



Shire of Dardanup

**AGENDA  
DOCUMENT**

**ORDINARY  
COUNCIL MEETING**

To Be Held

Wednesday, 24<sup>th</sup> of August 2022  
Commencing at 5.00pm

At

Shire of Dardanup  
ADMINISTRATION CENTRE EATON  
1 Council Drive - EATON

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## NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Council Member

The next Ordinary Meeting of the Shire of Dardanup Council will be held on Wednesday, the 24<sup>th</sup> of August 2022 in the Council Chambers, Shire of Dardanup – Administration Centre Eaton, 1 Council Drive, Eaton – Commencing at 5.00pm.

A handwritten signature in black ink, appearing to read "A. Schönfeldt", is positioned above the printed name and title.

**MR ANDRÉ SCHÖNFELDT**  
Chief Executive Officer

Date: 19<sup>th</sup> of August 2022

**Note:** If interested persons would like to make comment on any items in this agenda, please email [records@dardanup.wa.gov.au](mailto:records@dardanup.wa.gov.au) or hand deliver written comment to the Shire of Dardanup – Administration Centre Eaton, 1 Council Drive, Eaton. To be included in the meeting comments are to be delivered no later than 48 hours prior to the meeting.

The Chief Executive Officer will use his discretion as to whether the written comments are relevant and applicable to the meeting before approving their inclusion in the meeting.

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## 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

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

## DISCLAIMER

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

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

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

## RISK ASSESSMENT

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

**RISK CATEGORY CONSEQUENCE TABLE - GUIDELINE**

Rating (Level)	Health	Financial Impact	Service Interruption	Legal and Compliance	Reputational	Environment
<b>Insignificant (1)</b>	Near miss Minor first aid injuries	Less than \$10,000	No material service interruption - backlog cleared < 6 hours	<b>Compliance</b> - No noticeable regulatory or statutory impact. <b>Legal</b> - Threat of litigation requiring small compensation. <b>Contract</b> - No effect on contract performance.	Unsubstantiated, low impact, low profile or 'no news' item	Contained, reversible impact managed by on site response
<b>Minor (2)</b>	Medical type injuries	\$10,001 - \$50,000	Short term temporary interruption – backlog cleared < 1 day	<b>Compliance</b> - Some temporary non compliances. <b>Legal</b> - Single minor litigation. <b>Contract</b> - Results in meeting between two parties in which one party expresses concern.	Substantiated, low impact, low news item	Contained, reversible impact managed by internal response
<b>Moderate (3)</b>	Lost time injury <30 days	\$50,001 - \$300,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	<b>Compliance</b> - Short term non-compliance but with significant regulatory requirements imposed. <b>Legal</b> - Single moderate litigation or numerous minor litigations. <b>Contract</b> - Receive verbal advice that, if breaches continue, a default notice may be issued.	Substantiated, public embarrassment, moderate impact, moderate news profile	Contained, reversible impact managed by external agencies
<b>Major (4)</b>	Lost time injury >30 days	\$300,001 - \$1.5 million	Prolonged interruption of services – additional resources; performance affected < 1 month	<b>Compliance</b> - Non-compliance results in termination of services or imposed penalties. <b>Legal</b> - Single major litigation or numerous moderate litigations. <b>Contract</b> - Receive/issue written notice threatening termination if not rectified.	Substantiated, public embarrassment, high impact, high news profile, third party actions	Uncontained, reversible impact managed by a coordinated response from external agencies
<b>Catastrophic (5)</b>	Fatality, permanent disability	More than \$1.5 million	Indeterminate prolonged interruption of services – non-performance > 1 month	<b>Compliance</b> - Non-compliance results in litigation, criminal charges or significant damages or penalties. <b>Legal</b> - Numerous major litigations. <b>Contract</b> - Termination of contract for default.	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Uncontained, irreversible impact

**RISK - LIKELIHOOD TABLE**

LEVEL	RATING	DESCRIPTION	FREQUENCY
5	<b>Almost Certain</b>	The event is expected to occur in most circumstances	The event is expected to occur more than once per year
4	<b>Likely</b>	The event will probably occur in most circumstances	The event will probably occur at least once per year
3	<b>Possible</b>	The event should occur at some time	The event should occur at least once in 3 years
2	<b>Unlikely</b>	The event could occur at some time	The event could occur at least once in 10 years
1	<b>Rare</b>	The event may only occur in exceptional circumstances	The event is not expected to occur more than once in 15 years

**LEVEL OF RISK GUIDE**

CONSEQUENCE		Insignificant	Minor	Moderate	Major	Catastrophic
LIKELIHOOD		1	2	3	4	5
Almost Certain	5	Moderate (5)	Moderate (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	Moderate (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

**SHIRE OF DARDANUP**

**AGENDA FOR THE SHIRE OF DARDANUP ORDINARY COUNCIL MEETING TO BE HELD ON WEDNESDAY, THE 24<sup>TH</sup> OF AUGUST 2022, AT SHIRE OF DARDANUP - ADMINISTRATION CENTRE EATON, COMMENCING AT 5.00PM.**

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

The Presiding Member to declare the meeting open, welcome those in attendance, refer 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**

2.1 Attendance

2.2 Apologies

2.3 Leave of Absence

**3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

None.

**4 PUBLIC QUESTION TIME**

**5 APPLICATIONS FOR LEAVE OF ABSENCE**

**COUNCIL RESOLUTION**

**THAT ..... be granted leave of absence for the Ordinary Council Meeting to be held on the 28<sup>th</sup> of September 2022.**



## 6 PETITIONS/DEPUTATIONS/PRESENTATIONS

### 6.1 Title: National Emergency Medals presentation

National Emergency Medals are for the purpose of recognizing Australians for their unique contribution and commitment in providing a significant service in response to a declared national emergency.

The 2019-20 bushfires (Black Summer) experienced in the Eastern States were devastating and will long be scarred into our nation's memory. In the midst of the danger and tragedy we witnessed the best of Australia with individuals helping loved ones and strangers alike.

The National Emergency Medal is one of Australia's most prestigious honours that have been awarded to three of the Shire of Dardanup's volunteer fire fighters for their contribution in fighting the NSW bushfires including;

- Tony Jenour - Burekup Bushfire Brigade
- Scott Bradbury - Burekup Bushfire Brigade
- Keith Higham - Wellington Mills Bushfire Brigade

In addition to the National Emergency Medals, is a Bushfire Clasp and a thankyou letter from the Governor General David Hurley.

Shane Fitzsimmons AFSM, Commissioner of Resilience NSW and Chair of the National Emergency Medal Committee, has recorded a special video to acknowledge the efforts of the above volunteers.

Link to Video: <https://m.youtube.com/watch?v=wAxKgZfWkh8>

Commissioner Darren Klemm AFSM thanks these volunteers for representing WA Fire and Emergency Services during this important national deployment.

#### **Description of Medal/ Meaning:**



The Medal is surmounted by a nickel silver suspender bar, which features the Commonwealth Coat of Arms on the front and back.

The front of the Medal has a central image of a flowering wattle, Australia's national flora emblem.

The back of the Medal is engraved with the words "For service to others in a national emergency" and includes the recipient's name.

The ribbon includes bands of eucalyptus green and a metallic gold, symbolising the sun, optimism and hope. The 7 gold bands represent Australia's 6 States and territories.

**7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

7.1 Ordinary Council Meeting Held on the 27<sup>th</sup> of July 2022

**OFFICER RECOMMENDED RESOLUTION**

**THAT the Minutes of the Ordinary Meeting of Council held on the 27<sup>th</sup> of July 2022, be confirmed as true and correct subject to no/the following corrections:**

7.2 Special Council Meeting Held on the 27<sup>th</sup> of July 2022

**OFFICER RECOMMENDED RESOLUTION**

**THAT the Minutes of the Special Meeting of Council held on the 27<sup>th</sup> of July 2022, be confirmed as true and correct subject to no/the following corrections:**

**8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

None.

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

None.

**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 to ask Councillors and Staff if there are any Declarations of Interest to be declared.*

## 12      REPORTS OF OFFICERS AND COMMITTEES

### 12.1   EXECUTIVE REPORTS

#### 12.1.1 Title: Western Australian Local Government Association – 2022 Annual General Meeting and Convention

<i>Reporting Department:</i>	<i>Executive</i>
<i>Reporting Officer:</i>	<i>Mr André Schönfeldt - Chief Executive Officer</i> <i>Ms Maddie Darch - Executive Assistant</i>
<i>Legislation:</i>	<i>Local Government Act 1995</i>
<i>Attachments:</i>	<i>Appendix ORD: 12.1.1A – 2022 WA Local Government Convention Information Brochure</i>  <i>Appendix ORD: 12.1.1B – Annual General Meeting Notice of Meeting</i>  <i>Appendix ORD: 12.1.1C – Risk Assessment Tool</i>

#### **Overview**

The purpose of this report is for Council to consider and ascertain Councillors interest in attending the 2022 Western Australian Local Government Association Convention and the Annual General Meeting.

#### **Background**

Every year the WA Local Government Association (WALGA) holds a state convention to bring all local governments together to participate in sessions of general interest and professional development on specific issues. A copy of the program is attached [Appendix ORD: 12.1.1A]. Held at Crown Perth the convention commences on Sunday the 2<sup>nd</sup> of October 2022 and concludes on Tuesday the 4<sup>th</sup> of October 2022.

A copy of the Notice of Annual General Meeting (AGM) is attached [Appendix ORD: 12.1.1B]. The AGM of WALGA is scheduled to be held on Monday the 3<sup>rd</sup> of October 2022, commencing at 9.00am and concluding at 1pm.

**Legal Implications**      -      None.

#### **Strategic Community Plan**

Strategy 1.2.1 - Provide elected member training and development. (Service Priority: Very High)

**Environment**      -      None.

#### **Precedents**

Each Council is to send two representatives as voting delegates to the AGM. The Shire of Dardanup has in previous years endorsed two delegates for the AGM, who also attend the convention. Other elected members are authorised by Council to attend as a result of this report. The Chief Executive Officer attends the convention.

**Budget Implications**

Council allocates \$10,000 in the annual budget for elected member attendance at the convention and training expenses (GL - 041 1006).

**Budget – Whole of Life Cost** - None.

**Council Policy Compliance**

The following Council policies apply:

CnG CP112 – Councillors’ Induction Training and Professional Development

*Under CP112, Item 4.5 c) – Local Government Week - Local Government Week (Convention) is an annual networking and development opportunity provided by WALGA. This is undertaken in conjunction with the Association’s Annual General Meeting at which the Shire of Dardanup is entitled to have two delegates. It is usual that this will be the President and Deputy President, however this may be passed to another Elected Member (by resolution of Council) when one or both of the President and Deputy President are not in attendance.*

**Risk Assessment**

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to [Appendix ORD: 12.1.1C] for full assessment document.

<b>TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.</b>	
Risk Event	Western Australian Local Government Association – 2022 Convention
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 Council’s reputation may suffer if it is not involved with current issues affecting Local Government as a whole.

**Officer Comment**

Councillors P S Robinson, C N Boyce and T G Gardiner (Proxy) were Council’s delegates for the 2021 AGM. Each attended the Convention together with Councillors S L Gillespie, L W Davies and P R Perks.

Elected members are encouraged to attend the Convention to develop networks and share ideas. Attendance at the AGM as an observer is also recommended to develop an understanding of the role WALGA plays on the Shires behalf and to hear how policy and direction of the sector is developed.

Once the WALGA AGM agenda is prepared in August the Association will refer the agenda to member Councils so that each Council can direct their delegates on how they are to vote at the AGM.

A list of the WA Local Government Association Professional Development Opportunities available during the convention are noted on Page 8 of the conference Information Brochure.

Note the recommendation as below can be changed if Council chooses to add more delegates as observers.

**Council Role** - Executive/Strategic.

**Voting Requirements** - Simple Majority.

**Change to Officer Recommendation**

No Change. **OR:**

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

**OFFICER RECOMMENDED RESOLUTION**

**THAT Council:**

1. **Nominate Cr. \_\_\_\_\_ and Cr. \_\_\_\_\_ as Council's voting delegates to the 2022 WA Local Government Association Annual General Meeting and to attend the Convention.**
  
2. **Authorise Chief Executive Officer, Mr André Schönfeldt,  
Cr. M Bennett  
Cr. T Gardiner  
Cr. P S Robinson,  
Cr. P R Perks,  
Cr. S L Gillespie,  
Cr. \_\_\_\_\_,  
Cr. \_\_\_\_\_,  
Cr. \_\_\_\_\_,  
Cr. \_\_\_\_\_,**

**to attend the Convention and Annual General Meeting as observers.**

**12.1.2 Title: New Delegation – Acquisition of Property**

<i>Reporting Department:</i>	<i>Executive</i>
<i>Reporting Officer:</i>	<i>Mr André Schönfeldt - Chief Executive Officer</i>
<i>Legislation:</i>	<i>Local Government Act 1995</i>
<i>Attachments:</i>	<i>Appendix ORD: 12.1.2 – Risk Assessment Tool</i>

**Overview**

Council are asked to provide delegated authority to the Chief Executive Officer to acquire property in order to expedite land acquisitions for the purposes of public works.

**Background**

The Chief Executive Officer, Director Infrastructure and Director Sustainable Development as sub-delegates, have delegated authority to dispose of property up to the value of \$20,000 under certain conditions, as per Delegation 1.2.30 (Disposal of Property). However, there is no current delegation for acquiring property.

*Local Government Act 1995* S5.43, Subsection (d) does not allow the delegation of acquisition or disposal of property to the Chief Executive Officer for an amount exceeding that determined by the local government.

**Legal Implications**

*Local Government Act 1995*

Sections 5.42, 5.43 and 5.44 of the *Local Government Act 1995* states:

**5.42. Delegation of some powers and duties to CEO**

- (1) *A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —*
- (a) *this Act other than those referred to in section 5.43; or*
  - (b) *the Planning and Development Act 2005 section 214(2), (3) or (5).*

*\* Absolute majority required.*

- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

**5.43. Limits on delegations to CEO<sup>28</sup>**

*A local government cannot delegate to a CEO any of the following powers or duties —*

- (a) *any power or duty that requires a decision of an absolute majority of the council;*
- (b) *accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) *appointing an auditor;*
- (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) *any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) *borrowing money on behalf of the local government;*

- (g) *hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) *the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) *any power or duty that requires the approval of the Minister or the Governor;*
- (i) *such other powers or duties as may be prescribed.*

**5.44. CEO may delegate powers and duties to other employees**

- (1) *A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.*
- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) *This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —*
  - (a) *the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*
  - (b) *the exercise of that power or the discharge of that duty by the CEO's delegate,**are subject to any conditions imposed by the local government on its delegation to the CEO.*
- (4) *Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*
- (5) *In subsections (3) and (4) —*  
**conditions** *includes qualifications, limitations or exceptions.*

The following is provided from the Department of Planning, Lands and Heritage regarding compulsory land acquisition.

*Compulsory land acquisition, appeals and compensation under the Land Administration Act*

*Crown land and freehold in Western Australia can be compulsorily bought back by State or local government and a variety of statutory authorities as stated in Parts 9 and 10 of Land Administration Act 1997 (LAA).*

*The most common reason to compulsorily acquire a piece of land is for a public work or to convert Crown land to freehold.*

*Interest in land may be acquired in one of two ways:*

- *by agreement with the owner/s and all interest holders or*
- *by compulsory taking without the agreement of the owner/interest holders.*

*The LAA requires that where the Minister or a delegate for the "acquiring authority" is directly negotiating the acquisition of an interest in land, the landowner must be informed of the procedures for:*

- *the taking of land and interests in land*
- *payment of purchase moneys*
- *compensation for the interest in land taken*
- *rights relating to the future transactions for interests in land either taken by agreement or compulsorily taken*
- *rights of appeal.*

*Appeals to the Governor*

*A structured right of appeal to the Governor against a decision of the Minister is set out in Part 3 of the Land Administration Act 1997 (LAA). This right of appeal is only available in five specific instances:*



- Forfeiture provisions (Section 35 LAA)
- Abandonment of a pastoral lease (Section 133 LAA)
- Cancellation of easements (Section 145 LAA)
- Setting of purchase price on surplus acquired land being disposed of (Section 190 LAA)
- Removal of unauthorised structures (Section 272 LAA).

### Compensation

All types of land and interests in land, including Native Title rights and interests, can be taken for a public work (a project carried out by the State on behalf of the community, such as the construction of new infrastructure).

However, the procedures for taking (the term used under the Land Administration Act 1997 in lieu of 'resumption' or 'compulsory acquisition'. It relates to the taking or acquisition of interests in land, whether by agreement or compulsion) are different for each type of land affected by a Taking Order.

Where land or interests in land are taken by the registration of a Taking Order, all rights and interests affecting the land are converted into a claim for compensation.

The acquiring authority or proponent is responsible for meeting compensation. The issue of compensation may be taken to the State Administrative Tribunal.

### Legislative Review

Section 51(xxxi) of the Australian Constitution expressly empowers the Federal Parliament to make laws for the acquisition of property. This power extends to any State or individual property in respect of which the Commonwealth Parliament has a law-making function.

The High Court decision of *New South Wales v Commonwealth (1915) 20 CLR 54* held that the sovereignty of each State Parliament empowers it to take or acquire land with or without payment of compensation.

The power vested in this State to take land or interests in land is set out in Part 9 of the LAA and the compensation entitlement of owners of interests in land taken under Part 9 is set out in Part 10 of the LAA.

### **Strategic Community Plan**

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

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

**Environment** - None.

### **Precedents**

The Shire has previously purchased land that has become Road Reserve for the purpose of road widening projects. Recent examples are Pile Road, Crooked Brook Road and Banksia Road.

Council reviews its delegations annually. The full review is due to be carried out in November 2022. It is proposed that this delegation be put in place now so that land acquisitions for capital work projects including Ferguson Road can be commenced under delegation.

### **Budget Implications**

Land acquisitions are included within the budget provisions for individual projects.

**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: 12.1.2] for full assessment document.

<b>TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.</b>					
Risk Event	New Delegation – Acquisition of Property				
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"> <tr> <td>Financial</td> <td>Exceeding allocated budget in land purchase negotiations.</td> </tr> <tr> <td>Legal and Compliance</td> <td>Shire acquisition of land without authority from Council.</td> </tr> </table>	Financial	Exceeding allocated budget in land purchase negotiations.	Legal and Compliance	Shire acquisition of land without authority from Council.
Financial	Exceeding allocated budget in land purchase negotiations.				
Legal and Compliance	Shire acquisition of land without authority from Council.				

**Officer Comment**

The Shire of Dardanup is required to from time to time acquire land to allow for road widening or other public works over land held in private ownership. Whilst individual project budgets make provision for the cost of this acquisition there is no specific delegation that allow officers to undertake these processes. To address this Council is requested to allow a specific delegation to enable the efficient management of these projects.

**Council Role** - Legislative.

**Voting Requirements** - Absolute Majority.

**Change to Officer Recommendation**

No Change. **OR:**

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

**OFFICER RECOMMENDED RESOLUTION**

**THAT Council adopts new Delegation “1.2.46 Acquisition of Property” as follows:**

<b>Delegation</b>	<b>1.2.46 Acquisition of Property</b>
<b>Category</b>	Financial Management
<b>Head of power</b>	01. Local Government Act 1995 02. Land Administration Act 1997

<b>Delegator</b>	Council
<b>Express power to delegate</b>	<p><b>Local Government Act 1995:</b>  s.5.42 Delegation of some powers or duties to the CEO  s.5.43 Limitations on delegations to the Chief Executive Officer</p>
<b>Express power or duty delegated</b>	<p><b>Local Government Act 1995:</b>  s.3.55 Acquisition of Land</p> <p><b>Land Administration Act 1997:</b>  Part 5 – Roads;  Part 9 – Compulsory acquisition of interests in land.  Part 10 – Compensation.</p>
<b>Function</b>	<p><b>Authority to:</b></p> <ul style="list-style-type: none"> <li>• Obtain land for the Shire’s infrastructure (roads, drainage, footpaths etc.).</li> <li>• Road dedications and closures: Action requests to the Minister for Lands to dedicate land as a road and indemnify the Minister against any claims for compensation;</li> <li>• Initiate the public advertising period for the closure of road reserves.</li> <li>• Authorise persons to administer any or all of the above functions.</li> </ul>
<b>Delegates</b>	CEO
<b>Conditions</b>	<p><b>(Authorisation 1):</b> Obtain land for the Shire’s infrastructure:</p> <ul style="list-style-type: none"> <li>• All land taking to be based on sound engineering principles, taking into account existing and future road and drainage systems;</li> <li>• Compensation for the resumption of private land shall be based initially on an independent valuation obtained from a licensed valuer;</li> <li>• Compensation to a maximum of \$25,000 and within the confines of relevant budget allowances may be negotiated without referral to Council;</li> <li>• Landowners are to enter into Consent to Taking by Agreement for the land to be resumed and agreeing to the compensation amount and any other special conditions;</li> <li>• No payment of compensation is to be paid for the land resumption until a caveat has been placed on title registering the Shire’s interest or the final deposited plan is lodged in order for dealings.</li> </ul> <p><b>(Authorisation 2):</b> Road dedications and closures. Requests to dedicate land as a road reserve shall comply with the following conditions:</p> <ul style="list-style-type: none"> <li>• Land is being used as part of an existing road or right of way; and</li> <li>• Land is to be acquired for road widening as part of a land resumption process.</li> <li>• Initiation of the public advertising for road closure shall only be actioned where it is identified that the road or right of way is surplus to current requirements and is not required as part of the future planning and development of an area.</li> <li>• Council to make the final decision on a road closure request following the advertising period, irrespective of whether submissions have been received.</li> </ul>

<b>Express power to subdelegate</b>	<b>Local Government Act 1995:</b> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Deputy CEO Director Infrastructure Director Sustainable Development
<b>Subdelegate conditions</b>	Nil
<b>Statutory framework</b>	<b>Local Government Act 1995:</b> s.3.55 Acquisition of Property  <b>Land Administration Act 1997:</b> Part 5 – Roads; Part 9 – Compulsory acquisition of interests in land. Part 10 – Compensation.
<b>Policy</b>	Nil
<b>Record keeping</b>	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
<b>Date adopted</b>	24 August 2022
<b>Adoption references</b>	Adopted by Council at the Shire of Dardanup OCM held 24 August 2022 by resolution [TBA]
<b>Last reviewed</b>	24 August 2022

*By Absolute Majority*

## 12.2 SUSTAINABLE DEVELOPMENT DIRECTORATE REPORTS

### 12.2.1 Title: Request for Tender RFT F0296923 Eaton Junior Football and Cricket Club Pavilion and Change Rooms

<i>Reporting Department:</i>	<i>Sustainable Development Directorate</i>
<i>Reporting Officer:</i>	<i>Mr James Reilly - Project Engineer</i> <i>Mr Allan Hutcheon - Procurement Officer</i>
<i>Legislation:</i>	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i>
<i>Attachments:</i>	<i>Item 12.2.1 Confidential Attachment <u>RFT-R1260595</u> - Evaluation Panel Report circulated as separate confidential attachment as per s.5.23(2)(e)(ii)(iii)</i>  <i>Item 12.2.1 Confidential Attachment <u>RFT-R1252397</u> - Kilmore Pty Ltd T/A Timberbuilt Submission</i>  <i>Item 12.2.1 Confidential Attachment <u>RFT-R1252399</u> - Hacer Pty Ltd T/A Smith Constructions submission</i>  <i>Item 12.2.1 Confidential Attachment <u>RFT-R1252401</u> - Geared Construction Pty Ltd submission</i>  <i>Item 12.2.1 Confidential Attachment <u>OCM-R1262349</u> – Tender Clarifications</i>  <i>Appendix ORD: 12.2.1 – Risk Assessment Tool</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.

#### **Overview**

This report provides Council with the results of the evaluation of the tender received for RFT- F0296923 for the construction of the Eaton Junior Football and Cricket Club Pavilion and Change Rooms, and recommends that Council award a contract for this service to the preferred respondent.

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

#### **Background**

At the 27<sup>th</sup> of April 2022 Ordinary Council Meeting Council resolved (Res: 90-22):

*“That Council:*

1. *Approves the replacement of the storage shed adjacent to the R & J Fishwick Pavilion (Pratt Road Clubrooms) subject to:*

- a) Eaton Junior Football Club receiving the necessary planning and building approvals;
- b) Eaton Junior Football Club funding the whole project through the South West Development Grant;
- c) Eaton Junior Football Club providing the required Works Health & Safety documentation prior to works commencing with notification of when site works are to commence; and
- d) A final inspection of the works to be conducted by the Shire following completion of the installation to ensure the works meet the required safety and building standards.
2. Provides an Advice Note with the Planning and Building Approvals to alert the Eaton Junior Football Club of the risk of flood damage resulting from development in a floodway, and that the Shire of Dardanup will not be liable for any damage incurred to the shed contents.
  3. Supports the proposed change in location as provided for in Appendices [Appendix ORD: 12.4.3D], subject to agreement on the revised R & J Fishwick Pavilion Concept Plan.
  4. Acknowledges the efforts of the Eaton Junior Football club in seeking and securing external funding for the project.
  5. Endorses the revised Concept Plans of the proposed new Eaton Oval Clubrooms.
  6. Requests the Chief Executive Officer to call for a Design and Construct Tender for the Eaton Junior Football Club.
  7. Authorises the Chief Executive Officer to terminate the current Lease Agreement and to negotiate and sign a new lease with the Eaton Junior Football Club based on the Shire of Dardanup new Draft Template Lease Terms and Conditions.”

The Shire undertook a publically advertised RFT process to appoint a suitable Contractor for RFT-F0296923 Eaton Junior Football and Cricket Club Pavilion and Change Rooms. The close date for the RFT was the 22<sup>nd</sup> of July 2022 14:00 AWST. At the close date and time, three (3) Tender submissions were received.

TENDER DETAILS		
<b>RFT Number:</b>	RFT-F0296923	
<b>RFT Title:</b>	Eaton Junior Football and Cricket Club Pavilion and Change Rooms	
<b>Recommended Respondent:</b>	Kilmore Group T/A Timberbuilt Australia	
<b>Contract Term:</b>	Initial:	10 months
	Extension Options:	Not Applicable
	Defects Liability Period:	12 Months
<b>Cost:</b>	Provided in [Item 12.2.1 Confidential Attachment RFT-R1260595 - Evaluation Panel Report]	
<b>Tender Deadline:</b>	22 July 2022	14:00AWST
<b>Tender Opening:</b>	22 July 2022	14:00AWST
<b>Advertising:</b>	West Australian	11 June 2022
	South Western Times	16 June 2022
<b>Tender Observers:</b>	Four Shire of Dardanup Employees were present. Nil members of the public were present.	

CONTRACT	
<b>Commencement Date of New Contract:</b>	On signing
<b>Completion Date of New Contract:</b>	Expected 30 June 2023
<b>Estimated value of New Contract:</b>	\$1,972,339.00 (excluding GST)
<b>Price Basis of New Contract:</b>	Fixed Price Lump Sum

### **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*:

18. *Rejecting and accepting tenders*

- (1) *A tender is required to be rejected unless it is submitted at a place, and within the time, specified in the invitation for tenders.*
- (2) *A tender that is submitted at a place, and within the time, specified in the invitation for tenders but that fails to comply with any other requirement specified in the invitation may be rejected without considering the merits of the tender.*
- (3) *If, under regulation 23(4), the CEO has prepared a list of acceptable tenderers for the supply of goods or services, a tender submitted by a person who is not listed as an acceptable tenderer is to be rejected.*
- (4) *Tenders that have not been rejected under subregulation (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.*

### **Strategic Community Plan**

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

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

### **Environment**

The Project will affect the environment through the acquisition of Building materials, consumption of fuels and deposit of project wastes. As the proposal is to construct the building primarily from pre-fabricated engineered timber the potential impacts on the environment are expected to be significantly better than what could be achieved through traditional brick and mortar construction methodologies.

### **Precedents**

The Shire of Dardanup has previously entered into Design and Construct contracts for the Eaton Bowling Club and the Dardanup Centrals Waterloo Bush Fire Brigades Buildings.

### **Budget Implications**

<b>Account Number:</b>	J11607
<b>Budget Item:</b>	Construction-Fishwick Pavilion
<b>Budget Amount:</b>	\$2,100,000
<b>Amount Spent to Date:</b>	\$Nil
<b>Balance:</b>	\$2,100,000 (Ex GST) + Shire PM costs
<b>Proposed Cost:</b>	\$1,990,089.00 + \$10,000 Shire PM costs
<b>Remaining Budget:</b>	\$127,661

The estimated project cost was \$3,2million based on QS costs in August 2021. The project with the H+H design submitted as part of the grant application was for a building of 536m<sup>2</sup>. The project was redesigned for a building of 493m<sup>2</sup>, and the design was endorsed by Council on the 27<sup>th</sup> of April 2022 and proceeded to tender. With the recent awarded Wells Change room tender, the project was expected to be within \$2.1million. The Building Asset Management Plan was therefore adjusted to reflect total project expenditure of \$2.1million with \$0.7million being from grant funding. An amount of \$68,256.06 was expended in the last financial year for design works and is in addition to the project budget of \$2.1million.

In addition to the Contract price and in accordance with Councils recently adopted Capital Works Policy CnG CP306, the Shire Staff costs associated with the project management of this Project are to be capitalised and costed against this Project. This is anticipated to be in the order of \$10,000.

The proposal does not currently make provision for any significant upgrades that may be required to utility services such as water, sewerage and electricity, however Timberbuilt have allocated a Provisional Sum allowance of \$50,000.00 (excluding GST) in their submission. Officers recommend that Council acknowledge the potential of additional expenditure being incurred if the provisional sum allowance is insufficient to upgrade the provision of services and authorise the Chief Executive Officer to incur such expenditure in addition to the Contract costs.

**Budget – Whole of Life Cost**

Operations and maintenance cost is estimated at 2% pa of the value of the project, or \$39,447 pa to be carried partly by the club and partly by the Shire as agreed by the lease agreement.

The renewal cost is expressed as an annual average figure and is estimated at 2.5% similar to other club rooms /change rooms in the Shire, or \$49,308 pa. This will be the Council as the owner’s responsibility.

**Council Policy Compliance**

- CnG CP034 Procurement Policy;
- PR045 Procurement Procedure; and
- CNG CP306 Accounting Policy for Capital Works 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: 12.2.1] for full assessment document.

<b>Tier 1 – No discernible Inherent Risk has been identified (no Risk Theme or Consequence).</b>	
Risk Event	Request for Tender RFT F0296923 Eaton Junior Football and Cricket Club Pavilion and Change Rooms
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 Out of Scope Items that is unforeseen can increase the expenditure over the allocated budget Service Interruption Risk that the construction of the new change rooms will impact how clubs can operate on the reserve while construction is occurring.



Tier 1 – No discernible Inherent Risk has been identified (no Risk Theme or Consequence).		
	Reputational	Risk to the Shires reputation if the construction runs over time and budget.

### ***Officer Comment***

#### Tender Submissions

Three (3) Tenders were received;

- Hacer Pty Ltd T/A Smith Constructions  
[Item 12.2.1 Confidential Attachment [RFT-R1252399](#)]
- Kilmore Group Pty Ltd T/A Timberbuilt Australia  
[Item 12.2.1 Confidential Attachment [RFT-R1252397](#)]
- Geared Construction Pty Ltd  
[Item 12.2.1 Confidential Attachment [RFT-R1252401](#)]

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

#### Evaluation Panel

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

- Allan Hutcheon - Procurement Officer/Tender Evaluation Chair
- Susan Oosthuizen - Director Sustainable Development
- Nathan Ryder - Manager Infrastructure Planning & Design
- Bradley Batrick - Senior Design Officer
- James Reilly – Project Engineer

#### 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. This evidences the probity and integrity considerations within the process.

The Panel have compiled an Evaluation Panel Report [Item 12.2.1 Confidential Attachment [RFT-R1260595](#)] 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 Tender

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

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"> <li>• Local Economic Benefit</li> <li>• Purchasing from Disability Enterprises</li> <li>• Purchasing from Aboriginal Businesses</li> <li>• Purchasing from Environmentally Sustainable Business</li> </ul>	5%
(b) Price	50%
(c) Relevant Experience, Skills and Key Personnel	20%
(d) Demonstrated Understand and Resources	25%
<b>TOTAL</b>	<b>100%</b>

### Evaluation Justification

Based on the evaluation of the received submissions and subsequent compliance assessments, the Evaluation Panel recommends the tender from Kilmore Group Pty Ltd T/A Timberbuilt Australia be accepted at the estimated Contract Value and Contract term provided.

In determining Kilmore Group Pty Ltd T/A Timberbuilt Australia as the preferred Contractor, officers have undertaken the following Due Diligence checks:

DUE DILIGENCE CHECKS	YES/NO
<p>Has the recommended Tenderer(s) undergone Reference Checks successfully?</p> <p>Note: As part of the Compliance criteria (References) the Tenderer provided references as part of its submission. It is also noted, that the preferred Tenderers is currently working on the Wells Reserve Change Rooms.</p>	YES
<p>Has the recommended Tenderer(s) undergone Financial Viability assessment and been deemed acceptable?</p> <p>Note: As part of the Compliance criteria (Financial Position) the Tenderer provided ASIC information, Trading Statements, Income Statement, Notes to the Financial Statements, Directors Declaration and contacts details for their Accountant as part of its submission.</p>	YES
<p>Was a Conflict of Interest declared? If yes, please specify how it was managed?</p> <p>Note: Discussed in the evaluation meeting and agreed by the panel that minor in nature. Further detail in the Evaluation report.</p>	YES
<p>Has the recommended Tenderer(s) undergone Occupational Safety and Health assessment and been deemed acceptable?</p>	YES

The evaluation panel requested tender clarifications of the tenders received, these clarifications are attached for further consideration by Council [Item 12.2.1 Confidential Attachment [OCM-R1262349](#) – Tender Clarifications].

The Evaluation Panel therefore recommends that the contract for the Eaton Junior Football and Cricket Club Pavilion and Change Rooms be awarded to Kilmore Group Pty Ltd T/A Timberbuilt Australia at the price listed in [Item 12.2.1 Confidential Attachment [RFT-R1252397](#)] at a total estimated contract cost provided in the confidential document.

**Council Role** - Executive/Strategic.

**Voting Requirements** - Absolute Majority.

**Change to Officer Recommendation**

No Change. **OR:**

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

**OFFICER RECOMMENDED RESOLUTION**

**THAT Council:**

1. **Accepts the tender submission for RFT-F0296923 Eaton Junior Football and Cricket Club Pavilion and Change Rooms as advertised and recorded in the Tenders Register, received from Kilmore Pty Ltd T/A Timberbuilt Australia, as named in the Evaluation Panel Recommendation Report detailed in [Item 12.2.1 Confidential Attachment RFT-R1260595] as the most advantageous, for a lump sum value of \$1,990,089.00 (excluding GST).**
2. **Delegates, by Absolute Majority, in accordance with section 5.42 of the *Local Government Act 1995*, authority to the Chief Executive Officer to negotiate minor variations to the contract for RFT-F0296923/2022 Eaton Junior Football and Cricket Club Pavilion and Change Rooms as advertised and recorded in the Tenders Register:**
  - a) **Minor variations before entry into the contract, in accordance with Regulation 20 of the *Local Government (Functions and General) Regulations 1996*, including minor variations to the scope to reduce the overall cost of the contract.**
  - b) **Variations, after the contract has been entered into, limited to variations which do not change the scope of the contract and which do not increase the contract value beyond 5%, in accordance with Regulation 21A of the *Local Government (Functions and General) Regulations 1996*.**
  - c) **Exercise the contract extension options as approved in Part 1 above, in accordance with Regulations 11(2)(j) and 21A of the *Local Government (Functions and General) Regulations 1996*.**
3. **If within 3 months of this resolution a contract is unable to be formed for RFT-F0296923/2022 Eaton Junior Football and Cricket Club Pavilion and Change Rooms, then the matter is to be reconsidered by Council.**
4. **Authorises the Chief Executive Officer in accordance with section 9.49A(4) of the *Local Government Act 1995*, to execute the contract for awarding RFT-F0296923/2022 for the Eaton Junior Football and Cricket Club Pavilion and Change Rooms as advertised and recorded in the Tenders Register.**

*By Absolute Majority*

## 12.3 INFRASTRUCTURE DIRECTORATE REPORTS

### 12.3.1 Title: RFT F0295808 Dardanup Civic Precinct Landscaping

<i>Reporting Department:</i>	<i>Infrastructure Directorate</i>
<i>Reporting Officer:</i>	<i>Mr Jason Gick – Manager Operations</i> <i>Mr Allan Hutcheon - Procurement Officer</i>
<i>Legislation:</i>	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i>
<i>Attachments:</i>	<i>Item 12.3.1 Confidential Attachment [RFT-R1259841] - Evaluation Panel Report circulated as separate confidential attachment as per s.5.23(2)(e)(ii)(iii)</i>  <i>Item 12.3.1 Confidential Attachment [RFT-R1261964] - Schedule of Rates circulated as separate confidential attachment as per s.5.23(2)(e)(ii)(iii)</i>  <i>Appendix ORD: 12.3.1 – Risk Assessment Tool</i>

#### **Overview**

This report provides Council with the results of the evaluation of tenders for RFT – F0295808 Dardanup Civic Precinct Landscaping – as advertised and recorded in the Tenders Register, and recommends that Council award a contract for this service to the preferred Tenderer.

The Tender Evaluation Panel, in isolation, cannot recommend the appointment of the tenderer as its price alone greatly exceeds available budget. The Panel, however, acknowledges that the preferred Tenderer would be able to deliver a quality product to the design and specifications. The Panel's recommendation is therefore limited to advising that the preferred Tenderer is capable notwithstanding the significant budget constraints.

Separate to the Tender Evaluation Panel, an officer working group has analysed the tenderers price schedule and accepts that the tender bid offers value for money on the majority of the bid. There are some elements of the bid that could potentially be omitted, reduced or delivered internally that do offer Council opportunity for cost savings.

This Council report has been prepared to discuss options on the project delivery, and to recommend a way forward for Council to decide whether this project proceeds in full (subject to additional funds), proceeds with a modified scope (whilst maintain the grant obligations) or does not proceed due to budget constraints.

#### **Background**

The Shire went to market with an open Request for Tender for the Dardanup Civic Precinct Landscaping project. This is would be a new contract for services as no current contracts exist.

TENDER DETAILS		
RFT Number	RFT – F0295808	
RFT Title	Dardanup Civic Precinct Landscaping	
Recommended Tenderer	Sanpoint Pty Ltd T/A LD Total	
Contract Term	Initial:	Four months
	Extension Options:	Not Applicable

TENDER DETAILS		
	Defects Liability Period:	12 months
Tendered Rates/Cost	Provided in Item 12.3.1 Confidential Attachment [RFT-R1259841]	
Advertising:	09 July 2022	West Australian
	14 July 2022	South Western Times
Tender Deadline:	25 July 2022	14:00AWST
Tender Opening:	25 July 2022	14:10AWST
Tender Observers:	Two Shire of Dardanup Employees were present	
	Nil members of the public were present	

CONTRACT	
Commencement Date of New Contract:	To be advised
Completion Date of New Contract:	To be advised
Estimated value of New Contract:	Project Works \$430,774 (excl. GST) Play trail Option 1 \$83,837 (excl. GST) Play trail Option 2 \$59,619 (excl. GST)
Price Basis of New Contract:	Fixed Price Lump Sum

### **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*:

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

*Tenders that have not been rejected under subregulation (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.*

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

*The local government may decline to accept any tender.*

*Amend the budget allocation, if applicable [s.6.2]*

### **Strategic Community Plan**

Strategy 1.3.3 - Maximise Shire grant funding received by the Shire. (Service Priority: Flagship)

Strategy 2.5.1 - Develop, review and implement Townscape Plans. (Service Priority: High)

Strategy 3.1.1 - To foster Creativity in the community through our public spaces and urban environment. (Service Priority: High)

Strategy 4.2.3 - Foster and promote the Ferguson Valley as a tourism destination. (Service Priority: Very High)

Strategy 5.1.5 - Provide a series of interconnected walkways, pathways and cycle ways that meets community needs and expectations. (Service Priority: High)

### **Environment**

Delivery of a landscaped and turfed Dardanup Civic Precinct will permanently increase water consumption to maintain the new plantings and new turf areas. The quantity of water required is unknown and will need to be fine-tuned over time to ensure a good balance of plant and turf health and rationalising ground water consumption.

As a separate exercise, Officers are investigating the global ground water allocations across the whole Shire. The objective of that exercise is to rationalise existing water allocations across multiple bores, to ensure ground water quantities and ground water quality meets the Shires open space demands.

### **Precedents**

The Shire has undertaken projects of a similar nature previously, although this project is more complex than routine landscaping or playground renewal projects.

### **Budget Implications**

<b>Account Number:</b>	J11653
<b>Budget Item:</b>	Dardanup Civil Precinct
<b>Budget Amount:</b>	\$239,849 (excl. GST)
<b>Amount Spent to Date:</b>	\$1,412 (excl. GST)
<b>Proposed Cost:</b>	Project Work: \$430,774 (excl. GST) Play trail Option 1: \$ 83,837 (excl. GST) Play trail Option 2: \$ 59,619 (excl. GST)
<b>Balance:</b>	Project Work only: -\$192,337 (excl. GST) (over budget) Project and Option 1: -\$276,174 (excl. GST) (over budget) Project and Option 2: -\$251,956 (excl. GST) (over budget)

The recommendation includes transferring funds to J11653 from the Parks and Reserve Upgrade Reserve Fund.

The recommendation includes transferring funds from J05026 – Dardanup Central BFB carpark (\$205,839) which is funded from the Building Reserve.

### **Budget – Whole of Life Cost**

This project will create new Council assets, including paths, street furniture, drainage and play equipment, which will all need to be maintained and renewed in the future. No calculations have been prepared to demonstrate the whole of life costs of these assets.

### **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: 12.3.1A] for full assessment document.

<b>Tier 3 – ‘High’ or ‘Extreme’ Inherent Risk.</b>	
Risk Event	RFT F0295808 – Dardanup Civic Precinct
Inherent Risk Rating (prior to treatment or control)	High (12 - 19)
Risk Action Plan (treatment or controls proposed)	<ul style="list-style-type: none"> <li>• Provide additional funding;</li> <li>• Obtain an Extension of Time (EoT) from the RAC</li> </ul>

Tier 3 – ‘High’ or ‘Extreme’ Inherent Risk.		
	<ul style="list-style-type: none"> <li>• Work collaboratively with contractor to find cost savings;</li> <li>• Review play space design outcomes and deliver a lower scope facility.</li> </ul>	
Residual Risk Rating (after treatment or controls)		
Risk Category Assessed Against	Health	On site injury risk
	Financial	Council does not support the project funding required
	Reputational	Project is not delivered or is delivered to a less quality contrary to community expectations
	Environment	Water allocation is insufficient to sustain the site to a high quality in the future

The risk identified for this project are HIGH and the treatments required to mitigate these risks to Moderate or Minor require a consolidated commitment from Council, the Executive, the Project Management team and the Contractor, to ensure the grant funding obligations are met and to ensure the project is delivered to a high quality.

**Officer Comment on Tender Process**

Tender Submissions

One Tender submission was received, including alternative and non-conforming Tenders: -

- Sanpoint Pty Ltd T/A LD Total

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/Tender Evaluation Chair
- Jason Gick – Manager Operations
- Nathan Ryder - Manager Infrastructure Planning and Design
- Belinda Van Vuuren – Project Officer

Probity Oversight

Process and probity advice during evaluation was provided by the Procurement Officer who also acted as Tender Evaluation 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 recommendations are detailed in the Officer Recommendation of this report.

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"> <li>• Local Economic Benefit</li> <li>• Purchasing from Disability Enterprises</li> <li>• Purchasing from Aboriginal Businesses</li> <li>• Purchasing from Environmentally Sustainable Business</li> </ul>	5%
(f) Tendered Price	50%
(g) Relevant Experience, Skills and Key Personnel	20%
(h) Demonstrated Understanding and Resources	25%
<b>TOTAL</b>	<b>100%</b>

### Evaluation Justification

The Tender Evaluation Panel has not recommended the appointment of Sanpoint Pty Ltd T/A LD Total as it recognises that the bid greatly exceeds budget.

The submission provided by the Respondent performed well across all of the aspects and was a complete and detailed representation of the services offered.

The WHS check was performed at part of the RFT compliance criteria. All other due diligence checks have not been completed. But, should the Tender be award the Officer's will carry out these checks.

DUE DILIGENCE CHECKS	YES/NO
Has the recommended Tenderer(s) undergone Reference Checks successfully?	NO
Has the recommended Tenderer(s) undergone Financial Viability assessment and been deemed acceptable?	NO
Was a Conflict of Interest declared? If yes, please specify how it was managed?	NO
Has the recommended Tenderer(s) undergone Work, Health and Safety (WHS) assessment and been deemed acceptable?	YES

Separate to the Evaluation Panel, it is recommended that Council explores options to appropriately fund J11653 Dardanup Civic Precinct, to allow it to appoint Sanpoint Pty Ltd T/A LD Total, if Council can afford the bid.



### **Officer Comment on Project Options and Feasibility**

The RFT process attracted one tenderer, whose capability and capacity is recognised by the Tender Evaluation Panel as being able to deliver the project. The tendered price however, greatly exceeds the current budget. The decision to appoint the preferred tenderer must be made by Council, on the basis of clearly documented expectations, and a clear funding path forward.

The constraints on this projects are budgetary, timeline and quality:

#### **Budget**

- The tendered price is \$192,337 over budget with no provision for a play space;
- The tendered price is \$276,174 over budget if Option 1 play space is adopted;
- The tendered price is \$251,956 over budget if Option 2 play space is adopted;
- The grant funding of \$125,000 is dependent on the delivery of nominated works;

#### **Timeline**

- The grant funding agreement stipulates a project completion date of October 2022;
- Timeline – a delay of the project delivery into December could compromise a scheduled event;

#### **Quality**

- The Council adopted the Landscape Concept Plan on which the design drawings are based (Res: 291-21).
- The design drawings provide a complete package of works for the entire site with detailed interfaces to adjoining land.
- The design drawings meet the grant providers 'non-negotiables':
  - Installation of a new community open space, including large open area, pedestrian pathway, nature-based play trail, and public seating;
  - Installation of an outdoor art gallery co-created with the community;
  - Greening and landscaping incorporated into the new community space, including turf, installation of six mature trees and planting areas; and
  - Delivery of a program of events to support use of the new community space, to be undertaken independently of the RAC Reconnect WA funding.
- Ensure on-site drainage does not negatively affect Carramar Park;
- Review the need to supply either Option 1 or Option 2 play spaces against the need to provide a 'nature-based play trail'. Can it be done using simpler materials such as logs and rocks?
- Ensure on-site plantings are maintained to a healthy standard over the summer period.

Given these project constraints, the following options are available to Council, with a brief table explaining the advantages and disadvantages of each option:

**Option 1 – Reject the tender and cancel the project**

ADVANTAGES	DISADVANTAGES
<ul style="list-style-type: none"> <li>- Budget windfall</li> <li>- Ground water allocation unaffected</li> <li>- Opportunity to re-scope and re-budget</li> </ul>	<ul style="list-style-type: none"> <li>- Project does not get delivered</li> <li>- Grant funding to be returned and cancelled</li> <li>- Community dissatisfaction and unmet expectations</li> <li>- Reputational damage</li> </ul>

**Option 2 – Reject the tender and deliver the project in-house**

ADVANTAGES	DISADVANTAGES
<ul style="list-style-type: none"> <li>- Staff development opportunities</li> <li>- Shire ownership of final product</li> </ul>	<ul style="list-style-type: none"> <li>- Internal delivery model not prepared</li> <li>- Other Capital Works will suffer</li> <li>- Unknown costings</li> <li>- High risk of time overruns</li> <li>- High risk of external interference</li> <li>- High risk of supply line problems</li> <li>- Ground water allocation affected</li> <li>- Reputational damage</li> </ul>

**Option 3 – Reject the tender and re-tender the project**

ADVANTAGES	DISADVANTAGES
<ul style="list-style-type: none"> <li>- May attract additional tenderers</li> <li>- May attract more competitive pricing</li> <li>- Will confirm market value(s)</li> <li>- Opportunity to re-scope the design elements</li> <li>- Ground water allocation unaffected</li> </ul>	<ul style="list-style-type: none"> <li>- Definite time overruns</li> <li>- Grant provider may not approve</li> <li>- May not attract more tenderers</li> <li>- May not attract more competitive pricing</li> <li>- Reputational damage</li> </ul>

**Option 4 – Accept the tender in full with Option 1 play space and increase the budget**

ADVANTAGES	DISADVANTAGES
<ul style="list-style-type: none"> <li>- Deliver the project to scope and specification</li> <li>- Deliver a good quality product</li> <li>- Provides for defects liability</li> <li>- Provides for a 2-year maintenance period</li> </ul>	<ul style="list-style-type: none"> <li>- \$276,174 over budget</li> <li>- Slight time overrun</li> <li>- Ground water allocation affected</li> </ul>

**Option 5 – Accept the tender in full with Option 2 play space and increase the budget**

ADVANTAGES	DISADVANTAGES
<ul style="list-style-type: none"> <li>- Deliver the project to scope and specification</li> <li>- Deliver a good quality product</li> <li>- Provides for defects liability</li> <li>- Provides for a 2-year maintenance period</li> </ul>	<ul style="list-style-type: none"> <li>- \$251,956 over budget</li> <li>- Slight time overrun</li> <li>- Ground water allocation affected</li> </ul>

**Option 6 – Accept the tender for works only with no play space option and increase the budget**

ADVANTAGES	DISADVANTAGES
<ul style="list-style-type: none"> <li>- Deliver most of the project to scope and specification</li> <li>- Deliver a good quality product</li> <li>- Provides for defects liability</li> <li>- Provides for a 2-year maintenance period</li> </ul>	<ul style="list-style-type: none"> <li>- \$192,337 over budget</li> <li>- Slight time overrun</li> <li>- Ground water allocation affected</li> <li>- Does not meet one of the grant funding criteria (fatal flaw)</li> </ul>

**Option 7 – Accept the tender for works only, deliver a lesser play space and increase budget**

ADVANTAGES	DISADVANTAGES
<ul style="list-style-type: none"> <li>- Deliver most of the project to scope and specification</li> <li>- Deliver a good quality product</li> <li>- Provides for defects liability</li> <li>- Provides for a 2-year maintenance period</li> <li>- Re-use of logs and rocks from Shire sites</li> </ul>	<ul style="list-style-type: none"> <li>- \$192,337* over budget</li> <li>- Slight time overrun</li> <li>- Ground water allocation affected</li> <li>- *Lesser play space un-scoped and un-costed</li> </ul>

**Option 8 – Reduce the scope of works to fit the available budget**

ADVANTAGES	DISADVANTAGES
<ul style="list-style-type: none"> <li>- Project stays within budget</li> <li>- Provides access to the space</li> </ul>	<ul style="list-style-type: none"> <li>- Product may not meet grant provider obligations</li> <li>- Product will be visually compromised</li> <li>- Scale of re-scoping will not fit RFT request – contractor could pull out</li> <li>- Ground water allocation affected</li> <li>- Community dissatisfaction and unmet expectations</li> <li>- Reputational damage</li> </ul>

**Option 9 – Return grant funds and reduce the scope of works to fit the balance of available funds**

ADVANTAGES	DISADVANTAGES
<ul style="list-style-type: none"> <li>- Project stays within budget</li> <li>- Provides access to the space</li> <li>- Grant obligations become moot</li> </ul>	<ul style="list-style-type: none"> <li>- Product will be visually compromised</li> <li>- Scale of re-scoping will not fit RFT request – contractor could pull out</li> <li>- Ground water allocation affected</li> <li>- Community dissatisfaction and unmet expectations</li> <li>- Reputational damage</li> </ul>

**Option 10 – Return grant funds, reject the tender, re-design the space and start again**

ADVANTAGES	DISADVANTAGES
<ul style="list-style-type: none"> <li>- Budget windfall</li> <li>- Ground water allocation unaffected</li> <li>- Opportunity to re-scope and re-budget</li> <li>- Project commitment can be made for a future year</li> </ul>	<ul style="list-style-type: none"> <li>- Project does not get delivered in 2022/23</li> <li>- Grant funding to be returned and cancelled</li> <li>- Inclusion in future year affects LTFP structure</li> <li>- Community dissatisfaction and unmet expectations</li> <li>- Reputational damage</li> </ul>

These Options provide a wide range of opportunities to progress, modify or terminate the project, based on budget, timeline and quality criteria. The following table provides a summary of options that allows the project to be delivered, meeting the grant providers funding criteria:

OPTION	DESCRIPTION	2022/23 BUDGET	GRANT FUNDING TIMELINE	GRANT PROJECT QUALITY	COMMENT
0	Do Nothing	\$114,849 saving	Fail	Fail	Does not meet criteria
1	Reject the tender and cancel the project	\$114,849 saving	Neutral	Fail	Does not meet criteria
2	Reject the tender and deliver the project in-house	Unknown	Fail	Risky	Procurement delays External interference

OPTION	DESCRIPTION	2022/23 BUDGET	GRANT FUNDING TIMELINE	GRANT PROJECT QUALITY	COMMENT
3	Reject the tender and re-tender the project	Unknown	Fail	Neutral	Does not meet timelines
4	Accept the tender in full with Option 1 play space and increase the budget	\$276,174 overspend	Slight overrun	Meets criteria	Most expensive option
5	Accept the tender in full with Option 2 play space and increase the budget	\$251,956 overspend	Slight overrun	Meets criteria	Second most expensive option
6	Accept the tender for works only with no play space option and increase the budget	\$192,337 overspend	Slight overrun	Fail	Does not meet criteria
7	Accept the tender for works only, deliver a lesser play space and increase budget	\$192,337 overspend Additional funds needed	Slight overrun	Meets criteria	Lesser play space not costed or designed
8	Reduce the scope of works to fit the available budget	Neutral	Slight overrun	Unlikely to meet criteria	This is effectively a new project and will fail to meet time and quality criteria
9	Return grant funds and reduce the scope of works to fit the balance of available funds	Neutral	Neutral	Neutral	This is effectively a new project with no grant funding obligation
10	Return grant funds, reject the tender, re-design the space and start again	\$114,849 saving	Fail	Fail	This is effectively a new project for a future year, with no grant funding obligation

From this Options snap shot it becomes clear that it is not possible to meet all budget, timeline and quality criteria within the grant funding obligation framework. If the project delivery departs from the grant funding obligations (e.g. Option 9), then the risk of community dissatisfaction rises as the quality of the project will be minimal.

Assuming the Council wishes to proceed with the project (Res: 291-21) **AND** wishes to meet the grant funding obligations (Res: 422-21) there are three delivery Options that can achieve this (Option 4, Option 5 and Option 7), all of which require additional budget, as tabled below:

OPTION	COST (EXCL. GST)	ADDITIONAL FUNDS REQUIRED	COMMENT
4	\$430,774 + \$83,837 = <b>\$514,611</b>	\$276,174	Works + Play Option 1
5	\$430,774 + \$59,619 = <b>\$490,393</b>	\$251,956	Works + Play Option 2
7	\$430,774 + \$25,000 = <b>\$455,774</b>	\$215,925	Works + Lesser Play Option Estimated at, say, \$25,000

Depending on Councils preferred project deliverables, additional funds of \$216,000 to \$276,000 will be required. Option 7 (works with a lesser play option) is the cheapest of these options.

## Funding Options

There are several options available to Council to increase the funding for this project:

- Increased external funding;
- Loans;
- Top up from reserves; or
- Re-assignment of funds from other Capital Works projects.

Increasing the external funding from the grant provider is not a feasible option as this project already attracts the greatest amount available under the Reconnecting Communities program. The question of additional funding has already been posed and is not available.

Increasing external funding under another suitable grants program is possible, but it will take time, which will cause the project to be delivered well beyond the funding deadline.

Taking out a loan will require a more considered approach from Council, including the impacts on the LTFP and future budgets. Taking out a loan will take time which will cause the project to be delivered beyond the funding deadline.

Topping up the project from reserves is considered to be the most feasible option for Council, however there are insufficient available funds within the Parks and Reserves Upgrade Reserve. Therefore funding would have to be reallocated from an existing project to fund this additional expenditure.

Reassigning funds from other Capital Works projects can occur with an absolute majority of Council. The Council has previously re-assigned funds from capital works projects to bolster the funds available for a preferred project, whilst deferring another.

Project J05026 – Dardanup Central BFB carpark, is the closest in value (\$205,839) to the additional funds required (\$215,925). J05026 has previously been market costed through an RFT. This project is identified as it is somewhat similar in nature and has experienced similar procurement issues (Res: 18-22).

Officers have been exploring options to deliver a smaller carpark between the new BFB building and the sports building, (depicted in yellow below) to suit the available budget. Whilst this arrangement will partially complete the space, the existing bitumen carpark and access road, depicted in red, will remain incomplete.



As such, there is merit in transferring the entire funds from J05026 to J11653 (Dardanup Civic Precinct), and topping up the funds for J05026 (Dardanup Central BFB carpark) for delivery of the whole project in a future year.

It is anticipated through the Mid-year Budget review that savings from other projects may be identified to fund any shortfall in this project.

Officers have met with the preferred tenderer to discuss this proposal, and the tenderer has indicated a willingness to assist find cost savings. The meeting was held without prejudice, pending the Council decision on the RFT. In that meeting minor variations and associated cost savings in the order of \$70,000 were identified without compromising the site design or placing the tenderer under delivery pressure. To facilitate this process formally, Council may instruct the CEO to manage the contract to find cost savings.

These arrangements would allow the Dardanup Civic Precinct to be delivered in its entirety, delivered within the calendar year (with a slight grant time overrun), and meet the funding criteria of the grant provider.

**Council Role** - Executive/Strategic.

**Voting Requirements** - Absolute Majority.

#### **Change to Officer Recommendation**

No Change. **OR:**

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

#### **OFFICER RECOMMENDED RESOLUTION**

##### **THAT Council:**

1. **Accepts the most advantageous tender being that submitted by Sanpoint Pty Ltd T/A LD Total to undertake the Dardanup Civic Precinct Landscaping in accordance with Tender RFT-F0295808/2022 for a total value of \$430,774 (excluding GST);**
2. **Delegates by Absolute Majority in accordance with section 5.42 of the *Local Government Act 1995*, authority to the Chief Executive Officer to negotiate in regard to the contract for Tender RFT-F0295808/2022 for the Dardanup Civic Precinct Landscaping:**
  - a) **Minor variations before entering into the contract in accordance with Regulation 20 of the *Local Government (Functions and General) Regulations 1996*, including minor variations to the scope to reduce the overall cost of the contract to the value of \$350,000; and**
  - b) **Variations after the contract has been entered into, limited to variations which do not change the scope of the contract, and which do not increase the contract value beyond 20%, in accordance with Regulation 21A of the *Local Government (Functions and General) Regulations 1996*.**

- 3. Authorise the Chief Executive Officer in accordance with section 9.49A(4) of the *Local Government Act 1995* to execute the contract for Tender RFT-F0295808/2022 for the Dardanup Civic Precinct Landscaping;**
- 4. Authorises a 2022/23 Budget amendment to transfer \$205,839 from J05026 (Dardanup Central BFB carpark) to J11653 (Dardanup Civic Precinct), to be funded from the Carry Forward Projects Reserve; and**
- 5. Defers J05026 (Dardanup Central BFB carpark) to be considered in the 2023/24 Budget Deliberations.**

*By Absolute Majority*

**12.3.2 Title: RFT F0246018 – Project Management Services**

<b>Reporting Department:</b>	<i>Infrastructure Directorate</i>
<b>Reporting Officer:</b>	<i>Jason Gick – Manager Operations Mr Allan Hutcheon - Procurement Officer</i>
<b>Legislation:</b>	<i>Local Government Act 1995 Local Government (Functions and General) Regulations 1996</i>
<b>Attachments:</b>	<i>Item 12.3.2 Confidential Attachment <u>RFT-R1240737</u> - Evaluation Panel Report circulated as separate confidential attachment as per s.5.23(2)(e)(ii)(iii)  Item 12.3.2 Confidential Attachment <u>RFT-R1261740</u>- Schedule of Rates circulated as separate confidential attachment as per s.5.23(2)(e)(ii)(iii)  Appendix ORD: 12.3.2 - Risk Assessment Tool</i>

**Overview**

This report provides Council with the results of the evaluation of tenders for RFT F0246018 – Project Management Services (as advertised and recorded in the Tenders Register) and recommends that Council award a contract for this service to the preferred Tenderer, for a term of three years.

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

**Background**

TENDER DETAILS		
RFT Number	RFT-F0246018	
RFT Title	Project Management Services	
Recommended Tenderer	Howard and Heaver Pty Ltd T/A H+H Architects	
Contract Term	Initial:	Two years
	Extension Options:	One year
	Defects Liability Period:	Not Applicable
Tendered Rates/Cost	Provided in item 12.3.2 Confidential Attachment [RFT-R1240737]	
Advertising:	04 June 2022	West Australian
	09 June 2022	South Western Times
Tender Deadline:	20 June 2022	14:00AWST
Tender Opening:	20 June 2022	14:05AWST
Tender Observers:	Two Shire of Dardanup Employees were present	
	Nil members of the public were present	

CONTRACT	
Commencement Date of New Contract:	01 September 2022
Completion Date of New Contract:	31 August 2025
Estimated value of New Contract:	\$300,000 (GST Excl)
Price Basis of New Contract:	Rates subject to CPI annual increase



### **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*:

*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.*

### **Strategic Community Plan**

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

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

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

Strategy 5.1.3 - Provide a safe road transport network where crashes resulting in death or serious injury are minimised. (Service Priority: Very High)

Strategy 5.1.5 - Provide a series of interconnected walkways, pathways and cycle ways that meets community needs and expectations. (Service Priority: High)

**Environment** - None.

### **Precedents**

The Shire of Dardanup has previously entered into a contracts for the supply of Civil Works Project Management Services. This RFT replaces the previous arrangements.

### **Budget Implications**

<b>Account Number:</b>	Various accounts associated with specific projects
<b>Budget Item:</b>	No specific line item – various projects
<b>Budget Amount:</b>	No specific budget amount – costs to be assigned to each project as required
<b>Amount Spent to Date:</b>	Historically, the Shire has spent upward of \$100,000 on project management services over the last 3 years
<b>Proposed Cost:</b>	No specific costs identified – costs to be assigned to each project as required
<b>Balance:</b>	N/A

**Budget – Whole of Life Cost** - None.

**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: 12.3.2] for full assessment document.

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.											
Risk Event	Project Management – Civic Works										
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"> <tr> <td>Health</td> <td>Contractor injury</td> </tr> <tr> <td>Financial</td> <td>PM costs included in projects</td> </tr> <tr> <td>Service Interruption</td> <td>Contractor personnel availability</td> </tr> <tr> <td>Legal and Compliance</td> <td>Contract dispute</td> </tr> <tr> <td>Environment</td> <td>Non-compliance with policy</td> </tr> </table>	Health	Contractor injury	Financial	PM costs included in projects	Service Interruption	Contractor personnel availability	Legal and Compliance	Contract dispute	Environment	Non-compliance with policy
Health	Contractor injury										
Financial	PM costs included in projects										
Service Interruption	Contractor personnel availability										
Legal and Compliance	Contract dispute										
Environment	Non-compliance with policy										

**Officer Comment**Tender Submissions

Two Tender submissions were received, including alternative and non-conforming Tenders: -

- Howard and Heaver Pty Ltd T/A H+H Architects
- Talis Consultants 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/Tender Evaluation Chair
- Jason Gick – Manager Operations
- Nathan Ryder – Manager Infrastructure Planning and 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 [or Contractors] 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
(i) Sustainable Procurement and Corporate Social Responsibility (as per CnG CP034) <ul style="list-style-type: none"> <li>• Local Economic Benefit</li> <li>• Purchasing from Disability Enterprises</li> <li>• Purchasing from Aboriginal Businesses</li> <li>• Purchasing from Environmentally Sustainable Business</li> </ul>	5%
(j) Price	50%
(k) Relevant Experience, Skills and Experience	30%
(l) Demonstrated Understanding and Resources	15%
<b>TOTAL</b>	<b>100%</b>

### Evaluation Justification

- The Tender Evaluation Panel recommends Respondent Howard and Heaver Pty Ltd T/A H+H Architects based on an assessment of submissions against the predetermined qualitative and price criteria shown above. The submission provided by Respondent Howard and Heaver Pty Ltd T/A H+H Architects performed well across all of the aspects and was a complete and detailed representation of the services offered.
- In determining Respondent Howard and Heaver Pty Ltd T/A H+H Architects as the preferred Tenderer, officers have undertaken the following Due Diligence checks:

DUE DILIGENCE CHECKS	Yes/No
Has the recommended Tenderer(s) undergone Reference Checks successfully?	NO
Has the recommended Tenderer(s) undergone Financial Viability assessment and been deemed acceptable?	NO
Was a Conflict of Interest declared? If yes, please specify how it was managed? It was noted by the Panel that the Tenderers Project Manager was an Ex-Employee of the Shire of Dardanup. The panel discussed this point and agreed that it was not an issue.	YES

DUE DILIGENCE CHECKS	YES/NO
Has the recommended Tenderer(s) undergone Occupational Safety and Health assessment and been deemed acceptable?	YES

- The Evaluation Panel therefore recommends that the contract for the RFT F0246018 – Project Management Services be awarded to Respondent Howard and Heaver Pty Ltd T/A H+H Architects at the rates at the total estimated contract cost provided [Item 12.3.2 Confidential Attachment - [RFT-R1240737](#)].

General Comment

The procurement of Civil Works Project Management Services provides the Council with additional resource capacity to manage, administer and superintend projects and contracts as required. The contract is a “turn on / turn off” arrangement that allows the Shire to engage the preferred tenderer to provide general or specific support to manage projects.

The contract can be executed to service the following situations (for example):

- Key staff leave cover;
- Complex project initiation, establishment and execution;
- Superintendence or superintendence representation;
- Dedicated project management and contract administration; or
- General technical support.

The engagement of the preferred tenderer can follow the workload based on the budget adopted capital works program. That is, the contract can be employed more during busy years and less in leaner years.

The contract has not stipulated maximum or minimum amounts of work. As such, there is no obligation to engage the contractor for work if not required. The “turn on / turn off” nature of the contract ensure that the Shire has capacity and contingency in its ability to manage civil, and other projects.

Although, the preferred tenderer has offer its services to support the Shires civil works Capital Works Program, the contractor can also offer support for building and construction projects as required.

As such, it is recommended that Council engage Howard and Heaver P/L as the Councils nominated Civil Works Project Management contractor.

**Council Role** - Executive/Strategic.

**Voting Requirements** - Simple Majority.

**Change to Officer Recommendation**

No Change. **OR:**

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

**OFFICER RECOMMENDED RESOLUTION****THAT Council:**

1. **Accepts the tender submission for RFT-F0246018/2022 for Project Management Services as advertised and recorded in the Tenders Register, received from Howard and Heaver Pty Ltd named as 'Respondent E' in the Evaluation Panel Report recommendation detailed in Confidential Attachment RFT-R1240737 as the most advantageous, with the Schedule of Rates detailed in Confidential Attachment RFT-R1261740 applicable for a contract term of two (2) years commencing on execution of the contract, with a discretionary option for a one (1) year extension subject to CPI and Contractor performance**
  
2. **Delegates to the Chief Executive Officer in accordance with s.5.42(1) of the *Local Government Act 1995*, by Absolute Majority, authority to negotiate minor variations to the contract for RFT-F0246018/2022 for Project Management Services as advertised and recorded in the Tenders Register before and / or after its execution in accordance Regulations 20 and 21A of the *Local Government (Functions and General) Regulations 1996*.**
  - a) **Minor variations before entry into the contract, in accordance with Regulation 20 of the *Local Government (Functions and General) Regulations 1996*, including minor variations to the scope to reduce the overall cost of the contract.**
  
  - b) **Variations, after the contract has been entered into, limited to variations which do not change the scope of the contract and which do not increase the contract value beyond 5%, in accordance with Regulation 21A of the *Local Government (Functions and General) Regulations 1996*.**
  
  - c) **Exercise the contract extension options as approved in Part 1 above, in accordance with Regulations 11(2)(j) and 21A of the *Local Government (Functions and General) Regulations 1996*.**
  
3. **Authorises the Chief Executive Officer to execute the contract for awarding RFT-F0246018/2022 for Project Management Services as advertised and recorded in the Tenders Register in accordance with s.9.49A of the *Local Government Act 1995*.**

**12.3.3 Title: Determine Tender RFT F0293972 – Bridge Maintenance**

<b>Reporting Department:</b>	<i>Infrastructure Directorate</i>
<b>Reporting Officer:</b>	<i>Jason Gick – Manager Operations Mr Allan Hutcheon - Procurement Officer</i>
<b>Legislation:</b>	<i>Local Government Act 1995 Local Government (Functions and General) Regulations 1996</i>
<b>Attachments:</b>	<i>Item 12.3.3 Confidential Attachment <u>RFT-R1251074</u> – RFT F0293972 Tender Evaluation Report circulated as separate confidential attachment as per s.5.23(2)(e)(ii)(iii)  Item 12.3.3 Confidential Attachment <u>RFT-R1261722</u> - Schedule of Rates circulated as separate confidential attachment as per s.5.23(2)(e)(ii)(iii)  Appendix ORD: 12.3.3 – Risk Assessment Tool</i>

**Overview**

This report provides Council with the results of the evaluation of tenders for Tender RFT F0293972 Bridge Maintenance Services – Townsite and Rural, as advertised and recorded in the Tenders Register, and recommends that Council does not award a contract for this service, contrary to the Tender Evaluation Panels assessment recommendation. The service is recommended to be provided using in-house resources on a one year trial period.

**Background**

The intention was to source a suitable contractor to provide Bridge Maintenance Services – Townsite and Rural for a period of four years. There was a current contract in place for this requirement, however that contract expired on the 30/06/2022.

TENDER DETAILS		
RFT Number:	RFT-F0293972	
RFT Title	Bridge Maintenance Services – Townsite and Rural	
Recommended Tenderer(s)	Not Applicable	
Contract Term	Initial: Not Applicable	Number of Years: Not Applicable
	Extension Options:	Not Applicable
	Defects Liability Period:	Not Applicable
Tendered Rates/Cost	Provided in item 12.3.3 Confidential Attachment RFT-R1251074.	
Advertising:	04 June 2022	West Australian
Tender Deadline:	23 June 2022	14:00AWST
Tender Opening:	23 June 2022	14:02AWST
Tender Observers:	Two Shire of Dardanup Employees were present	
	Nil members of the public were present	

**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)]*

*18. Rejecting and accepting tender*

*(5) The local government may decline to accept any tender*

### **Strategic Community Plan**

Strategy 1.1.3 - Monitor and ensure compliance with the regulatory framework for local government governance and operations. (Service Priority: High)

Strategy 2.1.2 - Preserve and protect the ecological value of watercourses. (Service Priority: Very High)

Strategy 2.2.2 - Provide Sustainable Transport Infrastructure. (Service Priority: Moderate)

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

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

### **Environment**

In 2022/23, the Shire is required to undertake Preventative Maintenance on Bridge 3662 Ferguson Road, which includes application of fungicide on exposed timbers and piles at ground level. This activity is to occur in summer when the waterway is dry to minimise impact to the waterway.

### **Precedents**

The Shire of Dardanup has previously declined to accept any tender.

### **Budget Implications**

<b>Account Number:</b>	J12115
<b>Budget Item:</b>	Bridge Maintenance – Rural
<b>Budget Amount:</b>	\$83,251 (excluding GST)
<b>Amount Spent to Date:</b>	\$Nil (excluding GST)
<b>Proposed Cost:</b>	Managed to budget constraints

### **Budget – Whole of Life Cost**

The whole of life costs for the bridges portfolio have not been calculated.

### **Council Policy Compliance**

- CnG CP034 Procurement Policy and PR045 Procurement Procedure.
- Infr CP074 – Asset Management
- Infr CP120 – Environment

### **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	Bridge Maintenance										
Inherent Risk Rating (prior to treatment or control)	Moderate (5 - 11)										
Risk Action Plan (treatment or controls proposed)	Develop Safe Work Instructions and individual risk hazard documentation for each bridge. On site induction and review of working methods.										
Residual Risk Rating (after treatment or controls)	Moderate, with management controls										
Risk Category Assessed Against	<table border="0"> <tr> <td>Health</td> <td>Worker injury</td> </tr> <tr> <td>Health</td> <td>Contractor injury</td> </tr> <tr> <td>Financial</td> <td>In house costs exceed budget</td> </tr> <tr> <td>Legal and Compliance</td> <td>Annual Maintenance Audit failure</td> </tr> <tr> <td>Environment</td> <td>Impact on waterways</td> </tr> </table>	Health	Worker injury	Health	Contractor injury	Financial	In house costs exceed budget	Legal and Compliance	Annual Maintenance Audit failure	Environment	Impact on waterways
Health	Worker injury										
Health	Contractor injury										
Financial	In house costs exceed budget										
Legal and Compliance	Annual Maintenance Audit failure										
Environment	Impact on waterways										

### ***Officer Comment***

#### Tender Submissions

Two Tenders were received, including alternative and non-conforming Tenders:

- BUSS Group
- Hutton Contracting 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/Tender Evaluation Chair
- Jason Gick - Manager Operations
- Belinda Van Vuuren - Project Officer

#### 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 [or Contractors] 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
Sustainable Procurement and Corporate Social Responsibility (as per CnG CP034) <ul style="list-style-type: none"> <li>• Local Economic Benefit</li> <li>• Purchasing from Disability Enterprises</li> <li>• Purchasing from Aboriginal Businesses</li> <li>• Purchasing from Environmentally Sustainable Business</li> </ul>	5%
Tendered Price	50%
Relevant Experience, Skills and Key Personnel	20%
Demonstrated Understanding and Resources	25%
<b>TOTAL</b>	<b>100%</b>

### Evaluation Justification

The Tender Evaluation Panel recommends that BUSS Group be appointed to provide these services.

DUE DILIGENCE CHECKS	YES/NO
Has the recommended Tenderer(s) undergone Reference Checks successfully?	YES
Has the recommended Tenderer(s) undergone Financial Viability assessment and been deemed acceptable?	NO
Was a Conflict of Interest declared? If yes, please specify how it was managed?	NO
Has the recommended Tenderer(s) undergone Work Health and Safety (WHS) assessment and been deemed acceptable?	YES

The Tender Evaluation Panel was aware of the potential for the service to be brought back in-house, but maintained its focus on assessing the tender submission before it.

### General Comment

Council owns 19 traffic bridges throughout the Shire, including 14 timber bridges, which are subject to a staggered 5 Year Periodic Maintenance program. The program typically identifies 1 – 3 timber bridges in any one year. In 2022/23 the only bridge identified is Bridge 3662 Ferguson Road.

Timber bridge maintenance is typically broken into four categories, to ensure the ongoing safety, operation and preservation of the bridge asset:

1. **Routine Maintenance** – annually – consists of road surface sweeping, cleaning scuppers and other drainage systems, guardrail corrections or repairs (as required), signs and

reflectors, vegetation clearing within a 10m clear-zone, termite inspections and treatments (as required), removing unauthorised fencing and clearing the waterway of debris and litter;

2. **Preventative Maintenance** – 5 Yearly – Fungicide treatments of exposed timbers and at the ground interface, end grain sealing, bolt tightening and band repairs;
3. **Specific Maintenance** – As required – Nominated activities to address flaws, such as installation of new pile bands, stringer bolting, pile replacements, abutment repairs, embankment repairs and road surface corrections on approaches; and
4. **Major Maintenance** - Typically, programmed works within the MRWA 10 Year Bridge program, including major replacement of structural elements, concrete overlays, abutment replacements,

This RFT is focussed only on the Routine and Preventative maintenance functions, with all works to be completed by 30 April each year, in time for an annual MRWA audit. In 2021/22, the work was completed by the due date, but the MRWA audit found the following failings:

Bridge 4821 (Martin Pelusey Road)

- Clean dirt debris on kerb edges.
- Road surface correction on Abutment 1 approach (Not included in the contract – SoD responsibility)

Bridge 0192A (Waterloo Road)

- Clean dirt debris on kerb edges
- Remove debris jammed on Pier 1 Pile.

Bridge 3662 (Ferguson Road)

- Clear vegetation encroaching on bridge envelope.

These items have largely been rectified, except for the road surface correction on Bridge 4821, which needs to be scheduled at a time that does not interfere with the adjoining BORR works.

Following the scheduled Main Roads WA audit, operational Officers inspected the bridges scheduled for audit to confirm the findings. Officers found the items documented by Main Roads WA to be non-compliant. Separate to those inspections, Officers also inspected a number of other bridges to verify whether works had been adequately completed. Although the inspections were not comprehensive, the following findings were discovered:

Bridge 0193 (Waterloo Road over Ferguson River):

- Open drain structures not cleaned of leaf debris;
- Slashed tree limbs dropped into the waterway;
- Road surface kerb lines not swept; and
- Scuppers not cleaned.

Bridge 3658 (Ferguson Road over Ferguson River):

- Tree overhangs within the 10m clear zone;
- Three pile bands broken (not reported);

- Chevron signs dirty with lichen growth;
- Road surface kerb lines not swept;
- Scuppers not cleaned.

Bridge 3678 (Pile Road over Ferguson Road):

- Tree overhangs within the 10m clear zone; and
- Scuppers not cleaned.

The failed Main Roads WA audit, coupled with site inspections of the three bridges above prompted Officers to investigate whether it would be more appropriate for the routine and preventative maintenance to be delivered using house resources and RFQ's for works that are beyond the Shire's capability, for example the fungicide treatments.

Officers have undertaken a number of site inspections to determine the scope of work required to bring the timber bridge maintenance portfolio back into compliance. Following these inspections the proposition of returning the bridge maintenance function back in-house was discussed more thoroughly with Supervisors, Project Officers, the Manager Operations and the Director Infrastructure.

The most significant aspects of the Routine Maintenance function are:

- Street sweeping bridge traffic surfaces and jet spray clean scuppers;
- Brush cut and spray weeds and regrowth in the waterway and bridge embankments;
- Remove lodged debris and litter from the sub-structure and the water way;
- Remove unauthorised fences from the bridge structure and the waterway;
- Repair / replace signs and reflectors;
- Inspect for termites;
- Clear all tree vegetation from the waterway 10m upstream and downstream or to the adjoining property boundary, whichever is closer.

The Periodic Maintenance program for 2022/23 requires only Bridge 3662 (Ferguson Road) to be treated. This work will involve:

- Fungicide treatment for exposed timbers and piles at ground level;
- End grain sealing; and
- Bolt tightening and band maintenance.

These combined works can be largely undertaken in-house using a combination of staff labour and RFQ's for specific services such as street sweeping, termite treatments, fungicide treatments and end grain sealing. Most of this work will require job specific traffic management.

Officers have discussed the proposition of trialling routine and periodic bridge maintenance in-house for 2022/23 (at least) and have identified the following pros and cons:

PROS	CONS
<ul style="list-style-type: none"> <li>- Quick response to non-compliances</li> <li>- Resource skilling</li> <li>- Familiarity to sites</li> <li>- Cost savings</li> <li>- Surface treatments as part of street sweeping program</li> <li>- Good working relationship with MRWA</li> <li>- Able to monitor water levels</li> <li>- Access development capacity</li> <li>- Service prioritisation</li> </ul>	<ul style="list-style-type: none"> <li>- Risk of ankle and knee injuries</li> <li>- Reduces availability of existing labour resources</li> <li>- Some skills development required</li> <li>- Some additional tools and equipment required</li> <li>- TMP on some bridges will be extensive</li> <li>- Treatment times typically coincide with construction season</li> <li>- RFQ contractor availability</li> </ul>

Whilst there are some disadvantages to in-housing the maintenance function, most of the issue are able to be addressed through programming or management processes.

The proposal to in-house the maintenance function has been discussed with MRWA who offers no objection and has indicated a willingness to support Officers through works scoping, access to suitable contractors, pre-audit inspections, training and inspections, compliance documentation and general technical support as required.

Additionally, Officers will be undertaking a Main Roads WA training program on the mandatory annual Level 1 Timber Bridge Inspections. This will allow this service also to be brought back in-house, which will complement the proposal to in-house the maintenance works.

As such, it is considered feasible to in-house the routine and periodic maintenance function for 2022/23, at least. It is therefore recommended that Council not accept either of the tenders, at this time.

**Council Role** - Executive/Strategic.

**Voting Requirements** - Simple Majority.

**Change to Officer Recommendation**

No Change. **OR:**

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

**OFFICER RECOMMENDED RESOLUTION**

**THAT Council:**

1. **Acknowledges the receipt of Tender submissions received from Hutton Contracting Pty Ltd and BUSS Group in response to RFT-F0293972/2022 for Bridge Maintenance Services – Townsite and Rural.**
2. **Declines to accept any tenders received in response to RFT-F0293972/2022 for Bridge Maintenance Services – Townsite and Rural as advertised and recorded in the Tenders Register, in accordance with Functions and General Regulation 18(5).**
3. **Authorises the Chief Executive Officer to re-tender for the Bridge Maintenance Services – Townsite and Rural, should it be required after the completion of the twenty four month in-house trial.**

**12.3.4 Title: East Millbridge New Playground – Community Consultation Outcomes**

<b>Reporting Department:</b>	<i>Infrastructure Directorate</i>
<b>Reporting Officer:</b>	<i>Mr Nathan Ryder - Manager Infrastructure Planning &amp; Design Ms Vicki Pretorius - Landscape Designer</i>
<b>Attachments:</b>	<i>Appendix ORD: 12.3.4A – Community Consultation Report Appendix ORD: 12.3.4B – Risk Assessment Tool Appendix ORD 12.3.4C – Draft Concept</i>

**Overview**

Council has committed to constructing a new playground in East Millbridge in response to a community petition in 2020. This project is being funded by a grant through the South West Development Commission in conjunction with a Shire budget allocation. The grant agreement stipulates that the playground is to be completed in 2022.

Community consultation was undertaken early in 2022 to determine the community's preferences for this project. In this Report, Council is asked to consider and acknowledge the outcomes of the community engagement, which has formed the basis of the recommended draft scope of works for delivery of this project. Council is also requested to endorse the concept.

**Background**

At the Ordinary Meeting of Council held on the 29<sup>th</sup> of January 2020, Council received an electronic petition dated the 8<sup>th</sup> of January 2020 that was submitted by Mr Kaid Marshall, requesting that the Shire of Dardanup construct a playground for Millbridge Private Estate. Council resolved that a report be prepared regarding the petition (Res: 1-20).

Council subsequently committed to the inclusion of a new playground in East Millbridge, to be located between Millbridge Boulevard and Denison Link. This project was subsequently included in the Shire's Parks & Reserves Asset Management Plan.

At the Ordinary Council Meeting, held on the 29<sup>th</sup> of January 2020, Council resolved to defer the matter of establishing a new playground in east Millbridge (Res: 22-20):

*“THAT the matter of the proposal of establishing a new playground in east Millbridge be deferred to the budget workshops and reported back through the Integrated Planning Committee.”*

*“THAT Integrated Planning Committee recommends that Council endorses the 10 year Parks & Reserves Asset Management Plan 2020/21-2029/30 program of works (Appendix IPC: 8.11B) with the inclusion of a playground for East Millbridge, and the following amendment made to the 10 Year Expansion & Upgrade Program:”*

<b>PARK PROJECT</b>	<b>YEAR</b>	<b>DESCRIPTION</b>	<b>COST</b>	<b>FUNDING</b>	<b>NET COST</b>
East Millbridge Public Open Space – Stage 1	2021/2022	Reticulation of existing field and playground	\$185,000	30%	\$129,500

The Shire was successful in securing grant funding of \$75,000 as part of a 2021 Election Commitment and entered into an agreement with the South West Development Commission.

As part of the planning for the project, the Shire undertook community consultation to determine the community's preferences for the project. The Community Engagement Report details the outcomes from

the public consultation, which ran for a period of one month from the 28<sup>th</sup> of January 2022 to the 28<sup>th</sup> of February 2022. Officer comments are included in the report and the report is included in [Appendix ORD: 12.3.4A].

The Officer recommendations for the playground elements, which are based on the community consultation outcomes, are presented to Council for consideration and endorsement. Further information is provided in the Officer Comment section of this report.

**Legal Implications** - None

### **Strategic Community Plan**

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

Strategy 3.1.1 - To foster Creativity in the community through our public spaces and urban environment. (Service Priority: High)

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

**Environment** - None.

**Precedents** - None.

The Shire recently undertook community consultation on the following recent park improvement projects:

- **Lofthouse and Cadell Park** – Council received the results of the community engagement (Res: 368-21) and endorsed the playground renewal scope of works for each park.
- **Peninsula Lakes Park** – following a community engagement process, the Draft Park Master Plan was amended based on community feedback, before being presented to Council as the Final Master Plan. This amended plan was endorsed by Council on the 30<sup>th</sup> of June 2021 (Res: 187-21).
- **Watson Reserve** – following a community engagement process, the Draft Park Master Plan was amended based on community feedback, before being presented to Council as the Final Master Plan. This amended plan was endorsed by Council on the 26<sup>th</sup> of May 2021 (Res: 149-21).

### **Budget Implications**

The Shire has entered into a grant agreement for the amount of \$75,000 via South West Development Commission through the Small Grants Program. The grant funding agreement sets out the project budget as follows:

<b>3.4 Project Budget</b>		
<b>Item of Expenditure</b>	<b>Budget \$ (GST Excl)</b>	<b>Source of Funds</b>
Purchase and install playground equipment	\$75,000	State Government
Site works, including edging and sand supplies	\$36,485	Own organisation
Audit cost	\$1,000	Own organisation
<b>Total Budget</b>	<b>\$112,485</b>	

The 2022-23 Annual Budget includes the following item: East Millbridge Public Open Space Stage 1 - \$123,466 (J11650). This budget allocation includes \$75,000 in grant funds. The balance \$48,466 (site works and audit costs) is funded by the Shire from the Carry Forward Projects Reserve and is higher than the amount indicated in the grant agreement.

**Budget – Whole of Life Cost**

In the Shire’s Asset Management Plans, playground replacements are generally allowed for every 15 years. Replacement of the new 2021-22 equipment in 15 year time (2036-37) will be factored into the Shire’s forward Asset Management planning, indexed to CPI and projected market price increases.

**Council Policy Compliance**

Council Policy CP090 – Community Engagement and the Community Engagement Framework is applicable to planning and design projects such as this new playground project. In accordance with this policy, the community was consulted through an online engagement process early in 2022. For details of this process and outcomes please refer to the community engagement report at [Appendix ORD: 12.3.4A].

**Risk Assessment**

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to [Appendix ORD: 12.3.4B] for full assessment document.

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	East Millbridge New Playground 2021-22 — Community Consultation
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 Delays due to land swap discussions impacting on completion date and risk of losing grant funds.
	Reputational Negative perception of the Shire if projects are not programmed to meet Community needs

**Officer Comment**

Special conditions of the grant agreement are as follows:

**‘5.1 Local Products and Services**

*The Grantee agrees to use products and services from the South West Region for the Project wherever reasonably practicable using an open and competitive process to the satisfaction of the State.*

**5.3 Disability Access and Inclusion Plan**

*If this Agreement involves the supply of services to the public, then the Grantee will:*

- (a) *to the extent practicable, implement the State 'Disability Access and Inclusion Plan' prepared under the Disability Services Act 1993; and*

- (b) *complete the questions relating to the Grantee's implementation of the State 'Disability Access and Inclusion Plan' in the planning or delivery of the program, project or event. These questions are set out below and need to be completed as part of your Acquittal Report.*

*DAIP OUTCOME: (will require Shire to provide a 'yes' or 'no' response to each)*

- *All people have the same opportunities to access services and events.*
- *All people have the same opportunities to access buildings and other facilities.*
- *All people receive information in a format that will enable them to access information readily.*
- *All people receive the same level and quality of service.*
- *All people have the same opportunities to make complaints.*
- *All people have the same opportunities to participate in any public consultation.'*

With respect to the local products and services stipulation, it is required in the grant agreement that \$37,000 is to be spent locally on goods or services purchased in the South West Region. These components could be shade sails, pathway, fencing, block work, soft fall material. Compliance with the grant agreement is considered to be achievable.

The grant provider has advised that at least some, but not necessarily all, of the playground equipment should be accessible to children of all abilities. This will offer a sustainable balance between more equitable access and inclusion and the relatively higher cost of providing fully accessible play features, throughout the playground, for instance from specialist equipment and the cost of rubber soft fall surfacing.

In the community engagement, the Shire promoted the proposed new playground as being for children aged 0-4. It should be noted, however, that the grant agreement does not stipulate any particular age requirement.

The proposed location for the playground was within Shire Reserve 50867, between Denison Link and Millbridge Boulevard in East Millbridge, as indicated below. The Shire of Dardanup has a Management Order for this reserve for the purpose of Recreation and Drainage. Lot 2053 to the north is managed by the Department of Education (DOE).



Above image: Site context – extents of R50867 shown in red



The existing trees and remnant bush on the northern area of Lot 2053 presented an opportunity to look at an alternative and potentially more desirable location to Reserve 50867 for the community playground and public open space. Council requested that the Shire explored this opportunity further. As such, Shire Officers liaised with the DOE at an initial meeting held on the 27<sup>th</sup> of June 2022 and provided DOE with further information as requested. DOE indicated that they are amenable to looking at a possible land swap, the idea being for the Shire taking part of Lot 2053 (where the trees and remnant bush are located) for the purpose of public open space / community playground, in return for the DOE taking part of Reserve 50867. At the time of writing, DOE has not provided a response to the Shire.

In the absence of a response from DOE and given the significant delays that the project has experienced due to this potential land swap discussions, Council may choose to proceed with the original plan of locating the playground on Reserve 50867.

An initial concept was developed internally by officers for Reserve 50867. This concept was presented and discussed briefly at the Eaton Advisory Group meeting held on the 2<sup>nd</sup> of February 2022. Feedback received from the group was documented in the Meeting Notes as ‘Shade (sails and trees), keep it simple for that age group, equipment you can move through and interact with, swings and climbing, nature play theme.’ Councillors were provided with a hard copy of this concept during the Councillor Bus Tour held on the 22<sup>nd</sup> of February 2022. Please refer to [Appendix ORD: 12.3.4C] for this concept. Note that this concept was not released publically as part of the community consultation process. Also, note that the results of the community consultation were obtained after the development of the concept. Therefore, some elements that are now recommended for incorporation into the playground project are not specified in the concept drawing.

The other thing to bear in mind is that the grant agreement completion date for the playground is by the end of 2022, which will now not be achievable. As such, the Shire will need to request an extension in time from the grant funding body in consideration of the above circumstances.

In regards to the potential users of the proposed playground, it is worth considering both the 2016 and 2021 Australian Bureau of Statistics (ABS) Quick stats data for Millbridge, shown below:

#### 2016 data

Age	Millbridge	%
Median age	29	--
0-4 years	282	11.7
5-9 years	207	8.6
10-14 years	189	7.8
15-19 years	136	5.6
20-24 years	139	5.8
25-29 years	267	11.1
30-34 years	235	9.8
35-39 years	213	8.8
40-44 years	168	7.0
45-49 years	139	5.8
50-54 years	124	5.1
55-59 years	94	3.9
60-64 years	81	3.4
65-69 years	66	2.7
70-74 years	34	1.4
75-79 years	19	0.8
80-84 years	8	0.3
85 years and over	7	0.3

**2021 data**

Age	Millbridge	%
<i>All people</i>		
Median age	33	N/A
0-4 years	279	10.2
5-9 years	273	10.0
10-14 years	189	6.9
15-19 years	156	5.7
20-24 years	103	3.8
25-29 years	216	7.9
30-34 years	284	10.4
35-39 years	252	9.2
40-44 years	219	8.0
45-49 years	159	5.8
50-54 years	122	4.5
55-59 years	144	5.3
60-64 years	106	3.9
65-69 years	79	2.9
70-74 years	82	3.0
75-79 years	38	1.4
80-84 years	17	0.6
85 years and over	13	0.5



Map showing Millbridge, which from Eaton by Eaton drive and Illawarra Drive and bounded to the east by the Forrest Highway and to the north by the Collie River.

In 2016, the largest single age group was the 0-4 year category. It is important to note when planning for a playground that by the time the playground is built, some of these children will have moved into the 5-9 years category. In 2021, the largest single age group was the 30-34 year category, very closely followed by the 0-4 and 5-9 year categories. The provision of a playground for young children is therefore still as relevant and required now as in 2016. This is likely to continue to be the case, with a relatively large proportion of the Millbridge population being adults in their child bearing years.

In 2016 there were 678 children (aged 0-14) in Millbridge – covering both East and West Millbridge. From this, there were 396 children in the 5-14 year old combined age group, representing 58% of the total number of children aged 0-14. In 2021, there were 741 children (aged 0-14) in Millbridge. Of this, there were 462 children in the 5-14 year old combined age group, representing 62% of the total number of children aged 0-14. From this, it can be seen that there is an increasing number of children in their pre-primary, primary school and early high school years which may impact on the type of open space facilities planned for.

In terms of the community consultation, just over half of the children of respondents were aged 0-4; the remainder are aged 5+. It would therefore be highly desirable to provide a planned playground expansion to also cater for children 5 and over. If it is not possible to broaden the project scope to include this age group as part of the 2022 project, then it is recommended that Council considers future expansion of the playground ('Stage 2') to also cater for children aged 5-12, who are not currently catered well for in the East Millbridge precinct.

Based on the analysis of the community feedback received through the consultation (refer community consultation report in [Appendix ORD: 12.3.4A]), the following priority elements are recommended for consideration for Stage 1 of the playground, subject to budgetary constraints:

- Shade sails – good coverage over whole playground, should be of bright colours;
- Secure fencing around playground, with pool-style gate latches;
- Circuit path around playground – to also act as the playground edge;
- Nature play opportunities (consider in design whether the playground is solely nature play, or to balance with maintenance considerations whether it includes some prefabricated equipment and some nature play features);
- Sand softfall, with some possible rubber softfall 'intrusions' to allow for some play features to be accessible;
- Play equipment – swings (possibly including a parent-child swing), slides, climbing features including platforms, balancing features (natural logs, rocks etc), mini trampoline;
- A 'welcome sign' that also serves as a funding acknowledgement;
- Seating with circulation space for prams and wheelchair access;
- Bin

**Council Role** - Review.

**Voting Requirements** - Simple Majority.

#### **Change to Officer Recommendation**

No Change. **OR:**

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

#### **OFFICER RECOMMENDED RESOLUTION**

##### **THAT Council:**

1. **Receives and acknowledges the results of the community engagement process for the East Millbridge Playground, as documented in the report included in [Appendix ORD: 12.3.4A];**
2. **Endorses the concept plan as per [Appendix ORD: 12.3.4C] and endorses the following elements for consideration in the East Millbridge Playground as listed below:**

- **Shade sails;**
  - **Fencing;**
  - **Circuit path around playground;**
  - **Nature play opportunities;**
  - **Softfall material - sand with possible rubber softfall 'intrusions';**
  - **Play equipment suitable for 0-4 year age group – swings, slides, climbing features including platforms, balancing features (natural logs, rocks etc), mini trampoline;**
  - **A 'welcome sign' that also serves as a funding acknowledgement;**
  - **Seating with circulation space for prams and wheelchair access;**
  - **Bin**
3. **Requests the Chief Executive Officer to complete the playground design and cost estimates based on the site location Reserve 50867;**
  4. **Requests that the Chief Executive Officer seeks an extension in time from South West Development Commission to ensure delivery of the project utilising existing grant funds;**
  5. **Authorises the Chief Executive Officer to delete or modify the playground elements as listed in part 2 [above] due to project budgetary constraints upon receipt of prices through the procurement process, and in consideration of the outcomes of the community engagement.**

## 12.4 CORPORATE & GOVERNANCE DIRECTORATE REPORTS

### 12.4.1 Title: Proposed Shire of Dardanup Parking Local Law 2023

<i>Reporting Department:</i>	<i>Corporate &amp; Governance Directorate</i>
<i>Reporting Officer:</i>	<i>Ms Cathy Lee - Manager Governance &amp; HR</i>
<i>Legislation:</i>	<i>Local Government Act 1995</i>
<i>Attachments:</i>	<i>Appendix ORD: 12.4.1A – Risk Assessment Tool</i> <i>Appendix ORD: 12.4.1B – Current Parking and Parking Facilities Local Law 2009</i> <i>Appendix ORD: 12.4.1C – Draft Parking Local Law 2023</i>

#### **Overview**

This report seeks Council approval to make the Shire of Dardanup Parking Local Law 2023 for the purpose of public advertising.

#### **Background**

In accordance with S3.16 of the *Local Government Act 1995*, the Shire of Dardanup has carried out its review of its local laws and has determined that the Shire of Dardanup Parking and Parking Facilities Local Law 2009 should be amended (Res: 124-22) of Ordinary Council Meeting 25<sup>th</sup> of May 2022. This report provides for making a new local law in accordance with *Local Government Act 1995 S3.12* which will result in repealing the Current Parking and Parking Facilities Local Law 2009.

Both the Current Local Law and the proposed Parking Local Law 2023 are based on the relevant WALGA model that, among other things, ensures these local laws are consistent with WA road traffic laws, including the *Road Traffic Code 2000*.

The Parking Local Law seeks to provide the City with the ability to effectively regulate and control the movement and parking of vehicles throughout the district in order to provide a well-regulated parking environment for all persons in the district.

#### **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.*

### **Strategic Community Plan**

Strategy 1.1.3 - Monitor and ensure compliance with the regulatory framework for local government governance and operations. (Service Priority: High)

Strategy 1.1.4 - Maintain best practice governance systems and practices. (Service Priority: Moderate)

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

**Environment** - None.

### **Precedents**

The Shire of Dardanup made the current Parking and Parking Facilities Local Law in 2009. The local law was reviewed and amended in 2014.

### **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.

The Proposed Cemeteries Local Law does not involve any significant changes from current practices and is therefore considered low risk, with no risks of a medium or higher level identified.

<b>TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.</b>					
Risk Event	Proposed Shire of Dardanup Parking 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	<table border="0"> <tr> <td>Legal and Compliance</td> <td>Council has a statutory obligation to make laws which are clear and effective.</td> </tr> <tr> <td>Reputational</td> <td>Council will be viewed in a negative light if it fails to discharge its statutory obligation.</td> </tr> </table>	Legal and Compliance	Council has a statutory obligation to make laws which are clear and effective.	Reputational	Council will be viewed in a negative light if it fails to discharge its statutory obligation.
Legal and Compliance	Council has a statutory obligation to make laws which are clear and effective.				
Reputational	Council will be viewed in a negative light if it fails to discharge its statutory obligation.				

### **Officer Comment**

A copy of the current Shire of Dardanup Parking and Parking Facilities Local Law 2009 is attached [Appendix ORD: 12.4.1B] for reference.

The proposed draft Shire of Dardanup Parking Local Law 2023 is based on the WA Local Government Association’s [WALGAs] Model Local Law. The proposed local law is attached [Appendix ORD: 12.4.1C] for Council consideration.

### **Purpose and Effect**

The first requirement of the local law-making process is for Council to resolve that a proposed local law be advertised for public consultation. At that meeting, it is necessary under section 3.12(2) of the *Local Government Act 1995* for the **person presiding to give notice to the meeting** of the purpose and effect of the proposed local law.

The purpose and effect of the Shire of Dardanup Parking Local Law 2023 is as follows:

#### **Purpose** of the local law:

The purpose of this local law is to repeal Shire of Dardanup Parking and Parking Facilities Local Law 2009 as amended and to regulate and control the movement and parking of vehicles throughout the district.

**Effect of the local law:**

The effect of this local law is to provide a well-regulated parking environment for all persons in the district.

**National Competition Policy**

Since the early 1990's State, Territory and Commonwealth Heads of Government through the Council of Australian Governments (COAG) initiated a commitment to achieve a nationally consistent approach to competition policy in Australia. This resulted in the adoption of the National Competition Policy (NCP) which requires, among other things, that local governments ensure that all new local laws which restrict competition are consistent with the following requirements:

- The benefits of the restriction to the community as a whole outweigh the costs; and
- The objectives of the local laws can only be achieved by restricting competition.

In accordance with the *National Competition Local Law Review Guidelines* local governments are however not required to do an assessment against the NCP of a local law based on a WALGA model local law and adopted by Council without substantial change. As the proposed Local Law is based on the WALGA Model Local Law an assessment against the NCP is therefore not required.

**Conclusion**

Under a local law local governments also have the power to create offences for noncompliance with the provisions of a local law, to issue infringement notices and to set modified penalties for that purpose. Schedule 1 outlines the increased modified penalties in line with contemporary practice.

It is considered that, rather than amending the Current Extractive Industries Local Law that has undergone three previous amendments, it would be more appropriate to repeal the local law. The updated local law will be in line with current needs, expectations and operations.

The local law will be advertised in accordance with Section 3.12(3) for a period of at least 6 weeks from the date that notice is given for the public to make submissions. The submission period must run for a minimum period of six weeks after which Council, having considered any submissions received, may resolve to make the local law as proposed or make a local law that is not significantly different from what was proposed.

A copy of the local law will also be provided to the Minister for Local Government.

Following this process, the proposed local law will then be referred back to the Council for consideration of any submissions received in relation to the local law and for the Council to resolve whether or not to make the local law by absolute majority decision.

**Council Role** - Legislative.

**Voting Requirements** - Absolute Majority.

**Change to Officer Recommendation**

No Change. **OR:**

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



## OFFICER RECOMMENDED RESOLUTION

### THAT Council:

1. In accordance with Section 3.12 of the *Local Government Act 1995* approves the advertising of the proposed '*Shire of Dardanup Parking Local Law 2023*' [Appendix ORD: 12.4.1C] in order to seek community comment.
2. Provides a copy of the proposed Local Law and public notice to the Minister for Local Government.
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).

*By Absolute Majority*

**12.4.2 Title: Schedule of Paid Accounts as at the 31<sup>st</sup> July 2022**

<i>Reporting Department:</i>	<i>Corporate &amp; Governance Directorate</i>
<i>Reporting Officer:</i>	<i>Mrs Natalie Hopkins - Manager Financial Services</i>
<i>Legislation:</i>	<i>Local Government (Financial Management) Regulations 1996</i>
<i>Attachments</i>	<i>Appendix ORD: 12.4.2 – Risk Assessment Tool</i>

**Overview**

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

**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 \$200,000;
- To purchase goods and services for the Tax Office and other Government Agencies up to the value of \$300,000;
- To purchase goods and services for Creditors where an executed agreement or legal obligation exists which has prior Council endorsement, 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.

**Strategic Community Plan**

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

**Environment** - None.

**Precedents**

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

**Budget Implications**

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

**Budget – Whole of Life Cost** - None.

**Council Policy Compliance**

Payments are checked to ensure compliance with Council’s Purchasing Policy 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: 12.4.2] for full assessment document.

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Schedule of Paid Accounts as at the 31 <sup>st</sup> July 2022
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 Not monitoring ongoing financial performance would increase the risk of a negative impact on the financial position. Reputational Non-compliance that results in a qualified audit can lead stakeholders to question the Council’s ability to manage finances effectively

**Officer Comment**

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

**Council Role** - Executive/Strategic.

**Voting Requirements** - Simple Majority.

**Change to Officer Recommendation**

No Change. **OR:**

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

**OFFICER RECOMMENDED RESOLUTION**

**THAT Council receives the Schedule of Paid Accounts report from 1/7/2022 to 31/7/2022 as follows:**

**SHIRE of DARDANUP**  
**31-07-2022 Schedule of Paid Accounts**

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
<b>ELECTRONIC FUNDS TRANSFER</b>					
EFT48156	07/07/2022	Alek Robert Mitchell	Rates Refund For Assessment A5107	MUNI	465.30
EFT48157	07/07/2022	Amy Helen Lawrence	Uniform Reimbursement	MUNI	191.60
EFT48158	07/07/2022	Australia Day Council of WA Inc	2022-2023 Annual Subscription For Citizen of The Year Awards Presented on 26 January 2023.	MUNI	685.00
EFT48159	07/07/2022	Australia Post	Monthly Invoice of Mail and Postage	MUNI	903.89
EFT48160	07/07/2022	Australian Library and Information Association	Community Engagement For Libraries - Online Short Course	MUNI	365.00
EFT48161	07/07/2022	Axio Maintenance and Construction	ERC - Replacement of Basketball Padding - East Court Supply and Install 4 Gas Struts on West Court Backboards	MUNI	660.00
EFT48162	07/07/2022	Bailey Harkness	Umpire Recoup 05/07/22	MUNI	67.50
EFT48163	07/07/2022	Baileys Fertilisers	NPK Mini Prill Delivered To Depot	MUNI	7,128.00
EFT48164	07/07/2022	BOC Ltd	ERC - Hire of Oxygen Bottle 29/05/22 To 27/6/22	MUNI	12.53
EFT48165	07/07/2022	Boyles Plumbing and Gas	ERC - Replacement Tap For Hot Water Zip in Servery.	MUNI	285.45
EFT48166	07/07/2022	Brownes Foods Operations Pty Ltd	ERC - Cafe Goods	MUNI	210.36
EFT48167	07/07/2022	Bunbury Coffee Machines	ERC - Cafe Goods	MUNI	459.00
EFT48168	07/07/2022	Bunbury Harvey Regional Council	Disposal of Organic Waste - June 22	MUNI	8,743.93
EFT48169	07/07/2022	Bunbury Holden	90,000Km Service- DA 9376	MUNI	913.50
EFT48170	07/07/2022	Bunbury Mower Service	Repair Parts For 2 Ht131 Polesaws( Bent Shaft )	MUNI	421.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT48171	07/07/2022	Bunbury Plumbing Service	Unblocking of Toilets at Wells Recreation Reserve	MUNI	209.00
EFT48172	07/07/2022	Bunnings Group Limited	5 x 50x 50x 1.2 M Galvanised Steel Corner Post - 6x 200x 50Mm x 3M Pine Sleepers	MUNI	502.27
EFT48173	07/07/2022	Caroline Mears	Chair Yoga - 4 Sessions For May 22	MUNI	455.00
EFT48174	07/07/2022	Challis Builders	ERC Stage 1 - Refurbishment of Reception, Meeting Room, Staff Office, Membership Office and Centre Entrance 50%	MUNI	77,605.00
EFT48175	07/07/2022	Chloe Scott	Umpire Recoup 06/07/22	MUNI	66.00
EFT48176	07/07/2022	Christine Worsfold	Umpire Recoup 04/07/22	MUNI	135.00
EFT48177	07/07/2022	City of Bunbury	Collie River Boardwalk Repairs Undertaken By City of Bunbury - 50% Contribution By Shire	MUNI	36,503.48
EFT48178	07/07/2022	Cleanaway Solid Waste Pty Ltd	General Waste Disposal - 5 x Shire Locations	MUNI	5,526.10
EFT48179	07/07/2022	Cleverpatch Pty Ltd	ERC - Vacation Care Order	MUNI	399.31
EFT48180	07/07/2022	Country Landscaping Pty Ltd	Reticulation Maintenance - Gary Engel Park	MUNI	959.90
EFT48181	07/07/2022	Country Water Solutions	Reticulation Maintenance - Eaton Foreshore	MUNI	171.51
EFT48182	07/07/2022	Craven Foods	ERC - Cafe Goods	MUNI	612.94
EFT48183	07/07/2022	Daryl Jeremy Gledhill	Rates Refund For Assessment A1413	MUNI	64.67
EFT48184	07/07/2022	David Wells Builder	Acknowledgement Signs to be Affixed to Shelter - Dardanup War Memorial Site	MUNI	440.00
EFT48185	07/07/2022	Dell Financial Services Pty Ltd	Quartely Leasing For Councillor Laptops (x 7) 2021/22. Contract 009-0141985-005	MUNI	1,265.12
EFT48186	07/07/2022	Department of Fire and Emergency Services	2021/22 ESL Annexure A Adjustment	MUNI	2,927.46

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT48187	07/07/2022	Deputec Pty Ltd	ERC - Deputy Roster Schedule Software - 2021/22	MUNI	102.69
EFT48188	07/07/2022	Diesel Force	Repairs To Caterpillar Loader DA873 - Grader DA698 - Service Triton Ute DA588 - Service Backhoe DA2833	MUNI	8,966.61
EFT48189	07/07/2022	Donna Bastow	Umpire Recoup 06/07/22	MUNI	88.00
EFT48190	07/07/2022	DX Print Group Pty Ltd	ERC - Business Cards	MUNI	979.00
EFT48191	07/07/2022	Eaton Community Pharmacy	ERC - First Aid Supplies	MUNI	218.29
EFT48192	07/07/2022	Eaton Trophies	20 Reserved Engraving Plaques For Cemetery	MUNI	430.00
EFT48193	07/07/2022	Ebony Gene Jones	Umpire Recoup 05/07/22	MUNI	22.00
EFT48194	07/07/2022	Ella Rafferty	Uniform Reimbursement	MUNI	62.97
EFT48195	07/07/2022	Equans Mechanical Services (WA) Pty Ltd	ERC - Quarterly Maintenance - June	MUNI	522.50
EFT48196	07/07/2022	ES2 Pty Ltd	CISO as a Service - Cyber Security Vendor Supplied Services 3 Month Engagement	MUNI	34,265.00
EFT48197	07/07/2022	ESRI Australia	Annual ESRI Software Maintenance Under Contract - Year 3 (2022-23)	MUNI	27,500.00
EFT48198	07/07/2022	Eve Yoga	ERC - Yoga Sessions Eve Yoga June 2022	MUNI	360.00
EFT48199	07/07/2022	Flexi Staff Pty Ltd	General Hand Hire From 20/06/22 - 24/06/22	MUNI	1,965.13
EFT48200	07/07/2022	Focus Banners Pty Limited	8 x Shire Brand Sling Chairs & 2 x Shire Brand Table Cloths	MUNI	1,595.00
EFT48201	07/07/2022	Fulton Hogan Industries WAR	Pre-Mix - Crooked Brook Road	MUNI	1,614.80
EFT48202	07/07/2022	Glen Huon Primary School	2022 Licence Fee - Shared Bore Costs - Sindhi Park - Glen Huon Primary School	MUNI	500.00
EFT48203	07/07/2022	Go Go on Hold	On Hold Messages Service July 2022 To December 2022	MUNI	414.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT48204	07/07/2022	Graffiti Doctors Pty Ltd	Graffiti Removal From Multipule Surfaces at The Eaton Skate Park	MUNI	2,407.90
EFT48205	07/07/2022	Gresley Abas Pty Ltd	Independent Facilitation of Councillor Workshop - Building V E Exercise	MUNI	2,310.00
EFT48206	07/07/2022	H & H Architects	Architectural Services - Pratt Road Pavilion Redesign	MUNI	6,113.25
EFT48207	07/07/2022	Hanson Construction Materials Pty Ltd	Graded Aggregate	MUNI	111.08
EFT48208	07/07/2022	HW & Associates	Eaton Oval Clubrooms Design Development Estimate - Remaining 50%	MUNI	1,375.00
EFT48209	07/07/2022	Illion Australian Pty Ltd (Tenderlink)	5 Tenderlink Public Notice Fee - June 2022	MUNI	1,045.00
EFT48210	07/07/2022	IPWEA National	IPWEA Professional Certificate in Asset Management Planning - Ligda Rodriguez 22/08/2022	MUNI	3,080.00
EFT48211	07/07/2022	IT Vision Australia Pty Ltd	Annual Renewal For Synergysoft & Universe License Fee (01 July 2022 - 30 Jun 2023)	MUNI	56,636.07
EFT48212	07/07/2022	John Thompson	Umpire Recoup 06/07/22	MUNI	44.00
EFT48213	07/07/2022	Justine Eichner	Umpire Recoup 06/07/22	MUNI	66.00
EFT48214	07/07/2022	Kenny Pomare	Umpire Recoup 06/07/22	MUNI	44.00
EFT48215	07/07/2022	Landgate	GRV Interim Valuation G2022/11 and G2022/12	MUNI	294.49
EFT48216	07/07/2022	Links Modular Solutions Pty Ltd	ERC - Active Carrot Annual Fee 2022/2023	MUNI	5,812.19
EFT48217	07/07/2022	M & J Essential Solutions Pty Ltd	EAP Consultations	MUNI	130.00
EFT48218	07/07/2022	Margery Ann Stevens	Umpire Recoup 04/07/22	MUNI	66.00
EFT48219	07/07/2022	Marketforce	Advertisements in The West Australian & South Western Times - June 2022	MUNI	5,721.50
EFT48220	07/07/2022	Mckayhla Pomare	Umpire Recoup 06/07/22	MUNI	44.00
EFT48221	07/07/2022	MJ Goods	Wipes For Gym	MUNI	341.30



PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT48222	07/07/2022	MM Electrical Merchandising	P-5 Telstra Pit For Glen Huon Reserve Island - Services To Be Lifted	MUNI	137.37
EFT48223	07/07/2022	Modus Australia	Supply of Yarra-2 Custom Toilet Building	MUNI	34,115.84
EFT48224	07/07/2022	Moore Australia (WA) Pty Ltd	Financial Reporting Workshop x 2 Staff	MUNI	3,168.00
EFT48225	07/07/2022	Nathan Ryder	Reimbursement For Iphone Screen Protect and Case	MUNI	65.92
EFT48226	07/07/2022	Nearmap Australia Pty Ltd	Advantage LGA Tier 1 30/06/22 To 29/06/23	MUNI	19,800.00
EFT48227	07/07/2022	Nicole Matthews	Partial Reimbursement of Course Fees Cert III and IV Fitness	MUNI	1,999.00
EFT48228	07/07/2022	NSCO Consulting	Facilitation of Coaching Sessions - 1 x Staff Member	MUNI	264.00
EFT48229	07/07/2022	Nutrien Ag Solutions	50Kg Terracottem Universal, 300L Glyphosate, 100L Seasol, 100L Powerfeed, 50L Nufa Pulse & 5 Knapsak Sprayers	MUNI	9,966.00
EFT48230	07/07/2022	Office of The Auditor General	Audit Fee For Certification of Roads To Recovery and LRCI Funding For Year Ended 30 June 2021	MUNI	4,070.00
EFT48231	07/07/2022	Officeworks Superstores Pty Ltd	Dardanup BFB & ERC stationery items & Office Equipment	MUNI	485.18
EFT48232	07/07/2022	Onsite Rental Group	Lease 26 Transportable Building & Alubtions 1/6/22 To 30/6/22	MUNI	3,864.65
EFT48233	07/07/2022	Peel Resource Recovery P/L	Mulch Delivered To Depot	MUNI	2,871.00
EFT48234	07/07/2022	Perfect Landscapes	Weekly Reserves Lawn Mowing	MUNI	2,418.03
EFT48235	07/07/2022	Peta Nolan	Reimburse Leaving Gift For Abhishek Nalawalde	MUNI	50.00
EFT48236	07/07/2022	PFD Food Services Pty Ltd	ERC - Cafe Goods	MUNI	2,379.25
EFT48237	07/07/2022	PFI Supplies	Cleaning Supplies - 2 x Shire Locations	MUNI	530.00
EFT48238	07/07/2022	Piari Skeers	Reimbursement of Vacation Care Fees Due To Change in CCS Rebate	MUNI	31.54
EFT48239	07/07/2022	Regional Media Specialists P/L	Advertising Space in Bunbury Herald - Community News Page 21/06/22.	MUNI	1,490.50

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT48240	07/07/2022	Schweppes Australia Pty Ltd	ERC - Cafe Goods	MUNI	1,649.40
EFT48241	07/07/2022	Securepay Pty Ltd	Bank Fees - 2021-2022 Securepay Web & Iv Credit Card Payments - June 22	MUNI	3.78
EFT48242	07/07/2022	Seek Limited	Seek Advertising Monthly Plan June 2022	MUNI	1,587.03
EFT48243	07/07/2022	Signs Plus	ERC - Staff Badges	MUNI	176.00
EFT48244	07/07/2022	Sonja Pienaar	DA10091 Car Battery Replacement and Fuel	MUNI	295.79
EFT48245	07/07/2022	SOS Office Equipment	Photocopier Meter Reading - Eaton Admin/ERL/Dardanup Office/ERC	MUNI	1,835.27
EFT48246	07/07/2022	South West Mariners Diamond Sports Club Inc	Community Quick Response Grant Payment 2021-2022.	MUNI	500.00
EFT48247	07/07/2022	South West Nutrition Services	Education Session on Gut Health Workshop Session 23/6/22	MUNI	620.00
EFT48248	07/07/2022	South West Septics	ERC - Emptying Greasetrap on 26-6-2022	MUNI	264.00
EFT48249	07/07/2022	Southern Lock and Security	Supply and Key 6 x Carbine Brass Padlock With Restricted Barrell	MUNI	432.58
EFT48250	07/07/2022	Southwest Vehicle Group T/A Bunbury Nissan	70,000Km Service For DA329	MUNI	270.40
EFT48251	07/07/2022	Southwest Ventures T/A Geographe Ford/Bunbury Hyundai	15,000Km Service For DA996	MUNI	385.00
EFT48252	07/07/2022	Sportspower Bunbury	1 x Gift Voucher For Promotional Prize ERC	MUNI	300.00
EFT48253	07/07/2022	Stratagreen	8 Naturguard Bio Treeguards - 1200 Hardwood Tree Stakes	MUNI	3,022.67
EFT48254	07/07/2022	Suez Recycling & Recovery Pty Ltd	Hire and Collection of Skip Bin - Cardboard June 2022	MUNI	149.84
EFT48255	07/07/2022	Sushiru	ERC - Cafe Order	MUNI	200.00
EFT48256	07/07/2022	Synergy	Electricity Account - 14 x Shire Locations	MUNI	3,582.30

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT48257	07/07/2022	T-Quip	Parts Toro 3060	MUNI	484.00
EFT48258	07/07/2022	Telstra	Telephone Use For West Dardanup BFB	MUNI	40.00
EFT48259	07/07/2022	The Cafe Merchant	Catering - 29th June 2022 - Walga - Strategic Decision Making Workshop	MUNI	215.00
EFT48260	07/07/2022	The Print Shop	2 x Eaton Rec Centre Cafe Promotional Tear Drop Banners	MUNI	632.50
EFT48261	07/07/2022	The Workwear Group	Uniform Order - Amanda Tuberes	MUNI	338.75
EFT48262	07/07/2022	Think Project Australia Pty Ltd	Ramm Transport Asset Annual Support and Maintenance Fee For The Period 01 Jul 2022 To 30 Jun 2023	MUNI	9,322.13
EFT48263	07/07/2022	Tiana Fraser	Umpire Recoup 04/07/22	MUNI	154.00
EFT48264	07/07/2022	Tim Eva's Nursery	Replanting - Pratt Rd Reserve	MUNI	1,256.00
EFT48265	07/07/2022	Total Eden Pty Ltd	Reticulation Maintenance - Cadell Park	MUNI	531.79
EFT48266	07/07/2022	Total Hygiene	2022/23 Sanitary Disposal Service - Eaton Office, Dardanup Office, Dardanup Hall & Shire Depot	MUNI	3,069.00
EFT48267	07/07/2022	Traffic Force	Traffic Management Plan Revision - G34-2022 Controlled Burns	MUNI	396.00
EFT48268	07/07/2022	Ultron Developments Pty Ltd	Call Off Order For Ultron Developments - Puskar Kandell Sharepoint Services 2019 Migration Project 27/6/22 To 1/7/22	MUNI	7,565.00
EFT48269	07/07/2022	Walga	Walga - Elected Members Strategic Decision Making Training - 29th of June 2022	MUNI	5,228.00
EFT48270	07/07/2022	Warrick Welding	Fabricate 2 x Custom Hose Reels in 316 Stainless Steel and Deliver To Pratt Road Eaton Foreshore	MUNI	5,130.77
EFT48271	07/07/2022	Water Corporation	Water Use and Service Charges For Lot 90 Swan Avenue, Millbridge 1/7/22 To 31/8/22	MUNI	198.83

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT48272	07/07/2022	Western Australia Treasury Corporation	Loan 69 Repayment & Half Yearly Governemnt Guarantee Fees for All Loans	MUNI	47,646.23
EFT48273	07/07/2022	Western Power	Eaton Drive - Supply and Install Streetlights	MUNI	124,469.00
EFT48274	07/07/2022	Westrac Pty Ltd	Carrige Unit 1524Mm Strait Fork Class IV for Loader	MUNI	6,505.13
EFT48275	07/07/2022	WML Consultants	Ferguson Road Slk 0.03-0.27 - Geotechnical Advice on Investigations and Remedial Measures.	MUNI	924.00
EFT48276	07/07/2022	Woolworths Group Limited - Online Order Only	ERC - Cafe Goods	MUNI	744.82
EFT48277	07/07/2022	Work Clobber	Proctective Clothing	MUNI	290.00
EFT48278	07/07/2022	Workforce Road Services Pty Ltd	Line Marking For Speed Cushions at Gardiner Street Burekup	MUNI	898.70
EFT48279	07/07/2022	WSP Australia Pty Ltd	Banksia Rd Landfill - Groundwater Monitoring	MUNI	5,391.10
EFT48280	07/07/2022	Zoodata	Annual Inspect License Package 1/7/22 To 30/6/23	MUNI	22,000.00
EFT48281	14/07/2022	Ampol Australia Petroleum Pty Ltd	Shire Vehicles Fuel Usage - June 2022	MUNI	22,065.63
EFT48282	14/07/2022	Arrow Bronze	Bronze Plaque - Eric Resta	MUNI	268.68
EFT48283	14/07/2022	Australasian Performing Rights Association Ltd	ERC - Music Licensing - 1 July 2022 - 30 June 2023.	MUNI	2,069.49
EFT48284	14/07/2022	Australian Tax Office	PAYG Withholding Fortnight Ending 08/07/2022	MUNI	76,599.00
EFT48285	14/07/2022	B & B Street Sweeping Pty Ltd	Street Sweeping - Multiple Shire Locations	MUNI	2,821.50
EFT48286	14/07/2022	Bailey Harkness	Umpire Recoup 13/07/22	MUNI	67.50
EFT48287	14/07/2022	Barry Allen Electrical Services	Dardanup Hall - Investigate & Terminate Exposed External Wires (At Ground Level) & Repair Sensor Light	MUNI	374.22
EFT48288	14/07/2022	Blaine Thompson	Umpire Recoup 13/07/22	MUNI	132.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT48289	14/07/2022	Boyles Plumbing and Gas	ERC - Call Out To Repair Ladies East Toilet Block - Replaced Inlet Valve	MUNI	323.95
EFT48290	14/07/2022	Brownes Foods Operations Pty Ltd	ERC - Cafe Goods	MUNI	269.83
EFT48291	14/07/2022	Bunbury Auto One	Truck and Trailer 7 Pin Plug and Socket - DA8457	MUNI	36.19
EFT48292	14/07/2022	Bunbury Plumbing Service	Attend & Repair External Leak To Western Side of Admin Building	MUNI	766.90
EFT48293	14/07/2022	Bunnings Group Limited	Replacement of Toilet Service, Duct Door and Paint	MUNI	309.84
EFT48294	14/07/2022	Chloe Scott	Umpire Recoup 13/07/22	MUNI	66.00
EFT48295	14/07/2022	Christine Worsfold	Umpire Recoup 11/07/22	MUNI	157.50
EFT48296	14/07/2022	Country Water Solutions	Reticulation Repairs - Eaton Foreshore	MUNI	118.22
EFT48297	14/07/2022	Craven Foods	ERC - Cafe Goods	MUNI	292.68
EFT48298	14/07/2022	Dardanup General Store	Milk For Dardanup Office and Depot	MUNI	31.30
EFT48299	14/07/2022	Diesel Force	Call-Out - Vehicle Not Starting - DA325	MUNI	234.06
EFT48300	14/07/2022	Donna Bastow	Umpire Recoup 13/07/22	MUNI	110.00
EFT48301	14/07/2022	Element WA	Ferguson Valley Public Art Trail Concept Plan - Phase 5	MUNI	7,485.50
EFT48302	14/07/2022	Flexi Staff Pty Ltd	General Hand Hire 27/06/2022 to 01/07/2022	MUNI	2,060.74
EFT48303	14/07/2022	Grace Records Management	External Records Management Services - Storage, Consumables	MUNI	615.22
EFT48304	14/07/2022	Hanson Construction Materials Pty Ltd	Scalps & Graded Aggregate for Road Maintenance	MUNI	664.09
EFT48305	14/07/2022	Herbert Smith Freehill	Legal Advice on Land Exchange Deed and Revisions To D&C Contract	MUNI	2,906.79
EFT48306	14/07/2022	Jannifer Lesley Visser The Estate Of	Rates Refund For Assessment A9431	MUNI	890.17
EFT48307	14/07/2022	Jaycar Electronics	Specialised Equipment To Assist Ergonomics For Staff Member	MUNI	39.95

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT48308	14/07/2022	Jetline Kerbing Contractors	Traffic Management For Recreation Drive Footpath Repair	MUNI	1,980.00
EFT48309	14/07/2022	John Thompson	Umpire Recoup 13/07/22	MUNI	22.00
EFT48310	14/07/2022	Justine Eichner	Umpire Recoup 13/07/22	MUNI	44.00
EFT48311	14/07/2022	Landgate	Title Searches	MUNI	54.40
EFT48312	14/07/2022	Lucy Jane Scott	Umpire Recoup 04/07/22	MUNI	225.00
EFT48313	14/07/2022	Luke Wilkinson	Umpire Recoup 13/07/22	MUNI	66.00
EFT48314	14/07/2022	Margery Ann Stevens	Umpire Recoup 11/07/22	MUNI	88.00
EFT48315	14/07/2022	Mckayhla Pomare	Umpire Recoup 13/07/22	MUNI	44.00
EFT48316	14/07/2022	Officeworks Superstores Pty Ltd	ERC - Stationery	MUNI	408.19
EFT48317	14/07/2022	Perdaman Global Services	Registered Migration Agent Fees For Application To Request Access To The Designed Area Representative	MUNI	7,425.00
EFT48318	14/07/2022	Perfect Landscapes	Weekly Reserves & Parks Lawn Mowing	MUNI	4,446.10
EFT48319	14/07/2022	PFI Supplies	ERC - Cleaning Supplies	MUNI	1,181.35
EFT48320	14/07/2022	Promote You	Embroidery of Staff Uniforms	MUNI	36.30
EFT48321	14/07/2022	Publik Group	Dardanup Heritage Trail: Final Fabrication Payment For Initial Signs and Variation To The Layout on The Large Broлга Signs	MUNI	13,660.90
EFT48322	14/07/2022	QM Airconditioning	Degassing of Fridges - Waste Transfer Station - Banksia Road	MUNI	1,210.00
EFT48323	14/07/2022	Rawlinsons (W.A.)	QS Services For New Admin Building - Revised GMP	MUNI	8,580.00
EFT48324	14/07/2022	Schweppes Australia Pty Ltd	ERC - Cafe Order	MUNI	681.98
EFT48325	14/07/2022	Scope Rentals Pty Ltd	Managed Print Service Monthly Rental Charge in Advance July 2022	MUNI	2,592.70

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT48326	14/07/2022	Securepay Pty Ltd	Annual Service Fee 2022/23 - Web Credit Card Payments	MUNI	495.00
EFT48327	14/07/2022	Sonya Williams	Uniform Reimbursement	MUNI	105.00
EFT48328	14/07/2022	South West Networking	Burekup Bushfire Brigade - Repair Leaking Roof	MUNI	2,250.00
EFT48329	14/07/2022	Spencer Signs	New Promotional Signage For Front Entry of Recreation Centre	MUNI	580.25
EFT48330	14/07/2022	State Law Publisher	2022-2023 Fire Prevention Order and Fire Control/Weather Officers Notices for Advert in The Government Gazette	MUNI	961.20
EFT48331	14/07/2022	Suez Recycling & Recovery Pty Ltd	Monthly Waste & Recycling Bin Collection, New Bins & Repairs - June 2022	MUNI	77,014.31
EFT48332	14/07/2022	Sushiru	ERC - Cafe Order	MUNI	50.00
EFT48333	14/07/2022	Synergy	Electricity - 24 x Shire Locations	MUNI	33,679.99
EFT48334	14/07/2022	Slater-Gartrell Sports	ERC - Sports Equipment	MUNI	324.53
EFT48335	14/07/2022	T & V Fencing	Urgent Repairs To The Electric Gate - Depot	MUNI	292.60
EFT48336	14/07/2022	Talis Consultants ATF The Talis Unit Trust	Asset Revaluation For 30 June 2022 - Infrastructure Assets - Roads, Pathways, Parks & Reserves, Car Parks, Lighting	MUNI	55,000.00
EFT48337	14/07/2022	Telair Pty Ltd	Library NBN Enterprise Ethernet Services - Data Network Connection 01/07/2022 To 30/07/2022	MUNI	658.90
EFT48338	14/07/2022	Telstra	Eaton Admin Mobiles & Ipads	MUNI	3,555.17
EFT48339	14/07/2022	The Print Shop	Event Items - Teardrop Banners, Event Corflute Signage, A5 Flyers & 1 x Wings Satin Poster Print	MUNI	1,673.00
EFT48340	14/07/2022	Theona Christine Sloan	Craft Time: Decoupage Pots Workshop	MUNI	247.10
EFT48341	14/07/2022	Tiana Fraser	Umpire Recoup 11/07/22	MUNI	132.00
EFT48342	14/07/2022	Total Eden Pty Ltd	Reticulation Repairs - Eaton Foreshore	MUNI	179.93

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT48343	14/07/2022	West Australian Newspapers Ltd	West Australian and SW Times - 15 June - 7 Sept 2022	MUNI	164.34
EFT48344	14/07/2022	Woolworths Group Limited - Online Order Only	ERC Vacation Care - Goods	MUNI	733.86
EFT48345	14/07/2022	Woolworths Group Limited - Openpay Portal	Shire Staff & Kitchen Supplies & Farewell Gift Card	MUNI	526.05
EFT48346	14/07/2022	Work Clobber	ERC - Uniforms	MUNI	665.40
EFT48347	14/07/2022	Wren Oil	Collection of Waste Oil - Banksia Road	MUNI	16.50
EFT48348	15/07/2022	Philip Colin Weightman	Rates Refund For Assessment A10203	MUNI	79.00
EFT48349	19/07/2022	Procad Pty Ltd	Autocad LT Annual Subscription Renewal & New Single-User ELD Annual Subscription	MUNI	5,831.10
EFT48350	21/07/2022	Advanced Traffic Management WA P/L	Traffic Control - Multiple Shire Locations	MUNI	5,912.51
EFT48351	21/07/2022	All Aussie Truck and Bobcat Services	Waste Transfer Station Maintenance - Banksia Road	MUNI	1,320.00
EFT48352	21/07/2022	Amity Signs	Supply 2 x Right and 2 x Left Bridge Markers, Posts & Fiittings - Twomey Rd	MUNI	966.13
EFT48353	21/07/2022	B & B Street Sweeping Pty Ltd	Street Sweeping & Pit Cleaning - Burekup Roads	MUNI	3,044.25
EFT48354	21/07/2022	Bailey Harkness	Umpire Recoup 19-07-2022	MUNI	45.00
EFT48355	21/07/2022	Blaine Thompson	Umpire Recoup 20-07-2022	MUNI	132.00
EFT48356	21/07/2022	Boyles Plumbing and Gas	Water Connection For Drinking Fountain at Eaton Skate park	MUNI	722.83
EFT48357	21/07/2022	Bunbury Auto One	Lights and Materials Required To Make "Spray Trailer" More Visible and Safe	MUNI	135.74
EFT48358	21/07/2022	Bunnings Group Limited	Safety Issue - White Knight 310G Fluro Yellow Spray Paint - Lofthouse Ave	MUNI	34.60



PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT48359	21/07/2022	Cameron Baker	Umpire Recoup 20-07-2022	MUNI	44.00
EFT48360	21/07/2022	Cardno (WA) Pty Ltd	Preparation of Local Bike Plan	MUNI	11,000.00
EFT48361	21/07/2022	Castledine Gregory	Sat Mediation Process - Lot 2 Banksia Road - Amended Ldp Refusal - Matter # 0463-0005	MUNI	25,611.70
EFT48362	21/07/2022	Celebrity Speakers Australia	Eaton Recreation Centre Member Evening and Health and Wellness Seminar - 28/07/2022	MUNI	2,200.00
EFT48363	21/07/2022	Chloe Scott	Umpire Recoup 20-07-2022	MUNI	66.00
EFT48364	21/07/2022	Christine Worsfold	Umpire Recoup 19-07-2022	MUNI	67.50
EFT48365	21/07/2022	Cindy & Judith Brown	Rates Refund For Assessment A1791	MUNI	240.47
EFT48366	21/07/2022	Ciphertel Pty Ltd T/A Gateway Internet Services	Monthly Account For Point To Point Microwave Service Depot and Dardanup - June 2022	MUNI	2,893.00
EFT48367	21/07/2022	City of Bunbury	June 2022 Dog & Cat Pound Fees	MUNI	760.00
EFT48368	21/07/2022	Civil Projects Southwest	Hire of Skid Steer Loader and Roller - Washout Repairs - Gnomesville	MUNI	470.25
EFT48369	21/07/2022	Cleanaway Solid Waste Pty Ltd	General Waste Disposal - 2 Shire Locations	MUNI	2,262.53
EFT48370	21/07/2022	Connect Call Centre Services	After Hours Call Centre Service June 2022	MUNI	396.11
EFT48371	21/07/2022	Department of Mines, Industry, Regulations & Safety (DMIRS) - BSL	BSL Commission - June 2022	MUNI	3,489.54
EFT48372	21/07/2022	Department of Premier and Cabinet	Approved Local Planning Scheme Amendment No. 203	MUNI	109.20
EFT48373	21/07/2022	DL & SC Brindley	Painting - Main Hall & Bar Area - Burekup Hall	MUNI	4,970.00
EFT48374	21/07/2022	Donna Bastow	Umpire Recoup 20-07-2022	MUNI	132.00
EFT48375	21/07/2022	Ductworks Australia Bunbury & Busselton Air	Investigate Ducted Aircon System Not Working in 2 x Areas - Eaton Admin	MUNI	160.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT48376	21/07/2022	Earth 2 Ocean Communications	Repair CBFCO Cel-Fi Booster	MUNI	369.00
EFT48377	21/07/2022	Eaton Environmental Services	Odour Absorber - Depot	MUNI	121.00
EFT48378	21/07/2022	Element WA	Eaton and Dardanup Precinct Masterplans and Place Plans	MUNI	115,038.00
EFT48379	21/07/2022	Exetel Pty Ltd	Exetel 200/200Mbit Data Communications - July 2022	MUNI	1,250.00
EFT48380	21/07/2022	Gordon & Maryann Jeffery	Rates Refund For Assessment A11595	MUNI	368.11
EFT48381	21/07/2022	Howson Technical	Project Management Support For Eaton Drive / Peninsula Lakes Drive Project	MUNI	1,985.50
EFT48382	21/07/2022	HP Financial Services (Australia) Pty Ltd	Lease 7 Contract 5485057843Aus1 - 1/7/22 To 30/9/22	MUNI	10,061.70
EFT48383	21/07/2022	Hynes Contracting	Maintenance Works - Watson Reserve	MUNI	550.00
EFT48384	21/07/2022	Jarrad Leaver	Reimburse Work Mobile Phone Battery Purchase	MUNI	69.00
EFT48385	21/07/2022	Jetline Kerbing Contractors	Footpath Repair - Recreation Drive, Eaton	MUNI	7,920.00
EFT48386	21/07/2022	John Thompson	Umpire Recoup 20-07-2022	MUNI	44.00
EFT48387	21/07/2022	Luke Wilkinson	Umpire Recoup 20-07-2022	MUNI	110.00
EFT48388	21/07/2022	M & J Essential Solutions Pty Ltd	EAP Consultation	MUNI	260.00
EFT48389	21/07/2022	Maia Financial Pty Ltd	Lease 18 Contract E6N0163172 1/7/2022 To 30/9/22	MUNI	22,203.01
EFT48390	21/07/2022	McDonald Fencing	Install 8M Gate - Harris Rd	MUNI	1,375.00
EFT48391	21/07/2022	Outside Creative	Teen Creative Writing Workshop - School Hoilday Program 07/07/2022	MUNI	500.00
EFT48392	21/07/2022	Pamela Richards	Refund Overpayment of Gym Membership Fees	MUNI	59.10
EFT48393	21/07/2022	PFI Supplies	Cleaning Supplies - 3 x Shire Locations	MUNI	681.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT48394	21/07/2022	Securepay Pty Ltd	Annual Fee 2022/23 Securepay Phone Credit Card Payments	MUNI	495.00
EFT48395	21/07/2022	Shadewest	Seasonal Removal & Storage - Insurance and Reinstall of Shade Sails - 10 x Shire Locations	MUNI	5,181.00
EFT48396	21/07/2022	South West Tree Safe	Tree Removal, Grind Stump, Remove Dead Section & Height Reduction - 3 Shire Locations	MUNI	3,850.00
EFT48397	21/07/2022	Southwest Ventures T/A Geographe Ford/Bunbury Hyundai	72,000 Car Service & Puncture Repair - DA004	MUNI	472.95
EFT48398	21/07/2022	Stacey Gillespie	Reimburse Child Care Fees During Workshops 20/06, 04/07 & 05/07/2022	MUNI	195.00
EFT48399	21/07/2022	Stantons Corporate Finance Pty Ltd	Probity Services - Financial Review Perkins	MUNI	2,796.75
EFT48400	21/07/2022	Synergy	Electricity Account - 4 x Shire Locations	MUNI	789.40
EFT48401	21/07/2022	Telstra	Telephone and Various Lines For Eaton Admin Centre	MUNI	3,858.44
EFT48402	21/07/2022	Tiana Fraser	Umpire Recoup 19-07-2022	MUNI	66.00
EFT48403	21/07/2022	Tracey-Lee Venables	Refund Partial Dog Registration Due To Sterilisation	MUNI	62.50
EFT48404	21/07/2022	Tutt Bryant Hire	Roller Hire For Shoulder Grading - 8 x Shire Locations	MUNI	3,261.06
EFT48405	21/07/2022	Universal Marina Systems (WA) Pty Ltd	Eaton Foreshore Boat Ramp and Jetty Upgrade - Retention Release	MUNI	4,535.62
EFT48406	21/07/2022	Vestone Capital Pty Limited	Lease 20 Contract DAR01072020 - 1/7/2022 To 30/9/22	MUNI	1,505.24
EFT48407	21/07/2022	Water Corporation	Water Use and Service Charges - 4 x Shire Locations	MUNI	2,975.99
EFT48408	29/07/2022	A D Engineering International Pty Ltd	12 Month Data Sim For Led Sign Trailer (25.06.22 To 24.06.23)	MUNI	480.00
EFT48409	29/07/2022	A1 Sign Shop	Supply and Installation of 3 x Street Signs For Eaton Primary School	MUNI	751.51
EFT48410	29/07/2022	Advanced Traffic Management WA P/L	Traffic Control - 2 Shire Locations	MUNI	4,362.34

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT48411	29/07/2022	Andrew John Duncan	Rates Refund For Assessment A11553	MUNI	273.44
EFT48412	29/07/2022	Aquila Food Forest	Sustainability Workshop 14/07/2022	MUNI	300.00
EFT48413	29/07/2022	Ausq Training	Traffic Management Full Course For Keith Clarke July 2022	MUNI	1,122.00
EFT48414	29/07/2022	Australian Tax Office	PAYG - Pay Run: 22/07/2022	MUNI	82,615.00
EFT48415	29/07/2022	B & B Street Sweeping Pty Ltd	Street Sweeping - 8 x Shire Locations	MUNI	1,559.25
EFT48416	29/07/2022	Brownes Foods Operations Pty Ltd	ERC - Cafe Goods	MUNI	382.87
EFT48417	29/07/2022	Bunbury Coffee Machines	ERC - Cafe Goods	MUNI	390.00
EFT48418	29/07/2022	Bunbury Geographe Economic Alliance	Virtual Conference - Innovation and Technology - The Future of Work in The Sw - Supporting Partnership Package	MUNI	5,500.00
EFT48419	29/07/2022	Bunnings Group Limited	10 x Garden Rakes	MUNI	184.30
EFT48420	29/07/2022	Cameron Baker	Umpire Recoup 27-07-2022	MUNI	44.00
EFT48421	29/07/2022	Carbone Brothers Pty Ltd	Construct Eaton Drive / Peninsula Lakes Intersection - Progress Claim Payment	MUNI	21,666.48
EFT48422	29/07/2022	Chloe Scott	Umpire Recoup - 27-07-2022	MUNI	66.00
EFT48423	29/07/2022	Christine Worsfold	Umpire Recoup - 26-07-2022	MUNI	112.50
EFT48424	29/07/2022	Cleanaway Solid Waste Pty Ltd	Waste Collection & Disposal, Pick Up Skip Bins from Transfer Station	MUNI	7,468.77
EFT48425	29/07/2022	Craven Foods	ERC - Cafe Goods	MUNI	2,014.38
EFT48426	29/07/2022	Daryl Fishwick	Umpire Recoup - 27-07-2022	MUNI	44.00
EFT48427	29/07/2022	Donna Bastow	Umpire Recoup - 27-07-2022	MUNI	154.00
EFT48428	29/07/2022	Flexi Staff Group Pty Ltd	Labourer Hire - Declan Boston	MUNI	1,772.32

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT48429	29/07/2022	Gabriella Hayward	Reimburse Uniform Purchase	MUNI	299.97
EFT48430	29/07/2022	Gordon & Maryann Jeffery	Rates Refund For Assessment A11595	MUNI	92.00
EFT48431	29/07/2022	Graffiti Doctors Pty Ltd	Urgent Graffiti Removal - Eaton Skate Park	MUNI	1,020.80
EFT48432	29/07/2022	Hanson Construction Materials Pty Ltd	Scalps For Urgent Repair - Rocky Rd	MUNI	642.52
EFT48433	29/07/2022	Harcher	ERC - Cleaning Products	MUNI	15.40
EFT48434	29/07/2022	Hooleys Catering Company	Ordinary Council Meeting Dinner - 27/07/2022	MUNI	901.00
EFT48435	29/07/2022	JCW Electrical Pty Ltd	Electrical Works & Repairs - 5 Shire Locations	MUNI	9,659.85
EFT48436	29/07/2022	John Andrew Hiscox	Rates Refund For Assessment A8149	MUNI	538.75
EFT48437	29/07/2022	John Thompson	Umpire Recoup - 27-07-2022	MUNI	22.00
EFT48438	29/07/2022	Justine Eichner	Umpire Recoup - 27-07-2022	MUNI	44.00
EFT48439	29/07/2022	Kilmore Group Pty Ltd	Wells Recreation Park Change Rooms and Cricket Nets - Progress Payment	MUNI	200,860.97
EFT48440	29/07/2022	Kings Tree Care	Stump Grinding & Tree Removal - 2 x Shire Locations	MUNI	1,881.00
EFT48441	29/07/2022	LGIS WAR	Annual Insurance Policies 2022-23 - First Instalment	MUNI	283,001.57
EFT48442	29/07/2022	Luke Wilkinson	Umpire Recoup - 27-07-2022	MUNI	154.00
EFT48443	29/07/2022	M & J Essential Solutions Pty Ltd	EAP Consultations	MUNI	130.00
EFT48444	29/07/2022	Mario Celani	Rates Refund For Assessment A7179	MUNI	630.00
EFT48445	29/07/2022	Martins Environmental Services Pty Ltd	Bushfire Mitigation Works - Weed Spraying - 3 x Shire Locations	MUNI	29,172.00
EFT48446	29/07/2022	Monadelphous Engineering Associates Pty Ltd	Repairs To Tailgate and Side of Truck - DA628	MUNI	3,054.70
EFT48447	29/07/2022	Naturaliste Hygiene	Sharps Disposal Service July 2022 - 2 x Shire Locations	MUNI	165.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT48448	29/07/2022	NEC IT Solutions Australia	Metalogix Storagepoint Maintenance Renewal (01-Jul-22 To 30-Jun-23)	MUNI	3,977.60
EFT48449	29/07/2022	Nightguard Security Service	Security Callout Service - 4 x Shire Locations	MUNI	836.00
EFT48450	29/07/2022	Officeworks Superstores Pty Ltd	A3 Laminator & Whiteboard	MUNI	571.95
EFT48451	29/07/2022	Perfect Landscapes	Weekly Reserves & Parks Lawn Mowing	MUNI	6,864.13
EFT48452	29/07/2022	PFD Food Services Pty Ltd	ERC - Cafe Goods	MUNI	1,850.90
EFT48453	29/07/2022	Price Consulting Group Pty Ltd	CEO Annual Review Process 2022	MUNI	5,009.62
EFT48454	29/07/2022	Schweppes Australia Pty Ltd	ERC - Cafe Goods	MUNI	839.38
EFT48455	29/07/2022	South West Tree Safe	Remove Dead Trees to Ground Level - Henty Road	MUNI	3,300.00
EFT48456	29/07/2022	Southern Lock and Security	Supply 2 Eaton Sports Club Change Room Master Keys	MUNI	50.50
EFT48457	29/07/2022	Sports Turf Association WAR	WA Turf Industry Innovations and Technology Day and Farm To Facility Experience August 2022 - Tom Saul & Nigel Lyon	MUNI	200.00
EFT48458	29/07/2022	Steven Page	A11137 - Rates Refund	MUNI	70.11
EFT48459	29/07/2022	Sushiru	ERC - Cafe Order	MUNI	100.00
EFT48460	29/07/2022	Suzanne Occhipinti	Reimburse Uniform Purchase	MUNI	79.80
EFT48461	29/07/2022	Synergy	Electricity Supply & Usage - 8 x shire Locations	MUNI	15,647.25
EFT48462	29/07/2022	Telstra	Telephone Account - 2 Shire Locations	MUNI	70.61
EFT48463	29/07/2022	The Print Shop	Centre Promotional Court Net Banners and Tear Drop Flags	MUNI	963.60
EFT48464	29/07/2022	Tiana Fraser	Umpire Recoup - 26-07-2022	MUNI	110.00
EFT48465	29/07/2022	Toll Transport - Ipec Pty Ltd	2021- 2022 Postage & Freight	MUNI	213.88

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT48466	29/07/2022	Total Calibration Pty Ltd	Annual Software Maintenance For Lanteria HR Software - 01/08/2022 - 31/07/2023	MUNI	4,540.73
EFT48467	29/07/2022	Univerus Software Pty Ltd	Annual License Subscription - Assetfinda Software (01-Jul-2022 - 30-Jun-2023)	MUNI	23,677.50
EFT48468	29/07/2022	Water Corporation	Water Use and Service Charges - 2 Shire Locations	MUNI	810.48
EFT48469	29/07/2022	Western Australia Treasury Corporation	Loan 66 & 71 Repayments	MUNI	63,784.49
EFT48470	29/07/2022	Winc Australia Pty Ltd	Financial Year Diaries - Eaton Admin	MUNI	271.57
EFT48471	29/07/2022	Woolworths Group Limited - Online Order Only	Staff & Chambers Kitchen Stock	MUNI	257.60
EFT48472	29/07/2022	Work Clobber	Protective Clothing - Public Works - Michelle Williams, Steel Cap Boots Mark Atherton & Andre Schonfeldt	MUNI	1,539.90
EFT48473	29/07/2022	Workforce Road Services Pty Ltd	No Stopping Line Marking For School Traffic - Latrobe St	MUNI	489.50
<b>CHEQUES</b>					
33	06/07/2022	Shire of Dardanup - Please Pay Cash	Eaton Admin Petty Cash Recoup 08/04-14/06/2022	MUNI	180.15
34	28/07/2022	Commissioner of State Revenue	Rates Rebate Refund For Assessment A3587	MUNI	548.97
35	28/07/2022	Department of Transport	Shire of Dardanup Fleet Payment Schedule - 31/07/2023	MUNI	17,361.10
<b>TRUST</b>					
<b>BPAY</b>					
DD16606.1	07/07/2022	Department of Health - Pesticide Safety	Renewal Pest Management Technician's Licence - Michelle Williams Lic 10345 July 2022	MUNI	220.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
DD16644.1	25/07/2022	Alinta	ERC - Quarterly Invoice For Gas Consumption - 20/04-13/07/2022	MUNI	278.60
DD16650.1	27/07/2022	linet Ltd	Monthly Charge For NBN Wireless 4 Service & Business NBN100 - August 2022	MUNI	174.94
<b>CREDIT CARD</b>					
DD16665.1	28/07/2022	Facebook Ireland Limited	ERC Facebook Advertising Campaigns - At the Eaton Recreation Centre, we understand	MUNI	49.09
DD16665.2	28/07/2022	Facebook Ireland Limited	Events - Social Media Marketing - Enlighten	MUNI	56.45
DD16665.3	28/07/2022	Department of Transport	Special Series Plates Application 1937DA - Lloyd Alfred	MUNI	200
DD16665.4	28/07/2022	Facebook Ireland Limited	ERC Facebook Advertising Campaigns - Our July promotion is here	MUNI	70
DD16665.5	28/07/2022	Mailchimp	Monthly subscription and charge for Email Newsletters July 22	MUNI	145.64
<b>DIRECT DEBIT</b>					
<b>INTERNATIONAL</b>					
DD16609.1	07/07/2022	BPA Solutions	Annual Software Assurance BPA Software 01-07-2022 - 30-06-2023	MUNI	9,240.00
DD16609.2	07/07/2022	Muhimbi Ltd	1 Year Support & Maintenance Renewal - PDF Converter For Sharepoint - Small Farm License Support - 18/06/22 - 17/06/23	MUNI	2,244.39
DD16609.3	07/07/2022	Pluralsight	Pluralsight Annual Renewal - 01/07/2022 To 30/06/2023	MUNI	6,932.06
<b>PAYROLL</b>					
DD16604.1	08/07/2022	Aware Super Pty Limited	Payroll Deductions	MUNI	34,795.97
DD16604.2	08/07/2022	AMP Superannuation Savings Trust	Superannuation Contributions	MUNI	12.07



PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
DD16604.3	08/07/2022	Hostplus	Payroll Deductions	MUNI	1,498.20
DD16604.4	08/07/2022	Hughes Superannuation Fund	Superannuation Contributions	MUNI	24.48
DD16604.5	08/07/2022	MLC Super Fund	Superannuation Contributions	MUNI	1,196.73
DD16604.6	08/07/2022	Diamond Sea Superannuation Fund	Payroll Deductions	MUNI	419.21
DD16604.7	08/07/2022	One Path Masterfund	Superannuation Contributions	MUNI	138.94
DD16604.8	08/07/2022	Suncorp Brighter Super	Superannuation Contributions	MUNI	232.07
DD16604.9	08/07/2022	AMP Flexible Super - Super Account	Payroll Deductions	MUNI	804.48
DD16635.1	22/07/2022	Aware Super Pty Limited	Payroll Deductions	MUNI	36,737.79
DD16635.2	22/07/2022	AMP Superannuation Savings Trust	Superannuation Contributions	MUNI	12.50
DD16635.3	22/07/2022	Hostplus	Payroll Deductions	MUNI	2,270.81
DD16635.4	22/07/2022	Hughes Superannuation Fund	Superannuation Contributions	MUNI	25.28
DD16635.5	22/07/2022	MLC Super Fund	Superannuation Contributions	MUNI	1,196.74
DD16635.6	22/07/2022	Diamond Sea Superannuation Fund	Payroll Deductions	MUNI	419.21
DD16635.7	22/07/2022	One Path Masterfund	Superannuation Contributions	MUNI	70.23
DD16635.8	22/07/2022	Suncorp Brighter Super	Superannuation Contributions	MUNI	232.07
DD16635.9	22/07/2022	AMP Flexible Super - Super Account	Payroll Deductions	MUNI	1,027.04
DD16604.10	08/07/2022	ANZ Australian Staff Superannuation Scheme	Superannuation Contributions	MUNI	203.49
DD16604.11	08/07/2022	Local Government Super	Superannuation Contributions	MUNI	257.06

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
DD16604.12	08/07/2022	Asgard Infinity E Wrap Super	Payroll Deductions	MUNI	692.28
DD16604.13	08/07/2022	Hesta Super Fund	Payroll Deductions	MUNI	605.13
DD16604.14	08/07/2022	ANZ Smart Choice Super (Onepath Masterfund)	Superannuation Contributions	MUNI	57.96
DD16604.15	08/07/2022	MIML - Macquarie Super Accumulator	Payroll Deductions	MUNI	1,033.82
DD16604.16	08/07/2022	Unisuper	Superannuation Contributions	MUNI	17.55
DD16604.17	08/07/2022	Sunsuper Pty Ltd	Superannuation Contributions	MUNI	158.24
DD16604.18	08/07/2022	Australian Ethical Superannuation	Superannuation Contributions	MUNI	163.47
DD16604.19	08/07/2022	Australian Super	Superannuation Contributions	MUNI	125.04
DD16604.20	08/07/2022	MLC Superannuation Fund	Superannuation Contributions	MUNI	223.38
DD16604.21	08/07/2022	Rest Superannuation	Payroll Deductions	MUNI	2,152.35
DD16604.22	08/07/2022	The Bro Code Super Fund	Superannuation Contributions	MUNI	68.49
DD16604.23	08/07/2022	Media Super	Superannuation Contributions	MUNI	561.94
DD16604.24	08/07/2022	Construction & Building Industry Super	Superannuation Contributions	MUNI	60.76
DD16604.25	08/07/2022	Australiansuper	Superannuation Contributions	MUNI	6,414.74
DD16604.26	08/07/2022	The Templeman Family Superannuation Fund	Superannuation Contributions	MUNI	47.21
DD16604.27	08/07/2022	Hub24 Superannuation Fund	Superannuation Contributions	MUNI	283.58
DD16635.10	22/07/2022	ANZ Australian Staff Superannuation Scheme	Superannuation Contributions	MUNI	204.64
DD16635.11	22/07/2022	Local Government Super	Superannuation Contributions	MUNI	257.06

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
DD16635.12	22/07/2022	Asgard Infinity E Wrap Super	Payroll Deductions	MUNI	692.28
DD16635.13	22/07/2022	Hesta Super Fund	Payroll Deductions	MUNI	599.69
DD16635.14	22/07/2022	Meat Industry Employees Superannuation Fund	Superannuation Contributions	MUNI	18.80
DD16635.15	22/07/2022	MIML - Macquarie Super Accumulator	Payroll Deductions	MUNI	1,033.82
DD16635.16	22/07/2022	Unisuper	Superannuation Contributions	MUNI	25.07
DD16635.17	22/07/2022	Sunsuper Pty Ltd	Superannuation Contributions	MUNI	176.03
DD16635.18	22/07/2022	Australian Ethical Superannuation	Payroll Deductions	MUNI	256.87
DD16635.19	22/07/2022	ANZ Smart Choice Super (Onepath Masterfund)	Superannuation Contributions	MUNI	6.32
DD16635.20	22/07/2022	Australian Super	Superannuation Contributions	MUNI	137.30
DD16635.21	22/07/2022	MLC Superannuation Fund	Superannuation Contributions	MUNI	223.38
DD16635.22	22/07/2022	Rest Superannuation	Payroll Deductions	MUNI	2,363.77
DD16635.23	22/07/2022	The Bro Code Super Fund	Superannuation Contributions	MUNI	70.74
DD16635.24	22/07/2022	Media Super	Superannuation Contributions	MUNI	561.94
DD16635.25	22/07/2022	Construction & Building Industry Super	Superannuation Contributions	MUNI	205.06
DD16635.26	22/07/2022	Australiansuper	Payroll Deductions	MUNI	6,378.91
DD16635.27	22/07/2022	The Templeman Family Superannuation Fund	Superannuation Contributions	MUNI	48.77
DD16635.28	22/07/2022	Hub24 Superannuation Fund	Superannuation Contributions	MUNI	283.58
<b><u>REPORT TOTALS</u></b>					<b>2,216,108.03</b>

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT	2,070,622.30		<p><b>CERTIFICATE of Chief Executive officer</b></p> <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>		
Muni	18,090.22				
Cheque					
Trust	0.00				
Payroll	107,784.34				
Credit Card	521.18				
Direct Debit	0.00				
International	18,416.45				
BPAY	673.54				
<b>TOTAL</b>	<b>2,216,108.03</b>				

0.00



**ANDRÉ SCHÖNFELDT**  
Chief Executive Officer

**12.4.3 Title: Monthly Statement of Financial Activity for the Period Ended on the 31<sup>st</sup> of July 2022**

<b>Reporting Department:</b>	Corporate & Governance Directorate
<b>Reporting Officer:</b>	Mrs Natalie Hopkins - Manager Financial Services Mr Ray Pryce - Accountant
<b>Legislation:</b>	Local Government Act 1995
<b>Attachments:</b>	Appendix ORD: 12.4.3A – Risk Assessment Tool Appendix ORD: 12.4.3B – Monthly Financial Report – 31 <sup>st</sup> of July 2022

**Overview**

This report presents the monthly Financial Statements for the period ended on the 31<sup>st</sup> of July 2022 for Council adoption.

**Background**

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

**Legal Implications****Local Government Act 1995 – Section 6.4****6.4. Financial Report**

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

**Local Government (Financial Management) Regulations 1996 r. 34****Part 4 — Financial Reports — s. 6.4****34. Financial activity statement required each month (Act s. 6.4)**

- (1A) In this regulation—
 

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

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

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

### **Strategic Community Plan**

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

**Environment** - None.

### **Precedents**

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

### **Budget Implications**

The financial activity statement 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 CP128 Significant Accounting Policies
- CnG CP306 – Accounting Policy for Capital Works.

**Risk Assessment**

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to [Appendix ORD: 12.4.3A] for full assessment document.

<b>TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.</b>	
Risk Event	Monthly Statement of Financial Activity for the Period Ended 31 <sup>st</sup> of July 2022
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>Legal and Compliance      Non-compliance with the legislative requirements that results in a qualified audit.</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> <p>Financial                              Not monitoring ongoing financial performance would increase the risk of a negative impact on the financial position.</p>

**Officer Comment**

The Monthly Financial Report for the period ended on the 31<sup>st</sup> of July 2022 is contained in [Appendix ORD: 12.4.3B] 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      Statement of Investments
  - \* Note 6      Accounts Receivable (Rates and Sundry Debtors)
  - \* Note 7      Salaries and Wages
  - \* Note 8      Rating Information
  - \* Note 9      Borrowings
  - \* Note 10     Budget Amendments

The Statement of Financial Activity shows operating revenue and expenditure by 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 of Financial Activity includes the end-of-year surplus brought forward from 2021/22 of \$184,453. This surplus is an estimate based on officer forecast and is subject to completion of year-end accrual adjustments, reconciliations, contract liabilities, reserve transfers and subsequent audit review.

*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 2022/23 for reporting material variances is 5% or \$25,000, whichever is greater.

All reported variances are due to timing differences between actual costs and the corresponding budget allocations. Officers have continued to improve the seasonality factors associated with monthly budgets, however, there will be occasions when actual revenues and expenses do not follow historical or anticipated patterns.

*Note 6* – Statement of Investments reports the current Council cash investments and measures the portfolio against established credit risk limits based on reputable credit ratings agencies and incorporated in the Council's Investment Policy.

The total investment portfolio is currently \$6,014,530 in Reserve Account term deposit funds. 100% of the portfolio is invested with AA rated ANZ bank. Although this holding exceeds the maximum 50% of portfolio maximum permitted by the Council's investment policy, it is acceptable under the "grandfathering clause" as being due to a decrease in the size of the portfolio for liquidity purposes. It is expected that new investments to be taken out in August and September will rectify this portfolio diversification issue.

Yield return on term deposit investments remain relatively low in historical terms, but with changing economic conditions and recent Reserve Bank decisions to raise interest rates, rates are on a rising trend. Some major banks now offer near 3% p.a. for a 3 month term and upwards of 4% p.a. for 12 month deposits. At the same time last year, interest rates for comparable deposits were less than 0.5%.

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

**Council Role** - Review.

**Voting Requirements** - Simple Majority.

#### **Change to Officer Recommendation**

No Change. **OR:**

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

#### **OFFICER RECOMMENDED RESOLUTION**

**THAT Council: receives the Monthly Statement of Financial Activity [Appendix ORD: 12.4.3B] for the period ended on the 31<sup>st</sup> of July 2022.**



**12.5 COMMITTEES****12.5.1 Title: Local Emergency Management Committee Meeting Minutes held on the 10<sup>th</sup> of August 2022**

<i>Reporting Department:</i>	<i>Corporate &amp; Governance Directorate</i>
<i>Reporting Officer:</i>	<i>Ms Amanda Tuberes - Personal Assistant to DSD</i>
<i>Legislation:</i>	<i>Local Government Act 1995</i>
<i>Attachments:</i>	<i>Appendix ORD: 12.5.1 – 10<sup>th</sup> of August 2022 Local Emergency Management Committee Meeting Minutes</i>

**MINUTES OF THE SHIRE OF DARDANUP LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING HELD ON WEDNESDAY, 10<sup>th</sup> OF AUGUST 2022, AT SHIRE OF DARDANUP - ADMINISTRATION CENTRE EATON, COMMENCING AT 10.00AM.**

***Officer Comment***

The Minutes of the Local Emergency Management Committee Meeting held on the 10<sup>th</sup> of August 2022 [Appendix ORD: 12.5.1] are attached.

**OFFICER RECOMMENDED RESOLUTION**

**THAT Council receives the Minutes [Appendix ORD: 12.5.1] of the Local Emergency Management Committee Meeting held on the 10<sup>th</sup> of August 2022.**

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

None.

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

None.

**15 PUBLIC QUESTION TIME**

None.

**16 MATTERS BEHIND CLOSED DOORS**

None.

**17 CLOSURE OF MEETING**

The Presiding Officer advises that the date of the next:

- Ordinary Meeting of Council will be Wednesday, the 28<sup>th</sup> of September 2022, commencing at 5.00pm at the Shire of Dardanup - Administration Centre Eaton.

There being no further business the Presiding Officer to declare the meeting closed.