



# **AGENDA**

FOR THE

# **ORDINARY COUNCIL MEETING**

TO BE HELD

Wednesday, 24<sup>th</sup> of June 2026

Commencing at 5:00pm

AT

ADMINISTRATION CENTRE EATON

1 Council Drive - EATON

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~ Large Print  
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Upon request.



## NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Council Member

The next Ordinary Council Meeting of the Shire of Dardanup Council will be held on Wednesday, the 24<sup>th</sup> of June 2026 at the Administration Centre Eaton, 1 Council Drive, Eaton – commencing at 5:00pm.

**MR ANDRÉ SCHÖNFELDT**

Chief Executive Officer

Date: 19<sup>th</sup> June 2026

**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>	When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.  Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g.: under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

## DISCLAIMER

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

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

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

## RISK ASSESSMENT

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

**RISK CATEGORY CONSEQUENCE TABLE - GUIDELINE**

Rating (Level)	Health	Financial Impact	Service Interruption	Legal and Compliance	Reputational	Environmental	Property
<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. <b>Example:</b> Gossip, Facebook item seen by limited persons.	Contained, reversible impact managed by on site response.	Inconsequential or no damage.
<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. <b>Example:</b> Local paper / Industry news article, Facebook item seen by multiple groups.	Contained, reversible impact managed by internal response.	Localised damage rectified by routine internal procedures.
<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. <b>Example:</b> State-wide paper, TV News story.	Contained, reversible impact managed by external agencies.	Localised damage requiring external resources to rectify.
<b>Major (4)</b>	Long-term disability/ multiple injuries 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. <b>Example:</b> Australia wide news stories. Regulatory / Political commentary involvement.	Uncontained, reversible impact managed by a coordinated response from external agencies.	Significant damage requiring internal & external resources to rectify.
<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. <b>Example:</b> Worldwide news, Focused articles (e.g. 60 minutes). Regulatory / Political oversight and involvement.	Uncontained, irreversible impact.	Extensive damage requiring prolonged period of restitution. Complete loss of plant, equipment & building.

**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)

**RISK ACCEPTANCE CRITERIA**

RISK RANK	DESCRIPTION	CRITERIA	RESPONSIBILITY	ENTERED ON RISK REGISTER
<b>LOW (1 – 4)</b>	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Staff Member / Supervisor	No
<b>MODERATE (5 – 11)</b>	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Supervisor / Manager	No
<b>HIGH (12 – 19)</b>	Urgent Attention Required	Risk acceptable with effective controls, managed by senior management / executive and subject to monthly monitoring	Manager / Director / EMT	Yes
<b>EXTREME (20 – 25)</b>	Unacceptable	Risk generally not acceptable. However, if risk is accepted, then all treatment plans to be explored and implemented where possible, managed by highest level of authority (Council) and subject to continuous monitoring.	EMT / CEO / Council	Yes

**EXISTING CONTROLS RATING**

RATING	FORESEEABLE	DESCRIPTION	
<b>Effective</b>	More than what a reasonable person would be expected to do in the circumstances. There is <u>little</u> scope for improvement.	<b>Documentation</b>	Processes (Controls) fully documented, with accountable 'Control Owner'.
		<b>Operating Effectiveness</b>	Subject to ongoing monitoring and compliance to process is assured.
		<b>Design Effectiveness</b>	Reviewed and tested regularly.
<b>Adequate</b>	Only what a reasonable person would be expected to do in the circumstances. There is <u>some</u> scope for improvement.	<b>Documentation</b>	Processes (Controls) partially documented, with a clear 'Control Owner'.
		<b>Operating Effectiveness</b>	Limited monitoring, ad-hoc approach and compliance to process is generally in place.
		<b>Design Effectiveness</b>	Reviewed and tested, but not regularly.
<b>Inadequate</b>	Less than what a reasonable person would be expected to do in the circumstance. There is a <u>need</u> for improvement or action.	<b>Documentation</b>	Processes (Controls) not documented or no clear 'Control Owner'.
		<b>Operating Effectiveness</b>	No monitoring or compliance to process is not assured.
		<b>Design Effectiveness</b>	Have not been reviewed or tested for some time.

**SHIRE OF DARDANUP**

**AGENDA FOR THE SHIRE OF DARDANUP ORDINARY COUNCIL MEETING TO BE HELD ON WEDNESDAY, 24<sup>TH</sup> JUNE 2026 AT ADMINISTRATION CENTRE EATON, 1 COUNCIL DRIVE, 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.*

*Recording of Meetings*

*In accordance with Section 5.23A of the Local Government Act 1995, and Part 2A of the Local Government (Administration) Regulations 1996, video or audio recordings of Council meetings apply to all Ordinary and Special Council Meetings of the Shire of Dardanup.*

*All recordings will be retained as part of the Shire of Dardanup records and will be made available to the public via the Shire of Dardanup Website, excluding recordings of matters that Council take Behind Closed Doors.*



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

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

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

None.

**4      PUBLIC QUESTION TIME**

**5      APPLICATIONS FOR LEAVE OF ABSENCE**

**COUNCIL MOTION**

**THAT ..... be granted leave of absence for the Ordinary Council Meeting to be held on the 22<sup>nd</sup> July 2026**

**6      PETITIONS/DEPUTATIONS/PRESENTATIONS**

None.

**7      CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

*7.1    Ordinary Council Meeting Held on the 27<sup>th</sup> of May 2026*

**OFFICER RECOMMENDATION**

**THAT the Minutes of the Ordinary Meeting of Council held on the 27<sup>th</sup> of May 2026, be confirmed as true and correct subject to no/the following corrections:**

*7.2    Special Council Meeting Held on the 3<sup>rd</sup> of June 2026*

**OFFICER RECOMMENDATION**

**THAT the Minutes of the Special Meeting of Council held on the 3<sup>rd</sup> of June 2026, be confirmed as true and correct subject to no/the following corrections:**

**8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**8.1 *Shire President Monthly Report***Reporting Department***Elected Members***Elected Member***Cr. Tyrrell G Gardiner – Shire President*

*Note: The Shire Presidents Report to be tabled at the meeting.*

**9 ANNOUNCEMENTS OF MATTERS FOR WHICH MEETING MAY BE CLOSED**9.1 *Chief Executive Officer Review Committee Meeting held on the 3<sup>rd</sup> June 2026*9.2 *Chief Executive Officer Long Service Leave – Acting Chief Executive Officer Appointment*9.3 *FOGO Processing, Transport & Regional Transfer Station*9.4 *Outback Padel Proposal – Eaton Bowling & Social Club*

It is recommended that the following items be heard behind closed doors towards the end of the meeting in accordance with the *Shire of Dardanup Standing Orders Local Law 2014* & the *Local Government Act 1995*, Section 5.23.

The Standing Orders and the *Local Government Act 1995* provide for Council to resolve to close the meeting to the public and proceed behind closed doors for matters:

- Section 5.23 (1) The following are to be open to members of the public —*
- (a) all Council meetings;*
  - (b) all meetings of any committee.*
- (2) Despite subsection (1), if any of the following matters is to be dealt with at a meeting, the council or committee must close the meeting to members of the public to the extent necessary to ensure that the matter is dealt with at the meeting on a confidential basis —*
- (a) a matter that a committee of a House of Parliament, or a joint committee of both Houses, has advised the local government must be dealt with on a confidential basis;*
  - (b) a matter relating to the recruitment or employment of the CEO or a senior employee, including the following —*
    - (i) the termination of employment;*
    - (ii) a review of performance under section 5.38;*
  - (c) a prescribed matter;*
  - (d) a matter that is the subject of a direction given under section 5.23AA(1).*
- (3) Despite subsection (1), the council or committee must close a meeting to members of the public to the extent necessary to ensure compliance with a requirement (however formulated) —*
- (a) that is imposed under a written law, excluding this Act and local laws; and*
  - (b) that prohibits or restricts the making public of information.*
- (4) Despite subsection (1), if any of the following information is to be dealt with at a meeting, the council or committee may close the meeting to members of the public to the extent necessary to ensure that the information is dealt with at the meeting on a confidential basis —*
- (a) legal advice, or other information, over which the local government holds legal professional privilege;*
  - (b) information relating to the personal affairs of an individual;*
  - (c) information contained in a tender received by the local government for a contract to the extent that the information —*
    - (i) is a tendered price; or*
    - (ii) a tendered methodology for calculating a price;*
  - (d) information contained in a tender received by the local government for a contract to the extent that —*
    - (i) the information discloses any technology, or any manufacturing, industrial or trade process, that the tenderer proposes to use in performing the contract; and*
    - (ii) the information has not previously been made public; and*
    - (iii) the making public of the information would be likely to have an adverse effect on the tenderer's business interests;*
  - (e) information the making public of which would be likely to endanger the security (including cyber-security) of any of the local government's property or operations;*
  - (f) information the making public of which would be likely to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
  - (g) prescribed information;*
  - (h) information that is the subject of a direction given under section 5.23AA(2).*

**Note:** 16.1, 16.2 & 16.3 - The meeting would go behind closed doors toward the end of the meeting to discuss matters that fall within the provisions of Section 5.23 of the Local Government Act 1995, requiring or permitting the meeting to be closed to ensure the information is dealt with on a confidential basis.

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

- *Chief Executive Officer, Mr André Schönfeldt, declared an Impartiality Interest in item 12.6.2 – Audit & Risk Committee Meeting held on the 10<sup>th</sup> June 2026, as Mr Schönfeldt has used the accounting services of the firm who provided the Financial Management System Review in February 2025*
- *Chief Executive Officer, Mr André Schönfeldt, declared a Financial Interest in item 16.1 – CEO Review Committee Meeting held on the 3rd June 2026, due to the item relating to his employment contract.*
- *Director Corporate & Governance, Mrs Natalie Hopkins, declared a Financial Interest in item 16.2 – Chief Executive Officer Long Services Leave – Acting Chief Executive Officer Appointment, due to the item relating to her remuneration and employment contract.*
- *Director Corporate & Governance, Mrs Natalie Hopkins, declared a Financial Interest in item 12.5.4 – Fleet Management Policy Update and 2026 Light Vehicle Fleet Review, due to the item relating to her remuneration and employment contract.*

## 12 REPORTS OF OFFICERS AND COMMITTEES

### 12.1 EXECUTIVE REPORTS

#### 12.1.1 Western Australian Local Government Association Convention and Annual General Meeting

<b>Reporting Department</b>	<i>Executive</i>
<b>Responsible Officer</b>	<i>Mr André Schönfeldt – Chief Executive Officer</i>
<b>Reporting Officer</b>	<i>Ms Marie Vitanza – Executive Assistant</i>
<b>Legislation</b>	<i>Local Government Act 1995</i>
<b>Council Role</b>	<i>Executive/Strategic.</i>
<b>Voting Requirement</b>	<i>Simple Majority.</i>
<b>Attachments</b>	<i>Appendix ORD: 12.1.1A – Notice of WALGA AGM</i> <i>Appendix ORD: 12.1.1B – Guidelines for Submissions</i> <i>Appendix ORD: 12.1.1C – Risk Assessment</i>

#### **Overview**

This report presents to Council a request to nominate Council representatives for the Western Australian Local Government Association (WALGA) Local Government Convention scheduled from the 16<sup>th</sup> – 18<sup>th</sup> September 2026 at Perth Convention and Exhibition Centre. The convention theme ‘Tomorrow’s World’ reflects the rapidly changing environment facing Local Governments across Western Australia. From emerging technologies and shifting community expectations to economic pressures and global uncertainty, the challenges and opportunities facing the sector are evolving faster than ever before. Please refer to link [2026 WALGA Local Government Convention](#) for further information.

Council is also invited to nominate two Councillors to be voting members at the 2026 WALGA Annual General Meeting (AGM) occurring on Thursday, 17<sup>th</sup> June 2026 and submit motions for inclusion in the WALGA AGM Agenda (Appendix ORD: 12.1.1A).

Key Dates are as follows (Appendix ORD: 12.1.1B):

- **30<sup>th</sup> July 2026:** Deadline for Members to submit motions for the AGM Agenda.
- **1<sup>st</sup> September 2026:** Registration of Voting Delegates closes.
- **16<sup>th</sup> – 18<sup>th</sup> September 2026:** Local Government Convention
- **17<sup>th</sup> September 2026:** Annual General Meeting, Perth Convention and Exhibition Centre.

#### **OFFICER RECOMMENDATION**

**THAT Council:**

1. **Endorses the Chief Executive Officer and the following councillors to attend the 2026 Western Australian Local Government Association Convention and Annual General Meeting, as detailed in the Notice of WALGA AGM (Appendix ORD: 12.1.1A):**

Cr. ....

Cr. ....

2. **Nominates two Councillors to be voting members for the Shire of Dardanup at the 2026 Western Australian Local Government Association Annual General Meeting:**

Cr. ....

Cr. ....

3. **Nominates two Councillors to be second proxy voting delegates, should the need arise:**

Cr. ....

Cr. ....

4. **Requests the Chief Executive Officer to prepare the following motions for the WALGA AGM Agenda in accordance with the WALGA Guidelines for Submissions (Appendix ORD: 12.1.1B):**

a. **THAT WALGA ...**

b. **THAT WALGA ...**

c. **THAT WALGA ...**

***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 Recommendation:

**Background**

WALGA holds a State Convention every year to bring all Local Governments together to participate in sessions of general interest and professional development on specific issues. The WALGA Local Government Convention serves as the framework for the AGM of the Western Australian Local Government Association. The convention rules and proceedings are governed directly by the WALGA Constitution and the AGM Standing Orders.

**Legal Implications** - None.

**Council Plan**

13.1 - Adopt best practice governance.

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

**Environment** - None.

**Precedents**

Each Council is to send two representatives as voting delegates to the AGM. In previous years where the Council has no policy on a matter going before the WALGA AGM, Council has given approval for the delegates to vote according to any new information debated at the meeting, otherwise delegates are to vote in accordance with Council's direction. The Chief Executive Officer attends the convention.

**Budget Implications**

There are no budget implications for attendance at the AGM itself. Budget allocations have been made for the Chief Executive Officer and Councillors to attend the WALGA Annual Convention.

There is currently \$29,844 allocated in the 2026/27 Draft budget (Job Activity 28065 – Training & Conferences – Councillors). On average, we have been budgeting \$3,316 per Council Member councillor.

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

**Council Policy Compliance**

*CnG CP081 – Elected Member and CEO Attendance at Events*

*CnG CP112 – Councillor Induction Training and Professional Development.*

**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>	
Report Title	Western Australian Local Government Association Convention and Annual General Meeting
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.		
Risk Category Assessed Against	Reputational	Council reputation may suffer if it is not involved with current issued affecting Local Government as a whole.

**Officer Comment**

The benefits to Councillors in attending the annual WALGA Convention are highlighted as follows:

- **Professional Development:** Attendance at the WALGA Convention provides valuable opportunities for professional growth through access to a diverse range of presentations and discussions led by experts.
- **Networking Opportunities:** The convention serves as a platform to engage and build connections with peers, industry leaders, and key stakeholders. This networking fosters the exchange of ideas, best practices, and innovative solutions to common challenges.
- **Policy Influence:** Participation in the AGM enables our representatives to contribute to discussions shaping policies that affect the local government sector.
- **Knowledge Enhancement:** Gain insights into the latest trends, policies, and legislative changes affecting local government. This knowledge is crucial for informed decision-making and effective governance.
- **Recognition and Awards:** The convention also serves as a forum for acknowledging the achievements and contributions of councils and individual Elected Members through various awards and recognitions, promoting a culture of excellence and motivation.
- **Strategic Planning:** Exposure to successful case studies and strategic initiatives from other councils can inspire and inform Elected Members in the development and implementation of their own council's strategic plans and projects.

During the Convention, an AGM will be held, and two Councillors representing the Shire will be required to vote on Council’s behalf. In previous years, circumstances have occasionally arisen where a nominated voting delegate has been unavailable on the day. To ensure continuity and maintain the Shire’s voting entitlement, it is recommended that Council also appoint two proxy delegates.

Attendance at the Convention provides valuable opportunities for networking, professional development, and strengthening sector knowledge. For these reasons, participation is encouraged and supported through Council’s policy. Accordingly, Council is requested to nominate two voting delegates and two proxy delegates for the AGM.

The Shire of Dardanup also has the opportunity to submit motions for consideration at the AGM. Councillors should have regard to the WALGA motion submission requirements (Appendix ORD: 12.1.1B). Should Council wish to put forward any specific motions, it is recommended that Councillors determine these through a formal resolution. This will ensure the CEO has adequate time to undertake the necessary background research, prepare supporting information, and develop a well-substantiated motion for submission. Once the AGM agenda is prepared, 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.

END REPORT

## 12.2 DEVELOPMENT DIRECTORATE REPORTS

### 12.2.1 Draft Public Health Plan 2026–2030 – Endorsement to Advertise

<b>Reporting Department</b>	<i>Development Services Directorate</i>
<b>Responsible Officer</b>	<i>Ms Susan Oosthuizen – Executive Manager Development Services</i>
<b>Reporting Officer</b>	<i>Mr Neil Nicholson – Principal Environmental Health Officer</i>
<b>Legislation</b>	<i>Local Government Act 1995 Public Health Act 2016 (s.21, s.45, s.46) Health (Miscellaneous Provisions) Act 1911</i>
<b>Council Role</b>	<i>Executive/Strategic</i>
<b>Voting Requirement</b>	<i>Simple Majority</i>
<b>Attachments</b>	<i>Appendix ORD: 12.2.1A – Draft Public Health Plan 2026 – 2030 Appendix ORD: 12.2.1B – Strategic Objectives and Actions Alignment Matrix Appendix ORD: 12.2.1C – Independent Peer Review Summary (R.A. Janes Consulting, 2 June 2026) Appendix ORD: 12.2.1D – Consultation and Delivery Plan Appendix ORD: 12.2.1E – Risk Assessment – Public Health Plan 2025 – 2030</i>

#### **Overview**

This report seeks Council endorsement of the Draft Public Health Plan (PHP) 2026–2030 and authorisation for officers to undertake community and stakeholder consultation, and to proceed with the remaining steps required to finalise and adopt the Plan.

Following consultation, the outcomes will be presented to Elected Members at a Council Workshop. Should any objecting submission be received during the consultation period, or any significant amendment to the Plan be considered necessary as a result of feedback received, the Plan will be returned to Council for consideration and formal adoption at the Ordinary Council Meeting of 26 August 2026; otherwise, the Chief Executive Officer may finalise and adopt the Plan under delegation, as set out in Recommendation 2.

#### **OFFICER RECOMMENDATION**

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

- 1. Endorse the Draft Public Health Plan 2026–2030 (Appendix ORD: 12.2.1A) for public comment for a period of no less than 21 days, inviting community and stakeholder feedback, and endorse the Consultation & Delivery Plan (Appendix ORD: 12.2.1D) as the framework for that consultation.**
- 2. Following the consultation period, authorises the Chief Executive Officer to finalise and adopt the Draft Public Health Plan 2026–2030 (Appendix ORD: 12.2.1A), should no submissions objecting to the Draft Public Health Plan 2026–2030 be received during the public consultation period, and no significant amendments to the Plan be considered necessary as a result of feedback received during the consultation period.**

***Change to Officer Recommendation***

No Change. OR:

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

## **Background**

Under s.45 of the *Public Health Act 2016* (the Act), every local government in Western Australia is required to prepare a Public Health Plan for its district. The plan must be consistent with the State Public Health Plan and must address the statutory requirements prescribed under the Act, which include:

1. *An assessment of public health needs*: drawing on relevant health data and demographic evidence to establish a clear picture of the community's health status, risk factors, and priorities specific to the district;
2. *Objectives and policy priorities*: setting out what the local government intends to achieve in promoting, protecting and delivering public health services within the district over the life of the plan;
3. *Partnership and collaboration arrangements*: describing how the local government will work with health agencies, community organisations and other partners to achieve those objectives;
4. *A public health risk management framework*: identifying and providing for the management of risks to community health and wellbeing within the district; this is distinct from the local government's general corporate risk management obligations and is specifically concerned with population-level health risks; and
5. *A progress report on the previous plan*: an honest account of the local government's performance in implementing the preceding public health plan, including actions completed, partially delivered, or outstanding.

The Shire of Dardanup's current Public Health Plan 2021–2025 was adopted by Council in 2021. That plan expired in 2025, triggering the obligation under the Act for officers to develop a replacement plan. The development of the PHP 2026–2030 has been coordinated by the Principal Environmental Health Officer (PEHO) in accordance with the requirements of the Act and the Department of Health's guidance for local government public health planning (Appendix ORD: 12.2.1A).

The draft PHP 2026–2030 has been developed to reflect a substantially broader scope than its predecessor, including a strengthened evidence base, an expanded community health profile, a three-priority-area framework, and 15 strategic actions with associated KPIs and success indicators.

The plan has been mapped against the Shire's Strategic Community Plan 2023–2033, Place and Community Plan, Council Plan and other key strategic documents as detailed in the Strategic Objectives and Actions Alignment Matrix prepared by Officers (Appendix ORD: 12.2.1B).

## Statutory Context

The key statutory provisions under the *Public Health Act 2016* relevant to this report are:

- s.45 – Obligation on local governments to prepare a local public health plan for the district (including, under s.45(7), the timeframe for the first plan).
- s.21 – Power of a local government to delegate its powers and duties under the Act to its Chief Executive Officer.
- Part 5 – Contains the local public health planning provisions, including the requirement to develop the plan in consultation with the community and to consult the Chief Health Officer.

The Act does not prescribe a process for the adoption of a local public health plan and does not require public advertising of a draft plan. The proposed 21-day public comment period reflects the Department

of Health's guidance for local government public health planning and the Shire's commitment to community engagement and exceeds the minimum requirements of the Act.

Similarly, neither the Act nor its subsidiary legislation requires a final plan to be returned to Council following the public consultation period; s.21 of the Act permits a local government to delegate its powers and duties under the Act to its Chief Executive Officer. Recommendation 2 reflects this, while preserving Council's decision-making role if any objecting submission is received or any significant amendment to the Plan is considered necessary as a result of feedback received. As Recommendation 2 operates as a delegation of the local government's power to the Chief Executive Officer, the item has been identified as requiring an absolute majority decision.

Part 5 of the Act, which contains the public health planning provisions, came into operation on 4 June 2024. Under s.45(7) of the Act, a local government must prepare its first local public health plan not later than two years after that commencement, that is, by 4 June 2026. Recognising that finalisation of the Shire's Plan would extend marginally beyond this date, officers have engaged proactively with the Department of Health, and the Chief Executive Officer has written to the Director General to advise of the Plan's advanced status and delivery timeline and to request a short extension, as outlined further below.

#### Independent Peer Review and Agency Feedback

In keeping with the Shire's commitment to quality and rigour in the development of the PHP 2026–2030, the Shire engaged R.A. Janes Consulting (Ryan Janes, BSc (EH), Grad. Cert. (Risk Assessment), MID) to undertake an independent peer review of the draft Plan. Mr Janes is the Local Health and Analytical Committees Coordinator (LHAAC) at Edith Cowan University and is well-credentialed in environmental health and public health planning.

A summary of Mr Janes' preliminary review findings has been received and is provided to Council as (Appendix ORD: 12.2.1C). The summary confirms that the draft Plan is of good quality and is progressing on the right track. Key observations from the summary include:

- The draft PHP presents a comprehensive and well-structured framework, underpinned by robust evidence-based analysis, and demonstrates a thoughtful and contemporary approach to public health planning.
- The draft is a significant step forward in scope and ambition compared to the PHP 2021–2025.
- The draft serves as an excellent example of a regional local government public health plan, with strong integration across other Shire strategic documents.
- The peer review identifies several areas for refinement, including further clarification of actions and KPIs relating to vulnerable population groups, and adjustments to certain KPI measures to improve their measurability and relevance.
- The full peer review report is expected to be delivered by July 2026, and its recommendations will be incorporated into the final Plan prior to formal adoption.

In addition to the independent peer review, preliminary feedback on the draft Plan has been received from WA Country Health Service (WACHS) South-West. WACHS South-West provided constructive commentary on the draft, including suggestions for alignment of action headings with the State Public Health Plan 2025–2030, recommendations for additional priority areas reflecting health data trends in the district, and proposed actions across a range of public health themes. The feedback is broadly supportive of the draft Plan's direction and scope. Officers will consider the WACHS South-West feedback in the finalisation process.

### Engagement with the Department of Health

In recognition of the Shire's obligations under the Act and in the interests of maintaining a cooperative and transparent relationship with the Department of Health, the Shire has written to the Director General, Department of Health seeking an extension to the adoption of the Shire's Public Health Plan and to advise that significant steps have been undertaken towards the preparation of the Shire's PHP:

- The Shire's PHP 2026–2030 is actively under development and progressing well;
- An independent peer review has been commissioned and is underway;
- The intended delivery timeline is formal adoption at the Ordinary Council Meeting of 26 August 2026; and
- The Shire looks forward to continued partnership with the Department in the delivery and implementation of the Plan.

By letter dated 12 June 2026, the Director General responded, confirming that the Chief Health Officer has granted the requested extension of time for the adoption of the Plan, and acknowledging the Shire's commitment to developing a comprehensive and effective local public health plan. This provides the Shire with the necessary time to complete the consultation process and finalise the Plan for adoption, with submission to the Department of Health by 30 September 2026. Officers will continue to keep the Director General formally advised of the Plan's progress through to adoption.

### Proposed Finalisation Pathway

Officers propose the following steps to finalise the PHP 2026 – 2030 for adoption:

#### 1. *Community and stakeholder consultation:*

The draft Plan will be advertised for public comment and targeted stakeholder engagement conducted, including with WA Country Health Service South-West and other identified partners. Community consultation is proposed to include a public survey open to all district residents, promoted through the Shire's website, social media channels, and community noticeboards.

Targeted stakeholder engagement is proposed to include WA Country Health Service South-West, the Department of Health, local community organisations, and other agencies with an interest in public health outcomes in the district. The consultation will be conducted in accordance with the Consultation & Delivery Plan (Appendix ORD: 12.X.XD), which sets out the four consultation audiences (community; stakeholder and community groups; government and not-for-profit organisations; and Council), the consultation method for each, the scope parameters that will be applied, and the full delivery timeline. The organisations to be engaged are listed in the Stakeholder Consultation Register that forms part of that Plan.

#### 2. *Council Workshop:*

A briefing will be provided to Elected Members on the draft Plan to receive feedback prior to finalisation.

#### 3. *Incorporation of feedback:*

Submissions from the community and stakeholder consultation process, and feedback from the Council Workshop, will be collated and considered, and incorporated where appropriate.

4. *Peer review recommendations:*

The recommendations of R.A. Janes Consulting's full review report will be incorporated into the Plan.

5. *Strategic Community Plan alignment:*

The Plan will be adjusted, where appropriate, to align with the outcomes of the Shire's Strategic Community Plan, which is currently under development.

6. *Graphic design:*

The finalised Plan will be professionally designed to produce a polished, publication-ready document for formal release.

7. *Formal adoption:*

Subject to Council's adoption of Recommendation 2, and following a Council Workshop at which the outcomes of consultation are presented to Elected Members, the Chief Executive Officer will finalise and adopt the completed Plan (incorporating the finalisation steps described above) for public release, provided no objecting submissions are received during the public consultation period and no significant amendments to the Plan are considered necessary because of feedback received. Should either condition not be met, the Plan will be presented to Council at the OCM of 26 August 2026 for consideration and formal adoption.

**Legal Implications**

*Public Health Act 2016* – obligation to prepare a local public health plan for the district (s.45, Part 5), and power of a local government to delegate its powers and duties under the Act to its Chief Executive Officer (s.21).

*Health (Miscellaneous Provisions) Act 1911* – relevant to the Shire's ongoing environmental health functions, which are reflected in the PHP.

**Council Plan**

- 1.1 – *Provide quality and responsive services to the community.*
- 1.3 – *Lead by example in governance, accountability and transparency.*
- 3.1 – *Support community health, wellbeing and safety.*

**Environment** - None.

**Precedents**

Council adopted the Shire of Dardanup Public Health Plan 2021–2025.

**Budget Implications**

The development of the PHP 2026 – 2030 has been managed within existing allocated budget of \$10,000.

### **Budget – Whole of Life Cost**

The PHP 2026–2030 is designed to draw on and align with the existing service delivery functions of multiple Shire departments, including Community Development, Engineering and Assets, Recreation, and the library. The objectives and actions captured under those departments' areas of responsibility are embedded within their respective annual service delivery programs and are supported by budget allocations approved by Council through the normal annual budget process.

The PHP does not create new or additional funding obligations for those departments; rather, it provides a formalised public health framework within which their existing work is recognised and reported.

The primary whole-of-life cost associated with the PHP falls to the Environmental Health team, which carries the ongoing obligations for plan coordination, data collection, performance monitoring, and annual and period reporting.

### **Council Policy Compliance**

No specific Council policy applies directly to this matter. The development of the PHP is a statutory obligation under the *Public Health Act 2016*.

### **Risk Assessment**

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. The full risk assessment is provided in (Appendix ORD: 12.2.1E).

<b>TIER 1 – 'Moderate' Inherent Risk.</b>	
Report Title	Draft Public Health Plan 2026–2030 – Council Endorsement and Advertising
Inherent Risk Rating (prior to treatment or control)	Moderate (5 – 11)
Risk Action Plan (treatment or controls proposed)	Implement Public Health Plan in compliance with the <i>Public Health Act 2016</i> .
Residual Risk Rating (after treatment or controls)	Low (1–4)
Risk Category Assessed Against	Health – Health and Wellbeing needs of the community not addressed to the extent it could with a Public Health Plan in place.  Legal and Compliance – Non-compliance with s.45 of the <i>Public Health Act 2016</i> (obligation to prepare and maintain a public health plan).  Reputational – Delay or absence of completed plan to Council or the community.

### **Officer Comment**

The PHP 2026–2030 represents a significant body of work by the Shire's Environmental Health team and reflects a meaningful step forward in the Shire's approach to public health planning. The draft Plan is substantively complete, has been subject to preliminary independent peer review, and is considered ready for community and stakeholder consultation.

The draft Plan has been developed in consultation with relevant Shire departments, including Community Development, Engineering and Assets, Recreation, and the library. Officers from those areas have been engaged in the identification of objectives and actions relevant to their respective service functions, and the plan reflects their input accordingly.

The independent peer reviewer's summary (Appendix ORD: 12.2.1C) provides qualified endorsement of the draft Plan's quality and approach. The review identifies a number of areas for refinement, principally relating to KPI measurability, the treatment of vulnerable population groups, and document structure – which officers will address in the finalisation process. The full peer-review report is expected by July 2026.

The receipt of preliminary feedback from WACHS South-West prior to formal advertising is a positive indicator of agency engagement and reflects well on the collaborative approach taken in the plan's development.

Officers are confident that the proposed finalisation pathway is achievable and appropriate. The conditional authorisation in Recommendation 2 enables the Plan to be adopted promptly following the consultation outcome, minimising the period beyond the statutory timeframe, while preserving Council's decision-making role should any objecting submission be received or any significant amendment be considered necessary. Council's endorsement of the draft Plan and authorisation to proceed with consultation and finalisation steps is sought accordingly.

END REPORT

## 12.2.2 Beekeeping Approval BK-009 – 59 Pratt Road, Eaton – Amendment or Revocation of Approval

<b>Reporting Department</b>	<i>Development Services Directorate</i>
<b>Responsible Officer</b>	<i>Ms Susan Oosthuizen – Executive Manager Development Services</i>
<b>Reporting Officer</b>	<i>Mr Neil Nicholson – Principal Environmental Health Officer</i>
<b>Legislation</b>	<i>State Administrative Tribunal Act 2004 Biosecurity and Agriculture Management Act 2007 Shire of Dardanup Health Local Law 2000 (s.6.7.2) Council Policy SDev CP005 – Keeping of Bees</i>
<b>Council Role</b>	<i>Quasi-Judicial.</i>
<b>Voting Requirement</b>	<i>Simple Majority.</i>
<b>Attachments</b>	<i>Appendix ORD: 12.2.2A – Officer Briefing Note and Recommendation to Council (BK-009) Appendix ORD: 12.2.2B – WAAS President – Written Responses to Shire Questions (7 June 2026) Appendix ORD: 12.2.2C – Shire of Dardanup Health Local Law 2000 – Section 6.7.2 extract Appendix ORD: 12.2.2D – Council Policy SDev CP005 – Keeping of Bees Appendix ORD: 12.2.2E – OCM Resolution – Original Approval BK-009 (20 September 2017) Appendix ORD: 12.2.2F – Amended Approval BK-009 (29 September 2020) Appendix ORD: 12.2.2G – Risk Assessment <b>Confidential Attachment A</b> – Legal Advice – McLeods (provided under separate cover)</i>

### **Overview**

This report seeks Council's determination of a formal nuisance complaint received in December 2025 regarding the approved beekeeping activity at 59 Pratt Road, Eaton (Approval BK-009, held by Mr Trevor and Ms Jane Dyer).

This report presents two options for Council's determination: (A) amend Approval BK-009 subject to four enforceable conditions including relocation of the hives to the centre of the property; or (B) revoke Approval BK-009 and direct the removal of the approved beehives. The Principal Environmental Health Officer (PEHO) recommends Option A (amendment).

### **OFFICER RECOMMENDATION 'A'**

#### **THAT Council:**

- 1. Resolves, pursuant to section 6.7.2(2) of the *Shire of Dardanup Health Local Law 2000* (Appendix ORD: 12.2.2C) and section 4.5 of *Council Policy SDev CP005*, that the approved beehives at 59 Pratt Road, Eaton (Approval BK-009) may have been causing a nuisance to the occupants of the adjoining property.**
- 2. Resolves that Approval BK-009 held by Trevor and Jane Dyer shall be subject to the following requirements, and that any failure by the approval holders to comply with those requirements shall be regarded by the Shire as grounds to**

form the opinion that the approved beehives are causing a nuisance, and to direct their removal in accordance with clause 6.7.2 of the *Shire of Dardanup Health Local Law 2000* (Appendix ORD: 12.2.2C):

- a. **Recommencement conditions** — Beekeeping activity shall not recommence at the property until the approval holder has demonstrated compliance with the *WAAS Best-Practice Guidelines for Urban Beekeeping (2020)*, the amended conditions of this approval, and *Council Policy SDev CP005*.
  - b. **Hive Management Plan** — Prior to recommencement, the approval holder must submit a written Hive Management Plan to the Shire, prepared in accordance with the *WAAS Best-Practice Guidelines for Urban Beekeeping (2020)*. Beekeeping activity shall not recommence until the Plan has been approved in writing by the Principal Environmental Health Officer.
  - c. **Hive relocation** — All hives must be relocated to the centre of the property, away from the eastern boundary adjoining property. The approved hive location must be shown on a revised site plan submitted with the Hive Management Plan and approved by the Principal Environmental Health Officer prior to recommencement.
  - d. **Maximum hive numbers** — No more than three (3) hives shall be maintained at the property at any one time, consistent with the existing approval. A fourth hive is permitted temporarily during a colony split, provided the additional hive is removed or consolidated within 60 days.
3. Authorises the Chief Executive Officer to issue a formal determination letter to the approval holders advising of the Council resolution and the amended conditions of Approval BK-009.
  4. Authorises the Chief Executive Officer to advise the complainants of the outcome in writing.

**OR**

#### **OFFICER RECOMMENDATION 'B'**

**THAT Council:**

1. Resolves, pursuant to section 6.7.2(2) of the *Shire of Dardanup Health Local Law 2000* (Appendix ORD: 12.2.2C) and section 4.5 of *Council Policy SDev CP005*, that the approved beehives at 59 Pratt Road, Eaton (Approval BK-009) have been causing a nuisance to the occupants of the adjoining property.
2. Resolves to revoke Approval BK-009 held by Trevor and Jane Dyer, effective from the date of the determination letter, and direct that all approved beehives at 59 Pratt Road, Eaton be removed within 28 days of that date.

3. **Authorises the Chief Executive Officer to issue a formal determination letter to the approval holders advising of the revocation of Approval BK-009 and the requirement to remove the beehives.**
4. **Authorises the Chief Executive Officer to advise the complainants of the outcome in writing.**

***Change to Officer Recommendation***

No Change. OR:

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

## **Background**

Approval BK-009 was granted by Council at the Ordinary Council Meeting of 20<sup>th</sup> September 2017 (confirmed 11<sup>th</sup> October 2017), permitting Trevor and Jane Dyer to keep one (1) bee hive at 59 Pratt Road, Eaton (Lot 60). The approval was subject to conditions including compliance with the Western Australian Apiarists' Society (WAAS) Best-Practice Guidelines for Urban Beekeeping, as referenced in *Council Policy SDev CP005*.

The approval was subsequently amended on 29<sup>th</sup> September 2020 to permit three (3) hives, issued under officer delegated authority in accordance with Clause 5(5) of *Council Policy SDev CP005*. Prior to determination, the Shire formally notified the occupant of the adjoining property, providing a site plan that showed the location of the hives on the eastern boundary of the property. The occupant at that time raised no objection and indicated support for the application. The current complainants were not the occupants of the adjoining property at the time of the 2020 amendment. They settled on the property on 30<sup>th</sup> September 2021, more than twelve months after the amended approval was granted.

The Dyers are registered beekeepers under the *Biosecurity and Agriculture Management Act 2007*, and are current members of WAAS, holding public liability insurance through that membership. Beekeeping has been conducted at the property since 2017.

In December 2025, the Shire received a formal complaint from the occupants of the adjoining property, alleging repeated aggressive bee incidents causing physical harm to themselves and their dog, and rendering their outdoor living space effectively unusable.

*Council Policy SDev CP005* section 4.5 provides that where a new concern is raised regarding an existing beekeeping approval, the matter is to be reconsidered by Council. This report gives effect to that obligation.

## **Legal Implications**

Section 6.7.2 of the *Shire of Dardanup Health Local Law 2000* is reproduced in (Appendix ORD: 12.2.2C).

Section 6.7.2(2) of the *Shire of Dardanup Health Local Law 2000* provides:

*“If, in the opinion of an Environmental Health Officer, the approved beehives are causing a nuisance, the Council may direct any bees or approved beehives to be removed.”*

*Council Policy SDev CP005*, section 4.5 provides:

*“If Council is notified of a new concern regarding the keeping of bees on a particular property, the application will be reconsidered by Council and approval may be revoked.”*

*Biosecurity and Agriculture Management Act 2007* — the Dyers are registered beekeepers under this Act. The Act does not preclude Council from exercising its powers under the Health Local Law.

*State Administrative Tribunal Act 2004* — the approval holders have standing to seek a de novo review of Council's determination at SAT.

The *Shire of Dardanup Health Local Law 2000* (clause 6.7.2) provides the operative power for Council to grant an approval to keep bees and, where an authorised officer is of the opinion that approved beehives are causing a nuisance, to direct those bees to be removed. The Local Law does not expressly provide a power to impose conditions on an existing approval after it has been granted.

Legal advice from McLeods (11<sup>th</sup> June 2026) confirms that, while there is no specific basis in the Local Law for amending an existing approval or retrospectively imposing conditions, section 50(2)(b) of the *Interpretation Act 1984* provides that where a written law confers power to grant an approval, that power includes the power to impose reasonable conditions. On that basis, there is a general basis for the Shire to impose conditions in relation to an approval.

McLeods further advises that, even if those conditions were challenged as not strictly enforceable in their own right, a failure by the approval holders to comply with the requirements would constitute grounds for the Shire to form the opinion that the bees are causing a nuisance and to direct their removal under clause 6.7.2. In practical terms, the requirements function as an enforceable framework for escalation.

McLeods considers the proposed requirements to be reasonable in the circumstances. Legal advice is provided as (Confidential Attachment A – provided under separate cover).

### **Council Plan**

- 1.1 — Provide quality and responsive services to the community.
- 1.3 — Lead by example in governance, accountability and transparency.
- 3.1 — Support community health, wellbeing and safety.

### **Environment**

The proposed amendment does not give rise to any environmental implications beyond those inherent in the keeping of bees in an urban residential setting, which is subject to the conditions of the amended approval.

### **Precedents**

20<sup>th</sup> September 2017 — Council resolved to grant Approval BK-009 to Trevor and Jane Dyer to keep one (1) bee hive at 59 Pratt Road, Eaton [Res 249-17] (Appendix ORD: 12.2.2E).

29<sup>th</sup> September 2020 — Approval BK-009 amended under officer delegated authority (CP005 cl.5(5)) to permit three (3) hives. Neighbouring occupant notified and raised no objection (Appendix ORD: 12.2.2F)

**Budget Implications** - None.

### **Budget – Whole of Life Cost**

The amended approval does not create ongoing budget obligations beyond the Shire's existing environmental health compliance and monitoring functions.

### **Council Policy Compliance**

*Council Policy SDev CP005 — Keeping of Bees* is the primary policy instrument applicable to this matter. The officer recommendation is consistent with the requirements of that policy, including the obligation to refer the matter to Council for reconsideration where a new concern has been raised regarding an existing approval.

### **Risk Assessment**

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix ORD: 12.2.2G) for the full risk assessment.

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Report Title	Beekeeping Approval BK-009 — 59 Pratt Road, Eaton — Amendment or Revocation of Approval
Inherent Risk Rating (prior to treatment or control) – Stopover, Ferguson Hall carpark	Moderate (5 - 11)
Risk Action Plan (treatment or controls proposed)	N/A - as the Inherent Risk Rating is below 12, Risk Action Plan is not applicable.
Residual Risk Rating (after treatment or controls)	Moderate (5 - 11)
Risk Category Assessed Against	<p>Legal and Compliance      N/A - as the Inherent Risk Rating is below 12, Risk Action Plan is not applicable.</p> <p>Health      Risk of ongoing nuisance or harm to adjoining occupants if the matter is not determined and conditions not imposed.</p> <p><b>Reputational</b> - Risk of perceived inaction if the Shire fails to respond appropriately to a substantiated nuisance complaint.</p>

### **Officer Comment**

#### Alleged Nuisance

The complainants have provided a documented chronology of alleged bee-related incidents between 2<sup>nd</sup> November and 13<sup>th</sup> December 2025, including multiple alleged sting incidents affecting themselves and their dog, a clinically verified anaphylactic reaction requiring urgent veterinary treatment on 8<sup>th</sup> December 2025, and a reported mass bee event on 13<sup>th</sup> December 2025 that the complainants say rendered their backyard inaccessible. No direct officer observation of the alleged events was made.

Mr Ron Smith, President of the South West Apiary Association, attended the site on 13<sup>th</sup> December 2025 and reported finding one hive extremely full and in need of urgent attention, remaining hives in distress with robber bee activity, a flight path directed at low level toward the complainants’ property, and a failure by the Dyers to notify neighbours before working the hives.

Based on this evidence, the PEHO is of the opinion that the occupants of the adjoining property may have experienced significant interference with their ordinary use and enjoyment of their property during the relevant period. The reasonable person standard is considered met on the available evidence.

#### Causation

The approval holders and their expert (Mr Adam Maskew, WAAS President) contest causation, arguing that individual sting incidents cannot be attributed to the Dyers’ hives given the possible presence of feral bee colonies in the area. The PEHO has carefully considered this argument.

The causation standard under section 6.7.2(2) of the Shire of Dardanup *Health Local Law* 2000 (Appendix ORD: 12.2.2C) does not require proof of exclusive causation. It requires the EHO to form an opinion that the approved hives were causing or materially contributing to the alleged nuisance. The following supports that opinion:

- The hives were located immediately adjacent to the shared eastern boundary with the adjoining property.
- Mr Ron Smith reported hive conditions consistent with elevated stress and aggression, and a low flight path directed toward the complainants' property.
- Mr Maskew's own written responses acknowledge that bees from the Dyers' hives were present in the complainants' garden during the 13<sup>th</sup> December mass event.
- Mr Maskew confirmed at the 3<sup>rd</sup> June meeting that the robbing event produced a bee 'tail' extending over a wide area and acknowledged that the presence of the hives was the necessary condition for this broader activity.
- The feral colony hypothesis, while possible, is unsubstantiated. No independent evidence of a feral colony at or near the adjoining property was produced.

### Management Practices

The Dyers' compliance history from 2017 to mid-2025 is positive and is not in dispute. Mr Maskew has described them as knowledgeable, capable and responsible beekeepers who have undertaken WAAS training courses and regularly requeened their hives with docile queens.

In relation to the period immediately prior to and during the complaint, differing accounts have been provided by both parties. The complainants allege failures in hive monitoring, flight-path management, and neighbour notification. The Dyers and Mr Maskew strongly contest this, maintaining that the Dyers responded reasonably and promptly to the poisoning event under difficult and distressing circumstances. The PEHO makes no definitive finding of management failure, but notes that the proposed conditions are designed to provide clearer, enforceable obligations going forward.

### Current Site Status

The hives have been inactive since the December 2025 poisoning event. Equipment has been cleaned and is ready for recommencement. The Dyers have formally requested their approval remain unchanged. This matter is therefore both backward-looking, in assessing whether an alleged nuisance occurred, and forward-looking, in determining what conditions should apply to any recommencement of beekeeping activity at the property.

### Investigation Summary

The investigation included the following:

- Receipt and assessment of a 93-page evidence package submitted by the complainant, including a formal statement, incident chronology, veterinary records, pharmacy receipts, and third-party correspondence.
- Attendance at the adjoining property on 13<sup>th</sup> December 2025 by Mr Ron Smith, President of the South-West Apiary Association, who provided contemporaneous observations regarding hive conditions and bee activity at 59 Pratt Road on that date.
- Liaison with Mr James Sheehan (Project Officer — Bees, DPIRD), who attended 59 Pratt Road on 13<sup>th</sup> January 2026 in a biosecurity advisory capacity to the Dyers following the poisoning event. Mr Sheehan's written observations were obtained by the Shire and form part of the investigation record.
- Engagement of external solicitors McLeods for legal advice on the evidentiary requirements for a defensible determination.
- Formal notice to the Dyers of intention to revoke or amend Approval BK-009, with a 28-day show-cause opportunity (issued 12<sup>th</sup> March 2026).

- Receipt of the Dyers' formal written response (24<sup>th</sup> March 2026).
- Two on-site meetings at 59 Pratt Road:
  - 22<sup>nd</sup> May 2026 (PEHO and Principal Building Surveyor) and
  - 3<sup>rd</sup> June 2026 (Acting Director, PEHO, and Principal Building Surveyor), both attended by Mr Maskew (President, WAAS) as technical representative and advocate for the Dyers, and by Trevor and Jane Dyer.

Written responses from Mr Maskew to seven questions formulated by McLeods, received 7<sup>th</sup> June 2026, are provided within (Appendix ORD: 12.2.2B). (Appendix ORD: 12.2.2A) provides further officer notes.

### ***Officer Recommendations***

The PEHO recommends Option 'A,' amendment of Approval BK-009 subject to four conditions, as set out in the Officer Recommended Resolution above. The basis for this recommendation, and the officer's assessment of Option 'B' (revocation), are set out below.

### ***Rationale for Amendment over Revocation***

The PEHO has considered revocation as an alternative outcome. In the PEHO's opinion, the available evidence could support revocation, and this remains a defensible position. Amendment is preferred for the following reasons:

- The Dyers have a seven-year prior compliance history and are experienced and trained beekeepers known to WAAS.
- The alleged nuisance is linked to identifiable physical and situational factors — including hive proximity to the shared eastern boundary and conditions during the poisoning event — that the proposed conditions are reasonably designed to address.
- In the PEHO's opinion, relocation of the hives away from the shared eastern boundary reduces proximity to the adjoining property and, in conjunction with the other proposed conditions, represents a reasonable mitigation measure.
- Amendment with targeted conditions is proportionate and consistent with good regulatory practice, demonstrating the Shire acted reasonably before resorting to revocation.
- If the Dyers recommence and a further substantiated nuisance complaint is received, the amended approval provides a clear basis for escalation to revocation at that point.

### ***SAT Considerations***

The Dyers have indicated they may challenge the determination at the State Administrative Tribunal (SAT). SAT review is conducted de novo, meaning: the Tribunal does not review the Shire's decision for errors but instead remakes the decision afresh on all the evidence. What prevails at SAT is the strength of the evidence, not the quality of the process.

Amendment is considered a more resilient outcome than revocation on proportionality grounds. If Council resolves to revoke, the Tribunal may determine that revocation was too harsh and substitute a lighter outcome. If Council resolves to amend with evidence-based conditions, the Dyers will need to argue that even reasonable conditions should not apply.

### Officer's Closing Comments

This matter has been the subject of a thorough investigation spanning more than six months. The investigation file includes a 93-page evidence package from the complainants, expert input from two independent apiarists (Mr Ron Smith and Mr Adam Maskew), biosecurity observations from DPIRD, two on-site meetings with the approval holders and their expert, and external legal advice from McLeods.

The PEHO acknowledges that this is a contested matter. The complainants have provided substantial evidence of alleged bee-related harm and interference. The approval holders and their expert have strongly disputed causation and management failure and have provided detailed responses to the Shire's questions. Both positions have been carefully considered in arriving at the recommended outcome.

Amendment, rather than revocation, is the PEHO's considered recommendation. The Dyers have a seven-year compliance history, the alleged nuisance is associated with identifiable situational factors that the proposed conditions are reasonably designed to address, and amendment is a proportionate and defensible response consistent with good regulatory practice. However, Council may form a different view on the weight of the evidence. Revocation is a defensible outcome on the available evidence and is presented as Option B for Council's consideration. The officer's assessment of both options, including SAT considerations, is set out in this report.

The determination letter and any correspondence to the complainants will be issued by the Chief Executive Officer following Council's resolution, in accordance with the authorisation sought in the Officer Recommendation.

Council's determination of this matter is sought accordingly.

END REPORT

### 12.2.3 Parkridge Estate Structure Plan Stage 5 Road Naming

<b>Reporting Department</b>	<i>Development Services Directorate</i>
<b>Responsible Officer</b>	<i>Mrs Susan Oosthuizen – Executive Manager Development Services</i>
<b>Reporting Officer</b>	<i>Ms Lezia Ramsden – Principal Planning Officer</i>
<b>Applicant</b>	<i>McMullen Nolan Group Pty Ltd</i>
<b>Legislation</b>	<i>Local Government Act 1995 Land Administration Act 1997</i>
<b>Council Role</b>	<i>Quasi-Judicial.</i>
<b>Voting Requirement</b>	<i>Simple Majority.</i>
<b>Attachments</b>	<i>Appendix ORD: 12.2.3A – Overall Concept Plan – Robusta Road, Eaton Parkridge Estate Appendix ORD: 12.2.3B – Stage 5 Road Naming Plan (Preferred option) Appendix ORD: 12.2.3C – Risk Assessment</i>

#### **Overview**

The purpose of this report is to seek Council's consideration of three (3) proposed road names within the Parkridge Estate Structure Plan (Stage 5) as part of a subdivision approval granted by the West Australian Planning Commission (WAPC) Lot 9010 Peninsula Lakes Drive, Eaton. The location of the subdivision within the broader Parkridge Estate is shown on the Overall Concept Plan (Appendix ORD: 12.2.3A).

Subject to Council endorsement, the approved road names will be forwarded to the Geographical Names Committee (GNC) of Landgate for final approval.

#### **OFFICER RECOMMENDATION**

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

- 1. Endorses the preferred proposed road name of Rivendell Parkway and the alternative road name of Voyager Parkway associated with the Parkridge Estate Structure Plan as shown on the Road Name Plan (Appendix ORD: 12.2.3B).**
- 2. Endorses the preferred proposed road name of Peacetreeway and the alternative road name of Accolade Way associated with the Parkridge Estate Structure Plan as shown on the Road Name Plan (Appendix ORD: 12.2.3B).**
- 3. Endorses the preferred proposed road name of Amberley Approach and the alternative road name of Windance Approach associated with the Parkridge Estate Structure Plan as shown on the Road Name Plan (Appendix ORD: 12.2.3B).**
- 4. Endorses the naming of roads associated with the approved by the Western Australian Planning Commission plan of subdivision Lot 9010 Peninsula Lakes Drive (WAPC Reference 202190) including the realignment of Haflinger Street, extension of Peninsula Lakes Drive and Shiraz Street as shown on the Road Name Plan (Appendix ORD: 12.2.3B).**
- 5. Authorises the Chief Executive Officer to forward the endorsed road names to the Minister for Lands, via Landgate, for consideration and final approval pursuant to section 26A of the *Land Administration Act 1997*.**

**Change to Officer Recommendation**

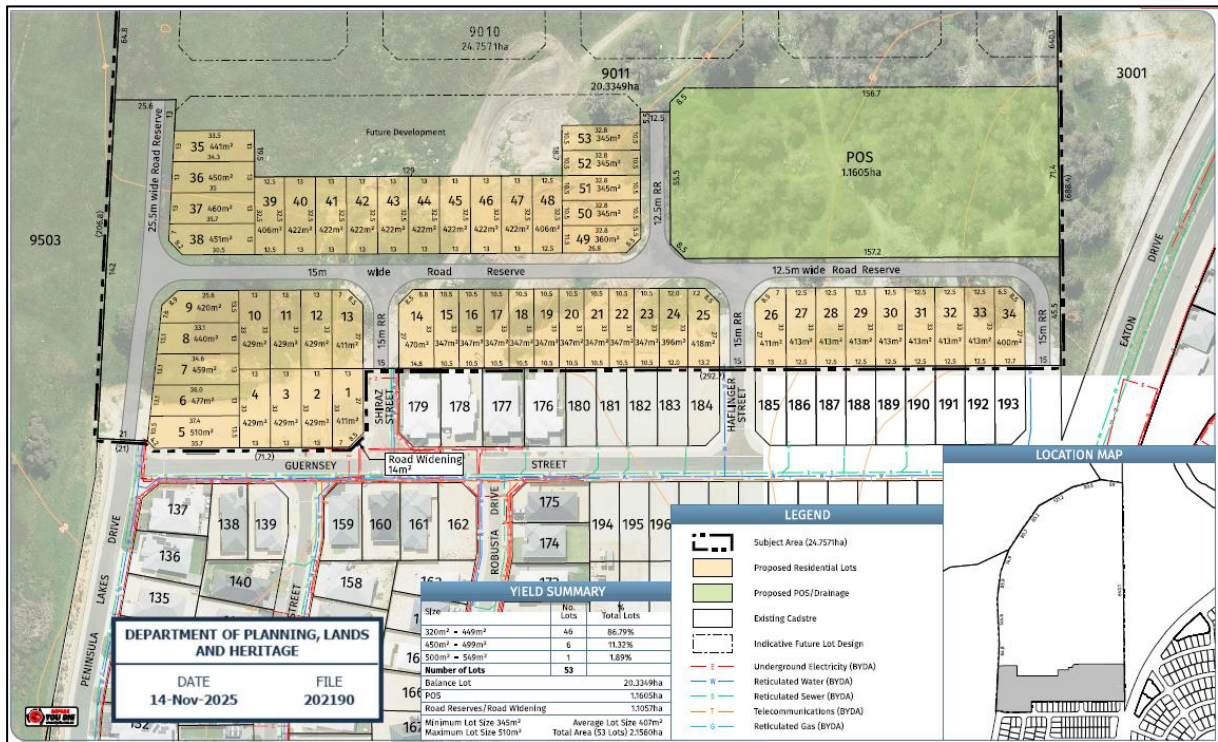
No Change. **OR:**

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

**Background**

Subdivision was granted by the Western Planning Commission (WAPC) 1<sup>st</sup> May 2026; reference WAPC 202190. The approved subdivision forms part of the broader Parkridge Estate development, as illustrated on the Overall Concept Plan (Appendix ORD: 12.2.3A).

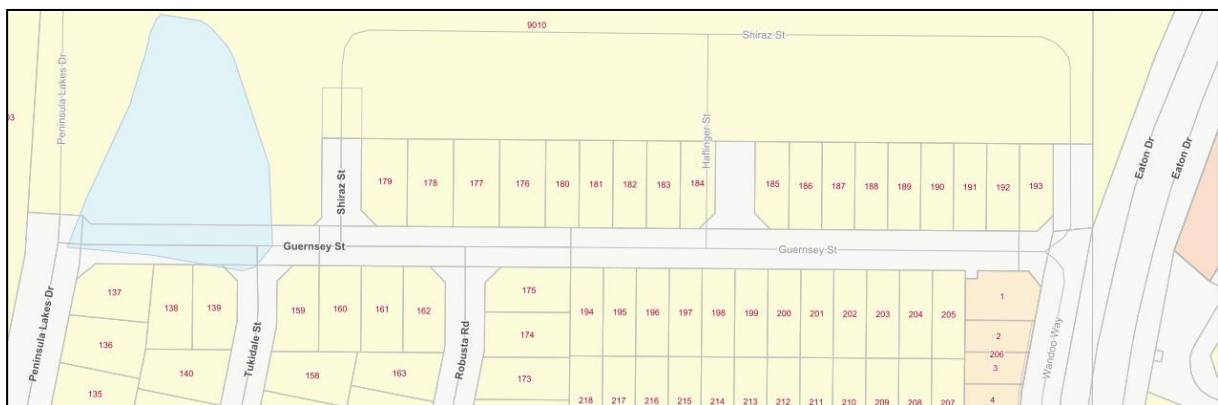
**Location Plan**



**Proposal**

The Stage 5 plan of subdivision created three (3) new roads, the extension of the Peninsula Lakes Drive and Shiraz Street to the north and re-align Haflinger Street. The below image shows the existing road layout.

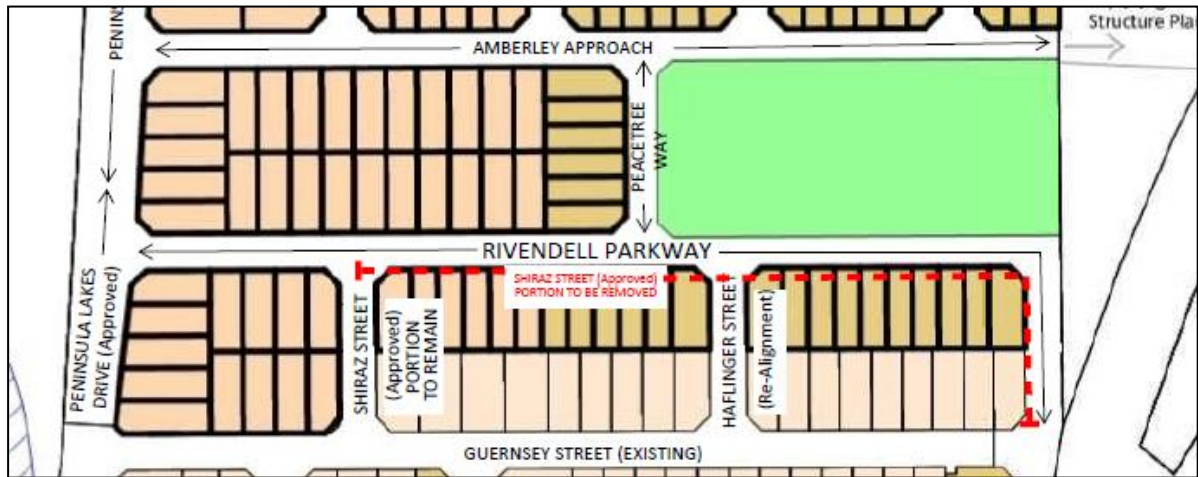
*Intramaps Image – Stage 4 existing road configuration:*



The application proposes to name the newly created road reserves as the following preferred and alternative road names. The image below displays the proposed location on the 3 roads and the proposed name to be supported by Council prior to submission to the GNC.

PREFERRED	ALTERNATIVE	SUFFIX
Rivendell	Voyager	Parkway
Peacetree	Accolade	Way
Amberley	Windance	Approach

Extract – Proposed Road location and preferred name.



**Legal Implications**

The Geographical Naming Committee (GNC) is responsible under the *Land Administration Act 1997* for the final approval of road names. The local government must approve proposed road names and then forward them to the Minister for Lands for final approval.

**Council Plan**

- 8.1 - Support responsible planning and development.
- 9.3 - Provide quality community facilities.
- 10.3 - Improve road safety, connectivity and traffic flow.

**Environment** - None.

**Precedents**

*Council has previously endorsed road names to be provided to the GNG for approval.*

**Consultation** - None.

**Budget Implications** - None.

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

**Council Policy Compliance**

*SDEV CP510 - Road and Thoroughfare Naming*

**Risk Assessment**

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix ORD: 12.2.3C) for full assessment document.

<b>TIER 1 – No discernible Inherent Risk has been identified (no Risk Theme or Consequence).</b>	
Report Title	Road Naming - Stage 5 Parkridge Estate
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	<p>Service Interruption      If road names were not approved the provision of services such as emergency services, post and parcel delivery would be compromised.</p> <p>Reputational                Risk of criticism in the media for not naming road.</p>

### **Officer Comment**

It's a principle that the naming of roads can contribute towards a sense of place. In this regard, the relevant objective of *Council Policy SDEV CO510 - Road and Thoroughfare Naming* states:

*'Ensure consideration to the history, natural environment, culture and character of the area is duly given when determining road names.'*

The Council Policy has additional criteria to assess the merits of a proposed road name to ensure consistency with the requirements of the *Landgate – Policies and Standards for Geographical Naming in Western Australia*. Below is a table of the criteria assessed against the proposed road names.

<b>CRITERIA</b>	<b>OFFICER ASSESSMENT</b>
<i>I. Consideration of current and future street names.</i>	Demonstrated: The names around are relative to "Locally produced Wine" and "Recognition of the Pastoral Industry".
<i>II. Consideration shall be given to current and future street numbering to ensure numbering is sequential, easy to follow and considers future density increase.</i>	Numbering not applicable to this application.
<i>III. The origin of each name shall be clearly stated and subsequently recorded.</i>	Demonstrated.
<i>IV. Names shall not be offensive or likely to give offence, incongruous or commercial in nature.</i>	Demonstrated: The names are not likely to cause offensive and are considered congruous. Officers have liaised with the applicant to remove suggested names that are commercial in nature.
<i>V. Names shall be easy to read, spell and pronounce in order to assist emergency services, service providers and the travelling public.</i>	Demonstrated: The names are easily legible and considered not to impact upon emergency services response to an incident.
<i>VI. Unduly long names and names comprised of two or more words should generally be avoided.</i>	Demonstrated. The proposed name is shorter than existing road names in the locality and does not comprise of more than 2 or more words.
<i>VII. Proposals for road names shall include an appropriate road type suffix.</i>	Demonstrated.
<i>VIII. Practical application of road names to maps and plans shall be considered such as the long</i>	Demonstrated. Refer to the Attachment.

CRITERIA	OFFICER ASSESSMENT
<i>street names should not be allocated to short roads.</i>	

The applicant has used the theme relative to “*Locally produced Wine*” and “*Recognition of the Pastoral Industry*”. The new roads are connecting to Shiraz Street, which creates a segue to continue the winery theme, instead of coffee (Robusta), sheep (Tukidale), tree (Wandoo) and French locality (Camargue).

The applicant originally submitted the following names: Rivendell Parkway (or Voyager); Rustico Way (or Fermoy); and Aravaina Approach (or Windance). The original suggestions did not comply with the CP510:

*Criteria iv –*

*“Names shall not be offensive or likely to give offence, incongruous or **commercial** in nature.”*

Shire officers negotiated with the applicant to consider generic suggestions which abided by the required Local and Landgate polices which continued with the existing theme. The preferred Rivendell, Peacetree and Amberley (and alternatives) can be grouped together to create a theme, however generic as individual to not conflict with operating commercial businesses.

**Conclusion**

Based on the above assessment and the names being consistent with the already established theme in the immediate locality, Officers recommend that the Parkridge Estate Stage 5 three (3) new roads be named Rivendell Parkway (alternative Voyager Parkway), Peacetree Way (alternative Accolade Way) and Amberley Approach (alternative Windance Approach), including the re-alignment of Haflinger Street and extension of Peninsula Lakes Drive and Shiraz Street to the north as part of the subdivision approval for Lot 9010 Peninsula Lakes Drive.

END REPORT

**12.3 COMMUNITY & ECONOMIC DEVELOPMENT DIRECTORATE REPORTS**

None.

## 12.4 INFRASTRUCTURE DIRECTORATE REPORTS

### 12.4.1 Collie River Jetties Ownership

<b>Reporting Department</b>	<i>Infrastructure Directorate</i>
<b>Responsible Officer</b>	<i>Mr Theo Naudé – Director Infrastructure</i>
<b>Reporting Officer</b>	<i>Mr Nathan Ryder – Manager Infrastructure Planning &amp; Design</i>
<b>Legislation</b>	<i>Local Government Act 1995</i>
<b>Council Role</b>	<i>Executive/Strategic</i>
<b>Voting Requirement</b>	<i>Simple Majority</i>
<b>Attachments</b>	<i>Appendix ORD: 12.4.1A – Correspondence from Shire of Harvey</i> <i>Appendix ORD: 12.4.1B – Risk Assessment</i> <i>Confidential Attachment B – Legal Advice</i>

#### **Overview**

The Shire of Dardanup received a letter from the Shire of Harvey in relation to the ownership of jetties in the Collie River, which are accessed from the Eaton Foreshore, that may be legally considered under the care, control, and management of the Shire of Harvey.

Council is requested to consider formally recognising ownership of the jetties and enter into an agreement to formalise their ownership and ongoing care and management.

#### **OFFICER RECOMMENDATION**

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

1. **Formally recognises the Shire of Dardanup’s ownership of the following assets;**
  - a. **Eaton Foreshore Finger Jetty [TS003, Reserve No. 24359];**
  - b. **Eaton Foreshore Boat Ramp [Reserve No. 24359];**
  - c. **Eaton Foreshore Floating Jetty [License No. 0653, Reserve No. 24359];**
  - d. **Eaton Foreshore T-Jetty [TS001, Reserve No. 24359]; and**

**being four jetties that remain within the boundary of the Shire of Harvey;**
2. **Authorises the Chief Executive Officer to negotiate and enter into a formal agreement with the Shire of Harvey to transfer management of the assets listed in item 1, enabling the Shire of Dardanup to oversee their care and maintenance.**

#### **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:

## **Background**

The Shire of Dardanup received a letter from the Shire of Harvey dated 26<sup>th</sup> June 2025 with subject “Jetties extending below the high-water mark of the Collie River from the Shire of Dardanup side.” A copy of the letter is included in (Appendix ORD: 12.4.1A) with the legal advice referenced included in (Confidential Attachment B).

The Shire of Harvey is seeking to establish a formal agreement with the Shire of Dardanup to transfer management of the jetties on the southern side of the Collie River, enabling the Shire of Dardanup to oversee their care and maintenance.

## **Legal Implications**

Section 3.53(3) of the *Local Government Act 1995* (LG Act 1995):

3.53. *Control of certain unvested facilities*

(1) *In this section —*

*former section 300 means section 300 of the Local Government Act 1960 4 as in force before the commencement of this Act;*

*otherwise unvested facility means a thoroughfare, bridge, jetty, drain, or watercourse belonging to the Crown, the responsibility for controlling or managing which is not vested in any person other than under this section.*

(2) *A local government is responsible for controlling and managing every otherwise unvested facility within its district unless subsection (5) states that this section does not apply.*

(3) *If the facility is partially within each of 2 or more districts, it is to be controlled and managed as the local governments for the districts concerned agree or, if they do not agree, as the Minister directs.*

(4) *An agreement or direction under subsection (3) has effect according to its terms.*

(5) *This section does not apply if any person was, immediately before the commencement of this Act, responsible for controlling or managing the facility unless —*

(a) *the responsibility arose under the former section 300; or*

(b) *the Governor, by order, declares that the facility is to be controlled and managed under this section.*

## **Council Plan**

9.5 - Provide safe and accessible access to waterways for recreational activities.

13.1 - Adopt best practice governance.

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

**Environment** - None.

## **Precedents**

Council accepted ownership of the Collie River Southern Fishing Platform, adjacent to the Old Coast Road bridge, via Council Resolution at the Ordinary Council Meeting held on 26<sup>th</sup> of April 2023 [Res 86-23].

**Budget Implications** - None.

### **Budget – Whole of Life Cost**

All assets mentioned in this Report are already included in the Shire’s Asset Register however have not yet been incorporated into Asset Management Plans for allocating appropriate funds for routine capital renewal works and their eventual end-of-life replacement. Condition assessments of these structures are required to determine capital renewal and replacement expenditure over the life of the asset. Maintenance requirements have already been incorporated into the Shires Long Term Financial Plan.

### **Council Policy Compliance**

Council Policy *Infr CP074 – Asset Management* applies.

### **Risk Assessment**

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix ORD: 12.4.1B) for full assessment document.

<b>TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.</b>	
Report Title	Collie River Jetties Ownership
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	Legal and Compliance Four jetties in the Collie River accessible only from the Shire of Dardanup are likely considered "otherwise unvested facilities" and are legally under the current care, control, and management of the Shire of Harvey.

### **Officer Comment**

Under the *Jetties Act 1926*, a jetty is defined as follows:

*jetty* includes —

- (a) any jetty, pier, wharf, quay, grid, slip, landing place, stage, platform (other than a platform that is a vessel for the purposes of the *Western Australian Marine Act 1982*) or similar structure, whether fixed or floating, erected or placed, wholly or in part, in, on or over any waters; and
- (b) any ramp which is or which may be used for the purpose of launching or landing a vessel;

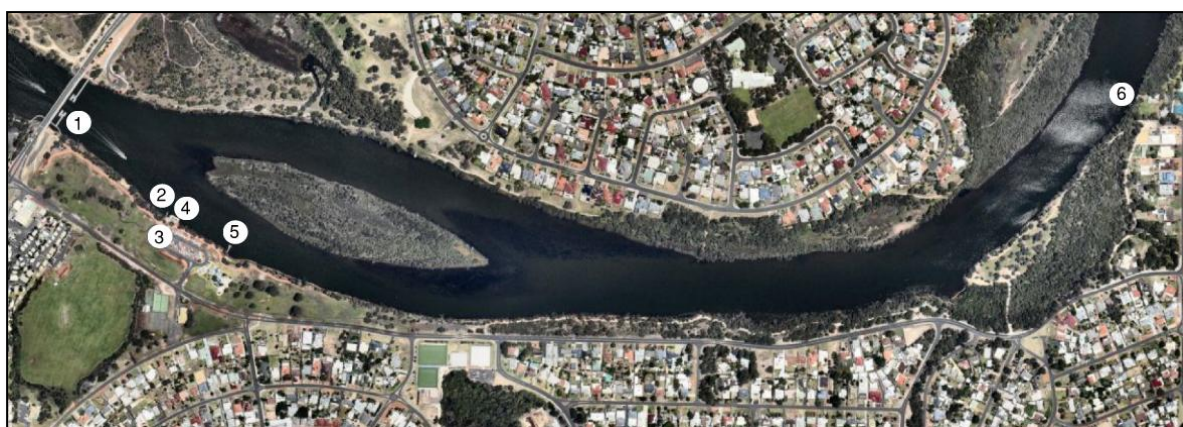
Under this definition, there are there are six jetties in the Collie River that are accessed from the Shire of Dardanup:

	Name	Reserve No.	Locality	Nearest Road Name	Coordinates MGA94	
					x	y
1	Eaton Foreshore Fishing Platform TS004^	24359	EATON	Old Coast Rd	378760	6313646
2	Eaton Foreshore Finger Jetty TS003	24359	EATON	Pratt Rd	378960	6313458
3	Eaton Foreshore Boat Ramp	24359	EATON	Pratt Rd	378962	6313449
4	Eaton Foreshore Floating Jetty (License No. 0653)	24359	EATON	Pratt Rd	378976	6313453
5	Eaton Foreshore T-Jetty TS001	24359	EATON	Pratt Rd	379079	6313397
6	Scouts Hall Fishing Platform	25417	EATON	Leake St	380805	6313701

Note, the footbridge from Pratt Road Lookout to Watson Reserve is not considered a jetty.

Note also that the Danjoo Koorliny Bridge (MRWA Bridge 5370) over the Collie River at Eaton Drive is not considered a jetty. There is already an agreement between the Shire of Dardanup and the Shire of Harvey for the ongoing maintenance, repairs and asset management of the bridge.

The location of these six jetties are indicated below:



*Jetties in the Collie River accessed from the Shire of Dardanup*

Jetty Ownership

As per the legal advice that the Shire of Harvey received (Confidential Attachment B); since the jetties in the Collie River extend below the high-water mark, they are partly within the Shire of Harvey’s district. Unless an agreement or Ministerial direction states otherwise, the jetties are considered "otherwise unvested facilities" and are legally under the care, control, and management of the Shire of Harvey.

Regarding the Collie River Southern Fishing Platform (Number 1 above), Council accepted ownership of this jetty at the Ordinary Council Meeting held on 26<sup>th</sup> of April 2023 [Res 86-23]:

*THAT Council:*

1. *Receives formal responses from the Shire of Harvey, City of Bunbury and Main Roads Western Australia (Appendix ORD: 12.3.1B, 12.3.1C and 12.3.1D) regarding the establishment of a 4-party funding agreement to repair and/or maintain the fishing platform.*
2. *Requests that the Chief Executive Officer assume ownership on behalf of the Shire of Dardanup of the Collie River Southern Fishing Platform structure, which was historically owned by the Shire of Harvey and remains within the boundary of the Shire of Harvey.*
3. *Requests that the Chief Executive Officer carries out the urgent repair work as described in Section 3.2 of (Appendix ORD: 12.3.1E) ('Budget Estimates from Consulting Engineer') in the current Financial Year 2022/23, to bring the facility to a minimum safe standard in order to reopen it to the public.*
4. *Includes in the Council Plan a new action requiring the development of an appropriate management plan for the Collie River Southern Fishing Jetty, or alternative options for replacing or removing the asset for Council consideration by March 2024.*

As for the other five jetties, there does not appear to be any Council resolution formally accepting ownership.

Therefore, officer recommendation is as per the Shire of Harvey's request, that of Council to formally recognise ownership of these jetties and enter into a formal agreement with the Shire of Harvey, which will remove any future doubt over their ownership and ongoing care and management.

END REPORT

12.4.2 2027/28 Funding Applications for Regional Road Group & Federal Black Spot

<b>Reporting Department</b>	<i>Infrastructure Directorate</i>
<b>Responsible Officer</b>	<i>Mr Theo Naudé – Director Infrastructure</i>
<b>Reporting Officer</b>	<i>Ms Rachel Sweeney – Manager Assets</i>
<b>Legislation</b>	<i>Local Government Act 1995</i>
<b>Council Role</b>	<i>Executive/Strategic.</i>
<b>Voting Requirement</b>	<i>Simple Majority.</i>
<b>Attachments</b>	<i>Appendix ORD: 12.4.2A – Pile Henty Concept Plan Appendix ORD: 12.4.2B – Risk Assessment <b>Confidential Attachment C – Pile Road Crash Location Report</b></i>

**Overview**

The Shire is able to apply for funding each financial year through the Regional Road Group (RRG) Program to undertake renewal and upgrade works on eligible local roads. The RRG Program provides a significant source of external funding (2/3 funded) for road infrastructure renewal and upgrade projects. To secure funding for the 2027/28 financial year, the Shire is required to submit Council-endorsed applications for consideration by the South West Regional Road Group.

The Shire is also able to apply for funding through the Australian Government's Black Spot Program to undertake road safety improvement projects at locations with a demonstrated history of crashes or identified safety risks. The program provides funding (100% funded) for infrastructure treatments that are expected to reduce the frequency and severity of crashes, improving safety for all road users. To secure funding for the 2027/28 financial year, the Shire is required to submit Council-endorsed applications for consideration by Main Roads Western Australia.

**OFFICER RECOMMENDATION****THAT Council:**

- 1. Supports the submission of an Australian Government Black Spot Grant Funding application to Main Roads Western Australia for works on Pile Road between SLK 4.1 and 4.4 (works around the intersection with Henty Road) totaling \$175,000 for the 2027/28 financial year; and**
- 2. Supports the submission of four Regional Road Group Funding applications to Main Roads Western Australia for works on the following in the 2027/28 financial year:**

Road Name	Start SLK	End SLK	RRG Funds	R2R Funds	Shire Reserve Funds	Total
Ferguson Road	0.97 (Hayward St)	2.16 (Waterloo Rd)	\$500,000	\$128,500	\$121,500	\$750,000
Dowdells Line	4.9 (St Helena Rd)	5.9 (North of Edwards Rd)	\$440,000	\$159,000	\$61,000	\$660,000
Hamilton Road	0.7 (Foster St)	0.86 (Casuarina St)	\$128,000		\$64,000	\$192,000
Hamilton Road RAB with Hale Street			\$80,000		\$40,000	\$120,000
<b>Total</b>			<b>\$1,148,000</b>	<b>\$287,500</b>	<b>\$286,500</b>	<b>\$1,722,000</b>

**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 Recommendation:

**Background**

RRG Funding is applied for yearly, with projects identified in the Roads 10-Year Program that is presented to Council each year at the Integrated Planning Committee (IPC) meeting in March/April and adopted at the March/April Ordinary Council Meeting. The current Roads program below for 2027/28, including RRG grant funded projects, was discussed at the IPC meeting held on the 11<sup>th</sup> March 2026, and adopted by Council at the Ordinary Council Meeting held on the 25<sup>th</sup> March 2026.

Road Name	Start SLK	End SLK	RRG Funds	R2R Funds	Shire Reserve Funds	Total
Ferguson Road	1.8 (Johnston Rd)	2.16 (Waterloo Rd)	\$243,000		\$121,500	\$364,500
Dowdells Line	4.9 (St Helena Rd)	5.4 (South of Edwards Rd)	\$202,000		\$101,000	\$303,000
Hamilton Road	0.7 (Foster St)	0.86 (Casuarina St)	\$128,000		\$64,000	\$192,000
Total			\$573,000		\$286,500	\$859,500

These projects are identified through the multi-criteria analysis to determine road priorities and order of importance for renewal. It is recommended the increase the scope of the above projects by bringing forwards projects on adjacent sections of road from later financial years to realise cost savings. Additional funds required to do this will be sourced from Road to Recovery (R2R) Funding.

The Shire receives Roads to Recovery Funding each financial year from the Australia Government to assist with the maintenance and renewal of local road infrastructure. This funding is delivered in a five-year funding round. If funds allocated in one year are not utilised in that year, they are carried forward to the following financial years. The below shows the Shire current remaining allocations for funds in the R2R 2024 – 2029 program and the amounts adopted in the current Roads 10-Year Program.

Financial Year	2024/25 (Actual)	2025/26	2026/27	2027/28	2028/29	Total
Actual Allocation	\$172,202	\$ 1,043,05	\$600,419	\$632,020	\$1,233,192	\$3,680,888
Allocations adopted in Roads 10-Year Program 2026-2036			\$600,419	\$632,020	\$632,020	

Due to an underspend of Roads to Recovery funding in the 2024/25 financial year, a portion of the available funds was carried forward and allocated to the 2028/29 financial year. This \$602,172 in additional funds have not been allocated to specific projects within the current Roads 10-Year Program, providing flexibility to address future project cost escalations, scope increases, or unforeseen funding requirements that may arise during the delivery of the program. This approach reduces pressure on the Shire Road Reserve funds.

**Legal Implications**

The Shire is responsible for managing and renewing its roads to maintain safe access for all road users. In undertaking this the Shire must demonstrate reasonable care in the management of its road

network and take practical steps to minimise risks to road users. While Section 5Z of the *Civil Liability Act 2002* provides certain protections to road authorities in relation to claims arising from a failure to undertake road works the Shire must continue to proactively renew its roads to ensure the network remains safe and fit for purpose.

**Council Plan**

- 10.3 - Improve road safety, connectivity and traffic flow.
- 13.2 - Manage the Shire’s resources responsibly.

**Environment**

No vegetation clearing is needed to complete the proposed scope of works.

By increasing the scope of projects to allow projects that were previously separate to be undertaken together (for example the Ferguson Road works) the number of material haulage trips and the mobilisation and demobilisation of plant and equipment is reduced, resulting in lower fuel consumption and emissions.

**Precedents**

The Shire has previously applied for and been successful in received both RRG and Federal Blackspot Funding.

**Budget Implications**

The projects recommended for the RRG Funding applications will result in no additional funds being drawn from the Shires Road Construction and Major Maintenance Reserve. Additional funds required for the RRG projects will be sourced from the R2R funding allocations.

The recommended Federal Blackspot project will be 100% funded by the Federal Government.

**Budget – Whole of Life Cost**

Renewing roads at the right time reduces the whole-of-life cost of the asset. Planned intervention such as resealing or rehabilitation helps prevent sudden pavement failures and reduces the need for reactive maintenance.

**Council Policy Compliance**

*Infr CP074 Asset Management*

**Risk Assessment**

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

<b>TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.</b>	
Report Title	Failure to submit grant applications, or the deferral applications for the recommended road projects leading to deteriorating road conditions, increased maintenance costs and a continued risk to road user safety and property flooding.
Inherent Risk Rating (prior to treatment or control)	Moderate (5 - 11)

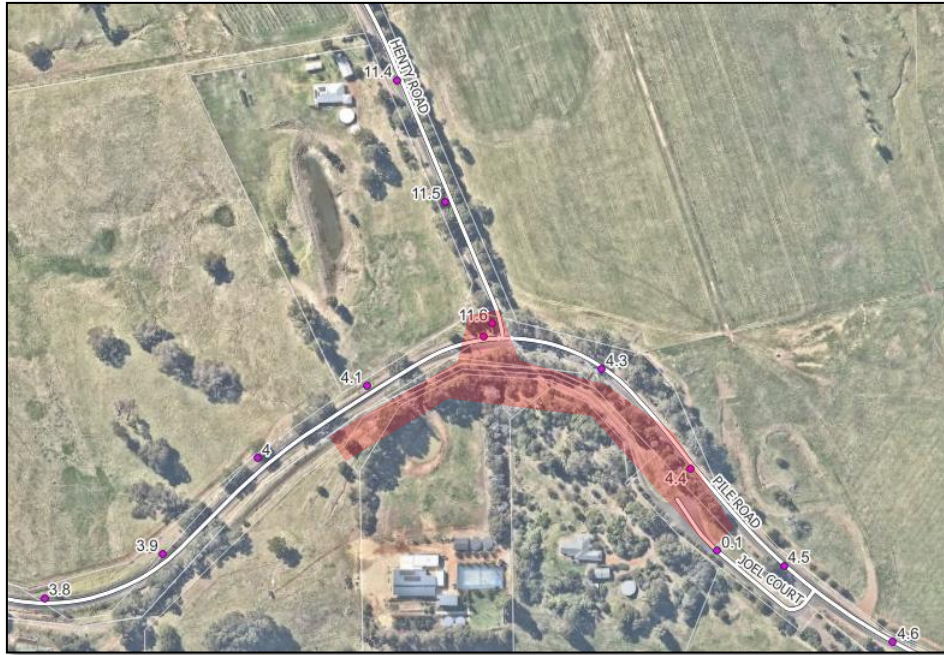
<b>TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.</b>													
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.												
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.												
Risk Category Assessed Against	<table border="0"> <tr> <td>Health</td> <td>Additional serious or fatal road accidents occurring on Pile Road at the intersection with Henty Road due to identified unsafe conditions.</td> </tr> <tr> <td>Financial</td> <td>Roads in poor condition are not renewed in a timely manner resulting in high maintenance costs to ensure roads user safety.</td> </tr> <tr> <td>Service Interruption</td> <td>Roads in poor condition are not identified for renewal resulting in road failures and closures impacting the road network service.</td> </tr> <tr> <td>Legal and Compliance</td> <td>Increased likelihood of personal injury or property damage claims arising from untreated road defects, unsafe conditions or flooding.</td> </tr> <tr> <td>Reputational</td> <td>Shire’s reputation and public confidence are impacted due to perceived poor decision-making, asset failures, or ineffective use of public funds.</td> </tr> <tr> <td>Property</td> <td>Flooding of private properties if drainage issues at the intersection of Hamilton Rd and Hale St are not addressed</td> </tr> </table>	Health	Additional serious or fatal road accidents occurring on Pile Road at the intersection with Henty Road due to identified unsafe conditions.	Financial	Roads in poor condition are not renewed in a timely manner resulting in high maintenance costs to ensure roads user safety.	Service Interruption	Roads in poor condition are not identified for renewal resulting in road failures and closures impacting the road network service.	Legal and Compliance	Increased likelihood of personal injury or property damage claims arising from untreated road defects, unsafe conditions or flooding.	Reputational	Shire’s reputation and public confidence are impacted due to perceived poor decision-making, asset failures, or ineffective use of public funds.	Property	Flooding of private properties if drainage issues at the intersection of Hamilton Rd and Hale St are not addressed
Health	Additional serious or fatal road accidents occurring on Pile Road at the intersection with Henty Road due to identified unsafe conditions.												
Financial	Roads in poor condition are not renewed in a timely manner resulting in high maintenance costs to ensure roads user safety.												
Service Interruption	Roads in poor condition are not identified for renewal resulting in road failures and closures impacting the road network service.												
Legal and Compliance	Increased likelihood of personal injury or property damage claims arising from untreated road defects, unsafe conditions or flooding.												
Reputational	Shire’s reputation and public confidence are impacted due to perceived poor decision-making, asset failures, or ineffective use of public funds.												
Property	Flooding of private properties if drainage issues at the intersection of Hamilton Rd and Hale St are not addressed												

### **Officer Comment**

#### **Federal Blackspot Funding Application – Pile Road SLK 4.1 to 4.4**

The Shire is able to apply for funding through the Australian Government's Black Spot Program to undertake road safety improvement projects at locations with a demonstrated history of crashes or identified safety risks. The program provides 100% funding for infrastructure treatments that are expected to reduce the frequency and severity of crashes, improving safety outcomes for all road users.

To be considered for funding the Shire is required to submit project nominations that satisfy the Black Spot Program eligibility criteria and demonstrate a measurable road safety benefit. The proposed project on Pile Road has been identified through the analysis of crash data, road safety assessments and a report undertaken by Main Roads Western Australia on a crash that occurred on the 8<sup>th</sup> December 2024 (Confidential Attachment C).



In the findings and recommendations of this report, Main Roads have recommended that an application for Blackspot Funding be submitted in 2026 to undertake the following treatments:

- Install Curve Alignment markers;
- Repair the road pavement and seal;
- Provide suitable protection for errant vehicles; and
- Install guide posts.

Additional recommendations by the Shire include the following:

- Widening of the seal and installation of kerbing at the intersection with Henty Road to reduce the tracking of gravel onto the Pile Road bend.

Draft plans for these treatments are shown in (Appendix ORD: 12.4.2A).

Pricing for these works have been received by a contractor and a total budget of \$175,000 is recommended.

The proposed road safety upgrade works on Pile Road will not require the removal of any trees or surrounding vegetation.

#### Regional Road Group Funding Applications

The proposed Regional Road Group (RRG) projects for the 2027/28 financial year have been identified through the Shire's road renewal prioritisation process which incorporates a multi-criteria assessment of factors including road condition, surface age, traffic volumes, crash data, crack sealing and maintenance practises. This assessment determined that the nominated road sections are of a high renewal priority and warrant inclusion in the Shire's RRG funding submission.

The recommended 2027/28 RRG program includes amendments to the scope and budget allocations for the Ferguson Road and Dowdells Line projects. In addition, a new design project has been included for the roundabout at the intersection of Hamilton Road and Hale Street to address flooding concerns at the intersection.

- *Ferguson Road*

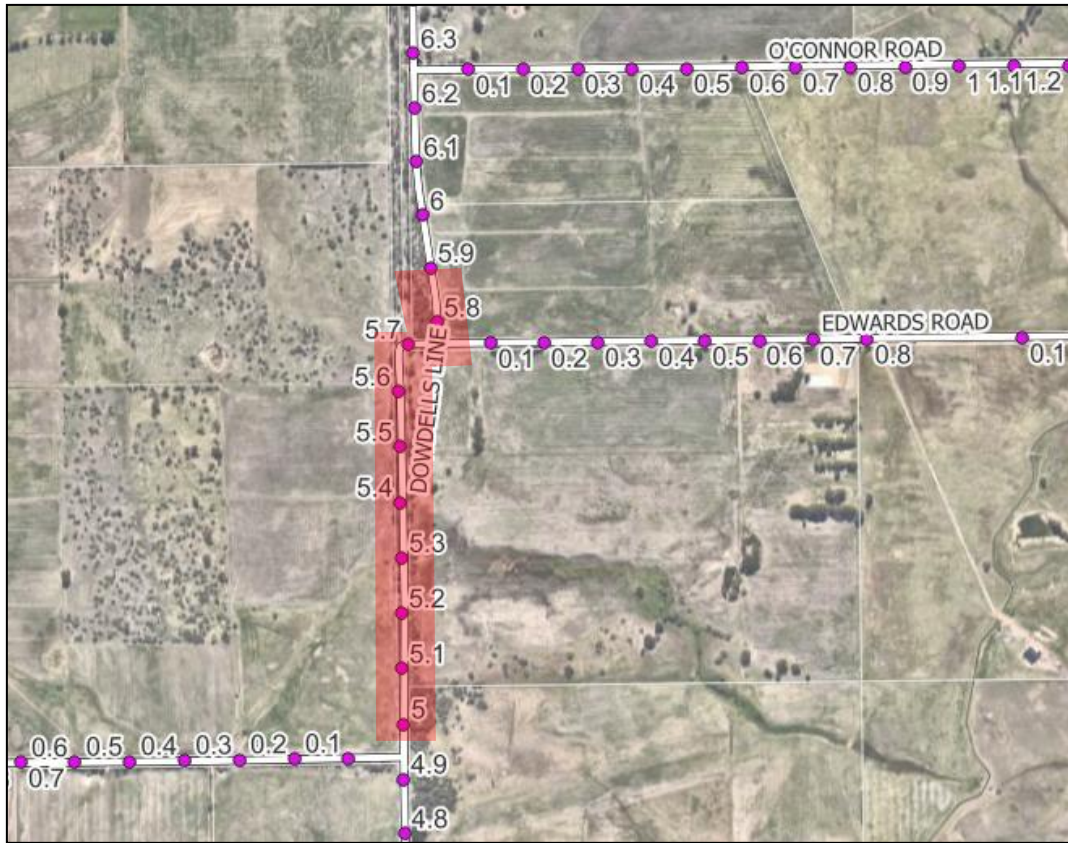
The adopted Roads 10-Year Program allocated the like-for-like reconstruction and reseal of Ferguson Road from SLK 1.8 (Johnston Rd) to SLK 2.16 (Waterloo Rd) in the 2027/28 financial year, and the section from SLK 0.97 (Hayward Street) to 2.16 in the 2030/31 financial year. It is recommended to bring forward the section from SLK 0.97 to 2.16 into the 2027/28 financial year to recognise efficiencies in construction, reduce overall project costs and limits disruption to the public. Additional funds required for this are to be sourced from RRG Funding and R2R Funding.



- *Dowdells Line*

The adopted Roads 10-Year Program allocated the reconstruction and reseal of Dowdells Line from SLK 4.9 (St Helena Rd) to SLK 5.4 (south of the bend at Edwards Rd) in the 2027/28 financial year. It is recommended that the scope of this project be extended to include the section of road beyond the intersection with Edwards Road to SLK 5.4. This section is currently in poor condition and requires frequent patching and reactive maintenance works, particularly during the winter months. Extending the project scope will enable the underlying pavement issues to be addressed and reduce reactive maintenance costs.

The design for this section of Dowdells Line will be undertaken in the 2026/27 financial year, with the final scope of the works, including any minor widening and shoulder sealing works, to be confirmed upon completion of the design process.



- *Hamilton Road*

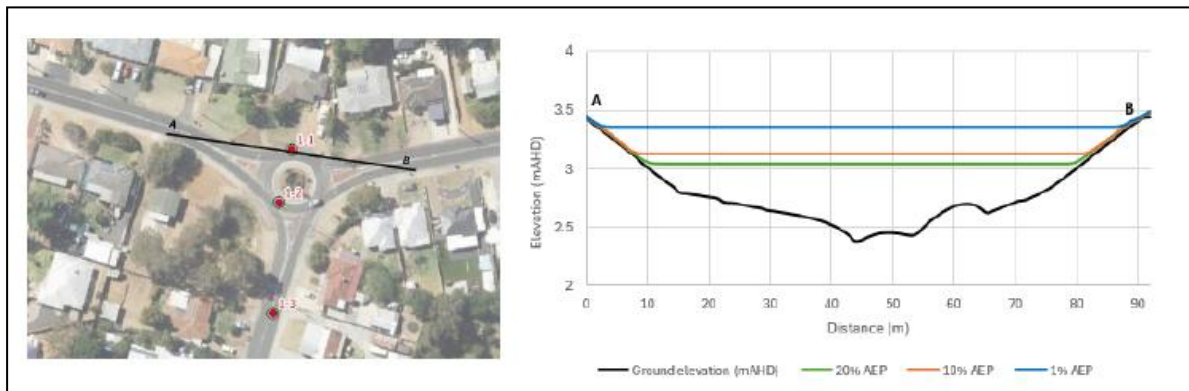
The recommended reseal project for Hamilton Road is as per the adopts Road 10-Year Program.



- *Hamilton Road and Hale Street Roundabout Design*

Emerge Associates were engaged by the Shire to perform stormwater runoff modelling for two catchments in Eaton. The purpose of this study is to represent the catchment hydrology and hydraulics in its current state to identify deficiencies within the stormwater drainage system where mitigative measures could be implemented to resolve recurring flooding issues.

This study has identified that the roundabout at the intersection of Hamilton Road and Hale Street is a localised low point with the modelled levels of flooding during a range of storm event exceeding 600mm and reaching a maximum depth of 940mm during a 1% AEP event (1 in 100-year storm).



The extent of flooding at this location poses a significant risk to neighbouring properties and demonstrates the need for improvements to the intersection and associated drainage infrastructure. These potential improvements may include raising the intersection as well as implementing drainage upgrades. Detailed investigations and drainage design are to be undertaken during the 2026/27 financial year to identify the most appropriate solution.

It is recommended that Regional Road Group funding be sought in the 2027/28 financial year to undertake the detailed design of a roundabout and associated infrastructure improvements required to address the identified flooding issues.

*Recommended Funding Structure*

The above changes and additions to the RRG program for 2027/28 will not result in any additional burden on the Roads Construction and Major Maintenance Reserve. Instead, an additional \$575,000 will be sought from RRG funds and \$287,500 from the available \$602,172 of R2R Funds available.

While the recommended changes and additions represent a significant increase in overall expenditure the impact on project management resources is limited. The proposed program includes only one additional project with the remaining cost increases resulting from scope expansions to existing projects. As such these increases can be delivered as part of the existing projects and do not represent any significant additional procurement or project management burden for the Shire.

Road Name	Start SLK	End SLK	RRG Funds	R2R Funds	Reserve	Total
Ferguson Road	0.97 (Hayward St)	2.16 (Waterloo Rd)	\$500,000	\$128,500	\$121,500	\$750,000
Ferguson Road adopted allocation			\$243,000		\$121,500	\$364,500
Dowdells Line	4.9 (St Helena Rd)	5.9 (North of Edwards Rd)	\$440,000	\$159,000	\$61,000	\$660,000
Dowdells Line adopted allocations			\$202,000		\$101,000	\$303,000

Road Name	Start SLK	End SLK	RRG Funds	R2R Funds	Reserve	Total
Hamilton Road	0.7 (Foster St)	0.86 (Casuarina St)	\$128,000		\$64,000	\$192,000
Hamilton Road RAB with Hale Street			\$80,000		\$40,000	\$120,000
<b>Total proposed program</b>			<b>\$1,148,000</b>	<b>\$287,500</b>	<b>\$286,500</b>	<b>\$1,722,000</b>
<b>Total adopted program</b>			<b>\$573,000</b>		<b>\$286,500</b>	<b>\$859,500</b>
Variance			+\$575,000	+\$287,500	\$0	+\$862,500

END REPORT

12.4.3 Ferguson Road Community Working Group Terms of Reference

<b>Reporting Department</b>	<i>Infrastructure Directorate</i>
<b>Responsible Officer</b>	<i>Mr Theo Naudé – Director Infrastructure</i>
<b>Reporting Officer</b>	<i>Mr Nathan Ryder – Manager Infrastructure Planning &amp; Design</i>
<b>Legislation</b>	<i>Local Government Act 1995</i>
<b>Council Role</b>	<i>Executive/Strategic</i>
<b>Voting Requirement</b>	<i>Simple Majority</i>
<b>Attachments</b>	<i>Appendix ORD: 12.4.3A – Ferguson Road Community Working Group Terms of Reference</i> <i>Appendix ORD: 12.4.3B – Risk Assessment</i>

**Overview**

The purpose of this report is for Council to endorse the 2026 Terms of Reference for the Ferguson Road Community Working Group.

**OFFICER RECOMMENDATION****THAT Council:**

- Endorses the 2026 Terms of Reference for the Ferguson Road Community Working Group (Appendix ORD: 12.4.3A).**
- Nominates three (3) elected members as voting members of the Ferguson Road Community Working Group, including the positions of Presiding Member and Deputy Presiding Member, per the Terms of Reference (Appendix ORD: 12.4.3A):**

<b>Presiding Member (Chair):</b>	<b>Cr. ....</b>
<b>Deputy Presiding Member:</b>	<b>Cr. ....</b>
<b>Voting member:</b>	<b>Cr. ....</b>

**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:

**Background**

At the Ordinary Council Meeting held on the 27<sup>th</sup> May 2026 [Res 125-26], Council supported the establishment of a Ferguson Road Community Working Group, which was an Elected Member Motion:

*THAT Council:*

- Supports the establishment of a Ferguson Road Community Working Group for the purpose of providing community and stakeholder input into future traffic management, pedestrian safety, road safety and streetscape improvements along Ferguson Road, Dardanup.*
- Requests the Chief Executive Officer:*

- a) *Establish and facilitate the Ferguson Road Community Working Group;*
  - b) *Prepare Terms of Reference for the Working Group and bring the Terms of Reference back to Council at the June 2026 Ordinary Council meeting for endorsement;*
  - c) *Coordinate stakeholder participation and provide administrative support to the Working Group; and*
  - d) *In consultation with the Shire President, determine and appoint the membership of the Working Group.*
3. *Notes that the Working Group is to operate in an advisory capacity only and is not delegated any authority to make decisions on behalf of Council.*
  4. *Requests that membership of the Working Group includes representation, where appropriate, from:*
    - *Local Ferguson Road businesses;*
    - *Our Lady of Lourdes School Dardanup parents/family members;*
    - *Our Lady of Lourdes School Dardanup employees;*
    - *Dardanup and Districts Residents Association Inc.;*
    - *Local residents;*
    - *Relevant Shire officers;*
    - *Main Roads Western Australia; and*
    - *Other stakeholders identified by the Chief Executive Officer as having a direct interest in the Ferguson Road precinct.*
  5. *Notes that the purpose of the Working Group is to:*
    - *Review existing traffic conditions and identify safety risks affecting motorists, pedestrians, school children, residents and visitors within the Ferguson Road precinct;*
    - *Consider potential traffic calming measures, pedestrian crossing treatments and other initiatives aimed at improving road and pedestrian safety;*
    - *Identify landscaping and vegetation placement opportunities that enhance streetscape amenity while supporting clear sightlines, pedestrian visibility and positive public safety outcomes;*
    - *Engage with affected community members and relevant stakeholders regarding identified safety concerns and potential improvement options; and*
    - *Provide recommendations to the Chief Executive Officer regarding priority safety initiatives and potential infrastructure improvements within the Ferguson Road precinct.*
  6. *Requests the Chief Executive Officer present a report to Council, through the Ordinary Council Meeting process, outlining the outcomes and recommendations arising from the Working Group's activities, for Council's consideration and determination of any proposed actions.*
  7. *Notes that the Ferguson Road Community Working Group will be disbanded upon completion of its purpose and following Council's consideration of the final report and recommendations and request the Chief Executive Officer present this to Council by 31<sup>st</sup> March 2027.*

**Legal Implications** - None

### **Council Plan**

10.3 - Improve road safety, connectivity and traffic flow.

13.1 - Adopt best practice governance.

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

**Environment** - None.

**Precedents**

Council has previously endorsed Terms of Reference for numerous working groups.

**Budget Implications**

There are no direct budget implications associated with the proposed establishment of the Working Group other than administrative costs.

Should recommendations arise that require funding, these would be subject to separate Council consideration through the budget process.

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

**Council Policy Compliance**

Council Policy *Exec CP089 – Advisory and / or Working Groups*  
 Council Policy *Exec CP090 Community Engagement*

**Risk Assessment**

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

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Report Title	Ferguson Road Community Working Group Terms of Reference
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	Legal and Compliance      The Terms of Reference provide guidance to Working group members by setting roles, responsibilities, operations, tenure and obligations, in accordance with any specific legislative requirements.  Reputational                      The Shire has a good reputation for following best practice in Governance and Probity.

**Officer Comment**

Referring to the Council Resolution [Res 125-26];

2.      *Requests the Chief Executive Officer:*
  - a)    *Establish and facilitate the Ferguson Road Community Working Group;*
  - b)    *Prepare Terms of Reference for the Working Group and bring the Terms of Reference back to Council at the June 2026 Ordinary Council meeting for endorsement;*

A Terms of Reference for the Ferguson Road Community Working Group was created, which clearly sets out the aim, roles, responsibilities, operations, tenure and obligations, in accordance with specific legislative requirements.

The Objectives of the Ferguson Road Community Working Group is to act in an advisory capacity on matters relating to community and cultural services, with specific focus on:

- Reviewing existing traffic conditions and identifying safety risks affecting motorists, pedestrians, schoolchildren, residents and visitors along Ferguson Road (limited to the area between the railway line and Little Street);
- Consider potential traffic calming measures, pedestrian crossing treatments and other initiatives aimed at improving road and pedestrian safety;
- Identify landscaping and vegetation placement opportunities that enhance streetscape amenity while supporting clear sightlines, pedestrian visibility and positive public safety outcomes;
- Engage with affected community members and relevant stakeholders regarding identified safety concerns and potential improvement options; and
- Provide recommendations to the Chief Executive Officer regarding priority safety initiatives and potential infrastructure improvements within the Ferguson Road precinct.

The proposed Terms of Reference are included in (Appendix ORD: 12.4.3A) for Council's consideration.

END REPORT

## 12.5 CORPORATE & GOVERNANCE DIRECTORATE REPORTS

### 12.5.1 Annual Review of Delegations

<b>Reporting Department</b>	<i>Corporate &amp; Governance Directorate</i>
<b>Responsible Officer</b>	<i>Mrs Natalie Hopkins – Director Corporate &amp; Governance</i>
<b>Reporting Officer</b>	<i>Mrs Donna Bailye – Manager Governance Mrs Cindy Barbetti – Corporate Excellence &amp; Compliance Officer</i>
<b>Legislation</b>	<i>Local Government Act 1995</i>
<b>Council Role</b>	<i>Legislative</i>
<b>Voting Requirement</b>	<i>Absolute Majority</i>
<b>Attachments</b>	<i>Appendix ORD: 12.5.1A – Draft 2025 – 2026 Delegation Register (for adoption) Appendix ORD: 12.5.1B – 2024 – 2026 Delegation Register (for withdrawal) Appendix ORD: 12.5.1C – Local Government Operational Guideline – Delegations, Authorisations and Acting Through Appendix ORD: 12.5.1D – Risk Assessment</i>

#### **Overview**

This report presents the outcome of the Shire’s annual review of its Delegation Register for the 2025/26 financial year.

The review has been undertaken in accordance with the *Local Government Act 1995* and adopts a refreshed approach that aligns the Shire’s delegations with the WALGA Delegations Register template and contemporary local government best practice. Council is requested to adopt the Draft 2025 – 2026 Delegation Register, as detailed in (Appendix ORD: 12.5.1A).

#### **OFFICER RECOMMENDATION**

**THAT Council adopts the 2025 – 2026 Delegation Register, in accordance with section 5.46(2) of the *Local Government Act 1995*, as provided for in (Appendix ORD: 12.5.1A) and notes that this supersedes the Shire of Dardanup 2024 – 2025 Delegation Register.**

*By 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:

#### **Background**

The *Local Government Act 1995* enables Council to delegate certain powers and duties to the Chief Executive Officer (CEO) to support the efficient and effective operation of the local government. Delegations allow routine operational and regulatory decisions to be made at the appropriate administrative level, while Council retains responsibility for governance, policy direction and those matters that legislation expressly reserves to Council.

Section 5.46(2) of the Act requires Council to review its delegations at least once every financial year. This statutory requirement ensures that delegations remain current, lawful, and aligned with organisational structures and legislative frameworks.

In addition to the *Local Government Act 1995*, local governments exercise powers and functions under a range of other legislation, including but not limited to the *Planning and Development Act 2005*, *Building Act 2011*, *Public Health Act 2016*, *Environmental Protection Act 1986*, *Dog Act 1976*, and *Cat Act 2011*. Many of these Acts contain provisions that enable, or require, the appointment or authorisation of officers to carry out statutory functions.

The Department of Local Government, Sport and Cultural Industries' guidance on Delegations, Authorisations and Appointments (Appendix ORD: 12.5.1C) emphasises the importance of clearly distinguishing between these instruments, ensuring they are properly made, recorded and regularly reviewed. This promotes transparency, accountability and legal validity in decision-making, and supports the effective administration of both the *Local Government Act 1995* and other relevant legislation under which the Shire operates.

### **Legal Implications**

The review has been conducted having regard to the delegable powers' framework established by the *Local Government Act 1995*, in particular:

- section 5.42 — delegation of powers and duties to the CEO
- section 5.43 — limits on delegations
- section 5.44 — CEO sub-delegations to employees
- section 5.45 — amendment and revocation of delegations
- section 5.46(2) — requirement for annual review of delegations

In addition, relevant provisions of other legislation (including planning, building, health and regulatory Acts) have been considered to ensure delegations are only included where there is an express and lawful power to delegate.

### **Council Plan**

13.1 - Adopt best practice governance.

**Environment** - None.

### **Precedents**

Council undertakes an annual review of its delegations in accordance with section 5.46(2) of the *Local Government Act 1995*. The most recent review was completed on 18<sup>th</sup> December 2024, when Council resolved [Res 314-24] to adopt the updated Delegations Register.

The proposed 2025 – 2026 review continues this established governance practice and remains compliant with the Act, provided Council endorses the Delegations Register within the current financial year.

### **Budget Implications**

There are no direct financial implications associated with Council considering or adopting the reviewed Delegations Register. The review is undertaken as part of the Shire's normal administrative governance functions and is accommodated within existing operational budgets.

Any costs relating to staff time, preparation, or administrative processing are covered within the current organisational budget allocations and do not require additional funding.

**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: 12.5.1D) for full assessment document.

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.		
Report Title	Annual Review of Delegations	
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	Service Interruption	Without effective delegations, decision making may be delayed or escalated unnecessarily to Council or the CEO. This may impact service delivery, increase administrative burdens, or reduce responsiveness for customers and stakeholders.
	Legal and Compliance	Failure to regularly review delegations may result in inconsistencies with current legislation, organisational structure, or operational practice. This could lead to decisions being made without the correct authority, increasing the risk of non-compliance.
	Reputational	Incorrect or outdated delegations may lead to procedural errors or invalid decisions, which could undermine public confidence in the Shire’s governance systems.

**Officer Comment**

*Delegations and Decision-Making in Local Government:*

Delegations are a core governance mechanism that underpin timely and effective decision-making in local government. They:

- enable decisions to be made by officers with the appropriate qualifications and expertise;
- support compliance with statutory timeframes and regulatory obligations;
- reduce delays caused by unnecessary escalation of operational matters; and
- allow Council to focus on strategic leadership, oversight and policy.

Delegations do not remove Council’s authority. Instead, they operate as a formal mechanism through which Council authorises the Chief Executive Officer (CEO), and through approved sub-delegations, other officers, to act on Council’s behalf within clearly defined legal boundaries.

The Department of Local Government, Sport and Cultural Industries highlights that effective decision-making in local government is supported by two distinct but complementary decision-making entities: the Council and the Administration. Council, as the governing body, is responsible for strategic decision-making, setting policy direction and representing the interests of the community. The Administration, led by the CEO, is responsible for implementing Council decisions and managing the day-to-day operations of the organisation.

A clear and well-structured framework of delegations, authorisations and appointments supports this separation of roles by ensuring decisions are made at the appropriate level, consistent with legislative intent and organisational capability. It also reinforces good governance principles, including accountability, transparency and administrative efficiency.

In this context, the annual review of delegations is a key control to ensure that Council's decision-making framework remains contemporary, reflects current organisational structures, and aligns with legislative requirements and best practice guidance.

*Review Approach and Key Outcomes:*

This year's review has taken a comprehensive, sector-informed approach, including:

- benchmarking the Shire's Delegations Register against other Western Australian local governments; and
- aligning the structure and content of the Register with the WALGA Delegations Register template.

As part of this process, each delegation was assessed to confirm that:

- there is an express legislative power to delegate; and
- the delegation reflects current operational practice and organisational roles.

The review identified that, over time, some items had been included in the Register that are not strictly delegable powers under their respective Acts (for example, administrative practices or authorisations rather than formal delegations). These items have been deliberately omitted from the proposed Register to improve clarity, legal integrity and governance robustness.

*Key Changes:*

Officers wish to draw particular attention to the following delegations which have been removed:

*1.1.3 Behaviour Complaints Committee*

It was noted in the review that as a result of the amendments to the *Local Government (Model) Code of Conduct Regulations 2021* effective 1<sup>st</sup> January 2026 Council functions under cl 12 and cl 13 *must be performed by Council*. However, it is noted that Council may:

- ***Authorise, by absolute majority resolution, a committee of Council comprising Council Members only to perform a function for and on behalf of the Local Government (r.14B(2)).***
- ***Authorise, by absolute majority resolution, a person (excluded persons are prescribed) to perform a function for and on behalf of the Local Government [r.14B(3)]. The resolution of Council authorising a person, must include the matters prescribed in r.14B(4).***

The change sits with Council no longer delegating but authorising the Committee.

### 1.1.1 Audit and Risk Committee

This delegation has been removed as the delegation of the power or duty of s.7.12A(2) of the *Local Government Act 1995* is not required.

The Office of the Auditor General in consultation with the Department of Local Government, Industry Regulation and Safety have determined that the requirement to meet with the Auditor can be facilitated via the Audit, Risk and Improvement Committee, as Acting Through in accordance with s.5.45(2)(a) of the *Local Government Act 1995*.

The *Local Government (Audit) Regulations 1996* were amended, effective 1<sup>st</sup> January 2026, and the duties and powers of s.7.12A(3) and (4) have been prescribed as functions of the Audit, Risk and Improvement Committee [r.16]. On this basis, this delegation is no longer appropriate.

### 1.1.2 Bush Fire Advisory Committee

The Shire previously established the Bush Fire Advisory Committee (BFAC) as a committee of Council under section 5.8 of the *Local Government Act 1995*, with delegated authority intended to exercise powers under the *Bush Fires Act 1954*.

However, advice from WALGA confirms:

- BFAC should not be constituted as a committee under the *Local Government Act 1995*, as the associated governance and compliance requirements may hinder the effective functioning of the Committee. Instead, BFAC should be established solely under section 67 of the *Bush Fires Act 1954*.
- Section 5.16 of the *Local Government Act 1995* only permits the delegation of powers and duties arising under that Act. It does not authorise the delegation of powers under the *Bush Fires Act 1954*.

On this basis, the existing delegation is likely beyond power (*ultra vires*) and should not be relied upon.

Governance will review the BFAC Terms of Reference in light of this advice and present a further report to Council at the August 2026 Ordinary Council Meeting.

### 1.2.16 To Purchase Goods and Services to a Specified Value

The authority to incur expenditure and liabilities on behalf of the local government is not established as a discrete statutory power capable of delegation. Instead, it is managed through financial control systems established by the CEO in accordance with Regulation 5(1)(e) of the *Local Government (Financial Management) Regulations 1996*, which requires the CEO to ensure proper authorisation for the incurring of liabilities and the making of payments.

This reflects an important distinction in the legislative framework. Incurring a liability is an administrative function governed by CEO-established systems, procedures and internal controls, whereas making payments is an express statutory power that Council may delegate to the CEO under Regulation 12, subject to the procedural requirements of Regulation 13 (refer delegation 1.2.26 Payments from the Municipal or Trust Funds).

Incurring liabilities is not described in the Act or Regulations as an express power or duty. It is therefore not a function that can be delegated under section 5.42 of the *Local Government Act 1995*, but instead must be controlled through internal authorisations, purchasing policies and procedures established by the CEO. In practice, liabilities are incurred through administrative processes such as requisitions, purchase orders and the use of purchasing cards. A requisition is an internal proposal to purchase and

does not in itself create a liability. A purchase order forms the basis of a contractual commitment with a supplier and gives rise to a liability when accepted and fulfilled. Purchasing cards similarly create liabilities subject to subsequent verification and acquittal.

These processes are supported by internal controls to ensure compliance with Council Policy CnG CP034 Procurement Policy, confirm budget availability, and align expenditure with Council decisions. Importantly, decisions to incur liabilities are operational in nature and represent the implementation of Council decisions such as the adoption of the annual budget, project approvals and policy directions. This is consistent with the CEO's duty under section 5.41(2)(a) of the Act to implement Council decisions.

In contrast, making payments is a formal statutory function. Regulation 12(1)(a) provides that Council may delegate to the CEO the power to make payments from the Municipal or Trust Fund, with Regulation 13 setting out the required procedures. A payment can only be made once there is appropriate verification that goods or services have been satisfactorily received, and the decision to pay therefore represents an exercise of delegated authority.

Separately, statutory delegation is required for certain procurement decisions prescribed under the *Local Government (Functions and General) Regulations 1996*, particularly in relation to calling tenders, determining tender documentation and accepting or rejecting tenders, as set out in Part 4 of those Regulations. Procurement below the public tender threshold (generally \$250,000) is managed through Council Policy CnG CP034 Procurement Policy and the CEO's financial authorisations, which provide an appropriate and compliant framework for routine purchasing.

The legislative framework also requires strong internal controls, including separation of responsibilities between officers who incur liabilities and those who approve payments, verification of goods and services prior to payment, and regular review of financial procedures. These controls are established under the CEO's responsibilities and subject to oversight through audit processes.

Accordingly, Delegation 1.2.16 is unnecessary as it attempts to assign authority for a function that is not a statutory power capable of delegation and is already appropriately managed through CEO authorisations and internal procedures. Statutory delegations are already in place where required for tender decisions and payment approvals. Retaining this delegation would duplicate existing frameworks and create potential ambiguity between delegated authority and administrative responsibility. It is therefore appropriate that Delegation 1.2.16 be removed to ensure clarity and alignment with the legislative and governance framework.

*Conclusion:*

The Draft 2025 – 2026 Delegations Register is provided at (Appendix ORD: 12.5.1A) for Council consideration, which represents a contemporary sound and best-practice approach to delegations. Aligning the Register with WALGA's template improves clarity, consistency and defensibility, while ensuring that only powers capable of lawful delegation are included.

Adoption of the Draft Register will support efficient administration, clear accountability, and compliant decision-making across the Shire's operations.

END REPORT

## 12.5.2 Behaviour Complaints Committee – Terms of Reference

<b>Reporting Department</b>	<i>Corporate &amp; Governance Directorate</i>
<b>Responsible Officer</b>	<i>Mrs Natalie Hopkins – Director Corporate &amp; Governance</i>
<b>Reporting Officer</b>	<i>Mrs Donna Bailye – Manager Governance</i> <i>Mrs Kristy Burden – Manager Human Resources</i>
<b>Legislation</b>	<i>Local Government Act 1995</i>
<b>Council Role</b>	<i>Executive/Strategic</i>
<b>Voting Requirement</b>	<i>Absolute Majority</i>
<b>Attachments</b>	<i>Appendix ORD: 12.5.2A – Behaviour Complaints Committee – Terms of Reference (with tracked changes)</i> <i>Appendix ORD: 12.5.2B – Behaviour Complaints Committee – Terms of Reference</i> <i>Appendix ORD: 12.5.2C – Risk Assessment</i>

### **Overview**

This report is provided to Council to seek authorisation for the Behaviour Complaints Committee to perform the functions of the Local Government in accordance with the *Local Government (Model Code of Conduct) Regulations 2021* and to amend the Committees current Terms of Reference to reflect this accordingly.

### **OFFICER RECOMMENDATION**

#### **THAT Council:**

1. **In accordance with Regulation 14B(2) of the *Local Government (Model Code of Conduct) Regulations 2021*:**
  - a. **Authorises the Behaviour Complaints Committee to perform the functions of the Local Government under clauses 12 and 13 of the Regulations for and on behalf of the Local Government.**
2. **In accordance with Regulation 11(3) of the *Local Government (Model Code of Conduct) Regulations 2021*:**
  - a. **Authorises the:**
    - i. **Shire of Dardanup Chief Executive Officer; and**
    - ii. **Shire of Dardanup Manager Human Resources**

**to receive complaints and withdrawals of complaints on behalf of the Local Government.**
3. **Endorses the amended Terms of Reference for the Behaviour Complaints Committee (Appendix ORD: 12.5.2B)**

**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 Recommendation:

## **Background**

Council endorsed the Behaviour Complaints Committee membership and Terms of Reference at the 29<sup>th</sup> October 2025 Ordinary Council Meeting [Res: 281-25 & 282-25].

The *Local Government (Model Code of Conduct) Regulations 2021* were amended, effective 1<sup>st</sup> January 2026 to reflect Council authorising the Committee to perform functions of Council in accordance with the *Local Government (Model Code of Conduct) Regulations 2021*.

## **Legal Implications**

### *Local Government (Model Code of Conduct) Regulations 2021*

#### 11. *Complaint about alleged breach*

- (1) *A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.*
- (2) *A complaint must be made —*
  - (a) *in writing in the form approved by the local government; and*
  - (b) *to a person authorised under subclause (3); and*
  - (c) *within 1 month after the occurrence of the alleged breach.*
- (3) *The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.*
- (4) *A complaint must be dealt with under clauses 12 to 15 unless —*
  - (a) *the complaint is referred to the Inspector in accordance with subclause (5); and*
  - (b) *the Inspector refers the complaint to be dealt with under Part 8A Division 5 of the Act.*

#### 12. *Dealing with complaint*

- (1) *After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.*

*Note for this subclause:*

*See also clause 14A in relation to the appointment of a monitor to assist the local government to deal with matters raised by a complaint.*

- (2) *Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.*
- (3) *A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.*
- (4) *If the local government makes a finding that the alleged breach has occurred, the local government may —*
  - (a) *take no further action; or*
  - (b) *prepare and implement a plan to address the behaviour of the person to whom the complaint relates.*
- (5) *When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.*
- (6) *A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —*

- (a) *engage in mediation;*
- (b) *undertake counselling;*
- (c) *undertake training;*
- (d) *take other action the local government considers appropriate.*

(7) *If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —*

- (a) *its finding and the reasons for its finding; and*
- (b) *if its finding is that the alleged breach has occurred — its decision under subclause (4).*

### 13. *Dismissal of complaint*

(1) *The local government must dismiss a complaint if it is satisfied that —*

- (a) *the behaviour to which the complaint relates occurred at a council or committee meeting; and*
- (b) *either —*
  - (i) *the behaviour was dealt with by the person presiding at the meeting; or*
  - (ii) *the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.*

(2) *If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.*

### 14B. *Performance of local government's functions under cl. 12 and 13*

(2) *The local government's functions under clauses 12 and 13 must be performed by the council.*

(3) *Despite subclause (1), the council may, by resolution carried with an absolute majority of the council, authorise a committee of the council comprising council members only to perform a function for and on behalf of the local government.*

(4) *Despite subclause (1), the council may, by resolution carried with an absolute majority of the council, authorise a person who is none of the following to perform a function for and on behalf of the local government —*

- (a) *a member of the council of any local government;*
- (b) *a member of the governing body of any regional subsidiary;*
- (c) *an employee of any local government or regional subsidiary;*
- (d) *an employee of WALGA or the Local Government Professionals Australia (WA);*
- (e) *a member of the governing body of, or an employee of, a body corporate the activities of which are, wholly or partly, advocating or otherwise acting for, or on behalf of, 1 or more of the following —*
  - (i) *local governments;*
  - (ii) *members of councils;*
  - (iii) *employees of local governments.*

(5) *A resolution made under subclause (3) must include the following —*

- (a) *a statement to the effect that the council is satisfied that the person being authorised is suitably qualified and experienced to perform the function;*
- (b) *an explanation as to why the council is satisfied as referred to in paragraph (a);*
- (c) *a statement to the effect that the council is satisfied that the person being authorised is impartial and has no close association with any member of the council or any employee of the local government.*

(6) *Nothing in this clause prevents an employee of the local government from providing, in relation to the performance of a function, any advice or other assistance to the council, a committee authorised under subclause (2) or a person authorised under subclause (3).*

**Council Plan**

13.1 - Adopt best practice governance.

**Environment** - None.

**Precedents**

Council has previously endorsed the Behaviour Complaints Committee to carry out its functions under clause 12 and 13 of the *Local Government (Model Code of Conduct) Regulations 2021*.

**Budget Implications** -

There are no material costs associated with the endorsement and establishment of the Behaviour Complaints Committee.

**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: 12.5.2C) for full assessment document.

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.		
Report Title	Behaviour Complaints Committee – Terms of Reference	
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)	
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.	
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.	
Risk Category Assessed Against	Legal and Compliance	The Terms of Reference provide guidance to Committee members by setting roles, responsibilities, operations, tenure and obligations, in accordance with any specific legislative requirements.
	Reputational	The Shire has a good reputation for following best practice in Governance and Probity.

**Officer Comment**

The *Local Government (Model Code of Conduct) Regulations 2021* were amended with effect from 1<sup>st</sup> January 2026. Relevantly, the amendments provide for a local government to authorise a behaviour complaints committee to perform certain functions of the local government under clauses 12 and 13 of the Regulations.

The Shire’s Behaviour Complaints Committee and its Terms of Reference were endorsed by Council at the 29<sup>th</sup> October 2025 Ordinary Council Meeting and reflected through Delegations the functions of the Committee in accordance with the Regulations.

Whilst the Committee has already been established by Council, the current Terms of Reference do not expressly reflect the authorisation now contemplated by the 1<sup>st</sup> January 2026 amended Regulations.

Officers are therefore now seeking Council's formal authorisation for the Behaviour Complaints Committee to undertake the relevant functions on behalf of the local government and to endorse the corresponding amendments to the Committee's Terms of Reference to reflect these changes.

These changes are intended to ensure the Committee's authority and governing document are consistent with the current legislative framework and support the effective administration of behaviour complaints.

END REPORT

### 12.5.3 Review of CnG CP112 – Councillor Induction Training & Professional Development Policy

<b>Reporting Department</b>	Corporate & Governance Directorate
<b>Responsible Officer</b>	Mrs Natalie Hopkins – Director Corporate & Governance
<b>Reporting Officer</b>	Mrs Donna Bailye – Manager Governance
<b>Legislation</b>	Local Government Act 1995
<b>Council Role</b>	Executive/Strategic
<b>Voting Requirement</b>	Absolute Majority
<b>Attachments</b>	Appendix ORD: 12.5.3A – Current CnG CP112 – Councillor Induction Training & Professional Development Policy. Appendix ORD: 12.5.3B – Risk Assessment Appendix ORD: 12.5.3C – Marked Up Changes – CnG CP112 – Councillor Induction Training & Professional Development Policy.

#### Overview

Council is required to review its Councillor Professional Development Policy after each Ordinary Local Government election. This report has been compiled in direct response to this legislative requirement following the Shire of Dardanup 2023 Ordinary Council Election.

Council Policy CnG CP 112 – Councillors’ Induction Training and Professional Development is provided for Councillor review and endorsement.

#### OFFICER RECOMMENDATION

**THAT Council endorses the updated CnG CP112 – Councillors’ Induction Training and Professional Development Policy as provided below:**



POLICY NO:
<b>CnG CP112 – COUNCILLORS’ INDUCTION TRAINING AND PROFESSIONAL DEVELOPMENT</b>

GOVERNANCE INFORMATION			
Procedure Link:	NA	Administrative Policy Link:	NA

ADMINISTRATION INFORMATION							
<b>Version</b>	1	CP112	SCM	26/07/18	Res: 251-18	<b>Synopsis</b>	Created and Adopted by Council
	2	CP112	OCM	25/03/20	Res: 47-20	<b>Synopsis</b>	Updated and Adopted by Council
<b>Version</b>	3	CnG CP112	OCM	30/09/20	Res: 270-20	<b>Synopsis</b>	Reviewed and Adopted by Council
<b>Version</b>	4	CnG CP112	OCM	28/09/22	Res: 243-22	<b>Synopsis</b>	Reviewed and Adopted by Council
<b>Version</b>	5	CnG CP112	OCM	28/02/24	Res: 31-24	<b>Synopsis</b>	Reviewed post 2023 Election and Adopted by Council
<b>Version</b>	6	CnG CP112	OCM	23/10/24	Res: 275-24	<b>Synopsis</b>	Reviewed and Adopted by Council
<b>Version</b>	7	CnG CP112	OCM	27/06/26	Res: <del>XX-26</del>	<b>Synopsis</b>	Reviewed post 2025 Election and Adopted by Council

#### 1. RESPONSIBLE DIRECTORATE

Corporate & Governance

#### 2. PURPOSE OR OBJECTIVE

This policy is to provide a framework within which Elected Members can have access to a range of professional development opportunities that will assist them to undertake their role, including but not limited to pre-election

information sessions, induction programs, training programs, attendance at conferences & seminars and other development opportunities throughout the elected term of office.

The Shire of Dardanup has a budget allocation for the purpose of enabling Elected Members to participate in development opportunities that will assist them to undertake their role and/or develop skills and competencies.

The policy encourages Elected Members to participate in professional development and training opportunities during their elected term of office, noting that where a term of office is less than the usual four-year term, access to a full range of opportunities may not be available within the term.

### **3. POLICY**

#### **3.1 Pre-Election**

The Chief Executive Officer or his delegate, in conjunction with the Western Australian Electoral Commission, will conduct a seminar for aspiring Elected Members to be held prior to a Local Government election. The aim of this seminar would be to provide aspirants with an insight to the role of an Elected Member and better prepare them for what lays ahead.

All candidates for Council will be required to declare that they have completed the candidate induction at the time of nomination. There are penalties under the *Local Government Act 1995* for making false or misleading statements on the nomination form.

#### **3.2 Induction**

Upon election to Council, the Shire will provide an induction, training and development program for Elected Members modelled on the Department of Local Government Elected Member Induction Checklist, to provide them with all the information relevant to commencing their role as an Elected Member. Attendance at in-house information and training sessions is also encouraged after the completion of the induction program.

The induction program contributes to the corporate objectives by:

- Assisting new Elected Members to assimilate into the role.
- Assisting Elected Members meet the demands upon them by developing the necessary skills through recognised training.
- Assisting Elected Members achieve excellence in performance; and
- Ensuring Elected Members work professionally in a team environment for the betterment of their constituents.

#### **3.3 Council Member Training**

Upon election to Council, the Shire of Dardanup will facilitate the conducting and participation by Councillors in the Council Member Essentials training. This comprises five foundational competencies that must be completed within 12 months of being elected, unless an exemption applies. The five units are:

- Meeting Procedures.
- Conflicts of Interest.
- Understanding Local Government.
- Serving on Council; and
- Understanding Financial Reports and Budgets.

All council members are required to complete the Council Member Essentials course unless, in the previous five years, they have successfully completed an approved equivalent qualification, including the Diploma of Local Government 52756WA (Elected Member), LGA50220 Diploma of Local Government – Elected Member, LGASS00007 Elected Member, or LGASS00002 Elected Member Skill Set.

This training may be delivered face to face or online through an approved provider.

Training remains current for five years, meaning a council member may be required to undertake the training again after a subsequent election if they no longer meet an exemption. The Shire will maintain records of completed training and exemptions, publish the prescribed information on its website, and include the required training information in its annual reporting.

From 1<sup>st</sup> January 2026, regulations 36A and 36B of the *Local Government (Administration) Regulations 1996* apply in relation to council member entitlements and mandatory training compliance. Council members who are required to complete Council Member Essentials training and do not do so within the prescribed timeframe, and who are not otherwise exempt, may be restricted from receiving the relevant allowances until compliant.

In accordance with section 5.128(5) of the *Local Government Act 1995*, this policy must be reviewed following each ordinary election, which provides an opportunity to consider the needs and skill sets of new and returning council members.

Where the Shire has booked and paid for approved training, development and accommodation for a Councillor, and the Councillor does not complete that training or development, the Councillor must reimburse the Shire for the cost of the training, development and accommodation. Where the training or development is not completed due to illness or other exceptional circumstances, the Councillor may submit a written request to the Shire President seeking an exemption from reimbursement, and the request will be referred to Council for determination.

### **3.4 Annual Allocation for Training and Development**

Elected Members are encouraged to attend various programs during their term of office, to assist their professional development and to provide them with enhanced skills to effectively maximise the benefits of the commitment they have given to their elected position.

Each Elected Member is equally allocated an annual sum as specified in each annual budget for attendance at training and development programs and courses. The amount should not, in normal circumstances be exceeded and registration will not be affected if there are insufficient funds available to be used. The Chief Executive Officer shall monitor the budget to appropriately manage the allocation.

If the annual allocation is exceeded, subject to approval from the Chief Executive Officer/Council, the value in excess of the amount allowed may be reduced from the following year's allocation. Any surplus funds in an Elected Members allocation may be carried forward to the next financial year but will not be carried forward to subsequent years.

### **3.5 Conferences & Training Courses**

The annual budget allocation may be used for any of the following:

- a) Council Member Essentials training required under the *Local Government Act 1995*.
- b) Western Australian Local Government Association (WALGA) Training Program - WALGA offers a module-based training program that is standardised for WA Local Governments. Progressive participation in this program is encouraged and is considered to be the best opportunity outside of the organisation to develop relevant local government knowledge, including the opportunity to obtain a Diploma in Local Government by the completion of the course modules. Elected Members are encouraged to support this training particularly when held in South West venues.
- 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.

In addition to the two delegate participants, opportunity exists for other Elected Members and the Chief Executive Officer to attend Local Government Week.

d) Examples of other conferences include:

- National General Assembly of Local Government (Shire President and Chief Executive Officer).
- Annual Road Conference.
- Special “one off” conferences sponsored by WALGA or the Department of Local Government, Sport and Cultural Industries.

e) Other training and development - Other training and development opportunities are identified from time to time by either an individual Elected Member or the organisation, attendance at which may be approved where:

- The course or development opportunity is relevant to the functions of an Elected Member.
- The course or development opportunity is relevant to an Elected Member’s role or as a member of a Council approved representative on a Council Committee or external body.
- There is scope for the attendee to acquire skills beneficial to the Shire; and
- The budget remains available to cover the associated costs.

### **3.6 Restrictions and Exclusion on Travel**

No more than two Elected Members may attend the same Interstate event and no more than three Elected Members exclusive of the President and Deputy President may attend the same intrastate event (authorised training and development courses excluded).

Travel Interstate is not permitted without the prior approval of Council; and within three months of being elected as an Elected Member and is not permitted within six months of the date of expiry of office, unless approved in advance by a resolution of Council. Attendance at any overseas conference, seminar or other development event requires the specific approval of Council.

### **3.7 Accommodation and Valet Parking**

Council staff will arrange and make payment for reasonable accommodation, including valet parking, for the Councillor for a room at or in close proximity to the event venue.

### **3.8 Elected Representatives/Delegate Accompanying Person**

Where an Elected Member or Officer is accompanied at a conference or training event, all costs for, or incurred by, the accompanying person are to be borne by the Elected Member, Officer, or accompanying person and not by the Shire. The exception being the cost of attending an official event dinner where partners would normally attend. An example of an official event is the Annual Local Government Week Gala Dinner or “sundowner drinks” at the event.

### **3.9 Out of Pocket Expenses**

a) Meals and incidental expenses – An allowance maximum of \$250 is provided for the full duration of the training or conference event. This expense would generally include breakfast, lunch, dinner, incidentals, and transport (taxi, bus, train). This allowance cannot be used when the costs of meals etc. are included in the registration fee and the elected member chooses to eat elsewhere.

This allowance will be increased by the Consumer Price Index in the annual budget and rounded to the nearest \$10.

- b) Travel by car – Where it is available and convenient Elected Members will be encouraged to use one of the Council’s fleet vehicles for intrastate travel. Where an Elected Member uses their own vehicle, they shall be reimbursed for fuel costs by providing the Chief Executive Officer with a reimbursement of expenses claim and the receipt. Elected Members are encouraged to “carpool”.
- c) All out of pocket expenses claimed shall be supported by applicable receipts and provided to the Chief Executive Officer for reimbursement.

### **3.10 Reporting Requirements**

When considered appropriate, on return from attending an Interstate training & development opportunity attendees shall provide either a written report to the Shire or a verbal presentation to an Elected Members Briefing Session within 21 days to facilitate knowledge sharing. The report should detail skills and competencies gained, benefits for the Shire, Council and community and relevant recommendations.

The President or Chief Executive Officer may approve an extension in circumstances deemed appropriate. Regard may be given to the technicality of the information to be prepared into a report, workloads or other factors.

Failure to provide a report or presentation within the approved timeframe may result in the Elected Member being required to reimburse costs associated with attendance to the Shire.

### **3.11 Approval Process**

Applications from Elected Members for attendance at interstate training, seminars and conferences will be considered by the President and Deputy President in consultation with the Chief Executive Officer with regard to applicability of the development opportunity to the Councillor’s role and budget availability, and a report to Council to seek approval.

The application can only be approved where the costs including registration fees, travel, accommodation, and an estimation of other expenses can be accommodated within the approved allowance allocated to the Elected Representative for this purpose in accordance with the annual budget provision. The annual training budget determined by the Council will be equally allocated to each Elected Representative on a pro-rata basis in accordance with election dates. An individual’s unspent funds can be carried forward for use within the biennial election cycle.

The Chief Executive Officer is authorised to approve requests from Elected Members for professional development training and conferences without referral to Council provided that:

- a) The event is within the state
- b) The cost does not exceed the annual allowance; and
- c) The course of conference is organised by an identified, industry recognised training provider.

The Chief Executive Officer is to maintain a register of each Elected Members’ training and professional development expenses.

Nothing in this policy provision prevents the Council from approving additional funds to be accessible or the Council from approving a specific application that is outside of the existing budget.

This Policy does not apply to meetings or workshops attended by an Elected Member, where they are the approved Council delegate or representative.

**3.12 Policy Review**

In accordance with section 5.128(5) of the *Local Government Act 1995*, this policy must be reviewed following each ordinary election. The Shire will ensure the policy review occurs within the first 6 months following each ordinary election.

**4. REFERENCE DOCUMENTS**

Local Government Act 1995, sections 5.36, 5.42, 5.126, 5.127 and 5.128.

Local Government (Administration) Regulations 1996, including regulations 35, 36A and 36B.

***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 Recommendation:

## **Background**

In accordance with the *Local Government Act 1995* (the Act), Council will undertake Policy reviews biennially. A full review was undertaken in 2024, with Council adopting the Shire of Dardanup Council Policy Manual at the Ordinary Council meeting held on the 23<sup>rd</sup> October 2024 [Res 275-24].

As part of the 2024 biennial review process, Council endorsed CnG CP 112 – *Councillor Induction Training and Professional Development*, as provided for in (Appendix ORD: 12.5.3A).

Under section 5.128(5)(a) of the Act, Council is required to review its professional development policy after each ordinary election. This report has been compiled in direct response to this legislative requirement, post 2025 Ordinary Council Election of the Shire of Dardanup.

## **Legal Implications**

### *Local Government Act 1995*

#### *5.128. Policy for continuing professional development*

- (1) *A local government must prepare and adopt\* a policy in relation to the continuing professional development of council members.*

*\* Absolute majority required.*

- (2) *A local government may amend\* the policy.*

*\* Absolute majority required.*

- (3) *When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*

- (4) *The CEO must publish an up-to-date version of the policy on the local government's official website.*

- (5) *A local government —*

*(a) must review the policy after each ordinary election; and*

*(b) may review the policy at any other time.*

## **Council Plan**

13.1 - Adopt best practice governance.

13.2 - Manage the Shire's resources responsibly.

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

**Environment** - None.

## **Precedents**

Council has undertaken a full review of Council policies in October 2024.

## **Budget Implications**

The 2025-2026 Annual Budget has a provision of \$28,655 for Conferences and Training for Council Members (AC 0411006). The draft Annual Budget 2026/27 has a provision of \$28,655 for Conferences and Training for Council members (GL28065)

Provided in the table below is the current cost per person for the Council Member Essentials (CME) training provided through WALGA. The essentials training is targeted at newly Elected Members, returning Elected Members and/or Elected Members who wish to run for election and are yet to complete the required training.

the training is undertaken in the following sequence\*:

Face-to-face training at WALGA	On-site training at your LG	eLearning (individual module or eLearning Subscription)	Virtual Classroom via Zoom
<b>Module 1 Understanding Local Government</b>			
½ Day \$260	½ Day Request quote	\$240	1 x 3.5 hr \$260
<b>Module 2 Conflicts of Interest</b>			
½ Day \$260	½ Day Request quote	\$240	1 x 3.5 hr \$260
<b>Module 3 Serving on Council</b>			
2 Days \$1,030	2 Days Request quote	\$470	N/A
<b>Module 4 Meeting Procedures</b>			
1 Day \$515	1 Day Request quote	\$370	N/A
<b>Module 5 Understanding Financial Reports and Budgets</b>			
1 Day \$515	1 Day Request quote	\$370	7.5 hr \$515

\*Prices are exclusive of GST

Source: [Training | WALGA | WALGA](#)

If overnight accommodation is required, this is an additional expense of approximately \$210 per person, plus incidentals (parking, meals).

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

**Council Policy Compliance** - None

*CnG CP 112 – Councillor Induction Training and Professional Development.*

**Risk Assessment**

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix ORD: 12.5.3B) for full assessment document.

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Report Title	Review of CnG CP 112 – Councillor Induction Training & Professional Development Policy
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	Legal and Compliance Failure to regularly review and update policies could result in the Shire not meeting its obligations at law.

**Officer Comment**

Following the 2025 Local Government Election, Council is required under Section 5.128 of the Act, to review its professional development policy.

Officers have undertaken a review, and the following updated changes are provided for in (Appendix ORD: 12.5.3C) for Council endorsement.

The updated policy has been amended to reflect the introduction of regulations 36A and 36B of the *Local Government (Administration) Regulations 1996*, effective from 1<sup>st</sup> January 2026. These provisions strengthen compliance requirements in relation to Council Member Essentials training and establish a direct link between completion of mandatory training and eligibility to receive council member allowances. The policy updates ensure alignment with the new regulatory framework, including record keeping, reporting and publication obligations, and clarifies the implications of non-compliance.

END REPORT

12.5.4 Fleet Management Policy Update and 2026 Light Vehicle Fleet Review

<b>Reporting Department</b>	Corporate & Governance Directorate
<b>Responsible Officer</b>	Mrs Natalie Hopkins – Director Corporate & Governance
<b>Reporting Officer</b>	Mrs Natalie Reid – Procurement Officer
<b>Legislation</b>	Local Government Act 1995
<b>Council Role</b>	Executive/Strategic
<b>Voting Requirement</b>	Simple Majority
<b>Attachments</b>	<p>Appendix ORD: 12.5.4A – Exec CP203 Light Vehicle Fleet Policy – to be deleted</p> <p>Appendix ORD: 12.5.4B – Exec CP203 Fleet Management Policy (Passenger and Light Vehicles) – Revised Policy for Adoption</p> <p>Appendix ORD: 12.5.4C – Fleet Management Plan</p> <p>Appendix ORD: 12.5.4D – AP009 Motor Vehicle Use and Fleet Management (All Employees and Volunteers)</p> <p>Appendix ORD: 12.5.4E – Risk Assessment</p> <p><b>Confidential Attachment D</b> – Light Fleet Review – Consulting Report V1.2 (SoD)</p> <p><b>Confidential Attachment E</b> – Light Fleet Review – Strategic and Tactical Solutions Report V1.2 (SoD)</p> <p><b>Confidential Attachment F</b> – Light Vehicle Review – Selection Considerations &amp; WOLC Analysis</p>

**DECLARATION OF INTEREST**

Director Corporate & Governance, Mrs Natalie Hopkins, declared a financial interest in this item.

Please refer to Part 11 'Declaration of Interest' for full details.

**Overview**

This report presents the outcomes of the recent Shire of Dardanup Light Vehicle Fleet Review (2026), undertaken by Fleet Advisory, together with Executive recommendations regarding the future management of Council's light motor vehicle fleet.

Council is requested to consider and adopt the revised Council Policy Exec CP203 Fleet Management Policy (Passenger and Light Vehicles) and endorse the 2026 Fleet Management Plan, which provides the supporting framework for implementation.

**OFFICER RECOMMENDATION****THAT Council:**

1. **Receives the following reports from Fleet Advisory in relation to the Shire of Dardanup Light Vehicle Review (2026):**
  - a. **Light Vehicle Fleet Review – Consulting Report (Confidential Attachment D – provided under separate cover)**

- b. Light Vehicle Fleet Review – Strategic Solutions Report (Confidential Attachment E – provided under separate cover)
  - c. Light Vehicle Fleet Review – Selection Considerations & WOLC Analysis (Confidential Attachment F – provided under separate cover)
2. Deletes existing Council Policy CP203 – Light Vehicle Fleet (Appendix ORD: 12.5.4A);
  3. Endorses the 2026 Fleet Management Plan (Appendix ORD: 12.5.4C), which provides the framework for implementation of Exec CP203 – Fleet Management Policy (Passenger and Light Vehicles) Policy;
  4. Notes the Chief Executive Officer’s review and implementation of Administration Policy AP009 Motor Vehicle Use and Fleet Management Policy (All Employees and Volunteers) (Appendix ORD: 12.5.4D), which establishes the operational rules and controls for vehicle use;
  5. Adopts the revised Council Policy Exec CP203 – Fleet Management Policy (Passenger and Light Vehicles) as shown below also provided for in (Appendix ORD: 12.5.4B):



COUNCIL POLICY NO:-
<b>Exec CP203 – FLEET MANAGEMENT POLICY (PASSENGER AND LIGHT VEHICLES)</b>

GOVERNANCE INFORMATION			
Procedure Link:	NA	Administrative Policy Link:	AP009

ADMINISTRATION INFORMATION								
Version:	1	New	OCM	27/07/2022	Res:	203-22	Synopsis:	Policy created
Version:	2	Exec CP203	OCM	28/09/2022	Res:	243-22	Synopsis:	Reviewed and Adopted by Council
Version:	3	Exec CP203	OCM	27/03/2024	Res:	62-24	Synopsis:	Reviewed and Adopted by Council
Version:	4	Exec CP203	OCM	24/06/2026	Res:	XX-26	Synopsis:	Significant review to realign as a strategic policy only and transfer operational elements to AP009. Reviewed and adopted by Council.

**1. RESPONSIBLE DIRECTORATE**

Executive

**2. PURPOSE**

To establish the strategic principles governing the provision, allocation, and management of the Shire of Dardanup’s (the Shire) passenger and light vehicle fleet, ensuring cost efficiency, safety, environmental responsibility, and alignment with organisational service delivery needs.

**3. OBJECTIVES**

The Shire seeks to:

- a. Ensure vehicles are fit for purpose, safe, and aligned to operational requirements.
- b. Optimise fleet costs through Whole of Life Cost (WOLC) decision-making.
- c. Provide equitable and transparent vehicle allocation frameworks.
- d. Support employee attraction and retention through appropriate vehicle or allowance options.
- e. Reduce environmental impact through the progressive transition to low and zero emission vehicles.

- f. Strengthen governance, compliance, and accountability in fleet management practices.

#### 4. SCOPE

This policy applies to:

- All Shire employees and authorised volunteers who operate vehicles in connection with Shire business (note: where the Chief Executive Officer is provided with a Shire vehicle, separate provisions apply under Council Policy Exec CP008 – Private Use of Council’s Motor Vehicle by Chief Executive Officer.
- All passenger and light commercial vehicles owned, leased, or otherwise provided by the Shire.
- The provision of vehicle-related benefits and allowances.
- The use of privately owned vehicles for Shire business (grey fleet).

#### 5. DEFINITIONS

<b>ANCAP Rating</b>	The Australasian New Car Assessment Program (ANCAP) safety star rating for a vehicle (occupant, vulnerable road user and crash-avoidance performance), as provided by the manufacturer at the time of purchase. ANCAP ratings are used to compare the relative safety of similar vehicles and are subject to ANCAP rating validity rules (generally a 6-year validity for ratings dated 2018 and later; older ratings are subject to expiry arrangements introduced from December 2022).
<b>Grey Fleet</b>	Any vehicle other than the Employer’s vehicle, used occasionally or regularly by employees for work purposes, including their own personal vehicles and hire cars.
<b>Light Commercial Vehicle</b>	A commercial carrier vehicle with a gross vehicle weight of no more than 3.5 metric tons. Qualifying light commercial vehicles include pickup trucks, utilities, vans and all commercially based goods or passenger carrier vehicles used for the purpose of route service, inspections, maintenance or repairs, construction, gardening, or carrying tools or equipment to a job site. The Light Commercial Vehicles most commonly used in the Shire of Dardanup are Utility [U] or Cab Chassis [CS] vehicles
<b>Novated Lease (Salary Packaging)</b>	A novated lease entered into independently by an employee for a private vehicle through an approved salary packaging provider.  Shire of Dardanup’s involvement is limited to payroll deductions, and the vehicle is not considered a Shire vehicle or an employee vehicle entitlement under this Policy.
<b>Shire</b>	Means the Shire of Dardanup
<b>Whole of Life Cost (WOLC)</b>	Incorporating purchase, depreciation, service, maintenance and fuel costs.

#### 6. POLICY

##### 6.1 Strategic Fleet Management Principles

The Shire will manage its fleet in accordance with the following principles:

- **Safety First**  
The Shire will prioritise vehicle safety by adopting contemporary safety standards and, where practicable, selecting vehicles that meet high safety ratings (including ANCAP), and ensuring vehicles are safe and suitable for their intended use.
- **Fit For Purpose**  
Vehicles will be selected and allocated to meet operational requirements and support effective service delivery.

- **Whole of Life Cost (WOLC)**  
Fleet decisions will be informed by lifecycle cost considerations, including acquisition, operation, maintenance, disposal, and associated financial impacts.
- **Sustainability**  
The Shire will seek to reduce environmental impact through vehicle selection and the progressive transition to low and zero emission vehicles.
- **Financial Responsibility**  
Fleet management will align with the Long-Term Financial Plan and aim to deliver value for money to the Shire.
- **Equity and Transparency**  
Vehicle allocation and associated benefits will be applied based on defined criteria, taking into account operational requirements, organisational needs, and workforce considerations.

## 6.2 Fleet Planning and Management

The Shire will:

- Maintain a Fleet Management Plan that defines fleet strategy, procurement principles, vehicle selection criteria, and lifecycle management practices.
- Periodically review fleet composition, utilisation, and performance.
- Undertake independent fleet reviews periodically (generally 3-5 years).
- Progressively introduce hybrid and electric vehicles.

## 6.3 Vehicle Allocation

Vehicle allocation will be determined by the Chief Executive Officer (or delegate) based on:

- Operational requirements.
- Fit-for-purpose assessment.
- Whole of life cost considerations.
- Expected utilisation.
- Employee contractual arrangements (where applicable).

## 6.4 Vehicle Replacement

Vehicle replacement will be determined based on:

- Age and kilometres travelled.
- Condition and maintenance history.
- Operational requirements.
- Cost effectiveness and WOLC outcomes.

Specific replacement thresholds will be defined within the Fleet Management Plan.

## 6.5 Governance and Compliance

The Shire will ensure:

- Procurement and disposal of vehicles comply with applicable legislation and the Shire's procurement policy.

- Fleet practices support effective Fringe Benefits Tax (FBT) management.
- Appropriate controls, delegations, and reporting mechanisms are in place.
- Alignment between this Policy, Council Policy *Exec CP008 – Private Use of Council’s Motor Vehicle by Chief Executive Officer* and Administration Policy *AP009 Motor Vehicle Use and Fleet Management (All Employees and Volunteers)*, and administered by the Chief Executive Officer .

### 6.6 Grey Fleet (Use of Private Vehicles)

The Shire recognises that privately owned vehicles may be used for Shire business in limited circumstances.

The Shire will:

- Minimise reliance on grey fleet through the provisions of appropriate fleet resources.
- Ensure that privately owned vehicles used for work purposes meet appropriate safety and compliance requirements.
- Require that the use of privately owned vehicles is appropriately managed, with approval, safety, and compliance requirements established through Administration Policy.
- Note that detailed controls, procedures, and monitoring mechanisms are to be established and maintained by the Chief Executive Officer within Administration Policy *AP009 Motor Vehicle Use and Fleet Management (All Employees and Volunteers)*.

### 6.7 Environmental Commitment

The Shire is committed to reducing emissions from its fleet and will:

- Support the introduction of hybrid and electric vehicles
- Consider environmental performance in vehicle selection decisions

## 7. ROLES AND RESPONSIBILITIES

### Council

- Endorses strategic direction and policy framework.

### Chief Executive Officer

- Approves vehicle allocation and ensures policy implementation.
- Establishes and maintains Administration Policy *AP009 – Motor Vehicle Use and Fleet Management (All Employees and Volunteers)*.
- Ensures that administration policies, including *AP009*, are effectively monitored and periodically reviewed to maintain appropriate fleet management controls.
- Ensures appropriate systems, controls and reporting frameworks are in place for fleet management.

### Administration

- Implements the Fleet Management Plan (FMP).
- Manages fleet procurement, operation, and compliance.
- Monitors performance and reporting.

### Employees

- Comply with all vehicle usage requirements as outlined in Administration Policy *AP009 Motor*

*Vehicle Use and Fleet Management (All Employees and Volunteers).*

**8. REFERENCE DOCUMENTS**

- *Local Government Act 1995 s.5.39, 5.36*
- *Council Policy CnG CP034 Procurement Policy*
- *Council Policy Exec CP008 Private Use of Council's Motor Vehicle by Chief Executive Officer.*
- *Administration Policy AP009 Motor Vehicle Use and Fleet Management (All Employees and Volunteers)*
- *Fleet Management Plan*
- *Long Term Financial Plan*

***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 Recommendation:

## **Background**

In 2026, the Shire of Dardanup engaged Fleet Advisory, through the WALGA panel, to undertake a review of its light vehicle fleet. The review covered 18 compliance and executive vehicles, 10 light operations vehicles, and associated fleet policies.

The review aimed to:

- Reduce Fringe Benefit Tax (FBT) exposure;
- Align vehicle benefits with staff roles and seniority;
- Consider alternative vehicle arrangements (e.g. allowances and novated leases);
- Reduce operating and capital replacement costs;
- Ensure vehicles are fit for operational requirements;
- Optimise replacement and retention cycles; and
- Explore the introduction of electric vehicles into the Shire's fleet.

Fleet Advisory provided its findings through the following confidential reports attached to this report:

**a) Light Fleet Review - Consulting Report V1.2 (SoD)** (Confidential Attachment D – Under Separate Cover)

This report provides observations of the Shire's current light vehicle fleet arrangements, including the reviewing current methodology, key observations, and identified issues relating to cost, safety, policy structure, and fleet management practices. It also records a number of positive outcomes achieved since earlier reviews, including reduced FBT exposure and improvements to policy settings.

**b) Light Fleet Review - Strategic and Tactical Solutions Report V1.2 (SoD)** (Confidential Attachment E – Under Separate Cover)

This report builds on the consulting findings by setting out the strategic and tactical considerations for the future management of the Shire's light vehicle fleet. It includes proposed solutions relating to policy and procedure refinement, vehicle replacement and retention settings, grey fleet risk, pool vehicle arrangements, record keeping, and planning for future transition to battery electric vehicles.

**c) Light Fleet Review - Selection Considerations & WOLC Analysis** (Confidential Attachment F – Under Separate Cover) – table of Whole of Life Costs (WOLC) for each vehicle type.

This report provides the supporting financial analysis for vehicle selection through a whole of life cost assessment. It compares vehicle options on the basis of purchase, depreciation, fuel, servicing, and maintenance costs to inform future fleet procurement and replacement decisions.

Key findings of the review included:

- Opportunities to expand the use of hybrid electric vehicles to improve environmental outcomes (24% of the fleet);
- Constraints to Battery Electric Vehicles (BEV) due to limited charging infrastructure;
- Policy gaps and overlaps creating ambiguity for staff;
- Reduced Fringe Benefit Tax (FBT) exposure driven by increased uptake of motor vehicle allowances;

- Changes to ANCAP rating validity (only valid for 6 years) and the importance of maintain strong vehicle safety standards (5 star rating);
- Opportunities to refine vehicle replacement and retention settings; and
- Risks associated with grey fleet use and the benefits of increased pool vehicle utilisation.

As a result of the review, Administration Policy AP009 *Motor Vehicle Use and Fleet Management (All Employees and Volunteers)* (Appendix ORD: 12.5.4D) has been updated to address identified risks and strengthen operational controls. In addition, the 2026 Fleet Management Plan (Appendix ORD: 12.5.4C) has been established to provide a structured framework for fleet planning, allocation, procurement and lifecycle management.

### **Legal Implications**

As an employer, the Shire of Dardanup has obligations in relation to Fringe Benefits Tax (FBT), salary packaging arrangements, and PAYG taxation requirements. The Shire also has contractual obligations to employees in relation to remuneration and associated benefits, including the provision and permitted use of motor vehicles.

Employee benefits cannot be unilaterally varied where they form part of an employment contract or agreed remuneration package. Any changes must be undertaken in consultation with affected employees and, where applicable, accompanied by appropriate compensation to ensure the employees are not disadvantaged.

Changes to vehicle benefits may be implemented progressively for new employees, or through negotiation and agreement with existing employees.

*Local Government Act 1995 – S5.39, 6.2, 6.5*

*Local Government (Financial Management) Regulation 1996 – Reg 22.*

### **Council Plan**

6.1 - Increase awareness and adoption of sustainable practices.

13.1 - Adopt best practice governance.

13.2 - Manage the Shire's resources responsibly.

### **Environment**

The transition to hybrid and electric vehicles in the potential to reduce carbon emissions over time.

#### **Precedents**

Light Vehicle Fleet Reviews and Motor Vehicle Policy reviews were undertaken in 2017, 2021 and 2023, with changes implemented following each review.

### **Budget Implications**

The revised Council Policy Exec CP203 and the 2026 Fleet Management Plan are aimed at reducing whole-of-life fleet costs across the Annual Budget and the Long-Term Financial Plan (LTFP), through improved fleet allocation, utilisation, and lifecycle management practices.

The 2026/27 Budget includes the following expenditure estimates for the 32 Light Fleet vehicles. The Fleet Advisory report also assessed the whole-of-life financial impacts of various vehicle types and models.

- 2026/27 Annual Budgeted Plant Operating expenses (includes fuel, tyres, repairs, servicing, licenses, insurance and depreciation) = \$170,988.
- Fringe Benefits Tax (FBT) applied to the 32 motor vehicles for 2025 = \$98,195, a reduction from the 2024 FBT of \$104,427.

**Budget – Whole of Life Cost**

The proposed changes to Council Policy Exec CP203 and the supporting Fleet Management Plan are aimed at reducing the whole of life fleet costs across the Annual Budget and Long-Term Financial Plan (LTFP).

The Fleet Advisory review included an assessment of the whole of life financial impacts of various vehicle types and models to inform fleet planning, procurement, and replacement decisions.

Based on the 2026 Fleet Advisory review, indicative replacement parameters are:

- Passenger Vehicles (Compliance & Executive) - 5 years or 125,000 km, whichever comes first.
- Light Commercial Vehicles (Utilities) - 7 years or 150,000 km, whichever comes first.

The introduction of hybrid vehicles has contributed to reductions in fuel and servicing costs, as reflected in whole-of-life cost modelling. However, recent fuel price increases above inflation have reduced the extent of these savings.

Long term fleet management and replacement costs are managed through Council’s 10 year Long Term Financial Plan and the Compliance & Executive Vehicle Asset Management Plan, which are reviewed and updated annually.

**Council Policy Compliance**

Council currently has the following Council Policies relating to Motor Vehicles:

- *Exec CP008 – Private Use of Council’s Motor Vehicle by the CEO.* This Policy has been in place for many years and applies to the Chief Executive Officer .
- *Exec CP203 – Light Vehicle Fleet* (Appendix ORD: 12.5.4A). This Policy was reviewed and adopted by Council following the 2023 Fleet Review.

The following Administration Policy and Guidelines also exists:

- *AP009 – Motor Vehicle Use and Fleet Management (All Employees and Volunteers).* This Policy has also been updated (Appendix ORD: 12.5.4D) to align with Motor Vehicle Review and the new *Exec CP203 – Passenger and Light Vehicle Fleet Management Policy.*

**Risk Assessment**

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix ORD: 12.5.4E) for full assessment document.

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Report Title	Fleet Management Policy and 2026 Light Vehicle Fleet Review
Inherent Risk Rating (prior to treatment or control)	Moderate (5 - 11)

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.		
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	Potential risk of the financial whole-of-life cost of fleet management exceeding expectations.
	Legal and Compliance	Risk of Council breaching the <i>Local Government Act 1995</i> – Breach of Procurement Policy.
	Reputational	Loss of reputation through non-compliance or mismanagement of funds.
	Environment	Move towards electric vehicles improving greenhouse gas emissions.

### Officer Comment

The 2026 Fleet Advisory review provides the basis for the replacement of Council Policy *Exec CP203 Light Vehicle Fleet* with the revised Council Policy *Exec CP203 Fleet Management Policy (Passenger and Light Vehicles)* (Appendix ORD: 12.5.4B), together with the associated update to Administration Policy *AP009 Motor Vehicle Use and Fleet Management (All Employees and Volunteers)* (Appendix ORD: 12.5.4D). In addition, the 2026 Fleet Management Plan (Appendix ORD: 12.5.4C) has been developed to provide a structured framework for implementation.

The Consulting Report outlines the current position of the Shire’s light vehicle fleet and identifies key observations relating to safety, cost, policy structure, and fleet management practices. It also highlights a number of positive outcomes achieved since implementation of recommendations from the 2023 review. These include the maintenance of a 5-star ANCAP fleet standard, increased uptake of salary packaging and motor vehicle allowance arrangements, reduced Fringe Benefits Tax (FBT), refinement of vehicle selection criteria, and extension of vehicle retention settings.

The Strategic and Tactical Solutions Report builds on these findings by identifying areas for further policy and operational refinement. These include clearer separation between strategic policy and administrative procedures, review of utilisation and safety settings, optimisation of vehicle replacement and retention triggers, management of grey fleet risk, consideration of pool vehicle arrangements, improved fleet record keeping, and planning for the transition to hybrid and battery electric vehicles where operationally suitable. These recommendations have informed the proposed revisions to Council Policy *Exec CP203 Fleet Management Policy (Passenger and Light Vehicles)* (Appendix ORD: 12.5.4B) and the associated update to Administration Policy *AP009 Motor Vehicle Use and Fleet Management (All Employees and Volunteers)* (Appendix ORD: 12.5.4D).

The 2026 Fleet Management Plan has been established to support implementation of the policy framework and provide a consistent, structured approach to fleet planning, procurement, allocation, and lifecycle management. It consolidates vehicle allocation criteria and indicative whole-of-life cost information, while allowing administrative updates to reflect operational and market changes over time.

The Selection Considerations and WOLC Analysis provides the financial assessment supporting vehicle category selection and replacement decisions through a whole-of-life cost approach. Collectively, the Fleet Advisory reports support the proposed policy framework as a contemporary, risk-aware and financially responsible approach to the management of the Shire’s passenger and light vehicle fleet.

The relationship between the three key documents is outlined below:

DOCUMENT	PURPOSE	KEY OUTCOME
<i>CP203 – Fleet Management Policy (Passenger and Light Vehicles)</i>	Sets the strategic direction and governance principles for fleet management.	Establishes safety, cost efficiency, and overarching policy framework.
<i>Fleet Management Plan (2026)</i>	Provides the implementation framework for fleet planning, allocation, procurement, and lifecycle management.	Operationalises policy through structured, adaptable planning and decision-making.
<i>AP009 – Motor Vehicle Use and Fleet Management (All Employees and Volunteers)</i>	Defines operational rules, responsibilities, and compliance requirements for vehicle use.	Ensures safe, compliant, and controlled use of vehicles across the organisation.

The following table summarises the key changes between the existing Council Policy *Exec CP203 Light Vehicle Fleet Policy* and the proposed draft new revised AP009 Policy, incorporating the majority of recommendations from the 2026 Fleet Advisory Review.

CURRENT POLICY POINT #	CURRENT COUNCIL POLICY CP203	NEW POLICY POINT #	PROPOSED CHANGE TO POLICY AS PER FLEET ADVISORY REVIEW	NEW POLICY
4.1	Engage an external Fleet Management Agency to review every two (2) years the Fleet Management Plan and Fleet Policy.	6.2	An independent Fleet Vehicle review to be conducted every three (3) years.	Moving from 2 to 3 years to reduce consultant fees and allows staff to focus on implementing the recommendations of the previous review.
4.1	Vehicle allocation was mixed with operational rules and detailed conditions.	6.3	Clarify allocation at a strategic level only.	Simplified Vehicle Allocation Framework based on role classification, with operational detail moved to AP009.
4.1	Policy included specific vehicle models and highly prescriptive vehicle selection.	6.2/6.3	Reduce rigidity and allow flexibility in procurement.	Removal of specific vehicle models, replaced with high-level vehicle categories (e.g. sedan, SUV, utility).
4.1	<u>Vehicle Turnover</u> – Passenger Vehicles 4 years or 100,000 km	6.2	<u>Vehicle Turnover</u> – Passenger Vehicles 5 years or 125,000 km	As per Review.
4.1	<u>Vehicle Turnover</u> – Light Commercial Vehicles 5 years or 125,000 km	6.2	<u>Vehicle Turnover</u> – Light Commercial Vehicles 7 years or 150,000 km	As per Review.
4.1	Policy included detailed operational and procedural content (e.g. responsibilities, fuel cards, use)	6.1	Remove duplication and ambiguity between policy and procedures.	Operational detail moved to AP009
4.2	Employee Responsibilities	-	Remove duplication and ambiguity between policy and procedures.	Operational detail moved to AP009
4.1	Grey fleet management unclear and difficult to enforce.	6.6	Improve risk management and reduce reliance.	Strategic intent to reduce grey fleet reliance, with operational controls in AP009.
	Limited structure around employee vehicle options.		Expand options to reduce cost and FBT.	Formalised options: Council vehicle, novated lease, or motor vehicle allowance.
	Higher FBT exposure due to vehicle allocation approach.		Encourage alternatives to reduce FBT.	Increased focus on allowances and novated leasing to minimise FBT.
	Policy did not clearly separate governance vs administration.		Improve clarity and audit compliance.	Introduction of explicit Administrative Policy link (AP009) governing all operational matters.
	Limited reference to sustainability outcomes.		Align with Council environmental objectives.	Support for transition to hybrid and electric vehicles embedded in policy.

**Summary**

The adoption of the proposed recommendations, together with the revised Council Policy *CP203 Fleet Management Policy (Passenger and Light Vehicle)* (Appendix ORD: 12.5.4B) and the 2026 Fleet Management Plan (Appendix ORD: 12.5.4C), is expected to deliver improved financial outcomes for Council, while addressing areas of ambiguity within the existing framework.

The revised policy establishes the strategic direction for fleet management, while the Fleet Management Plan provides the supporting framework for fleet planning, procurement, allocation, and lifecycle management. Collectively these documents support more informed vehicle selection, better alignment with operational requirements, and improved whole of life cost efficiencies, consistent with the findings of the Fleet Advisory review.

The updated framework, supported by Administration Policy AP009, will be implemented progressively as workforce changes occur, enabling Council to transition to a more efficient, sustainable, and risk-based fleet model.

END REPORT

12.5.5 Monthly Statement of Financial Activity for the Period Ending 31<sup>st</sup> May 2026

<b>Reporting Department</b>	<i>Corporate &amp; Governance Directorate</i>
<b>Responsible Officer</b>	<i>Mrs Natalie Hopkins – Director Corporate &amp; Governance</i>
<b>Reporting Officers</b>	<i>Ms Amy Lawrence – Acting Manager Financial Services</i> <i>Mr Ricky Depillo – Accountant</i>
<b>Legislation</b>	<i>Local Government Act 1995</i>
<b>Council Role</b>	<i>Executive/Strategic.</i>
<b>Voting Requirement</b>	<i>Simple Majority.</i>
<b>Attachments</b>	<i>12.5.5A – Monthly Statement of Financial Activity 31<sup>st</sup> May 2026</i> <i>12.5.5B – Risk Assessment</i>

**Overview**

This report presents the monthly Financial Statements for the period from the 1<sup>st</sup> July 2025 to the 31<sup>st</sup> May 2026 for Council endorsement.

**OFFICER RECOMMENDATION**

**THAT Council receives the Monthly Statement of Financial Activity (Appendix ORD: 12.5.5A) for the period ending on the 31<sup>st</sup> May 2026.**

**Change to Officer Recommendations**

No Change. **OR:**

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

## **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.]*

### **Council Plan**

13.1 - Adopt best practice governance.

**Environment** - None.

### **Precedents**

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

### **Budget Implications**

The financial activity statement compares budget estimates to actual expenditure and revenue to the end of the month to which the statement relates. Material variances and accompanying explanations are included in the notes forming part of the report. While the Statement itself has no direct budget implications, any identified permanent variances are separately presented to Council for adoption through specific project approvals or formal budget review processes.

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

### **Council Policy Compliance**

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

### **Risk Assessment**

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix ORD: 12.5.5B) for full assessment document.

<b>TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.</b>	
Report Title	Monthly Statement of Financial Activity for the Period Ended 31 <sup>st</sup> May 2026
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.

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.		
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.	
Risk Category Assessed Against	Legal and Compliance	Non-compliance with the legislative requirements will raise compliance issues.
	Reputational	Non-compliance with the legislative requirements may lead to erosion of community trust.
	Financial	Not monitoring ongoing financial performance would increase the risk of a negative impact on the financial position.

**Officer Comment**

The Monthly Financial Report for the period ended 31<sup>st</sup> May 2026 is contained in (Appendix ORD: 12.5.5A) and consists of:

- Statement of Financial Activity by Nature – including Net Current Assets (liquidity)
- Statement of Comprehensive Income by Program
- Statement of Financial Position
- Notes to the Statement of Financial Activity:
  - Note 1 - Nature Classifications
  - Note 2 - Explanation of Material Variances in the Statement of Financial Activity
  - Note 3 - Trust Funds
  - Note 4 - Reserve Accounts
  - Note 5 - Municipal Liabilities
  - Note 6 - Statement of Investments
  - Note 7 - Accounts Receivable - Rates and Sundry Debtors
  - Note 8 - Salaries and Wages
  - Note 9 - Rating Information
  - Note 10 - Information on Borrowings
  - Note 11 - Budget Amendments

The Statement of Financial Activity shows operating revenue and expenditure by Nature, 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.

At the time of adopting the 2025/26 Annual Budget, the carried forward surplus from the 2024/25 financial year was estimated to be \$936,114. After finalisation of the audited financial statements, the financial year 2024/25 actual surplus brought forward was \$996,531, which is \$60,417 higher than budget.

As at the reporting date, Officers forecast the Surplus as at 30<sup>th</sup> of June 2026 to be \$142,002 against an adopted end of year budget of \$173,999. The end of year surplus adjustment is based on known variances in actual performance to date and estimates for the remainder of the year based on current trends and is summarised as follows:

- Surplus Increase of \$60,417 due to adjustment of the opening year Surplus as of 1<sup>st</sup> July 2025 from a budgeted amount of \$936,114 to actual \$996,531;

- Surplus Decrease of \$70,892 due to lower FAG General Purpose and Local Roads advances for 2025/26 and \$4,000 due to additional training related funding for Fire Brigade officers approved by the Council;
- Surplus decrease of \$17,522 from an estimated forecast of \$159,524 reduced down to \$142,002, due to changes in various accounts during the 2025/26 Mid-Year Budget 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 2025/26 for reporting material variances is 10% or \$50,000, whichever is greater.

The variances reported to 31<sup>st</sup> May 2026 are primarily due to timing differences between the actual receipt of revenue and the payment of expenses compared to the budget estimates. Some variances are permanent, arising from higher interest rates, an increase in the value of financial assets.

*Note 6* – Statement of Investments provides details of the Council's current cash investments and evaluates the portfolio against established credit risk limits, based on ratings from reputable agencies and aligned with the Council's Investment Policy. During May, there was a net movement of \$1 million, with funds drawn to support transfers from reserves to municipal funds, resulting in a closing balance of \$11.5 million. Subsequently, \$1.5 million was drawn down from municipal funds investment to meet creditor and payroll obligations, reducing the investment balance to \$6 million. These funds are invested in short-term bank term deposits to optimise interest income, achieving rates between 4.10% and 4.85%.

A sufficient level of cash is maintained in the on-call Municipal and Reserve accounts to meet day to day working capital requirements. These on-call accounts currently earn interest at approximately between 4.05% to 4.15%.

*Note 7* – of the Statement of Financial Activity presents the Rates and Charges Outstanding as of 31<sup>st</sup> May 2026. Outstanding balances, including pensioner-deferred amounts, totalled \$864,688, representing 3.89% of collectible rates and charges. This is broadly consistent with the prior year result of 3.61%. The management target is to reduce outstanding balances to below 4% by 30 June; this target has already been achieved as at the reporting date.

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

END REPORT

12.5.6 Schedule of Paid Accounts as at 31<sup>st</sup> May 2026

<b>Reporting Department</b>	<i>Corporate &amp; Governance Directorate</i>
<b>Responsible Officer</b>	<i>Mrs Natalie Hopkins – Director Corporate &amp; Governance</i>
<b>Reporting Officers</b>	<i>Ms Amy Lawrence – Acting Manager Financial Services Ms Joanna Hanson – Finance Officer – Accounts Payable</i>
<b>Legislation</b>	<i>Local Government (Financial Management) Regulations 1996</i>
<b>Council Role</b>	<i>Executive/Strategic.</i>
<b>Voting Requirement</b>	<i>Simple Majority.</i>
<b>Attachments</b>	<i>Appendix ORD: 12.5.6A – Schedule of Paid Accounts as at 31<sup>st</sup> May 2026 Appendix ORD: 12.5.6B – 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.

**OFFICER RECOMMENDATION**

**THAT Council receives the Schedule of Paid Accounts report from 1<sup>st</sup> May 2026 to 31<sup>st</sup> May 2026 (Appendix ORD: 12.5.6A).**

**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:

## **Background**

Council delegates authority to the Chief Executive Officer annually through Delegation 1.2.16 To Purchase Goods and Services to a Specified Value, 1.2.31 Payments from the Municipal or Trust Funds and 1.2.35 Authorise Electronic Funds Transfers:

- Authority to make payments from Trust and Municipal Funds (1.2.31);
- To purchase goods and services to a value of not more than \$250,000 (1.2.16);
- To purchase goods and services for the Australian Tax Office and other Australian or Western Australian Government Departments, agencies, utility providers (i.e. electricity, water, gas) or Insurance up to the value of \$500,000 (1.2.16);
- To purchase goods and services for Creditors where an executed agreement or legal obligation exists which has prior Council endorsement (1.2.16) and
- To authorise Electronic Funds Transfer (EFT) (1.2.35).

## **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.*

*R13. 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.*

*R13A. Payments by employees via purchasing cards*

- (1) *If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared —*
  - (a) *the payee's name;*
  - (b) *the amount of the payment;*
  - (c) *the date of the payment;*
  - (d) *sufficient information to identify the payment.*
- (2) *A list prepared under subregulation (1) must be —*
  - (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
  - (b) *recorded in the minutes of that meeting.*

**Council Plan**

- 13.1 - Adopt best practice governance.
- 13.2 - Manage the Shire's resources responsibly.

**Environment** - None.

**Precedents**

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 *CnG CP034 – Procurement Policy* and processed in accordance with Council Policy *CnG CP035 – Payment of Accounts*.

Payments made by either Corporate Credit Card, Corporate Debit Card or Fuel Card are transacted and processed in accordance with Council Policy *CnG CP310 Purchasing Card Policy*.

**Risk Assessment**

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix ORD: 12.5.6B) for full assessment document.

<b>TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.</b>							
Report Title	Schedule of Paid Accounts as at the 31 <sup>st</sup> May 2026						
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>That payments are not made in accordance with Shire’s policies and procedures.</td> </tr> <tr> <td>Legal and Compliance</td> <td>Not reporting schedule of paid accounts to Council is in contravention of Local Government Act 1995.</td> </tr> <tr> <td>Reputational</td> <td>Non-compliance with a legal requirement may lead to community confidence being eroded in Shire’s management and Council.</td> </tr> </table>	Financial	That payments are not made in accordance with Shire’s policies and procedures.	Legal and Compliance	Not reporting schedule of paid accounts to Council is in contravention of Local Government Act 1995.	Reputational	Non-compliance with a legal requirement may lead to community confidence being eroded in Shire’s management and Council.
Financial	That payments are not made in accordance with Shire’s policies and procedures.						
Legal and Compliance	Not reporting schedule of paid accounts to Council is in contravention of Local Government Act 1995.						
Reputational	Non-compliance with a legal requirement may lead to community confidence being eroded in Shire’s management and Council.						

**Officer Comment**

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

END REPORT

## 12.6 COMMITTEES

### 12.6.1 Local Emergency Management Committee Meeting held on the 3<sup>rd</sup> June 2026

<b>Reporting Department</b>	<i>Development Directorate</i>
<b>Responsible Officer</b>	<i>Mr Ashwin Nair – Director Development Services</i>
<b>Reporting Officer</b>	<i>Mrs Rochelle Dodds – EA to Director Development Services</i>
<b>Legislation</b>	<i>Local Government Act 1995</i>
<b>Council Role</b>	<i>Executive/Strategic</i>
<b>Voting Requirement</b>	<i>Simple Majority</i>
<b>Attachments</b>	<i>Appendix ORD: 12.6.1A – Local Emergency Management Committee Meeting Minutes 3<sup>rd</sup> June 2026</i>

**MINUTES OF THE SHIRE OF DARDANUP LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING HELD ON WEDNESDAY, 3<sup>RD</sup> JUNE 2026, AT THE SHIRE OF DARDANUP ADMINISTRATION CENTRE, EATON, COMMENCING AT 10:00AM.**

#### **Overview**

The minutes of the Local Emergency Management Committee meeting held on the 3<sup>rd</sup> June 2026 (Appendix ORD: 12.6.1A) are attached.

#### **OFFICER RECOMMENDATION**

**THAT Council receives the Minutes for the Local Emergency Management Committee Meeting held on the 3<sup>rd</sup> June 2026 (Appendix ORD: 12.6.1A).**

#### ***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 Recommendation:

END REPORT

## 12.6.2 Audit and Risk Committee Meeting held on the 10<sup>th</sup> June 2026

<b>Reporting Department</b>	Corporate & Governance Directorate
<b>Responsible Officer</b>	Mrs Natalie Hopkins – Director Corporate & Governance
<b>Reporting Officer</b>	Mrs Jolene Roots – EA to Director Corporate & Governance
<b>Legislation</b>	Local Government Act 1995 Local Government (Audit) Regulations 1996
<b>Council Role</b>	Executive/Strategic
<b>Voting Requirement</b>	Simple Majority
<b>Attachments</b>	Appendix ORD: 12.6.2A – Audit and Risk Committee Meeting Minutes 10 <sup>th</sup> June 2026 <i>Confidential Attachment G – Under Separate Cover</i>

### DECLARATION OF INTEREST

Chief Executive Officer, Mr André Schönfeldt, declared an impartiality interest in this item.

Please refer to Part 11 'Declaration of Interest' for full details.

### MINUTES OF THE SHIRE OF DARDANUP AUDIT AND RISK COMMITTEE MEETING HELD ON WEDNESDAY, 10<sup>th</sup> JUNE 2026, AT THE SHIRE OF DARDANUP ADMINISTRATION CENTRE, EATON, COMMENCING AT 3:30PM.

#### Overview

The minutes of the Audit & Risk Committee meeting held on the 10<sup>th</sup> June 2026 (Appendix ORD: 12.6.2A) are attached.

#### OFFICER RECOMMENDATION

**THAT Council receives the minutes for the Audit & Risk Committee Meeting held on the 10<sup>th</sup> June 2026 (Appendix ORD: 12.6.2A).**

#### AUDIT & RISK COMMITTEE RECOMMENDATION 'A'

**THAT Council notes the incident involving a counterfeit \$20 note received at the Eaton Recreation Centre on 6<sup>th</sup> March 2026, and the corrective actions undertaken by the organisation.**

#### AUDIT & RISK COMMITTEE RECOMMENDATION 'B'

**THAT Council receives the June 2026 report on the Western Australian Auditor General – Schedule of Reports.**

**AUDIT & RISK COMMITTEE RECOMMENDATION 'C'****THAT Council:**

- 1. Receives the biannual Risk Management Dashboard Report for this reporting period, as provided for in (Confidential Attachment G - under separate cover); and**
- 2. Notes that the 3-yearly Risk Management Governance Framework will be presented at the September 2026 Audit, Risk and Improvement Committee meeting.**

**AUDIT & RISK COMMITTEE RECOMMENDATION 'D'****THAT Council:**

- 1. Receives the update on the 2026 Governance Health Review.**
- 2. Notes that management is currently reviewing the findings and recommendations identified in the report.**
- 3. Notes that a further report will be presented to the Audit, Risk and Improvement Committee in September 2026 to consider the final Governance Health Review and associated Forward Improvement Plan.**

**AUDIT & RISK COMMITTEE RECOMMENDATION 'E'****THAT Council:**

- 1. Receives the June 2026 update report on the implementation of actions required from the findings of the 2025 Financial Management Systems Review (FMSR); and**
- 2. Notes that the completion of finding 7.2.1 Plans and Policies is expected to be achieved by the due date of 30<sup>th</sup> June 2026.**

**AUDIT & RISK COMMITTEE RECOMMENDATION 'F'****THAT Council:**

- 1. Notes the network and internet outage that occurred on the 27<sup>th</sup> March 2026;**
- 2. Notes the operational impacts of the outage; and**
- 3. Notes the actions already underway to reduce the impact of similar events and improve the Shire's resilience.**

**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 Recommendation:

END REPORT

12.6.3 Bush Fire Advisory Committee Meeting held on the 17<sup>th</sup> June 2026

<b>Reporting Department</b>	<i>Development Directorate</i>
<b>Responsible Officer</b>	<i>Mrs Susan Oosthuizen – Executive Manager Development Services</i>
<b>Reporting Officer</b>	<i>Mrs Rochelle Dodds – EA to Director Development Services</i>
<b>Legislation</b>	<i>Local Government Act 1995 Bush Fires Act 1954</i>
<b>Council Role</b>	<i>Executive/Strategic</i>
<b>Voting Requirement</b>	<i>Simple Majority</i>
<b>Attachments</b>	<i>Appendix ORD: 12.6.3A – Bush Fire Advisory Committee Meeting Minutes 17<sup>th</sup> June 2026 Appendix ORD: 12.6.3B - Bush Fire Brigade Operating Procedures</i>

**MINUTES OF THE SHIRE OF DARDANUP BUSH FIRE ADVISORY COMMITTEE MEETING HELD ON WEDNESDAY, 17<sup>th</sup> JUNE 2026, AT THE SHIRE OF DARDANUP ADMINISTRATION CENTRE, EATON, COMMENCING AT 7:00PM.**

**Overview**

The minutes of the Bush Fire Advisory Committee meeting held on the 17<sup>th</sup> June 2026 (Appendix ORD: 12.6.3A) are attached.

**OFFICER RECOMMENDATION**

**THAT Council receives the minutes for the Bush Fire Advisory Committee Meeting held on the 17<sup>th</sup> June 2026 (Appendix ORD: 12.6.3A).**

**BUSH FIRE ADVISORY COMMITTEE RECOMMENDATION 'A'**

**THAT Council:**

- Adopts the Bush Fire Brigade Operating Procedures as provide for in (Appendix ORD: 12.6.3B) with the following amendments.**
  - Removal of reference to Council Administration Policy AP022 – *Fitness for Work*.**
  - Removal of reference to Council Administration Policy AP025 – *Discipline***
- Requests that polices AP022 – *Fitness for Work* and AP025 - *Discipline* be reviewed by the Shire of Dardanup and the Bushfire Advisory Committee and brought back to the Bushire Fire Advisory committee for further considerations.**
- Following Council adoption of the Bush Fire Brigades Operating Procedure – (Appendix ORD: 12.6.3B and with amendments as per resolution 1) within 12 months of the adoption, a review of the document be made and any amendments be brought back to the Bushfire Advisory Committee meeting for further consideration and endorsement.**

**BUSH FIRE ADVISORY COMMITTEE RECOMMENDATION 'B'**

**THAT Council adopts and advertises the 2026-2027 Shire of Dardanup Fire Prevention Order pursuant to Section 33(1) of the Bush Fires Act 1954:**

**2026-2027 FIRE PREVENTION ORDER****FIRST AND FINAL NOTICE**

With reference to Section 33 of the *Bush Fires Act 1954*, you are required to carry out fire prevention work on land owned or occupied by you, in accordance with the provisions of this order.

This order is valid for the period 1 July – 30 June annually.

**Work must be completed by the 30 November annually and maintained until the close of the entire Restricted and Prohibited Burning Periods.**

**PLEASE READ THIS NOTICE CAREFULLY**

If you do not understand this notice, please contact Emergency and Ranger Services

**(08) 9724 0000 or your local Fire Control Officer.**

Persons who fail to comply with the requirements of the order may be issued with an infringement notice penalty (\$250) or prosecuted with an increased penalty (maximum penalty \$5,000).

Additionally, the Shire of Dardanup may carry out the required work at cost to the owner/occupier.

**RESTRICTED BURNING PERIOD**

**No fire to be lit without first obtaining a Burning Permit**

**2 November 2026**

**to**

**14 December 2026**

***(this period may be subject to change)***

**PROHIBITED BURNING PERIOD**  
**No fire to be lit during this period**  
**15 December 2026**  
**to**  
**14 March 2027**

**RESTRICTED BURNING PERIOD**  
**No fire to be lit without first obtaining a Burning Permit**  
**15 March 2027**  
**to**  
**8 May 2027**  
*(this period may be subject to change)*

**NOTE:** The Shire of Dardanup Chief Bush Fire Control Officer may vary the dates of the restricted and Prohibited burn periods depending on the bushfire risk within the shire.

It is recommended that you check with your local Fire Control Officer if unsure of any restrictions that may have been applied.

#### **REGISTER YOUR BURN WITH DFES**

Please remember to register ANY burn you plan to undertake at ANY time of the year with DFES on (08) 9395 9209

By notifying DFES, you will assist in preventing unnecessary call-outs of our local fire brigades when member of the public call 000

#### **FIRE PREVENTION WORKS**

The fire prevention work required on land is dependent on the land use as defined in this Notice. Should you be unsure of the category your land is classified as, please contact your local Fire Control Officer.

The specific requirements for each of the defined land types referred to in this Notice is as follows:

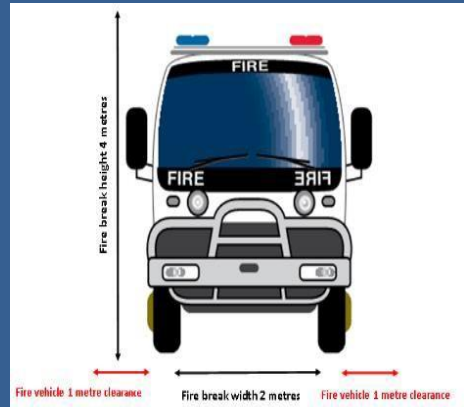
#### **RESIDENTIAL LAND**

All flammable material/vegetation (except living shrubs and trees) MUST be maintained to a height that does not exceed 40 millimetres, and all piles of flammable material are to be removed from the land.

**SMALL HOLDINGS (Rural Residential)**

A firebreak (as defined) must be installed immediately inside and along all property boundaries, 2 metres in width and 4 metres in height.

The firebreak may only deviate from a boundary up to 6 metres to avoid established trees and/or other natural features that would make it impractical to be installed on the boundary.



A 20 metre Asset Protection Zone (as defined) MUST be slashed to a height that does not exceed 80 millimetres and be free of all flammable material, vegetation (dead trees and branches) surrounding dwellings, sheds and all haystacks.

All land on the Lot but outside the Asset Protection Zone (excluding the firebreak) that is not being actively grazed and or managed is to be maintained to a height not exceeding 100 millimetres.

Hardstands formed access ways and reticulated turf not exceeding a height of 40 millimetres and maintained in a green state may negate the need to install a firebreak in that area.

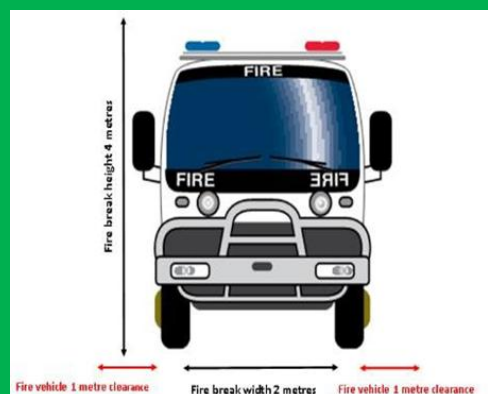
**BURN PILES** can be kept and are approved if they are no closer than 20 metres from any structure

**FIREWOOD PILES** can be kept but are to be stored away from a dwelling during the Restricted and Prohibited burning periods.

**LARGE HOLDINGS (Agriculture and General Farming)**

**NON-IRRIGATED LAND**

A vehicle access track 4 metres in width which must include a 2-metre wide, and 4 metres high fire break (as defined) shall be installed immediately inside and along the lot boundary where it adjoins a road or railway reserve.



The firebreak may only deviate from the boundary, up to 6 metres to avoid established trees or other natural features that would make it impractical to install a firebreak at that location.

**IRRIGATED LAND (as defined)**

Firebreaks are NOT required on irrigated land that is being actively and regularly irrigated throughout the entire Restricted and Prohibited burning periods.

Irrigation channels that are situated inside and along a lot boundary will be accepted as a firebreak provided the irrigation channel is utilized on that property throughout the entire Restricted and Prohibited burning periods.

#### GENERAL NOTE

**BURN PILES** can be kept and are approved if they are no closer than 20 metres from any structure. **ALL FIREWOOD PILES** can be kept but are to be stored away from a dwelling during the Restricted and Prohibited burning periods.

#### IMPORTANT NOTE:

Where land is not actively grazed or maintained for the duration of the Restricted and Prohibited burning periods, a Fire Control Officer may require the landowner to undertake mitigation works to reduce the risk of bushfire. These works may include:

- the installation of a vehicle access track 4metres in width which includes a 2-metre wide and 4-metre-high firebreak as defined immediately inside and along all property boundaries; and/or
- The reduction of all flammable material including grass across the property to a height not exceeding 100 millimetres; and/or

Undertake specific fire mitigation works as considered appropriate by the Fire Control Officer.

#### MIXED BUSINESS, COMMERCIAL AND INDUSTRIAL LAND

- All flammable material/vegetation (except living trees) **MUST** be slashed or grazed to a height that does not exceed 100 millimetres.
- Isolated flammable material such as dead tree and tree branches **MUST** be removed.

**BURN PILES** can be kept and are approved if they are no closer than 20 metres from any structure.

#### PLANTATIONS

- Bare earth firebreaks of 15 metres in width and 4 metres in height must be maintained inside and along all boundaries of a plantation with 6-10-metre-wide internal firebreaks between compartments.

Where power lines pass through plantation areas, firebreaks must be in accordance with Western Power specifications.

### **Information for all property owners/occupiers**

- All properties must be compliant with the Fire Prevention Order by 30 November each year.
- An inspection of properties will be carried out in all areas of the Shire of Dardanup by an Authorised Officer from 1 December each year.
- Action will be taken for non-compliance with the Fire Prevention Order.
- Penalties will apply and the Shire of Dardanup may carry out the required work and charge the cost to the owner/occupier.
- When firebreak is created by spraying, it is recommended that they be sprayed by the end of August and re-applied as required to ensure the Firebreak remains compliant.

### **Firebreak variations/exemptions**

If it is considered impractical for any reason to install a firebreak or remove flammable materials from any land as required by this Notice, you are required to make written application on an Approved Form to the Shire of Dardanup **no later than 30 September each year**.

This application shall include a plan detailing the alternative fire mitigation measures to be taken on the land. Prescribed Firebreak Variation/Exemption Forms are available from the Shire of Dardanup offices or by visiting the Shire of Dardanup website. If your application for a variation/exemption is not granted, you **must** comply with the requirements of this Order.

### **Burning Permits**

Applications for burning permits are available from your local **Bush Fire Control Officer** at no cost. The local Bush Fire Control Officer will note the relevant conditions you must comply with on your burning permit. The Shire of Dardanup office will be notified of all permits issued.

**Please note that Burning Permit is automatically invalidated on days of “high”, “extreme” or “catastrophic” fire danger rating.**

**Call DFES before you burn:** To minimise the use of resources on unnecessary call outs, burns conducted outside the restricted burning period are encouraged to ‘Register your Burn’ with the Department of Fire and Emergency Service (DFES) Communications Centre on (08) 9395 9209, immediately prior to commencing the burn.

**Burning within townsites:** No garden refuse is permitted to be burnt on the ground, in the open air or in an outdoor incinerator within the townsites of Dardanup, Eaton and Burekup at any time of the year unless a permit to burn has first been obtained from a Fire Control Officer. The issue of Permits in these areas is at the sole discretion of the Fire Control Officer.

**All other privately owned land in the Shire of Dardanup:** the burning of garden refuse, campfires and cooking fires are prohibited during the **Prohibited Burning Period**.

The burning of garden refuse and campfires and cooking fires during the **Restricted Burning Period** are not permitted unless a Permit to Burn has first been obtained from a Fire Control Officer.

### **Solid Fuel Cooking Appliances**

*(pizza oven, outdoor barbeque and outdoor stove)*

The use of a solid fuel cooking appliance (appliance) is permitted without a permit on privately owned land within the Shire of Dardanup during the **Prohibited and Restricted Burning Periods** subject to the following conditions:

- The appliance is located on privately owned property;
- The Fire Danger Rating is Moderate or lower;
- The burn is registered with DFES prior to ignition;
- The appliance is fitted with an effective spark arrestor (where applicable);
- Flammable materials within 2 metres of the appliance is removed;
- Water is available on-site and readily accessible; and
- A responsible adult is in attendance throughout and until the fire is extinguished.

### Fire Pits

The use of a fire pit may occur within the shire of Dardanup without a permit if it is in accordance with the applicable conditions for an appliance and

- the Fire Pit is constructed from brick, stone or metal that fully encloses the fire to a height of no less than 300mm; and
- the total diameter of the pit does not exceed 1 metre.

**The lighting of a fire and the use of a fire pit or solid fuel appliance as above in a public place may only be done with the prior consent of the competent Authority responsible for that land**

**Use of Solid Fuel Cooking appliances and Fire Pits are  
PROHIBITED  
during a  
TOTAL FIRE BAN**

**Definitions:** For the purpose of this Notice the following definitions apply:

**Asset Protection Zone (APZ):** Asset protection zones are a low fuel area surrounding a building and is designed to minimise the likelihood of flame contact and the effect of radiant heat on buildings. The asset protection zone must extend to a minimum of 20 metres from a building and be free from all flammable material. If there are large or trees overhanging a building in the asset protection zone, having them pruned by a professional contactor should be considered.

**Authorised Officer:** A person appointed by the Shire of Dardanup as a Bush Fire Control Officer.

**Bushfire Management Plans:** A “Bushfire Management Plan” means a plan that has been developed by an accredited level 2 or 3 bushfire planning practitioner and approved by the Shire of Dardanup to reduce and/or mitigate fire hazards within a subdivision, lot or other area of land within the district. Properties with an approved Bushfire Management Plan must comply with its conditions as well as this Notice.

**Commercial land:** Means land located within a commercial or industrial subdivision whether developed or not, that may be used for the purpose of providing goods or services on a large scale.

**Firebreak:** A firebreak is an area of land that has been cleared of all trees, bushes, grasses and any other object or thing which may be flammable, leaving a surface of bare mineral earth. Firebreaks must be constructed immediately inside and along all property boundaries. Firebreaks provide safer access for landowners and fire appliances to conduct fire suppression activities.

**Industrial land:** Means land located within a commercial or industrial subdivision, whether developed or not, that may be used for the purpose of undertaking commercial works of a large scale or to produce goods or services.

**Irrigated land:** Means agricultural land on a Large Holding that is regularly watered and maintained in a non-flammable state for the whole of the restricted and prohibited burning periods.

**Large holdings:** Means a lot or combination of lots that has a total area of more than 5 hectares and where the intended purpose of the land is for agricultural purposes. Large Holdings may include one or more dwellings, structures for storage and maintenance and areas for tourist accommodation but do not include a plantation, industrial or commercial uses.

**Mixed business:** Means land on which a variety of smaller commercial or industrial activities may occur for the purpose of providing goods and services.

**Residential land:** Means land located within the townsites of Eaton, Dardanup and Burekup and its use is not used mixed business, commercial or industrial.

**Small holdings:** Means a lot outside of an urban area that does not exceed 5 hectares and may include a residential dwelling, and outbuildings for minor agricultural activities.

**Plantation:** Means a stand of trees of 10 hectare or larger, that is established by sowing or planting of native or exotic tree species and managed intensively for their commercial and/or environmental value. A plantation includes roads, tracks, firebreaks and small areas of native vegetation surrounded by plantations. Plantations are expected to be harvested, as implied by this definition

### **Bush Fire Control**

It is the responsibility of all owners/occupiers to extinguish any uncontrolled fire that may be burning on their property, and it is recommended that all property owners secure and maintain some convenient and effective type of fire-fighting equipment.

NOTE should a Bushfire Brigade assist with a fire on private property and it is extinguished, it is the property owner(s) responsibility to ensure that the fire does not reignite.

For further information and to understand what activities are and are not permitted during a Total Fire Ban or Harvest and Vehicle Movement Ban, please refer to the DFES Emergency WA website <https://www.dfes.wa.gov.au/hazard-information/bushfire>

**For more information regarding this Notice contact the Shire of Dardanup on (08) 9724 0000 or your local Fire Control Officer.**

### **Interested in becoming involved in a volunteer bushfire brigade?**

Why not join a Shire of Dardanup Volunteer Bush fire Brigade and learn how to prevent fires and be trained in firefighting skills.

All volunteers are very welcome.

There are many dimensions to being a volunteer bush fire brigade member or cadet (11-16 years of age), as all are encouraged to choose the type of activities that best suit their capabilities and interest.

Being a volunteer is a rewarding experience. It is an opportunity to meet new people, learn new skills and provide assistance in protecting your community.

Respecting others, working together as a team and acting with honesty and integrity are the values embraced by members.

If you are interested in being a volunteer bushfire fighter, please contact the:  
Shire of Dardanup Emergency Management Officer (08) 9724 0347 or  
Email [brigade@dardanup.wa.gov.au](mailto:brigade@dardanup.wa.gov.au)

For all emergencies, please call 000



#### Fire Control Officers contact details:

Burekup District (Deputy CFCO North)	Mr Clay Rose	0429 194 735
Dardanup Central District	Mr Brendan Putt	0409 087 952
Eaton Townsite/District (Chief FCO)	Mr Chris Hynes	0428 825 496
Ferguson District	Mr Lyndon Skeers	0407 424 147
Joshua/Crooked Brook District	Mr Jeffrey Duncombe	0429 204 011
Upper Ferguson District	Mr Grant Ratcliffe	0419 865 483
Waterloo District (Deputy CFCO South)	Mr Robert Drennan	0427 263 243
Wellington Mills District	Mr Russell Harvie	0408 931 387
West Dardanup District	Mr Neil Dyer	0431 503 157
Fire Weather Officer	Mr Alan Charlton	0428 272 564
Shire of Dardanup	Mr Paul Sydney-Smith	(08) 9724 0000
Shire of Dardanup	Mr Dean Jolly	(08) 9724 0000
Shire of Dardanup		(08) 9724 0000

#### Register your mobile for SMS Messages

The Shire of Dardanup has implemented an SMS Notification Service for Total Fire Ban and Harvest and Vehicle Movement Bans, as well as information relating to restricted/prohibited burning periods. When a Total Fire Ban or Harvest and Vehicle Movement Ban is called, all mobile phones registered will receive an SMS directly to their mobile phone. This service is free. To subscribe please email your details to [records@dardanup.wa.gov.au](mailto:records@dardanup.wa.gov.au) or phone Ranger Services on (08) 9724 0307.

**Terms and conditions:** By subscribing to this service, you agree to receive SMS messages from the Shire of Dardanup regarding “Harvest and Vehicle Movement Bans” and other bans imposed during the fire season. You accept that by subscribing to this service you will receive message for the current and future fire seasons. The Shire of Dardanup reserves the right to discontinue this service at any time. Any decision to discontinue this service will be advised via this SMS service. You accept that radio announcements are still the primary means of notification of bans. In the event of a discrepancy between this SMS service and an announcement on the radio, the latter shall prevail. You have the right to unsubscribe from this service at any time. To unsubscribe, please notify the Shire of Dardanup in writing via email [records@dardanup.wa.gov.au](mailto:records@dardanup.wa.gov.au). You accept that the Shire may from time to time use this SMS service to send other topical messages. If you have any enquiries, please do not hesitate to contact the Shire of Dardanup during normal business hours on (08) 9724 0307.

**(08) 9724 0000**  
**1 Council Drive / PO Box 7016**  
**EATON WA 6232**  
[records@dardanup.wa.gov.au](mailto:records@dardanup.wa.gov.au)

#### BUSH FIRE ADVISORY COMMITTEE RECOMMENDATION ‘C’

THAT Council endorses the following persons as Bushfire Control Officers for the period 01/07/2026 – 30/06/2027 pursuant to Section 38(1) of the Bush Fires Act 1954 and the persons to be advertised pursuant to Section 38(2a) of the Bush Fires Act 1954:

DISTRICT	OFFICER
Burekup District	Clay Rose
Dardanup Central District	Brendan Putt
Eaton Townsite/District	Chris Hynes
Ferguson District	Lyndon Skeers
Joshua/Crooked Brook District	Jeffrey Duncombe
Upper Ferguson District	Grant Ratcliffe
Waterloo District	Robert Drennan
Wellington Mills District	Russell Harvie
West Dardanup District	Neil Dyer

#### BUSH FIRE ADVISORY COMMITTEE RECOMMENDATION ‘D’

THAT Council endorses the following person as Chief Bushfire Control Officer for the period 01/07/2026 – 30/06/2027.

- Mr Chris Hynes

**BUSH FIRE ADVISORY COMMITTEE RECOMMENDATION E'**

**THAT Council endorses the following person as Deputy Chief Bushfire Control Officer (North) for the period 01/07/2026 – 30/06/2027:**

- **Mr Clay Rose**

**BUSH FIRE ADVISORY COMMITTEE RECOMMENDATION 'F'**

**THAT Council endorses the following person as Deputy Chief Bushfire Control Officer (South) for the period 01/07/2026– 30/06/2027:**

- **Mr Rob Derennan**

**BUSH FIRE ADVISORY COMMITTEE RECOMMENDATION G'**

**THAT Council endorses the following person to the Bushfire Advisory Committee in the position of Fire Weather Officer for the period 01/07/2026 – 30/06/2027:**

- **Mr Alan Charlton**

***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 Recommendation:

END REPORT

**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**

**16 MATTERS BEHIND CLOSED DOORS**

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

*The Shire of Dardanup Standing Orders Local Law 2014 & the Local Government Act 1995, Section 5.23.*

The Standing Orders and the *Local Government Act 1995* provide for Council to resolve to close the meeting to the public and proceed behind closed doors for matters:

- Section 5.23 (1) The following are to be open to members of the public —*
- (a) all Council meetings;*
  - (b) all meetings of any committee.*
- (2) Despite subsection (1), if any of the following matters is to be dealt with at a meeting, the council or committee must close the meeting to members of the public to the extent necessary to ensure that the matter is dealt with at the meeting on a confidential basis —*
- (a) a matter that a committee of a House of Parliament, or a joint committee of both Houses, has advised the local government must be dealt with on a confidential basis;*
  - (b) a matter relating to the recruitment or employment of the CEO or a senior employee, including the following —*
    - (i) the termination of employment;*
    - (ii) a review of performance under section 5.38;*
  - (c) a prescribed matter;*
  - (d) a matter that is the subject of a direction given under section 5.23AA(1).*
- (3) Despite subsection (1), the council or committee must close a meeting to members of the public to the extent necessary to ensure compliance with a requirement (however formulated) —*
- (a) that is imposed under a written law, excluding this Act and local laws; and*
  - (b) that prohibits or restricts the making public of information.*
- (4) Despite subsection (1), if any of the following information is to be dealt with at a meeting, the council or committee may close the meeting to members of the public to the extent necessary to ensure that the information is dealt with at the meeting on a confidential basis —*
- (a) legal advice, or other information, over which the local government holds legal professional privilege;*
  - (b) information relating to the personal affairs of an individual;*
  - (c) information contained in a tender received by the local government for a contract to the extent that the information —*
    - (i) is a tendered price; or*
    - (ii) a tendered methodology for calculating a price;*
  - (d) information contained in a tender received by the local government for a contract to the extent that —*
    - (i) the information discloses any technology, or any manufacturing, industrial or trade process, that the tenderer proposes to use in performing the contract; and*
    - (ii) the information has not previously been made public; and*
    - (iii) the making public of the information would be likely to have an adverse effect on the tenderer's business interests;*
  - (e) information the making public of which would be likely to endanger the security (including cyber-security) of any of the local government's property or operations;*
  - (f) information the making public of which would be likely to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
  - (g) prescribed information;*
  - (h) information that is the subject of a direction given under section 5.23AA(2).*

#### **OFFICER RECOMMENDATION**

**THAT Council resolves to close the meeting to members of the public to consider item 16.1 - CEO Review Committee Meeting held on the 3<sup>rd</sup> June 2026 behind closed doors, pursuant to section 5.23(2)(b) & 2(c) of the *Local Government Act 1995*.**

16.1 CEO Review Committee Meeting held on the 3<sup>rd</sup> June 2026

<b>Reporting Department</b>	<i>Executive</i>
<b>Responsible Officer</b>	<i>Mrs Kristy Burden – Manager Human Resources</i>
<b>Legislation</b>	<i>Local Government Act 1995</i>
<b>Council Role</b>	<i>Executive/Strategic</i>
<b>Voting Requirement</b>	<i>Simple Majority</i>

**DECLARATION OF INTEREST**

Chief Executive Officer, Mr André Schönfeldt, declared a financial interest in this item.

Please refer to Part 11 'Declaration of Interest' for full details.

**REPORT UNDER SEPARATE COVER**

*Note: In accordance with section 5.23(2)(b) of the Local Government Act 1995, this report is not available to the public, as it relates to the recruitment of the CEO, including a review of performance under section 5.38.*

END REPORT

## 16.2 Chief Executive Officer Long Service Leave – Acting Chief Executive Officer Appointment

<b>Reporting Department</b>	<i>Executive</i>
<b>Responsible Officer</b>	<i>Mr André Schönfeldt – Chief Executive Officer</i>
<b>Reporting Officer</b>	<i>Ms Marie Vitanza – Executive Assistant</i>
<b>Legislation</b>	<i>Local Government Act 1995</i>
<b>Council Role</b>	<i>Executive/Strategic.</i>
<b>Voting Requirement</b>	<i>Simple Majority.</i>
<b>Attachments</b>	<i>Appendix ORD: 16.2A – Risk Assessment</i>

### DECLARATION OF INTEREST

Chief Executive Officer, Mr André Schönfeldt, declared a financial interest.

Please refer to Part 11 'Declaration of Interest' for full details.

### REPORT UNDER SEPARATE COVER

*Note: In accordance with section 5.23(2)(b) of the Local Government Act 1995, this report is not available to the public, as it relates to the employment of a senior employee, including a review of performance under section 5.38.*

END REPORT

### 16.3 FOGO Processing, Transport & Regional Transfer Station

<b>Reporting Department</b>	<i>Infrastructure Directorate</i>
<b>Responsible Officer</b>	<i>Mr Theo Naudé – Director Infrastructure</i>
<b>Reporting Officer</b>	<i>Ms Eliza- Jane Jacques – Coordinator of Environment and Waste</i> <i>Mrs Natalie Reid – Procurement Officer</i>
<b>Legislation</b>	<i>Local Government Act 1995</i>
<b>Council Role</b>	<i>Executive/Strategic.</i>
<b>Voting Requirement</b>	<i>Simple Majority.</i>

#### **REPORT UNDER SEPARATE COVER**

*Note: In accordance with section 5.23(4)(c) and (d) of the Local Government Act 1995, this report is not available to the public, as it contains commercially sensitive information, including tendered pricing and methodologies.*

## 16.4 Outback Padel Proposal – Eaton Bowling & Social Club

<b>Reporting Department</b>	<i>Corporate &amp; Governance Directorate</i>
<b>Responsible Officer</b>	<i>Mrs Natalie Hopkins - Director Corporate &amp; Governance</i>
<b>Reporting Officer</b>	<i>Mrs Chantal Edwards-Miller – Building Property Management Officer</i>
<b>Legislation</b>	<i>Local Government Act 1995</i>
<b>Council Role</b>	<i>Executive/Strategic.</i>
<b>Voting Requirement</b>	<i>Simple Majority.</i>

### **REPORT UNDER SEPARATE COVER**

*Note: In accordance with section 5.23(4)(c) and (d) of the Local Government Act 1995, this report is not available to the public, as it contains commercially sensitive information, including tendered pricing and methodologies.*

**OFFICER RECOMMENDATION**

**THAT Council returns from behind closed doors, reopening the meeting to members of the public at [TIME].**

*Note: In accordance with Standing Orders s5.2(6), the Presiding Member may cause the motion passed by Council whilst behind closed doors to be read out, including the details of any voting recorded.*

**17 CLOSURE OF MEETING**

The Presiding Officer advises that the next Ordinary Meeting of Council will be Wednesday, 22<sup>nd</sup> July 2026, 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.