITIONAL INFORMATION</p> <p>“Clause 3.1 – Designation of cat prohibited areas:</p> <p><i>The purpose of section 3.1 is not intended to be an administrative power to amend Schedule 3. The Shire</i></p>

DLGSC COMMENTS	ACTION
<p>resolution or CEO decision), this is likely to raise legal issues.</p>	<p><i>of Dardanup notes that designated cat prohibited areas listed in Schedule 3 will become cat prohibited areas for the purposes of clause 2.4. and cannot be changed except by making an amendment local law via the section 3.12 process in the LGA 1995.</i></p>
<p>Clause 4.8(1)(a) – Confinement of cats as condition of permit</p> <p>Clause 4.8(1)(a) provides that all permits are issued subject to the condition that all cats be kept on the premises unless under effective control.</p> <p>On 24 March 2023, the Committee requested a similar paragraph be deleted from the Kojonup cat local law. It is likely the Committee will make a similar request in relation to the Shire’s draft local law as well.</p> <p>Given the above, it is possible that paragraph (c) is also an issue, since it requires fencing of a sort that is clearly designed to have the secondary effect of confining cats to the premises. However, this clause wasn’t present in the Kojonup local law and as a result, the DLGSC cannot confirm that this paragraph is an issue. A copy of the Committee’s specific undertaking in relation to Kojonup can be viewed at the following link: Current Local Governments _1.pdf (parliament.wa.gov.au)</p>	<p>Clause 4.8(1)(a) – Confinement of cats as condition of permit</p> <p>Be amended from:</p> <p>4.8 Conditions</p> <p>(1) Every permit is issued subject to the following conditions—</p> <p>(a) each cat kept on the premises to which the permit relates shall be contained on the premises unless under the effective control of a person;</p> <p>(b) that the premises must be adequately fenced (and premises will be taken not to be adequately fenced if there is more than one escape of a cat from the premises);</p> <p>(c) the permit holder will provide adequate space for the exercise of the cats;</p> <p>(d) the single or multiple dwelling or premises shall be maintained in good order and in a clean and sanitary condition;etc...</p> <p>To read:</p> <p>4.8 Conditions</p> <p>(1) Every permit is issued subject to the following conditions—</p> <p>(a) each cat kept on the premises to be kept so as not to create a nuisance;</p> <p>(b) the permit holder will provide adequate space for the exercise of the cats;</p> <p>(c) the single or multiple dwelling or premises shall be maintained in good order and in a clean and sanitary condition; ...etc...(renumber accordingly)...</p>

The above amendments are highlighted in the [Appendix ORD: 12.4.1C] which show the tracked changes in red font for ease of reference.

Section 3.13 of the *Local Government Act 1995* provides that the Local Government cannot make a local law that would be significantly different from what it first proposed. In this instance, the suggested changes are in the main to clarify the clauses and do not change the legal effect of the clauses.

Officers consider that amendments listed above are of a minor nature and do not significantly change the original proposed local law. Therefore, it is proposed that the amendments suggested by the Department of Local Government, Sport and Cultural Industries be made (inclusive of the amendment to instead of removal of Clause 2.2); and that the local law be adopted.

A copy of the proposed '*Shire of Dardanup Cats Local Law 2023*' inclusive of the amendments for adoption and gazettal is attached [Appendix ORD: 12.4.1D].

END REPORT

12.4.2 Title: Burekup Cricket Club Lease Renewal

Reporting Department	Corporate & Governance Directorate
Responsible Officer	Mr Phil Anastasakis - Deputy CEO
Reporting Officers	Mrs Donna Bailye – Manager Governance Mrs Aly Smith – Building Property Management Officer
Legislation	Local Government Act 1995
Council Role	Executive/Strategic.
Voting Requirement	Absolute Majority.
Attachments	12.4.2A – Correspondence from Burekup Cricket Club 12.4.2B – Risk Assessment Tool

DECLARATION OF INTEREST

Cr. J D Manoni and Cr. L W Davies declared an Impartiality Interest in this item.
Please refer to Part 11 'Declaration of Interest' for full details.

Overview

Council is requested to approve the renewal of a lease agreement with the Burekup Cricket Club for use of the oval, cricket nets and shed located at lot 4 Russell Road in Burekup, for a period of 5 years.

Change to Officer Recommendation No Change

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

274-23 MOVED - Cr. A C Jenour SECONDED – Cr. E P Lilly

THAT Council:

- Approves the lease of the Burekup Oval, cricket nets and shed located at 4 Russell Road in Burekup to the Burekup Cricket Club for 5 years commencing 1st November 2023 with an annual lease fee of \$500.**
- Authorise the Chief Executive Officer to negotiate and sign a new 5 year lease with the Burekup Cricket Club based on the Shire of Dardanup Template Lease Terms and Conditions.**

CARRIED

8/0

By Absolute Majority

Note: *Cr. A C Jenour requested that the Burekup Cricket Club future support with maintaining the area is taken into consideration during budget deliberations in 2024.*

Location Plan



Background

Staff received a request to renew the lease from The Burekup Cricket Club 12.4.2A – Correspondence from Burekup Cricket Club.

The Burekup Cricket Club (the Club) was founded in the 2003/04 season and has grown to 2 senior and 3 junior teams. With the backing from its players, supporters and local sponsors, they have had great success on and off the ground and have won 6 Premierships.

During the cricket season of October to March, the Club have held games and twice weekly trainings on the Burekup Oval for many years. The commitment to the sport and its community has established the Club as a valued organisation within the regional cricketing landscape and local town site.

Legal Implications

Lot 4 Russell Road, Burekup is owned by the Shire of Dardanup and has an area of 22,880m².

Leasing of Council property falls under Section 3.58 of the Local Government Act 1995 “Disposing of Property”

3.58. *Disposing of property*

(1) *In this section —*

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) *the highest bidder at public auction; or*

- (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) *it gives local public notice of the proposed disposition —*
- (i) *describing the property concerned; and*
- (ii) *giving details of the proposed disposition; and*
- (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
- and*
- (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the Council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned; and*
- (b) *the consideration to be received by the local government for the disposition; and*
- (c) *the market value of the disposition —*
- (i) *as ascertained by a valuation CARRIED out not more than 6 months before the proposed disposition; or*
- (ii) *as declared by a resolution of the local government on the basis of a valuation CARRIED out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

The advertising of the disposal of property is not required under the Functions and General Regulations 1996 Section 30 (2) (b) (i)

30. Dispositions of property excluded from Act s. 3.58

(1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.

(2) A disposition of land is an exempt disposition if —

(a) the land is disposed of to an owner of adjoining land (in this paragraph called the transferee) and —

(i) its market value is less than \$5 000; and

(ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;

or

(b) the land is disposed of to a body, whether incorporated or not —

(i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and

(ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;

Council Plan

2.2 - Increase participation in sport, recreation and leisure activities.

14.2 - Ensure equitable, inclusive and transparent engagement and decision- making.

Environment - None.

Precedents

Council has previously supported the lease of Burekup Oval to the Club. A lease has been in place since 2018.

Budget Implications

The current lease agreement (2018-2023) has the Club paying a peppercorn rental. An annual lease fee, as indicated in the 22nd June 2022 Council Report and in accordance with the Lease Fee Matrix of \$1,350 was proposed, however in light of previous Council decisions and in comparison with other similar leases, an adjustment to the fee to \$500 per annum is recommended.

Budget – Whole of Life Cost - None.

Council Policy Compliance

Exec CP201 – Execution of documents and application of common seal.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix ORD: 12.4.2B) for full assessment document.

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Burekup Cricket Club Lease Renewal
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>Health Not supporting continued access to an activity that benefits health and well-being of the community.</p> <p>Reputational Council could be seen in a negative light if they didn't support an established community group that provides recreational opportunities to the community.</p>

Officer Comment

The Burekup Oval is currently subject to a License Agreement between the Shire and the Minister for Education. Terms of the lease ensure that the River Valley Primary School has access to the oval during:

- School terms;
- School hours; and
- Other times as agreed between the River Valley Primary School and the Shire.

These conditions are identified and provided for in the current lease and will be replicated in the future lease with the Burekup Cricket Club. The Club's lease includes the area containing the Burekup Oval, cricket nets, cricket pitch, shed, unpowered and unplumbed transportable changeroom and the amphitheatre.

The current lease has the club paying a peppercorn rental. Using the Lease Fee Matrix, and as indicated in the 22nd June 2022 Council Report, an annual fee of \$1,350 was flagged. Mr Nathan King, the then Club President submitted concern that this rate was excessive when considering the facilities they use and made comparison to the following leases;

1. Dardanup Sporting and Community Clubs (DSCC)– existing clubrooms, new changerooms, storage sheds and cricket nets. DSCC comprise 8 sporting and community groups, paying \$100 per annum rather than \$2,950 as per the Lease Fee Matrix [OCM res 319-22]
2. Eaton Cricket Club (ECC) and Eaton Junior Football Club (EJFC) – Eaton Oval, new Fishwick Pavilion clubrooms, changerooms, 12x9m storage shed, cricket pitch and nets. Combined, 20 playing teams paying \$4,000 per annum [OCM res 90-22].

Officers recognise that the \$1,350 annual fee proposed in the Lease Fee Matrix is disproportionate given the facilities and other recent lease fees. It is proposed, that given the comparatively small size of the Club and basic infrastructure, that the Club be assessed in the Community category in the Lease Fee Matrix and the annual lease fee is adjusted to \$500.

It is recommended that Council support the renewal of a lease agreement with the Burekup Cricket Club for a period of 5 years at \$500 per annum, and request that the Chief Executive Officer enter into negotiations with the Club for the renewal of the new lease in accordance with the terms of the Shire of Dardanup Template Lease Terms and Conditions.

END REPORT

12.4.3 **Title: Update of Community Engagement Framework and Appointment of Councillors to Working Groups.**

Reporting Department	<i>Corporate & Governance Directorate</i>
Responsible Officer	<i>Mr Phil Anastasakis - Deputy CEO</i>
Reporting Officer	<i>Mrs Donna Bailye – Manager Governance</i>
Legislation	<i>Local Government Act 1995</i>
Council Role	<i>Executive/Strategic.</i>
Voting Requirement	<i>Simple Majority.</i>
Attachments	<i>Appendix ORD: 12.4.3A – Community Engagement Framework Appendix ORD: 12.4.3B – Risk Assessment</i>

Overview

This report to Council provides for adoption of the updated Community Framework (Appendix ORD: 12.4.3A), establishment of the new Council Working Groups and the subsequent appointment and endorsement of Councillors to the various Working Groups for the period October 2023 to October 2025.

Change to Officer Recommendation No Change

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

275-23 MOVED - Cr. L W Davies SECONDED – Cr. A L Webster

THAT Council

1. **Adopts the updated Community Engagement Framework (Appendix ORD: 12.4.3A).**
2. **Not re-establish any Advisory Groups and instead establish the following working groups:**
 - **Burekup Community Precinct Working Group (Hall, Club, Change rooms, Hardcourts, Playground Skate Park);**
 - **Dardanup Heritage and Cultural Precinct Working Group (Hall, Administration, Community Centre, Carramar Park – Skate Park and Playground);**
3. **Request that the Chief Executive Officer, call for Nominations from the community groups and relevant stakeholders as representatives onto the relevant working groups.**
4. **Delegate to the Chief Executive Officer the authority to endorse the Community representatives and stakeholders to the relevant working groups.**
5. **Endorse the following Elected Members to the following Council Working Groups [Note: that all appointments expire on the day prior to the next ordinary local government election to be held in October 2025 or in accordance with Section 5.11 of the Local Government Act 1995.**

- a) **Burekup Community Precinct Working Group (Hall, Club, Change rooms, Hardcourts, Playground Skate Park);**

**Cr T G Gardiner
Cr. M R Hutchinson
Cr. L W Davies**

- b) **Dardanup Heritage and Cultural Precinct Working Group (Hall, Administration, Community Centre, Carramar Park – Skate Park and Playground);**

**Cr. E P Lilly
Cr. T Bell
Cr. A L Webster
Cr. T G Gardiner**

6. **Request that the Chief Executive Officer develop Terms of Reference for the Burekup Community Precinct Working Group and Dardanup Heritage and Cultural Precinct Working Group, based on the project scope**

CARRIED
8/0

Background

In November 2019, Council endorsed a Community Engagement Policy & Framework and as part of this policy established topic and place based Advisory Groups.

Since 2019, the Advisory groups have been instrumental in providing advice and input into the development of a range of plans and strategies, which were ultimately adopted by Council. These plans include the following:

- Sport and Recreation Plan
- Public Health Plan
- Place and Community Plan
- Disabilities Access and Inclusion Plan
- Burekup Community Facility Plan
- Dardanup Community Facility Plan
- Eaton/Millbridge Community Facility Plan
- Ferguson Valley Community Facility Plan
- Dardanup Place Plan
- Eaton/Millbridge Place Plan

The Place Based Advisory Groups played a pivotal role by offering valuable community insights and recommendations across a range of capital projects, operational initiatives and events undertaken by the Shire since 2019, with their contribution playing an integral part in the planning of the following projects:

- Burekup BMX;
- Carramar Park Extension;
- New Dardanup Centrals Bushfire Brigade;
- Public Toilets and Dump point along Boyanup Picton Road in Dardanup;

- Wells Recreation Change Rooms Eaton Skate Park;
- R&J Fishwick Pavilion; and
- New Shire of Dardanup Library, Administration and Community Building in Eaton.

Legal Implications - None.

Council Plan

13.1 - Adopt best practice governance.

14.1 - Increase community awareness, knowledge and understanding of Shire activities and key messages.

14.2 - Ensure equitable, inclusive and transparent engagement and decision- making.

Environment - None.

Precedents

Council endorses representatives for Advisory groups following each ordinary Council election or as required.

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: 12.4.3B] for full assessment document.

TIER 1 – No discernible Inherent Risk has been identified (no Risk Theme or Consequence).	
Risk Event	Appointment of Councillors to Working Groups and Disbanding of Advisory Groups
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.

Officer Comment

Chief Executive Officer Comment

Whilst the Advisory Group contributions to the Strategic operations over the past four years has been instrumental in the delivering of various projects, it has been identified through this process that moving forward on these works a more collective approach is required to maintain the facilities and assist specific user groups. It is therefore recommended that the Shire adopt a Working Group approach to future projects.

The Officer is therefore recommending that the current Community Engagement Framework be updated to reflect this approach.

To deliver on the Working Group approach it is intended to identify relevant projects or programs that requires input from relevant stakeholders, user groups and/or community or customers to provide input into the project planning, design and implementation as part of the over Project Plan. The Project Plans will form part of the Shire's Council Plan and long term financial planning considerations.

Manager Governance Comment

The following Working Groups are recommended to be established:

1. Burekup Community Precinct (Hall, Club, Change rooms, Hardcourts, Playground Skate Park);
and
2. Dardanup Heritage and Cultural Precinct (Hall, Admin, Community Centre , Carramar Park - Skate Park and Playground).

The Shire will be seeking expressions of interest to engage Community representatives and relevant stakeholders to the Working Groups in the coming months. Meeting dates will be ad hoc and case by case basis.

The Chief Executive Officer will develop Terms of Reference for the Working Groups based on the project scope for each group.

END REPORT

12.4.4 Title: Appointment of Delegates and Representatives to Various Community & Regional Committees

Reporting Department	Corporate & Governance Directorate
Responsible Officer	Mr Phil Anastasakis - Deputy CEO
Reporting Officer	Mrs Donna Bailye – Manager Governance
Legislation	Local Government Act 1995
Council Role	Executive/Strategic.
Voting Requirement	Simple Majority.
Attachments	Appendix OCM: 12.4.4 – Risk Assessment

Overview

This report to Council provides for the appointment and endorsement of Delegates and Representatives to Various Community and Regional Committees for the period October 2023 to October 2025.

Change to Officer Recommendation

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

- *Membership of the South West Development Commission was deferred to the 13th December 2023 Ordinary Council Meeting to provide further information on the position.*

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

276-23 MOVED - Cr. A L Webster SECONDED – Cr. J D Manoni

THAT Council endorse the following Councillors as delegates to the following Community, External Committees, Boards and Associations and Ministerial Appointments:

Burekup Country Club

- Cr. T G Gardiner [Delegate]
Cr. M R Hutchinson [Deputy Delegate]

Eaton Senior Citizens Association

- Cr. A L Webster [Delegate]
Cr. E P Lilly [Deputy Delegate]

Leschenault Catchment Council

- Cr. E P Lilly [Delegate] [Nominee for Ministerial Appointment]
Cr. A C Jenour [Deputy Delegate]

Ferguson Valley Marketing Inc

- Cr. T Bell [Delegate]
Cr. A L Webster [Deputy Delegate]

Ferguson Hall Committee

- Cr. T Bell [Delegate]
Cr. A C Jenour [Deputy Delegate]

Peron Naturaliste Partnership

- Cr. J D Manoni [Delegate]
Cr. M R Hutchinson [Deputy Delegate]

Eaton Community College Board

- Cr. J D Manoni [Delegate]

Building Joint Management Committee – Eaton Bowling & Social Club & Eaton Senior Citizens

- Cr. A L Webster [Delegate]

Note: All appointments expire on the day prior to the next ordinary local government election date in October 2025 or in accordance with Section 5.11 of the Local Government Act 1995, with the exception of those appointed by the relevant Minister.

CARRIED
8/0

Background

Council endorses representatives for external groups following each ordinary Council election or as required.

Burekup Country Club Committee

- Cr. M T Bennett [Delegate]
- Cr. M R Hutchinson [Deputy Delegate]

Eaton Senior Citizens Association

- Cr. M T Bennett [Delegate]
Cr E P Lilly (Deputy Delegate)

Regional Road Group

- Cr. M T Bennett [Delegate]
- Cr. P S Robinson [Deputy Delegate]

Leschenault Catchment Council

- Cr. E P Lilly [Delegate] [Nominee for Ministerial Appointment]
- Cr P R Perks (Deputy Delegate)

Bunbury Geographe Economic Alliance

- Cr. M T Bennett [Delegate]
- Cr. T G Gardiner [Deputy Delegate]

South West WALGA Zone

- Cr. M T Bennett [Delegate]
- Cr. T G Gardiner [Deputy Delegate]

Ferguson Valley Marketing and Promotions

- Cr. T G Gardiner [Delegate]
- Cr. P S Robinson [Deputy Delegate]

Bunbury Wellington Group of Councils

- Cr. M T Bennett [Delegate]
- Cr. T G Gardiner [Deputy Delegate]

Ferguson Hall Committee

- Cr. P S Robinson [Delegate]
- Cr. T G Gardiner [Deputy Delegate]

Peron Naturaliste Partnership

- Cr. P S Robinson [Delegate]
- Cr. P R Perks [Deputy Delegate]

Eaton Bowling & Social Club and Eaton Senior Citizens Building Joint Management Committee

- Cr. P R Perks [Delegate]

Eaton Community College Board

- Cr. P R Perks [Delegate]

Legal Implications

The following Local Government Act requirements apply to the business before Council in relation to committees.

5.8. Establishment of committees

A local government may establish committees of 3 or more persons to assist the Council and to exercise the powers and discharge the duties of the local government that can be delegated to committees. * Absolute majority required.*

5.9. Types of committees

(1) In this section —

“other person” means a person who is not a Council member or an employee.

(2) A committee is to comprise —

- (a) Council members only;
- (b) Council members and employees;
- (c) Council members, employees and other persons;
- (d) Council members and other persons;
- (e) employees and other persons; or
- (f) other persons only.

5.10. Appointment of committee members

(1) A committee is to have as its members —

- (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
- (b) persons who are appointed to be members of the committee under subsection (4) or (5).
* Absolute majority required.

(2) At any given time each Council member is entitled to be a member of at least one committee referred to in section 5.9(2) (a) or (b) and if a Council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that Council member in the persons appointed under subsection (1) (a) to at least one of those committees as the local government decides.

(3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.

(4) If at a meeting of the Council a local government is to make an appointment to a committee that has or could have a Council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.

(5) If at a meeting of the Council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —

- (a) to be a member of the committee; or
- (b) that a representative of the CEO be a member of the committee,

the local government is to appoint the CEO or the CEO’s representative, as the case may be, to be a member of the committee.

5.11. Tenure of committee membership

(1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person’s membership of the committee continues until —

- (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO’s representative, as the case may be;
- (b) the person resigns from membership of the committee;
- (c) the committee is disbanded; or
- (d) the next ordinary elections day, Which ever happens first.

Council Plan

13.1 - Adopt best practice governance.

13.1 - Adopt best practice governance.

14.1 - Increase community awareness, knowledge and understanding of Shire activities and key messages.

14.2 - Ensure equitable, inclusive and transparent engagement and decision- making.

Environment - None.

Precedents

Council endorses representatives for external groups following each ordinary Council election or as required.

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: 12.4.4] for full assessment document.

TIER 1 – No discernible Inherent Risk has been identified (no Risk Theme or Consequence).	
Risk Event	Appointment of Delegates and Representatives to Various Community & Regional Committees
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.

Officer Comment

In addition to Council Committees, Community and Regional Committees request the nomination of Elected Members to their respective Committees/Boards/Associations. The following Committees have requested nominations by Council on behalf of the Shire.

- **BUREKUP COUNTRY CLUB COMMITTEE**
Community Social Club located in the Burekup Townsite. Membership only with regular functions CARRIED out. Hall hire and Tennis Court hire is also available and has a membership of approximately 200 members.
- **EATON SENIOR CITIZENS ASSOCIATION**
Senior Citizens Association for over 65's located at the Eaton Bowling and Social Club. Membership only with regular activities organise and CARRIED out at the centre.
- **REGIONAL ROAD GROUP**
There are 10 Regional Road Groups (RRG) in WA, established under the State Road Funds to Local Government Agreement which is overseen by a State Advisory Committee (SAC). The RRGs

make recommendations to SAC in relation to the Annual Local Government Roads Program for their Region and any other relevant issues. The RRGs are comprised of elected representatives from each Local Government within the road group. Most groups are supported by a technical committee comprised of Local Government staff. Administrative support is provided by Main Roads WA.

- *LESCHENAULT CATCHMENT COUNCIL*

The Leschenault Catchment Council was formed in 2000, through the amalgamation of two community-lead NRM groups - the Leschenault Inlet Management Authority and the Leschenault Catchment Coordinating Group. The Council has 13 Active members from community, local government and industry and collaborates with many other groups and a Management Committee of

The Leschenault Catchment Council develops strategic partnerships with stakeholders and the community to implement and deliver positive NRM outcomes across the Leschenault Catchment. Working in collaboration with the Department of Water, the Leschenault Catchment Council develops planning documents such as the Leschenault Catchment Management Strategy, River Action Plans and the Leschenault Estuary Water Quality Improvement Plan. Regional strategies and investment planning for the implementation of positive NRM programs are developed in collaboration with the South West Catchments Council.

The Leschenault Catchment Council supports schools in the education of all age groups on the environmental values of the catchment and waterway health. Through projects they work with landholders, local government, industry, community and indigenous groups to improve the ecological, cultural and aesthetic values of our natural assets across the catchment.

Currently the Council is working on the following projects, with further details available on their website:

- Leschenault Estuary Connect
- Wildlife for the Future
- Resorting out Waterways
- Catchment Stewardship

- *FERGUSON VALLEY MARKETING INC*

Ferguson Valley Marketing Inc. (FVM) is a not-for-profit incorporated association, involved in promoting the Ferguson Valley and the Shire of Dardanup to visitors and tourists, including its natural and man-made attractions, tourism related businesses, sponsorships and key events within the Shire of Dardanup, Western Australia.

- *FERGUSON HALL COMMITTEE*

Ferguson Hall is located on Ferguson Road in Dardanup. The Hall is hired out to the local community for functions and events and the Committee facilitates the hire process.

- *PERON-NATURALISTE PARTNERSHIP (PNP)*

The Peron-Naturaliste Partnership (PNP) is an incorporated collective group of nine local governments between Cape Peron and Cape Naturaliste in the southwest of Western Australia – Bunbury, Busselton, Capel, Dardanup, Harvey, Mandurah, Murray, Rockingham, Waroona.

The PNP was formed in 2011 through a volunteer agreement and is now guided by the Board entailing a Coastal Planning Committee, Coastal Management Committee and a Secretariat consisting of two part-time Coastal Adaptation Coordinators and the host Council which is currently the City of Mandurah.

- *BUILDING JOINT MANAGEMENT COMMITTEE – EATON BOWLING & SOCIAL CLUB & EATON SENIOR CITIZENS*

The Eaton Bowling & Social Club and the Eaton Senior Citizens entered into a MOU in December 2019. Terms of the MOU included the establishment of a Joint Management Committee for the purpose of ensuring prompt and effective communication, issue resolution and to maximise operations outcomes association with the community of the Eaton Bowling Club. One Councillor was appointed to the Committee.

- *SOUTH WEST DEVELOPMENT COMMISSION BOARD*

The South West Development Commission Board is a statutory authority of the State Government that strives to make the South West an even better place to live, work and invest. The South West Development Commission partners with communities, government, business and industry to identify and support projects that benefit the region.

END REPORT

12.4.5 RFT-F0318137 Supply Traffic Management Services

Reporting Department:	Corporate & Governance Directorate
Responsible Officer	Mr Phil Anastasakis - Deputy CEO
Reporting Officers	Mr Theo Naudé - Director Infrastructure Mr Allan Hutcheon - Procurement Officer
Legislation	Local Government Act 1995 Local Government (Functions and General) Regulations 1996
Council Role	Executive/Strategic.
Voting Requirement	Simple Majority.
Attachments	Confidential Attachment A - RFT-R1448698 Evaluation Panel Report circulated as separate confidential attachment as per s.5.23(2)(e)(ii)(iii) Confidential Attachment B RFT-R1462111 - Schedule of Rates (if applicable and identified as commercial in confidence) circulated as separate confidential attachment as per s.5.23(2)(e)(ii)(iii) Appendix ORD: 12.4.5 - Risk Assessment

Overview

This report provides Council with the results of the evaluation of tenders for the RFT-F0318137 Supply Traffic Management Services, and recommends that Council award a contract for this service to the preferred Tenderer, for a term of three (3) year/s.

The value of the contract exceeds the purchasing and contract threshold for the Chief Executive Officer and is therefore presented to Council for approval.

Change to Officer Recommendation No Change

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

277-23 MOVED - Cr. M R Hutchinson SECONDED – Cr. A C Jenour

THAT Council:

1. **Accepts the tender submission for RFT-F0318137 Supply of Traffic Management Services received from Traffic Management South West (TMSW Pty Ltd AFTF TMSW Unit Trust), as named in the Evaluation Panel Report recommendation detailed in Confidential Attachment [RFT-R1448698](#) as the most advantageous, with the Schedule of Rates detailed in Confidential Attachment B [RFT-R1462111](#) - applicable for a contract term of three (3) years commencing on execution of the contract.**
2. **Delegates to the Chief Executive Officer in accordance with s.5.42(1) of the Local Government Act 1995, to negotiate minor variations to the contract for RFT-F0318137 Traffic Management Services before and / or after its execution in accordance Regulations 20 and 21A of the Local Government (Functions and General) Regulations 1996.**
3. **Authorises the Chief Executive Officer to execute the contract for awarding RFT-F0318137 Traffic Management Services in accordance with s.9.49A of the Local Government Act 1995.**

4. **If within 6 months of this resolution a contract is unable to be formed for RFT-F0318137 Supply of Traffic Management Services with Traffic Management South West (TMSW Pty Ltd AFTF TMSW Unit Trust), identified in Evaluation Panel Report recommendation shown in [Confidential Attachment A [RFT-R1462111](#) as the most advantageous, then the Shire of Dardanup accepts the tender submission received from CB Traffic Solutions Pty Ltd, identified as the next most advantageous in the Evaluation Panel Report recommendation shown in [Confidential Attachment A [RFT-R1462111](#).**

CARRIED
8/0

Background

The current contract for the supply of traffic management services has expired on the 28 September 2023. Officers instigated a tender process to engage another contractor for the supply of this service.

During the tender process Officers were notified that our current supplier (Advanced Traffic Management (WA) Pty Ltd) had gone into liquidation.

TENDER DETAILS		
RFT Number	RFT-F0318137	
RFT Title	Traffic Management Services	
Recommended Tenderer(s)	TMSW Pty Ltd ATFT TMSW Unit Trust (Traffic Management South West)	
Contract Term	Initial:	Three (3)
	Extension Options:	Not Applicable
	Defects Liability Period:	Not Applicable
Tendered Rates/Cost	<i>Confidential Attachment B - RFT-R1462111</i>	
Advertising:	05 August 2023	West Australian
	10 August 2023	Southwest Times
	05 August 2023	Tenderlink www.tenderlink.com/dardanup/
Tender Deadline:	22 August 2023	14:00AWST
Tender Opening:	22 August 2023	14:05AWST
Tender Observers:	Two (2) Shire of Dardanup Employees were present	
	Nil (0) members of the public were present	

CONTRACT	
Commencement Date of New Contract:	On Contract Execution
Completion Date of New Contract:	Three years from Contract Executions
Upfront Capital Expenditure:	Not Applicable
Total Cost of Ownership Considerations:	
▪ Holding Cost	Not Applicable
▪ Consumables	Not Applicable
▪ Deployment	Not Applicable
▪ Training	Not Applicable

CONTRACT	
▪ Maintenance	Not Applicable
▪ Insurance	Not Applicable
▪ Disposal	Not Applicable
Estimated value of New Contract:	\$1,188,938.40 over three (3) years
Price Basis of New Contract:	Rates subject to an annual review
VALUE FOR MONEY	
<ul style="list-style-type: none"> • Business information is compliant, • WHS information is compliant, • Certified to AS/ISO 9001 Quality Management • Certified to AS/NZS 4801 Occupational Health and Safety Management, • Good use of technology <ul style="list-style-type: none"> ○ Assignor - provides the business with digital and mobile forms, timesheet allocation, scheduling, document management, communication and real time tracking. ○ Asana – provides project and task management, that facilitates team communication and collaboration. ○ GPS Vehicle Tracking System – for ease of despatching vehicles in the field, • Scored well in the areas of: <ul style="list-style-type: none"> ○ Relevant Experience, Skills and Key Personnel, Demonstrated Understanding and Resources, and Sustainable Procurement and Corporate Social Responsibility • All office-based staff are trained Traffic Controllers, so they can be utilised as extra resources as required. • Thorough understanding of emergency requirements and procedures. • Pricing schedules includes all labour, materials and vehicles to undertake the required works. • Currently running at 78% capacity, so therefore has the resources and equipment to provide this service. 	

Legal Implications

The compliance requirements throughout the tender process have been in accordance with:

- Local Government (Functions and General) Regulations 1996; and
- CnG CP034 Procurement Policy.

The compliance requirements applicable to this report and Officer Recommendation are in accordance with the Local Government (Functions and General) Regulations 1996:

- Accept a tender [F&G.r.18(4)]

Tenders that have not been rejected under sub regulation (1), (2), or (3) are to be assessed by the local government, by means of a written evaluation, of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them (if any) it thinks it would be most advantageous to the local government to accept.

Council Plan

- 10.3 - Improve road safety, connectivity and traffic flow.
 - 13.1 - Adopt best practice governance.
 - 14.2 - Ensure equitable, inclusive and transparent engagement and decision- making.
- Choose an item.

Environment - None.

Precedents

The Shire of Dardanup has previously entered into contracts for the supply of traffic management services.

Budget Implications

	CAPITAL COST	TOTAL COST OF OWNERSHIP
Account Number:	Various GL and Jobs	Not Applicable
Budget Item:	Various GL and Jobs	Not Applicable
Budget Amount:	Various GL and Jobs	Not Applicable
Amount Spent to Date:	\$22,000	Not Applicable
Proposed Cost:	\$396,312/yr approximately	Not Applicable
Balance:		Not Applicable

Budget – Whole of Life Cost

The contracted period will be over three (3) financial years.

Council Policy Compliance

CnG CP034 Procurement Policy and PR045 Procurement Procedure.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer (Appendix ORD: 12.4.5) for full assessment document.

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.		
Risk Event	RFT-F0318137 Supply Traffic Management Services	
Inherent Risk Rating (prior to treatment or control)	High (12 - 19)	
Risk Action Plan (treatment or controls proposed)	Utilise traffic management to reduce the speeds	
Residual Risk Rating (after treatment or controls)	Moderate (5 - 11)	
Risk Category Assessed Against	Health	Health and wellbeing of staff when working on a road environment particularly in rural settings.
	Financial	Compensation implications and cost of budget over runs.
	Service Interruption	Delays in maintenance of road surfaces and emergency works.
	Reputational	Delay in completion of projects.

Officer Comment

Tender Submissions

Four (4) tender submissions were received, including alternative and non-conforming Tenders: -

- TMSW Pty Ltd ATFT TMSW Unit Trust (Traffic Management South West)
- CB Traffic Solutions Pty Ltd
- Advanced Traffic Management (WA) Pty Ltd

- SJ Traffic Management Pty Ltd – this submission was a day late and was not recorded in the Tenders register.

Three (3) submission were recorded in the Tenders Register at close of tenders [F&G.r.17].

Tender Evaluation Panel

The Tender Evaluation Panel (the Panel) comprised of the following members:

- Allan Hutcheon – Procurement Officer
- Joy Welshman – Manager Operations
- Mick Jeffery – Principal Works Supervisor

Probity Oversight

Process and probity advice during evaluation was provided by the Procurement Officer who also acted as Panel Chair. All members of the Panel have made a conflict-of-interest declaration in writing, confirming they have no relationships with any of the Respondents. This evidences the probity and integrity considerations within the process.

The Panel have compiled an Evaluation Panel Report which includes the consensus analysis (not individual Panel Member analysis) of the content of each tender submission against the required selection criteria. In some instances, this may result in commentary or scoring that may be critical or a negative reflection on an individual tender submission. It is this aspect of the Evaluation Panel Report, which is considered to be confidential, in accordance with s.5.23(2)(e)(ii) information that has a commercial value to a person, or (iii) information about the business, professional, commercial or financial affairs of a person. The ranking of tender submissions and recommended tenderer in the Evaluation Panel Report is therefore referenced by non-identifying methods.

Evaluation of Tenders

The objective of the Tender Evaluation Panel is to recommend a suitably qualified and experienced Contractor to satisfy the requirements of the abovementioned RFT.

Based on evaluation of the received submissions and subsequent compliance assessments, the Tender Evaluation Panel recommends that the Respondent recommended in this report be accepted at the estimated Contract Value and Contract term provided, from the anticipated commencement date.

Submissions were deemed compliant and progressed for assessment against the following predetermined qualitative and price criteria:

CRITERIA	PERCENTAGE
(a) Sustainable Procurement and Corporate Social Responsibility (as per CnG CP034) <ul style="list-style-type: none"> • Local Economic Benefit • Purchasing from Disability Enterprises • Purchasing from Aboriginal Businesses • Purchasing from Environmentally Sustainable Business 	10%
(b) Relevant Experience, Skills and Key Personnel	10%
(c) Demonstrated Understanding and Resources	30%
(d) Tendered Price	50%
TOTAL	100%

Evaluation Justification

The Tender Evaluation Panel recommends TMSW Pty Ltd ATFT TMSW Unit Trust based on an assessment of submissions against the predetermined qualitative criteria shown above. The submission provided by the Respondent performed well across criteria's (a) (b) and (c) scoring 4.3 and scoring 3 for (d), bringing their overall score to 7.30.

Whilst the recommended Respondent submitted higher hourly rates, the evaluation panel agreed that the submission was complete and a very detailed representation of the services required and coupled with the value for money considerations offers good value.

If within 6 months of this resolution a contract is unable to be formed for RFT-F0318137 Traffic Management Services with TMSW Pty Ltd ATFT TMSW Unit Trust identified in Evaluation Panel Report recommendation shown in as the most advantageous, **then the Shire of Dardanup** accepts the tender submission received from CB Traffic Solutions Pty Ltd, identified as the next most advantageous in the Evaluation Panel Report recommendation shown in [Confidential Attachment A [RFT-R1462111](#)

In determining TMSW Pty Ltd ATFT TMSW Unit Trust as the preferred Tenderer, the supplier has provided the following information:

DUE DILIGENCE	YES/NO
Has the recommended Tenderer supplied Referees	YES
Has the recommended Tenderer supplied Financial Information	YES
Was a Conflict of Interest declared? If yes, please specify how it was managed?	NO
Has the recommended Tenderer undergone Occupational Safety and Health assessment and been deemed acceptable?	YES

The Evaluation Panel therefore recommends that the contract for the supply of traffic management services be awarded to TMSW Pty Ltd ATFT TMSW Unit Trust at the rates listed in [confidential attachment] at a total estimated contract cost provided in the confidential attachment.

END REPORT

12.4.6 Title: RFT-F0344431 Ferguson Road Reconstruction and Upgrade 13.56 – 19.56 SLK

Reporting Department:	Corporate & Governance Directorate
Responsible Officer	Mr Phil Anastasakis - Deputy CEO
Reporting Officers	Mr Theo Naudé - Director Infrastructure Mr Allan Hutcheon - Procurement Officer
Legislation	Local Government Act 1995 Local Government (Functions and General) Regulations 1996
Council Role	Executive/Strategic.
Voting Requirement	Simple Majority. Confidential Attachment #[Tardis Link OCM-R1467432] - Evaluation Panel Report circulated as separate confidential attachment as per s.5.23(2)(e)(ii)(iii)
Attachments	12.4.6A - Risk Assessment Tool - Ferguson Road Reconstruction and Upgrade 13.56 – 19.56 SLK 12.4.6B - Application to clear native vegetation under the Environmental Protection Act 1986

DECLARATION OF INTEREST

Cr. T Bell declared a Financial Interest in this item and left the room [6.07pm].
Please refer to Part 11 'Declaration of Interest' for full details.

Overview

This report provides Council with the results of the evaluation of tenders for Tender RFT-F0344431 Ferguson Road Reconstruction and Upgrade 13.56 – 19.56 SLK, recommending that Council does not award a contract for this service.

The values of the tenders received significantly exceed the budget and therefore the matter is presented to Council for consideration.

Change to Officer Recommendation No Change

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

278-23 MOVED - Cr T G Gardiner SECONDED – Cr. M R Hutchinson

THAT Council:

1. **Declines to accept any tenders received in response to Tender RFT-F0344431 Ferguson Road Reconstruction and Upgrade 13.56 – 19.56 SLK due to the prices exceeding the Shire's allocated budget for the project, in accordance with Functions and General Regulation 18(5).**
2. **Requests the Chief Executive Officer to inform the Regional Road Group of Council's decision and make arrangements to return funds received from the State Black Spot for the project.**

3. **Requests that the project is returned to the Road Asset Management Plan and Associated 10 Year Programs for rescheduling and the design is used for renomination of the project for funding under the Black Spot Program in a future Financial Year.**

CARRIED
7/0

Note: Cr. M R Hutchinson requested that when we do have to remove the trees for this works that we ensure that the trees don't go to waste. Mr André Schönfeldt advised that this would be considered as part of the Asset Management Plan

Background

Tenderers were called for this project via the Shire tendering portal at www.tenderlink.com/dardanup/.

The Shire of Dardanup sought the services of a suitably qualified and experienced road construction company to carry out the widening and reconstruction of Ferguson Road SLK 13.56 to 19.56 in the Ferguson Valley.

The works included the following;

- Vegetation clearing works;
- Fencing and gate relocation works;
- Drainage works;
- Subgrade, preparation for pavement;
- Gravel basecourse, prior to primerseal;
- Primerseal;
- New guardrails;
- Linemarking, including audible edge lines, and signage;
- Completion of reinstatements; and
- Completion of works by 26 April 2024.

The Request for Tender was advertised in the West Australian 2nd September 2023, Southwest Times 7th September 2023 the Shire of Dardanup website and Notice Boards on 04 September and Tendering Portal (e.g. Tenderlink at www.tenderlink.com/dardanup) on 2nd September 2023.

The RFT closing date was 9th October 2023 at 14:00AWST and three submissions were received all of which exceeded the Shires budget.

TENDER DETAILS		
RFT Number	RFT-F0344431	
RFT Title	Ferguson Road Reconstruction and Upgrade 13.56 – 19.56 SLK	
Recommended Tenderer(s)	No recommended Tenderers	
Contract Term	Initial:	Not Applicable
	Extension Options:	Not Applicable
	Defects Liability Period:	Not Applicable
Tendered Rates/Cost	Refer to Item Confidential Attachment #Tardis link OCM-R1467432	
Advertising:	02 September 2023	West Australia
	07 September 2023	South West Times
Tender Deadline:	09 October2023	14:00AWST

TENDER DETAILS		
Tender Opening:	09 October 2023	14:05AWST
Tender Observers:	Two (2) Shire of Dardanup Employees were present	
	Nil members of the public were present	

CONTRACT	
Commencement Date of New Contract:	Not Applicable
Completion Date of New Contract:	Not Applicable
Upfront Capital Expenditure:	Not Applicable
Total Cost of Ownership Considerations:	
▪ Holding Cost	Not Applicable
▪ Consumables	Not Applicable
▪ Deployment	Not Applicable
▪ Training	Not Applicable
▪ Maintenance	Not Applicable
▪ Insurance	Not Applicable
▪ Disposal	Not Applicable
Estimated value of New Contract:	Not Applicable
Price Basis of New Contract:	Not Applicable
VALUE FOR MONEY	
Not Applicable	

Legal Implications

The compliance requirements throughout the tender process has been in accordance with:

- *Local Government (Functions and General) Regulations 1996*; and
- *CnG CP034 Procurement Policy*.

The compliance requirements applicable to this report and Officer Recommendation is in accordance with the *Local Government (Functions and General) Regulations 1996*:

- Decline all tenders [F&G.r.18(5)]

The Local Government may decline to accept any tender.

Council Plan

10.3 - Improve road safety, connectivity and traffic flow.

14.2 - Ensure equitable, inclusive and transparent engagement and decision- making.

Environment

The Shire submitted a clearing permit application for the works to the Department of Water and Environmental Regulation (DWER) for approximately 3.19 hectares of native vegetation. The clearing permit application has been assessed as valid by DWER, subsequently publicly advertised and an objection was received by the department.

The response that the Shire received from DWER in September 2023 requires the Shire to address the following before any clearing could occur in relation to the project:

- Further design considerations to avoid habitat trees. Mitigation through the installation of artificial hollows;
- Revegetation within the road reserve of 11.92 hectares of native vegetation that provides habitat for black cockatoos; and, up to 22.92 hectares of native vegetation that provides suitable habitat for western ringtail possums; or
- Alternatively, if inadequate area is available within the road reserve, offset planting of 28.59 hectares of native vegetation that provides habitat for black cockatoos; and, up to 27.29 hectares of native vegetation that provides suitable habitat for western ringtail possums; and
- The above revegetation and/or offsets would require the preparation of a comprehensive revegetation plan.

The Shire's appointed environmental consultant, Emerge Associates, has liaised with the relevant DWER officers in relation to the correspondence received. While it will be possible to discuss further the calculation of the revegetation and offset requirements, and it is anticipated that the areas could be reduced, it was made clear by DWER that revegetation and/or offsets will be required for any clearing works.

There is limited available area within Shire road reserves for revegetation. While the Shire does not currently have areas set aside for offset planting within the Shire, it is possible to carry out offset planting in other locations. For example, the Shire of Capel recently CARRIED out offset planting at a location in Kemerton (Shire of Harvey) in relation to a clearing permit.

Given the advice from DWER, there is still quite a process to go through in order to obtain a clearing permit for the project. The additional processes, which were not anticipated at the beginning of the project, introduce additional time and places the project at serious risk. For the full response from DWER refer to Item (Appendix ORD: 12.4.6B) - Application to clear native vegetation under the Environmental Protection Act 1986

Precedents

The Shire of Dardanup has previously entered into contracts for various rural road upgrades however none of this length and value.

Budget Implications

Funding breakdown

Regional Road Group (Black Spot)	\$1,860,000 (Note: \$793,333 in current 2023/24 Annual Budget)
Roads to Recovery	\$166,017 (as per 2023/24 Annual Budget)
Reserve Transfer	\$763,983 (Note: \$230,650 in current 2023/24 Annual Budget)
Total available budget	\$2,790,000 (Note: \$1,190,000 in current 2023/24 Annual Budget)

The cheapest tendered price came in at \$4,142,764.37 (ex GST) which is approximately 48% over the allocated budget for the works. Council would need to allocate an additional \$1,352,764.37 to award the tender.

Officer would also recommend that Council allocate an additional 10% for variations (\$414,276.44) which would be considered industry standard for projects of this size and nature meaning a total budget increase of \$1,767,040.81 is recommended should Council decide to continue with the project.

Clearing Permit

Refer to the above section “Environment” for details on the clearing permit application. Revegetation and/or offset planting is very expensive and would add significantly to unbudgeted costs to the project.

Regional Road Group

Officers have investigated the potential of requesting additional funds from the Regional Road Group, however the Benefit Cost Ratio (BCR) calculation drops below 1.0 due to the cost of the project and as a result would not attract any additional funding.

The project will be returned to the Road Asset Management Plan and Associated 10 Year Programs for rescheduling and the design used for renomination of the project for funding under the Black Spot Program in a future Financial Year.

The Federal Government’s Roads to Recovery (R2R) grant funding to the amount of \$166,017 was included in the 2023/34 budget towards this project. With this project being cancelled, the R2R funding will be redistributed towards other roads projects to be identified. The current R2R program for 2019-24 funding period will end on 30 June 2024, with a new R2R program to begin on 1 July 2024.

Budget – Whole of Life Cost

The construction will add road pavement to the Shire’s road inventory. Additional pavement will add to the ongoing cost of maintaining and renewing the Shire’s road network

Council Policy Compliance

CnG CP034 Procurement Policy and PR045 Procurement Procedure.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix ORD: 12.4.6A) for full assessment document.

Tier 3 – ‘High’ or ‘Extreme’ Inherent Risk.					
Risk Event	RFT-F0344431 Ferguson Road Reconstruction and Upgrade 13.56 – 19.56 SLK				
Inherent Risk Rating (prior to treatment or control)	High (12 - 19)				
Risk Action Plan (treatment or controls proposed)	Return funds to the Program funding pool and project be cancelled.				
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.				
Risk Category Assessed Against	<table border="0"> <tr> <td>Financial</td> <td>The current budget is insufficient.</td> </tr> <tr> <td>Legal and Compliance</td> <td>The potential of legal action against the Shire should a contract be entered into without available funds to complete the project.</td> </tr> </table>	Financial	The current budget is insufficient.	Legal and Compliance	The potential of legal action against the Shire should a contract be entered into without available funds to complete the project.
Financial	The current budget is insufficient.				
Legal and Compliance	The potential of legal action against the Shire should a contract be entered into without available funds to complete the project.				

Officer Comment

Tender Submissions

Three (3) Tenders were received, including alternative and non-conforming Tenders: -

- Carbone Bros Pty Ltd
- Red Dust Holdings Pty Ltd T/A Red Dust Holding
- Fulton Hogan Industries Pty Ltd

Each submission was recorded in the Tenders Register at close of tenders [F&G.r.17].

Tender Evaluation Panel

The Tender Evaluation Panel (the Panel) comprised of the following members:

- Allan Hutcheon-Procurement Officer
- James Reilly-Project Engineer
- Nathan Ryder-Manager Infrastructure Planning & Design

Probity Oversight

Process and probity advice during evaluation was provided by the Procurement Officer who also acted as Panel Chair. All members of the Panel have made a conflict of interest declaration in writing confirming they have no relationships with any of the Respondents. This evidences the probity and integrity considerations within the process.

The Panel have compiled an Evaluation Panel Report which includes the consensus analysis (not individual Panel Member analysis) of the content of each tender submission against the required selection criteria. In some instances this may result in commentary or scoring that may be critical or a negative reflection on an individual tender submission. It is this aspect of the Evaluation Panel Report, which is considered to be confidential in accordance with s.5.23(2)(e)(ii) information that has a commercial value to a person, or (iii) information about the business, professional, commercial or financial affairs of a person. The ranking of tender submissions and recommended tenderer in the Evaluation Panel Report is therefore referenced by non-identifying methods.

Evaluation of Tenders

The objective of the Tender Evaluation Panel is to recommend a suitably qualified and experienced Contractor to satisfy the requirements of the abovementioned RFT.

Based on evaluation of the received submissions and subsequent compliance assessments, the Tender Evaluation Panel shall not be recommending any Respondents be awarded a Contract for this Tender.

Submissions were deemed compliant and progressed for assessment against the following predetermined qualitative and price criteria:

CRITERIA	PERCENTAGE
(e) Sustainable Procurement and Corporate Social Responsibility (as per CnG CP034) <ul style="list-style-type: none"> • Local Economic Benefit • Purchasing from Disability Enterprises • Purchasing from Aboriginal Businesses • Purchasing from Environmentally Sustainable Business 	5%
(f) Price	50%
(g) Relevant Experience, Skills and Key Personnel	20%
(h) Demonstrated Understanding & Resources	25%
TOTAL	100%

Evaluation Justification

The Tender Evaluation Panel does not recommend any Respondents based on an assessment of submissions against the predetermined qualitative criteria shown above. The submissions provided performed well across all of the aspects, except for pricing and was a complete and detailed representation of the services offered.

As a condition of the Tender the Respondents were requested to supply Financial and Referee information as a part of their submissions.

DUE DILIGENCE CHECKS	YES/NO
Referees Supplied?	YES
Financial Information Supplied?	YES
Was a Conflict of Interest declared? If yes, please specify how it was managed?	NO
Occupational Safety and Health assessment supplied and been deemed acceptable?	YES

The Evaluation Panel therefore shall not be recommending that the any contract be formed.

END REPORT

Note: Cr. T Bell returned to room [6.09pm]

- (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.]

Council Plan

13.1 - Adopt best practice governance.

Environment - None.

Precedents

Each month Council receives the Monthly Financial Statements in accordance with Council Policy and *Local Government (Financial Management) Regulations 1996*.

Budget Implications

The financial activity statement compares budget estimates to actual expenditure and revenue 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. Although the statement has no direct budget implications, any identified permanent budget variances are adopted separately by the Council as part of specific project approval or periodic budget review reporting.

Budget – Whole of Life Cost - None.

Council Policy Compliance

- CnG CP036 Investment Policy
- CnG CP306 – Accounting Policy for Capital Works.
- CnG AP008 Significant Accounting Policies

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix ORD: 12.4.7A) for full assessment document.

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.							
Risk Event	Monthly Statement of Financial Activity for the Period Ended 31st October 2023						
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	<table border="0" style="width: 100%;"> <tr> <td style="width: 30%;">Legal and Compliance</td> <td>Non-compliance with the legislative requirements that results in a qualified audit.</td> </tr> <tr> <td>Reputational</td> <td>Non-compliance that results in a qualified audit can lead stakeholders to question the Council’s ability to manage finances effectively.</td> </tr> <tr> <td>Financial</td> <td>Not monitoring ongoing financial performance would increase the risk of a negative impact on the financial position.</td> </tr> </table>	Legal and Compliance	Non-compliance with the legislative requirements that results in a qualified audit.	Reputational	Non-compliance that results in a qualified audit can lead stakeholders to question the Council’s ability to manage finances effectively.	Financial	Not monitoring ongoing financial performance would increase the risk of a negative impact on the financial position.
Legal and Compliance	Non-compliance with the legislative requirements that results in a qualified audit.						
Reputational	Non-compliance that results in a qualified audit can lead stakeholders to question the Council’s ability to manage finances effectively.						
Financial	Not monitoring ongoing financial performance would increase the risk of a negative impact on the financial position.						

Officer Comment

The Monthly Financial Report for the period ended on the 31st October 2023 is contained in [Appendix ORD: 12.4.7B] and consists of:

- Statement of Financial Activity by Nature and Type – including Net Current Assets (liquidity)
- Statement of Comprehensive Income by Program
- 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 Municipal Liabilities
- * Note 6 Statement of Investments
- * Note 7 Accounts Receivable (Rates and Sundry Debtors)
- * Note 8 Salaries and Wages
- * Note 9 Rating Information
- * Note 10 Borrowings
- * Note 11 Budget Amendments

The Statement of Financial Activity shows operating revenue and expenditure 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 and the year-to-date revised budget. The previous year annual results and current year forecasts are also included for comparative information.

The statement includes the end-of-year surplus brought forward from 2022/23. When the 2023/24 Budget was adopted in June 2023, this surplus was estimated this at \$332,558. After completion of year-end accounts, the actual surplus is reduced to \$278,068. This amount remains provisional until finalisation of the audit of Council's 2022/23 financial statements.

As at the time of preparation of this monthly report, officers forecast the surplus at the 30th of June 2024 will be \$528,379 This is based on known variances in actual performance in the year to date and estimates for the remainder of the year based on current trends in revenue and expenses. A significant contributor to this improved position is additional interest income from cash investments due to higher than anticipated interest rates and a lower drawdown of cash reserves for the payment of the new Administration building.

Note 2 – Contains explanations for items with a material variance. Actual values for the year-to-date are compared to the year-to-date budget to present a percentage variance as well as the variance amount. The minimum level adopted by Council to be used in the Statement of Financial Activity in 2023/24 for reporting material variances is 10% or \$50,000, whichever is greater.

The most significant reported material variances relate to the timing of delivery of capital works program, with most roads, bridges and parks projects yet to have any significant payments recorded.

Additional explanatory comments are included as part of each note within the monthly financial report to assist in understanding the reasons for positive and adverse trends and balances.

END REPORT

12.4.8 Title: Schedule of Paid Accounts as at the 31st of October 2023

Reporting Department	<i>Corporate & Governance Directorate</i>
Responsible Officer	<i>Mrs Natalie Hopkins - Manager Financial Services</i>
Reporting Officer	<i>Ms Joanna Hanson – Accounts Payable Officer</i>
Council Role	<i>Local Government (Financial Management) Regulations 1996</i>
Voting Requirement	<i>Executive/Strategic.</i>
Attachments	<i>Simple Majority.</i>
	<i>Appendix ORD: 12.4.8 – Risk Assessment</i>

Overview

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

Change to Officer Recommendation No Change

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

280-23 MOVED - Cr. M R Hutchinson SECONDED – Cr. A L Webster

THAT Council receives the Schedule of Paid Accounts report from 01/10/2023 to 31/10/2023 as follows:

SHIRE of DARDANUP
31-10-2023 Schedule of Paid Accounts

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	
ELECTRONIC FUNDS TRANSFER					
EFT53422	05/10/2023	Alan John Fleming	Refund Cat Cage Hire Bond - Receipt # 151130	MUNI	150.00
EFT53423	05/10/2023	Amity Signs	White Guild Posts - Joshua Brook Rd & Brackets - Martin-Pelusey Rd & Keep Left Signs - Pratt Rd, Clayton View & Denison Link	MUNI	4,541.90
EFT53424	05/10/2023	Australian Tax Office	PAYG - Payrun: 29/09/2023	MUNI	86,702.00
EFT53425	05/10/2023	B & B Street Sweeping Pty Ltd	3 x Invoices: Street Sweeping Shire Roads	MUNI	4,900.50
EFT53426	05/10/2023	B.E.S Electrical Solutions WA	Replaced Faulty Sensor Light Due to Water Damage - Burekup BFB - ESL Recurrent Exp	MUNI	298.43
EFT53427	05/10/2023	Big W	Nintendo Switch Console, Controller & Game - ECL	MUNI	617.00
EFT53428	05/10/2023	Bluesteel Enterprises Pty Ltd	Fire Fighting Gear - Waterloo & Dardanup Central BFB - ESL Recurrent Exp	MUNI	2,143.22
EFT53429	05/10/2023	BOC Ltd	ERC - R400C Oxygen Medical C Size: September 2023	MUNI	13.39
EFT53430	05/10/2023	Booktopia Pty Ltd	Local Book Stock - ECL	MUNI	132.25
EFT53431	05/10/2023	Boyles Plumbing and Gas	Unblock Kitchen Sink at Dardanup Office & Annual Backflow Device Test - Lot 55 Ferguson Rd	MUNI	856.63
EFT53432	05/10/2023	Bunbury Geographe Chamber of Commerce and Industry	Shop Local Program 23/24 Donation	MUNI	535.50
EFT53433	05/10/2023	Bunbury Plumbing Service	Rewire Pump & Solar Controller to New Battery Due to Previous Battery Stolen & Cage Broken Open/Vandalised - Gnomesville	MUNI	550.00
EFT53434	05/10/2023	Bunbury Subaru	Purchase New 2023 Subaru Outback (Less Trade-In) - DA997	MUNI	22,467.15
EFT53435	05/10/2023	Bunbury Toyota	Service - ODA	MUNI	325.33

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	
EFT53436	05/10/2023	Bunnings Group Limited	Makita 18V Impact Wrench & Battery - Sundry Plant & 150KG Scales - Recycling Yard	MUNI	913.48
EFT53437	05/10/2023	City of Busselton	Busselton Margaret River Airport - 2023/24 Financial Year Contribution Towards Business Case Development	MUNI	200.00
EFT53438	05/10/2023	Cleanaway Solid Waste Pty Ltd	Kerbside General Refuse Landfill Disposal: Crooked Brook Rd	MUNI	2,483.11
EFT53439	05/10/2023	Collie Canvas & Camping World	Supply of Green Canvas PPE Kit Bags - 8 x BFB	MUNI	6,864.00
EFT53440	05/10/2023	Construction Training Fund : BCITF	BCITF Remittance - September 2023	MUNI	845.00
EFT53441	05/10/2023	Dapco Tyre and Auto Centre	Service - DA1091 & DA1314 & 2 x Tyres DA15446	MUNI	1,179.89
EFT53442	05/10/2023	Dell Australia Pty Ltd	15 x Optiplex Micro Plus 7010 Desktop Computer & 8 X 24" Monitors	MUNI	22,088.00
EFT53443	05/10/2023	Department of Mines, Industry, Regulations & Safety (DMIRS) - BSL	BSL Remittance - September 2023	MUNI	5,857.86
EFT53444	05/10/2023	Department of Water and Environmental Regulation	Amendment Fee - Banksia Road Site	MUNI	108.80
EFT53445	05/10/2023	Diesel Force	Repairs to Backhoe Loader Quick Hitch - DA2833	MUNI	1,950.69
EFT53446	05/10/2023	Dormakaba Australia Pty Ltd	Sliding Door Service/Maintenance - Eaton Office	MUNI	198.00
EFT53447	05/10/2023	Eaton Primary School P & C Association	Budget Allocation 2023/2024 Donation to Eaton Primary School for 2023 Eaton Foreshore Festival	MUNI	3,000.00
EFT53448	05/10/2023	Ellen Patricia Lilly	Meeting Allowance	MUNI	1,283.17
EFT53449	05/10/2023	Engineering Technology Services Pty Ltd	Installation of Fixed Fencing - Dardanup Jetty	MUNI	990.00
EFT53450	05/10/2023	Gissa International Pty Ltd	Contribution to A-Spec Admin for 2023-2024 FY Support & Maintenance	MUNI	2,832.50
EFT53451	05/10/2023	Go Electrical Contracting	Investigating Power Fault in Gym - ERC	MUNI	190.30
EFT53452	05/10/2023	Hynes Contracting	MAF8333 - Remove Logs From Warburton Rd Verge	MUNI	1,430.00
EFT53453	05/10/2023	Interia Systems	Furniture Fit-Out for New SoD Administration/Library Building - 50% Deposit	MUNI	120,987.90

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	
EFT53454	05/10/2023	Jason Signmakers	New Park Sign & Affixed Sponsors Plate - Karrak Park	MUNI	3,176.00
EFT53455	05/10/2023	Jessica Forsyth	Reimburse Uniform Purchase	MUNI	140.97
EFT53456	05/10/2023	Jodie Whyte	Reimburse CPR Refresher Course Fee Paid	MUNI	71.20
EFT53457	05/10/2023	Kelvin Robb Henderson	Refund Cat Cage Hire Bond - Receipt # 151066	MUNI	150.00
EFT53458	05/10/2023	KMART	ERC - Items for Vacation Care	MUNI	120.15
EFT53459	05/10/2023	Lions Club of Dardanup	Dardanup Australia Day Donation for 2023/24	MUNI	3,105.00
EFT53460	05/10/2023	Luke William Davies	Meeting Allowance	MUNI	1,283.17
EFT53461	05/10/2023	Mark Richard Hutchinson	Meeting Allowance	MUNI	1,283.17
EFT53462	05/10/2023	Michael Theodore Bennett	Meeting Allowance	MUNI	4,270.09
EFT53463	05/10/2023	Nutrien Ag Solutions	Weed Control - Martin Pelusey Road & Dillon Rd	MUNI	1,836.34
EFT53464	05/10/2023	Patricia Rose Perks	Meeting Allowance	MUNI	1,283.17
EFT53465	05/10/2023	Peter Robinson	Meeting Allowance	MUNI	1,283.17
EFT53466	05/10/2023	Rentokil Initial Pty Ltd	Pest Control: Dardanup Central BFB - ESL Recurrent Exp	MUNI	167.20
EFT53467	05/10/2023	RMC Plumbing Services	Relocation of Pressure Pump and Filters From Main Shed Into Storage Shed: J/C Brook BFB - ESL Recurrent Exp	MUNI	3,004.34
EFT53468	05/10/2023	Sanpoint Pty Ltd as Trustee for The Fiore Family Trust (LD Total)	Driveway Paving Works - Carbine Loop	MUNI	4,125.00
EFT53469	05/10/2023	Services Australia - Child Support Agency	Employee Payroll Deduction PPE	MUNI	498.14
EFT53470	05/10/2023	SJ Traffic Management	8 x Invoices: Traffic Control at Various Shire Locations	MUNI	21,964.80
EFT53471	05/10/2023	South West Networking	Make Safe Building Due to Storm Damage - Wells Rec Ground Hall	MUNI	625.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	
EFT53472	05/10/2023	South West Tree Safe	Tree Clearing - Crooked Brook Road & Storm Damage Tree Removal - Wells Rec Ground Hall	MUNI	12,650.00
EFT53473	05/10/2023	Spencer Signs	Station Sign - Ferguson BFB - ESL Recurrent Exp	MUNI	748.88
EFT53474	05/10/2023	Spraymow Services	Supply & Installation of 350M2 New Turf, Box Out & Waste Removal - Eaton Oval	MUNI	11,910.00
EFT53475	05/10/2023	Stacey Gillespie	Meeting Allowance	MUNI	1,283.17
EFT53476	05/10/2023	Stewart and Heaton Clothing Company Pty Ltd	Fire Fighting Clothing - Ferguson BFB - ESL Recurrent Exp	MUNI	313.73
EFT53477	05/10/2023	Structerre Consulting Engineers	Additional Geotechnical Report With Increased Scope of Field Work - Dardanup Hall	MUNI	3,080.00
EFT53478	05/10/2023	Synergy	Electricity - 5 x Shire Locations	MUNI	33,692.25
EFT53479	05/10/2023	Talison Lithium Australia Pty Ltd	Refund Hall Hire Bond - Receipt # 151081	MUNI	540.00
EFT53480	05/10/2023	Telstra	Internet Service - Waterloo BFB & Phone - Wellington Mills BFB	MUNI	135.66
EFT53481	05/10/2023	Tutt Bryant Hire	Machine Hire: Martin Pelusey Rd & Offer Rd	MUNI	7,047.00
EFT53482	05/10/2023	Tyrrell Gardiner	Meeting Allowance	MUNI	1,883.92
EFT53483	05/10/2023	Wendy Lydia Vogel	Rates Refund for Assessment A3862	MUNI	978.85
EFT53484	05/10/2023	Woolworths Group Limited - Online Order Only	ERC - Vacation Care & Cafe Goods & Stock for Staff/Council Kitchens	MUNI	1,486.96
EFT53485	05/10/2023	Woolworths Group Limited - Openpay Portal	Bottled Water for 8 x BFB's - ESL Recurrent Exp & YAG Meeting Refreshments	MUNI	1,265.44
EFT53486	05/10/2023	Work Clobber	Protective Clothing - Public Works	MUNI	784.20
EFT53487	12/10/2023	Addison Mark Fell	Crossover Rebate - A12046	MUNI	233.20
EFT53488	12/10/2023	Amanda Burrows	Reimburse Items for Youth Area - ECL	MUNI	104.25
EFT53489	12/10/2023	Ampol Australia Petroleum Pty Ltd	Shire Vehicles Fuel Usage - September 2023	MUNI	20,838.84

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	
EFT53490	12/10/2023	Aquila Food Forest	Sustainable Living Workshop: 12/10/2023	MUNI	300.00
EFT53491	12/10/2023	Arrow Bronze	Single Niche - 8 Lines - Deverell - Dardanup Cemetery	MUNI	257.83
EFT53492	12/10/2023	Assetval	Roads Visual Condition Assessment 2023/24	MUNI	41,800.00
EFT53493	12/10/2023	Australia Post	Monthly Postage Cost - September 2023	MUNI	893.51
EFT53494	12/10/2023	Australian Institute of Building Surveyors	Peter Jackson - Membership Renewal	MUNI	880.00
EFT53495	12/10/2023	BCE Surveying Pty Limited	Ferguson Road Land Resumptions Additional Costs Due to Increased Landgate Fee Resulting From Project Being Finalised in 2023/24	MUNI	41.80
EFT53496	12/10/2023	Brett Hodgson	ERC Umpire Payment: 11/10/2023	MUNI	135.00
EFT53497	12/10/2023	Brownes Foods Operations Pty Ltd	ERC - Cafe Goods - Packaged Drinks	MUNI	228.11
EFT53498	12/10/2023	Bunbury and Districts Softball Association	2 x Community Grant Funding. Resolution # 213-23 & 2 x Quick Response Grants	MUNI	6,412.50
EFT53499	12/10/2023	Bunbury Geographe Chamber of Commerce and Industry	Registration BGCCI South West Leaders Program Launch - Cathy Lee - 12/10/2023	MUNI	25.00
EFT53500	12/10/2023	Bunbury Harvey Regional Council	Kerbside FOGO Processing & Hook Bin Hire Banksia Rd: September 2023	MUNI	21,152.74
EFT53501	12/10/2023	Bunbury Mower Service	Repair Parts for Water Pump - Recycling Yard & Stihl Chainsaw - Public Works	MUNI	658.70
EFT53502	12/10/2023	Bunnings Group Limited	Gazebo - ERC, Minor Repair Items - ERC, ECL & Eaton Admin, Repair Items - Sundry Plant, 12V Air Compressor - DA9287 & DA8222	MUNI	870.52
EFT53503	12/10/2023	Burekup Cricket Club	Community Grant Funding, Round 1 2023-2024. Demountable Changeroom Upgrades. Resolution # 213-23.	MUNI	1,000.00
EFT53504	12/10/2023	Cameron Baker	ERC Umpire Payment: 11/10/2023	MUNI	162.00
EFT53505	12/10/2023	Christine Worsfold	ERC Umpire Payment: 10/10/2023	MUNI	108.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	
EFT53506	12/10/2023	Ciphertel Pty Ltd T/as Gateway Internet Services	Monthly Account for Point to Point Microwave Service Depot and Dardanup - September 2023	MUNI	2,893.00
EFT53507	12/10/2023	City of Bunbury	Cat Pound - Impound & Sustenance Fees: September 2023	MUNI	189.00
EFT53508	12/10/2023	Cleanaway Solid Waste Pty Ltd	4 x Invoices - Waste Collection: Crooked Brook Rd & Banksia Rd	MUNI	4,574.62
EFT53509	12/10/2023	Coates Civil Consulting Pty Ltd	Revise Drawings for Tender - Ferguson Road Upgrade	MUNI	1,540.00
EFT53510	12/10/2023	Codee-Lee Down	Entertainment for Shire Presidents Retirement Community Sundowner - 20/10/2023	MUNI	775.00
EFT53511	12/10/2023	Construct Services	Ablutions, Hall & General Repairs to Make Safe Following Storm Damage - Wells Rec Ground Hall	MUNI	1,518.00
EFT53512	12/10/2023	Country Framers	Framing of Art Piece For Retirement Gift for Shire President M Bennett	MUNI	234.90
EFT53513	12/10/2023	Dapco Tyre and Auto Centre	Service - DA0 & DA9376, 4 x Tyres - DA8222	MUNI	2,060.66
EFT53514	12/10/2023	Daryl Fishwick	ERC Umpire Payment: 11/10/2023	MUNI	81.00
EFT53515	12/10/2023	Data #3 Limited	Year Two of Three Year Microsoft Enterprise Agreement for Software Licensing: 01/10/2023 - 30/09/2024	MUNI	110,182.00
EFT53516	12/10/2023	David Wells Builder	Assist Southwest Networking to Make Safe Building Due to Storm Damage - Wells Recreation Ground Hall	MUNI	412.50
EFT53517	12/10/2023	Dean Pitts	Reimbursement for Staff Leaving Gift & Prizes - ECL	MUNI	206.67
EFT53518	12/10/2023	Deputec Pty Ltd	ERC - Roster Scheduling: September 2023	MUNI	261.47
EFT53519	12/10/2023	Domino's Pizza	School Holiday Program Catering - ECL	MUNI	255.98
EFT53520	12/10/2023	Donna Bastow	ERC Umpire Payment: 11/10/2023	MUNI	81.00
EFT53521	12/10/2023	Douglas Paul Wilde	Crossover Rebate - A11604	MUNI	212.00
EFT53522	12/10/2023	Drive Safe Australia WA	2 Day Driver Training Course & Accommodation - 7 x BFB's	MUNI	5,811.00
EFT53523	12/10/2023	Eaton Bowling & Social Club Inc	Community Grant Funding, Round 1 2023-2024. Purchase Bowling Sets for Community Bowls (Partial Funding Only). Resolution # 213-23	MUNI	1,000.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	
EFT53524	12/10/2023	Eaton Environmental Services	Inspect, Clean & Re bait Rodent Stations - Eaton Foreshore Toilets	MUNI	528.00
EFT53525	12/10/2023	Eaton Pet Vet	Veterinary Consultation & Supply Fees/Charges	MUNI	120.00
EFT53526	12/10/2023	Electrical Experts (WA) Pty Ltd	Disconnect & Make Safe Damaged Circuits & Electrical Equipment - Storm Damage To Wells Rec Ground Hall	MUNI	3,025.00
EFT53527	12/10/2023	Elliotts Irrigation Pty Ltd	Iron Filter Services - Millbridge Lakes - September 2023	MUNI	649.00
EFT53528	12/10/2023	Estuary Cash Registers	Replacement Cash Register for the Waste Transfer Station - Banksia Road	MUNI	440.00
EFT53529	12/10/2023	Fit2Work	Monthly Invoice for Police Checks: September 2023	MUNI	243.54
EFT53530	12/10/2023	Fleet Network Pty Ltd	Payroll Clearing - Novated Lease Liabilities - Pre Tax	MUNI	506.00
EFT53531	12/10/2023	George Derek Howard Salisbury	Refund Cat Cage Hire Bond - Receipt # 151273	MUNI	150.00
EFT53532	12/10/2023	Grace Records Management	Records Management External - Storage, Destruction and Consumables	MUNI	834.12
EFT53533	12/10/2023	Hart Sport	Items for Courts, Cafe & Fitness Centre - ERC	MUNI	678.60
EFT53534	12/10/2023	Harvey Water	Annual Access Instalment Fee - 2023/2024	MUNI	161.80
EFT53535	12/10/2023	Herbert Smith Freehill	Obtain Legal Advice on Commercial Tenancies - Ref # 82764813	MUNI	4,435.80
EFT53536	12/10/2023	HW & Associates	QS Report on Stage 2 Development - ERC	MUNI	2,420.00
EFT53537	12/10/2023	Hynes Contracting	Fill Behind Kerbs - Dardanup Oval	MUNI	4,000.00
EFT53538	12/10/2023	Illion Australian Pty Ltd (Tenderlink)	3 x Public Tender Notices - September 2023	MUNI	627.00
EFT53539	12/10/2023	Isabelle Billett	ERC Umpire Payment: 10/10/2023	MUNI	81.00
EFT53540	12/10/2023	J A K Civil Pty Ltd	Truck Hire - Dardanup West Rd & Excavator Hire - Venn Rd & Mountford Rd	MUNI	6,948.37
EFT53541	12/10/2023	Jacko's Window Cleaning	Window Cleaning - Glen Huon Clubrooms	MUNI	300.00
EFT53542	12/10/2023	JCW Electrical Pty Ltd	Faulty Light Fitting Replacement - Millars Creek MC-055	MUNI	1,474.00
EFT53543	12/10/2023	Jo Jingles South West	Early Learning Sessions Eaton, Dardanup and Burekup - September 2023	MUNI	1,650.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	
EFT53544	12/10/2023	John Thompson	ERC Umpire Payment: 11/10/2023	MUNI	108.00
EFT53545	12/10/2023	Jordan Brady	ERC Umpire Payment: 10/10/2023	MUNI	81.00
EFT53546	12/10/2023	Kenneth Jordan	Rates Refund for Assessment A7035	MUNI	799.00
EFT53547	12/10/2023	Kenny Pomare	ERC Umpire Payment: 11/10/2023	MUNI	108.00
EFT53548	12/10/2023	Kilmore Group Pty Ltd	Eaton Junior Football & Cricket Club Pavilion & Changeroom Contract - September 2023 Claim	MUNI	536,313.69
EFT53549	12/10/2023	KMART	School Holiday Programs: Halloween Party Decorations & Prizes	MUNI	135.50
EFT53550	12/10/2023	Landgate	GRV Interim Valuations: 19/08/2023 - 15/09/2023	MUNI	1,193.48
EFT53551	12/10/2023	Les Mills Asia Pacific	ERC - Group Fitness Program Monthly Subscription - October 2023	MUNI	1,483.81
EFT53552	12/10/2023	Leslie Joseph Campbell	Rates Refund for Assessment A1508	MUNI	799.00
EFT53553	12/10/2023	Local Government Professionals Australia WA	Annual State Conference 2023 - Andre Schönfeldt	MUNI	1,450.00
EFT53554	12/10/2023	Lonsdale Party Hire	Event Items - Spring Out Festival	MUNI	1,604.00
EFT53555	12/10/2023	Maia Financial Pty Ltd	Purchase of 6 x Seagate ST100000NM0086 Hard Drives	MUNI	660.00
EFT53556	12/10/2023	Malatesta Road Paving And Hotmix	Emulsion - Ferguson Road	MUNI	400.00
EFT53557	12/10/2023	Marie Jane Harwood	Refund Cat Cage Hire Bond - Receipt # 151225	MUNI	150.00
EFT53558	12/10/2023	Marketforce	10 x Advertisements Bunbury SW Times/West Australian - September 2023	MUNI	10,635.53
EFT53559	12/10/2023	Martin Andrew Loader	Crossover Rebate - 121B Pratt Road, Eaton - A12077	MUNI	222.60
EFT53560	12/10/2023	Nightguard Security Service SW	Alarm Response at 3 x Shire Buildings - September 2023	MUNI	682.00
EFT53561	12/10/2023	Nutrien Ag Solutions	Verge Maintenance - Eaton & Millbridge & Weed Control - Carramar Park & Parkridge Estate Reserves	MUNI	2,507.78

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	
EFT53562	12/10/2023	Old MacDonalds Travelling Farms WA South West	Incursion for Vacation Care Program: 06/10/2023 - ERC	MUNI	781.00
EFT53563	12/10/2023	One Eleven (WA) Pty Ltd - Roofwest	Graffiti Removal - Dardanup Skate Park	MUNI	960.00
EFT53564	12/10/2023	Onsite Rental Group	Repayment Lease 26: Hire Of Office & Ablution Block - September 2023	MUNI	4,575.77
EFT53565	12/10/2023	Paul Polzai	Crossover Rebate - A12095	MUNI	243.80
EFT53566	12/10/2023	Payless Promotions Pty Ltd	Uniforms - 8 x BFB's	MUNI	7,040.00
EFT53567	12/10/2023	Perfect Landscapes	Weekly Reserves Mowing Commencing 02/10/2023, Fertilisation - Eaton Oval, Dolomite Application - Eaton Oval & Glen Huon Oval	MUNI	7,623.81
EFT53568	12/10/2023	PFD Food Services Pty Ltd	ERC - Cafe Goods	MUNI	1,193.55
EFT53569	12/10/2023	PFI Supplies	ERC - Cleaning Products	MUNI	2,186.70
EFT53570	12/10/2023	Public Libraries Western Australia Inc	Payment for PLWA Membership - Category 2 Subscription Renewal	MUNI	250.00
EFT53571	12/10/2023	Rawlinsons (W.A.)	Quantity Survey: Assess Perkins Construction Variation Schedule: September 2023 Claim & August Assessment - New SoD Admin Building Project	MUNI	11,000.00
EFT53572	12/10/2023	Regional Media Specialists P/L	Advertising Space in Monthly Community News Page - Bunbury Herald Newspaper: September 2023	MUNI	972.40
EFT53573	12/10/2023	Samantha Atkinson	Reimburse Uniform Purchase	MUNI	289.20
EFT53574	12/10/2023	Samantha Sheehy	Crossover Rebate - A12100	MUNI	243.80
EFT53575	12/10/2023	Schweppes Australia Pty Ltd	ERC - Cafe Goods - Packaged Drinks	MUNI	1,261.26
EFT53576	12/10/2023	Scope Business Imaging	Replacement of Printer Fusing Unit: Waterloo BFB - ESL Recurrent Exp	MUNI	1,146.20
EFT53577	12/10/2023	Scope Rentals Pty Ltd	Managed Print Contract: Rental - October 2023, Usage - September 2023 & Service Printer - Waterloo BFB	MUNI	4,651.75
EFT53578	12/10/2023	Securepay Pty Ltd	Bank Fees - September 2023 - Securepay Web & IVR	MUNI	89.94
EFT53579	12/10/2023	Simple Decorations Hire	Decorations for 2 Events - Gratitude Dinner 18/10/2023 & Shire Presidents Retirement Community Function 20/10/2023	MUNI	575.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	
EFT53580	12/10/2023	SJ Traffic Management	Traffic Control: Ferguson Road, Crooked Brook Rd & Warburton Rd	MUNI	4,004.00
EFT53581	12/10/2023	South West Fire	Servicing of Dardanup Central 2.4U Fire Appliance: Burekup BFB - ESL Recurrent Exp	MUNI	14,539.44
EFT53582	12/10/2023	South West Septics	Empty Grease Trap: 26/09/2023 - ERC	MUNI	286.00
EFT53583	12/10/2023	South West Tree Safe	Tree Pruning - Pile Rd, Hamilton Rd & Dowdells Line	MUNI	7,920.00
EFT53584	12/10/2023	Spraymow Services	Weed Control - Eaton Drive Islands	MUNI	2,347.40
EFT53585	12/10/2023	Stratagreen	Tools & Items for Verge Maintenance	MUNI	1,174.82
EFT53586	12/10/2023	Structerre Consulting Engineers	Geotech Investigation & Soil Analysis - Dardanup Community Centre	MUNI	9,828.50
EFT53587	12/10/2023	Synergy	Electricity Charges - 5 x Shire Locations	MUNI	920.04
EFT53588	12/10/2023	Te Wairimu Elinor Pomare	ERC Umpire Payment: 11/10/2023	MUNI	135.00
EFT53589	12/10/2023	Telair Pty Ltd	Library NBN Enterprise Ethernet Service - ECL: September 2023	MUNI	658.90
EFT53590	12/10/2023	Telstra	Fax - Dardanup Office & Telephone - West Dardanup BFB	MUNI	77.15
EFT53591	12/10/2023	The Print Shop	Poetry Chapbook Print Run - ECL	MUNI	330.00
EFT53592	12/10/2023	The Trustee for Am2 & Fm2 Trust	Monthly Subscription for Myosh Classic Plus: October 2023	MUNI	621.50
EFT53593	12/10/2023	Tiana Fraser	ERC Umpire Payment: 10/10/2023	MUNI	88.00
EFT53594	12/10/2023	Total Calibration Pty Ltd	10 x Perpetual Full Edition Licenses - Admin OH	MUNI	2,162.93
EFT53595	12/10/2023	Total Eden Pty Ltd	Reticulation Maintenance & Repairs - Glen Huon Oval, Eaton Oval & Eaton Foreshore	MUNI	2,903.13
EFT53596	12/10/2023	Totally Sound	Replace Globe in Projector for Cycle Studio - ERC	MUNI	294.80
EFT53597	12/10/2023	TPG Network Pty Ltd	NBN EE 1Gbps IP Line: September 2023	MUNI	875.60
EFT53598	12/10/2023	Tutt Bryant Hire	Roller Hire for Road Maintenance: 30/09-04/10/2023 - Martin Pelusey Road	MUNI	603.90

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	
EFT53599	12/10/2023	Veolia Recycling & Recovery Pty Ltd	Shire Monthly Bin Collection - September 2023	MUNI	84,911.59
EFT53600	12/10/2023	Winc Australia Pty Ltd	General Stationery - ECL	MUNI	281.66
EFT53601	12/10/2023	Work Clobber	Protective Clothing - Public Works	MUNI	681.00
EFT53602	19/10/2023	Adrienne Teede	Reimburse Uniform Purchase	MUNI	189.00
EFT53603	19/10/2023	Amity Signs	Post - Dowdells Line & Rural Road Sign - Richards Rd	MUNI	1,361.80
EFT53604	19/10/2023	Ashlee Horn	Reimburse Purchase of Balloons for Member & Storage Containers	MUNI	40.00
EFT53605	19/10/2023	Australian Tax Office	PAYG - Payrun: 13/10/2023	MUNI	94,561.00
EFT53606	19/10/2023	Australind Landscaping Supplies	Lawn Mix - Eaton Oval	MUNI	576.00
EFT53607	19/10/2023	B Watts Panel & Paint Repairs	Excess Due for Insurance Claim # MO0062056 - DA994	MUNI	500.00
EFT53608	19/10/2023	Breeanna Batrick	Reimburse Working With Children Application	MUNI	87.00
EFT53609	19/10/2023	Brett Hodgson	ERC Umpire Payment: 18/10/2023	MUNI	162.00
EFT53610	19/10/2023	Brownes Foods Operations Pty Ltd	ERC - Cafe Goods	MUNI	331.56
EFT53611	19/10/2023	Bunbury Plumbing Service	Rectify Dardanup Oval Toilets Not Draining	MUNI	442.50
EFT53612	19/10/2023	Bunbury Settlement Services Pty Ltd	Purchase of Portion of Lot 1, 403, 2838 & 3336 Ferguson Rd & 400 Ratcliffe Rd	MUNI	22,347.75
EFT53613	19/10/2023	Bunbury Subaru	Service - DA955	MUNI	412.30
EFT53614	19/10/2023	Bunnings Group Limited	Mop for Creche - ERC & Mulch Fork - Sundry Parks & Gardens	MUNI	262.44
EFT53615	19/10/2023	Burekup Bush Fire Brigade	Reimburse Payment of Telstra Phone and Internet Account - Burekup BFB 08/07 - 07/12/2023	MUNI	552.20
EFT53616	19/10/2023	Cameron Baker	ERC Umpire Payment: 18/10/2023	MUNI	162.00
EFT53617	19/10/2023	Carbone Brothers Pty Ltd	Gravel & Limestone - Burekup Oval & Watson St	MUNI	6,242.13
EFT53618	19/10/2023	Cassandra Budge	Reimburse Purchase of Certificate Paper & Frames	MUNI	121.43

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	
EFT53619	19/10/2023	Christine Worsfold	ERC Umpire Payment: 17/10/2023	MUNI	108.00
EFT53620	19/10/2023	Civil Projects Southwest	Digger Hire for Road Repair - Lennard Rd	MUNI	990.00
EFT53621	19/10/2023	Cody James Williams	Refund Upfront Gym Membership Fees - ERC	MUNI	332.92
EFT53622	19/10/2023	Connect Call Centre Services	After Hours SoD Call Centre Services - September 2023	MUNI	339.63
EFT53623	19/10/2023	Country Landscaping Pty Ltd	Reticulation Maintenance & Repairs - Millbridge Verges & Dardanup Cemetery	MUNI	447.59
EFT53624	19/10/2023	Country Water Solutions	Reticulation Maintenance & Repairs - Dardanup Oval	MUNI	100.43
EFT53625	19/10/2023	Craven Foods & Bidfood Bunbury	ERC - Cafe Goods	MUNI	861.92
EFT53626	19/10/2023	Dapco Tyre and Auto Centre	4 x Tyres & Wheel Alignment - DA10408	MUNI	965.00
EFT53627	19/10/2023	Department of Fire and Emergency Services	2023-2024 ESL Charges - 20 x Shire Locations	MUNI	4,627.93
EFT53628	19/10/2023	Donna Bastow	ERC Umpire Payment: 18/10/2023	MUNI	162.00
EFT53629	19/10/2023	Dynamite Dan's Cleaning Services	Cleaning Storm Damaged Wells Rec Ground Hall Clubrooms Following Make Safe	MUNI	352.00
EFT53630	19/10/2023	Eve Yoga	Yoga Classes: September 2023 - ERC	MUNI	300.00
EFT53631	19/10/2023	Ferguson Hall Management Committee Inc	One-Off Contribution Towards Termite Treatment - Dardanup Hall	MUNI	800.00
EFT53632	19/10/2023	Gina Newport	Refund Hall Hire Bond - Receipt # 148052	MUNI	540.00
EFT53633	19/10/2023	Hatch Home & Style	16 x Leather Chairs for Health & Town Planning - New SoD Admin/Library Building Furniture	MUNI	4,079.00
EFT53634	19/10/2023	Heatleys	Occ Health & Safety Expenditure - Public Works	MUNI	596.61
EFT53635	19/10/2023	Isabelle Billett	ERC Umpire Payment: 17/10/2023	MUNI	108.00
EFT53636	19/10/2023	John Thompson	ERC Umpire Payment: 18/10/2023	MUNI	54.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	
EFT53637	19/10/2023	Kelee Buswell	Personal Development Grant Payments x 2 - Hayley & Tyson Buswell for 2023/2024	MUNI	800.00
EFT53638	19/10/2023	Kenny Pomare	ERC Umpire Payment: 18/10/2023	MUNI	81.00
EFT53639	19/10/2023	Kent Lyon Architect	Superintendent Services for SoD New Library, Administration & Community Building: September 2023	MUNI	10,246.50
EFT53640	19/10/2023	KMART	ERC - Vacation Care Goods	MUNI	76.25
EFT53641	19/10/2023	Local Government Professionals Australia WA	Commelligence Forum 2023 - 30/10/2023 - Tahnia Creedon - Communications Officer	MUNI	320.00
EFT53642	19/10/2023	Luke Wilkinson	ERC Umpire Payment: 18/10/2023	MUNI	162.00
EFT53643	19/10/2023	M & J Essential Solutions Pty Ltd	EAP Consultations 2023-2024	MUNI	150.00
EFT53644	19/10/2023	Malatesta Road Paving and Hotmix	Emulsion - Martin Pelusey Road	MUNI	400.00
EFT53645	19/10/2023	Marece Hetaraka	ERC Umpire Payment: 18/10/2023	MUNI	81.00
EFT53646	19/10/2023	Margery Ann Stevens	ERC Umpire Payment: 17/10/2023	MUNI	44.00
EFT53647	19/10/2023	McDonald Fencing	Fence Repairs - Martin-Pelusey Depot & Supply & Install Gate for New Fire Access Way - MAF 7241- Henty Reserve	MUNI	1,562.00
EFT53648	19/10/2023	MJ Goods	Gym Wipes - ERC	MUNI	606.20
EFT53649	19/10/2023	MJB Industries Pty Ltd	1 x 1200 SQ Grated Cover - Charolais Mews	MUNI	441.79
EFT53650	19/10/2023	Microcom Pty Limited T/as Metrocount	Vehicle Classifier 6V Welded Battery Pack - Public Works	MUNI	222.20
EFT53651	19/10/2023	Naturaliste Hygiene	Sharps Disposal Service: October 2023 - Watson Reserve Public Toilets	MUNI	176.55
EFT53652	19/10/2023	Neil Nicholson	Reimburse Purchase of Batteries for Food Inspection Thermometer Guns	MUNI	9.40
EFT53653	19/10/2023	Perfect Landscapes	Eaton & Glen Huon Oval - Renovation Spring Application; Weekly Reserves & Lawn Mowing Commencing 25/09 & 09/10/2023	MUNI	31,412.64

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	
EFT53654	19/10/2023	Perkins WA Pty Ltd	Shire of Dardanup - Design & Construct Contract - New Admin, Library & Community Building - Claim # 16	MUNI	1,575,483.61
EFT53655	19/10/2023	PFD Food Services Pty Ltd	ERC - Cafe Goods	MUNI	1,168.90
EFT53656	19/10/2023	PFI Supplies	Cleaning Supplies - Eaton Admin, ERC, Dardanup Office, Eaton Foreshore & Ferguson Hall Toilets	MUNI	2,380.80
EFT53657	19/10/2023	Prime Supplies	Earplugs - Occ Health & Safety Expenditure - Public Works	MUNI	98.67
EFT53658	19/10/2023	Revely Helen Gardiner	Reimburse Purchase of 2 x Card Tables for Dardanup Seniors Mahjong Workshop	MUNI	50.00
EFT53659	19/10/2023	RJ Pestell Family Trust T/as Subway Treendale	Catering - October BFAC Meeting	MUNI	120.00
EFT53660	19/10/2023	Sam & Simon King	Reimburse 50% Study Expenses: Cert IV In Work Health & Safety	MUNI	711.00
EFT53661	19/10/2023	Services Australia - Child Support Agency	Employee Payroll Deduction PPE	MUNI	498.14
EFT53662	19/10/2023	Sienna Christie	Refund Upfront Gym Membership & Personal Training Fees - ERC	MUNI	476.07
EFT53663	19/10/2023	SJ Traffic Management	Traffic Control - Pile Road	MUNI	4,446.75
EFT53664	19/10/2023	South West Tree Safe	Tree Pruning Works - Warburton Road	MUNI	3,850.00
EFT53665	19/10/2023	Southern City Building Group	Refund BSL, BCITF & Verge Permit Fee Due to Cancelled Application # 23240064	MUNI	495.90
EFT53666	19/10/2023	Synergy	Electricity Account for Landfill Site, Lot 1 Banksia Road - 12/08-06/10/2023	MUNI	1,652.78
EFT53667	19/10/2023	Team Global Express - Toll	Postage 2023/2024 - 3 x Shire Departments	MUNI	438.58
EFT53668	19/10/2023	Telstra	Telephone Eaton Admin Centre, Dardanup Central BFB & Staff Mobiles & iPads	MUNI	6,561.28
EFT53669	19/10/2023	The Bethanie Group Inc	Refund WAPC Bond 162932 Ref 33824	MUNI	77,058.26
EFT53670	19/10/2023	The Cafe Merchant	Catering for 7 x BFB's Driver Training Course, ERC - Staff Lunch & Joshua Crooked Brook BFB	MUNI	1,908.50

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	
EFT53671	19/10/2023	The Print Shop	Book Bingo Cards for Summer Reading Challenge - ECL	MUNI	143.00
EFT53672	19/10/2023	The Strategic Directions Group Pty Ltd	Conduct Business Engagement Workshops, Map Business Processes & Deliver Business Process Maps: September 2023	MUNI	11,037.22
EFT53673	19/10/2023	Tiana Fraser	ERC Umpire Payment: 17/10/2023	MUNI	88.00
EFT53674	19/10/2023	Total Eden Pty Ltd	Reticulation Maintenance & Repairs - Burekup Oval	MUNI	104.11
EFT53675	19/10/2023	Tradelink	Replacement Toilet Button & Bezel - ERC	MUNI	80.70
EFT53676	19/10/2023	WA Distributors Pty Ltd	ERC - Cafe Goods	MUNI	877.90
EFT53677	19/10/2023	Water Corporation	Annual Trade Waste Charge: Grease Arrestor 22/09/2023 - 30/06/2024 - Glen Huon Club Rooms - Football	MUNI	397.26
EFT53678	19/10/2023	Work Clobber	Protective Clothing - Public Works	MUNI	1,360.40
EFT53679	26/10/2023	Abby Murray Photography	Event Photographer - Spring Out Festival	MUNI	552.75
EFT53680	26/10/2023	Access Wellbeing Services	Employee Assistance Consultations and Services - September 2023	MUNI	594.00
EFT53681	26/10/2023	Alina Gribble	Reimburse Payment of First Aid Course	MUNI	170.00
EFT53682	26/10/2023	All Aussie Truck and Bobcat Services	Truck & Bobcat Hire for General Maintenance - Banksia Road Site: September 2023	MUNI	1,716.00
EFT53683	26/10/2023	Amity Signs	2 x Speed Limit Signs & 1 x Box Of White Guide Posts - Martin Pelusey Road	MUNI	641.30
EFT53684	26/10/2023	B & B Street Sweeping Pty Ltd	Street Sweeping for The Bull & Barrel Festival - Ferguson Rd	MUNI	742.50
EFT53685	26/10/2023	Bluesteel Enterprises Pty Ltd	Fire Fighting Items - West Dardanup & Waterloo BFB - ESL Recurrent Exp	MUNI	1,148.46
EFT53686	26/10/2023	Boyles Plumbing and Gas	Install New Water Fountain/Dog Bowl at Dardanup Oval - Wells Reserve	MUNI	3,090.57
EFT53687	26/10/2023	Brett Hodgson	ERC Umpire Payment - 25/10/2023	MUNI	162.00
EFT53688	26/10/2023	Brownes Foods Operations Pty Ltd	ERC - Cafe Goods	MUNI	220.18

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	
EFT53689	26/10/2023	Bunbury Auto One	Coolant & Corrosion Inhibitor - Sundry Plant	MUNI	48.79
EFT53690	26/10/2023	Bunbury Bearings	20Kg Grease for Service Trailer & 4 x Sets Trailer Disc Pads	MUNI	386.10
EFT53691	26/10/2023	Bunbury Coffee Machines	ERC - Cafe Goods	MUNI	574.00
EFT53692	26/10/2023	Bunbury Machinery	1000Lt Tank - Replacement for Broken Spray Trailer Tank - Public Works	MUNI	2,175.00
EFT53693	26/10/2023	Bunbury Mower Service	Two Stroke Oil - Sundry Plant	MUNI	218.00
EFT53694	26/10/2023	Bunnings Group Limited	5 x Invoices: Repairs - Eaton Admin & ERC, 300Kg Hand Trolley - Public Works, Heat Gun for Traffic Counter Installations - DA8457	MUNI	811.87
EFT53695	26/10/2023	BVA Metal Fabrications	Repairs to Signage - Eaton Drive	MUNI	459.97
EFT53696	26/10/2023	Cable Force	Fixed Contingency - Service Locating - New SoD Admin/Library Building	MUNI	1,760.00
EFT53697	26/10/2023	Cameron Baker	ERC Umpire Payment - 25/10/2023	MUNI	135.00
EFT53698	26/10/2023	Caterlink	Supply, Assemble & Deliver Under Counter Milk Fridge With Custom Feet - ERC	MUNI	3,727.90
EFT53699	26/10/2023	Christine Worsfold	ERC Umpire Payment - 24/10/2023	MUNI	108.00
EFT53700	26/10/2023	Civil Projects Southwest	4 x Invoices: Machine Hire - 5 x Shire Roads	MUNI	5,335.00
EFT53701	26/10/2023	Cleanaway Solid Waste Pty Ltd	6 x Invoices: Waste Disposal - Crooked Brook Rd	MUNI	6,734.12
EFT53702	26/10/2023	Close Protection Security Services Pty Ltd	Security Guard for Spring Out Festival	MUNI	418.00
EFT53703	26/10/2023	Coates Hire Ltd	7 X 5Ft Cage Trailer Hire for Transport of Loaned Inflatable Obstacle Course - Spring Out Festival	MUNI	100.63
EFT53704	26/10/2023	Country Landscaping Pty Ltd	Reconnect Cricket Wicket, Power Connection & Re-Turfing - Eaton Oval	MUNI	9,450.88
EFT53705	26/10/2023	Cynthia Leigh-Anne Barbetti	Reimburse Purchase of Flowers for Shire President Farewell Dinner	MUNI	101.91
EFT53706	26/10/2023	Dapco Tyre and Auto Centre	Service - DA563	MUNI	807.93

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	
EFT53707	26/10/2023	Dell Financial Services Pty Ltd	Repayment: Lease 21 - Dell Desktop & Laptop Refresh Contract 009-141985-003	MUNI	1,290.75
EFT53708	26/10/2023	Donna Bailye	Reimburse Purchase of Council & Election Refreshments	MUNI	711.27
EFT53709	26/10/2023	Donna Bastow	ERC Umpire Payment - 25/10/2023	MUNI	162.00
EFT53710	26/10/2023	Ductworks Australia Bunbury & Busselton Air	A/C Replacement Outdoor PCB Unit & Accountants Office A/C Tripping Out - Eaton Office	MUNI	544.00
EFT53711	26/10/2023	Eaton Boomers AFL Masters	Refund Key Bond - Receipt # 14732	MUNI	40.00
EFT53712	26/10/2023	Ebony Gene Jones	Reimburse Items Purchased for Cafe - ERC	MUNI	35.44
EFT53713	26/10/2023	Eco Faeries	Faeries - Spring Out Festival	MUNI	1,550.00
EFT53714	26/10/2023	Electrical Experts (WA) Pty Ltd	Repair Wall Fan - Dardanup Hall & Secure Dropped Light Panel Over Dance Floor & Repair Faulty Light in Bar - Glen Huon Club Rooms	MUNI	521.40
EFT53715	26/10/2023	Fleet Network Pty Ltd	Payroll Clearing - Novated Lease Liabilities	MUNI	506.00
EFT53716	26/10/2023	Gymcare	Parts for Life Fitness Treadmill - ERC	MUNI	1,428.46
EFT53717	26/10/2023	Hatch Home & Style	Furniture for New SoD Building - Town Planning, Health & Governance	MUNI	1,266.00
EFT53718	26/10/2023	Heatleys	Coveralls & Gloves - Occ Health & Safety Expenditure - Public Works	MUNI	1,055.08
EFT53719	26/10/2023	Investing in Our Youth	September School Holiday Program - Ryde Driver Simulation & Education Program - Burekup & Eaton	MUNI	560.00
EFT53720	26/10/2023	Isabella Francis	ERC Umpire Payment - 24/10/2023	MUNI	108.00
EFT53721	26/10/2023	Isabelle Billett	ERC Umpire Payment - 24/10/2023	MUNI	108.00
EFT53722	26/10/2023	J A K Civil Pty Ltd	Truck & Excavator Hire - Storm Damage Clean Up - Ferguson Rd & Drainage Works - Dardanup West Rd	MUNI	3,630.00
EFT53723	26/10/2023	JCW Electrical Pty Ltd	Inspect & Repair Power Line Connection From Mains Power Pole Which Was Damaged by a Tree Branch - Ferguson Hall	MUNI	2,501.69
EFT53724	26/10/2023	John Thompson	ERC Umpire Payment - 25/10/2023	MUNI	81.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	
EFT53725	26/10/2023	Katie Marie Clayton	ERC Umpire Payment - 24/10/2023	MUNI	108.00
EFT53726	26/10/2023	Kenny Pomare	ERC Umpire Payment - 25/10/2023	MUNI	108.00
EFT53727	26/10/2023	KMART	Spring Out Festival Items - Bubbles & Pencils	MUNI	35.75
EFT53728	26/10/2023	Landgate	GRV Interim Valuation Schedule No: G2023/19 Dated 16/09/2023 to 29/09/202	MUNI	306.90
EFT53729	26/10/2023	LGIS WA	Annual Insurance 2023-2024 - (Second Instalment 50%)	MUNI	334,467.61
EFT53730	26/10/2023	Luke Wilkinson	ERC Umpire Payment - 25/10/2023	MUNI	162.00
EFT53731	26/10/2023	M & J Essential Solutions Pty Ltd	EAP Consultations 2023-2024	MUNI	600.00
EFT53732	26/10/2023	Machinery West	Coolant Leak Repairs - DA9781	MUNI	1,798.26
EFT53733	26/10/2023	Maddie Darch	Reimburse Purchases For Shire President Farewell Celebrations	MUNI	395.94
EFT53734	26/10/2023	Mantrac	Slashing: Between Golding Cr & River, Dardanup-Picton Road & Hoe Fire Break	MUNI	2,112.00
EFT53735	26/10/2023	Mick Williams	Refund Cat Cage Hire Bond - Receipt # 151132	MUNI	150.00
EFT53736	26/10/2023	Moore Australia (WA) Pty Ltd	2023 Nuts & Bolts Workshop - 24/11/2023 - Rebecca Hobby	MUNI	1,155.00
EFT53737	26/10/2023	NBN Co Limited	Fixed Contingencies - MDU Development Stage (2@ \$400) - Services	MUNI	800.00
EFT53738	26/10/2023	Perfect Landscapes	Weekly Reserves Mowing Commencing 16/10/2023	MUNI	2,099.39
EFT53739	26/10/2023	PFD Food Services Pty Ltd	ERC - Cafe Goods	MUNI	1,230.10
EFT53740	26/10/2023	PFI Supplies	BBQ Cleaner - Millbridge Parks	MUNI	119.75
EFT53741	26/10/2023	Planning Institute of Australia	HR Recruitment Advertising - Coordinator Planning Building and Compliance and Senior Statutory Planner October 2023	MUNI	612.00
EFT53742	26/10/2023	PoolWerx Bunbury	15L Pool Chlorine - Health Expenditure	MUNI	37.50
EFT53743	26/10/2023	Radrock Adventures	1 x Rock Climbing Wall & Operator - Spring Out Festival	MUNI	1,573.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	
EFT53744	26/10/2023	Raymond Bret Baliei	Rates Refund for Assessment A9150	MUNI	7,253.52
EFT53745	26/10/2023	Rent a Fence	Temporary Fencing - Missing Clamps & Braces: Boomers Fencing - Glen Huon Oval	MUNI	53.90
EFT53746	26/10/2023	Safestart Test & Tag	Test and Tagging FY 23/24 - Multiple Shire Buildings	MUNI	6,283.20
EFT53747	26/10/2023	Schweppes Australia Pty Ltd	ERC - Cafe Goods - Packaged Drinks	MUNI	1,110.40
EFT53748	26/10/2023	South West Mechanical & Fleet Services	Front Brake Pad Replacement - DA988 & Wheel Bearing Adjustments on Trailer - DA15309	MUNI	434.80
EFT53749	26/10/2023	Southern Lock and Security	Install New East Change Room Locks & New Handles for Gym Entry Door - ERC	MUNI	622.98
EFT53750	26/10/2023	St John Ambulance Western Australia Ltd	Event Crew - Spring Out Festival	MUNI	435.60
EFT53751	26/10/2023	Sushiru	ERC - Cafe Goods	MUNI	165.00
EFT53752	26/10/2023	Synergy	Electricity Supply - 5 x Shire Locations	MUNI	11,609.84
EFT53753	26/10/2023	Taylor Burrell Barnett	Assessment of Parkridge Structure Plan Amendment - Additional Tasks	MUNI	2,860.00
EFT53754	26/10/2023	Te Wairimu Elinor Pomare	ERC Umpire Payment - 25/10/2023	MUNI	54.00
EFT53755	26/10/2023	Team Global Express - Toll	Brigade, IT & Health Postage	MUNI	464.23
EFT53756	26/10/2023	The Dardanup Bull and Barrel Festival	Refund Bond for Dardanup Hall Hire - Debtor Inv 34106	MUNI	290.00
EFT53757	26/10/2023	The Funk Factory	Junkadelic Band Roving Performance - Spring Out Festival	MUNI	1,000.00
EFT53758	26/10/2023	The Print Shop	2 x A1 Welcome Signs for Shire President Farewell Functions	MUNI	80.00
EFT53759	26/10/2023	Total Eden Pty Ltd	Pipe & Fittings for Spray Trailer Repairs & Retic Repairs - Eaton Admin	MUNI	163.40
EFT53760	26/10/2023	Tracy Green	Refund Hall Hire Bond - Receipt # 151676	MUNI	540.00
EFT53761	26/10/2023	Vasse Civil & Drainage	Drainage Modifications - Brett Place Dardanup	MUNI	30,471.10

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	
EFT53762	26/10/2023	Western Australian Treasury Corporation	Repayment - Loan 61 - Lot 4579 Panizza Road	MUNI	14,605.90
EFT53763	26/10/2023	Winc Australia Pty Ltd	General Stationery - ECL	MUNI	156.95
EFT53764	26/10/2023	X5 Academy	X5 Academy Parkour Open Air Workshops & Demonstrations - Spring Out Festival	MUNI	1,210.00
EFT53765	26/10/2023	Zipform Pty Ltd	2023-2024 Rate Instalment Notice Mailout & Dog & Cat Registration Renewal Artwork & Mail Out	MUNI	3,588.34
CHEQUES					
47	11/10/2023	Shire of Dardanup - Please Pay Cash	Eaton Admin Petty Cash Recoup 07/08-10/10/2023 - Key Cutting, Clipboard, Batteries, Certificate Frame, Farewell Cards, USB Cable, Mouse Trap	MUNI	190.95
DIRECT DEBIT					
BPAY					
DD17568.1	18/10/2023	Alinta	ERC - Quarterly Invoice for Gas Consumption: 11/07-05/10/2023	MUNI	418.60
DD17580.1	25/10/2023	linet Ltd	Monthly charge for NBN Wireless 4 & Business NBN100 Value - November 2023	MUNI	174.94
CREDIT CARD					
DD17589.1	26/10/2023	Facebook Ireland Limited	Facebook Advertising for events and Programs - Tronox Spring Out	MUNI	381.68
DD17589.2	26/10/2023	MailChimp	Monthly subscription and charge for email newsletters - September 2023	MUNI	183.95
DD17589.3	26/10/2023	Department of Transport	Shire of Dardanup - Special Plate Series Number Plate Application: 025DA, 509DA & 640DA	MUNI	600.00
DEBIT CARD					

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	
DD17564.1	17/10/2023	Shire of Dardanup - Eaton Admin Debit Card Recoup	Woolworths - Morning Tea - WALGA Presenting With Confidence	MUNI	102.90
		Shire of Dardanup - Eaton Admin Debit Card Recoup	KMART - Employee Recognition Certificate Frame	MUNI	2.25
		Shire of Dardanup - Eaton Admin Debit Card Recoup	Woolworths - Milk for Staff Kitchen	MUNI	33.00
		Shire of Dardanup - Eaton Admin Debit Card Recoup	Woolworths - Milk for Staff Kitchen	MUNI	33.00
		Shire of Dardanup - Eaton Admin Debit Card Recoup	Woolworths - Milk for Staff Kitchen	MUNI	33.00
		Shire of Dardanup - Eaton Admin Debit Card Recoup	Woolworths - Muffins for Agenda Forum & Staff Farewell Cards	MUNI	23.67
DD17565.1	18/10/2023	Shire of Dardanup - ERC Debit Card Recoup	St John Ambulance - First Aid Training - Robert Dempster	MUNI	170.00
		Shire of Dardanup - ERC Debit Card Recoup	Woolworths - Storage & General Maintenance Items	MUNI	58.00
		Shire of Dardanup - ERC Debit Card Recoup	Bunnings - Window Cleaning Items	MUNI	96.06
		Shire of Dardanup - ERC Debit Card Recoup	Bunnings - General Maintenance Items	MUNI	98.24
		Shire of Dardanup - ERC Debit Card Recoup	JB HiFi - Credit for Blue Ray DVD Exchanged for Regular DVD	MUNI	-3

INTERNATIONAL

TRUST

PAYROLL

DD17554.1	13/10/2023	Aware Super Pty Limited	Payroll Deductions	MUNI	36,306.67
DD17554.2	13/10/2023	MLC Super Fund	Superannuation Contributions	MUNI	1,730.78
DD17554.3	13/10/2023	Diamond Sea Superannuation Fund	Payroll Deductions	MUNI	460.43
DD17554.4	13/10/2023	One Path Masterfund	Superannuation Contributions	MUNI	34.10
DD17554.5	13/10/2023	Hostplus	Payroll Deductions	MUNI	1,174.83
DD17554.6	13/10/2023	Brighter Super	Superannuation Contributions	MUNI	277.80

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	
DD17554.7	13/10/2023	Hesta Super Fund	Payroll Deductions	MUNI	1,626.40
DD17554.8	13/10/2023	MIML - Macquarie Super Accumulator	Payroll Deductions	MUNI	1,069.04
DD17554.9	13/10/2023	Australian Retirement Trust	Superannuation Contributions	MUNI	201.55
DD17554.10	13/10/2023	Australian Ethical Superannuation	Payroll Deductions	MUNI	282.14
DD17554.11	13/10/2023	Australian Super	Superannuation Contributions	MUNI	251.27
DD17554.12	13/10/2023	Asgard Infinity E Wrap Super	Payroll Deductions	MUNI	899.87
DD17554.13	13/10/2023	AMP Flexible Super - Super Account	Payroll Deductions	MUNI	786.92
DD17554.14	13/10/2023	Colonial First State First Choice Wholesale Personal Super	Superannuation Contributions	MUNI	114.24
DD17554.15	13/10/2023	Mercer Super Trust	Superannuation Contributions	MUNI	185.82
DD17554.16	13/10/2023	TWU Superannuation Fund	Superannuation Contributions	MUNI	6.82
DD17554.17	13/10/2023	Kaurin Family Superannuation Fund	Payroll Deductions	MUNI	305.10
DD17554.18	13/10/2023	Unisuper	Superannuation Contributions	MUNI	117.22
DD17554.19	13/10/2023	Plum Superannuation Fund	Superannuation Contributions	MUNI	106.72
DD17554.20	13/10/2023	Construction & Building Industry Super	Superannuation Contributions	MUNI	66.07
DD17554.21	13/10/2023	Public Sector Superannuation Accumulation Plan	Superannuation Contributions	MUNI	170.50
DD17554.22	13/10/2023	Rest Superannuation	Payroll Deductions	MUNI	1,644.84
DD17554.23	13/10/2023	Media Super	Superannuation Contributions	MUNI	617.21
DD17554.24	13/10/2023	Thomson Family Superannuation Fund	Superannuation Contributions	MUNI	1,069.77

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	
DD17554.25	13/10/2023	Australiansuper	Payroll Deductions	MUNI	9,037.74
DD17554.26	13/10/2023	The Templeman Family Superannuation Fund	Superannuation Contributions	MUNI	60.77
DD17554.27	13/10/2023	Hub24 Superannuation Fund	Superannuation Contributions	MUNI	316.70
DD17554.28	13/10/2023	Hughes Superannuation Fund	Superannuation Contributions	MUNI	57.32
DD17585.1	27/10/2023	Aware Super Pty Limited	Payroll deductions	MUNI	37,083.06
DD17585.2	27/10/2023	Hughes Superannuation Fund	Superannuation contributions	MUNI	61.39
DD17585.3	27/10/2023	MLC Super Fund	Superannuation contributions	MUNI	1,784.68
DD17585.4	27/10/2023	Diamond Sea Superannuation Fund	Payroll deductions	MUNI	460.43
DD17585.5	27/10/2023	One Path Masterfund	Superannuation contributions	MUNI	68.20
DD17585.6	27/10/2023	Hostplus	Payroll deductions	MUNI	1,174.12
DD17585.7	27/10/2023	Brighter Super	Superannuation contributions	MUNI	277.80
DD17585.8	27/10/2023	Hesta Super Fund	Payroll deductions	MUNI	1,633.06
DD17585.9	27/10/2023	MIML - Macquarie Super Accumulator	Payroll deductions	MUNI	1,069.04
DD17585.10	27/10/2023	Australian Retirement Trust	Superannuation contributions	MUNI	204.99
DD17585.11	27/10/2023	Australian Ethical Superannuation	Payroll deductions	MUNI	282.14
DD17585.12	27/10/2023	Asgard Infinity E Wrap Super	Payroll deductions	MUNI	899.87
DD17585.13	27/10/2023	ANZ Smart Choice Super (Onepath Masterfund)	Superannuation contributions	MUNI	6.66
DD17585.14	27/10/2023	Australian Super	Superannuation contributions	MUNI	246.39
DD17585.15	27/10/2023	AMP Flexible Super - Super Account	Payroll deductions	MUNI	786.92
DD17585.16	27/10/2023	Colonial First State First Choice Wholesale Personal Super	Superannuation contributions	MUNI	131.72

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	
DD17585.17	27/10/2023	Mercer Super Trust	Superannuation contributions	MUNI	185.82
DD17585.18	27/10/2023	TWU Superannuation Fund	Superannuation contributions	MUNI	27.28
DD17585.19	27/10/2023	Kaurin Family Superannuation Fund	Payroll deductions	MUNI	263.50
DD17585.20	27/10/2023	Plum Superannuation Fund	Superannuation contributions	MUNI	157.46
DD17585.21	27/10/2023	Construction & Building Industry Super	Superannuation contributions	MUNI	8.53
DD17585.22	27/10/2023	Public Sector Superannuation Accumulation Plan	Superannuation contributions	MUNI	340.99
DD17585.23	27/10/2023	Rest Superannuation	Payroll deductions	MUNI	1,487.06
DD17585.24	27/10/2023	Spirit Super	Superannuation contributions	MUNI	319.50
DD17585.25	27/10/2023	The Bro Code Super Fund	Superannuation contributions	MUNI	14.88
DD17585.26	27/10/2023	Australiansuper	Payroll deductions	MUNI	9,744.34
DD17585.27	27/10/2023	Media Super	Superannuation contributions	MUNI	617.21
DD17585.28	27/10/2023	Thomson Family Superannuation Fund	Superannuation contributions	MUNI	1,069.77
DD17585.29	27/10/2023	The Templeman Family Superannuation Fund	Superannuation contributions	MUNI	34.72
DD17585.30	27/10/2023	Hub24 Superannuation Fund	Superannuation contributions	MUNI	317.95

REPORT TOTALS**3,916,094.10**

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND
EFT		3,793,758.74	CERTIFICATE of Chief Executive Officer	
Muni Cheque		190.95	<p>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.</p>  <p>MR ANDRÉ SCHÖNFELDT Chief Executive Officer</p>	
Trust		0.00		
Payroll		119,738.12		
Credit Card		1,165.63		
Debit Card		647.12		
Direct Debit		0.00		
International		0.00		
BPAY		593.54		
TOTAL		<u>3,916,094.10</u>		

CARRIED
8/0

Background

Council delegates authority to the Chief Executive Officer annually through Delegation 1.2.16 and 1.2.31:

- To make payments from Trust and Municipal Funds;
- To purchase goods and services to a value of not more than \$250,000;
- 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, up to the value of \$300,000.

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.*

Council Plan

13.1 - Adopt best practice governance.

13.2 - Manage the Shire's resources responsibly.

Environment - None.

Precedents - None.

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 CngCP034 – Procurement Policy* and processed in accordance with *Policy CngCP035 – Payment of Accounts*.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to [Appendix ORD: 12.4.8] for full assessment document.

TIER 2 – 'Low' or 'Moderate' Inherent Risk.	
Risk Event	Schedule of Paid Accounts as at the 31 st October 2023
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	<p>Financial Not monitoring ongoing financial performance would increase the risk of a negative impact on the financial position.</p> <p>Reputational Non-compliance that results in a qualified audit can lead stakeholders to question the Council's ability to manage finances effectively</p>

Officer Comment

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

END REPORT

12.5 COMMITTEES

12.5.1 Title: Local Emergency Management Committee Meeting held on 8th of November 2023

Reporting Department:	<i>Sustainable Development Directorate</i>
Responsible Officer	<i>Ms Ashwin Nair – Director Sustainable Development</i>
Reporting Officer	<i>Mrs Michelle Edwards - Personal Assistant to DSD</i>
Legislation	<i>Local Government Act 1995</i>
Attachments	<i>Appendix ORD: 12.5.1 – Local Emergency Management Committee meeting Minutes</i>

MINUTES OF THE SHIRE OF DARDANUP LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING HELD ON WEDNESDAY, 8TH NOVEMBER 2023, AT SHIRE OF DARDANUP - ADMINISTRATION CENTRE EATON, COMMENCING AT 10.00AM.

Overview

The Minutes of the Local Emergency Management Committee Meeting held on the 8th of November 2023 [Appendix ORD: 12.5.1] are attached.

Change to Officer Recommendation No Change

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

281-23 MOVED - Cr T G Gardiner SECONDED – Cr. E P Lilly

THAT Council receives the Minutes [Appendix ORD: 12.5.1] of the Local Emergency Management Committee Meeting held on the 8th of November 2023.

CARRIED
8/0

13	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
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13.1 Title: Request for Spotted Gum at Burekup Primary School (River Valley Primary School) to be placed on the Dardanup Councils Heritage Register

Reporting Department	<i>Elected Member</i>
Responsible Officer	<i>Mr André Schönfeldt - Chief Executive Officer</i>
Reporting Officer	<i>Mr Ashwin Nair - Director Sustainable Development</i>
Legislation	<i>Local Government Act 1995</i>
Council Role	<i>Executive/Strategic.</i>
Voting Requirement	<i>Simple Majority.</i>
Attachments	<i>13.1A –Arborist report 13.1B - Historical Documentation 13.1C – Risk Assessment Tool 13.1D – Notice of Motion</i>

Overview

The report has been prepared as a result of a Notice of Motion (Appendix ORD: 13.1D) received by Cr. Mark Hutchinson which seeks to nominate a tree (*Corymbia Maculata*, Western Spotted Gum) located at the Burekup Primary School (also referred to as River Valley Primary School) to be placed on the Shire's Heritage Survey (Survey) and the Shire's Heritage List (List)

Should Council support the Notice of Motion, Officers will refer the information obtained through the nomination of the tree to a qualified heritage consultant to undertake the assessment of the 'Nature and Degree of Significance' of the nomination. This will then allow Officers to be able to determine the 'Level of Significance' that should be applied to the nomination and the merits of including the nomination within the Survey and List.

Once the consultant's advice is received, a future report will be presented to Council recommending the 'Level of Significance' that should be applied to the nomination and its status within the Survey and List.

Discussion: Cr. M R Hutchinson spoke regarding the report outlining the history of the tree and the historical value and moved the resolution

Change to Elected Member Recommendation - None

ELECTED MEMBER MOTION & COUNCIL RESOLUTION

282-23 MOVED - Cr. M R Hutchinson SECONDED – Cr. A C Jenour

THAT Council includes the Western Spotted Gum identified as Tree ID 01 in the Arborist report (Appendix ORD: 13.1A –Arborist report) in the Shire of Dardanup Heritage Survey and List.

CARRIED
8/0

Background

Elected Member Comment

The Western Spotted Gums, which are located on the grounds of the River Valley Primary School were planted on Arbor Day in 1917 (Appendix ORD: 13.1B).

The Gums are an icon of the local community, and in recent years there have been concerns over the tree's suitability within the bounds of the Burekup School.

However, over the past 106 years the trees have caused no problems, and in recent years (since the rebuild of the school) the tree is inspected every two years to ensure that its risk profile is compatible with the River Valley School.

These trees are located on the grounds of the River Valley Primary School and are the responsibility of the Building Management Authority.

Director Sustainable Development Comment

The Heritage Act 2018 (the Act) requires each local government to identify places of cultural heritage significance within a Local Heritage Survey. This is considered the most effective control to understanding the cultural heritage significance of places within the district, based upon collaboration with the community.

The process of a Local Heritage Survey additionally serves the purpose to elevate additional places to a List under the Shire of Dardanup Town Planning Scheme No.3 (TPS 3). That is a Local Heritage Survey does not, in and of itself, automatically elevate a place on a Local Heritage Survey to a Heritage List. Rather, it is a decision of Council under Clause 8(1) of the Deemed Provisions of the Scheme which states:

8 (1) The local government must establish and maintain a heritage list to identify places within the Scheme area that are of cultural heritage significance and worthy of built heritage conservation

Council at its 26th of July 2023 Ordinary Council Meeting (OCM) adopted the Shire's updated Survey and the Shire's new List. All Category 1 and Category 2 places of the Survey were elevated to the List. Categories 3 & 4 remained listed only on the Survey.

The List is given legal statutory weight under TPS 3 therefore, affords a higher level of protection for those places with a greater level of significance. For Council's reference the categories are based on the nature and degree of significance of 'place or item' as follows:

CATEGORY	LEVEL OF SIGNIFICANCE	DESIRED OUTCOME
1	Exceptional Significance Essential to the heritage of the Shire of Dardanup. Rare or outstanding example.	The place is on the Heritage List of the local planning scheme. The place is on the State Register of heritage places. The place should be retained and conserved. Any alterations or extensions should reinforce the significance of the place, and be in accordance with a Conservation Plan (if one exists) or Heritage Impact Statement.
2	Considerable Significance Very important to the heritage of the Shire of Dardanup. High degree of integrity/authenticity	The place is on the heritage list of the local planning scheme. Conservation of the place is highly desirable. Any alterations or extensions should reinforce the significance of the place and retain significant original fabric wherever possible.
3	Some/Moderate Significance Contributes to the heritage of the Shire of Dardanup. Has some altered or modified elements, not necessarily detracting from the overall significance of the item	The place is NOT on the heritage list of the local planning scheme. Conservation of the place in whole or part is desirable. Any alterations or extensions should reinforce the significance of the place
4	Historical Site / Archive Contributes to the understanding of the history of the Shire of Dardanup. May have been demolished.	The place is NOT on the heritage list of the local planning scheme. Conservation of the place in whole or part is not essential.

A Notice of Motion was received by Councillor Hutchinson in relation to nominating a tree (Corymbia Maculata Western Spotted Gum) located at the Burekup Primary School (also referred to as River Valley Primary School) to be included within the Survey and List.

The Burekup Primary School is already located on the Survey as Place No.7: Burekup Primary School which holds a Category 4 level of significance. The nomination references that the tree is approximately 106 years of age. Image of tree below:



Legal Implications

Heritage Act 2018

Under the *Heritage Act 2018* Part 8 -Local Heritage Surveys, Section 103, a local government must prepare a survey of places in its district that in the opinion are, or may become, of cultural heritage significance. In reviewing an updating its Survey, the Shire must have regard to the purposes and guidelines set out in Section 104 of the *Heritage Act 2018* as follows:

Purposes of local heritage survey:

The purposes of a local heritage survey by a local government include —

- (a) identifying and recording places that are, or may become, of cultural heritage significance in its district; and*
- (b) assisting the local government in making and implementing decisions that are in harmony with cultural heritage values; and*
- (c) providing a cultural and historical record of its district; and*
- (d) providing an accessible public record of places of cultural heritage significance to its district; and*
- e) assisting the local government in preparing a heritage list or list of heritage areas under a local planning scheme.*

The *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 states:

8. Heritage list

(1) The local government must establish and maintain a heritage list to identify places within the Scheme area that are of cultural heritage significance and worthy of built heritage conservation.

(2) The heritage list —

- (a) must set out a description of each place and the reason for its entry in the heritage list; and*
- (b) must be available, with the Scheme documents, for public inspection during business hours at the offices of the local government; and*
- (c) may be published on the website of the local government.*

8(3) *The local government must not enter a place in, or remove a place from, the heritage list or modify the entry of a place in the heritage list unless the local government -*

- (a) notifies in writing each owner and occupier of the place and provides each of them with a description of the place and the reasons for the proposed entry; and*
- (b) invites each owner and occupier to make submissions on the proposal within a period specified in the notice; and*
- (c) carries out any other consultation the local government considers appropriate; and*
- (d) following any consultation and consideration of the submissions made on the proposal, resolves that the place be entered in the heritage list with or without modification, or that the place be removed from the heritage list.*

Council Plan

9.3 - Provide quality community facilities.

9.2 - Provide an urban tree canopy and attractive streetscapes.

Environment - None.

Precedents - None.

Budget Implications -

Quotes will be obtained from qualified consultants and funds will be allocated from the Town Planning Consultants budget.

Budget – Whole of Life Cost - None.

Council Policy Compliance

CP121 – Tree Management Policy

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix ORD: 13.1C) for full assessment document.

TIER 1 – No discernible Inherent Risk has been identified (no Risk Theme or Consequence).	
Risk Event	Request for Spotted Gum at River Valley Primary School to be placed on the Dardanup Councils Heritage Register
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	Reputational The tree has a level of significance and if removed from the site could result in community comment

Elected Member Comment

The arborist report (Appendix ORD: 13.1A) clearly states that the tree is of minimal risk but does point out there is a possibility of failure, and that the consequences could be severe.

To mitigate such failure, and avoid such consequences, it is recommended that the tree Carry out deadwood removal, minor load reduction pruning to over-extended laterals, carry out aerial inspection of crown during works.

The Shire I believe would be fully aware of the risks associated with trees in public places, and because of that awareness, they engage contractors to deal with problematic trees.

Director Sustainable Development Comment

The nomination put forward references that the tree was planted on Arbor Day 1917. Officers are aware that the tree is located on a site which is listed on the Shire’s Survey. At this point of time however, not much is known about the tree or the significance of it, other than it forms part of a site which comprises of the following significance as referenced within the Survey;

‘Statement of Significance

- *The original Burekup Primary School was a typical small, timber framed government school, similar to others built across the State in the first decades of the twentieth century particularly in rural areas. The continuation of a school at this site contributes to an ongoing historical*

connection and understanding of the development of educational policies in the State and in the local area;

- *Burekup Primary School was one of the first non-residential buildings constructed near Burekup Siding and although the original 1914 buildings have been demolished the place continues to operate as a school and so contributes to the history of the Burekup and the local area.'*

The nomination further references that tree has been in its location for a period of 106 years and is considered through the nomination as an icon of the local community through its connection with the school and the broader locality.

As part of the process to include the nomination on the Survey and List, if Council support the Notice of Motion, Officers will refer the nomination to a qualified heritage consultant to determine the 'Level of Significance' of the tree. The consultant will also be instructed to comply with the provisions of *Planning and Development (Local Planning Scheme) Regulations 2015* to ensure that the statutory process is complied with to include the nomination on the List. This includes engaging with the landowner.

Once the consultant's advice is received, a future report will be presented to Council recommending the 'Level of Significance' that should be applied to the nomination and its status within the Survey and List.

END REPORT

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

None.

15 PUBLIC QUESTION TIME

15.1 *Cleve Armstrong – Following from Harley Dykstra Deputation*

Mr Cleve Armstrong asked following question:

As most of public open space (POS) would never have been able to be built on due to land conditions and is not accessible to the public; Is this considered as part of the POS?

Response:

Director Sustainable Development, Mr Ashwin Nair advised that more broadly space is a considered a hierarchy with percentage being allocated to POS with a percent is outside of that consideration.

Anything that could be used will be allocated, however it should be noted that the discussed Location 19 has history, with the POS allocated based on entire subdividable area.

Chief Executive Officer, Mr André Schönfeldt added that Lot 19 has been developed over 25/30 year period and the policies and framework has changed over the years. And the proponent is well within their right to argue over the entire area. However he did acknowledge that there is a level of contention due to years of development

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

283-23 MOVED - Cr. E P Lilly SECONDED – Cr. J D Manoni

THAT in accordance with the Local Government Act 1995, S 5.23, section (2)(a) Council goes Behind Closed Doors [6.22pm] to discuss a matter affecting an employee; which relates to matters to be discussed at the meeting.

CARRIED
8/0

16.1 Title: Bunbury & Districts Softball Association – 2023 Annual Financial Report & Business Plan 2023-2026

Reporting Department	Corporate & Governance Directorate
Responsible Officer	Mr Phil Anastasakis - Deputy CEO
Reporting Officer	Mrs Aly Smith – Building Property Management Officer
Legislation	Local Government Act 1995
Council Role	Executive/Strategic.
Voting Requirement	Simple Majority.

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 & COUNCIL RESOLUTION

284-23 MOVED - Cr. T G Gardiner SECONDED – Cr. M R Hutchinson

THAT Council receives the Bunbury & Districts Softball Association [Confidential Document: Appendix BCD: 16.2.A] Annual Financial Report for the Year Ended 30th of April 2023, Business Plan 2023-2026 and Strategic Plan 2023-2026.

CARRIED
8/0

16.2 Title: Australia Day Citizen of the Year Awards 2024

Reporting Department	Sustainable Development Directorate
Responsible Officer	Ms Cassandra Budge - Manager Community Development
Reporting Officer	Ms Melanie Ring - Place & Community Officer
Legislation	Local Government Act 1995
Council Role	Executive/Strategic.
Voting Requirement	Simple Majority.

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 & COUNCIL RESOLUTION

285-23 MOVED - Cr. J D Manoni SECONDED – Cr. T G Gardiner

THAT Council selects “Recipient B” (as provided for in the Confidential Attachment [\[OCM-R1298889\]](#) under separate cover) for the ‘Youth Citizen of the Year Award’ Category for the WA Community Citizen of the Year Awards to be presented on Australia Day 2024.

CARRIED
8/0

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

286-23 MOVED - Cr. T G Gardiner SECONDED – Cr. E P Lilly

THAT Council selects “Recipient A” (as provided for in the Confidential Attachment [\[OCM-R1298889\]](#) under separate cover) for the ‘Community Citizen of the Year Award’ Category for the WA Community Citizen of the Year Awards to be presented on Australia Day 2024.

CARRIED
8/0

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

287-23 MOVED - Cr. E P Lilly SECONDED – Cr. A L Webster

THAT Council selects “Recipient A” (as provided for in the Confidential Attachment [\[OCM-R1298889\]](#) under separate cover) for the ‘Senior Citizen of the Year Award’ Category for the WA Community Citizen of the Year Awards to be presented on Australia Day 2024.

CARRIED
8/0

16.3 Title: Chief Executive Officer KPI Quarterly Report – July to September Quarter 2023

Reporting Department	<i>Executive</i>
Responsible Officer	<i>Mr André Schönfeldt - Chief Executive Officer</i>
Reporting Officer	<i>Ms Cathy Lee - Manager Human Resources</i>
Legislation	<i>Local Government Act 1995</i>
Council Role	<i>Executive/Strategic</i>
Voting Requirement	<i>Simple Majority</i>

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.

DECLARATION OF INTEREST

Chief Executive Officer, Mr André Schönfeldt declared a Financial Interest in this item and left the room [6.29pm].
Please refer to Part 11 'Declaration of Interest' for full details.

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

290-23 MOVED - Cr. T G Gardiner SECONDED – Cr. J D Manoni

THAT Council:

- 1. Receives the Confidential Attachment - CEO KPI Quarterly Report of 2023/24" (Tardis Ref: [R0001454586](#)) and notes that this report commences the first reporting for 2023/2024 financial year KPIs.**
- 2. Notes the achievement of the Chief Executive Officer KPIs for the first quarter of the 2023/2024 financial year.**

CARRIED
8/0

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

291-23 MOVED - Cr. M R Hutchinson SECONDED – Cr. E P Lilly

THAT Council return from Behind Closed Doors [6.32pm].

CARRIED
8/0

Note: The following staff:

- *Mr André Schönfeldt – Chief Executive Officer*
- *Ms Susan Oosthuizen – Director Special Projects*
- *Mr Ashwin Nair – Director Sustainable Development*
- *Mr Phil Anastasakis – Deputy Chief Executive Officer*
- *Mrs Donna Bailye – Manager Governance*

returned to the room [6.32pm]

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

17 CLOSURE OF MEETING

The Presiding Officer Cr. T G Gardiner advised that the date of the next:

- Ordinary Meeting of Council will be Wednesday, the 13th of December 2023, 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 6.32pm.



CONFIRMATION OF MINUTES

“As the person presiding at the meeting at which these minutes were confirmed on the 13th of December 2023, I certify that these minutes have been confirmed as a true and accurate record of proceedings”.

Signature:

A handwritten signature in black ink, appearing to read "Tyrrell Gardiner", with a long horizontal flourish extending to the right.

Email:

tyrrell.gardiner@dardanup.wa.gov.au