



A G E N D A

ORDINARY COUNCIL MEETING

To Be Held

Wednesday, 24th of November 2021
Commencing at 5.00pm

At

Shire of Dardanup
ADMINISTRATION CENTRE EATON
1 Council Drive - EATON

This document is available in alternative formats such as:
~ Large Print
~ Electronic Format [disk or emailed]
Upon request.



NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Council Member

The next Ordinary Meeting of the Shire of Dardanup Council will be held on Wednesday, the 24th of November 2021 in the Council Chambers, Shire of Dardanup – Administration Centre Eaton, 1 Council Drive, Eaton – Commencing at 5.00pm.

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

MR ANDRÉ SCHÖNFELDT
Chief Executive Officer

Date: 17th of November 2021

Note: If interested persons would like to make comment on any items in this agenda, please email 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.

VISION STATEMENT

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

TABLE OF CONTENTS

1	DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS.....	1
2	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED	1
2.1	<i>Attendance.....</i>	<i>1</i>
2.2	<i>Apologies.....</i>	<i>1</i>
2.3	<i>Leave of Absence.....</i>	<i>1</i>
3	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	2
4	PUBLIC QUESTION TIME.....	2
5	APPLICATIONS FOR LEAVE OF ABSENCE	2
6	PETITIONS/DEPUTATIONS/PRESENTATIONS	2
7	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	3
7.1	<i>Ordinary Council Meeting Held on the 27th of October 2021</i>	<i>3</i>
7.2	<i>Special Council Meeting Held on the 17th of November 2021</i>	<i>3</i>
8	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	4
8.1	<i>Title: Shire President Monthly Report.....</i>	<i>4</i>
9	ANNOUNCEMENTS OF MATTERS FOR WHICH MEETING MAY BE CLOSED.....	5
9.1	<i>Title: WA Citizen of the Year Awards.....</i>	<i>5</i>
9.2	<i>Title: Staff Culture and Satisfaction Surveys.....</i>	<i>5</i>
10	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN.....	5
11	DECLARATION OF INTEREST	6
12	REPORTS OF OFFICERS AND COMMITTEES	6
12.1	EXECUTIVE REPORTS.....	6
12.1.1	<i>Title: Antique Boardroom Table and Chairs</i>	<i>6</i>
12.2	SUSTAINABLE DEVELOPMENT DIRECTORATE REPORTS	12
12.2.1	<i>Title: Proposed Local Planning Scheme Amendment No. 204 – ‘Additional Use’ for Lot 10 Temple Road, Picton East</i>	<i>12</i>
12.2.2	<i>Title: Oversized Outbuilding - Lot 118 (No. 20) Hutchinson Road, Burekup</i>	<i>19</i>
12.2.3	<i>Title: Grouped Dwelling – Lot 5 (No. 37) Weetman Road, Wellington Mill</i>	<i>25</i>
12.2.4	<i>Title: Proposed Road Names – Lot 7000 Eaton Drive, Eaton (Bethanie Fields).....</i>	<i>32</i>
12.2.5	<i>Title: Additional Income and Expenditure: Enlighten</i>	<i>35</i>
12.3	INFRASTRUCTURE DIRECTORATE REPORTS	40
12.3.1	<i>Title: Playground Renewals 2021-22 – Lofthouse Park and Cadell Park.....</i>	<i>40</i>
12.3.2	<i>Title: Allocation of Funds – Alexander Poad Bequest</i>	<i>47</i>
12.3.3	<i>Title: Request for Closure of Thoroughfare on Panizza Road – Public Submissions.....</i>	<i>50</i>
12.4	CORPORATE & GOVERNANCE DIRECTORATE REPORTS.....	57
12.4.1	<i>Title: Bunbury & Districts Softball Association – Request for Use of Glen Huon Oval.....</i>	<i>57</i>
12.4.2	<i>Title: Adoption of Local Government Property Local Law 2021.....</i>	<i>61</i>
12.4.3	<i>Title: Appointment of Councillors and Representatives to Advisory Groups & Adoption of Terms of Reference..</i>	<i>69</i>
12.4.4	<i>Title: Appointment of Delegates and Representatives to Various Community & Regional Committees</i>	<i>83</i>
12.4.5	<i>Title: Setting of Advisory Group and Committee Meeting Dates 2022.....</i>	<i>91</i>
12.4.6	<i>Title: Code of Conduct Complaints Management Process & Policy</i>	<i>96</i>
12.4.7	<i>Title: Annual Review of Delegations 2021.....</i>	<i>114</i>
12.4.8	<i>Title: Burekup Cricket Club – Request for Sale of Alcohol.....</i>	<i>126</i>
12.4.9	<i>Title: Shire of Dardanup – New Lease Agreement Template.....</i>	<i>129</i>
12.4.10	<i>Title: Dardanup Sporting and Community Clubs – Renewal of Lease – Wells Recreation Reserve</i>	<i>136</i>
12.4.11	<i>Title: Renewal of Lease – Waterloo BFB – Waterloo Recreation Reserve.....</i>	<i>140</i>

12.4.12	Title: Eaton Family Centre Lease Agreement – 2021 - 2025.....	143
12.4.13	Title: Monthly Statement of Financial Activity for the Period Ended on the 31 st of October 2021	147
12.4.14	Title: Schedule of Paid Accounts as at the 5 th of November 2021	151
12.5	COMMITTEES.....	180
13	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	180
14	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING.....	180
15	PUBLIC QUESTION TIME.....	180
16	MATTERS BEHIND CLOSED DOORS	181
16.1	Title: Australia Day WA Citizen of the Year Awards 2022	182
16.2	Title: Staff Culture and Satisfaction Survey Results.....	182
17	CLOSURE OF MEETING	182

COUNCIL ROLE

Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government / body /agency.
Executive/Strategic	The substantial direction setting and oversight role of the Council e.g. Adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
Legislative	Includes adopting local laws, town planning schemes and policies.
Review	When Council reviews decisions made by Officers.
Quasi-Judicial	<p>When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.</p> <p>Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g.: under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</p>

DISCLAIMER

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

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

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

RISK ASSESSMENT

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

RISK CATEGORY CONSEQUENCE TABLE - GUIDELINE

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

RISK - LIKELIHOOD TABLE

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

LEVEL OF RISK GUIDE

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

SHIRE OF DARDANUP

AGENDA FOR THE SHIRE OF DARDANUP ORDINARY COUNCIL MEETING TO BE HELD ON WEDNESDAY, THE 24TH OF NOVEMBER 2021, AT SHIRE OF DARDANUP - ADMINISTRATION CENTRE EATON, COMMENCING AT 5.00PM.

1 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS

The Presiding Member to declare the meeting open, welcome those in attendance, refer to the Disclaimer, Acknowledgement of Country, Emergency Procedure and the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers:

Acknowledgement of Country

The Shire of Dardanup wishes to acknowledge that this meeting is being held on the traditional lands of the Noongar people. In doing this, we recognise and respect their continuing culture and the contribution they make to the life of this region and pay our respects to their elders, past, present and emerging.

Emergency Procedure

In the event of an emergency, please follow the instructions of the Chairperson who will direct you to the safest exit route. Once outside, you will be directed to an appropriate Assembly Area where we will meet (and complete a roll call).

Affirmation of Civic Duty and Responsibility

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

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

2.1 Attendance

2.2 Apologies

2.3 Leave of Absence

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

None.

4 PUBLIC QUESTION TIME

5 APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL RESOLUTION

THAT be granted leave of absence for the Ordinary Council Meeting to be held on the 15th of December 2021.

6 PETITIONS/DEPUTATIONS/PRESENTATIONS

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Ordinary Council Meeting Held on the 27th of October 2021

OFFICER RECOMMENDED RESOLUTION

THAT the Minutes of the Ordinary Meeting of Council held on the 27th of October 2021, be confirmed as true and correct subject to no/the following corrections:

7.2 Special Council Meeting Held on the 17th of November 2021

OFFICER RECOMMENDED RESOLUTION

THAT the Minutes of the Special Meeting of Council held on the 17th of November 2021, be confirmed as true and correct subject to no/the following corrections:

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

8.1 Title: Shire President Monthly Report

Reporting Department: Elected Members

Reporting Councillor: Cr. Michael T Bennett – Shire President

The following meetings were held since my last report to Council:

Event:	29/10/2021 Met with Albermarle Kemerton Site Director Dan O’Shea, Study Manager Donald Ackerman and Erin van Noort
Report:	Discussed worker accommodation options. Albermarle were inquiring to locations for all types of accommodation from Caravan Parks to suburbia housing in all our towns and if council could assist.

Event:	4/11/2021 - Citizenship Ceremony
Report:	8 Conferees received Citizenship. Another great event and a thank you to Nola Marino for coming along and assisting with the Citizenships.

Event:	6/11/2021 Evedon Park Bike Race
Report:	I was asked to view the Mountain Bike events being held on the many tracks on the Resort property catering for all grades with over 700 competitors and spectators and I assisted with directions to parking and camping spots as a volunteer.

Event:	6/11/2021 Slaters sign unveiling at Eaton Foreshore
Report:	Attend small family gathering for the Slater family to unveil the Slaters Corner signage added at Eaton Foreshore. Special occasion for the Slater Family from many parts of the state and I was assisted by Mr Graham Tidy who was the Slaters Store first customer. The QR Code on the sign is a great innovation to alert people to the history of the Family. Thanks to Staff for their assistance and it looks great.

Event:	08/11/2021 – Gabbi Ghasseb
Report:	Discussions around Mr Ghasseb’s property at Waterloo and other issues in our region now Gabi is a CR at BCC.

Event:	11/11/2021 – Property Council and Eastcourt Development
Report:	Discussions on Wanju and the future for the Waterloo industrial Park along with issues around sand supply etc in the region.

Event:	21/11/2021 – Premier and Cabinet Community Reception
Report:	Invitation to attend the Premier and Cabinet Community Reception to be held at Eaton Sports Club.

Event:	23/11/2021 – Annual Christmas Dinner for Senior Citizens of Dardanup
Report:	I have been invited to speak to the Seniors and answer many questions that were asked at our last catch up in early October. Always a great event.

9 ANNOUNCEMENTS OF MATTERS FOR WHICH MEETING MAY BE CLOSED

9.1 Title: WA Citizen of the Year Awards

9.2 Title: Staff Culture and Satisfaction Surveys

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

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

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

Note: Shire President to advise that the meeting will go behind closed doors toward the end of the meeting to discuss S.5.23 section (2)(a) a matter affecting an employee or employees; (2)(e)(iii) information about the business, professional, commercial or financial affairs of a person.

10 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

None.

11 DECLARATION OF INTEREST

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

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

Note: Chairperson to ask Councillors and Staff if there are any Declarations of Interest to be declared.

12 REPORTS OF OFFICERS AND COMMITTEES

12.1 EXECUTIVE REPORTS

12.1.1 Title: Antique Boardroom Table and Chairs

<i>Reporting Department:</i>	<i>Corporate & Governance Directorate</i>
<i>Reporting Officer:</i>	<i>Mr André Schönfeldt - Chief Executive Officer</i>
	<i>Ms Cathy Lee - Manager Governance & HR</i>
<i>Legislation:</i>	<i>Local Government Act 1995</i>
<i>Attachments:</i>	<i>Appendix ORD: 12.1.1A – Risk Assessment Tool</i>
	<i>Appendix ORD: 12.1.1B – Email From Cr Gardiner re Table</i>

Overview

Council are asked to authorise the transfer of the Antique Boardroom Table and Chairs from the Shire of Dardanup – Dardanup Office to the Eaton Bowling Club.

Background

On the 10th of July 1998 – An item went to the Ordinary Council Meeting:

9.4 Furniture for Council Chamber

Cr J E Gardiner introduced the issue of the Boardroom table, chairs and desk that he purchased at Auction to be used by the Shire and that past and present members of Council be offered the opportunity to buy a chair and he would pay for the table.

It was noted that Cr J E Gardiner had contacted several of the Councillors with the idea before he went ahead and bought the furniture at Auction. It was owned by WA Newspapers Ltd and used in their Boardroom.

Discussions were made on relocating existing chamber tables and chairs to Eaton and that they may need to be renovated.

The cost of the furniture was \$4500, 1 table and 14 chairs and \$825 for a small desk with a leather overlay.

Cr J E Gardiner stated he would pay \$1000 for the table. Council then discussed how they would ballot who got to buy the rest.

Note: Cr J E Gardiner declared an interest and did not vote.

Note: The Chief Executive Officer advised Council that if they declare an interest they must leave the meeting, the interest should be declared before the debate.

COUNCIL RESOLUTION

670-98 *MOVED - Cr. K Hopper* *SECONDED - Cr. C G Mountford*

THAT Council reimburse Cr J E Gardiner for the purchase of the Boardroom Table, chairs and desk.

CARRIED

7/0

Cr J E Gardiner did not vote

Council Discussion

Council discussed how to advertise that Council is offering the Community the opportunity to pay for one of the Boardroom chairs, chairs to remain in Dardanup, plaque with name of sponsor and the desk cost to be included in the chair cost, i.e. approximately \$320 each.

Note: Cr K Hopper left the room (5.05pm).

Note: Cr K Hopper returned to the room (5.06pm).

COUNCIL RESOLUTION

MOVED - Cr. K Hopper *SECONDED - Cr M T O'Connor*

THAT past and present Shire Presidents be asked to subscribe for one of the chairs.

During the debate it was suggested that other pioneers of the area and ex Councillors may wish to buy a chair. Who would be responsible for allocating who got a chair?

Cr K Hopper withdrew his motion.

Deferral of Decision on Chairs

COUNCIL RESOLUTION

671/98 *MOVED - Cr B A Murfit* *SECONDED - Cr J R Hutchinson*

THAT the matter be deferred for discussion at the next Council Meeting 24 July 1998.

CARRIED

8/0

Boardroom Table and Chairs – Location

COUNCIL RESOLUTION

672/98 *MOVED - Cr K Hopper* *SECONDED - Cr C G Mountford*

THAT the furniture acquired by Council by Auction via Cr J E Gardiner remain in the Shire of Dardanup, Dardanup Office.

CARRIED
8/0

On the 24th of July 1998 – 2 items went to the Ordinary Council Meeting:

6.1.6 Council Chamber Table & Chairs – Sponsorship

Members were requested to come up with options for how sponsorship of the Boardroom table and chairs were to be allocated to applicants, whether a ballot was held, first come first served, or all have equal ownership – recognised as a donation.

If all have equal ownership and there are more than 14 people, the proposed policy, refer item 6.1.7, will require change.

COUNCIL RESOLUTION

697/98 *MOVED - Cr M T O'Connor* *SECONDED - Cr J S Hamblin*

THAT Council seek sponsorship of the table, desk and 14 chairs or the Dardanup Shire Office meeting room. Expressions of interest should be forwarded to Council and will be drawn by a ballot system.

<i>Table</i>	<i>\$1,000</i>
<i>Desk</i>	<i>\$825</i>
<i>Chairs</i>	<i>\$250 each</i>

All sponsorship names will be placed on the item of furniture.

CARRIED
10/0

6.1.7 Council Chamber Table, Chairs and Desk – Policy

I refer to Councils decision to purchase from Cr J E Gardiner the Boardroom desk, table and chairs, as resolved at the 10 July 1998 meeting of Council.

A policy is required to ensure that the furniture remains in the Dardanup office, and to establish what happens to the items if at some time in the future the Council of the day decides to replace them.

Proposed Policy:

Council Chamber Table, Chairs and Desk

PART ONE - That it be Council policy that the Jarrah Boardroom table, Desk and 14 floral upholstered chairs be clearly identified as being donated by members of the community by a plaque fixed to the item. Each plaque to clearly state the name of the sponsor.

PART TWO -It is Council policy that the identified items of furniture remain in the Dardanup office of the Shire of Dardanup.

PART THREE -It is Council policy that if in the event that a future Council wishes to replace the identified Boardroom table, desk and chairs that the items be handed over to the sponsor family as identified on the plaque.

OFFICER RECOMMENDATION & COUNCIL RESOLUTION

698/98 **MOVED -** Cr K Hopper **SECONDED -** Cr C G Mountford

THAT a policy 'Council Chamber Table, Desk & Chairs' be adopted as follows:

PART ONE

That it be Council policy that the Jarrah Boardroom table, desk and 14 floral upholstered chairs be clearly identified as being donated by members of the community by a plaque fixed to the item.

Each plaque to clearly state the name of the sponsor.

PART TWO

It is Council policy that the identified items of furniture remain in the Dardanup office of the Shire of Dardanup.

PART THREE

It is Council policy that if in the event that a future Council wishes to replace the identified Boardroom table, desk and chairs that the items be handed over to the sponsor family as identified on the plaque.

CARRIED
10/0

RESOLVED *To include Parts Two and Three of the Policy in the advertisement calling for expressions of interest in the Council Chamber Furniture. See Resolution 697/98.*

On the 23rd of October 1998 – An item went to the Ordinary Council Meeting:

9.1 *Cr M T Bennett – Shire of Dardanup – Administration Centre Eaton – Chamber Furniture*

As Councillors had trialed using the Boardroom Table for a Council meeting and it was found to be inadequate for the purposes of a lengthy meeting attended by 15 people, Cr M T Bennett asked councillors if they were prepared to purchase new Council Chamber furniture. Cr M T Bennett also advised Councillors that there was sufficient savings in the furniture budget for the purchase of such.

COUNCIL RESOLUTION

1075/98 **MOVED -** Cr M T Bennett **SECONDED -** Cr D N Black

THAT Council purchase new Council Chamber furniture for the Shire of Dardanup – Administration Centre Eaton and that the refurbished Council Chamber Tables remain at the Shire of Dardanup – Dardanup Office.

CARRIED
10/0

On the 20th of January 2021, Council considered the sale of the antique chairs and table following their being advertised as surplus to the needs of the Shire at the time. Council resolved (18-21) as follows:

COUNCIL RESOLUTION

18-21 *MOVED -* *Cr. J Dow* *SECONDED -* *Cr. M R Hutchinson*

THAT Council requests the Chief Executive Officer to not proceed with the sale of the antique chairs, and for the table and chairs to be considered for further use by the Shire, either in the Dardanup Office, or in the New Shire of Dardanup Administration, Library and Community Building.

CARRIED
6/1

Legal Implications - None.

Strategic Community Plan

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

Environment - None.

Precedents - None.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessment

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

TIER 1 – No discernible Inherent Risk has been identified (no Risk Theme or Consequence).	
Risk Event	Antique Boardroom Table and Chairs
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.

Officer Comment

Cr. T G Gardiner has emailed the Chief Executive Officer with advice that the new Eaton Bowling Club could house the antique table and remaining chairs [Appendix ORD: 12.1.1B]. The Eaton Bowling Club are happy to care for the asset on behalf of the Shire of Dardanup.

It is proposed that the Antique Boardroom Table and remaining Six Chairs be permanently housed at the new Eaton Bowling Club.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council permanently house the Antique Boardroom Table and Six Antique Boardroom Chairs at the Eaton Bowling Club.

12.2 SUSTAINABLE DEVELOPMENT DIRECTORATE REPORTS

12.2.1 Title: Proposed Local Planning Scheme Amendment No. 204 – ‘Additional Use’ for Lot 10 Temple Road, Picton East

<i>Reporting Department:</i>	<i>Sustainable Development Directorate</i>
<i>Reporting Officer:</i>	<i>Mr Murray Connell - Manager Development Services</i>
<i>Legislation:</i>	<i>Planning and Development Act 2005</i>
<i>Applicant:</i>	<i>Harley Dykstra on behalf of J&P Group Pty Ltd</i>
<i>Attachments:</i>	<i>Appendix ORD: 12.2.1A – Amendment 204 Report</i> <i>Appendix ORD: 12.2.1B – Risk Assessment</i>

Overview

The purpose of this report is to seek Council approval to initiate a proposed scheme amendment (Amendment 204) to the Shire of Dardanup Town Planning Scheme No. 3. Amendment 204 proposes to add an ‘Additional Use’ for Lot 10 Temple Road, Picton East which will facilitate a mobile crushing plant and storage uses.

Background

Lot 10 Temple Road (the subject site) is located approximately 2.8km north east of the South Western Highway / Willinge Drive intersection and approximately 2.3km north of the Picton Industrial area. The site is a battleaxe lot, with an access leg running south to connect with Temple Road.

Land to the east and south is used for industrial purposes. The owners of the subject site also operate part of their industrial business on this adjoining land. Land to the north and west are vacant and predominantly vegetated with some partial clearing. There are no residential structures on any of the adjoining lots.

Location Plan



Proposal

Amendment 204 seeks to rezone the subject site by adding an 'Additional Use' (A22) to the site whilst retaining the current 'General Farming' zoning. The additional uses proposed are for a mobile crushing plant and industrial storage.

The site has historically been used for the storage of industrial plant and equipment which was consistent with the previously allowable use for the site being:

'Premises for the temporary or permanent storage of engineering equipment and material and the parking of earthmoving equipment and machinery'

In 2010, Amendment 167 replaced the zoning table of the Scheme which then resulted in the use 'Storage' being prohibited in the 'General Farming' zone. This Amendment 204 is seeking to essentially re-introduce similar uses that were previously allowable on the site.

The site contains regionally significant vegetation and specific conditions are proposed as part of Amendment 204 to direct development into cleared areas.

Please refer to [Appendix ORD: 12.2.1A] for a copy of the Amendment 204 report.

The outline of the proposal is as follows:

Region Scheme	Greater Bunbury Region Scheme 'Rural' zone
Local Planning Scheme	Town Planning Scheme No. 3 'General Farming' zone
Structure Plan/Precinct Plan	Preston Industrial Park (North Precinct) Structure Plan
Lot Size	24.1651 hectares
Existing Land Use	Storage
State Heritage Register	No
Local Heritage	No
Bushfire Prone Area	Yes

Legal Implications

Part 5, Section 75 of the *Planning and Development Act 2005* provides for a local government to amend a local planning scheme as follows:

75. Amending scheme

A local government may amend a local planning scheme with reference to any land within its district, or with reference to land within its district and other land within any adjacent district, by an amendment –

- (a) prepared by the local government, approved by the Minister and published in the Gazette; or*
- (b) proposed by all or any of the owners of any land in the scheme area, adopted, with or without modifications, by the local government, approved by the Minister and published in the Gazette.*

The Planning and Development (Local Planning Schemes) Regulations 2015 Division 3 — sets out the process for standard amendments to local planning scheme.

Strategic Community Plan

Strategy 2.3.1 - Delivery of a high level of Development & Regulatory Services that considers the environmental, social and land use planning requirements which meets the diverse community needs. (Service Priority: Flagship)

Environment

As part of the amendment process, and prior to public advertising, the Environmental Protection Authority is required to assess the amendment under Part IV of the *Environmental Protection Act 1986*.

Precedents

Council at its meeting held on the 26th of May 2021 (Res: 144-21) resolved to initiate Amendment 203 which proposed the rezoning of Lots 103 and 110 Harris Road and Lot 436 Martin Pelusey Road, Picton East for industrial development.

Consultation

Should Council initiate Amendment 204 it is required to be publicly advertised for a period of not less than 42 days in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

At the conclusion of the public advertising period the matter must be presented back to Council which will include a schedule of submissions if any are received. A resolution must then be passed to either support the amendment (with or without modification) or not support the amendment.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessment

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

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Proposed Local Planning Scheme Amendment No. 204
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	Environment By not amending the Scheme to introduce conditions regarding vegetation, clearing could occur.

Officer Comment

Amendment 204 has been assessed against the following planning framework applicable to the amendment as detailed below.

Greater Bunbury Strategy 2013

This Strategy guides urban, industrial and regional land use planning; and associated infrastructure delivery in the Greater Bunbury sub-region in the short, medium and long terms. The Strategy contains the Greater Bunbury Sub-regional Structure Plan 2013 which identifies land ahead of the rezoning process so that future development can occur in a logical manner in response to future growth trends.

Amendment 204 is consistent with the Structure Plan which identifies the subject land as an 'Industrial expansion area' and also is adjacent to an 'Environmental significance area/corridor'.

Greater Bunbury Region Scheme (GBRS)

The subject land is zoned 'Rural' under the GBRS and Amendment 204 proposes to retain the 'General Farming' zoning of the site. The limited additional uses proposed, along with the conditions associated with the uses will ensure that the conservation values of the site and rural landscape is retained.

Town Planning Scheme No. 3 (TPS3)

The subject site is zoned 'General Farming' under TPS3 and the objectives of the zone are:

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

The ability for the site to be used for rural purposes is constrained by the extent and significance of the remnant vegetation on-site and the proximity to industrial uses nearby. Whilst the agricultural viability of the site is limited, the current 'General Farming' zone provides the most applicable zoning to ensure the continued protection of the vegetation.

In order to facilitate some limited industrial uses on the site (which had been previously allowable in the 'General Farming' zone), the Amendment proposes to include additional uses on the site as per clause 3.15 of TPS3:

3.15 DIVISION 5 – SPECIAL ZONES**Additional Use Zones**

- 3.15.1 *Those portions of the Scheme Area which are specified in the Appendix IV are classified as Additional Use Zones.*
- 3.15.2 *Notwithstanding that a parcel of land described in Appendix IV is within another zone, the land or any building or structure thereon may be used for the purpose set against that parcel of land in Appendix IV in addition to the other uses permitted in the Zone in which the land is situated. The use of the parcel of land is also subject to any additional conditions stated opposite the parcel in Appendix IV.*

Amendment 204 proposes to introduce the following additional uses and conditions into Appendix IV of TPS3 as follows:

Additional Use Permitted	Conditions
Storage (D use) Industry – mobile crushing plant (D use)	<p>Wherever suitable alternatives exist, development is to be located outside of areas which would require the removal of vegetation.</p> <p>Where suitable alternatives do not exist, vegetation and flora and fauna habitat surveys may be required to determine locations where development could occur with the least possible impact. Surveys should be undertaken in accordance with the applicable EPA technical guidance.</p> <p>In considering any application the local government shall have due regard to the Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses (EPA) and may require the preparation of a management plan to address odour, noise, dust, landscaping and stormwater management.</p> <p>No further subdivision shall be supported unless it can be demonstrated that it is essential for the on-going effective management of any existing development or for demonstrable environmental benefit and / or protection.</p> <p>Stored items must achieve the following setback distances:</p> <ul style="list-style-type: none"> • An average of 5m from the western boundary. • A minimum of 5m from northern boundary. • A minimum of 20m from eastern and southern boundaries.

It is important to note that prior to 2010, in the ‘General Farming’ zone the following use was allowable:

‘Premises for the temporary or permanent storage of engineering equipment and material and the parking of earthmoving equipment and machinery’

Amendment 204 is seeking to essentially re-introduce similar uses that were previously allowable on the site.

Preston Industrial Park (Northern Precinct) Structure Plan

This Structure Plan identifies the principal planning considerations to be taken into account in successfully developing the area predominantly for industrial development. Amendment 204 proposes to retain the ‘General Farming’ zoning of the site and is therefore consistent with the Structure Plan which identifies the subject land as ‘rural’.

In March 2008 the Environmental Protection Authority gave advice on areas of conservation significance in the Preston Industrial Park (EPA, Bulletin 1282). This report identified the vegetated portions of the subject site as being within ‘Investigation Area 3’ which is a regionally significant natural area of high value that should be retained within future planning.

Amendment 204 proposes to introduce specific conditions for the additional uses to ensure development is located within the existing cleared areas and is therefore considered to be consistent with the recommendations from Bulletin 1282.

Shire of Dardanup Local Planning Strategy

This Strategy provides a strategic plan for the future of the Shire. The subject site is identified as 'Industrial' and also adjacent to an 'Environmental Significance Area'. The Strategy acknowledges that the Preston Industrial Park is highly constrained by environmental features, particularly remnant vegetation which will limit the area that can be used for industry.

Amendment 204 responds to the environmental constraints of the site and the desired future industrial development for the locality by retaining the 'General Farming' zoning yet providing for limited additional industrial type uses.

Planning and Development (Local Planning Schemes) Regulations 2015

The Regulations require that the local government resolution must specify whether, in the opinion of the local government an amendment is a basic, standard or complex amendment.

In essence a 'basic' amendment is one that corrects an administrative error in the scheme or rectifies a zoning anomaly. A 'standard' amendment is one that is consistent with a local planning strategy, would have minimal impact on land in the area and does not result in any significant impacts on the land. A 'complex' amendment is one that is not consistent with a local planning strategy and is of a scale that will have an impact that is significant relative to the development in the locality.

Amendment 204 is considered to be a 'standard' amendment.

Conclusion

Officers recommend that Council initiate the proposed 'standard' Amendment 204 to the Shire of Dardanup Town Planning Scheme No. 3 as the amendment is considered to be consistent with the future planning context for the area. The amendment responds to the environmental constraints of the site and the desired future industrial development for the locality by retaining the 'General Farming' zoning yet providing for limited additional industrial type uses.

The option to defer is not supported as there is considered sufficient information for Council to determine the matter.

Council Role - Quasi-Judicial.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council:

- 1. Initiates and adopts Amendment No. 204 to the Shire of Dardanup Town Planning Scheme No. 3 which proposes to add an additional use of 'Storage' and 'Industry – mobile crushing plant' for Lot 10 Temple Road, Picton East.**
- 2. Determines that the amendment is a 'standard' amendment for the following reasons:**
 - a) The amendment would have minimal impact on land in the Scheme area that is not the subject of the amendment.**
 - b) The amendment would not result in any significant environmental, social, economic or governance impacts on land in the Scheme area.**

12.2.2 Title: Oversized Outbuilding - Lot 118 (No. 20) Hutchinson Road, Burekup

Reporting Department:	Sustainable Development Directorate
Reporting Officer:	Mrs Suzanne Occhipinti - Senior Planning Officer
Legislation:	Planning and Development Act 2005
Applicant:	Aron Sharp
Attachments:	Appendix ORD: 12.2.2.A – Application Details Appendix ORD: 12.2.2.B – Submission Appendix ORD: 12.2.2.C – Risk Assessment

Overview

The purpose of this report is for Council to consider approving an application for development approval for an 'outbuilding' (or shed) on Lot 118 (No. 20) Hutchinson Road, Burekup. The application is seeking a variation to the Shire's Local Planning Policy 'SDev CP091 – Exempted Development and Land Use' for an oversized outbuilding.

Officers do not have delegation to determine applications for development approval where a relevant planning objection has been received that cannot be addressed or mitigated through conditions, and therefore this report is presented to Council for determination.

Background

The Shire has received an application for development approval for an 'outbuilding' (or shed) on Lot 118 (No. 20) Hutchinson Road, Burekup from the owner. The subject site is located on the south-western edge of Burekup, in an established residential area. Surrounding lots to the north, east and west are all developed with residential dwellings and outbuildings, where the pattern of development is similar to that proposed.

Location Plans



Proposal

The application is seeking minor variations to the Shire's Local Planning Policy 'SDev CP091 – Exempted Development and Land Use' for the size and height of the outbuilding as follows:

- Increase in floor area from 80m² to 84m²;
- Increase in wall height from 3m to 3.5m; and
- Increase in ridge height from 4.2m to 4.4m.

The applicant has provided the following reasons for the variations:

- The outbuilding will be used to store the owner's classic Chrysler Pacer which is presently being restored in Donnybrook.
- The owner is a state and interstate dirt go kart racer and champion, and needs the size of the garage to accommodate his karts in a safe and secure manner.
- The height of the garage is to accommodate an elevating hoist to clean his carts underneath as they are too close to the ground to efficiently clean otherwise.
- The height and size is also required in preparation for a future caravan.
- There will be no excessive noise.
- The owner is prepared to demolish a small garage which is on the property if the application is approved.

Please refer to [Appendix ORD: 12.2.2A] for details of the application and the outline of the proposal is as follows:

Greater Bunbury Region Scheme	Urban zone
Town Planning Scheme No. 3	Residential R12.5 zone
Structure Plan/Precinct Plan	N/A
Use Class and Permissibility	Single Dwelling (outbuilding) – 'P' use
Lot Size	902m ²
Existing Land Use	Single dwelling and outbuildings
State Heritage Register	N/A
Local Heritage	N/A
Bushfire Prone Area	Yes, however the bushfire planning requirements do not apply as the lot is less than 1,100m ²

Legal Implications

The applicant has a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*.

Strategic Community Plan

Strategy 2.3.1 - Delivery of a high level of Development & Regulatory Services that considers the environmental, social and land use planning requirements which meets the diverse community needs. (Service Priority: Flagship)

Environment - None.

Precedents

A number outbuildings have been approved in the Residential zone that exceed the maximum size or wall and ridge height, the most recent being:

- Lot 74 (No. 87) Pratt Road, Eaton – 86m² size.
- Lot 241 (No. 9) O'Meara Drive, Burekup – 120m² size, 4m wall height and 4.3m ridge height.
- Lot 472 (No. 16) Scott Street, Eaton – 3.4m wall height.
- Lot 734 (No. 5) Lipizzaner Turn, Eaton – 3.5m wall height and 4.3m ridge height.
- Lot 171 (No. 1) Avon Gardens, Millbridge – 3.4m wall height and 4.3m ridge height.
- Lot 95 (No. 105) Pratt Road, Eaton – 3.5m wall height and 4.9m ridge height.
- Lot 825 (No. 15) Galloway Bend, Eaton – 4m wall height and 4.5m ridge height.

Consultation

As the application seeks to vary the maximum wall and ridge heights it was advertised to the adjoining lots to the rear and south-east of the subject site, in accordance with the R-Codes and Council Policy 'SDev CP505 – Public Consultation'.

The owners of the adjoining south-east property (Lot 117, No. 22 Hutchinson Road) submitted an objection. Please refer to [Appendix ORD: 12.2.2B] for a copy of the submission. The following table summarises the key issues raised and officer comments are provided in response.

Issue Raised	Shire Officer Comments
Objectors will be looking at a solid shed wall.	There are other surrounding structures which impede and restrict the view from the backyard. A minor increase of 20cm to the overall height of the outbuilding is considered to be in keeping with development on surrounding land.
Due to height and length it will shade objectors' fruit trees and vegetable garden.	The overshadowing from the outbuilding is less than the maximum permitted under the R-Codes. This is discussed in the 'Officer Comment' section of this report.
Such a large shed on the boundary will devalue the objectors' property.	It should be noted that the outbuilding is proposed to be setback 1m from the boundary which is in accordance with the setback requirements of the R-Codes. There is no evidence to suggest that the outbuilding will negatively impact on the property's value and in any event property values are not a valid planning consideration.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance

The Shire's Local Planning Policy 'SDev CP091 – Exempted Development and Land Use' specifies types of development that are exempt from requiring development approval in order to streamline the planning process and reduce red tape.

The policy stipulates that for outbuildings in the residential zone, development approval is not required where the outbuilding meets the following criteria:

- Maximum floor area of 80m²
- Maximum wall height of 3m
- Maximum ridge height of 4.2m

The application is seeking a variation of 4m² to the maximum floor area; 0.5m to the wall height and 0.2m to the ridge height.

Risk Assessment

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

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Refusal of an application for development approval
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	Financial Should Council refuse the application, and the proponent seek a review of that decision, there is likely to be a financial impact through the State Administrative Tribunal process.

Officer Comment

The planning framework that the application has been assessed against is as follows:

Residential Design Codes (R-Codes)

The R-Codes provide a comprehensive basis for the control of all residential development throughout Western Australia. Where a proposal does not meet the ‘deemed-to-comply’ provisions of the R-Codes and proposes to address a ‘design principle’ a judgement of merit must be exercised.

Under design element ‘5.4.3 Outbuildings’ the relevant deemed-to-comply provisions requires outbuildings to be 60m² in size with a wall height of 2.4m and ridge height of 4.2m. The local government can amend or replace certain deemed-to-comply provisions of the R-Codes via a local planning policy.

The Shire’s Local Planning Policy SDev CP091 ‘Exempted Development and Land Use’ allows for outbuildings to be 80m² in size with a wall height of 3m and ridge height of 4.2m. The application proposes a size of 84m² with a wall height of 3.5m and ridge height of 4.4m and as such needs to be assessed against the design principle.

The design principle for design element ‘5.4.3 Outbuildings’ states:

Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.

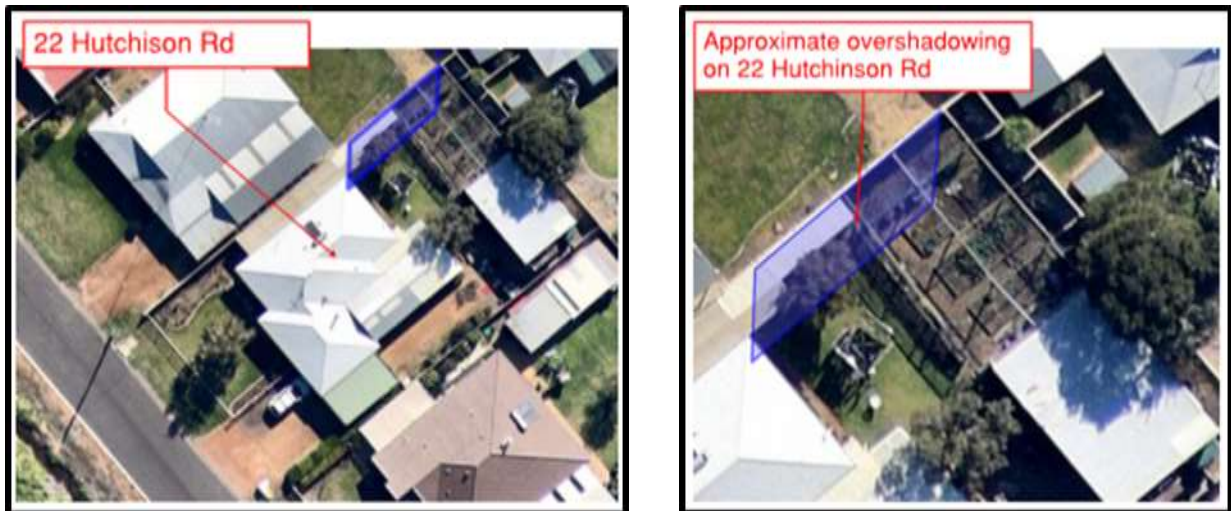
In terms of streetscape, the outbuilding is to be located in the rear corner of the subject site, behind the existing carport and patio. The external cladding colours will be either cream or light grey to compliment the house and fence. The streetscape will not be impacted by the development.

In terms of the visual amenity of neighbouring properties it is important to acknowledge that the variations sought are considered very minor being only 4m² in area, 50cm to the wall height and 20cm to the ridge height.

There are a number of surrounding structures which impede and restrict the view from the backyard of the neighbouring property (Lot 117, No. 22 Hutchinson Road). The likely effect of the minor variations sought for the outbuilding in terms of height, bulk and scale of the development is therefore considered minimal.

The applicant has agreed to remove the existing outbuilding on the subject land should this application be approved and a condition to this effect is recommended.

The neighbouring property also raised overshadowing concerns. Under the provisions of the R-Codes the maximum permitted is 25% of the site area (for Lot 117 this equates to 234.75m²). The following plans show that the outbuilding will only overshadow approximately 5.8% (or 55.2m² as shown in blue) of the adjoining Lot 117 site area. The development is therefore compliant with the R-Codes.



Town Planning Scheme No. 3 (Scheme)

The subject land is zoned 'Residential' under the Scheme and the relevant objectives are:

- *To achieve a high standard of residential development in accordance with contemporary planning and development practice for the benefit of the community.*
- *To enhance the character and amenity of residential areas.*

The design of the outbuilding is considered to be in keeping with the standard of development and overall character in the locality.

Conclusion

The variations sought for the outbuilding are considered minor and unlikely to negatively impact on the adjoining properties. Officers consider the proposal complies with the objectives of the Residential zone in the Scheme and meets the relevant design principle in the R-Codes.

It is considered that the application complies with the requirements of orderly and proper planning, and as such, officers recommend that Council conditionally approve the application.

The *Planning and Development (Local Planning Schemes) Regulations 2015* states that the local government is to be taken to have refused to grant the development approval if it has not made a determination within 60 days of receipt of the application (in this instance being the 15th of November 2021). However the applicant has agreed to an extension of time to allow for the matter to be determined at the 24th of November 2021 Council meeting, and therefore deferring the matter is not recommended

Council Role - Quasi-Judicial.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council approves the Application for Development Approval for an Outbuilding at Lot 118 (No. 20) Hutchinson Road, Burekup subject to the following conditions:

- 1. All development must be carried out in accordance with the approved plans and drawings listed below which form part of this approval, including any amendments to those plans and drawings as shown in red, unless with the written consent of the Shire:**

- **Site Plan, P1 of 3, received on 14 September 2021;**
- **Floor Plan, P2 of 3, received on 14 September 2021; and**
- **Elevations, P3 of 3, received on 14 September 2021**

except that, in the event of an inconsistency between the approved plans and a requirement of the conditions set out below, the requirement of the conditions prevail.

- 2. All stormwater from the approved building(s) and hardstand area(s) must be contained on site at all times, as indicated on the approved plan and in accordance with the Shire's specifications in Council Policy Infr CP060 'Storm water Discharge from Buildings', to the satisfaction of the Shire of Dardanup.**
- 3. The existing outbuilding being demolished within 30 days of the 'Notice of Completion' being submitted to the Shire for the outbuilding the subject of this approval.**

12.2.3 Title: Grouped Dwelling – Lot 5 (No. 37) Weetman Road, Wellington Mill

<i>Reporting Department:</i>	<i>Sustainable Development Directorate</i>
<i>Reporting Officer:</i>	<i>Mr Gareth Webber - Planning Officer</i>
<i>Legislation:</i>	<i>Planning and Development Act 2005</i>
<i>Applicant:</i>	<i>Janine Eriksson on behalf of Judith & Simon Allington</i>
<i>Attachments:</i>	<i>Appendix ORD: 12.2.3A – Development Application Report</i>
	<i>Appendix ORD: 12.2.3B – Development Plans</i>
	<i>Appendix ORD: 12.2.3C – Risk Assessment</i>
	<i>Appendix ORD: 12.2.3D – Clause 67 Table</i>
	<i>Appendix ORD: 12.2.3E – Bushfire Management Plan</i>

Overview

The purpose of this report is for Council to consider approving an application for development approval for a 'Grouped Dwelling' on Lot 5 (No. 37) Weetman Road, Wellington Mill.

The application is seeking a variation to the minimum lot size of 20 hectares required for a grouped dwelling under Council Policy SDev CP100. Officers do not have delegation for determining applications for development approval that proposes to vary Council policy, and therefore this report is presented to Council for determination.

Background

The Shire has received an application for development approval for a 'Grouped Dwelling' on Lot 5 (No. 37) Weetman Road, Wellington Mill. The application is seeking a variation to the minimum lot size of 20 hectares required for a grouped dwelling under Council Policy SDev CP100. The subject site has an area of 13.47 hectares.

The subject site is generally rectangular in shape and is accessed via Weetman Road, an unconstructed cul-de-sac which connects to King Tree Road (a constructed road) to the south. The site is gently undulating with large areas of cleared pasture. The north eastern portion of the site is heavily vegetated, and a line of vegetation runs east-west along the watercourse which feeds into a large dam on the western side of the property.

To the western and northern sides of the site abut state forest. To the south, south west and north east are 'General Farming' zoned properties, and to the south east are 'Small Holding' zoned properties. The surrounding lots are generally developed with single dwellings and used for rural lifestyle and tourism purposes.

Existing development is clustered in the south western corner of the site and includes the original homestead (constructed around 1900), an ancillary dwelling (approved as a 'granny flat' in 1993) as well as a range of ancillary farm buildings, including stables, sheds, cattle yard and water tank.

Location Plan



Proposal

The application proposes to extend the existing two-bedroom, one-bathroom ancillary dwelling and modify the layout to accommodate a five-bedroom, two-bathroom dwelling. The proposed additions will increase the floor area from 72m² to 196m², as well as an additional 69m² alfresco/veranda area. The application also proposes a carport adjacent to the main dwelling with reduced primary street setback from 20m to 5m.

Please refer to [Appendix ORD: 12.2.3A] and [Appendix ORD: 12.2.3B] for details of the application. The outline of the proposal is as follows:

Greater Bunbury Region Scheme	'Rural' zone
Town Planning Scheme No. 3	'General Farming' zone
Structure Plan/Precinct Plan	No
Use Class and Permissibility	'Grouped Dwelling' – Discretionary use
Lot Size	13.47 hectares
Existing Land Use	Single dwelling, ancillary dwelling and rural
State Heritage Register	No
Local Heritage	No
Bushfire Prone Area	Yes

Legal Implications

The applicant has the right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*.

Strategic Community Plan

Strategy 2.3.1 - Delivery of a high level of Development & Regulatory Services that considers the environmental, social and land use planning requirements which meets the diverse community needs. (Service Priority: Flagship)

Environment - None.

Precedents

Council at its meeting held on the 24th of February 2021 (02-21) approved an application for a grouped dwelling on a 14.8 hectare General Farming zoned lot at Lot 3684 (No. 22) South Road, Wellington Mill.

ConsultationPublic Consultation

The application was advertised to the adjoining property to the south west (Lot 4984, No. 25 Weetman Road) for the setback variation for the proposed carport. No response was received from the adjoining landowner.

The grouped dwelling aspect of the proposal did not require consultation with adjoining landowners.

Consultation with Government/Service Agencies

- *Department Fire and Emergency Services (DFES)*

The application was initially referred to DFES for comment, however further assessment and clarification demonstrated that the development was not considered an intensification of land use.

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

The application was referred to DBCA as the lot abuts 'State Forest' under the GBRS. DBCA had no comment on the proposal as it was considered any potential impacts will be appropriately addressed through the existing planning framework.

Budget Implications - None.

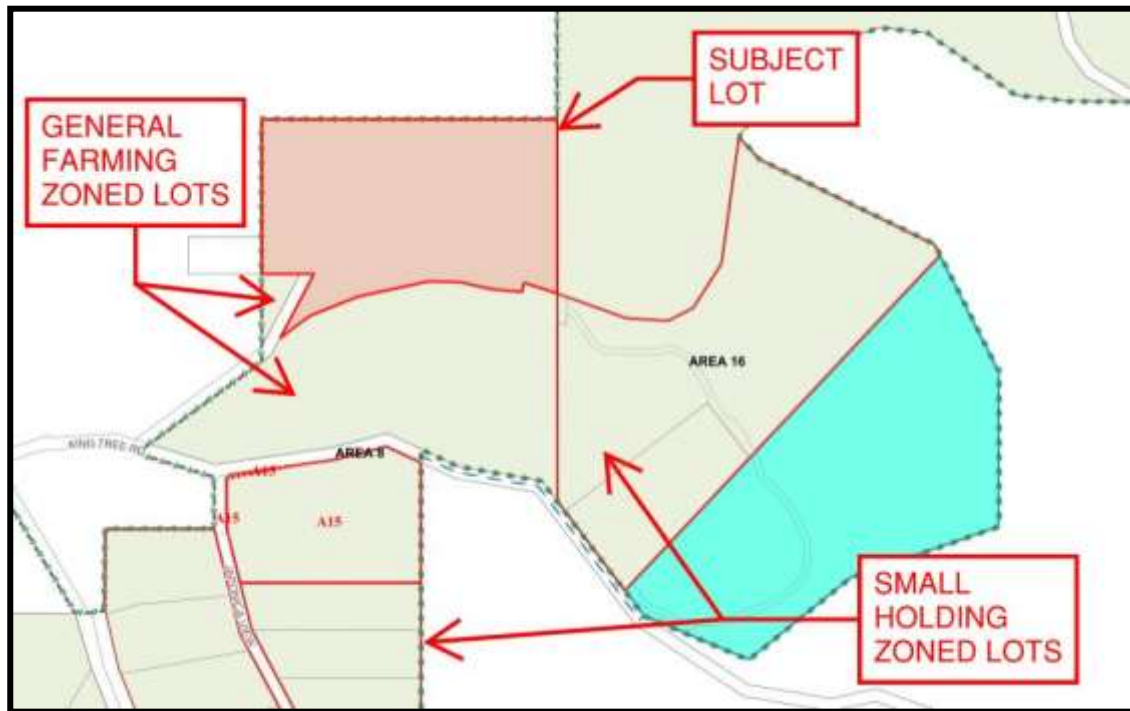
Budget – Whole of Life Cost - None.

Council Policy Compliance

The Shire's Local Planning Policy 'SDev Cp100 – Ancillary Dwellings, Grouped Dwellings and Caretaker's Dwellings – Small Holding and General Farming Zones' provides direction and sets minimum standards with regard to proposals for ancillary dwellings, grouped dwellings and caretaker's dwellings. Under the policy, grouped dwellings in the 'General Farming' zone are not supported on lots under 20 hectares, however a local planning policy can be varied having due regard for the provisions and objectives of the policy.

Although the application does not comply with the policy as the lot is 13.47 hectares, in considering a departure from the policy, the surrounding lot sizes and zoning provide a context in which a variation may be supported.

The surrounding lots are of various sizes that do not necessarily reflect their zoning. To the south west is a ‘General Farming’ zoned lot of 0.37 hectares, to the south is a ‘General Farming’ zoned lot of 14.2 hectares, and to the south east is a ‘Small Holding’ zoned lot of 16.37 hectares as per the map below.



Of note is that the policy does permit a grouped dwelling on land zoned ‘Small Holding’ greater than 2 hectares in area. All of the surrounding lots are used for a number of small agriculture, rural and tourism purposes and (apart from their zoning) form part of the rural character of the immediate locality. It is considered that a grouped dwelling on a lot slightly less than 20 hectares, in the surrounding context of the area, would not adversely impact on the amenity of the locality.

The existing ancillary dwelling to which the extensions are proposed was considered a ‘granny flat’ when first approved in 1993. The dwelling already has two bedrooms and exceeds the current standards for an ancillary dwelling which generally only have one bedroom.

Whilst the proposed extensions are going from two bedrooms to five bedrooms, officers consider that the proposal will not create any additional impact than what is already on-site. It is considered that a grouped dwelling on a lot slightly less than 20 hectares, in the surrounding context of the area, would not adversely impact on the amenity of the locality.

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.

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Grouped Dwelling – Lot 5 (No. 37) Weetman Road, Wellington Mill
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	Financial	Should Council refuse the application, and the proponent seek a review of that decision, there is likely to be a financial impact through the State Administrative Tribunal process.

Officer Comment

The planning framework that the application has been assessed against is as follows:

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

Clause 67 of the Regulations contains a list of matters to be considered by a local government when determining an application for development approval. The relevant matters have been assessed and it considered that the application can be approved with appropriate conditions that will ensure the development complies with the requirements of orderly and proper planning. Please refer to [Appendix ORD: 12.2.3D] for the full assessment document.

Shire of Dardanup Town Planning Scheme No. 3 (Scheme)

The subject land is zoned ‘General Farming’ and the use ‘Grouped Dwelling’ is a discretionary use within this zone. The objectives of the zone are:

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

In addition, the land is located in the ‘Landscape Protection Area’ and in considering applications Council shall have regard to the following matters, which are relevant to this application:

- *Buildings and associated services should be regarded as being secondary to the natural features of the area and should not usually be permitted in visually exposed areas.*
- *Buildings should be set back at least 100m from public roads.*

The proposed additions to the ancillary dwelling are located on the northern side, furthest from the public road. The proposed development is single storey and clustered with the existing development on the lot. Officers note that there is precedent for development of the lot within 100m of the road from buildings that were constructed prior to the gazettal of the Scheme. Officers consider that the proposed development is of a size and scale that will not dominate the landscape and will not result in any significant impact on the visual amenity of the area.

Greater Bunbury Region Scheme (GBRS)

The site abuts State Forest and therefore requires approval under the GBRS. The application was referred to DBCA who had no comments. The Shire has delegation to approve this proposal under the GBRS, as per the officer recommendation.

State Planning Policy – SPP3.7 ‘Planning in Bushfire Prone Areas’

A Bushfire Attack Level (BAL) assessment has been submitted for the proposed extension to the ancillary dwelling which indicates it can achieve a rating of BAL-19. The applicant also provided a Bushfire Management Plan. Please refer to [Appendix ORD: 12.2.3E] for the Plan.

As the application does not propose any additional dwellings (only the extension of an existing ancillary dwelling) it is not considered to result in the intensification of development. The Bushfire Management Plan (BMP) was prepared on this basis and recognises that the proposal does not comply with SPP3.7, however it addresses performance based solutions. A condition requiring implementation and management of bushfire measures is recommended.

Conclusion

Although the application does not comply with Council policy requirements of a 20 hectare minimum lot size for a second dwelling (being only 13.47 hectares), a departure from the policy can be approved by Council and is considered acceptable in this instance given the merits of the application.

All the surrounding lots are of a similar size and used for a number of small agriculture and rural lifestyle purposes which form part of the rural character of the immediate area. An extension to an already existing second dwelling on a lot slightly less than 20 hectares, in this context would not adversely impact on the rural character and amenity of the locality.

It is considered that the application complies with the requirements of orderly and proper planning and as such it is recommended that Council conditionally approve the application.

The *Planning and Development (Local Planning Schemes) Regulations 2015* states that the local government is to be taken to have refused to grant the development approval if it has not made a determination within 90 days of receipt of the application (in this instance being the 28th of November 2021), and therefore deferring the matter is not recommended.

Council Role - Quasi-Judicial.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council approves the Application for Development Approval for a 'Grouped Dwelling' and Carport on Lot 5 (No. 37) Weetman Road, Wellington Mill under the Shire of Dardanup Town Planning Scheme No. 3 and Greater Bunbury Region Scheme, subject to the following conditions:

1. All development must be carried out in accordance with the approved plans and drawings listed below which form part of this approval, including any amendments to those plans and drawings as shown in red, unless with the written consent of the Shire:
 - Site Plan, Sheet Number: A01 (Rev 2), dated 22 July 2021;
 - Site Plan Aerial, Sheet Number: A01a (Rev 2), dated 22 July 2021;
 - Demolition Plan, Sheet Number: A02 (Rev 2), dated 22 July 2021;
 - Floor Plan, Sheet Number: A03 (Rev 2), dated 22 July 2021;
 - Carport Plan, Sheet Number: A04 (Rev 1), dated 22 July 2021;
 - Elevations, Sheet Number: A05 (Rev 2), dated 22 July 2021; and
 - 3D Views, Sheet Number: A06 (Rev 2), dated 22 July 2021

except that, in the event of an inconsistency between the approved plans and a requirement of the conditions set out below, the requirement of the conditions prevail.

2. All stormwater from the approved buildings and hardstand areas must be contained on site at all times, as indicated on the approved plan and in accordance with the Shire's specifications in Council Policy Infr CP060 'Stormwater Discharge from Buildings', to the satisfaction of the Shire of Dardanup.
3. Prior to the approved development commencing, the stormwater management measures on the approved plans must be constructed/implemented, and thereafter all drainage works must be maintained to the satisfaction of the Shire of Dardanup at all times.
4. The landowner/proponent from time to time is responsible to ensure that the development is carried out at all times and in all respects in accordance with the Bushfire Management Plan prepared by Bushfire Prone Planning (Report Version 1.1, Report Date 22nd of October 2021) as lodged with the Shire.

Advice Note:

- *Development is to be connected to an effluent disposal system that is compliant with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974. An increase in bedroom numbers will necessitate review of the adequacy of the existing on-site effluent disposal system and details of the existing system are to be provided with the application for building permit. An upgrade of the existing system may be required.*

12.2.4 Title: Proposed Road Names – Lot 7000 Eaton Drive, Eaton (Bethanie Fields)

Reporting Department:	<i>Sustainable Development Directorate</i>
Reporting Officer:	<i>Mr Gareth Webber - Planning Officer</i>
Legislation:	<i>Land Administration Act 1997</i>
Applicant:	<i>The Bethanie Group Inc.</i>
Attachments:	<i>Appendix ORD: 12.2.4A – Road Name Plan Appendix ORD: 12.2.4B – Risk Assessment Appendix ORD: 12.2.4C – Request from Bethanie Group Inc.</i>

Overview

The purpose of this report is for Council to consider approving internal road names within Bethanie Fields retirement village at Lot 7000 (No. 111) Eaton Drive, Eaton.

Background

A request has been received from The Bethanie Group Inc. seeking approval for the following road names within the Bethanie Fields retirement village:

- Blackwood Drive;
- Brookhampton Grange;
- Crenden Cove;
- Glentana Ramble;
- Louden Chase;
- Marybrook Way;
- Newlands Avenue; and
- Tren Creek View

Please refer to [Appendix ORD: 12.2.4A] for the road name plan. The internal road names have been in use since Bethanie Fields was completed approximately 15 years ago, however formal approval by the Council and endorsement from Geographic Names Committee was never received. Due to concerns with potential delayed response by emergency services, formal approval of the road names is being sought.

Location Plan



Legal Implications

Landgate is responsible under the *Land Administration Act 1997* for the final approval of road names. The local government must approve road names and then forward them to the Minister for Lands for final approval.

Strategic Community Plan

Strategy 2.3.1 - Delivery of a high level of Development & Regulatory Services that considers the environmental, social and land use planning requirements which meets the diverse community needs. (Service Priority: Flagship)

Environment - None.

Precedents

Council at its meetings held on the 22nd of July 2009 [243-09] and the 17th of April 2019 [89-19] approved a number of road names for use within The Bethanie Group Inc's other lifestyle village within Eaton, Bethanie Esprit.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to [Appendix ORD: 12.2.4B] for full assessment document.

TIER 2 – 'Low' or 'Moderate' Inherent Risk.	
Risk Event	Road names not approved.
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	Service Interruption If the road names were not approved the provisions of emergency service responders, utilities and postal deliveries would be compromised.

Officer Comment

The existing road names require formal approval before they can be applied to mapping services which will in turn assist emergency services to access the retirement village. All road name applications, whether they are for public or private roads must be submitted by the relevant local government authority to Landgate for final approval, and therefore Council's endorsement of the names is required.

A number of the road names did not pass Landgate's preliminary validation due to duplication within adjoining local government areas. However, Landgate advised that they would treat the request as an exemption as the road names have been in use since Bethanie Fields was constructed approximately 15 years ago. Therefore, officers consider the road names are appropriate due to their established use within the retirement village.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council approves the use of the road names 'Blackwood Drive', 'Brookhampton Grange', 'Crenden Cove', 'Glentana Ramble', 'Louden Chase', 'Marybrooke Way', 'Newlands Avenue' and 'Tren Creek View' as indicated on the plan [Appendix ORD: 12.2.4A].

12.2.5 Title: Additional Income and Expenditure: Enlighten

<i>Reporting Department:</i>	<i>Sustainable Development Directorate</i>
<i>Reporting Officer:</i>	<i>Ms Lucy Owen-Conway – Manager Place and Community Engagement</i>
<i>Legislation:</i>	<i>Local Government Act 1995</i>
<i>Attachments:</i>	<i>Appendix ORD: 12.2.5A – Lotterywest Grant Application Approval Letter</i> <i>Appendix ORD: 12.2.5B – Risk Assessment</i> <i>Appendix ORD: 12.2.5C – Enlighten Letter of Support</i>

Overview

The purpose of this report is for Council to consider the unbudgeted income and expenditure as a result of the successful application to Lotterywest for the inaugural *Enlighten* public art event.

Background

At its meeting held on the 16th of December 2020, Council endorsed the Place and Community Plan 2020 – 2030 (Plan) (349-20). This Plan has since shaped the priority projects, events and programs delivered by the Place and Community Engagement team.

Enlighten is a new event developed directly in response to needs identified through the Plan. Specifically, it is designed to address the following actions:

- To encourage lifelong learning, resilience, and the sharing of knowledge;
- To provide events, programs and services that are accessible, inclusive and encourage cultural awareness and diversity;
- To improve community access to the arts;
- To deliver and support a calendar of Shire-wide events and programs that appeal to diverse demographics;
- To deliver and encourage place-based activities and events that activate spaces and promote connectedness;
- To acknowledge and celebrate our culture and diversity of Places through public art;
- To tell community stories through creative mediums and arts development;
- To support the growth of tourism through events.

Enlighten is a new creative event developed by Shire of Dardanup Officers. To be held on the 19th and 20th of March 2022, this will be the first year of the inclusive and immersive digital art installation designed to engage the whole community in co-contribution and skills development for young people. The event, located at the new Eaton Skate Park, will present an opportunity for creative expression through an exploration of new digital technologies, including animation and projection, to tell the stories of our community. The 2022 edition of the event will focus on mental health messaging.

The Shire has been successful in securing a \$20,000 grant through Lotterywest which will enable the inaugural event to take place [Appendix ORD: 12.2.5A]. Council is requested to consider accepting the additional income and expenditure in support of this new event concept.

Legal Implications

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

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.
- * Absolute majority required.
- (1a) In subsection (1) —
additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.
- (2) Where expenditure has been incurred by a local government —
- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
 - (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

Local Government Act 1995 -

S6.10. Financial Management Regulations

Regulations may provide for —

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

Local Government (Financial Management) Regulations 1996

R11. Payments, procedures for making etc.

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

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

The Shire of Dardanup will be responsible for meeting the obligations imposed under the grant agreement and acquitting the funds.

Strategic Community Plan

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

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

Strategy 3.2.1 - Deliver a high level of Community Programmes & Services that encourages social connectedness, facilitates an accessible, inclusive environment for our diverse community. (Service Priority: Very High)

Environment - None.

Precedents - None.

Budget Implications

The adopted Annual Budget includes \$60,000 for Events & Festivals (J11901) of which \$29,000 has been allocated to *Enlighten*. This includes the amount previously allocated to the *Walk on the Wildside* event which is proposed to discontinue in 2022 due to insufficient staff and financial resources to deliver both events. *Enlighten* has been prioritised as it meets more of the outcomes of the Strategic Community Plan and Place and Community Plan 2020 – 2030, and has considerable scope to grow over time into an event of regional significance.

Council has been successful in receiving \$20,000 in funding from Lotterywest in support of *Enlighten*. The Events & Festival budget will therefore be increased by \$20,000 should Council approve the additional expenditure; with a revenue increase of \$20,000 in GL 11 2 9502 Grants Revenue - Other Culture.

The combined budget for *Enlighten* will therefore be \$49,000 which will allow the core components of the event to take place including:

- project management;
- design, development and logistics;
- community engagement and workshops;
- art and animation team;
- equipment hire and freight;
- installation labour onsite;
- event logistics onsite including security, generators, traffic management;
- marketing and promotions.

An additional grant has been submitted to the Regional and Remote Festivals Fund to support the enhancement components of the event. If successful this will include other light-based interactive components and a launch event featuring illuminated outdoor entertainment space, musicians and food trucks. An outcome is expected in late November and a separate report will be brought to Council should this funding be secured.

Budget – Whole of Life Cost - None.

Council Policy Compliance - CnG CP034 – Procurement Policy.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to [Appendix ORD: 12.2.5B] for full assessment document.

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Unbudgeted Income and Expenditure: Enlighten
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	Service Interruption Failure to accept income and expenditure will result in event not proceeding.
	Reputational Missed opportunity to promote the Shire and attract visitation if the event does not proceed.

Officer Comment

The *Enlighten* installation will breathe life into the concrete walls of the newly built Eaton Skate Park through the creation of a vibrant, temporary multi-media animation and projection artwork. The event will spark the curiosity of the community and provide a free and accessible creative environment that encourages contribution, learning and self-expression. Importantly, Enlighten 2022's mental health theme will provide an opportunity for the community explore current mental health issues and foster conversation via a creative medium.

The project will commence in January 2022 where remote community engagement will invite community members, groups, and schools to contribute their ideas, art and photos. In the days leading up to the event an in-person workshop will be delivered by professional animation, digital media and video specialists, with experience in training young people. The four-hour workshops will provide an exciting taste of using technology including drawing tools on the iPad to create stop motion animation and, at the advanced level, simple animation key-framing on laptop. After the workshops, the facilitators will collate the contributions and prepare them for presentation within the projections. The contributions will be combined with community images and other animations to create an eclectic, vibrant array of contributions representing the diversity of the Dardanup community. The final stage of the animation will be assembling the contributions into the projection system installed temporarily at the Skate Park.

The event to be held over two nights, will bring together artwork, drawings and moving images made in the workshops, with exciting projections to wrap over the sculptural forms of the skate park, turning it into a digital landscape. The visual media created by workshop participants and the animation coordinators and presenters, will have a strong resonance for local people. The projection will feature local photos and scenes, playfully interspersed with animation and text by community collaborators, plus vibrant digital designs by professional animators to enhance the experience. This will give local audiences a taste of the possibilities of digital art forms.

The Shire has undertaken an RFQ process in-line with the Procurement Policy and will engage Illuminart Australia, an arts and technology collective established in 2007. Illuminart have delivered regional and urban collaborations in WA, SA, NSW and Queensland. Their work has been recognised with many national awards.

The future vision is for a multi-day evening event that encourages visitors to enjoy travelling to the urban and natural environment around the shire to experience free, temporary public art light-based installations which weaves stories, connecting culture and the heritage of the shire.

A digital and immersive event such as this is unique to the South West region and presents an opportunity to develop an iconic regional arts-based event that the region has never before seen. This is a great opportunity to expose the community and visitors to new art forms, generate interest and an exploration of the arts, while telling the unique stories of our community. The concept has gained the support of the Eaton Advisory Group, local business and Australia's South West with CEO Catrin Allsop commenting "ASW has strong support of their application, and we congratulate the Shire of Dardanup on their efforts in introducing and planning this visionary event within the Bunbury Geopraphe region." [Appendix ORD: 12.2.5C].

Officers therefore recommend that the unbudgeted income and expenditure be authorised to enable this exciting new event to take place.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council:

- 1. Acknowledges and authorises additional grant income (Ref GL 11 2 9502 in the 2021-2022 Annual Budget) of \$20,000 (GST exclusive) from Lotterywest for the 'Enlighten' event.**
- 2. Authorises additional expenditure (Ref J11901) in the 2021-2022 Annual Budget of \$20,000 (GST exclusive) for the for the 'Enlighten' event.**

12.3 INFRASTRUCTURE DIRECTORATE REPORTS

12.3.1 Title: Playground Renewals 2021-22 – Lofthouse Park and Cadell Park

<i>Reporting Department:</i>	<i>Infrastructure Directorate</i>
<i>Reporting Officer:</i>	<i>Mrs Vicki Pretorius – Landscape Design Officer</i>
<i>Legislation:</i>	<i>Local Government Act 1995</i>
<i>Attachments:</i>	<i>Appendix ORD: 12.3.1A – Playgrounds consultation report</i> <i>Appendix ORD: 12.3.1B – Scope for playground renewals 2021-22</i> <i>Appendix ORD: 12.3.1C – Risk Assessment Tool</i>

Overview

Council has committed funds to the renewal of the existing playgrounds in Lofthouse Park (Eaton) and Cadell Park (Millbridge) in the 2021-22 Annual Budget, as the equipment in these playgrounds is aged and now scheduled for replacement. Community consultation was undertaken to determine the community's preferences for both of the playground renewals. Council is asked to consider the outcomes of the community engagement and to endorse the scope of works for delivery of these projects.

Background

As part of the Shire's asset management program, the following funds have been allocated in the 2021-22 budget for the renewal of the existing playground equipment in Lofthouse Park and Cadell Park:

- Lofthouse Park \$76,710
- Cadell Park \$88,130
- Cadell Park also has an allocation of \$38,689 in the 2021-22 budget for shade sails, which will be included in the scope to ensure that the new equipment and shade sails tie in together.

The Community Engagement Report details the outcomes from the public consultation, which ran for a period of nearly four weeks from the 3rd of June 2021 to the 30th of June 2021. This consultation was undertaken as a combined engagement to seek the community's input to the renewal projects for both playgrounds. The community engagement outcomes report is included in [Appendix ORD: 12.3.1A].

Council is requested to consider the outcomes of the consultations and to endorse the projects' scope of works, which is included at [Appendix ORD: 12.3.1B].

Legal Implications - None.

Strategic Community Plan

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

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

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

Environment - None.

Precedents

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

- Peninsula Lakes Park – following a community engagement process, the draft park master plan was amended based on community feedback, before being presented to Council as the final master plan. This amended plan was endorsed by Council on the 30th of June 2021 [CR: 187-21].
- Watson Reserve – following a community engagement process, the draft park master plan was amended based on community feedback, before being presented to Council as the final master plan. This amended plan was endorsed by Council on the 26th of May 2021 [CR: 149-21].

Budget Implications

The following is the overall budget allocation for current financial year for improvements at Lofthouse Park:

J11575 – Lofthouse Park

- Renew play structure and install dog watering fountain (2021/22) \$82,710.
- The playground renewal component of this is \$76,710.
- The project does not include park lighting renewal (\$21,900) which is being delivered by the Shire separately.

The following is the overall budget allocation for current financial year improvements at Cadell Park:

J11649 – Cadell Park

- Renew play structure & soft-fall, renew 2 x bin surrounds and upgrade shade sail (2021/22) \$126,819.
- The playground renewal component of this is \$88,130.
- The shade sail component of this is \$38,689.
- The project includes the shade sails to ensure the playground design and shade sail poles are appropriately-positioned.

Budget – Whole of Life Cost

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

Council Policy Compliance

Council Policy CP090 – *Community Engagement and the Community Engagement Framework* is applicable to planning and design projects such as the playground renewals projects. In accordance with this policy, the community was consulted through an online engagement process in 2021. For details of this process and outcomes please refer to the community engagement report at [Appendix ORD: 12.3.1A].

In accordance with the Shire of Dardanup Procurement Policy (CnG CP034), Council delegates authority to the Chief Executive Officer to call, evaluate and accept tenders up to \$200,000 (Delegation 1.2.23) and to purchase goods and services (Delegation 1.2.16):

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

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to [Appendix ORD: 12.3.1C] for full assessment document.

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Playground Renewals 2021-22 – Lofthouse Reserve and Cadell Park
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	Reputational Negative perception of the Shire if projects are not programmed to meet Community needs



Officer Comment

The community was asked to provide input to the renewal projects for both Lofthouse Park and Cadell Park. This was undertaken through a social pinpoint based online ‘ideas wall’ which allowed members of the public to list ideas and vote ideas ‘up’ or ‘down.’ The most popular ideas have been shown below and subsequently included in the scope document.

The projects are proposed to be delivered through a ‘Request for Tender’ (RFT) process as a combined ‘Design and Construct’ package to address the different product ranges that various playground equipment suppliers can offer. It is recommended to include the available budget amounts for each playground to ensure that all proposals received are realistic, in order that false community expectations are not created. Without providing prospective suppliers with budgets, the Shire is likely to receive proposals and associated prices that are unaffordable within the current project budgets.

Once the tender period closes, the tender review panel will evaluate all submissions received to ensure that the recommended supplier will deliver playgrounds that meet the community’s expectations (as expressed during the community consultation process) and also with the available project budgets.

The following is a summary of existing inclusions and features in both of the playgrounds.

PLAYGROUND UPGRADES 2021-22	
Lofthouse Park, Eaton	Cadell Park, Millbridge
	
<p>(Note that the above image shows the playground with shade sails taken down, see below for image with shade sails in position)</p>	
	

PLAYGROUND UPGRADES 2021-22	
Lofthouse Park, Eaton	Cadell Park, Millbridge
Current features:	Current features:
Playground surround – blockwork set in turf area, not currently connected to pathway	Playground surround – blockwork surrounded on all sides by pathway
Existing softfall – sand. Not wheelchair accessible	Existing softfall – sand. Not wheelchair accessible
Existing play equipment <ul style="list-style-type: none"> • Combination adventure play structure (mostly metal, plastic) including raised platforms, ladder, tunnel, spiral slide, wavy slide, ramps (not currently connected to pathway), a ‘fort’, plus upper body activities including monkey bars and rungs • Swing • Carousel • Sand digger • Rockers – 1 seesaw style, 2 small 	Existing play equipment <ul style="list-style-type: none"> • Combination adventure play structure (mostly timber, rope, rubber conveyor belting) including raised platforms, climbing features, wooden ‘tunnel’ features, steps, rope bridge, double slide, wobbly bridge made of conveyor belting
From the above, and based on outcomes of the community engagement process, the recommendations for inclusion in the scope are:	
Lofthouse Park	Cadell Park
An all-ages playground including features for 0-4 and 5-12 in current renewal.	An all-ages playground including features for under 5’s as well as 5-12’s in current renewal projects.
Focus on most popular elements / functions... subject to budget, and summarised as follows: <ul style="list-style-type: none"> • Climbing features (including ramps) • Swings • Spinners • Balancing features / bridges • Slides • Digging * * Note – sand softfall can provide a ‘digging’ experience.	Focus on most popular elements / functions... subject to budget: <ul style="list-style-type: none"> • Swings • Features for younger children • Climbing, balancing • Platforms, steps • Slides • Maze or other ‘unique feature’ (subject to budget and space restraints)
Although nature play has emerged as a popular theme in comments and voting, it is not recommended for Lofthouse Park as there is a nature playground at Eaton Foreshore and such playgrounds have higher maintenance implications. It is suggested that robust, colourful but still unique play equipment that caters to the community’s second theme preference for ‘sensory / imaginative play’ be pursued instead. This will also give a visual ‘lift’ to the park and help to create a fun space for young people. Proposed theme: ‘fun and adventure’ with pops of bright colour. Should ideally match or be complementary to existing shade sail primary colours (red, blue, green, and yellow) and fit within the existing playground surround, as there is insufficient budget to amend this at the present time.	Trampolines or parkour features (suggested) are not recommend for Cadell Park as these are included in the master plan for Peninsula Lakes Park, which is located fairly close by (it is desirable to avoid duplication).
For digging – recommend retaining some sand softfall area.’	Many comments suggested that people liked Cadell Park playground and would like a similar type of replacement, but adding a swing and some more features for younger children.’
	For Cadell Park, the design should allow for shade sail poles to be positioned as part of the overall design. This should form part of the scope of works.

PLAYGROUND UPGRADES 2021-22
<p>General</p> <p>The design layout for each playground should provide opportunities for future improved accessibility in line with the Shire’s Disability Access and Inclusion Plan, including:</p> <ul style="list-style-type: none"> • At least some of the equipment should be accessible and inclusive, providing opportunities to people of all abilities; • At least one design option should include provision within the budget for accessible surfacing such as wet pour rubber, rubber tiles or alternative fully accessible softfall surfacing (note that this is not budgeted for so does not currently form part of the scope for equipment renewals); • Each layout should nominate a future ‘access gap’ in the existing surround to allow for people in wheelchairs / using walking aid devices to enter the playground area; • For Lofthouse Park, this access gap should be either to the far western (preferable) or northern edge of the existing playground surround, so that any future link path constructed is as short as possible; and • For Lofthouse Park, consideration to the positioning of existing shade sails and posts should be considered. Any new play equipment proposed will need to work around existing shade sail poles.

In line with principles of facilities provision for Open Space, it is desirable to avoid duplication of features that may be included in other nearby playgrounds. Popular features in children’s playgrounds can be included in the playground renewal designs, however should not be identical and ideally some variation in what is offered – in terms of equipment and theme – is desirable.

PLAY FACILITIES CLOSEST TO LOFTHOUSE PARK	PLAY FACILITIES CLOSEST TO CADELL PARK
<p>The nearest publicly accessible playground is at Glen Huon Reserve in Eaton (1204 metres walking distance away), which includes:</p> <ul style="list-style-type: none"> • Large combination adventure play structure • Boat themed rocker • Accessible carousel (with rubber softfall) • Large basket style swing (tripod frame) • Various smaller play items 	<p>The nearest publicly accessible playground is at Hunter Park in northern Millbridge (440 metres walking distance away), which includes:</p> <ul style="list-style-type: none"> • Modern style play equipment theme • Sand softfall only, no rubber softfall • Climbers x 2, spinner, rocker, swing
<p>The second closest playground to Lofthouse Park is at Colin Spragg playground at Eaton Foreshore (1590 metres walking distance away), which includes:</p> <ul style="list-style-type: none"> • Nature play / adventure theme • Sections of accessible rubber surfacing • Tall climbing tower, rope bridges/tunnels, small slide in grassed mound with stepped log, birds nest basket style swing on A frame, music play (note however that xylophone beater is usually missing), accessible spinner, interactive electronic ‘fitness’ style play equipment, nature play creek bed with rocks, mulch and planting • Flying fox 	<p>The second closest playground to Cadell Park is at Peninsula Lakes Park (620m walking distance away), which includes:</p> <ul style="list-style-type: none"> • Rope adventure climbing structure (ages 5-12+) including pommels, climbing nets, hammock, balancing features, rungs, tunnel • Elevated pirate’s nest climbing fort • Carousel spinner (designed to be accessible, but no accessible surfacing currently installed) • 2 x rockers • Basket style spinning swing • Rocks for balancing (temporary position, to be repositioned once additional equipment for younger children is installed) • Open area for future proposed installation of additional equipment suited to younger children (recommend to include a smaller slide)

In addition to suggestions towards the playground renewals projects, the community engagement process identified additional community suggestions for improvements to other park facilities. These are not able to be accommodated within the current playground renewal budget however it is recommended that these be taken into consideration in the planning for future upgrades for these parks, and that these be assessed for feasibility prior to inclusion in any future park master plans or discrete improvement projects. Should additional funding be secured then it might be possible to bring forward some of these ideas for implementation. For further details, please refer to the community engagement outcomes report included in [Appendix ORD: 12.3.1A].

Council Role - Review.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council:

1. **Receives the results of the community engagement, as documented in [Appendix ORD: 12.3.1A];**
2. **Endorses the playground renewal scope of works for each park as included in [Appendix ORD: 12.3.1B], elements listed below:**
 - a) **Lofthouse Park – playground to cater to all ages, including ages under 5 and ages 5-12, and provide the following play opportunities: climbing, swinging, spinning, balancing, sliding, digging;**
 - b) **Cadell Park – playground to cater to all ages, including ages under 5 and ages 5-12, and provide the following play opportunities: swinging, features for younger children, climbing, balancing (including platforms), stepping, sliding, plus a maze or other ‘unique feature’ if feasible within budget; and**
3. **Authorises the Chief Executive Officer to call tenders for the delivery of the Lofthouse Park and Cadell Park playground renewals and improvement projects as a ‘Design and Construct’ package, providing the available budgets to the tenderers, including the selection and appointment of the successful tenderer where the value does not exceed the delegated limit of \$200,000.**

12.3.2 Title: Allocation of Funds – Alexander Poad Bequest

Reporting Department:	Infrastructure Directorate
Reporting Officer:	Mr James Reilly - Project Engineer
Legislation:	Local Government Act 1995
Attachments:	Appendix ORD: 12.3.2 – Risk Assessment

Overview

Council is requested to consider the correspondence received from the Australian Red Cross and their subsequent request for the direction of funds from the Alexander Poad Bequest.

Background

On the 21st of October 2020, the Shire of Dardanup received notice from the Dardanup Unit of the Australian Red Cross giving direction as to how the funds should be utilised as follows:

- Dardanup Red Cross funds of \$60,000 be allocated to the new Dardanup Central Fire Brigade Building.
- The balance of \$30,000 (plus any interest that has accrued) to be held in Trust by the Shire for future consideration by Red Cross in consultation with the Shire.

With the project now nearing completion the Shire of Dardanup formally requested the balance of \$30,000.00 (plus any interest that has accrued) be allocated to the new Dardanup Bushfire Brigade facility.

During construction additional costs have been claimed by the builder that were outside the original scope of works but are necessary to ensure the Bushfire Brigade facility is fully operational and fit for purpose.

Legal Implications

In 2016 an Agreement was signed by the Shire of Dardanup and Red Cross, which outlined the terms of the bequest. It states as follows:

Clause 1(c):

The sum of \$90,000 is to be paid to the Shire and allocated to the Dardanup Central Fire Brigade for the refurbishment of the fire station premises. This will involve external extension including an extra bay for a second vehicle as well as internal refurbishment to include showers, toilet (with disabled access) and a meeting room to be used for workshops/education. This will also include a plaque acknowledging Mr Poad as well as Red Cross – subject to all necessary approvals being obtained.

Clause 4:

The Shire must oversee the application of the Dardanup Share to ensure it is used for the purposes set out in clause 1. Once the Dardanup Share has been paid to the Shire by Red Cross, Red Cross will have no further responsibility to oversee the application of those moneys by the Shire.

Strategic Community Plan

Strategy 4.1.4 - Facilitate the provision of essential services and infrastructure to support the growing community and local economy. (Service Priority: High)
 Strategy 3.4.2 - Maintain appropriate emergency services and planning. (Service Priority: Very High)

Environment - None.

Precedents - None.

Budget Implications

The \$30,000 plus interest from the Alexander Poad Bequest is to be added to the project budget income. The project budget expenditure does not need to be increased.

Budget – Whole of Life Cost

Below is a snap shot of the current status of the new Dardanup Central Bushfire Brigade Building budget and forecast expenditure:

Budget	
LGGS Capital Grant - building	\$450,000
LGGS Capital Grant – water tank	\$20,467
Portion of bequeathed estate (Mr Poad)	\$60,000
Shire contribution	\$43,941
Total Current Budget Allocated	\$574,408
Expenditure	
Contract preliminaries	\$4,662
Building Contract	\$534,100
Building Contract – Variations to Date	\$24,681
Additional plumbing for water tank	\$7,776
Fitout (provisional sum)	\$30,000
Total Forecast Expenditure	\$601,219
Shortfall	\$26,811

Council Policy Compliance - SDev CP090 – Community Engagement.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to [Appendix ORD: 12.3.2] for full assessment document.

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Allocation of Funds – Alexander Poad Bequest
Inherent Risk Rating (prior to treatment or control)	Moderate (5 - 11)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	Financial The loss of additional funding for the project
	Reputational The potential of legal action against Council for not utilising the funds as requested by the Red Cross

Officer Comment

The Agreement signed by Shire of Dardanup and the Australian Red Cross Society in June 2016 clearly states in Clause 4 that *the Shire must oversee the application of the Dardanup Share to ensure it is used for the purposes set out in clause 1. Once the Dardanup Share has been paid to the Shire by Red Cross, Red Cross will have no further responsibility to oversee the application of those moneys by the Shire.*

On the 20th of October 2021 staff met with The Dardanup Red Cross Members to discuss the remaining \$30,000 plus interest of the funds bequeathed by Mr Alex Poad through the Red Cross, and held by the Shire in trust.

It was discussed and agreed that the funds be used by the Shire to complete the New Dardanup Centrals Bushfire Brigade building and fit out in consultation with the Brigade including the following additional items requested:

- An Honour Board to be named the Alex Poad Honour Board;
- A cabinet within the training room;
- Landscaping around the building;
- A barbecue; and
- Some outside furniture.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION**THAT Council**

1. **Allocates \$30,000 plus any interest to the New Dardanup Central Bushfire Brigade building project income.**
2. **Notes the following additional elements to be included in the building as part of the Red Cross and Dardanup Central Bush Fire Brigade requests;**
 - **An Honour Board to be named the Alex Poad Honour Board;**
 - **A cabinet within the training room;**
 - **Landscaping around the building;**
 - **A barbecue; and**
 - **Some outside furniture.**
3. **Thanks the Dardanup Red Cross for their continued contribution to the community and support towards this project.**

12.3.3 Title: Request for Closure of Thoroughfare on Panizza Road – Public Submissions

<i>Reporting Department:</i>	<i>Infrastructure Directorate</i>
<i>Reporting Officer:</i>	<i>Mr Nathan Ryder - Manager Infrastructure Planning & Design</i>
<i>Legislation:</i>	<i>Local Government Act 1995</i>
<i>Attachments:</i>	<i>Appendix ORD: 12.3.3A – Risk Assessment</i> <i>Appendix ORD: 12.3.3B – Submissions Table</i> <i>Appendix ORD: 12.3.3C – Traffic Data</i>

Overview

Public comment has been sought on the proposal to close the thoroughfare on Panizza Road. The submission period has closed and therefore the matter is brought back to Council for further consideration.

Background

At the Ordinary Council Meeting held on the 26th of May 2021, Council resolved the following (Res: 143-21):

“THAT Council:

- 1. Authorises the Chief Executive Officer to seek public comment on the proposal to close the thoroughfare on Panizza Road by advertising the proposal and notifying affected residents in accordance with Section 3.50 of the Local Government Act 1995.*
- 2. Requests that once public comments have been received, the matter, together with public comments, is reported back to Council for further consideration and final deliberation.”*

The proposal to close the thoroughfare was advertised publically from the 21st of July 2021 with the submission period closing on the 11th of August 2021. In addition, traffic counters were placed on the road to obtain data and this information is also presented.

The matter is now brought back to Council for further consideration.

Legal Implications

Closure of a thoroughfare needs to be in accordance with the Local Government Act 1995 Section 3.50 – Closing Certain Thoroughfares to Vehicles.

Strategic Community Plan

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

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

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

Environment

Closure of the road would reduce traffic and thus the amount of dust generated from the gravel section of the road.

If the gravel section of the road was upgraded to a sealed road with proper road drainage, it would require the removal of some native vegetation to accommodate an increase in formation width. It is considered that it may be challenging to obtain approvals from DWER to clear the native vegetation in this area due to the alleged presence in part of Threatened Ecological Community (TEC), however, it remains unknown if approval could be obtained until the environmental impact of a road upgrade is fully defined and its feasibility assessed.

Precedents

At the Ordinary Council Meeting on the 12th of March 2008 the following resolution (43-08) was made by Council on a similar request to close thoroughfare on Panizza Road:

“THAT Council resolves to not proceed with the closure of thoroughfare to vehicles on Panizza Road and notifies Mr Parry of Panizza Road and other persons, who have responded to the advertisement, of the decision of Council.”

A similar request was also not supported by the Council in 1998.

Budget Implications

The cost for construction and sealing of the gravel section of the road has been previously advised to Council that it may cost in the order of \$200,000 to \$250,000. This work would involve clearing of native vegetation and earthworks to raise the road for drainage purposes. However, a full survey, design and environmental assessment is required in order to place confidence in the feasibility and cost estimate to upgrade the road.

Budget – Whole of Life Cost

The closure of thoroughfare on the road would reduce the ongoing maintenance costs associated with maintenance grading of the gravel section. It would also reduce the damage caused by trucks and other vehicles to the sealed section – such as edge breaks and shoulder wear resulting from vehicles passing each other and encroaching on the edges.

The maintenance cost reduction is maximised if the closure is positioned at the Banksia Road end. This would reduce the number of vehicles driving on the gravel section as access to the road would be limited to the Crooked Brook Road end.

Sealing the gravel section of road would require ongoing reseals (typically scheduled every 20 years), shoulder maintenance, defect repairs and edge repairs.

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: 12.3.3A] for full assessment document.

TIER 3 – ‘High’ or ‘Extreme’ Inherent Risk.		
Risk Event	Request for Closure of Thoroughfare on Panizza Road	
Inherent Risk Rating (prior to treatment or control)	High (12 - 19)	
Risk Action Plan (treatment or controls proposed)	<ul style="list-style-type: none"> • Closure of thoroughfare (physical barrier) • Public notice of closure, advising emergency services of changes and they will remap routes • Closure of thoroughfare (physical barrier) – eliminates need for compliance and opportunities for non-compliance. • Closure of thoroughfare (physical barrier) – eliminates need for compliance and opportunities for non-compliance. • Road closure to be implemented as an alternative to road upgrade 	
Residual Risk Rating (after treatment or controls)	<ul style="list-style-type: none"> • Low (1 - 4) • Not required. • Moderation (5-11) • Low (1 - 4) • Low (1 - 4) • Low (1 - 4) 	
Risk Category Assessed Against	Financial Impact	Impact to businesses due to closure of thoroughfare and the need to travel via another route.
	Health	Impact of dust generated from the road because of vehicles using this road as through route to waste precinct.
	Service Interruption	Emergency services impacted by the closure.
	Legal and Compliance	Policing problems if the closure is limited to certain classes of vehicles or road is left open and truck that should not be using the road are still using the road.
	Reputational	Complaints received regarding lack of compliance.
	Environment	Tree clearing required for sealing works results in loss of habitat.

Officer Comment

The proposal to close the thoroughfare on Panizza Road was initiated via correspondence from Mr Mark Panizza, received by the Shire on the 9th of April 2021.

The correspondence stated Mr Panizza’s concerns, which are summarised as follows:

- The road is being used by trucks and other vehicles accessing the Banksia Road area;
- Vehicles using the road are generating excessive dust, thus affecting the adjoining residences;
- The bridge at the intersection of Panizza Road and Crooked Brook Road is damaged;
- The upkeep of the unsealed section of the road would be excessive due to the number of vehicles using the road; and
- If the road is not closed then road should be fully sealed.



Previous requests to close the road have formally come to Council's attention in 2008 and also in 1998.

Following Council Resolution (143-21) at the Ordinary Council Meeting held on the 26th of May 2021, public comment was sought on the proposal to close the thoroughfare on Panizza Road. Public notices were advertised, affected residents were issued with letters, and comments were sought from authorities and other relevant stakeholders. The submission period closed on the 11th of August 2021.

A number of submissions were received, some in favour, some against, some neutral, and some submissions were received after the closing date. All submissions were considered and a Submissions Table is included in [Appendix ORD: 12.3.3B] together with Officer Comment against each submission.

In summary, there were:

- 6 submissions that did not object or were neutral;
- 7 submissions supporting closure of the road; and
- 12 objections to closing the road.

Six of the seven supporters for closing the road resided on Panizza Road. One objector resided on Panizza Road and another had financial interest in properties on the road.

A number of common themes or concerns can be observed in the submissions that were received:

- If the road is closed:
 - Increased travel time by using other routes;
 - Traffic to landfill site (trucks going through the town site instead);
 - Road safety concerns (pressure on other roads that would be used as alternative route);
 - Exclusive/inequitable use of road by property owners on Panizza Road;
- If the road remains open
 - Road safety concerns (traffic volume and speed);
 - Traffic to landfill site (volume of trucks)
- Whether the road is open or closed:
 - Bushfire safety concerns (ensuring access is maintained in a bushfire emergency);

In relation to bush fire safety concerns, the following feedback was obtained from the Dardanup Volunteer Bush Fire Brigade:

- If Council went ahead with the closure of Panizza Road it would affect their ability to attend fires and to obtain water; and

- If the road was closed, a gate of some description should be installed with a padlock they can access it in emergencies.

As per the report to Council on the 26th May 2021, Officers arranged to place traffic classifiers on the road in order to obtain current traffic data and inform Council on the volumes and types of vehicles using the road. Traffic counters were placed on the road over a three-week period in June 2021.

The full results of the vehicle counts are contained in [Appendix ORD: 12.3.3C], summarised herewith:

	VEHICLE DAILY AVERAGE	DAILY AVERAGE ON WEEKDAYS	DAILY AVERAGE ON WEEKENDS	AVERAGE PER WEEK
Light Vehicles (Class 1-2)	42	46	33	295
Medium Vehicles (Class 3-5)	20	25	9	141
Heavy Vehicles (Class 6-12)	2	3	2	17
All Vehicles	64	74	44	453

Vehicle classes:

Class 1-2: Short vehicle up to short vehicle towing a trailer or caravan

Class 3-5: Rigid chassis trucks (includes rubbish trucks)

Class 6-12: Truck with trailer up to triple road train

Based on the traffic data, Panizza Road would be classified as a low volume road. Approximately two thirds of traffic were light vehicles, with a higher percentage on the weekend. Approximately one third were medium vehicles, which would include rubbish trucks, with a lower percentage on the weekend. Less than 5% of vehicles on the road were classified as heavy vehicles.

Going forward, the options for this road to address the concerns raised by Mr M Panizza were listed and discussed in some detail in the previous report to Council on the 26th of May 2021:

- Option 1: Include the sealing of the road in the Shire's forward works programs;
- Option 2: Close the road at the Banksia Road end;
- Option 3: Close the road to certain classes of vehicle; or
- Option 4: A combination of Options 1 and 2.

Should Council wish to proceed with Option 1, listed above, it is suggested that a comprehensive assessment be carried out first and then brought back to Council prior to adding the project to the Shire's forward programs:

- Feature survey of the road;
- Road design;
- Environmental assessment; and
- Detailed cost estimation.

The feature survey of the road involves engaging an engineering surveyor to pick up existing levels of road and surrounds, and as well as trees within the road reserve, which is required for the road design.

The road design would be carried out by an external civil design consultant to design the road in accordance with the relevant Australian standards, road drainage, impact on trees and vegetation, bill of quantities and technical specification.

The road design determines the number of trees and area of vegetation impacted by upgrading the road. Site verification is also required and individual trees and vegetation must be identified and assessed by an environmental scientist. DBCA has already flagged to WAPC in 2019/2020 (through the subdivision process for Lots 2824, 347 and 496 Panizza Road) that there are a number of environmental constraints:

- The road reserve contains extensively cleared Guilford, Dardanup and Cartis vegetation complexes, which are all below the Commonwealth retention threshold of 30%;
- The road reserve contains a Commonwealth listed threatened ecological community (TEC) Banksia woodlands on the Swan Coastal Plain;
- The vegetation is an important ecological linkage in a predominantly cleared landscape; and
- Threatened and priority flora occurs within 5kms and may occur within the road reserve.

In applying for a clearing permit, the Shire needs to justify a reduction in clearing vegetation by using alternative methods such as changes to the road design. This usually means an iterative approach to the road design in order to optimise the balance between the road design, road user safety, drainage, and impact on the environment. This can be an extremely time consuming process. As an example, the clearing permit the Shire recently obtained for the Pile Road widening project, between Henty Road and Mungalup Road took in the order of 12 months. There is also no guarantee that a clearing permit will ultimately be obtained.

Should Council wish to proceed with Option 2, closure of Panizza Road at the Banksia Road end can be carried out through the Local Government Act 1995 and involves simply closing the thoroughfare by a barrier, such as a gate or earth mound etc. This type of closure does not permanently close the road reserve (i.e. closure of the road and disposal of land) as what is normally done through the Land Administration Act 1996. Therefore, a closure of thoroughfare is reversible in future if and when the road is upgraded. To mitigate bush fire safety concerns, it is recommended to close the thoroughfare with a gate and padlock so that emergency services can open when required. Appropriate signage would need to be installed.

Should Council wish to proceed with Option 3, that is, close the road to certain classes of vehicles, this can be done through the Local Government Act 1995. The Shire can place a notice that vehicles over a particular size are not to be driven on the road. This has two main issues - firstly, all vehicles of a banned class are not allowed to drive on the road regardless of their ownership or purpose – for example, if trucks of say 14 tonnes or more are not permitted, this will also impact on the residents along the road who may be operating trucks as part of their farming activities. Secondly, such restrictions will require policing and enforcement. This is problematic if evidence, such as times, registrations, photos etc are not available.

Should Council wish to proceed with Option 4, which is a combination of Options 1 and 2, this effectively involves closing the thoroughfare as per Option 2 with a gate for emergency access (as well as appropriate signage), for a period of time to allow the Shire to fully investigate the upgrade of the road as per Option 1.

Based on the current forward works programming, upgrading and sealing the road is likely to be still many years away and/or would need to displace another project that is currently listed in the program. The unsealed section of the road is low lying and is likely to require significant work to raise the road and improve its alignment. It is expected to cost significantly more than a standard road. There is a risk that the closure could be for an extended period, however, this would alleviate the concerns of some residents over this time.

Council Role - Review.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION**THAT Council:**

- 1. Closes the thoroughfare through Panizza Road on the west side of the Banksia Road intersection, in accordance with Section 3.50 of the Local Government Act 1995, providing a gate that can be opened in the event of an emergency such as a bush fire, while the Shire investigates options to upgrade the road as per Items 2 and 3 of this Resolution;**
- 2. Requests that the Chief Executive Officer carries out survey, design, environmental assessment and cost estimation of upgrading Panizza Road; and**
- 3. Once the process is complete, requests that the results are brought back to Council for further consideration.**

12.4 CORPORATE & GOVERNANCE DIRECTORATE REPORTS

12.4.1 Title: Bunbury & Districts Softball Association – Request for Use of Glen Huon Oval

<i>Reporting Department:</i>	<i>Corporate & Governance Directorate</i>
<i>Reporting Officer:</i>	<i>Mrs Donna Bailye - Personal Assistant to D/CEO</i>
<i>Legislation:</i>	<i>Local Government Act 1995</i>
<i>Attachments:</i>	<i>Appendix ORD: 12.4.1 – Risk Assessment</i>

Overview

Council are requested to approve the request by the Bunbury & Districts Softball Associations (BADSA) use of Glen Huon Oval during the 2021-22 Softball Season.

Background

The BADSA currently hold a 10 year lease over the Softball Pavilion and diamonds, with the lease expiring on the 31st of December 2027.

The leased area is bordered red in the plan provided below:



The BADSA softball season commenced on the 15th of October and runs through to the 1st of April 2022. This season the club has seen an influx in membership for the 2021-22 season. At present the club does not have the capabilities to play under lights and are struggling to schedule their fixtures onto one fixture day.

BADSA have now approached Council to request the use of the Glen Huon oval for Saturday morning junior Tee-Ball games for the following periods:

- 23rd of October to the 18th of December 2021
- 8th of January 2022 to the 19th of March 2022.

The BADSA breaks over the Christmas period (18th of December 2021 to the 8th of January 2022) and no games are played.

Legal Implications - None.

Strategic Community Plan

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

Strategy 3.2.2 - Deliver a high level Sport & Recreational Services that encourages social connectedness by facilitating community participation in positive social networks, interactions and events. (Service Priority: Very High)

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

Strategy 3.3.1 - Promote and encourage volunteering within the Shire of Dardanup. (Service Priority: High)

Environment - None.

Precedents

The Shire has previously approved use of the Glen Huon Oval to the BADSA for one day Softball competitions.

Budget Implications

There are no charges for the use of Glen Huon Oval and therefore no budget implications.

Budget – Whole of Life Cost

As usage of the oval during the summer months has been limited to one off events, the increased usage of the oval and the impact on the oval is an unmeasured quantity. Should usage increase there may be additional maintenance requirements to ensure the ongoing quality of the oval, which may result in increased maintenance costs.

Council Policy Compliance - None.

Risk Assessment

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

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Bunbury & Districts Softball Association – Request for Use of Glen Huon Oval
Inherent Risk Rating (prior to treatment or control)	Moderate (5 - 11)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	Financial Additional usage to the Glen Huon Oval may increase maintenance costs

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.		
	Reputational	Councils non-support of the request could be seen in a negative light by the club members and the public

Officer Comment

The Glen Huon Oval is currently used by the following user groups:

- Eaton Boomers Football Club
Used for training and game day matches during football season. The 2022 Season will commence late March 2022. Weekday training will commence early 2022.
- Bunbury & Districts Dog Club
Used for year round weekly training on Tuesday, Wednesday and Sunday along with 7 weekend trials/shows.
- Eaton Community College
Shared usage of the oval, during school hours by the Eaton Community College.
- Shire of Dardanup
The Shires Community Engagement department undertakes and supports use of the oval through Community Events.

The BADSA are aware of the Council’s obligations to other user groups for the Glen Huon Oval and are flexible in their approach to scheduling of their fixtures. They have advised officers that they can work their fixtures to suit the commitments of other user groups. The establishment and ongoing management of User Agreements would see the Council administering the use of the sporting facilities via the proposed Property Manager role, in close consultation with the respective user groups.

The BADSA is a very proactive group and to help assist the BADSA with its increased membership for the 2021/22 season it is recommended that Council approve usage of the Glen Huon Oval to the BADSA subject to the following conditions:

- Approval for use is provided only for the 2021/22 Softball Season. Further use will be through negotiation with the Shire of Dardanup.
- BADSA is to liaise with Shire Officers (proposed future Property Manager) on areas and requirements of usage throughout the 2021/22 season.
- Council reserves the right to cancel use of the Glen Huon Oval should any usage result in damage to the surface of the oval.
- Fixtures dates are subject to review and approval by the Shire of Dardanup.

Due to the increase in activity at the Glen Huon Oval, it is recommended that Council move towards entering into a User Agreement for the Glen Huon Oval. The User Agreement would see the Shire administering the use of the oval via the proposed Property Manager role, through consultation with current Lessees and future user groups.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION**THAT Council:**

1. **Approves the Use of Glen Huon Oval to the Bunbury & Districts Softball Association subject to the following conditions:**
 - i) **Approval for use is given for Saturday mornings only for the following periods;**
 - **23rd of October to the 18th of December 2021**
 - **8th of January 2022 to the 19th of March 2022.**
 - ii) **Further usage outside the above dates requires written approval from the Shire of Dardanup;**
 - iii) **Bunbury & Districts Softball Association is to liaise with Council Officers on areas and requirements of usage throughout the 2021/22 season;**
 - iv) **Council reserves the right to cancel use of the Glen Huon Oval should any usage result in damage or excessive wear and tear to the surface of the oval;**
 - v) **Bunbury & Districts Softball Association Saturday fixture dates for use of the Glen Huon Oval are subject to review and approval by the Shire; and**
 - vi) **Payment of the User Fee established under a User Agreement.**
2. **Authorises the Chief Executive Officer to negotiate and establish a User Agreement for Glen Huon Oval with:**
 - **Eaton Boomers Football Club**
 - **Bunbury & Districts Dog Club**
 - **Bunbury & Districts Softball Association**
 - **Department of Education – Eaton Community College**
 - **Future users of the Glen Huon Oval.**

12.4.2 Title: Adoption of Local Government Property Local Law 2021

Reporting Department:	Corporate & Governance Directorate
Reporting Officer:	Ms Cathy Lee - Manager Governance & HR
Legislation:	Local Government Act 1995
Attachments:	Appendix ORD: 12.4.2A – Risk Assessment Appendix ORD: 12.4.2B – Submission received from the Department of Local Government, Sport and Cultural Industries Appendix ORD: 12.4.2C – Governor’s Approval Appendix ORD: 12.4.2D – Amendments to the Local Law Appendix ORD: 12.4.2E – Proposed Local Government Property Local Law 2021

Overview

Proposed adoption of Shire of Dardanup Local Government Property Local Law with amendments, for gazettal.

Background

At its meeting held on the 31st of March 2021 Council resolved (62-21) as follows:

“THAT Council:

1. *In accordance with section 3.12 of the Local Government Act 1995 approves the advertising of the proposed ‘Shire of Dardanup Local Government Property Local Law 2021’ (Appendix ORD: 12.15C) in order to seek community comment.*
2. *Provides a copy of the proposed local law and public notice to the Minister for Local Government.*
3. *After close of the public consultation period, requests the Chief Executive Officer to submit to the Council for consideration a report on any submissions received on the proposed local law to enable the Council to consider the submissions made and to determine whether to make the local law in accordance with section 3.12(4).”*

Legal Implications

Section 3.12 of the Local Government Act 1995 (the Act) details the procedure to be followed when adopting or amending a local law.

- 3.12(4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*

** Absolute majority required.*

- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*

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

Strategic Community Plan

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

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

Environment - None.

Precedents

Council reviews its local laws on a regular basis. Section 3.16 of the *Local Government Act* requires periodic reviews of Local Laws. A Local Government is to carry out a review of a Local Law to determine whether or not it considers that it should remain unchanged, be repealed or amended. The review is to be conducted within eight years from the day each Local Law commenced, or from when a report of a review of the Local Law was accepted under s.3.16.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessment

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

Tier 2 – 'Low' or 'Moderate' Inherent Risk.	
Risk Event	Adoption of Local Law - Proposed Local Government Property Local Law 2021
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	Legal and Compliance	Failing to review in the 8 yearly cycle as stipulated in s.3.16 of Local Government Act 1995.
	Reputational	Council would be seen in a negative light if we failed in our legislative requirements.

Officer Comment

The Minister for Local Government was provided with a copy of the local law for comment on the 21st of April 2021. The state-wide advertising inviting submissions concluded on the 8th of June 2021.

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

The Department of Local Government, Sport and Cultural Industries [Appendix ORD: 12.4.2B] [2021 06 01 - DLGSC Comment - Local Government Property Local Law 2021](#) made the following comments on the Local Law:

DEPARTMENT OF LOCAL GOVERNMENT, SPORT AND CULTURAL INDUSTRIES COMMENTS	OFFICER RECOMMENDATION
<p><i>Application outside district</i></p> <p><i>If the waters under and around the jetties are not within the Shire’s boundaries, then in accordance with section 3.6 of the Local Government Act, the Shire must obtain the Governor’s approval to make a local law applying outside the district. Without the Governor’s approval, the local law would only apply to the area of the jetty that lay within the district boundaries (i.e. the portion located on land).</i></p>	<p>In clause 1.5:</p> <ul style="list-style-type: none"> in subclause (1) the word “throughout” be replaced with the word “to” subclause (2) be redesignated as subclause (4) new subclause (2) be inserted as follows: <p>(2) This local law applies to the area of water bounded by the district’s northern boundary and extending out to the midway point of the Collie River.</p> <p>Note: The Governor’s approval to make a local law applying outside the district was sought and granted. [Appendix ORD: 12.4.2C]</p>
<p><i>Clause 3.6 - Notice of variation of condition</i></p> <p><i>It is recommended that the Shire amends this clause to outline the following:</i></p> <ul style="list-style-type: none"> <i>when variations of conditions are effective.</i> <i>If the permit holder will receive any written notice.</i> 	<p>In clause 3.3 new subclause (4) be inserted as follows:</p> <p>(4) The local government may, at any time, amend a condition of approval and the amended condition takes effect when written notice of it is given to the permit holder.</p> <p>In clause 3.6:</p> <ul style="list-style-type: none"> subclause (2) be deleted; and subclause (1) be redesignated as clause 3.6

DEPARTMENT OF LOCAL GOVERNMENT, SPORT AND CULTURAL INDUSTRIES COMMENTS	OFFICER RECOMMENDATION
<p>2. Clause 3.16 – Responsibility for actions of third parties</p> <p><i>Subclause (d) provides that a holder of a permit in respect of local government property that the permit relates is responsible for preventing the consumption of liquor on that property.</i></p> <p><i>In the past, the Delegated Legislation Committee has raised issues with local laws that attempt to:</i></p> <ul style="list-style-type: none"> • <i>hold a person liable for civil action resulting from the actions of others; or</i> • <i>prosecute a person for an offence committed by another individual</i> <p><i>It is suggested that the Town insert the following words at the start of the subclause “Take all reasonable action to...”.</i></p>	<p>In clause 3.16:</p> <ul style="list-style-type: none"> • at the start of subclause (d) insert the words “Take all reasonable action to”.
<p>4. Clause 5.3(b) – Banning individuals from local government property</p> <p><i>Clause 5.3(b) provides that people may be banned from local government property following a decision of the local government.</i></p> <p><i>The Delegated Legislation Committee has previously allowed provisions of this kind. However, the Committee has requested that the local law state the circumstances where a ban can be imposed and the duration of these bans.</i></p> <p><i>The Committee has previously objected to provisions that:</i></p> <p><i>(a) Allows indefinite bans;</i></p> <p><i>(b) Allows people to be banned for offences that don’t relate to conduct on property; or</i></p> <p><i>(c) Could be applied in an inconsistent manner.</i></p> <p><i>It is suggested that the Shire review the clause to ensure that these issues are addressed.</i></p>	<p>In clause 5.3:</p> <ul style="list-style-type: none"> • after ‘pool area’ the words ‘for a specified period up to 30 days’ be inserted • after ‘person who’ the word ‘is’ be inserted • in clause 5.3(a) the word ‘is’ be deleted • delete subclause (b) • redesignate clause 5.3(a) as clause 5.3. • redesignate sub-subclauses (i) to (v) as subclauses (a) to (e)
<p>Entry into private property – Boats and jetties</p> <p><i>Under clause 11.2, the Shire can issue a notice where a person fails to comply with a condition or fails to comply with a direction given by the City under any written law. Where a notice is not complied with, the local government can take action to remedy the situation.</i></p> <p><i>In previous jetty local laws, the Joint Standing Committee has raised concerns with clauses that may permit the local government to enter private property (specifically vehicles and boats) in situations not contemplated under the Local Government Act. These concerns can be found in item 14 of the Committee’s 16th Report.</i></p>	<p>No change required as the local law does not have a provision allowing the local government to enter private property (including vehicles and boats).</p>

DEPARTMENT OF LOCAL GOVERNMENT, SPORT AND CULTURAL INDUSTRIES COMMENTS	OFFICER RECOMMENDATION
<i>It is suggested that the City should investigate this issue and determine whether any further changes to the clause may be required.</i>	
Minor Edits The following minor edits are suggested:	
<ul style="list-style-type: none"> - Amend clause 4.2(b) to say: “destroying, defacing, cutting, breaking or damaging anything on the local government property, such as a plant or a seat provided for the use of any person or a building.” 	In clause 4.2(2)(b) the comma after ‘plant’ be deleted and the word ‘or’ be inserted.
<ul style="list-style-type: none"> - In clause 1.3 insert the definition on prohibited drug: “prohibited drug has the same meaning as given in section 3 of the Misuse of Drugs Act 1981;” 	In clause 1.3, the following definition be inserted: “ prohibited drug has the same meaning as given in section 3 of the <i>Misuse of Drugs Act 1981</i> ;”
<ul style="list-style-type: none"> - In clause 1.2 change “Government Gazette” to italics. 	In clause 1.2 the words “Government Gazette” be changed to italics.
<ul style="list-style-type: none"> - In clause 1.3 insert a suitable definition for “children’s playground”. 	In clause 1.3 the following definition be inserted: “ children’s playground means an area set aside for use by children and noted by the presence of dedicated children’s playground equipment and the presence of either sand or other form of soft fall surface;”
<ul style="list-style-type: none"> - In clause 1.3 in the definition for local government remove the italics from “Shire of Dardanup” 	In clause 1.3 in the definition for local government the italics be removed from “Shire of Dardanup”.
<ul style="list-style-type: none"> - Clause 3.13(1)(a): Change “3” to “(3)”. 	In clause 3.13(1)(a) “3” be changed to “(3)”.
<ul style="list-style-type: none"> - Clause 3.15(1): Reformat the paragraphs for consistency. 	Clause 3.15(1) be reformatted for consistency.
<ul style="list-style-type: none"> - Clause 5.2(2): Reformat the paragraphs for consistency. 	Clause 5.2 be reformatted for consistency.
<ul style="list-style-type: none"> - Clause 5.9: Change “5.9” to bold. 	In the heading of clause 5.9 change “5.9” to bold.
<ul style="list-style-type: none"> - Schedule 1 does not contain a modified penalty for an offence under clause 7.13 or clause 8.14. The Shire should ensure that this reflects the Shire’s intent. 	No change recommended as this reflects the Shire’s intent.
Schedule 2 currently doesn’t contain any information. If there are no determinations which the Shire intends to have in place on commencement day, Schedule 2 has no purpose and can be deleted without issue. If the schedule is deleted, clause 2.1(2) may also be removed.	Schedule 2 and references to Schedule 2 be deleted.

DEPARTMENT OF LOCAL GOVERNMENT, SPORT AND CULTURAL INDUSTRIES COMMENTS	OFFICER RECOMMENDATION
<i>The Shire should also ensure that all references and cross references are accurate, particularly if any changes are made as a result of the Department's comments.</i>	

The above amendments are shown as marked [Appendix ORD: 12.4.2D].

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

Officers consider that amendments listed above are of a minor nature and do not significantly change the original proposed local law. Therefore, it is proposed that the amendments suggested by the Department of Local Government, Sport and Cultural Industries be made and that the local law be adopted.

A copy of the proposed 'Shire of Dardanup Local Government Property Local Law 2021' inclusive of the amendments for adoption and gazettal is attached [Appendix ORD: 12.4.2E].

Council Role - Legislative.

Voting Requirements - Absolute Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council:

1. **Receives the submission received from the Department of Local Government, Sport and Cultural Industries in respect of the Shire of Dardanup Local Government Property Local Law 2021.**
2. **Notes the Governor's approval to make a local law applying outside the district was sought and granted.**
3. **By Absolute Majority decision, adopts the Shire of Dardanup Local Government Property Local Law 2021 [Appendix ORD: 12.4.2E] inclusive of the following amendments:**

OFFICER RECOMMENDATION	
a)	<p>In clause 1.5:</p> <ul style="list-style-type: none"> • in subclause (1) the word "throughout" be replaced with the word "to" • subclause (2) be redesignated as subclause (4) • new subclause (2) be inserted as follows:

	OFFICER RECOMMENDATION
	(2) This local law applies to the area of water bounded by the district's northern boundary and extending out to the midway point of the Collie River.
b)	In clause 3.3 new subclause (4) be inserted as follows: (4) The local government may, at any time, amend a condition of approval and the amended condition takes effect when written notice of it is given to the permit holder.
c)	In clause 3.6: <ul style="list-style-type: none"> • subclause (2) be deleted; and • subclause (1) be redesignated as clause 3.6
d)	In clause 3.16: <ul style="list-style-type: none"> • at the start of subclause (d) insert the words "Take all reasonable action to".
e)	In clause 5.3: <ul style="list-style-type: none"> • after 'pool area' the words 'for a specified period up to 30 days' be inserted • after 'person who' the word 'is' be inserted • in clause 5.3(a) the word 'is' be deleted • delete subclause (b) • redesignate clause 5.3(a) as clause 5.3. • redesignate sub-subclauses (i) to (v) as subclauses (a) to (e)
f)	In clause 4.2(2)(b) the comma after 'plant' be deleted and the word 'or' be inserted.
g)	In clause 1.3, the following definition be inserted: <i>"prohibited drug has the same meaning as given in section 3 of the Misuse of Drugs Act 1981;"</i>
h)	In clause 1.2 the words "Government Gazette" be changed to italics.
i)	In clause 1.3 the following definition be inserted: <i>"children's playground means an area set aside for use by children and noted by the presence of dedicated children's playground equipment and the presence of either sand or other form of soft fall surface;"</i>
j)	In clause 1.3 in the definition for <i>local government</i> the italics be removed from "Shire of Dardanup".
k)	In clause 3.13(1)(a) "3" be changed to "(3)".
l)	Clause 3.15(1) be reformatted for consistency.
m)	Clause 5.2 be reformatted for consistency.
n)	In the heading of clause 5.9 change "5.9" to bold.
o)	Schedule 2 and references to Schedule 2 be deleted.

- 4. Publishes a copy of the adopted local law in the government gazette.**
- 5. Gives a copy of the adopted gazette ready Local Law to the Minister for Local Government.**
- 6. After the local law has been published in the Gazette, gives local public notice as per section 1.7 of the Local Government Act 1995 advising:**
 - The title of the local law;**
 - Summarizing the purpose and effect of the local law;**
 - Specifying the day on which the local law comes into operation; and**
 - Advising the location of copies of where the local law may be inspected or obtained.**
- 7. Supplies copies of the local law, Explanatory Memorandum, Statutory Procedures Checklist and other supporting material in accordance with Ministerial Directions, to the WA Parliament's Joint Standing Committee on Delegated Legislation within 10 working days of the gazettal publication date of the local law.**

By Absolute Majority

12.4.3 Title: Appointment of Councillors and Representatives to Advisory Groups & Adoption of Terms of Reference

Reporting Department:	<i>Corporate & Governance Directorate</i>
Reporting Officer:	<i>Ms Cathy Lee - Manager Governance & HR</i>
Legislation:	<i>Local Government Act 1995</i>
Appendices:	<i>Appendix ORD: 12.4.3A – Risk Assessment Tool Appendix ORD: 12.4.3B – Community, Sport & Recreation Advisory Group ToR Appendix ORD: 12.4.3C – List of AG Meeting Dates</i>

Overview

This report to Council provides for the appointment and endorsement of Councillors, Community and Department Representatives to the Shire of Dardanup Advisory Groups for the period October 2021 to October 2023.

Background

Council established Advisory Groups in 2019 following a Community Engagement Forum that was held with Councillors on the 13th of November 2019.

At the Ordinary Council Meeting held on the 29th of September 2021, Council reviewed the Terms of Reference for its Advisory Groups and resolved that the Terms of Reference for the Community Advisory Group and the Sport & Recreation Advisory Group as provided for in be combined and presented to the 20th of October 2021 Special Council Meeting.

***“ELECTED MEMBER ALTERNATIVE RESOLUTION
& COUNCIL RESOLUTION***

296-21 **MOVED -** *Cr. P R Perks* **SECONDED -** *Cr. P S Robinson*

THAT Council:

1. *Endorses the 2021 Terms of Reference as provided for in [Appendix ORD: 12.4.2B] with the following/no changes, for the following Advisory Groups:*
 - *Eaton Advisory Group*
 - *Dardanup Advisory Group*
 - *Burekup Advisory Group*
 - *Ferguson Valley Advisory Group*
 - *Wanju & Waterloo Advisory Group*
 - *Sustainable Development Advisory Group*
 - *Economic Development Advisory Group*
 - *Roadwise Advisory Group*

2. *Requests that the Terms of Reference for the Community Advisory Group and the Sport & Recreation Advisory Group as provided for in [Appendix ORD: 12.4.2B] be combined and presented to Council at the Special Council Meeting to be held on the 20th of October 2021.*

***CARRIED
7/1”***

Council discussed the Advisory Groups at the Special Council meeting held on the 20th of October 2021 and resolved (314-21) to defer the item until further information on meeting days could be provided. The draft Terms of Reference for the Community Advisory Group and the Sport & Recreation Advisory Group were deferred as part of that decision.

“ELECTED MEMBER RESOLUTION & COUNCIL RESOLUTION:

314-21 *MOVED -* *Cr. P S Robinson* *SECONDED -* *Cr. P R Perks*

THAT Council:

1. *Defer making any decisions regarding the Shire of Dardanup Advisory Groups until the 24th of November 2021 Ordinary Council Meeting.*
2. *Request Officers to organise an Advisory Group workshop prior to the 24th of November 2021 Ordinary Council Meeting for Elected Members.*

*CARRIED
9/0”*

Legal Implications - None.

Strategic Community Plan

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

Strategy 1.1.2 - Keep our community informed through a wide variety of media that is accessible and open and responsive. (Service Priority: High)

Strategy 1.2.2 - Promote programs which encourage elector participation and diversity in local government elections. (Service Priority: Very High)

Environment - None.

Precedents

Council established Advisory Groups [Res: 339-19] at its Ordinary Council Meeting held on the 27th of November 2019.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - Exec CP089 – Advisory Groups.

Risk Assessment

The Risk Management Governance Framework [Appendix ORD: 12.4.3A] has been considered in arriving at the officer recommendation.

TIER 1 – No discernible Inherent Risk has been identified (no Risk Theme or Consequence).	
Risk Event	Appointment of Councillors and Representatives to Advisory Groups
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.

TIER 1 – No discernible Inherent Risk has been identified (no Risk Theme or Consequence).	
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	Reputational Failure to engage with the community fully would reflect negatively on the Council and Shire.

At its Ordinary Council Meeting held on the 29th of September 2021, Council noted and/or endorsed the updated Terms of Reference for the following Advisory Groups:

- Eaton Advisory Group
- Dardanup Advisory Group
- Burekup Advisory Group
- Ferguson Valley Advisory Group
- Wanju & Waterloo Advisory Group
- Sustainable Development Advisory Group
- Economic Development Advisory Group
- Roadwise Advisory Group

In addition, Council requested the Terms of Reference for the Community Advisory Group and the Sport & Recreation Advisory Group be combined and presented to Council at this Special council meeting. The Terms of Reference for the new Community, Sport & Recreation Advisory Group [Appendix ORD: 12.4.3B] are presented to Council for consideration.

A workshop for Council to consider the Advisory Group memberships was held on the 10th of November 2021.

Note: The Shire President has confirmed that he wishes to be a representative on the following groups.

- Community Sport & Recreation Advisory Group [If the combined group ToR is adopted].
- Eaton Advisory Group
- Burekup Advisory Group
- Ferguson Advisory Group
- Wanju & Waterloo Advisory Group
- Sustainable Development Advisory Group
- Economic Development Advisory Group

These have been recorded in the resolution below. The Councillors that attended the workshop have nominated which groups they would like to attend. These names have also been included in **blue font** so that the names can be considered at the Ordinary Council Meeting.

In addition, at the workshop held on the 10th of November 2021 the option to keep the Community Advisory Group and the Sport & Recreation Advisory Group separate was discussed. Councillors raised concern that the number of representatives on a combined group would too high and that at times there would be matters discussed that were not relevant to the half of the attendees.

Council are asked to consider if they would prefer to combine the two groups into the Community, Sport & Recreation Advisory Group (Officer Recommended Resolution A – Option 1); or keep the status quo with the two groups (Officer Recommended Resolution A – Option 2) Whichever option is chosen, the Terms of Reference will need to be adopted at the same time. The separate ToR for the two groups are also attached [Appendix ORD: 12.4.3C]. The combined ToR for the new group is attached at [Appendix ORD: 12.4.3B].

For the period of October 2019 to the elections held on the 16th of October 2021, the following Advisory Groups were made up of the following members:

Eaton Advisory Group

Terms of Reference: 2021 - ToR Eaton Advisory Group

- Cr. M T Bennett
 - Cr. P R Perks
 - Cr. S Gillespie
 - Cr. C N Boyce
1. Ziedonis (Zee) Rijkuris
 2. Paul Docherty
 3. Ken Lowth
 4. Julie King
 5. Jenna Priddle
 6. Caroline Gregorio
 7. Joy Coatalen
 8. Graham Lord
 9. Kate Swayne
 10. Dorothy Dye

Dardanup Advisory Group

Terms of Reference: 2021 - ToR Dardanup Advisory Group

- Cr. P S Robinson
 - Cr. T G Gardiner
 - Cr. P R Perks
1. Jill Cross Land Owner
 2. Brendan Putt Land Owner
 3. Anthony Wood Land Owner
 4. Jo-Anne Pope Land Owner
 5. Roslyn Ruland Land Owner
 6. Alan Norman Land Owner
 7. Laura Giumelli Land Owner
 8. Chris Ruland Land Owner
 9. Kelly Tomsons Land Owner
 10. Wayne Cross Land Owner
 11. Keith Patterson Land Owner
 12. Darline Morgan Land Owner
 13. Vanessa Rodda Land Owner

Burekup Advisory GroupTerms of Reference: 2021 - ToR Burekup Advisory Group

- Cr. M Bennett
 - Cr. M Hutchinson
 - Cr. J Dow
1. Ashleigh Brennan Land Owner
 2. Kahlia Murray Land Owner
 3. Debbie Staub Land Owner
 4. Caitlin Mcdonald Land Owner
 5. Cassie Fry Land Owner
 6. Amy Walton Land Owner
 7. Tony Jenour Land Owner
 8. Tony Green Land Owner

Ferguson Advisory GroupTerms of Reference: ToR Ferguson Valley Advisory Group

- Cr. T G Gardiner
 - Cr. P S Robinson
 - Cr. C N Boyce
1. Taneta Kerr Land Owner
 2. Jennifer Seccull Land Owner
 3. Stuart Brandreth Land Owner
 4. Merinda Smith Land Owner
 5. Andrew White Land Owner
 6. Stephen Miller Land Owner
 7. Russell Harvie Land Owner

Wanju & Waterloo Advisory GroupTerms of Reference: 2021 - ToR Wanju and Waterloo Advisory Group

- Cr. M T Bennett
 - Cr. P S Robinson
 - Cr. T G Gardiner
- Representative Dept of Planning, Lands and Heritage
 - Representative ATCO
 - Representative Western Power
 - Representative Main Roads
 - Representative Dept of Water, Environment and Regulations
 - Representative Water Corporation
 - Representative Harvey Water
 - Representative Dept of Water, Environment and Regulations
 - Representative Harvey Water
1. Mal Hancock Land Owner
 2. M & B Howe Land Owner
 3. Allan Graham Land Owner

4.	Serena Blaszczyk	Land Owner
5.	Rhonda Kirkpatrick	Land Owner
6.	Monique Campbell	Land Owner
7.	Peter Manoni	Land Owner
8.	Peter & Johanna Hynes	Land Owner
9.	Michael & Peta Gelmi	Land Owner
10.	Kerry Tyrrell	Land Owner
11.	Bernice Depiazzi	Land Owner
12.	Bryan Taylor	Land Owner
13.	Tonia Gelmi	Land Owner
14.	Josh Tonkin	Land Owner
15.	Nina Johnston	Land Owner
16.	Jenny Trigwell	Land Owner
17.	Jennifer Drennan	Land Owner
18.	JB Cronshaw	Land Owner
19.	Dean & Elle Barbetti	Land Owner
20.	Graham Herring	Land Owner
21.	Errol Barrett	Land Owner
22.	Adrian Barrett	Land Owner
23.	Chris Hynes	Land Owner
24.	Therese Hynes	Land Owner

Sustainable Development Advisory Group

Terms of Reference: 2021 - ToR Sustainable Development Advisory Group

- Cr. M T Bennett
- Cr. C N Boyce
- Cr. M Hutchinson

- Director Sustainable Development

- Representative Dept of Biosecurity Conservation & Attractions
- Representative Dept of Water & Environmental Regulation
- Representative Leschenault Catchment Council
- Representative Leschenault Biosecurity Group
- Representative Bunbury Harvey Regional Council
- Representative University/Research Group
- 1. Matt Meijer Resident
- 2. Nick Edwards Resident
- 3. Patricia Sherwood Resident
- 4. Graham Lord Resident
- 5. Jenna Priddle Resident
- 6. Ken Lowth Resident
- 7. Greg Homer Resident
- 8. Sora Marin Estrella Resident
- 9. Zee Rijkuris Resident
- 10. Bella Burgemeister Resident
- 11. Heather Elliott Resident
- 12. Candice Brady Resident
- 13. Paul Kurek Resident
- 14. Graham Butler Resident

- | | | |
|-----|----------------------|----------|
| 15. | Richard (Ric) Stacey | Resident |
| 16. | Fiona Moriarty | Resident |
| 17. | Jenny Seccull | Resident |
| 18. | Lesley Ironside | Resident |

Economic Development Advisory Group

Terms of Reference: 2021 - ToR Economic Development Advisory Group

- Cr. M T Bennett
- Cr. T G Gardiner
- Cr. M Hutchinson

- Representative Bunbury Geographe Economic Alliance
- Representative Bunbury Chamber of Commerce
- Representative South West Development Commission
- Representative Regional Development Australia
- Representative Bunbury Geographe Tourism Partnership
- Representative South West Timber Hub
- Representative Ferguson Valley Marketing
- Representative Edith Cowan University
- Representative South West TAFE
- Representative Dept of Primary Industries & Regional Development
- Representative Department of Jobs, Tourism, Science and Innovation
- Representative Eaton Community College

Roadwise Advisory Group

Terms of Reference: 2021 - ToR Roadwise Advisory Group

- Cr. P S Robinson
- Cr. P R Perks
- Cr. T G Gardiner

- Director Infrastructure

- Representative WALGA Roadwise - Road Safety Advisory South West
- Representative Main Roads WA
- Representative WA Police
- Representative Dept of Transport
- Representative Local School
- Representative Local School
- Representative Local School
- 1. Representative Community
- 2. Representative Community
- 3. Representative Community
- 4. Representative Community

Community Advisory Group [Proposed to be combined with Sport & Recreation Advisory]Terms of Reference: 2019 - ToR - Community Advisory Group

- Cr. J P Dow
- Cr. P R Perks
- Cr. S Gillespie

- Representative Bunbury Repertory Club
- Representative Bunbury Repertory Club
- Representative Eaton Foreshore Festival
- Representative Bull & Barrel Festival
- Representative Bethanie Aged Care
- Representative St John of God Hospital
- Representative Ferguson Valley Marketing
- Representative Eaton Community College
- Representative Eaton Senior Citizens
- Representative Dardanup Senior Citizens
- Representative Eaton Lions Club
- Representative Millbridge Lions Club
- Representative Dardanup Lions Club
- Representative River Valley Belles CWA Burekup
- Representative Eaton Family Centre
- Representative Australind Police
- Representative Headspace
- 1. Heather Elliott Resident
- 2. Dr Patricia Sherwood Resident
- 3. Dennis Jetta Resident
- 4. Graham Lord Resident

Sport & Recreation Advisory Group [Proposed to be combined with Community Advisory]Terms of Reference: 2019 - ToR -Sport and Recreation Advisory Group

- Cr. M T Bennett
- Cr. P R Perks
- Cr. S Gillespie

- Representative Dept of Sport & Recreation
- Representative Eaton Basketball Association
- Representative Eaton Cricket Club
- Representative Eaton Junior Football Club
- Representative Eaton Dardanup Football Club
- Representative Basketball South West
- Representative Eaton Boomers Football Club
- Representative Bunbury & Districts Softball Club
- Representative Eaton Tennis Club
- Representative Eaton Bowling Club
- Representative Eaton Bowling Club
- Representative Burekup Cricket Club
- Representative Eaton Netball Association

- Representative WA iSport
- Representative Dardanup Cricket Club
- Representative Dardanup Royals Soccer Club
- Representative Dardanup Sporting & Community Group Inc
- Representative Dardanup Sporting & Community Group Inc
- Representative Dardanup Tennis Club
- Representative Dardanup Equestrian Centre
- Representative Dardanup Equestrian Centre
- Representative South West Jets
- Representative Benjomar Park
- Representative South West Slammers

It is recommended that Council declare all community positions on the Advisory Groups vacant and requests that nominations onto these Groups be invited, in doing so current community members on the Advisory Groups should be strongly encouraged to re-nominate. Additionally it is recommended that the Shire President and Chief Executive Officer be authorised to appoint community members to the Groups.

The Terms of Reference for each group stipulate the number of meetings per year that are to be held. It is proposed that the separate groups set their own days/dates to suit the respective groups. A copy of the previous meeting dates and venues for the Advisory Groups are attached for reference. [Appendix ORD: 12.4.3D].

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION 'A' – OPTION 1

THAT Council:

- 1. Disbands the Community Development Advisory Group and the Sport & Recreation Advisory Group.**
- 2. Endorse the 2021 Terms of Reference for the new Community Sport & Recreation Advisory Group as provided for in [Appendix ORD: 12.4.3B] with the following/no changes; and**
- 3. Endorse the following Elected Members and stakeholder representatives to the Community Sport & Recreation Advisory Group [Note: All appointments expire on the day prior to the next ordinary local government election date of 20th of October 2023]:**

Community Sport & Recreation Advisory Group

- Cr. M T Bennett
- Cr. E P Lilly
- Cr. _____

- Representative Bunbury Repertory Club
- Representative Bunbury Repertory Club
- Representative Eaton Foreshore Festival
- Representative Bull & Barrel Festival
- Representative Bethanie Aged Care
- Representative St John of God Hospital
- Representative Ferguson Valley Marketing
- Representative Eaton Community College
- Representative Eaton Senior Citizens
- Representative Dardanup Senior Citizens
- Representative Eaton Lions Club
- Representative Millbridge Lions Club
- Representative Dardanup Lions Club
- Representative River Valley Belles CWA Burekup
- Representative Eaton Family Centre
- Representative Australind Police
- Representative Headspace
- Heather Elliott Resident
- Dr Patricia Sherwood Resident
- Dennis Jetta Resident
- Graham Lord Resident
- Representative Dept of Sport & Recreation
- Representative Eaton Basketball Association
- Representative Eaton Cricket Club
- Representative Eaton Junior Football Club
- Representative Eaton Dardanup Football Club
- Representative Basketball South West
- Representative Eaton Boomers Football Club
- Representative Bunbury & Districts Softball Club
- Representative Eaton Tennis Club
- Representative Eaton Bowling Club
- Representative Eaton Bowling Club
- Representative Burekup Cricket Club
- Representative Eaton Netball Association
- Representative WA iSport
- Representative Dardanup Cricket Club
- Representative Dardanup Royals Soccer Club
- Representative Dardanup Sporting & Community Group Inc
- Representative Dardanup Sporting & Community Group Inc
- Representative Dardanup Tennis Club
- Representative Dardanup Equestrian Centre
- Representative Dardanup Equestrian Centre
- Representative South West Jets
- Representative Benjomar Park
- Representative South West Slammers

OR

OFFICER RECOMMENDED RESOLUTION ‘A’ – OPTION 2

THAT Council

1. Endorse the 2021 Terms of Reference as provided for in [Appendix ORD: 12.4.3C] with the following/no changes, for the following Advisory Groups:
 - Community Development Advisory Group
 - Sport & Recreation Advisory Group

2. Endorse the appointment of the following Elected Members and stakeholder representatives to the following Advisory Groups [Note: All appointments expire on the day prior to the next ordinary local government election date of 20th of October 2023]:

Community Advisory Group

Terms of Reference: 2021 - ToR Community Advisory Group

- | | | |
|----|----------------------|---------------------------------|
| - | Cr. M T Bennett | |
| - | Cr. E P Lilly | |
| - | Cr. _____ | |
| - | Representative | Bunbury Repertory Club |
| - | Representative | Bunbury Repertory Club |
| - | Representative | Eaton Foreshore Festival |
| - | Representative | Bull & Barrel Festival |
| - | Representative | Bethanie Aged Care |
| - | Representative | St John of God Hospital |
| - | Representative | Ferguson Valley Marketing |
| - | Representative | Eaton Community College |
| - | Representative | Eaton Senior Citizens |
| - | Representative | Dardanup Senior Citizens |
| - | Representative | Eaton Lions Club |
| - | Representative | Millbridge Lions Club |
| - | Representative | Dardanup Lions Club |
| - | Representative | River Valley Belles CWA Burekup |
| - | Representative | Eaton Family Centre |
| - | Representative | Australind Police |
| - | Representative | Headspace |
| 1. | Heather Elliott | Resident |
| 2. | Dr Patricia Sherwood | Resident |
| 3. | Dennis Jetta | Resident |
| 4. | Graham Lord | Resident |

Sport & Recreation Advisory Group

Terms of Reference: 2021 - ToR Sport and Recreation Advisory Group

- Cr. M T Bennett
- Cr. T G Gardiner
- Cr. _____

- Representative Dept of Sport & Recreation
- Representative Eaton Basketball Association
- Representative Eaton Cricket Club
- Representative Eaton Junior Football Club
- Representative Eaton Dardanup Football Club
- Representative Basketball South West
- Representative Eaton Boomers Football Club
- Representative Bunbury & Districts Softball Club
- Representative Eaton Tennis Club
- Representative Eaton Bowling Club
- Representative Eaton Bowling Club
- Representative Burekup Cricket Club
- Representative Eaton Netball Association
- Representative WA iSport
- Representative Dardanup Cricket Club
- Representative Dardanup Royals Soccer Club
- Representative Dardanup Sporting & Community Group Inc
- Representative Dardanup Sporting & Community Group Inc
- Representative Dardanup Tennis Club
- Representative Dardanup Equestrian Centre
- Representative Dardanup Equestrian Centre
- Representative South West Jets
- Representative Benjomar Park
- Representative South West Slammers

AND

OFFICER RECOMMENDED RESOLUTION “B”

THAT Council:

1. Declares all community positions vacant on all Council Advisory Groups.
2. Endorse the following Elected Members and stakeholder representatives to the following Council Advisory Groups [Note: All appointments expire on the day prior to the next ordinary local government election date of 20th of October 2023]:

Eaton Advisory Group

- Cr. M T Bennett
- Cr. P R Perks
- Cr. _____
- Cr. _____

Dardanup Advisory Group

- Cr. P S Robinson [Chairperson]
- Cr. E P Lilly [Deputy Chairperson]
- Cr. T G Gardiner

Burekup Advisory Group

- Cr. M T Bennett
- Cr. _____
- Cr. _____

Ferguson Valley Advisory Group

- Cr. M T Bennett
- Cr. T G Gardiner [Chairperson]
- Cr. P S Robinson

Wanju & Waterloo Advisory Group

- Cr. M T Bennett
- Cr. T G Gardiner
- Cr. E P Lilly
- Representative Dept of Planning, Lands and Heritage
- Representative ATCO
- Representative Western Power
- Representative Main Roads
- Representative Dept of Water, Environment & Regulations
- Representative Water Corporation
- Representative Harvey Water
- Representative Dept of Water, Environment & Regulations
- Representative Harvey Water

Sustainable Development Advisory Group

- Cr. M T Bennett
- Cr. E P Lilly
- Cr. _____
- Representative Dept of Biosecurity Conserv & Attractions
- Representative Dept of Water & Environmental Regulation
- Representative Leschenault Catchment Council
- Representative Leschenault Biosecurity Group
- Representative Bunbury Harvey Regional Council
- Representative University/Research Group

Economic Development Advisory Group

- Cr. M T Bennett
- Cr. T G Gardiner
- Cr. _____
- Representative Bunbury Geographe Economic Alliance
- Representative Bunbury Chamber of Commerce & Industry
- Representative South West Development Commission
- Representative Regional Development Australia
- Representative Bunbury Geographe Tourism Partnership
- Representative South West Timber Hub
- Representative Ferguson Valley Marketing
- Representative Edith Cowan University
- Representative South West TAFE
- Representative Dept Primary Industries & Regional Development
- Representative Dept Jobs, Tourism, Science and Innovation
- Representative Eaton Community College

Roadwise Advisory Group

- Cr. P S Robinson [Chairperson]
- Cr. E P Lilly [Deputy Chairperson]
- Cr. T G Gardiner
- Representative Community
- Representative Community
- Representative Community
- Representative WALGA Roadwise - Road Safety Advisory SW
- Representative Main Roads WA
- Representative WA Police
- Representative Dept of Transport
- Representative Local School
- Representative Local School
- Representative Local School

AND

OFFICER RECOMMENDED RESOLUTION "C"

THAT Council:

1. Requests the Chief Executive Officer to seek nominations from the community onto the relevant Council Advisory Groups.
2. Authorises the Chief Executive Officer and Shire President to appoint community members to the relevant Council Advisory Groups.

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

<i>Reporting Department:</i>	<i>Corporate & Governance Directorate</i>
<i>Reporting Officer:</i>	<i>Ms Cathy Lee - Manager Governance & HR</i>
<i>Legislation:</i>	<i>Local Government Act 1995</i>
<i>Attachments:</i>	<i>Appendix ORD: 12.4.4A – Risk Assessment Tool Appendix ORD: 12.4.4B – List of AG Meeting Dates</i>

Overview

This report to Council provides for the appointment and endorsement of Delegates and Representatives to Various Community and Regional Committees for the period October 2021 to October 2023.

Background

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

Burekup Country Club Committee

- Cr. M R Hutchinson [Delegate]

Eaton Senior Citizens Association

- Cr. M T Bennett [Delegate]

Regional Road Group

- Cr. P S Robinson [Delegate]
- Cr. C N Boyce [Deputy Delegate]

Leschenault Catchment Council

- Cr. P R Perks [Delegate] [Nominee for Ministerial Appointment]

Bunbury Geographe Economic Alliance

- Cr. M T Bennett [Delegate]
- Cr. P R Perks [Deputy Delegate]

South West WALGA Zone

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

Ferguson Valley Marketing and Promotions

- Cr. C N Boyce [Delegate]
- Cr. P Robinson [Deputy Delegate]

Bunbury Geographe Group of Councils

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

Ferguson Hall Committee

- Cr. P Robinson [Delegate]

Bunbury Outer Ring Road Regional Local Governments Advisory Group

- Cr. P Robinson [Delegate]
- Cr. C N Boyce [Deputy Delegate]

Peron Naturaliste Partnership

- Cr. C N Boyce [Delegate]
- Cr. P Robinson [Deputy Delegate]

Worsley Refinery Community Liaison Committee

- Cr. P R Perks [Delegate]

Eaton Community College Board

- Cr. P R Perks [Delegate]

Eaton Bowling & Social Club and Eaton Senior Citizens Building Joint Management Committee Representative/Independent Party

- Cr. P R Perks [Delegate]

At its Special Council Meeting held on the 20th of October 2021, council considered and deferred appointing Councillors to Community, External Committees, Boards and Associations and Ministerial Appointments:

“315-21 *MOVED -* *Cr. P S Robinson* *SECONDED -* *Cr. P R Perks*

THAT Council:

1. *Defer appointing Councillors to Community, External Committees, Boards and Associations and Ministerial Appointments until the 24th of November 2021 Ordinary Council Meeting.*

2. *Requests the Chief Executive Officer to research Community, External Committees, Boards and Associations and Ministerial Appointments meeting dates and times and to present researched information to Councillors prior to the 24th of November 2021 Ordinary Council Meeting for Elected Members.*

CARRIED
9/0''

Legal Implications - None.

Strategic Community Plan

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

Strategy 1.1.2 - Keep our community informed through a wide variety of media that is accessible and open and responsive. (Service Priority: High)

Strategy 1.2.2 - Promote programs which encourage elector participation and diversity in local government elections. (Service Priority: Very High)

Environment - None.

Precedents

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

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessment

The Risk Management Governance Framework [Appendix ORD: 12.4.4A] has been considered in arriving at the officer recommendation.

TIER 1 – No discernible Inherent Risk has been identified (no Risk Theme or Consequence).	
Risk Event	Appointment of Delegates and Representatives to Various Community & Regional Committees
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	Reputational Failure to engage with the community and Regional Groups fully would reflect negatively on the Council and Shire.

Officer Comment

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

- *BUREKUP COUNTRY CLUB COMMITTEE*

Community Social Club located in the Burekup Townsite. Membership only with regular functions carried out. Hall hire and Tennis Court hire is also available and has a membership of approximately 200 members.

- *EATON SENIOR CITIZENS ASSOCIATION*

Senior Citizens Association for over 65's located in the Eaton Townsite. Membership only with regular activities organise and carried out at the centre.

- *REGIONAL ROAD GROUP*

There are 10 Regional Road Groups (RRG) in WA, established under the State Road Funds to Local Government Agreement which is overseen by a State Advisory Committee (SAC). The RRGs make recommendations to SAC in relation to the Annual Local Government Roads Program for their Region and any other relevant issues. The RRGs are comprised of elected representatives from each Local Government within the road group. Most groups are supported by a technical committee comprised of Local Government staff. Administrative support is provided by Main Roads WA.

- *LESCHENAULT CATCHMENT COUNCIL*

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

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

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

- *BUNBURY GEOGRAPHE ECONOMIC ALLIANCE*

The Bunbury Geographe Economic Alliance (BGEA) is a unique partnership encompassing community leadership through the six local governments of the Bunbury Wellington sub-region, industry leadership in the resources, energy, transport, engineering, construction, water supply, timber processing, telecommunications, education, consulting and accounting sectors, and the regional leadership of the South West Development Commission.

- As per the Bunbury Geographe Economic Alliance Constitution the Shire President is to represent Council at Bunbury Geographe Economic Alliance meetings -

The Local Government Executive Committee will consist of ONE (1) natural person representing (and nominated by) each Local Government Member who must at the

time of their appointment and throughout their tenure each be the Mayor or President of the Local Government Member or their nominee approved by the Board.

- *SOUTH WEST WALGA ZONE*

The operational structure of WALGA is comprised of internal business units who undertake both policy and advocacy work on behalf of the Local Government sector, or offer services to assist Local Governments to perform their duties. From within here zones are created within WA. Zones are groups of geographically aligned Member Councils who are responsible for direct elections of State Councillors, providing input into policy formulation and providing advice on various matters.

- Please see attached email received from South West WALGA Zone regarding required Council representation [Appendix SCM: 12.3].

- *FERGUSON VALLEY MARKETING INC*

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

- *BUNBURY GEOGRAPHE GROUP OF COUNCILS*

The Bunbury Geographe Group of Councils consists of 6 Local Governments member Councils, that being

- City of Bunbury
- Shire of Collie
- Shire of Capel
- Shire of Dardanup
- Shire of Donnybrook
- Shire of Harvey

The Bunbury Geographe Group of Councils was formed as a group several years ago to facilitate opportunities for resource sharing and regional cooperation.

- *FERGUSON HALL COMMITTEE*

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

- *BUNBURY OUTER RING ROAD REGIONAL LOCAL GOVERNMENT ADVISORY GROUP*

This group has been established by Main Roads through the Bunbury Outer Ring Road Project Team, whose role is to engage with stakeholders and community in regards to the Outer Ring Road Project. The Regional Local Government Advisory Group was formed to identify and discuss local area issues, ensure project planning takes into account Local Government planning and policy goals and to also community effectively with the Local Government.

- As the Bunbury Outer Ring Road has now moved into construction the Regional Local Government Advisory Group has become a more technical focused group and Councillor Representation is no longer required.

- *EATON BOWLING & SOCIAL CLUB AND EATON SENIOR CITIZENS BUILDING JOINT MANAGEMENT COMMITTEE REPRESENTATIVE/INDEPENDENT PARTY*

The Memorandum of Understanding between the Eaton Bowling & Social Club and the Eaton Senior Citizens Building, Joint Management Committee structure calls for a Shire of Dardanup representative/ independent party.

- *EATON COMMUNITY COLLEGE BOARD*

The ECC achieved Independent Public School status in 2013 and created the College Board. The board consists of teaching and support staff, parents and community members, with the majority of members from outside the college. The board normally meet twice per school term on a Tuesday evening with meetings commencing at 5.30pm.

A copy of the proposed meeting dates for each group are attached for reference. [Appendix ORD: 12.4.4B].

A workshop for Council to consider the Group memberships was held 10 November 2021. Note: The Shire President has confirmed that he wishes to be a representative on the following groups:

- Eaton Senior Citizens Association
- Regional Road Group
- SW Zone WALGA
- Bunbury Geographe Groups of Councils
- Eaton Community College Board

These have been recorded in the resolution below. The Councillors that attended the workshop have nominated which groups they would like to attend. These names have also been included in [blue font](#) so that the names can be considered at the OCM.

Council Role - Executive/Strategic.

Voting Requirements - Absolute Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council:

- 1. Endorse the following Councillors as delegates and Representatives to Various Community & Regional Committees as follows:**

Burekup Country Club

- _____ [Delegate]
- _____ [Deputy Delegate]

Eaton Senior Citizens Association

- Cr. M T Bennett [Delegate]
- _____ [Deputy Delegate]

Regional Road Group

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

Leschenault Catchment Council

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

South West WALGA Zone

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

Ferguson Valley Marketing Inc

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

Bunbury Geographe Group of Councils

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

Ferguson Hall Committee

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

Peron Naturaliste Partnership

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

Eaton Bowling & Social Club and Eaton Senior Citizens Building Joint Management Committee Representative/Independent Party

- _____ [Representative/Independent Party]

Eaton Community College Board

- **Cr. M T Bennett [Delegate]**

Note: All appointments expire on the day prior to the next ordinary local government election date in October 2021 or in accordance with Section 5.11 of the Local Government Act 1995, with the exception of those appointed by the relevant Minister.

2. **Notes that the Shire President is to be Council's representative on the Bunbury Geographe Economic Alliance (BGEA) with the Deputy Shire President to attend if the Shire President is not able to attend, as per the BGEA Constitution.**

By Absolute Majority

12.4.5 Title: Setting of Advisory Group and Committee Meeting Dates 2022

<i>Reporting Department:</i>	<i>Corporate & Governance Directorate</i>
<i>Reporting Officer:</i>	<i>Ms Cathy Lee - Manager Governance & HR</i>
<i>Legislation:</i>	<i>Local Government Act 1995</i>
<i>Attachments:</i>	<i>Appendix ORD: 12.4.5 – Risk Assessment</i>

Overview

Council are requested to set the dates of the 2022 Council Committee Meetings that are required under the Act to be open to members of the public; and in addition note the proposed dates of the Advisory Group Meetings.

Background

Council is required under the Local Government Act 1995 to set and give notice of the committee meetings that are required under the Act to be open to members of the public. Most Council and Committee meetings to which a local government power or duty has been delegated, will be open to the public.

Council resolved [297-21] on the 29th of September 2021 to set the OCM meeting dates for 2022. Individual Committee Meeting and Advisory Group meeting dates were to be brought to the November 2021 OCM for endorsement.

Advisory Group meetings are set annually and advertised on the Shire website, however are not formal Committees of Council and therefore the dates can be amended without council resolution.

Legal Implications

The dates of the Committee meetings that have delegated authority / open to the public are required to be advertised. Local Government (Administration) Regulations 1996 Section 12 states:

S12. Meetings, public notice of (Act s. 5.25(1)(g))

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*
- (a) *the ordinary Council meetings; and*
 - (b) *the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.*

There is no requirement for Advisory Group meetings to be open to the public or advertised.

Strategic Community Plan

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

Environment - None.

Precedents

Committee meeting dates are reviewed annually, in accordance with the Local Government Act. Advisory Group meetings are reviewed annually in accordance with good governance practices.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance

Exec CP088 - Forums of Council – Concept Forums, Agenda Forums and Workshops; and
 Exec CP089 –Advisory Groups

Risk Assessment

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

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Setting of Committee Meeting and Advisory Group Meeting Dates 2022
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 Non-compliance with meeting procedures could lead to penalties being imposed on the Shire.
	Reputational If decisions are made without full information being available and considered, it can result in considerable reputational loss.
	Non-compliance of advertising OCM dates will impact on the Shire’s business reputation.

Officer Comment

The draft Council Meetings Planner 2022 [A3 under separate cover] shows the visual pattern of the monthly forums and meetings. These are as follows:

- First Wednesday - Workshops or other meetings to be scheduled as required.
- Second Wednesday - Committees or other meetings to be scheduled.
- Friday following Second Wednesday – Agenda Forum Document to be delivered to Councillors. This document will be the agenda items and corresponding appendices that will be presented to Council at the upcoming Ordinary Council meeting.
- Third Wednesday – Agenda Forum to take place where elected members can ask for further information to be presented within the Agenda document and ask questions of officers. It is important to note that agenda items will not be ‘discussed’, this is a forum only and the discussion of agenda items will only take place at the Ordinary Council Meeting where public can be in attendance. This ensures transparency in the meeting process.

- Friday following Third Wednesday – Delivery of the Ordinary Council Meeting Agenda to Councillors and placed on the website for public.
- Fourth Wednesday – Chief Executive Officer Concept Forum followed by the Ordinary Council Meeting.

In addition, the OCM meeting dates for 2022 have been set to align with the new policy. Note. Individual Committee Meeting and Advisory Group Meeting Dates will be brought to the November 2021 OCM for endorsement.

(Note: Dependant on the decisions made at Item 12.4.3 regarding the Sport & Recreation / Community Advisory Groups, the resolution will be amended to show the correct Advisory Group and dates accurately.)

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

OFFICER RECOMMENDED RESOLUTION

THAT Council

1. Sets the Committee Meetings dates [that are required to be open to the public/have delegated authority] for the period January 2022 to December 2022, to be held at the Shire of Dardanup Council Chambers, as follows:

COMMITTEE	2022 DATE & START TIME
Bush Fire Advisory Committee	Wednesdays, 7pm
	9 th of March
	8 th of June
	12 th of October
Audit & Risk Committee	Wednesdays, 2pm
	16 th of March
	8 th of June
	14 th of September
	7 th of December

2. Requests the above dates be publicised in the local media and newsletter as required by the Local Government Act 1995 and be updated on the Shire of Dardanup website.
3. Notes the scheduled Committee Meetings dates and Advisory Group Meeting dates [that are not required to be open to the public] for the period January 2022 to December 2022 are listed as below but are subject to change from time to time.

COMMITTEE	2022 DATE & START TIME
Integrated Planning Committee	Wednesdays
	9 th of March – 10am
	13 th of April – 1pm
Local Emergency Management Committee	Wednesdays, 10.00am
	9 th of February
	11 th of May
	10 th of August
	9 th of November

And;

Advisory Group	Date & Start Time	Venue
Economic and Development Advisory Group	13 th of July & 30 th of November at 5pm	Shire of Dardanup Council Chambers
Eaton Advisory Group	2 nd of February & 6 th of July at 5pm	Shire of Dardanup Council Chambers
Burekup Advisory Group	14 th of March & 8 th of August at 5pm	Burekup Country Club
Roadwise Advisory Group	2 nd of March & 3 rd of August at 4pm	Shire of Dardanup Council Chambers
Dardanup Advisory Group	6 th of April & 7 th of September at 5.30pm	Thomas Little Hall, Dardanup
Ferguson Valley Advisory Group	4 th of May & 5 th of October at 5pm	Ferguson Hall
Sustainable Development Advisory Group	18 th of May & 19 th of October at 5pm	Shire of Dardanup Council Chambers
Wanju/Waterloo Advisory Group	1 st of June & 2 nd of November at 5pm	Shire of Dardanup Council Chambers

And;

Advisory Group	Date & Start Time	Venue
Community, Sport & Recreation Advisory Group	20 th of April & 21 st of September at 5pm	Shire of Dardanup Council Chambers

OR:

Advisory Group	Date & Start Time	Venue
Community Advisory Group	16 th of February & 21 st of September at 5pm	Shire of Dardanup Council Chambers
Sport & Recreation Advisory Group	20 th of April & 16 th of November at 5pm	Shire of Dardanup Council Chambers

4. Sets the Annual Electors meeting date for Wednesday, 25th of January 2022, commencing at 7.00pm at the Shire of Dardanup - Administration Centre Eaton.
5. Sets the Special Council Meeting to review the Draft Budget for 2022-2023 for Wednesday, 1st of June 2022, commencing at 10.00am.

6. **Notes that all other meeting dates to be set will be provided to Council/Committee Members (and the public wherever required) as soon as possible following the setting or amendment of the meeting dates.**

12.4.6 Title: Code of Conduct Complaints Management Process & Policy

Reporting Department:	Corporate & Governance Directorate
Reporting Officer:	Ms Cathy Lee - Manager Governance & HR
Legislation:	Local Government Act 1995
Attachments:	Appendix ORD: 12.4.6A – Current Council Policy ‘Exec CP202’ Appendix ORD: 12.4.6B – Risk Assessment Appendix ORD: 12.4.6C – DLG Guidelines Appendix ORD: 12.4.6D – New Code of Conduct Complaints Form Appendix ORD: 12.4.6E – Behaviour Complaint Terms of Reference

Overview

For Council to:

- Review and delete current Policy Exec CP202 – Elected Member Grievances, Investigations and Resolutions;
- Adopt new policy Exec CP202 for the management of complaints made under the Code of Conduct (Complaints).
- Establish a Committee of Council to determine Complaints (Behaviour Complaints Committee) and adopts the Committee’s Terms of Reference.
- Delegate authority to the Complaints Committee to determine Complaints
- Approve a revised Complaints Form.
- Delegate authority to the CEO to appoint external Complaints Officers.

Background

At its OCM held on the 24th of February 2021, Council resolved (30-21 & 31-21):

“OFFICER RECOMMENDED RESOLUTION ‘A’ & COUNCIL RESOLUTION

30-21 MOVED - Cr. P S Robinson SECONDED - Cr. T G Gardiner

THAT Council:

- 1. Adopts the Model Code of Conduct as contained within Schedule 1 of the Local Government (Model Code of Conduct) Regulations 2021, as amended from time to time, as the “Shire of Dardanup Code of Conduct for Council Members, Committee Members and Candidates” with the addition of Clause 15A – Standard of Dress as presented at (Appendix ORD: 12.10D).*
- 2. Requests the Chief Executive Officer to publish the adopted “Shire of Dardanup Code of Conduct for Council Members, Committee Members and Candidates” on the Shire of Dardanup website in accordance with section 5.104(7) of the Local Government Act 1995;*
- 3. Authorises the Chief Executive Officer and Manager Governance and Human Resources for the purposes of receiving complaints and withdrawal of complaints in accordance with Schedule 1 of the Local Government (Model Code of Conduct) Regulations 2021 Clause 11(3);*
- 4. Delegates to the Chief Executive Officer the power to authorise one or more persons to receive complaints and withdrawals of complaints in accordance with section 5.42 of the Local Government Act 1995 **

5. Approves the 'Complaint About Alleged Breach Form' as presented at (Appendix ORD: 12.10E) - in accordance with Schedule 1 of the Local Government (Model Code of Conduct) Regulations 2021 Clause 11(2)(a).
6. In accordance with Schedule 1 of the Local Government (Model Code of Conduct) Regulations 2021 clause 19(1) authorises the Shire President and Deputy Shire President to deal with complaints under Clause 12 of Schedule 1 of the Local Government (Model Code of Conduct) Regulations 2021.
7. Authorises the Chief Executive Officer and Deputy Chief Executive Officer to deal with complaints under Clause 12 of Schedule 1 of the Local Government (Model Code of Conduct) Regulations 2021.

CARRIED

6/3

By Absolute Majority*

*Points 1, 4, 6-7"

"OFFICER RECOMMENDED RESOLUTION "B" & COUNCIL RESOLUTION

31-21 *MOVED -* *Cr. P S Robinson* *SECONDED -* *Cr. T G Gardiner*

THAT Council:

1. *Adopts new Council Policy 'Exec CP202 – Elected Member Grievances, Investigations and Resolutions' as follows:*

Note: Refer [Appendix ORD: 12.4.6A] for copy of current policy [to be replaced].

2. *Requests the Chief Executive Officer to workshop with Council on the 5th of May 2021 the Code of Conduct and Policy 'Exec CP202 – Elected Member Grievances, Investigations and Resolutions'.*

CARRIED

6/3"

The Workshop was not held on 5th of May 2021 as it was rescheduled by the Shire President. The Council workshopped the proposed new policy Exec CP202 on 17th of November 2021, with representatives from WALGA in attendance.

Legal Implications

Local Government Act 1995, Division 9 – Conduct;
Local Government (Model Code of Conduct) Regulations 2021

Local Government (Model Code of Conduct) Regulations 2021, Regulation 12 (MCC.r.12):

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.*
- (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).*

On the 27th of June 2019 the Local Government Legislation Amendment Act 2019 was passed by Parliament with the following regulations gazetted to take effect on Wednesday, 3rd of February 2021:

- Local Government (Administration) Amendment Regulations 2021
- Local Government (Model Code of Conduct) Regulations 2021
- Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021.

New sections of the Local Government Act that provided for the New Regulations were proclaimed concurrently and also came into effect. Section 5.103 of the *Local Government Act 1995* (the Act) [Model Code of Conduct for Council members, Committee members and candidates] provides that regulations must prescribe a Model Code of Conduct for Council members, Committee members and candidates and must include –

- a) general principles to guide behaviour; and
- b) requirements relating to behaviour; and
- c) provisions specified to be rules of conduct,

and may include provisions about how to deal with alleged breaches of the behaviour requirements.

In addition, Council officers have consulted with the Department of Local Government and the Western Australian Local Government Association (WALGA) in respect to the Model Code of Conduct and the Complaints process.

Strategic Community Plan

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

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

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

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

Environment - None.

Precedents

Local governments were required to take specific initial actions within three weeks of the new regulations taking effect. At its OCM held on the 24th of February 2021, Council adopted the 'Shire of Dardanup Code of Conduct for Council Members, Committee Members and Candidates' and CP202 'Exec CP202 – Elected Member Grievances, Investigations and Resolutions'.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance

Exec CP202 Elected Member Grievances, Investigations and Resolutions.

Risk Assessment

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

TIER 2 – 'Low' or 'Moderate' Inherent Risk.	
Risk Event	Code of Conduct Complaints Management Process
Inherent Risk Rating (prior to treatment or control)	Moderate (5 - 11)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable..
Risk Category Assessed Against	Financial Financial impact to organisation is significant when investigations need to be carried out due to non-compliance of rules, codes and regulations and laws.
	Legal and Compliance Non-compliance with legislation can result in charges of serious misconduct. Serious breaches carry penalties of up to \$10,000 or imprisonment for 2 years.
	Reputational Elected members have high public profiles. Media interest is significant when local governments are not working harmoniously.

Officer Comment

The Department of Local Government 'Guidelines on the Model Code of Conduct for Council Members, Committee Members and Candidates' (the Guidelines) are attached [Appendix ORD: 12.4.6C]. The Guidelines outline the Actions that Local Governments are required to carry out:

Action required

Local governments must authorise at least one person to receive complaints regarding members and candidates. While the Regulations do not include specific requirements and a local government may decide that the complaints officer is appropriate, other options could include:

- *President or Mayor,*
- *Deputy President or Mayor (especially for complaints about the President or Mayor),*

- *Chief Executive Officer, or*
- *External consultant*

Action required

Local governments must determine whether there will be a specific template for complaints and process for how they are to be lodged.

Local governments may choose to:

- *establish a specific email address for conduct complaints*
- *provide a name/position to whom complaints should be addressed*
- *prepare an online complaint form*
- *engage an independent person to support the resolution of a complaint. Local governments may consider sharing the services of an independent person.*

The Department has prepared a template form for complaints to assist local governments. The template is available on the department's website at www.dlgsc.wa.gov.au.

Action required

Local governments must determine who will be considering complaints received and how complaints will be prioritised and managed.

- **New Policy - Code of Conduct Complaints Management Process.**

At its Ordinary Council Meeting held on the 24th of February 2021, Council resolved (31-21) to adopt new policy 'Exec CP202 – Elected Member Grievances, Investigations and Resolutions' [Appendix ORD: 12.4.6A].

Following the release of the WALGA Template, Council are asked to consider a new policy based on that template. The policy is detailed in the below Officer Recommended Resolution 'A' where it is proposed that Council adopt new 'Exec CP202 Code of Conduct Complaints Management Process'.

- **Behaviour Complaints Committee – Establishment & Delegated Authority**

While the draft Complaints Management Process policy provides Council with the ability to retain its deliberative powers in relation to Complaints, the establishment of a Behaviour Complaints Committee will do much to remove any public perception of bias and will facilitate the efficient determination of Complaints in accordance with the principles of natural justice.

As a consequence, a recommendation is made to establish a Behaviour Complaints Committee (comprising five elected members and four deputy members) with the terms of reference prescribed in the draft Complaints Management Process policy and an appropriate, conditioned delegation of authority to determine Complaints. In the future, Council may consider appointing an independent non-council member to the Committee with a corresponding reduction in the number of elected members.

- **Committee Terms of Reference**

The Terms of Reference for the Behaviour Complaints Committee are based on the WALGA template and are attached for review [Appendix ORD: 12.4.6E].

- **Complaints Form**

It is noted that the Complaints Form earlier approved by Council was prepared prior to the release of the WALGA Template. To ensure consistency with the Shire's draft Complaints Management

Process, it is proposed to withdraw the previously approved form and adopt a new form based on the WALGA template [Appendix ORD: 12.4.6D]. Noting that there is now a dedicated email address for the receiving of complaints on the form and provided in the policy.

- *Complaints Officers*

At times the Chief Executive Officer may seek to pursue a more ‘hands off’ role in relation to undertaking the role of Complaints Officer under the proposed Model Code and asks Council to appoint two additional Council officers to perform the role of Complaints Officer under the Model Code should the need arise. Deputy Chief Executive Officer, Mr Phil Anastasakis and Manager Governance & HR, Ms Cathy Lee are recommended to Council for appointment.

- *Delegation to Appoint External Complaint Assessors*

The Chief Executive Officer has the ability to appoint external Complaint Assessors to assist a Complaints Officer in managing a Complaint, however on occasion it may be preferable to have the entire process managed by an external Complaints Officer. To underpin the desire to resolve Complaints in a timely manner, it is proposed to delegate authority to the Chief Executive Officer to appoint an external Complaints Officer, subject to conditions.

The above actions will provide a robust framework for the high standard of professional and ethical conduct of council members, committee members and candidates, and the timely and fair dealing of complaints.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.
Absolute Majority.

Simple Majority to appoint a complaints officer.

Absolute Majority to –

- establish a committee
- appoint persons as committee members
- delegate power to a committee or person.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION ‘A’

THAT Council:

1. **Deletes Council Policy –‘Exec CP202 – Elected Member Grievances, Investigations and Resolutions’ [Appendix ORD: 12.4.6A].**
2. **Adopts new Council Policy ‘Exec CP202 Code of Conduct Complaints Management Process’ as follows:**



COUNCIL POLICY NO:-
Exec CP202 – CODE OF CONDUCT COMPLAINTS MANAGEMENT PROCESS

GOVERNANCE INFORMATION			
Procedure Link:	NA	Administrative Policy Link:	NA

ADMINISTRATION INFORMATION								
Version:	1	New	OCM	24/02/2021	Res:	31-21	Synopsis:	Policy created.
Version:	2	Replaced	OCM	24/11/2021	Res:	??-21	Synopsis:	Policy replaced and renamed

1. RESPONSIBLE DIRECTORATE

Directorate – Executive

2. PURPOSE OR OBJECTIVE

To ensure that a Complaint received in relation to an alleged breach of Division 3 – Behaviour, of the Shire of Dardanup Code of Conduct for Council Members, Committee Members and Candidates is managed on the basis of –

- Confidentiality
- Timeliness
- Natural justice and due process
- Fairness and impartiality

Clause 15(2) of the Code of Conduct provides that the procedure for dealing with Complaints may be determined by the local government to the extent that it is not dealt with by the Local Government (Model Code of Conduct) Regulations 2021 (Regulations). This policy (Policy) meets this objective.

3. SCOPE

This Policy applies to Council Members, Committee Members, Candidates, Complaints Officers, and Complainants in respect to Complaints of an alleged breach of “Division 3 – Behaviour” of the Code of Conduct (Division 3 Complaints).

The management of Complaints related to Division 4 of the Code of Conduct is prescribed by the Local Government Act 1995 and not by this policy. The CEO, or a senior officer nominated by the CEO, is the Complaints Officer for the purpose of Complaints related to Division 4.

4. DEFINITIONS

Act - means the Local Government Act 1995.

Behaviour Complaints Committee - means a Committee established by the Council in accordance with s.5.8 of the Act for the purpose of dealing with Complaints. The role of the Behaviour Complaints Committee is outlined in Part 5.2.3 of this Policy.

Breach - means a breach of Division 3 of the Shire of Dardanup Code of Conduct for Council Members, Committee Members and Candidates.

Candidate - means a candidate for election as a Council Member, whose nomination has been accepted by the Returning Officer under s.4.49 of the Act, but does not include a Council Member who has nominated for re-election. A person is a Candidate from the date on which their nomination is accepted, until the Returning Officer declares the election result in accordance with s.4.77 of the Act.

Candidate Complaint - means a Complaint alleging a Breach by a Candidate. Candidate Complaints are dealt with in Part 5.3.2 of this Policy.

CEO - means the Chief Executive Officer of the Shire of Dardanup.

Code - means the Shire of Dardanup Code of Conduct for Council Members, Committee Members and Candidates.

Committee - means a committee of Council, established in accordance with s.5.8 of the Act.

Committee Member - means a Council Member, employee of the Shire of Dardanup or other person who has been appointed by the Council to be a member of an Advisory, Occasional or Standing Committee, in accordance with s.5.10(1) of the Act. A person is a Committee Member from the date on which they are appointed, until their appointment expires or is terminated by Council resolution.

Complaint - means a complaint submitted under Division 3, Clause 11 of the Code of Conduct.

Complainant - means a person who has submitted a Complaint in accordance with this Policy.

Complaints Assessor – means an independent person appointed by the Complaints Officer to assess or manage a complaint in accordance with this policy and the Code of Conduct.

Complaint Documents - means the Complaint Form and any supporting information, evidence, or attachments provided by the Complainant.

Complaint Form - means the form approved under clause 11(2)(a) of the Code of Conduct [by Council resolution or by the CEO exercising delegated authority].

Complaints Officer - means a person authorised in writing [by Council resolution or by the CEO exercising delegated authority] under clause 11(3) of the Code of Conduct to receive complaints and withdrawals of complaints. The role of the Complaints Officer is addressed in Part 5.2.1 of this Policy.

Council - means the Council of the Shire of Dardanup.

Council Member - means a person who is currently serving a term of office as an elected member of the Council in accordance with the Act.

Finding - means a finding made in accordance with clause 12(1) of the Code of Conduct as to whether the alleged Breach has or has not occurred.

Minor breach - means a complaint made under Division 4 of the Code of Conduct.

Plan - means a Plan under clause 12(4)(b) of the Code, to address the behaviour of the person to whom the complaint relates (the Respondent), if a Finding has been made that a Breach has occurred.

Respondent – means a Council Member, Committee Member or candidate the subject of a complaint.

Response Documents - means the response provided by the Respondent to the Complaint, and includes any supporting information or evidence that is supplied.

5. POLICY

5.1 Principles

5.1.1 Procedural fairness

The principles of procedural fairness and natural justice will apply when dealing with a Division 3 Complaint under this Policy. In particular:

- a Respondent will be afforded a reasonable opportunity to be heard before any findings are made;
- a Respondent will be afforded a reasonable opportunity to be heard before any Plan is imposed;

- *the decision maker must be objective and impartial and must act in an unbiased manner and must not act in a manner likely to give rise to a perception of bias; and*
- *any findings made will be based on proper and genuine consideration of the evidence.*

5.1.2 Consistency

The application of this Policy should lead to consistency in process and outcomes. While each Complainant and Respondent will be dealt with according to their circumstances, and each Complaint considered and determined on its merits, similar circumstances will result in similar decisions.

5.1.3 Confidentiality

All Complaints must, as far as possible, be dealt with confidentially until such a time as they are required to be reported to Council in accordance with this Policy or are otherwise lawfully made public or disclosed. The Shire of Dardanup will take all reasonable steps to maintain confidentiality when dealing with a Complaint, in order to protect both the Complainant and Respondent.

Council Members, local government employees and contractors who have a role in handling a specific complaint will be provided with sufficient information to fulfil their role. They must manage this information securely, and must not disclose or inappropriately use this information.

Complainants will be advised of the level of confidentiality they can expect, and that breaches of confidentiality on their part may prejudice the progress of their Complaint.

In order to allow the Respondent to understand and respond to the Complaint against them, the name of the Complainant will be provided to the Respondent, unless the Complainant provides valid reasons why this should not occur. The Complainant's contact information will not be provided to the Respondent.

5.1.4 Accessibility

The Shire of Dardanup will ensure that information on how to make a complaint, including this Policy, is available at the Shire's Administration Building and on the Shire's website. The Shire will make information available in alternative formats if requested.

Any person wishing to make a Complaint may contact the Complaints Officer if they require assistance in completing the complaint form or otherwise navigating the complaints process.

5.1.5 Perception of Bias

A reasonable perception of bias may arise by virtue of personal, financial or family relationships, evidence of a closed mind or participation in the Complaint process (such as being a Complainant or Respondent).

Where a person's involvement in the decision-making process (whether at Council or Committee level) may reasonably give rise to a perception of bias on their behalf, they must recuse themselves.

5.2 Roles

5.2.1 Complaints Officer

The Complaints Officer is authorised in accordance with clause 11(3) of the Code of Conduct to accept Complaints and withdrawal of Complaints.

The Complaints Officer is not an advocate for the complainant or the respondent. The Complaints Officer provides procedural information and assistance to both Complainant and Respondent.

The Complaints Officer will liaise with and provide administrative support to a Complaint Assessor appointed under this Policy.

The Complaints Officer will liaise with the local government to facilitate the calling and convening of Council or Behaviour Complaints Committee meetings if required.

In undertaking their functions, the Complaints Officer will apply the Principles of this Policy.

5.2.2 Complaints Assessor

The Complaint Assessor is appointed by the Complaints Officer in accordance with Part 5.3.8 of this Policy.

The Complaint Assessor is an impartial third party who will undertake the functions specified in this Policy. In undertaking their functions, the Complaint Assessor will apply the Principles of this Policy.

The Complaint Assessor will liaise with the Complaints Officer to manage the administrative requirements of dealing with the Complaint in accordance with this Policy.

5.2.3 Behaviour Complaints Committee

A Behaviour Complaints Committee is a Committee of Council that may be established in accordance with s.5.8 of the Act for the purpose of dealing with Division 3 Complaints.

Where established, the Behaviour Complaints Committee is a Committee of Council, comprising all Council members. An appointed Committee member must recuse themselves if they are a Complainant or a Respondent.

The authority delegated to the Behaviour Complaints Committee will be specified by Council delegation and may include:

- *Conditions to which the delegation is subject.*
- *Dismissing a Division 3 Complaint in accordance with clause 13 of the Code of Conduct and providing reasons for any such dismissal.*
- *Making a finding as to whether the conduct specified in a Complaint did or did not occur, and whether a contravention of the Code of Conduct has been established, based upon evidence from which it may be concluded that it is more likely that the breach occurred than it did not occur (Finding) [clause 12(3) of the Code of Conduct].*
- *Determining reasons for such a Finding.*
- *Where a Finding is made that a breach has occurred, determining:*
 - *To take no further action; or*
 - *To Prepare and implement a Plan to address the behaviour of the person to whom the Complaint relates.*

5.3 Complaint process

5.3.1 Making a complaint

Any person may make a Complaint alleging that a Council Member, Committee Member or Candidate has behaved in a way that constitutes a breach of Division 3 of the Code of Conduct [clause 11(1) of the Code of Conduct].

A Complaint must be made within one (1) month after the alleged Breach [clause 11(2)(c) of the Code of Conduct]. A Complaint must be made by completing the Complaint Form in full and providing the completed forms to the Complaints Officer.

Save where this Policy otherwise provides, a Complaint will usually be determined by reference to the information provided by the Complainant and the Respondent.

A Complaint must:

- *Be specific (including identifying the provisions of the Code of Conduct which the complainant alleges have been breached).*
- *Provide as much supporting evidence as possible to assist an investigation (including the grounds and circumstances of the Complaint). This may include Statutory Declarations and witness statements.*
- *Provide the name of the Council Member, Committee Member or Candidate who has allegedly breached the Code of Conduct.*

- Provide the name and contact details of the complainant and the name and contact details of the person submitting the complaint (if different to the complainant).

Anonymous complaints will not be investigated by the Complaints Officer unless required by law.

Where a Complaint Form omits required details, the Complaints Officer will invite the Complainant to provide this information in order for the Complaint to be progressed.

Where a Complaint is made more than 1 month after the alleged breach, the Complaints Officer will give the Complainant written notice that the Complaint cannot be made [clause 11(2)(c) of the Code of Conduct].

5.3.2 Candidate Complaints

A Complaint in relation to a Candidate must be made in accordance with 3.1, above, but cannot be dealt with unless the Candidate is subsequently declared elected as a Council Member.

Within 7 days after receiving a Candidate Complaint, the Complaints Officer will provide written notice:

- To the Complainant confirming receipt, and advising of the procedure for candidate complaints; and
- To the Respondent, including a summary of the complaint, and advising of the procedure for candidate complaints.

No action will be taken until the results of the election are declared by the Returning Officer. If the respondent is elected, then the complaint will be dealt with in accordance with this Policy. Timeframes that would otherwise commence on the receipt of a Complaint will be taken to commence on the election date.

If the Respondent is not elected, the Complaints Officer will provide the Complainant with notice that the Respondent has not been elected and that the Complaint cannot be dealt with [clause 15(1) of the Code of Conduct].

5.3.3 Withdrawing a Complaint

A Complainant may withdraw their Complaint at any time before a Finding has been made in relation to the Complaint [clause 14 of the Code of Conduct].

A Complainant may withdraw a Complaint by advising the Complaints Officer in writing that they wish to do so.

After receiving a written withdrawal of the Complaint, the Complaints Officer will take all necessary steps to terminate the process commenced under this Policy.

5.3.4 Notice to Complainant

Within 7 days after receiving a Complaint, the Complaints Officer will provide written notice to the Complainant that:

- confirms receipt of the Complaint;
- outlines the process that will be followed and possible outcomes;
- explains the application of confidentiality to the complaint;
- includes a copy of this Policy; and
- if necessary, seeks clarifications or additional information.

If the Complaint Form indicates that the Complainant agrees to participate in Alternative Dispute Resolution, the Complaints Officer will advise the Complainant of the process in accordance with Part 5.3.6 of this Policy.

5.3.5 Notice to Respondent

Within 14 days after receiving a Complaint, the Complaints Officer will provide written notice to the Respondent that:

- advises that a Complaint has been made in accordance with the Code of Conduct and this Policy;
- includes a copy of the Complaint Documents;
- outlines the process that will be followed, the opportunities that will be afforded to the Respondent to be heard and the possible outcomes;

- includes a copy of this Policy; and
- if applicable, advises that further information has been requested from the Complainant and will be provided in due course.

If the Complainant has agreed to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will ask the Respondent if they are also willing to participate in accordance with Part 5.3.6 of this Policy.

5.3.6 Alternative Dispute Resolution

The Shire of Dardanup recognises that Alternative Dispute Resolution may support both parties reach a mutually satisfactory outcome that resolves the issues giving rise to the Complaint.

Alternative Dispute Resolution requires the consent of both parties to the Complaint and may not be appropriate in all circumstances.

To commence the process, the Complaints Officer will, as the first course of action upon receiving a complaint, offer the Complainant and the Respondent the option of Alternative Dispute Resolution. If both parties agree to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will pause the formal process.

The objective of Alternative Dispute Resolution will be to reach an agreed resolution that satisfies the Complainant that the formal process is no longer required, allowing them to withdraw the Complaint, in accordance with Part 5.3.3 of this Policy. For example, an offer by a Respondent to issue a voluntary apology in response to a Complaint, even in the absence of a request from the Complainant, qualifies for consideration as Alternative Dispute Resolution.

If Alternative Dispute Resolution is commenced, both the Complainant and Respondent may decline to proceed with the process at any time. The process may also be terminated on the advice of a third party who is providing assistance to the Local Government, such as a facilitator or mediator.

If Alternative Dispute Resolution is terminated or does not achieve an agreed outcome that results in the withdrawal of the Complaint, the Complaints Officer will resume the formal process required under this Policy.

Examples of Alternate Dispute Resolution include –

- negotiation with the assistance of the Complaints Officer or other appropriate person as intermediary;
- facilitation with a contracted service provider such as a mediator or conciliator;
- other mutually agreed process.

5.3.7 Order of Complaints

Complaints will normally be dealt with in the order in which they are received.

If more than one Complaint is received that relates to the same alleged behaviour, the Complaints Officer may decide to progress those Complaints concurrently.

5.3.8 Appointment of Complaints Assessor

If Alternative Dispute Resolution is not commenced, is terminated or does not achieve an agreed outcome resulting in the withdrawal of the Complaint, the Complaints Officer may appoint a suitably qualified and experience Complaints Assessor, in accordance with the Shire of Dardanup Procurement Framework.

A Complaints Assessor may be appointed under the following circumstances –

- Where a complaint relates to a Council Member;
- Where a complaint relates to a Candidate who is elected as a Council Member; and
- Where internal resources are limited and/or the nature of the complaint requires specific expertise.

In appointing a Complaints Assessor, the Complaints Officer will have regard to the qualifications and independence of the person appointed.

The Complaints Officer will endeavour to appoint a Complaint Assessor within a reasonable period. The Complaints Officer will provide written notice of the appointment to the Complainant and the Respondent.

5.3.9 Search of Local Government Records

The Complaint Assessor may request the Complaints Officer to search for any relevant records in the Shire of Dardanup's Record Management System.

In particular, if the behaviour is alleged to have occurred at a Council or Committee Meeting, the Complaints Officer will be requested to identify any Local Government records that provide evidence that may support a decision as to whether:

- *the behaviour occurred at a Council or Committee Meeting,*
- *the behaviour was dealt with by the person presiding at the meeting, and/or*
- *the Respondent has taken remedial action in accordance with the Shire of Dardanup Standing Orders Local Law 2014.*

The Complaints Assessor must provide the Respondent with a copy of any records that are identified. In addition, where a clarification or additional information has been sought from the Complainant by either the Complaints Officer or the Complaint Assessor, copies must also be provided to the Respondent.

5.3.10 Assessment of the Complaint

The Complaints Officer or where appointed, the Complaint Assessor will undertake an assessment of the Complaint in accordance with the process outlined in the Notices given under Part 5.3.4 and Part 5.3.5 of this Policy.

The Complaints Officer or where appointed, the Complaints Assessor must ensure that the Respondent is provided with a reasonable opportunity to respond to the Complaint before forming any opinions, or drafting the Complaint Report or recommendations.

5.3.11 Complaint Report

The Complaints Officer or where appointed, the Complaint Assessor will prepare a Complaint Report that will:

- *outline the process followed, including how the Respondent was provided with an opportunity to respond;*
- *include the Complaint Documents, the Response Documents and any relevant Local Government Records as attachments; and*
- *include recommendations on each decision that may be made by the Local Government or a Complaints Committee; and*
- *include reasons for each recommendation, with reference to Part 5.5.4 of this Policy.*

If the Complaint Report recommends that a Plan is prepared and implemented in accordance with clause 12(4)(b) of the Code of Conduct and Part 5.4.4 of this Policy, the Complaint Report must include a Proposed Plan.

The Complaints Officer or where appointed, the Complaint Assessor will include the Complaint Report in the Agenda for a meeting of the Council or where established, the Behaviour Complaints Committee. The Complaints Officer or where appointed, the Complaint Assessor will be responsible for preparation of an Officer Report with the Complaint Report provided as a confidential attachment. The recommendations of the Complaint Report will be provided as the Officer Recommendations.

5.3.12 Complaint Determination Meeting

The Agenda will be prepared on the basis that the part of the meeting that deals with the Complaint Report will be held behind closed doors in accordance with s.5.23(2) of the Act.

The Local Government or the Behaviour Complaints Committee will consider the Complaint Report and attachments and give due regard to the recommendations.

In accordance with Regulation 11(d)(a) of the Local Government (Administration) Regulations 1996, reasons for any decision that is significantly different from the Officer Recommendation must be recorded in the meeting minutes.

If the behaviour that is the subject of the Complaint is alleged to have occurred at a Council or Committee Meeting, the local government or the Behaviour Complaints Committee will determine whether or not to dismiss the Complaint in accordance with Clause 13 of the Code of Conduct and Part 5.4.2 of this Policy.

If the Local Government or the Behaviour Complaints Committee dismisses a Complaint, the Complaints Officer must give the Complainant and the Respondent written notice of the decision and the reasons for the decision in accordance with clause 13(2) of the Code of Conduct. This concludes the process for this Complaint.

If the Complaint is not dismissed, the Local Government or the Behaviour Complaints Committee will consider the Complaint and make a Finding as to whether the alleged Breach that is the subject of the Complaint has or has not occurred, in accordance with clause 12 of the Code of Conduct and Part 5.4.3 of this Policy.

If the Local Government or the Behaviour Complaints Committee finds that the alleged Breach did not occur, the Complaints Officer must give the Complainant and the Respondent written notice of the Finding and the reasons for the Finding in accordance with clause 12(7)(a) of the Code of Conduct. This concludes the process for this Complaint.

If the Local Government or the Behaviour Complaints Committee finds that the alleged breach did occur, the Committee will decide whether to take no further action in accordance with clause 12(4)(a) of the Code of Conduct or prepare a plan to address the behaviour in accordance with clause 12(4)(b) of the Code of Conduct and Part 5.4.4 of this Policy.

If the Local Government or the Behaviour Complaints Committee decides to take no further action, the Complaints Officer must give the Complainant and the Respondent written notice of this decision and the reasons for the Finding in accordance with clause 12(7)(a) of the Code of Conduct. This concludes the process for this Complaint.

If the Council or Behaviour Complaints Committee decides to prepare a Plan, it will first consult with the Respondent in accordance with clause 12(5) of the Code of Conduct. Council or the Behaviour Complaints Committee will consider any submissions made by the Respondent before preparing and implementing a Plan.

5.3.13 Compliance with Plan Requirement

The Complaints Officer will monitor the actions in timeframes set out in a Plan.

Failure to comply with a requirement included in a Plan is a minor breach under section 5.105(1) of the Act and clause 23 of the Code of Conduct.

The Complaints Officer must provide a report advising the Council of any failure to comply with a requirement included in a Plan.

5.4 Decision Making

5.4.1 Objectives and Principles

All decisions made under this Policy will reflect the Policy Objectives and the Principles included in Part 5.5.1 of this Policy.

5.4.2 Dismissal

The Local Government or the Behaviour Complaints Committee must dismiss a Complaint in accordance with clause 13(1)(a) and (b) of the Code of Conduct 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 Respondent has taken remedial action in accordance with the Shire of Dardanup Standing Orders Local Law 2014.*

5.4.3 Finding

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 [clause 12(3) of the Code of Conduct].

This may involve first considering whether the behaviour occurred, on the balance of probabilities, and then whether that behaviour constituted a breach of a requirement of Division 3 of the Code of Conduct.

5.4.4 Action

In deciding whether to take no further action, or prepare and implement a Plan, the Local Government or the Behaviour Complaints Committee may consider:

- *the nature and seriousness of the breach(es);*
- *the Respondent's submission in relation to the contravention;*
- *whether the Respondent has breached the Code of Conduct knowingly or carelessly;*
- *whether the Respondent has breached the Code of Conduct on previous occasions;*
- *likelihood or not of the Respondent committing further breaches of the Code of Conduct;*
- *personal circumstances at the time of conduct;*
- *need to protect the public through general deterrence and maintain public confidence in Local Government; and*
- *any other matters which may be regarded as contributing to or the conduct or mitigating its seriousness.*

5.4.5 Plan Requirement

The Proposed Plan may include requirements for the Respondent to do one (1) or more of the following:

- *engage in mediation;*
- *undertake counselling;*
- *undertake training;*
- *take other action the Complaints Committee considers appropriate (e.g. an apology).*

The Proposed Plan should be designed to provide the Respondent with the opportunity and support to demonstrate the professional and ethical behaviour expected of elected representatives expressed in the Code of Conduct.

The Proposed Plan may also outline:

- *the actions to be taken to address the behaviour(s);*
- *who is responsible for the actions;*
- *any assistance the Local Government will provide to assist achieve the intent of the Plan; and*
- *a reasonable timeframe for the Plan action(s) to be addressed by the Respondent.*

6. LEGISLATION

Local Government Act 1995 – Section 5.104 Adoption of model code of conduct:

Local Government Act 1995 – Section 5.105 Breaches by council members

Local Government (Model Code of Conduct) Regulations 2021

7. REFERENCE DOCUMENTS

Shire of Dardanup Code of Conduct for Council Members, Committee Members and Candidates.

AND

OFFICER RECOMMENDED RESOLUTION ‘B’

THAT Council adopts the ‘Code of Conduct Breach Form’ [Appendix ORD: 12.4.6D] for the purpose of clause 11 of the Shire of Dardanup Code of Conduct for Council Members, Committee Members and Candidates, and withdraw the form previously adopted.

AND

OFFICER RECOMMENDED RESOLUTION ‘C’

THAT Council:

- 1. Establishes the ‘Behaviour Complaints Committee’ for the purpose of dealing with complaints under the Council Policy – Exec CP202 Code of Conduct Complaints Management Process,**
- 2. Adopts the Terms of Reference (Appendix ORD: 12.4.6E) and membership composition of which is provided under clause 2.3 of the policy;**
- 3. Appoints the following five Councillors as members and four deputy members (by rank/length of service) of the Behaviour Complaints Committee –**

Committee members:

- Cr. _____
- Cr. _____
- Cr. _____
- Cr. _____
- Cr. _____

Deputy Committee Members:

- Cr. _____
- Cr. _____
- Cr. _____
- Cr. _____

- 4. Delegates authority to the Behaviour Complaints Committee the following in respect to a complaint related to the Shire of Dardanup Code of Conduct for Council Members, Committee Members and Candidates –**
 - i) Authority to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [MCC r.12(1) and (3)].**

In making any finding the Committee must also determine reasons for the finding [MCC.r.12(7)].

- (ii) Where a finding is made that a breach has occurred, authority to:**
 - a) take no further action [MCC.r.12(4(a)); or**

- b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates [MCC.r.12(4)(b), (5) and (6)].
- (iii) Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal [MCC.r.13(1) and (2)].

Conditions of Delegation

- a) The Committee will make decisions in accordance with the principles and specified requirements established in Council Policy – Code of Conduct Complaints Management Process.
- b) That part of a Committee meeting which deals with a Complaint will be held behind closed doors in accordance with s5.23(2)(b) of the Local Government Act 1995.
- c) The Committee is prohibited from exercising this Delegation where a Committee Member in attendance at a Committee meeting is either the Complainant or Respondent or otherwise subject to the Complaint forming part of the Committee agenda item.
- d) In the event of (c) above, the Committee may resolve to defer consideration to a future meeting at which the conflicted Committee Member is absent and a Deputy Committee Member is in attendance.

Note to Conditions (c) and (d): The purpose of this Condition is to require that a Committee Member who is identified as either the Complainant or Respondent is required to recuse themselves by notifying the Presiding Member of their intention to be an apology for the meeting at which the Complaint is an agenda item.

By Absolute Majority

AND

OFFICER RECOMMENDED RESOLUTION 'D'

THAT Council, in addition to the Chief Executive Officer, appoints the Deputy Chief Executive Officer, Mr Phil Anastasakis and Manager Governance & HR, Ms Cathy Lee as Complaints Officers for the purpose of clause 11(3) of the Shire of Dardanup Code of Conduct for Council Members, Committee Members and Candidates;

By Absolute Majority

AND**OFFICER RECOMMENDED RESOLUTION 'E'**

THAT Council delegates to the Chief Executive Officer the authority to appoint an external Complaints Officer to receive complaints and withdrawal of complaints related to the Shire of Dardanup Code of Conduct for Council Members, Committee Members and Candidates.

Conditions of Delegation

- a) **Any appointment under this delegation excludes a current or former Shire of Dardanup Council Member, Committee Member, candidate or employee.**
- b) **Any appointed external Complaints Officer must comply with the requirements contained in the -**
 - **Shire of Dardanup Code of Conduct for Council Members, Committee Members and Candidates.**
 - **Council Policy – Exec CP202 Code of Conduct Complaints Management Process.**

By Absolute Majority

12.4.7 Title: Annual Review of Delegations 2021

<i>Reporting Department:</i>	<i>Corporate & Governance Directorate</i>
<i>Reporting Officer:</i>	<i>Ms Cathy Lee - Manager Governance & HR</i>
<i>Legislation:</i>	<i>Local Government Act 1995</i>
<i>Attachments:</i>	<i>Appendix ORD: 12.4.7A – Risk Assessment</i> <i>Appendix ORD: 12.4.7B – Amended Delegations Booklet</i> <i>Appendix ORD: 12.4.7C – Under Separate Cover Document</i> <i>– Full Delegations Register 2021</i>

Overview

An annual review of Delegations has been undertaken with the 2021-2022 Delegations Register provided for Council consideration and endorsement.

Background

The Local Government Act 1995 empowers Council to delegate certain power and authority to the Chief Executive Officer to carry out the functions of Council, section 5.46 requires the delegations to be reviewed at least annually. A number of duties are to be performed by Officer's authorised by the local government; these areas are included for Council to endorse.

Council recently reviewed its delegations at the 30th of June 2021 OCM, resolution (188-21). Council were advised that the delegations were to be re-presented to Council in September with further amendments; In particular, planning delegation additions and removals will be made at that time.

This repeat of the delegation review in September (October/November) allows for the annual review to be moved to later in the calendar year and away from budget preparation time.

Legal Implications

- *Local Government Act 1995*

Section 3.24 and 3.25 - The powers given to the local government by this Subdivision can only be exercised on behalf of the local government by a person expressly authorized by it to exercise those powers. (This section relates to requiring the owner or occupier of land to do what is specified in the notice in relation to the land).

Section 5.16 - Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.* Absolute majority required. A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

Section 5.42 –

5.42. Delegation of some powers and duties to CEO

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

* *Absolute majority required.*

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

[Section 5.42 amended: No. 1 of 1998 s. 13; No. 28 of 2010 s. 70.]

Section 5.43 –

5.43. Limits on delegations to CEO²⁸

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

- (a) any power or duty that requires a decision of an absolute majority of the Council;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

[Section 5.43 amended: No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23; No. 16 of 2019 s. 23.]

Section 5.44 –

5.44. CEO may delegate powers and duties to other employees

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

conditions includes qualifications, limitations or exceptions.

[Section 5.44 amended: No. 1 of 1998 s. 14(1).]

Section 5.45 (a) – delegations are for the period of time specified, or if no time is specified then the delegation is indefinite.

Section 5.45 (b) – any decision to amend or revoke a delegation is to be by an absolute majority vote.

Section 5.46(2) – requires that at least once in every financial year, delegations are to be reviewed by the delegate.

Section 7.1B - Despite section 5.16, the only powers and duties that a local government may delegate* to its audit committee are any of its powers and duties under this Part other than this power of delegation.* Absolute majority required. A delegation to an audit committee is not subject to section 5.17.

Section 9.10 - Appointment of authorised persons - The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions. The local government is to issue the authorised person with a certificate stating the person is so authorised.

- *Bush Fires Act 1954*

Section 59 (3) - A local government may, by written instrument of delegation, delegate authority generally, or in any class of case, or in any particular case, to its bush fire control officer, or other officer, to consider allegations of offences alleged to have been committed against this Act in the district of the local government and, if the delegate thinks fit, to institute and carry on proceedings in the name of the local government against any person alleged to have committed any of those offences in the district, and may pay out of its funds any costs and expenses incurred in or about the proceedings.

Section 48 (1) - A local government may, in writing, delegate to its Chief Executive Officer the performance of any of its functions under this Act.

- *Graffiti Vandalism Act 2016*

Section 16 - The local government may delegate to its CEO the exercise of any of its powers or the discharge of any of its duties under another provision of this Part.

Section 17 - A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under another provision of this Part other than this power of delegation.

- *Food Act 2008*

Section 118 - A local government is authorised to empower an officer to undertake duties as defined by the Act.

- *Health (Miscellaneous Provisions) Act 1911 & Public Health Act 2016.*

Section 26 - Every local government is hereby authorised and directed to carry out within its district the provisions of this Act and the regulations, local laws, and orders made thereunder: Provided that a local government may appoint and authorise any person to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself of any power or function.

- *Cat Act 2011*

Section 44 - The local government may delegate to its CEO the exercise of any of its powers or the discharge of any of its duties under another provision of this Act.

Section 45 - A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under another provision of this Act.

- *Dog Act 1976*

Section 10 AA - The local government may delegate to its CEO the exercise of any of its powers or the discharge of any of its duties under another provision of this Act.

- *Litter Act 1979 Appointment of Authorised Officers*

All local government employees can be authorized officers providing they have been provided a Certificate of Appointment by the Authority, per Schedule 2 of the Litter Regulations 1981.

- *Town Planning*

The Planning and Development (Local Planning Scheme) Regulations 2015 and the Shire of Dardanup Town Planning Scheme No. 3 provides Council the power to delegate power to the Chief Executive Officer.

- *Building Act 2011*

Section 127 of the Building Act 2011 enables local governments to delegate any of its powers or duties as a permit authority under the Act. Such a delegation can only be made to an employee of the local government as per the Local Government Act 1995 section 5.36 [Chief Executive Officer].

- *Principal Environmental Health Officer*

The Environmental Health Officer [EHO or PEHO] should be delegated the powers (in the list) for the performance of his/her day-to-day duties. There may, from time to time, be an urgent or emergency situation pertaining to public health in which prompt action by an EHO is required.

There are a number of items on the list which would not pertain to any emergency but such a part of the normal day-to-day functions of an EHO and well within the capabilities and competencies of an EHO.

There are a handful of significant emergency powers which are not included in the list. They pertain to events and matters which only a Chief Executive Officer should preside over.

Strategic Community Plan

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

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

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

Environment - None.

Precedents

Council consider delegations annually in accordance with the Local Government Act 1995. The last review was undertaken on the 30th of June 2021, when Council resolved [188-21] to adopt the reviewed delegations

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessment

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

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Annual Review of Delegations 2020
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 Local Government Act 1995 compliance requirement to review delegations annually.
	Reputational Notification from Dept. Local Government Non Compliance.

Officer Comment

Each delegation has been reviewed by members of staff as well as Executive and signed off by the Chief Executive Officer before being submitted to Council for endorsement. Section 5.42 of the Local Government Act empowers Council to delegate authority to the Chief Executive Officer. Where appropriate, the Chief Executive Officer may on-delegate authority to other officers for operational reasons. Such delegations will be made to the relevant officers that have the relevant qualifications and experience in relation to the delegated powers.

Amendments are outlined in the below table and highlighted in [Appendix ORD: 12.4.7B] – Amended Delegations Booklet.

Explanation To Amended Delegations [APPENDIX ORD: 12.4.7B]			
NO.	NAME	CHANGE/AMENDMENT/DELETION/ADDITION	REASON FOR ACTION
NEW 1.1.3	Behaviour Complaints Committee	<p>New delegation.</p> <ol style="list-style-type: none"> 1. Authority to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [MCC.cl.12(1) and (3)]. <p>In making any finding the Committee must also determine reasons for the finding [MCC.cl.12(7)].</p> 2. Where a finding is made that a breach has occurred, authority to: <ol style="list-style-type: none"> a. take no further action [MCC.cl.12(4(a)); or b. prepare and implement a plan to address the behaviour of the person to whom the complaint relates [MCC.cl.12(4)(b), (5) and (6)]. 3. Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal [MCC.cl.13(1) and (2)]. 	<p>In line with the new policy 'Exec CP2020' recommended for adoption by Council in relation to Managing Behaviour Complaints relating to the adopted Shire of Dardanup Code of Conduct, it is proposed that the new Delegations is formalised in this review document.</p> <p>Refer to new delegation in [Appendix ORD: 12.4.7B] page 1.</p>
NEW 1.2.44	General Powers of Discharge of Duties and Functions of Policy Manual	New delegation to provide the Chief Executive Officer authority to perform the function of the Council as applies to the Council Policy Manual delegations.	<p>Throughout the policy manual the Council has delegated authority to the Chief Executive Officer to carry out duties within policies. As an example, SDev 'CP038 - Educational Donations & Personal Development Grants' has within the policy:</p> <p>4. PROCEDURE 4.1 Assessment <i>Applications for Educational and Personal Development funding will be assessed by the Chief Executive Officer under the <u>delegation of Council.</u></i></p>

Explanation To Amended Delegations [APPENDIX ORD: 12.4.7B]			
No.	NAME	CHANGE/AMENDMENT/DELETION/ADDITION	REASON FOR ACTION
			<p>The addition of this delegation provides transparency, good governance and ensures that the powers delegated to the Chief Executive Officer within the Policy Manual are clearly articulated in the Annual Delegation Review. This allows the Chief Executive Officer to make decisions and carry out duties assigned to him under policy with a further lens of transparency.</p> <p>Refer to new delegation in [Appendix ORD: 12.4.7B] page 3.</p>
NEW 1.2.45	Authority to Appoint External Complaints Officer	New delegation to allow for the Chief Executive Officer to appoint an external Complaints Officer to receive complaints and withdrawal of complaints related to the Shire of Dardanup Code of Conduct for Council Members, Committee Members and Candidates.	<p>In line with the new policy 'Exec CP2020' recommended for adoption by Council in relation to Managing Behaviour Complaints relating to the adopted Shire of Dardanup Code of Conduct, it is proposed that the new Delegations is formalised in this review document.</p> <p>Refer to new delegation in [Appendix ORD: 12.4.7B] page 4</p>
3.1.4	Restricted Burning Times – Vary and Control Activities	<p>Express power to Delegate addition of wording/part 10 under Function – to read :</p> <p>10. <i>[s.17(10) Authority to delegate to its president, and its Chief Bush Fire Control Officer, jointly its powers and duties to vary restricted burning times.</i></p>	<p>Section 18 (5c) should be read as if Section 17 (8)(9)(10) and (11) that refers to Prohibited Burning Times are the same as Restricted Burning Times.</p> <p>(5C) The provisions of section 17(8), (9), (10) and (11), with the necessary adaptations and modifications, apply to and in relation to the variation of restricted burning times or prescribed conditions by a local government, <u>as if those provisions were expressly incorporated in this section.</u></p> <p>In particular, S.17(10) Authority to delegate to its president, and its Chief Bush Fire Control Officer, jointly its powers and duties under subsections 17 (7) and (8). Demonstrates that the same conditions apply to both prohibited and restricted burning times.</p> <p>Refer to amended delegation in [Appendix ORD: 12.4.7B] page 6</p>
3.1.12	Prosecution of Offences	<p>Addition of:</p> <p>4. An infringement notice may, whether or not the prescribed penalty has been paid, be withdrawn, at</p>	<p>In accordance with the following legislation.</p> <p>s59A(5) Withdrawal of Infringement</p>

Explanation To Amended Delegations [APPENDIX ORD: 12.4.7B]			
No.	NAME	CHANGE/AMENDMENT/DELETION/ADDITION	REASON FOR ACTION
		any time within 60 days after the service of the notice, by the sending of a notice, in the prescribed form, signed by a prescribed officer [s.59A(5), r.4 (a)].	<i>Bush Fires (Infringements) Regulations 1978:</i> r.4 (a) Prescribed officers
9.1.1	Determination of Development Applications	Delete delegation and incorporate into New 9.1.1 – Powers Or Duties Under The Local Planning Scheme	<p>Delete and replace with <u>New Delegation 9.1.1 – Powers or Duties under the Local Planning Scheme</u></p> <p>The deemed provisions allow for the delegation of ‘<i>the exercise of any of the local government’s powers or the discharge of any of the local government duties under the Scheme</i>’. This delegation ‘<i>may be general or as otherwise provided in the instrument of delegation</i>’.</p> <p>Rather than having a separate and specific delegation for every aspect of the Scheme that can be varied, it is proposed to have a single, more general delegation to cover on all of those aspects. This will also allow for any changes in the Scheme (or the adoption of the new Scheme) to be covered by the delegation without the need for change.</p> <p>It is important to note that the current restrictions on delegation for development applications and the ‘Waste Precinct’ are still retained in other delegations.</p> <p>Refer to new delegation in [Appendix ORD: 12.4.7B] page 7.</p>
NEW 9.1.1	Powers or Duties under the Local Planning Scheme	Addition – New Delegation	Rather than having a separate and specific delegation for every aspect of the Scheme that can be varied, it is proposed to have a single, more general delegation to cover on all of those aspects. This will also allow for any changes in the Scheme (or the adoption of the new Scheme) to be covered by the delegation without the need for change.
9.1.2	Illegal Development	No Change	Remains the same.
9.1.3	Oversized Outbuildings	Delete delegation and incorporate into New 9.1.1 - Powers Or Duties Under The Local Planning Scheme	Refer to <u>New Delegation 9.1.1 – Powers or Duties under the Local Planning Scheme</u>
9.1.4	Amendments to Building Envelopes and Building Exclusion Areas	Delete delegation and incorporate into New 9.1.1 - Powers Or Duties Under The Local Planning Scheme	Included in new The deemed provisions allow for the delegation of ‘ <i>the exercise of any of the local government’s powers or the discharge of any of the local government duties under the Scheme</i> ’. This delegation ‘ <i>may be general or as otherwise provided in the instrument of delegation</i> ’.
9.1.5	Extinguishment of Restrictive Covenants	Delete delegation and incorporate into New 9.1.1 - Powers Or Duties Under The Local Planning Scheme	
9.1.6	Landscape Buffer to Australind Bypass Road (Forrest Highway)	Delete delegation and incorporate into New 9.1.1 - Powers Or Duties Under The Local Planning Scheme	

Explanation To Amended Delegations [APPENDIX ORD: 12.4.7B]			
No.	NAME	CHANGE/AMENDMENT/DELETION/ADDITION	REASON FOR ACTION
			<p>Rather than having a separate and specific delegation for every aspect of the Scheme that can be varied, it is proposed to have a single, more general delegation to cover on all of those aspects. This will also allow for any changes in the Scheme (or the adoption of the new Scheme) to be covered by the delegation without the need for change.</p> <p>It is important to note that the current restrictions on delegation for development applications and the 'Waste Precinct' are still retained in other delegations.</p>
9.1.7	Recommendations to the WAPC regarding Subdivision and Amalgamation	No Change to delegation wording. Renumber delegation only.	Remains the same - Attain System will renumber automatically with the deletion of delegations – this delegation will move to 9.1.3.
9.1.8	Greater Bunbury Region Scheme	No Change to delegation wording. Renumber delegation only.	Remains the same - Attain System will renumber automatically with the deletion of delegations – this delegation will move to 9.1.4.
9.1.9	Strata Titles Act	Delegation updated as per Government Gazette – 29 January 2021 PL402 and then Renumbered to 9.1.5	<p>Changes required following the 1 May 2020 amendments to the Strata Titles Act 1985.</p> <p>Two amendments have been made by gazettal. The first is to grant power to local governments to determine applications relating to use conditions or by-laws. The second is to restrict the power of local governments to determine type 1A and 2 subdivision applications.</p> <ul style="list-style-type: none"> • Attain System will renumber automatically with the deletion of delegations – this delegation will move to 9.1.5
9.1.10	Section 40 Certificates under the Liquor Licencing Act 1988	No Change	Remains the same.
9.1.11	Local Development Plans	<p>Additional delegation to give authority to:</p> <ul style="list-style-type: none"> • Determine that a local development plan does not require advertising. <p>The change to this delegation is essentially an addition to allow delegation to determine that a local development plan does not require advertising if the plan is not likely to adversely affect any owners or occupiers within the area covered by the plan or an</p>	<p>Conditions applicable to amended delegation are as follows:</p> <ol style="list-style-type: none"> 1. <i>Delegation can only be exercised where, if concerns raised through consultation are not relevant planning considerations or where concerns can be addressed or mitigated by way of conditions or design modifications.</i> 2. <i>Where concerns raised are relevant planning considerations that cannot be addressed or mitigated by way of conditions or design modifications, the local development plan shall be referred to Council for determination.</i>

Explanation To Amended Delegations [APPENDIX ORD: 12.4.7B]			
No.	NAME	CHANGE/AMENDMENT/DELETION/ADDITION	REASON FOR ACTION
		<p>adjoining area (as per cl. 50(3) of the deemed provisions).</p> <p>In conditions on the approval of a local development plan use consistent wording to that used in other delegations.</p>	
9.1.12	Waiving of Application Fees for Development Approval	No Change.	Remains the same.
9.2.1	Development that is permitted as an Additional Use in Appendix IV or a Restricted Use in Appendix V of Shire of Dardanup Town Planning Scheme No	Delete delegation and incorporate into New 9.1.1 – Powers or Duties Under The Local Planning Scheme	<p>Refer to <u>New Delegation 9.1.1 – Powers or Duties</u> under the Local Planning Scheme</p> <p>The deemed provisions allow for the delegation of <i>‘the exercise of any of the local government’s powers or the discharge of any of the local government duties under the Scheme’</i>. This delegation <i>‘may be general or as otherwise provided in the instrument of delegation’</i>.</p>
9.2.3	Bushland Development Area – External Cladding	Delete delegation and incorporate into New 9.1.1 - Powers Or Duties Under The Local Planning Scheme.	<p>Rather than having a separate and specific delegation for every aspect of the Scheme that can be varied, it is proposed to have a single, more general delegation to cover on all of those aspects. This will also allow for any changes in the Scheme (or the adoption of the new Scheme) to be covered by the delegation without the need for change.</p>
9.2.4	Variation to Site and Development Standards and Requirements	Delete delegation and incorporate into New 9.1.1 - Powers Or Duties Under The Local Planning Scheme	
9.2.5	Minor Variations to Car Parking	Delete delegation and incorporate into New 9.1.1 - Powers Or Duties Under The Local Planning Scheme	
9.2.2	Variations under the Residential Design Codes	Delete delegation and incorporate into New 9.1.1 - Powers Or Duties Under The Local Planning Scheme	<p>It is important to note that the current restrictions on delegation for development applications and the ‘Waste Precinct’ are still retained in other delegations.</p> <p>Refer to new delegation in [Appendix ORD: 12.4.7B] page 7.</p>

The above will result in the following list of active Planning Delegations:

NEW NUMBER	TITLE OF DELEGATION
9.1.1	(New) Powers or Duties under the Local Planning Scheme
9.1.2	Illegal Development
9.1.3	Recommendations to the WAPC regarding Subdivision and Amalgamation
9.1.4	Greater Bunbury Region Scheme
9.1.5	Strata Titles Act
9.1.6	Section 40 Certificates under the Liquor Licensing Act 1988
9.1.7	Local Development Plans
9.1.8	Waiving of Application Fees for Development Approval

Attached [Appendix ORD: 12.4.7C = Under Separate Cover Document - Full Delegations Register 2021] is the full document "2021/22 Delegations Register". This is (inclusive of all amendments) made for the 2021-2022 financial year for Council's review, consideration and adoption.

Council Role - Executive/Strategic.

Voting Requirements - Absolute Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council:

- Deletes the following Planning Delegations:**

NO. #	DELEGATION FOR DELETION
9.1.1	Determination of Development Applications
9.1.3	Oversized Outbuildings
9.1.4	Amendments to Building Envelopes and Building Exclusion Areas
9.1.5	Extinguishment of Restrictive Covenants
9.1.6	Landscape Buffer to Australind Bypass Road (Forrest Highway)
9.2.1	Development that is permitted as an Additional Use in Appendix IV or a Restricted Use in Appendix V of Shire of Dardanup Town Planning Scheme No.
9.2.2	Variations under the Residential Design Codes
9.2.3	Bushland Development Area – External Cladding
9.2.4	Variation to Site and Development Standards and Requirements
9.2.5	Minor Variations to Car Parking

2. Adopts the following new Delegations as detailed in [Appendix ORD: 12.4.7B]:

NEW#	NEW DELEGATION
1.1.3	Behaviour Complaints Committee (Page 1)
1.2.44	General Powers of Discharge of Duties and Functions of Policy Manual (Page 3)
1.2.45	Authority to Appoint External Complaints Officer (Page 4)
9.2.1	Powers or Duties under the Local Planning Scheme - (Page 7)

3. Renumbers the following Planning Delegations:

OLD#	DELEGATION	NEW#
9.1.7	Recommendations to the WAPC regarding Subdivision and Amalgamation	9.1.3
9.1.8	Greater Bunbury Region Scheme	9.1.4
9.1.9	Strata Titles Act	9.1.5
9.1.10	Section 40 Certificates under the Liquor Licensing Act 1988	9.1.6
9.1.11	Local Development Plans	9.1.7
9.1.12	Waiving of Application Fees for Development Approval	9.1.8

5. In accordance with Section 5.46(2) of the Local Government Act 1995, records confirms that it has completed its annual review of delegations and duties to the Chief Executive Officer as empowered by the Local Government Act 1995, Regulations, the Shire of Dardanup Town Planning Scheme No. 3, and other relevant statutes as provided for in the Delegation Register 2021 [Appendix ORD: 12.4.7B = Under Separate Cover Document - Full Delegations Register 2021].

By Absolute Majority

12.4.8 Title: Burekup Cricket Club – Request for Sale of Alcohol

Reporting Department:	<i>Corporate & Governance Directorate</i>
Reporting Officer:	<i>Mrs Donna Bailye - Personal Assistant to D/CEO Mr Neil Nicholson – Principal Environmental Health Officer</i>
Legislation:	<i>Health (Miscellaneous Provisions) Act 1911 Food Act 2008</i>
Attachments:	<i>Appendix ORD: 12.4.8A – Risk Assessment Appendix ORD: 12.4.8B – Exemption – Liquor Control Act</i>

Overview

Council is requested to assess the submission from the Burekup Cricket Club for the sale of alcohol from the Shed located at the Burekup Oval.

Background

The Burekup Cricket Club currently holds a 5 year lease agreement with Council at the Burekup Oval, which expires in 2023.

The lease agreement was established to formalise the Burekup Cricket Clubs use of the Burekup Oval, cricket nets and the Shed (located near the public toilets). The Burekup Oval and the Shed are shared use facilities. The Burekup Oval is subject to a lease agreement with the Minister for Education for River Valley Primary School usage. The Shed is identified in Burekup Cricket Club lease agreement and forms part of the Burekup Country Club lease agreement and is therefore a shared facility for both parties.

The Burekup Cricket Club has approached the Shire of Dardanup with a request to allow for the consumption and limited sale of alcohol during the cricket season. The sale of alcohol will be limited to club members and visiting opposition teams following game day matches.

Legal Implications

Health (Miscellaneous Provisions) Act 1911.

Strategic Community Plan

Strategy 1.1.1 - Ensure equitable, inclusive and transparent decision-making. (Service Priority: High)
Strategy 3.3.2 - Support volunteer groups within the Shire of Dardanup. (Service Priority: High)

Environment - None.

Precedents - None.

Budget Implications - None.

As no assets/infrastructure are being created, there are no budget implications for this item.

Budget – Whole of Life Cost

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

Council Policy Compliance - None.

Risk Assessment

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

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Burekup Cricket Club – Request for Sale of Alcohol
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 Assessment of the request is required under the current lease agreement. Failure to assess is in breach of the agreement.
	Reputational Council could be seen in a negative light if they failed to assess the request.

Officer Comment

In accordance with the Burekup Cricket Club lease agreement, the Lessee must obtain a valid licence and the consent of the Lessor to allow for the sale of alcohol from the leased premises.

The Burekup Cricket Club have sought advice from the Department of Local Government Sport and Cultural Industries (DLGSCI) Liquor Licensing on the necessary requirements to obtain a permit/licence. The Club has been advised by DLGSCI that should they comply with the Exemptions to the Liquor Control Act 1998 policy, they are exempt from obtaining a liquor licence. [Appendix ORD: 12.4.8B] Exemption for the required permit is provided for under a ‘Small Functions Exemption’.

The Burekup Cricket Club have advised Council Officers’ that:

- The shed will be used for the storage of alcohol only;
- The alcohol will be sealed cans and bottles within a fridge inside the shed;
- Only RSA trained club members will go into the shed to obtain a drink for other members (who have paid);
- Drinks will be opened and consumed on the grounds outside the shed. There will be no consumption of alcohol within the shed itself; and
- There is no requirement for a bar or clean-up of cups or jugs as only sealed cans and bottles will be sold.

As this is a new arrangement, it is recommended that this approval be for an initial 2 year trial period.

- *Officers Comment – Principal Environment Health Officer*

The Burekup Cricket Club confirmed that the Shed will only be used for the storage of alcohol (in a fridge). There will be no consumption of alcohol within the Shed and it will continue to be used predominantly for storage. The building therefore will not need to be reclassified under the Building Code of Australia. As a result, there are also no public building requirements.

The Shire’s Town Planning Services confirmed that there are no land-use or Town Planning implications from this proposal.

The Burekup Cricket Club confirmed that alcohol will be consumed on the grounds outside the Shed, after a typical training session. The Burekup Cricket Club also confirmed they will be complying with responsible service of alcohol rules with a number of members being RSA (Responsible Service of Alcohol) trained.

The Club confirmed to Environmental Health Services that they tried to obtain written confirmation from the Department of Local Government Sport and Cultural Industries (DLGSCI) that a Liquor Licence was not required, and that they fit the 'Small Functions' licence-exemption category. Department Officers were only willing to provide verbal advice on the matter, confirming that they regarded consumption of alcohol in the context proposed by the Burekup Cricket Club to be consistent with this category.

Environmental Health is satisfied that the Burekup Cricket Club have done their due diligence (as far as is possible) to confirm that a Liquor Licence is not required. They have provided an email to the Shire confirming DLGSCI officer's verbal advice.

Under the terms of the Burekup Cricket Club Lease Agreement, the Lessee is required to obtain the Lessors consent prior to the sale of alcohol from the leased premises. This matter is now brought to Council for their consideration on the approval to sell alcohol from the Shed located on the Burekup Oval.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council approves the request from the Burekup Cricket Club to the sale of alcohol to members and visiting team players from the Shed located on the Burekup Oval during the Cricket Season (October to March) subject to the following conditions:

- 1. The Burekup Cricket Club must comply with the 'Small Functions Exemption' to the Liquor Control Act 1988 policy;**
- 2. The Shed is only to be used for the storage of alcohol. The consumption of alcohol within the shed is not permitted;**
- 3. Only RSA (Responsible Service of Alcohol) trained club members may sell or serve alcohol. The sale of alcohol must be in compliance with Liquor Control Act 1988 requirements;**
- 4. Only alcohol in sealed cans or bottles is permitted. The sale of alcohol in open cups, glasses or jugs does not form part of this approval;**
- 5. Alcohol may only be sold to members of the Burekup Cricket Club or a visiting club. It is not to be sold to the general public; and**
- 6. The approval is for a period of two seasons only – 2021/22 and 2022/23.**

12.4.9 Title: Shire of Dardanup – New Lease Agreement Template

<i>Reporting Department:</i>	<i>Corporate & Governance Directorate</i>
<i>Reporting Officer:</i>	<i>Mr Phil Anastasakis - Deputy CEO</i>
<i>Reporting Officer:</i>	<i>Mrs Donna Bailye - Personal Assistant to D/CEO</i>
<i>Legislation:</i>	<i>Local Government Act 1995</i>
<i>Attachments:</i>	<i>Appendix ORD: 12.4.9 – Risk Assessment</i>

Overview

Council is requested to endorse the Shire of Dardanup's new Lease Agreement Template and confirm the standard terms and conditions to be applied to all future building, land and facility lease agreements.

Background

In accordance with Section 3.58 of the *Local Government Act 1995*, the Council may dispose of property through sale or lease to the public through a prescribed process. Council currently leases properties to various sporting organisations, not for profit, community groups and the public. The leases cover both buildings, facilities and vacant land.

WALGA provides a lease agreement template document for Local Government use. Council has been using this template since 2011, with this document being modified and updated to reflect the changing needs of Council since that time.

In September 2019 the document was updated by Council officers to include a table which provided a more defined schedule of obligations and maintenance. These new template conditions were endorsed by Council at its Ordinary meeting on the 25th of September 2019 (Res: 278-19) when approving the Ferguson Hall Committee lease, which provided for the following:

- Peppercorn annual lease fee for Not-for-Profit groups of \$0;
- Lessee to pay for all internal fit-out repairs, maintenance and replacement of items;
- Lessee to pay for all utility charges and contents and other relevant operational insurances;
- Lessee paying for the building insurance through a reimbursement to Council of the actual lease costs incurred by the Council through LGIS;
- Lessee to pay for all annual safety inspections and servicing;
- Lessee to pay all rubbish collection charges and pest maintenance;
- Council paying for major structural repairs and maintenance, including fixed equipment and chattels; and
- Council being provided free use of the facility up to 5 times a year.

These standard terms and conditions were also applied to the new 5 year leases for the Burekup & Districts Country Club and Eaton Junior Football Club/Eaton Cricket Club endorsed by Council at its Ordinary Council meeting on the 25th of March 2020 (Res: 41-20 and 42-20).

In March 2020 Council had also received a request from the Dardanup Sporting & Community Club to not pay building insurance. Council had previously resolved (OCM 27/22/2019 Res: 350-19) to provide a 50% subsidy on the insurance cost for sporting and community groups who lease Council buildings in the 2019/20 financial year of \$14,087.37. Council subsequently resolved at its Ordinary Council meeting on the 25th of March 2020 [Res: 59-20] to refund 100% of Insurance premiums paid by Lessees under the current Lease template (\$28,174.74), and no longer on-charge the insurance fees for each lease. The Lease Agreement Template was updated to reflect this change.

A new 20 year lease agreement was established for the Eaton Bowling Club and endorsed by Council at the 25th of August 2021 Council meeting (Res: 263-21) which introduced an annual lease fee in lieu of rates, taxes and charges being paid by the Lessee.

To enable a number of new lease agreements to be established in a consistent manner, it is requested that Council review its standards lease terms and conditions within the template lease agreement. This will assist Council officers in future lease negotiations and ongoing lease management, and ensure that Council's lease documentation meets current legal and professional standards.

It is to be noted that in preparing this report a review of four Local Governments (LG's) (City of Joondalup, City of Kwinana, City of Albany & City of Busselton) has identified a varied approach to the payment of building insurance. Whilst the majority require the Lessee to pay the building insurance, some have adopted the policy that Not for Profit organisations are exempt from this payment.

Legal Implications

Leasing of Council property falls under Section 3.58 of the *Local Government Act 1995* "Disposing of Property".

3.58. Disposing of property

(1) *In this section —*

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

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

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

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

(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

(a) *it gives local public notice of the proposed disposition —*

(i) *describing the property concerned; and*

(ii) *giving details of the proposed disposition; and*

(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

and

(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the Council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

(4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*

(a) *the names of all other parties concerned; and*

(b) *the consideration to be received by the local government for the disposition; and*

(c) *the market value of the disposition —*

(i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*

(ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

The advertising of the disposal of property is not required in specific circumstances under the *Local Government (Functions and General) Regulations 1996* Section 30 (2)(b)(i).

30. *Dispositions of property to which section 3.58 of Act does not apply*
- (1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*
 - (2) *A disposition of land is an exempt disposition if —*
 - (a) *the land is disposed of to an owner of adjoining land (in this paragraph called the transferee) and —*
 - (i) *its market value is less than \$5 000; and*
 - (ii) *the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;*

or
 - (b) *the land is disposed of to a body, whether incorporated or not —*
 - (i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
 - (ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*

or
 - (c) *the land is disposed of to —*
 - (i) *the Crown in right of the State or the Commonwealth; or*
 - (ii) *a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or*
 - (iii) *another local government or a regional local government;*

or
 - (d) *it is the leasing of land to an employee of the local government for use as the employee's residence; or*
 - (e) *it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land; or*
 - (f) *it is the leasing of land to a person registered under the Health Practitioner Regulation National Law (Western Australia) in the medical profession to be used for carrying on his or her medical practice; or*
 - (g) *it is the leasing of residential property to a person.*
 - (2a) *A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been.....*
 - (2b) *Details of a disposition of property under subregulation (2a) must, for a period of 1 year beginning on the day of the initial auction or tender.....*
 - (3) *A disposition of property other than land is an exempt disposition if —*
 - (a) *its market value is less than \$20 000; or*
 - (b) *the entire consideration received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than \$75 000.*

Strategic Community Plan

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

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

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

Environment - None.

Precedents

Council has endorsed the establishment of lease agreements with various Lessees, including the updating of template lease conditions. The following table summarised current leases:

Lessee	Property Address	Term	Lease Fee
Bunbury Repertory Club	Eaton Hall – Pratt Road		\$2,000 p/a
Mark Barnes	35 Martin Pelusey Road – 29 HA	2021 - 2024	\$5,040 p/a
Bunbury & Districts Softball Association	Glen Huon Softball Pavilion	2015 - 2027	No Lease Fee – Insurance was Lease Fee
Burekup & Districts Country Club	Burekup Hall	2020 - 2025	Peppercorn
CWA	CWA Building – Eaton	2012- 2022	Peppercorn
Dardanup Aeromodellers Society	Part Lot 4579 Panizza Road	2018 - 2023	Peppercorn
Dardanup Equestrian Centre	Equestrian Centre – Garvey Road		Peppercorn
Dardanup Sporting & Community Group	Wells Recreation Reserve	2021- 2026	\$10 p/a
Eaton Boomers	Glen Huon Football Oval	2015 - 2027	No Lease Fee – Insurance was Lease Fee
Eaton Bowling Club	Pratt Road Eaton	2021 - 2040	\$8,000 p/a (increase 1.5% p/a)
Department of Communities `	Eaton Family Centre	2021 - 2024	\$1
Eaton Jnr Football & Eaton Cricket Club	Pratt Road Oval	2020 - 2025	\$10 p/a
Ferguson Community Hall	Ferguson Community Hall Committee	2019 - 2024	Peppercorn
Waterloo Bush Fire Brigade	Waterloo Recreation Reserve	2021-2024	\$100
Adam Wroe	Paradise Reserve – 2 HA	2020- 2022	\$1,000
Eaton & Millbridge Lions Clubs	Bobbin Street	2018 - 2028	\$10 p/a
Burekup Cricket Club	Burekup Oval	2018 - 2023	\$10 p/a
Ferguson Valley Marketing	Don Hewison Centre	2020 - 2025	Peppercorn

Budget Implications

As no assets/infrastructure are being created, there are no budget implications for this item.

Budget – Whole of Life Cost

Through establishment of new Lease Agreement Template, Council will introduce a formal lease fee and maintenance system for the leasing of Council properties, which will be reflected in future budgets and asset management plans.

Council Policy Compliance - None.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to [Appendix ORD: 12.4.9] for full assessment document.

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Shire of Dardanup – New Lease Agreement Template
Inherent Risk Rating (prior to treatment or control)	Moderate (5 - 11)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	Financial Failure to establish a preferred template could lead to incorrect charges and loss of income for leasing of Council property.
	Legal and Compliance Establishment of a Council endorsed template will ensure compliance for future lease agreements.
	Reputational Inconsistencies in lease agreement terms could lead to damage to the Shire’s reputation.

Officer Comment

Council recently executed the new Eaton Bowling & Social Club lease agreement. An in-house review by Council Officers of the current Lease Agreement was undertaken, with a detailed maintenance schedule developed to address the specific maintenance obligations of the lessee and lessor pertaining to the Bowling Club. The new lease agreement also identify the Joint Management Committee arrangement between the Eaton Bowling & Social Club and the Eaton Senior Citizens.

The Eaton Bowling & Social Club Lease Agreement was forwarded to lawyers Herbert Smith Freehills for their review and advice. Based on the lawyer’s advice and final review by Officers, the new Shire of Dardanup Lease Agreement template will be updated by Council Officer based on Council’s resolution from this report.

There are general conditions of leasing that form part of the Lease Template, such as rental, insurance payments and maintenance requirements. Council is requested to review and endorse these specific recommended conditions as listed below [Refer recommended resolution].

Once these conditions have been endorsed by Council they will form part of the new Lease Agreement Template and will be applied to all future lease agreements.

In regards to lease agreement maintenance, it is to be noted that the following Not-for-Profit Community Groups currently receive funding through the Annual Budget Process to assistance with the maintenance and management of their respective leased premises.

GROUP	2021-22 BUDGET	FUNDING APPLICATION
Burekup & District Country Club	\$2,906.00	Maintenance & Administration funding
Ferguson Hall Management Committee	\$2,906.00	Maintenance & Administration funding
Eaton Family Centre	\$9,000.00	Funding towards PL, Volunteer & Works Comp Insurance and cleaning & garden maintenance

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council:

1. Endorse the establishment of a new Shire of Dardanup Lease Agreement Template for all future land and building leases.
2. Endorse the following updated standard conditions as outlined below and include the following in the new Shire of Dardanup Lease Agreement Template:

		Charitable, Benevolent, Religious, Cultural, Educational, Recreational, Sporting or other like nature Not-for-Profit Clubs & Groups	Clubs holding a full Liquor License	Commercial Farm Leases
i)	Lease Fee <ul style="list-style-type: none"> • Amount Payable - Buildings • Amount Payable - Vacant • Amount Payable - Vacant - Lessee structures 	Payable by Lessee \$100 per week \$100 per annum \$100 per annum	Payable by Lessee Per week as per Annual Fees & Charges – 2021/22 Buildings \$200 per week	Payable by Lessee Vacant Land \$175-\$500 per Hectare, or Market Valuation
ii)	Building Insurance	Payable by Lessor	Payable by Lessor – reimbursed by Lessee	
	Contents, Public Liability, Workers Compensation Insurance	Payable by Lessee - \$10m Public Liability	Payable by Lessee - \$20m Public Liability	Payable by Lessee - \$10m Public Liability
	Ancillary Insurances (Cricket nets, lighting towers, sheds)	Payable by Lessor	Payable by Lessor – reimbursed by Lessee	
iii)	Internal fit-out, repairs, maintenance and replacement of items;	Payable by Lessee	Payable by Lessee	Payable by Lessee
	Structural repairs, maintenance and replacement of items;	Payable by Lessor	Payable by Lessor	
	Vandalism of facility	Payable by Lessor	Payable by Lessor	
iv)	Council rates if applicable	Payable by Lessor	Payable by Lessee	Payable by Lessee
	Rubbish charges	Payable by Lessor – 1 standard rubbish service only	Payable by Lessee	
	Emergency Services Levy	Payable by Lessee	Payable by Lessee	Payable by Lessee

		Charitable, Benevolent, Religious, Cultural, Educational, Recreational, Sporting or other like nature Not-for-Profit Clubs & Groups	Clubs holding a full Liquor License	Commercial Farm Leases
	Other taxes or charges	Payable by Lessee	Payable by Lessee	Payable by Lessee
	Utility rates and consumption charges	Payable by Lessee	Payable by Lessee	Payable by Lessee
		Council being provided free use of the facility up to 5 times a year.	Council being provided free use of the facility up to 5 times a year.	
Note: Full Commercial leases will be subject to separate negotiations, terms and conditions.				

12.4.10 Title: Dardanup Sporting and Community Clubs – Renewal of Lease – Wells Recreation Reserve

<i>Reporting Department:</i>	<i>Corporate & Governance Directorate</i>
<i>Reporting Officer:</i>	<i>Mrs Donna Bailye - Personal Assistant to D/CEO</i>
<i>Legislation:</i>	<i>Local Government Act 1995</i>
<i>Attachments:</i>	<i>Appendix ORD: 12.4.10 – Risk Assessment</i>

Overview

Council is requested to approve the renewal of a lease agreement with the Dardanup Sporting and Community Clubs for a period of 5 years over Lot 55 Ferguson Road, Dardanup.

Background

The Dardanup Sporting and Community Clubs (DSCC) currently holds a lease over the buildings located on Wells Recreation Reserve, with the current lease expiring on the 14th of December 2021. The DSCC have requested to renew their lease with the Shire of Dardanup for a further 5 year period.

The Dardanup Sporting and Community Club consists of the following user groups:

- South West Rose Group
- Eaton/Dardanup Football Club
- SW Veteran Car Club
- Dardanup Tennis Club
- Dardanup Basketball Club
- Dardanup Bull and Barrel Festival
- Dardanup Cricket Club
- South West Mount Bike Club.

The South West Mountain Bike Club are new members to the DSCC, with their membership being accepted by the DSCC in February 2021. Through the DSCC, the South West Mountain Bike Club have recently submitted and had approved the installation of a storage shed off the existing shed located in the north eastern corner of Wells Reserve. Construction of this shed is yet to commence.

The Wells Recreation Reserve is freehold title owned by the Shire of Dardanup.

Legal Implications

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

3.58. Disposing of property

(1) *In this section —*

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

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

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

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

(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

(a) *it gives local public notice of the proposed disposition —*

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

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

30. *Dispositions of property to which section 3.58 of Act does not apply*

- (2) *A disposition of land is an exempt disposition if —*
 - (b) *the land is disposed of to a body, whether incorporated or not —*
 - (i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*

Strategic Community Plan

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

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

Environment - None.

Precedents

Council has previously supported the lease of Wells Reserve to the DSCC.

Budget Implications

The current lease agreement (2016-2021) has the DSCC paying a rental amount of \$10.00 per annum and insurance in the amount of \$2,327.09 (2019) for the buildings. However, at the Ordinary Council meeting held on the 25th of March 2021 Council resolved that insurance costs for leased premises are no longer payable by the Lessee (Res 59-20).

Budget – Whole of Life Cost

Rental payments for the 5 year period would result in \$50 for the life of the lease. Insurance charges for 2021/22 period over these premises (payable by the Shire) amounts to \$2,031.09. The total annual Building maintenance cost provided for in the LTFP is \$5,276 (inclusive of insurance), however when the

new building is completed it is anticipated that the insurance cost will increase, and future maintenance in the long term will increase.

Council Policy Compliance - None.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to [Appendix ORD: 12.4.10] for full assessment document.

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Dardanup Sporting and Community Clubs – Renewal of Lease – Wells Recreation Reserve
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	Reputational Council would be seen in a negative light if we failed to meet our contractual and legislative requirements

Officer Comment

The Dardanup Sporting and Community Clubs is a very proactive Dardanup Community group, with a growing membership base. It is proposed that construction of new change rooms and cricket nets will be undertaken in 2021/22 and this will further assist the group in building its membership base and providing the necessary up to date facilities to service their members.

The current 2016-2021 Lease agreement provided for the lease of the main building, transportable change rooms, toilet block and the shed located in the north east corner of the Reserve (refer to diagram below).



In accordance with the 2016-2021 lease agreement, the DSCC are responsible for maintenance to these buildings. Whilst the tennis courts, basketball courts, cricket nets and the oval do not form part of the leased area, the DSCC have historically co-ordinated the bookings and use of each of these facilities.

It is recommended that the sporting facilities (cricket nets, tennis & basketball courts and oval) remain outside the new 2021 – 2026 lease agreement. Maintenance will continue to be the responsibility of Council.

The 2021-2026 lease agreement will include the current and future structures (change rooms yet to be constructed) located on the Reserve, excluding the new Bush Fire Brigade shed. All terms of the newly adopted Lease template will apply to the new 2021-2026 lease agreement.

It is also recommended that Council enter into a User Agreement for the tennis courts, basketball courts, cricket nets and the Wells Recreation Oval. The User Agreements would see the Council administering the use of the sporting facilities via the proposed Property Manager role, in close consultation with the DSCC and its respective user groups.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council:

- 1. Approves the lease of the Clubrooms, temporary change rooms, storage shed and future change rooms at Lot 55 Ferguson Road, Dardanup to the Dardanup Sporting and Community Club for a five (5) years, with the option of a further five (5) years.**
- 2. Authorises the Chief Executive Officer to negotiate and sign a new lease with the Dardanup Sporting and Community Club based on the Shire of Dardanup Template Lease Terms and Conditions.**
- 3. Authorises the Chief Executive Officer to negotiate and establish a User Agreement with the Dardanup Sporting & Community Club over for the tennis courts, basketball courts and Wells Recreation grounds.**

12.4.11 Title: Renewal of Lease – Waterloo BFB – Waterloo Recreation Reserve

Reporting Department:	Corporate & Governance Directorate
Reporting Officer:	Mrs Donna Bailye - Personal Assistant to D/CEO
Legislation:	Local Government Act 1995
Attachments:	Appendix ORD: 12.4.11 – Risk Assessment

Overview

Council is requested to approve the renewal of a lease agreement with the Waterloo Bushfire Brigade for a 3 year period over the Waterloo Recreation Reserve 11078.

Background

The Waterloo Bush Fire Brigade are requesting to renew their current lease (2018 – 2021) with Council over the Waterloo Recreation Reserve 110078. The Waterloo Bushfire Brigade has leased the property for grazing and hay making purposes, and funds raised through this practice are used by the volunteer bush fire brigade.



The leased area is located on Reserve 11078 which is owned by the State of Western Australia and vested to the Shire of Dardanup. There is a Management Order in place over the reserve which provides the Council with the power to lease, subject to the Ministers of Lands approval. The purpose of the Reserve is Recreation, however historically, Council has, for an extended period of time, left the land in its current state, that being rural land and therefore leasing would not be considered to be inconsistent with the purpose of the Reserve.

Legal Implications

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

3.58. Disposing of property

(1) *In this section —*

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

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

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

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

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

30. *Dispositions of property to which section 3.58 of Act does not apply*

- (2) *A disposition of land is an exempt disposition if —*
- (b) *the land is disposed of to a body, whether incorporated or not —*
 - (i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*

Strategic Community Plan

Strategy 1.1.1 - Ensure equitable, inclusive and transparent decision-making. (Service Priority: High)
 Strategy 3.3.2 - Support volunteer groups within the Shire of Dardanup. (Service Priority: High)

Environment - None.

Precedents - None.

Council has previously supported the lease of the Reserve to the Waterloo Bushfire Brigade.

Budget Implications

The Waterloo Bush Fire Brigade currently pays a rental amount of \$250 per annum for the lease of the reserve. Council does not incur any expenditure on the Reserve.

Budget – Whole of Life Cost

Rental payments for the 3 year period would result in \$750 for the life of the lease.

Council Policy Compliance - None.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to [Appendix ORD: 12.4.11] for full assessment document.

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Renewal of Lease – Waterloo BFB – Waterloo Recreation Reserve
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	Reputational Council would be seen in a negative light if we failed to meet our contractual and legislative requirements

Officer Comment

As the Waterloo Bushfire Brigade currently maintain the firebreaks and maintain the Reserve as part of their lease conditions, it recommended that Council support the renewal of the lease to the Waterloo Bushfire Brigade for a 3 year period. All terms of the newly adopted Lease template will apply to the new 2021-2024 lease agreement.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION**THAT Council:**

1. **Advises the Waterloo Bush Fire Brigade that permission is granted to use Reserve 11078 – Waterloo Recreation Reserve for:**
 - a) **Grazing and/or hay making rights;**
 - b) **A period of 3 years, commencing 1st of July 2021 to 30th of June 2024.**
2. **Authorises the Chief Executive Officer to negotiate and sign a new lease for Reserve 11078 with the Waterloo Bushfire Brigade based on the Shire of Dardanup Template Lease Terms and Conditions.**

12.4.12 Title: Eaton Family Centre Lease Agreement – 2021 - 2025

<i>Reporting Department:</i>	<i>Corporate & Governance Directorate</i>
<i>Reporting Officer:</i>	<i>Mrs Donna Bailye - Personal Assistant to D/CEO</i>
<i>Legislation:</i>	<i>Local Government Act 1995</i>
<i>Attachments:</i>	<i>Appendix ORD: 12.4.12A – Correspondence – Eaton Family Centre</i>
	<i>Appendix ORD: 12.4.12B – Email from Department of Communities</i>
	<i>Appendix ORD: 12.4.12C – Risk Assessment</i>

Overview

Council is requested to approve a lease agreement with the Department of Communities over the Eaton Family Centre for a 4 year period, commencing on the 30th of June 2021 and expiring on the 29th of June 2025.

Background

The Department of Communities held a 10 year lease with Council over the Eaton Family Centre in Charterhouse Street, expiring in June 2019. The Eaton Family Centre building is located on Reserve 46147, a Reserve owned by the State of Western Australia and vested to the Shire through a Management Order. The Management Order in place is for Community Purposes with the power to lease. The Lease Agreement is subject to approval from the Minister for Lands.

Prior to this lease, a Deed of Lease existed with the Minister for Community Welfare. The Department of Communities took over responsibility of the Child Care and Family Centre in 2007, when the Department of Community Development was divided.

In June 2019 Council approved the extension of a lease agreement with the Department of Communities for a 12 month period, with an option of one, one year term. (Res: 185-19).

“THAT Council:

- 1. Approve the extension of the lease to the Department of Communities for the Eaton Family Centre for a period of 12 months, with the option of one, one year term.*
- 2. Authorise the Chief Executive Officer and Shire President to negotiate and execute the new lease.”*

The Department of Communities supported the 12 month extension of the Lease with Council and officers forwarded a copy of a new 2019/2020 Lease Agreement to the Department of Communities for execution. Despite continued requests to the Department of Communities the lease remained unsigned at the 12 month anniversary period.

Contact was then made in September 2020 with the Acting Assistant Director General Assets, who advised that the Department of Communities supported the lease of the Eaton Family Centre to the Shire of Dardanup up to the 30th of June 2021. A new lease agreement for the period 30th of June 2020 – 29th of June 2021 was forwarded to the Department and remains unsigned.

Correspondence was forwarded to the Eaton Family Centre on the 24th of August 2021 requesting further information and support in finalising the outstanding lease matter [Appendix ORD: 12.4.12A].

Centre Manager, Ms Anne Jones contacted the Department of Communities regarding the outstanding lease matter and Project Manager, Land and Built Form Assets, Mr Mark Murphy has advised that the

Department of Communities supports the lease agreement with the Shire up to the 30th of June 2025. [Appendix ORD: 12.4.12B].

Legal Implications

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

3.58. Disposing of property

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

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

30. Dispositions of property to which section 3.58 of Act does not apply

- (2) *A disposition of land is an exempt disposition if —*
- (b) *the land is disposed of to a body, whether incorporated or not —*
 - (i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*

Strategic Community Plan

Strategy 3.2.1 - Deliver a high level of Community Programmes & Services that encourages social connectedness, facilitates an accessible, inclusive environment for our diverse community. (Service Priority: Very High)

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

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

Environment - None.

Precedents

An agreement has been in place with the Department of Communities since 2009 and prior to this a Deed of Lease was held with the Minister for Community Health.

Budget Implications

The current lease agreement has a rental of \$1 per annum payable by the Department of Communities. Insurance for the Centre is paid for by the Shire.

Budget – Whole of Life Cost

Insurance premiums for the Eaton Family Centre for the 2021-22 period are \$3,352. The total annual Building maintenance cost provided for in the LTFP is \$7,499 (inclusive of insurance).

Council Policy Compliance - None.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to [Appendix ORD: 12.4.12C] for full assessment document.

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Eaton Family Centre Lease Agreement – 2021 - 2025
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	Legal and Compliance Council is required to finalise a leasing arrangement to enable the Eaton Family Centre to occupy the building
	Reputational Council would be seen in a negative light if we failed to meet our contractual and legislative requirements

Officer Comment

As the Department of Communities have confirmed their support of a lease agreement with the Shire of Dardanup over the Eaton Family Centre for a 4 year period, officers are recommending that a new lease agreement be executed to formalise the arrangement.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council:

1. **Approves the extension of the lease to the Department of Communities for the Eaton Family Centre for a period of 4 years, commencing 30th of June 2021 and expiring 29th of June 2024.**
2. **Authorise the Chief Executive Officer to negotiate and execute the new lease agreement based on the Shire of Dardanup Template Lease Terms and Conditions.**

12.4.13 Title: Monthly Statement of Financial Activity for the Period Ended on the 31st of October 2021

<i>Reporting Department:</i>	<i>Corporate & Governance Directorate</i>
<i>Reporting Officer:</i>	<i>Mr Ray Pryce - Accountant</i>
<i>Legislation:</i>	<i>Local Government Act 1995</i>
<i>Attachments:</i>	<i>Appendix ORD: 12.4.13A – Risk Assessment</i> <i>Appendix ORD: 12.4.13B – Monthly Financial Report</i>

Overview

This report presents the monthly Financial Statements for the period ended on the 31st October 2021 for Council adoption.

Background

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

Legal Implications

Local Government Act 1995 – Section 6.4

6.4. *Financial Report*

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

Local Government (Financial Management) Regulations 1996 r. 34

Part 4 — Financial Reports — s. 6.4

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

(1A) *In this regulation —*

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

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

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

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

Strategic Community Plan

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

Environment - None.

Precedents

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

Budget Implications

The financial activity statement compares budget estimates to actual expenditure and revenue to the end of the month to which the statement relates. Material variances and explanations of these are included in the notes that form part of the report. Although the statement has no direct budget implications, any identified permanent budget variances are adopted separately by the Council as part of specific project approval or periodic budget review reporting.

Budget – Whole of Life Cost - None.

Council Policy Compliance

- *CnG CP036 Investment Policy*
- *CnG CP128 Significant Accounting Policies.*

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to [Appendix ORD: 12.4.13A] for full assessment document.

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Monthly Statement of Financial Activity for the Period Ended 31 October 2021
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 Non-compliance with the legislative requirements that results in a qualified audit.
	Reputational Non-compliance that results in a qualified audit can lead stakeholders to question the Council’s ability to manage finances effectively.
	Financial Not monitoring ongoing financial performance would increase the risk of a negative impact on the financial position.

Officer Comment

The Monthly Financial Report for the period ended on the 30^{1st} October 2021 is contained in [Appendix ORD: 12.4.13B] and consists of:

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

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

The Statement of Financial Activity includes the end-of-year surplus brought forward from 2020/21 of \$961,193. This is higher than the estimated surplus of \$169,557 used in preparation of the 2021/22 budget. Please note that this revised surplus remains subject to possible change – dependent on the outcome from final audit review due late November 2021.

Taking into account the larger surplus brought forward and officer review of current year-to date performance, the forecast surplus for the year to the 30th of June 2022 has increased to an estimated \$1,106,585.

At the 31st October 2021, the actual net current position (results of all operations this year to date) shows a current surplus of \$9,862,603. Compared to the year-to-date budget estimate surplus position of \$10,415,707, this is a negative variance of 5.3%. Details of specific material variances are explained in Note 2 of the monthly finance report.

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 2021/22 for reporting material variances is 5% or \$25,000, whichever is greater.

Most reported variances are due to timing differences with the budget allocations. Generally, the budget is spread evenly over the year, however, revenue and expenses (especially asset acquisition and receipt of grants) are not occurring on the same regular pattern. Officers are working to improve this seasonality aspect of presentation of the budget estimates for future reporting.

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

The total investment portfolio is currently \$14,613,771 in Reserve Account term deposit funds. It is mainly invested with AA rated Australian banks (86% of the portfolio). Yield return on bank term deposit investments remain very low at between 0.1% and 0.5% for terms from 3 months up to 12 months. Government and Reserve Bank stimulus measures remain in place to assist with economic stability and recovery. Although some of the Reserve Bank stimulus arrangements are being paired back, the impact of this has been negligible impact on prevalent short term deposit investment rates.

Council Role - Review.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council: receives the Monthly Statement of Financial Activity [Appendix ORD: 12.4.13B] for the period ended on the 31st October 2021.

12.4.14 Title: Schedule of Paid Accounts as at the 5th of November 2021

<i>Reporting Department:</i>	<i>Corporate & Governance Directorate</i>
<i>Reporting Officer:</i>	<i>Ms Amy Lawrence – Senior Finance Officer</i>
<i>Legislation:</i>	<i>Local Government (Financial Management) Regulations 1996</i>
<i>Attachments</i>	<i>Appendix ORD: 12.4.14 – Risk Assessment</i>

Overview

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

Background

Council delegates authority to the Chief Executive Officer annually:

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

Legal Implications

Local Government Act 1995

S6.5. Accounts and records

Local Government (Financial Management) Regulations 1996

R11. Payments, procedures for making etc.

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

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

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

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
 - (a) *the payee's name; and*
 - (b) *the amount of the payment; and*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*

- (2) A list of accounts for approval to be paid is to be prepared each month showing —
- (a) for each account which requires council authorisation in that month —
 - (i) the payee's name; and
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction; and
 - (b) the date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under subregulation (1) or (2) is to be —
- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

Strategic Community Plan

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

Environment - None.

Precedents

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

Budget Implications

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

Budget – Whole of Life Cost - None.

Council Policy Compliance

Payments are checked to ensure compliance with Council's Purchasing Policy CngCP034 – *Procurement Policy* and processed in accordance with Policy CngCP035 – *Payment of Accounts*.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to [Appendix ORD: 12.4.14] for full assessment document.

Tier 2 – 'Low' or 'Moderate' Inherent Risk.		
Risk Event	Schedule of Paid Accounts as at the 5 th of November 2021	
Inherent Risk Rating (prior to treatment or control)	Moderate (5 - 11)	
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.	
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.	
Risk Category Assessed Against	Financial	Not monitoring ongoing financial performance would increase the risk of a negative impact on the financial position.
	Reputational	Non-compliance that results in a qualified audit can lead stakeholders to question the Council's ability to manage finances effectively

Officer Comment

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

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council receives the Schedule of Paid Accounts report from 09/10/2021 to 05/11/2021 as follows:

SHIRE of DARDANUP
5-11-2021 Schedule of Paid Accounts

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
ELECTRONIC FUNDS TRANSFER					
EFT44733	15/10/2021	A1 Sign Shop	Whiteboard Writeable Lam - A5 Size 148 X 210mm	MUNI	1,100.80
EFT44734	15/10/2021	Advanced Traffic Management WA P/L	Supply Traffic Management - Eaton Drive Expansion and Hynes Road	MUNI	12,017.78
EFT44735	15/10/2021	Advanteering Civil Engineers	Tender F0196739 - New Eaton Skate Park - Progress Claim #3 - September 2021	MUNI	187,360.14
EFT44736	15/10/2021	All Aussie Truck and Bobcat Services	Transfer Station Services September 2021 - Banksia Road	MUNI	2,200.00
EFT44737	15/10/2021	Amity Signs	White Guide Posts Brackets and Various Street Signs	MUNI	3,320.90
EFT44738	15/10/2021	Ausq Training	5 Day Worksite Traffic Management Planning for Development Engineer	MUNI	1,785.00
EFT44739	15/10/2021	Aussie Telecom Pty Limited	Deep Freeze Cloud Premium Renewal for 11 December 21 to 10 December 22	MUNI	742.14
EFT44740	15/10/2021	Australia and New Zealand Banking Group (ANZ)	Bank Audit Confirmation Certificate 2020/21	MUNI	50.00
EFT44741	15/10/2021	Australian Institute of Management - Western Australia	Aim WA Course: Bunbury - New Supervisor - 4 to 5 November 2021 - Senior Rates Officer	MUNI	968.00
EFT44742	15/10/2021	Australian Transit Group - Buswest Bunbury Branch	ERC Vacation Care - Bus to Ten Pin Bowling	MUNI	187.00
EFT44743	15/10/2021	BCE Surveying Pty Limited	Survey Services - Eaton Drive Expansion - September Interim Invoice	MUNI	2,924.41
EFT44744	15/10/2021	BGC Construction	Eaton Bowling Club Redevelopment - Design & Construct - Progress Claim 11	MUNI	648,685.07
EFT44745	15/10/2021	BOC Ltd	ERC - Hire of Oxygen Bottle	MUNI	12.14
EFT44746	15/10/2021	Brad Brooksby Consulting	Road Safety Audit - Eaton Drive and Glen Huon Boulevard - Proposed Signalised Intersection	MUNI	3,300.00
EFT44747	15/10/2021	Bree Roberts	Umpire Recoup 12/10/2021	MUNI	67.50

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT44748	15/10/2021	Brownes Foods Operations Pty Ltd	ERC Cafe order	MUNI	111.11
EFT44749	15/10/2021	Bunbury Harvey Regional Council	Waste Disposal Banksia Rd - September 21	MUNI	2,069.20
EFT44750	15/10/2021	Bunbury Mower Service	Brush Cutter Harness	MUNI	231.00
EFT44751	15/10/2021	Bunbury Plumbing Service	Supply and Install solar pump gutter and downpipe Gnomesville Blocked Toilet Dardanup Hall and Leaking Toilet Burekup Oval	MUNI	5,492.58
EFT44752	15/10/2021	Bunbury Truck Sales and Service Centre	Diagnostics - New Solenoid for Starter Motor - Da9581	MUNI	1,049.55
EFT44753	15/10/2021	Bunbury Tyrepower - Picton	Repairs to Tyre - Cat DA698	MUNI	88.00
EFT44754	15/10/2021	Bunnings Group Limited	ERC Vacation Care Resources and Padlock	MUNI	143.75
EFT44755	15/10/2021	Buss Group	Rural Bridge Routine Maintenance - Progress Claim #3	MUNI	24,423.58
EFT44756	15/10/2021	Cameron Baker	Umpire Recoup 13/10/2021	MUNI	132.00
EFT44757	15/10/2021	Carbone Brothers Pty Ltd	100 tonne Limestone Delivered to Site Pit - Panizza Road	MUNI	2,016.03
EFT44758	15/10/2021	Caroline Mears	Chair Yoga for September 2021	MUNI	260.00
EFT44759	15/10/2021	Chloe Scott	Umpire Recoup 13/10/2021	MUNI	110.00
EFT44760	15/10/2021	Christine Worsfold	Umpire Recoup 12/10/2021	MUNI	112.50
EFT44761	15/10/2021	Civil Projects Southwest	Bobcat Hire - Event Support	MUNI	2,769.25
EFT44762	15/10/2021	Cleanaway Solid Waste Pty Ltd	Monthly Hire Pick of Kip Bins from Waste Transfer Station and General Waste Disposal - September 21	MUNI	8,660.21
EFT44763	15/10/2021	Coates Civil Consulting Pty Ltd	Pratt Road Access and Carpark and Pile Road Upgrade Project	MUNI	12,100.00
EFT44764	15/10/2021	Construction Training Fund : BCITF	BCITF Remittance - September 2021 Reconciliation	MUNI	1,106.45
EFT44765	15/10/2021	Dapco Tyre and Auto Centre	Holden Equinox LTZ - DA563 - Vehicle Service.	MUNI	374.17

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT44766	15/10/2021	Daryl Fishwick	Umpire Recoup 13/10/2021	MUNI	66.00
EFT44767	15/10/2021	Department of Justice	6 X Jarrah Seats With Galvanised Steel Frame	MUNI	3,600.30
EFT44768	15/10/2021	Department of Mines, Industry, Regulations & Safety (DMIRS) - BSL	BSL Remittance - September 2021	MUNI	6,637.38
EFT44769	15/10/2021	Donna Bastow	Umpire Recoup 13/10/2021	MUNI	132.00
EFT44770	15/10/2021	Duxton Hotel Perth	Councillor Accommodation - Sunday 19 September 21 to 22 September 21	MUNI	4,865.01
EFT44771	15/10/2021	DX Print Group Pty Ltd	5000 X Envelopes	MUNI	858.00
EFT44772	15/10/2021	Eaton CWA	Community Grant Payment R1 2021-2022 (Council Resolution 284-21)	MUNI	1,000.00
EFT44773	15/10/2021	Eaton Primary School P & C Association	2021-22 Budget Allocation - Donation to Eaton foreshore Festival	MUNI	3,000.00
EFT44774	15/10/2021	Ellen Barbetti	Personal Development Grant Payment 2021/22: Mac Barbetti.	MUNI	400.00
EFT44775	15/10/2021	Engie Mechanical Services WA Pty Ltd	ERC - Quarterly Maintenance	MUNI	522.50
EFT44776	15/10/2021	Eve Yoga	ERC - Yoga Sessions Eve Yoga - 29/09/2021 - 2/10/2021	MUNI	180.00
EFT44777	15/10/2021	Exetel Pty Ltd	Exetel 200/200Mbit Data Communications - October 2021	MUNI	1,250.00
EFT44778	15/10/2021	Flexi Staff Pty Ltd	Temporary Labour Hire - Keith Clarke - 13/09/2021 - 17/09/2021	MUNI	2,850.33
EFT44779	15/10/2021	Fortus Group	Grader Blade - DA9774	MUNI	1,734.39
EFT44780	15/10/2021	Garry Charles Henneberg	Rates Refund for Assessment A2447 6 Kelderman Elb Eaton WA 6232	MUNI	854.75
EFT44781	15/10/2021	Gymcare	Technicians Labour to Move Gym Equipment - New Layout	MUNI	1,584.00
EFT44782	15/10/2021	Harvey Water	Dam Safety Charge (Twe1137)	MUNI	146.70
EFT44783	15/10/2021	Illion Australian Pty Ltd (Tenderlink)	Tenderlink Public Notice Fee	MUNI	209.00
EFT44784	15/10/2021	J & P Corporation Pty Ltd	Rates Refund for Assessment A8241 Lot 2 Banksia Rd Crooked Brook 6236	MUNI	4,292.80

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT44785	15/10/2021	John Thompson	Umpire Recoup 13/10/2021	MUNI	44.00
EFT44786	15/10/2021	Justine Eichner	Umpire Recoup 13/10/2021	MUNI	44.00
EFT44787	15/10/2021	Karyn Rowe	Umpire Recoup 11/10/2021 & 12/10/2021	MUNI	202.50
EFT44788	15/10/2021	Kmart	Screen Protectors for Ranger Phones	MUNI	14.00
EFT44789	15/10/2021	Landgate	UV Interim Valuation and Title Searches	MUNI	350.91
EFT44790	15/10/2021	LGIS WA	Annual Insurance 2021-22 - Public Liability - Instalment 2	MUNI	111,596.21
EFT44791	15/10/2021	M & J Essential Solutions Pty Ltd	Counselling Services - Employee Assistance Program	MUNI	520.00
EFT44792	15/10/2021	Margery Ann Stevens	Umpire Recoup 11/10/2021	MUNI	88.00
EFT44793	15/10/2021	Maureen Worthington	Rates Refund for Assessment A2664 16 Kelderman Elb Eaton WA 6232	MUNI	64.67
EFT44794	15/10/2021	Mckayhla Pomare	Umpire Recoup 13/10/2021	MUNI	110.00
EFT44795	15/10/2021	Mcleods Barristers and Solicitors	Transfer and Amalgamation of Lot 300 (Reserve 49275) Kerr Road, Picton East - Legal Fees September 2021	MUNI	1,142.95
EFT44796	15/10/2021	Melanie Elizabeth Kludass	Rates Refund for Assessment A3703 180 Padbury Rd Dardanup West WA 6236	MUNI	77.01
EFT44797	15/10/2021	Melissa Jane Ballintyne	Rates Refund for Assessment A10061 15B King Edward Way Eaton WA 6232	MUNI	65.79
EFT44798	15/10/2021	Moffat Pty Ltd	ERC - Maintenance for Dishwasher - Warranty	MUNI	206.25
EFT44799	15/10/2021	Naturaliste Hygiene	Sharps Disposal Service 2021/2022 - Eaton foreshore & Watson Reserve Public toilets - October 2021	MUNI	165.00
EFT44800	15/10/2021	Nightguard Security Service	Security Callout Service - Dardanup office 3/09/2021 & 6/09/2021	MUNI	242.00
EFT44801	15/10/2021	Onsite Rental Group	Hire of Transportable office and Ablution Blocks - 1/09/2021 - 30/09/2021	MUNI	1,352.47
EFT44802	15/10/2021	Peel Resource Recovery P/L	Medium Grade Mulch - Eaton foreshore - Deliver As Per Map - Eaton foreshore	MUNI	2,997.50

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT44803	15/10/2021	Perfect Landscapes	Parks And Ovals & Mowing Week Commencing 28/09/2021	MUNI	4,604.07
EFT44804	15/10/2021	PFI Supplies	Jumbo 1Ply Toilet Roll 6705 Rosche 8 Pk	MUNI	111.40
EFT44805	15/10/2021	Picton Civil Pty Ltd	Japonica View Fire Access Way, Box Out Soft Edge	MUNI	1,375.00
EFT44806	15/10/2021	Prime Supplies	Replacement Grease Gun for Maintenance Trailer	MUNI	215.60
EFT44807	15/10/2021	Ryan Baker	Umpire Recoup 13/10/2021	MUNI	154.00
EFT44808	15/10/2021	Securepay Pty Ltd	Bank Fees - 2021-2022 SecurePay Web & IVRR Credit Card Payments - September 2021	MUNI	85.62
EFT44809	15/10/2021	Signs Plus	Name Badges for Shire Staff As Required	MUNI	79.50
EFT44810	15/10/2021	SMR Psychology	Employee Assistance Program - Counselling	MUNI	187.00
EFT44811	15/10/2021	South Regional Tafe	3 X Auschem Accreditation Courses - October 2021 Margaret River Tafe	MUNI	923.80
EFT44812	15/10/2021	St Aidan Wines	Speaker and Volunteer Gifts (20 X Tempranillo and 20 X Sbs Boxed) for 2021 WA Emergency Management Conference	MUNI	940.00
EFT44813	15/10/2021	Suez Recycling & Recovery Pty Ltd	Waste, Recycle, Street Bin Collections, Deliveries and Repairs - August 2021	MUNI	57,320.84
EFT44814	15/10/2021	Synergy	Auxiliary Lighting, Streetlights and Irrigation Control - 1/09/2021 - 4/10/2021	MUNI	515.96
EFT44815	15/10/2021	T & V Fencing	Fencing 2 Pockets of Lofthouse Reserve As Per Management Plan and Post Fire Event	MUNI	10,605.10
EFT44816	15/10/2021	The Print Shop	250 A5 Emergency Management Booklets As Per Quote 52816	MUNI	613.80
EFT44817	15/10/2021	The Probus Club of Eaton Inc	Community Grant Payment, Round 1 2021-2022.	MUNI	1,000.00
EFT44818	15/10/2021	The Space Station	Turnip Font Required for the Style Guide Templates	MUNI	444.39
EFT44819	15/10/2021	Therese Price	Umpire Recoup 11/10/2021	MUNI	90.00
EFT44820	15/10/2021	Thompson Surveying Consultants	Subdivision of Lot 300 (Reserve 49275) Kerr Road, Picton East - Progress Invoice	MUNI	5,604.50

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT44821	15/10/2021	Tiana Fraser	Umpire Recoup 12/10/2021	MUNI	22.00
EFT44822	15/10/2021	Toll Transport - Ipec Pty Ltd	2021- 2022 Postage & Freight - Woodlands Dog Waste	MUNI	97.32
EFT44823	15/10/2021	Tutt Bryant Hire	Saw Hire - Railway Road	MUNI	206.80
EFT44824	15/10/2021	Vanessa Rose Black	Umpire Recoup 11/10/2021 & 12/10/2021	MUNI	180.00
EFT44825	15/10/2021	WALGA	Regional Field tour Bunbury - Plant Recognition and Restoration Practice and Heads of Agencies Breakfast	MUNI	164.00
EFT44826	15/10/2021	Wendy Amelia Evans	Rates Refund for Assessment A2568 6 Clydesdale Dr Eaton WA 6232	MUNI	1,790.66
EFT44827	15/10/2021	Winc Australia Pty Ltd	Stationery order - Eaton Admin Centre	MUNI	366.91
EFT44828	15/10/2021	Woolworths Group Limited - Openpay Portal	ERC Creche - October Program Supplies	MUNI	188.24
EFT44829	15/10/2021	Workforce Road Services Pty Ltd	Eaton Drive - Line Marking	MUNI	5,198.82
EFT44830	15/10/2021	Zipform Pty Ltd	2021-22 Dog and Cat Renewal Artwork and Mail Out	MUNI	1,907.80
EFT44831	21/10/2021	Activ Industries Bunbury	Collating 2000 Envelopes With Fogo Rollout Flyer	MUNI	440.00
EFT44832	21/10/2021	Advanced Traffic Management WA P/L	Traffic Management - Ferguson Road Wednesday 6-8 October	MUNI	1,698.82
EFT44833	21/10/2021	Amity Signs	Street Sign and White Guide Posts - Hynes Road	MUNI	1,154.67
EFT44834	21/10/2021	Ampol Australia Petroleum Pty Ltd	Fuel for Shire Vehicles - September 2021	MUNI	17,017.34
EFT44835	21/10/2021	Angela Winter	3 X Provide First Aid Courses - Outside Staff	MUNI	775.00
EFT44836	21/10/2021	Australian Tax Office	PAYG Withholding fortnight Ending 15-10-2021	MUNI	88,510.00
EFT44837	21/10/2021	B & B Street Sweeping Pty Ltd	Street Sweeping - Pratt Road - 5 Hours	MUNI	715.00
EFT44838	21/10/2021	Bunbury Geographe Chamber of Commerce and Industry	Local Government Partner Membership 9/07/2021 to 08/07/2022	MUNI	2,200.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT44839	21/10/2021	Bunbury Holden	Tyre Puncture Repair to DA8673	MUNI	45.00
EFT44840	21/10/2021	Bunbury Machinery	Slip Clutch Plates for Tractor Slasher	MUNI	113.91
EFT44841	21/10/2021	Bunbury Mower Service	Consumables for Repairs - Parks and Gardens	MUNI	472.00
EFT44842	21/10/2021	Bunbury Plumbing Service	Water Delivery for 12,000L of Water to Fill the Two 9000L Water Tanks At Gnomesville toilet Building	MUNI	365.00
EFT44843	21/10/2021	Bunnings Group Limited	Toilet Door Lock, Gate Spring, Storage Tubs, Security Bits, M8 Nuts	MUNI	122.49
EFT44844	21/10/2021	Cameron Baker	Umpire Recoup 20/10/2021	MUNI	132.00
EFT44845	21/10/2021	Castledine Gregory	Cleanaway Vs Shire of Dardanup Sat Mediation Process - Stockpiles On Lot 2 Banksia Rd, Crooked Brook	MUNI	2,428.80
EFT44846	21/10/2021	Christine Worsfold	Umpire Recoup 19/10/2021	MUNI	112.50
EFT44847	21/10/2021	Civil Projects Southwest	Path Repairs - Leake Street Eaton	MUNI	4,284.50
EFT44848	21/10/2021	Connect Call Centre Services	After Hours Call Centre Service September 2021	MUNI	371.09
EFT44849	21/10/2021	Country Water Solutions	Gear drive Rainbird 6504 Falcon Sprinklers - Eaton Oval	MUNI	1,927.56
EFT44850	21/10/2021	CPR The Outdoor Centre	Development Application Refund 14 Perendale Loop	MUNI	147.00
EFT44851	21/10/2021	Cynthia Leigh-Anne Barbetti	Rates Refund for Assessment A2897 120 Millard St Eaton WA 6232	MUNI	439.15
EFT44852	21/10/2021	Dardanup General Store	Milk for Dardanup Office and Depot	MUNI	39.65
EFT44853	21/10/2021	Dardanup Primary School	2021-22 Annual Budget Allocation - Graduation Award	MUNI	150.00
EFT44854	21/10/2021	Daryl Fishwick	Umpire Recoup 20/10/2021	MUNI	66.00
EFT44855	21/10/2021	Deputec Pty Ltd	ERC - Deputy Roster Schedule Software - September 2021	MUNI	89.98
EFT44856	21/10/2021	Donna Bailye	Council Farewell Gift - Accounts Payable Officer	MUNI	100.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT44857	21/10/2021	Donna Bastow	Umpire Recoup 20/10/2021	MUNI	132.00
EFT44858	21/10/2021	Donna Nicholls	Umpire Recoup 18/10/2021	MUNI	112.50
EFT44859	21/10/2021	Drainscope	Cleaning of Blocked Downpipes Into Rainwater Tanks At Ferguson Hall	MUNI	418.00
EFT44860	21/10/2021	Eaton Pet Vet	2021-2022 Animal Management Program (Sterilisation)	MUNI	400.00
EFT44861	21/10/2021	Elliotts Irrigation Pty Ltd	Iron Filter Services - Millbridge Lakes - September 2021	MUNI	286.00
EFT44862	21/10/2021	Eve Yoga	ERC - Yoga Sessions Eve Yoga - October 21	MUNI	180.00
EFT44863	21/10/2021	Fit2Work	Monthly Invoice for Employee Police Checks	MUNI	470.92
EFT44864	21/10/2021	Fitness On Demand	Fitness On Demand - License Fee September and October 2021	MUNI	296.90
EFT44865	21/10/2021	Flexi Staff Pty Ltd	Temporary Labour Hire - Keith Clarke 22-09-2021	MUNI	2,046.88
EFT44866	21/10/2021	Glen Huon Primary School	2021-22 Annual Budget Allocation - End of Year Awards Night	MUNI	150.00
EFT44867	21/10/2021	Hanson Construction Materials Pty Ltd	12 Ton of Spalls	MUNI	723.98
EFT44868	21/10/2021	Heatleys	Ansell Alphatec Gloves Sz9 Packs of 6	MUNI	126.72
EFT44869	21/10/2021	Herbert Smith Freehill	Legal Advice - Retention Bonds	MUNI	3,300.00
EFT44870	21/10/2021	Jason Signmakers	Manufacture of Six (6) Custom Aluminium Signs 800X600mm Collie River Foreshore	MUNI	803.61
EFT44871	21/10/2021	Jim's Test and Tag	Supply and Install Replacement 10A RCD to Distribution Board At Don Hewison (Ferguson Information Centre)	MUNI	434.50
EFT44872	21/10/2021	John Thompson	Umpire Recoup 20/10/2021	MUNI	44.00
EFT44873	21/10/2021	Justine Eichner	Umpire Recoup 20/10/2021	MUNI	44.00
EFT44874	21/10/2021	Karyn Rowe	Umpire Recoup 19/10/2021	MUNI	210.00
EFT44875	21/10/2021	Kenny Pomare	Umpire Recoup 20/10/2021	MUNI	132.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT44876	21/10/2021	Leah Renee Young	Crossover Rebate Lot 2 - 5A Graham St - A11915	MUNI	222.60
EFT44877	21/10/2021	Lomax Media	Record and Live Stream WA Emergency Management Conference 13Th October 2021 As Per Quote 1358	MUNI	3,773.00
EFT44878	21/10/2021	Luke Wilkinson	Umpire Recoup 20/10/2021	MUNI	88.00
EFT44879	21/10/2021	M & J Essential Solutions Pty Ltd	Counselling Services - Employee Assistance Program	MUNI	260.00
EFT44880	21/10/2021	Malatesta Road Paving and Hotmix	Emulsion - Wireless Road	MUNI	400.00
EFT44881	21/10/2021	Marketforce	Public Notices and Tender Advertising	MUNI	8,148.75
EFT44882	21/10/2021	Marzano & Co	2021/2022 EAP By Referral - Consultations	MUNI	220.00
EFT44883	21/10/2021	Mckayhla Pomare	Umpire Recoup 20/10/2021	MUNI	88.00
EFT44884	21/10/2021	Monitored Electronics	Replacement Medi Minder Plug Pack	MUNI	39.60
EFT44885	21/10/2021	Nicholas Joseph Sala-Tenna	Rates Refund for Assessment A4249 42 Perendale Loop Eaton WA 6232	MUNI	509.60
EFT44886	21/10/2021	Officeworks Superstores Pty Ltd	Name Cards and Holders for EM Conference	MUNI	107.95
EFT44887	21/10/2021	Perfect Landscapes	Parks And Ovals & Mowing Week Commencing 4/10/2021	MUNI	2,246.48
EFT44888	21/10/2021	PFI Supplies	ERC - Toilet Paper Tissues Soap	MUNI	529.25
EFT44889	21/10/2021	Promote You	Embroidery Lanyard Hand Sanitizer Spray Keyrings with White Text and Logo	MUNI	2,584.73
EFT44890	21/10/2021	Rebecca Gillmore	Personal Development Grant Payment 2021/22: Jasmine Gillmore.	MUNI	400.00
EFT44891	21/10/2021	Regional Media Specialists P/L	Advertising Space In Bunbury Herald and Bunbury Mail Newspapers for Publication September 21	MUNI	1,490.50
EFT44892	21/10/2021	River Valley Primary School	2021-22 Annual Budget Allocation - Citizenship Awards 2021	MUNI	150.00
EFT44893	21/10/2021	Roldan Tomas	Umpire Recoup 20/10/2021	MUNI	44.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT44894	21/10/2021	SMR Psychology	Employee Assistance Program - Counselling	MUNI	517.50
EFT44895	21/10/2021	South West Tree Safe	Tree Pruning Hynes Road - As Per Quote 31687	MUNI	8,800.00
EFT44896	21/10/2021	Sportspower Bunbury	Gift Cards for Myzone Challenge Draw - Bingo	MUNI	300.00
EFT44897	21/10/2021	Synergy	Electricity Supply - Eaton Recreation Centre - 68 Recreation Dr	MUNI	5,657.61
EFT44898	21/10/2021	Te Wairimu Elinor Pomare	Umpire Recoup 20/10/2021	MUNI	22.00
EFT44899	21/10/2021	Telstra	Shire Mobile Accounts - October 2021 and Dardanup Phones and Fax	MUNI	3,680.80
EFT44900	21/10/2021	The Cafe Merchant	Catering Library and Governance 20 People	MUNI	635.00
EFT44901	21/10/2021	Therese Price	Umpire Recoup 19/10/2021	MUNI	202.50
EFT44902	21/10/2021	Tiana Fraser	Umpire Recoup 15/10/2021	MUNI	30.00
EFT44903	21/10/2021	Toni Hotchin	Umpire Recoup 19/10/2021	MUNI	202.50
EFT44904	21/10/2021	Total Eden Pty Ltd	Saw tool Boxes and Batteries - Don Hewison Centre Dardanup	MUNI	83.43
EFT44905	21/10/2021	Totally Workwear	Events Staff - 1 x King Gee Workcool Spliced Polo L/S	MUNI	39.60
EFT44906	21/10/2021	Tutt Bryant Hire	Hire of 7 ton Drum Roller - Ferguson Road	MUNI	1,149.50
EFT44907	21/10/2021	Winc Australia Pty Ltd	Pilot Whiteboard Line Tape 1.8Mm X 16.4M Black	MUNI	576.94
EFT44908	21/10/2021	Woolworths Group Limited - Online order Only	3 X Lexar USB for Speaker Presentations, Images and Visuals for WA Emergency Management Conference	MUNI	75.00
EFT44909	21/10/2021	Woolworths Group Limited - Openpay Portal	Halloween Disco Food and Prizes - School Holidays	MUNI	122.19
EFT44910	28/10/2021	A1 Sign Shop	Eaton Foreshore Pelican Park and Slater Corner Sign	MUNI	676.96
EFT44911	28/10/2021	Action Kerbing	Supply and Install Dual Use Pathway In Marigold Colour Eaton Drive and Jindalee Way	MUNI	79,134.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT44912	28/10/2021	Advanced Traffic Management WA P/L	Supply Traffic Management - Eaton Drive Expansion Ferguson Rd and Hynes Road	MUNI	10,635.10
EFT44913	28/10/2021	Amity Signs	White Guide Posts - Hynes Road	MUNI	979.00
EFT44914	28/10/2021	Aquila Food forest	Sustainable Living Workshops X 11	MUNI	230.00
EFT44915	28/10/2021	Aussie Building Specialists and Geotech	Geotechnical Investigation - Pratt Road Eaton	MUNI	5,228.00
EFT44916	28/10/2021	B & B Street Sweeping Pty Ltd	Street Sweeping - Eaton Drive Recreation Drive Hamilton Road	MUNI	1,501.50
EFT44917	28/10/2021	Barry Allen Electrical Services	Testing of Earth Post At Don Hewison Building	MUNI	239.25
EFT44918	28/10/2021	Barry Garvey	Refund - 12-07-2006 Maintenance Bond Wapc 124701 Lot 48 Hayward St Dardanup	MUNI	6,673.04
EFT44919	28/10/2021	BCE Surveying Pty Limited	Survey - Eaton Drive	MUNI	4,345.00
EFT44920	28/10/2021	BOC Ltd	Dry Ice 4Kg	MUNI	6.74
EFT44921	28/10/2021	Boyles Plumbing and Gas	ERC - East Boys toilets (Leaking Cistern) Showers, Unblocked.	MUNI	303.05
EFT44922	28/10/2021	Brandicoot	Monthly Web Hosting For Shire Sites - October 2021	MUNI	907.00
EFT44923	28/10/2021	Brecken Corporate Care	Michael Bass Follow Up Doctor Appointment	MUNI	80.35
EFT44924	28/10/2021	Bunbury Coffee Machines	ERC Cafe order	MUNI	120.00
EFT44925	28/10/2021	Bunbury Mower Service	Polesaw Throttle Control Assembly and Cable for Repairs to HT 131	MUNI	138.00
EFT44926	28/10/2021	Bunbury Plumbing Service	Unblocking of Dardanup Hall and Dardanup Oval toilets	MUNI	100.00
EFT44927	28/10/2021	Bunbury Subaru	Services for DA1314 and DA429	MUNI	1,109.69
EFT44928	28/10/2021	Bunnings Group Limited	Cement Blot Eyes Hinge Ball Bearings Concrete Rapid Set	MUNI	989.56
EFT44929	28/10/2021	Burekup and District Country Club	Budget Allocation - Donation Hall Committee - 2021	MUNI	4,156.00
EFT44930	28/10/2021	C.E.M. Alliance Pty Ltd	Repair Damage Water Main On Wells Reserve	MUNI	572.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT44931	28/10/2021	Cameron Baker	Umpire Recoup 27/10/2021	MUNI	132.00
EFT44932	28/10/2021	Carmel Nora Boyce	Refund - Election Nomination Deposit Fee Receipt 138437	MUNI	80.00
EFT44933	28/10/2021	CB Traffic Solutions	Traffic Management Plan - Temporary Close Peninsula Lakes Drive and Ferguson Road	MUNI	1,210.00
EFT44934	28/10/2021	Chloe Scott	Umpire Recoup 27/10/2021	MUNI	66.00
EFT44935	28/10/2021	Christine Worsfold	Umpire Recoup 26/10/2021	MUNI	112.50
EFT44936	28/10/2021	Ciphertel Pty Ltd T/A Gateway Internet Services	Monthly Account for Point to Point Microwave Service Depot and Dardanup - 01/09/21 to 30/09/21	MUNI	2,893.00
EFT44937	28/10/2021	Civil Projects Southwest	Gravel Cartage - Hynes Road	MUNI	1,776.50
EFT44938	28/10/2021	Cleanaway Solid Waste Pty Ltd	General Waste Disposal - October 2021	MUNI	2,604.73
EFT44939	28/10/2021	Coastmac Trailers	Purchase 2021 Brian Hames Cargo Tipper 3.10 X 1.71m Trailer - 1TMX103	MUNI	9,150.00
EFT44940	28/10/2021	Cohen Thompson	ERC Vacation Care Incursion	MUNI	250.00
EFT44941	28/10/2021	Country Landscaping Pty Ltd	Poly Socket - Glen Huon Oval	MUNI	27.61
EFT44942	28/10/2021	Country Water Solutions	Gear drive Rainbird 6504 Solenoid Coll and Valve PVC Slipfix for Parks and Gardens	MUNI	1,679.10
EFT44943	28/10/2021	Crown Perth	Accommodation at Crown Promenade Perth for NGIS Workshop	MUNI	177.65
EFT44944	28/10/2021	Dardanup Rural Supplies	Gentec Generator and Mortar	MUNI	2,998.70
EFT44945	28/10/2021	Dean Pitts	Refund of Overpaid Debtor #22775	MUNI	410.00
EFT44946	28/10/2021	Dell Financial Services Pty Ltd	Leasing Dell Desktop and Laptop Refresh 01/09/21 to 30/11/21	MUNI	1,290.75
EFT44947	28/10/2021	Dennis Maher	Refund - 06-05-2002 Bonded Works Maintenance Stage 1 and Stage 2	MUNI	8,186.85
EFT44948	28/10/2021	Department of Fire and Emergency Services	2021-22 ESL Charges	MUNI	4,672.71
EFT44949	28/10/2021	Devon Chang	Parking & Food for Workshop at NGIS 09/09/2021	MUNI	141.90

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT44950	28/10/2021	Diesel force	Vehicle Service DA1044	MUNI	803.69
EFT44951	28/10/2021	Donna Bastow	Umpire Recoup 27/10/2021	MUNI	132.00
EFT44952	28/10/2021	Eaton Senior Citizens Association	Community Grant Payment, Round 1 2021-2022 (Level 3 Grant). Council Resolution # 284-21.	MUNI	3,217.50
EFT44953	28/10/2021	Eaton Vet Clinic	2021-2022 Animal Management Program (Sterilisation)	MUNI	500.00
EFT44954	28/10/2021	Flexi Staff Pty Ltd	Temporary Labour Hire - K Clarke and T Riley	MUNI	3,674.88
EFT44955	28/10/2021	Heatleys	Coverall Disposable - 456 White Small	MUNI	3,191.68
EFT44956	28/10/2021	Hooleys Catering Company	Catering for ordinary Council Meeting Meal - 27 October 2021	MUNI	742.00
EFT44957	28/10/2021	Howson Technical	Pratt Road Car Park - Project Management	MUNI	104.50
EFT44958	28/10/2021	In Town Centre Inc	Budget Allocation - Donation to In town Centre - 2021	MUNI	2,500.00
EFT44959	28/10/2021	Janice Patricia Dow	Refund - Election Nomination Deposit Fee Receipt 138229	MUNI	80.00
EFT44960	28/10/2021	Jim's Test and Tag	Electrical Test and Tag 2021/22 - Various Buildings	MUNI	1,373.02
EFT44961	28/10/2021	John Thompson	Umpire Recoup 27/10/2021	MUNI	44.00
EFT44962	28/10/2021	Justine Eichner	Umpire Recoup 27/10/2021	MUNI	22.00
EFT44963	28/10/2021	Karyn Rowe	Umpire Recoup 25/10/2021	MUNI	255.00
EFT44964	28/10/2021	Kenny Pomare	Umpire Recoup 27/10/2021	MUNI	132.00
EFT44965	28/10/2021	Kent Lyon Architect	Project Management Services - Eaton Bowling Club Redevelopment	MUNI	4,818.00
EFT44966	28/10/2021	Lions Club of Millbridge	Quick Response Community Grant 2021-2022	MUNI	500.00
EFT44967	28/10/2021	Living Springs	Spring Water 15Ltr Bottles - Transfer Station	MUNI	92.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT44968	28/10/2021	Luke Botica	Reimbursement of Expenses As Per Employment Contract - October 2020 to October 2021	MUNI	1,060.71
EFT44969	28/10/2021	Luke William Davies	Refund - Election Nomination Deposit Fee Receipt 138435	MUNI	80.00
EFT44970	28/10/2021	Mantrac	Posi Track Slashing - Dardanup West	MUNI	990.00
EFT44971	28/10/2021	Margery Ann Stevens	Umpire Recoup 25/10/2021	MUNI	110.00
EFT44972	28/10/2021	Mckayhla Pomare	Umpire Recoup 27/10/2021	MUNI	110.00
EFT44973	28/10/2021	Michael Bennett	Refund - Election Nomination Deposit Fee Receipt 138219	MUNI	80.00
EFT44974	28/10/2021	Murray Arthur Connell	Reimbursement of Half Fee Paid for PIA Professional Membership	MUNI	319.00
EFT44975	28/10/2021	NGIS Australia Pty Ltd	GIS Services Contract 01/09/2021 - 30/09/2021	MUNI	11,880.00
EFT44976	28/10/2021	Nutrien Ag Solutions	Extendable Wands	MUNI	79.20
EFT44977	28/10/2021	Nutrition Systems	ERC - Cafe order	MUNI	617.10
EFT44978	28/10/2021	Parkridge Group Pty Ltd	Refund - Bonded Works Parkridge Peninsula Stage 4 / 10 Lots WAPC 144999 / Lot 9004 Robusta Rd Stage 1 Defects Liability Bond WAPC 157659 and Fence Bond WPAC 125521	MUNI	51,384.53
EFT44979	28/10/2021	Perfect Landscapes	Parks And Ovals & Mowing Week Commencing 11/10/2021	MUNI	4,604.07
EFT44980	28/10/2021	Quality Hotel Lighthouse	Vision 2050 - Joint Breakfast With Bunbury Geographe Economic Alliance Function Room and Breakfast	MUNI	1,855.50
EFT44981	28/10/2021	Rachel O'Donoghue	Purchase of Extra Star Pickets for Tronox Spring Out Festival	MUNI	94.40
EFT44982	28/10/2021	Roldan Tomas	Umpire Recoup 27/10/2021	MUNI	44.00
EFT44983	28/10/2021	Signs and Lines	Fabricate, Supply and Install All Elements of the Burekup Entry Statement	MUNI	39,276.17
EFT44984	28/10/2021	SOS office Equipment	Printers Monthly Rental - October 2021	MUNI	4,785.00
EFT44985	28/10/2021	Synergy	Townsite Street Lights and 4 Other Council Sites	MUNI	34,768.33

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT44986	28/10/2021	T & V Fencing	Repairs to Auto Gate - Depot Maintenance Martin Pelusey Road	MUNI	526.90
EFT44987	28/10/2021	Te Wairimu Elinor Pomare	Umpire Recoup 27/10/2021	MUNI	66.00
EFT44988	28/10/2021	Telstra	Telephone and Various Lines for Eaton Admin Centre - Includes Directory Charges and Link to Library	MUNI	6,054.54
EFT44989	28/10/2021	Theo Naude	Reimbursement for Fuel Purchased Prior to Operation of Fuel Card	MUNI	81.12
EFT44990	28/10/2021	Therese Price	Umpire Recoup 25/10/2021	MUNI	120.00
EFT44991	28/10/2021	Tigers Softball Club Inc.	Community Grant Payment Round 1 2021-2022. Council Resolution #284-21.	MUNI	1,000.00
EFT44992	28/10/2021	Toll Transport - Ipec Pty Ltd	2021- 2022 Postage & Freight	MUNI	34.67
EFT44993	28/10/2021	Toni Anderson	Umpire Recoup 26/10/2021	MUNI	110.00
EFT44994	28/10/2021	Total Eden Pty Ltd	Reticulation Repairs - Glen Huon Oval	MUNI	318.85
EFT44995	28/10/2021	Totally Sound	ERC - totally Sound Equipment and Installation for Virtual Upgrade to Lesmills In ERC Cycle Studio	MUNI	4,171.47
EFT44996	28/10/2021	Tutt Bryant Hire	Hire of Skid Steer Loader Trailer and Roller	MUNI	8,560.01
EFT44997	28/10/2021	Tyrrell Gardiner	Refund - Election Nomination Deposit Fee Receipt 138439	MUNI	80.00
EFT44998	28/10/2021	Vanessa Rose Black	Umpire Recoup 26/10/2021	MUNI	112.50
EFT44999	28/10/2021	WA Distributors Pty Ltd	ERC - Cafe order	MUNI	319.55
EFT45000	28/10/2021	WALGA	WALGA Regional Field Day 1 September 2021 - Parks and Gardens Supervisor	MUNI	693.00
EFT45001	28/10/2021	Walter Charles Cook	Refund Key Bond - Glen Huon Oval - Dog Show	MUNI	40.00
EFT45002	28/10/2021	West Australian Newspapers Ltd	Subscription for West Australian Newspapers 30/09/2021 to 23/12/2021	MUNI	164.34
EFT45003	28/10/2021	Western Australia Treasury Corporation	Loan 61 - Lot 4579 Panizza Road	MUNI	14,579.82

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT45004	28/10/2021	Winc Australia Pty Ltd	ERC - Monthly Stationary order	MUNI	591.53
EFT45005	28/10/2021	Winterfall Nominees Pty Ltd	Refund - Bonded Works 28-11-2013 Wapc 142363 Lots 9000 9001 and 236 Padbury Rd Dardanup	MUNI	4,111.16
EFT45006	28/10/2021	With Every Breath	Kids Yoga Session - Sep/Oct School Holidays	MUNI	70.00
EFT45007	28/10/2021	WML Consultants	Proposed Road Network Upgrades Eaton Area: Design Consultancy, As Quotation Dated 22 October 2020 and Request for Quotation Quo-F0153392.	MUNI	5,722.20
EFT45008	28/10/2021	Work Clobber	1 Pair Replacement Work Boots	MUNI	767.30
EFT45009	28/10/2021	Wren Oil	Collect Waste Oil and Waste Oil Materials	MUNI	16.50
EFT45010	28/10/2021	Zoe Hill	Umpire Recoup 25/10/2021	MUNI	90.00
EFT45011	05/11/2021	ABC Filter Exchange	ERC Filter Change	MUNI	50.60
EFT45012	05/11/2021	Access Wellbeing Services	Employee Assistance Program Consultations	MUNI	561.00
EFT45013	05/11/2021	Advanced Traffic Management WA P/L	Traffic Control - Eaton Drive Ferguson Rd Pile Road Collie River Road	MUNI	6,054.69
EFT45014	05/11/2021	Arctic Air Refrigeration & Electrical Services	ECL - Move Split System Air Conditioning Installation At 2 Sanford Way, Eaton	MUNI	500.00
EFT45015	05/11/2021	Aussie Building Specialists and Geotech	Softball Protection Fence - Certified Design of Fence and Footings and Sketch	MUNI	1,100.00
EFT45016	05/11/2021	Australia Post	Monthly Invoice of Mail and Postage - September 2021	MUNI	8,410.87
EFT45017	05/11/2021	Australian Tax office	PAYG Withholding fortnight Ending 29/10/2021	MUNI	115,115.00
EFT45018	05/11/2021	B & B Street Sweeping Pty Ltd	Jet-Vac Drain Cleaning - Pratt Road and Street Sweeping Leake Street	MUNI	2,640.00
EFT45019	05/11/2021	BCE Surveying Pty Limited	Road Surface Survey On Ferguson Road and Peninsula Lakes	MUNI	2,552.46
EFT45020	05/11/2021	Bluesteel Enterprises Pty Ltd	PPE Equipment for West Dardanup Fire Brigade	MUNI	2,111.19
EFT45021	05/11/2021	Bree Roberts	Umpire Recoup 02/11/2021	MUNI	22.50

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT45022	05/11/2021	Brownes Foods Operations Pty Ltd	ERC Cafe order	MUNI	270.20
EFT45023	05/11/2021	Bunbury Geographe Chamber of Commerce and Industry	2 Tickets for State Budget Breakfast 2021	MUNI	80.00
EFT45024	05/11/2021	Bunbury Tyrepower - Picton	Tyres John Deere Grader DA9774	MUNI	6,480.00
EFT45025	05/11/2021	Bunnings Group Limited	Power Cord Masonary Bits Bolts Hinges Storage Crate Tape Measure and Pine Planks	MUNI	468.11
EFT45026	05/11/2021	Carey Park Scouts Group	Spring Out Festival - 24 Oct 2021 Amusement Supplier 3 Hour Hire Fee	MUNI	1,500.00
EFT45027	05/11/2021	Carmel Nora Boyce	Meeting Attendance and ICT Allowance	MUNI	1,241.67
EFT45028	05/11/2021	Christine Worsfold	Umpire Recoup 02/11/2021	MUNI	112.50
EFT45029	05/11/2021	Civil Projects Southwest	Earth Works and Plant Hire - Eaton Drive Ferguson Road Pile Road Crampton Road	MUNI	5,225.00
EFT45030	05/11/2021	Cleanaway Solid Waste Pty Ltd	General Waste Disposal and Monthly Hire Pick up of Skip Bin October 21	MUNI	1,211.23
EFT45031	05/11/2021	Collins Booksellers	Leaving Gift for Library Officer	MUNI	29.99
EFT45032	05/11/2021	Craven Foods	ERC Cafe order	MUNI	573.56
EFT45033	05/11/2021	Carters Fencing	111M of Galvanised Chainmesh 1200H Fencing With top and Bottom Rail Mcaughton Park Burekup	MUNI	7,936.50
EFT45034	05/11/2021	Daryl Fishwick	Umpire Recoup 03/11/2021	MUNI	88.00
EFT45035	05/11/2021	David John Leek T/A Acefire	Servicing Fire Extinguishers - Dardanup Depot Vehicles	MUNI	199.65
EFT45036	05/11/2021	Diesel force	Insurance Claim 6078133 - DA325 Repairs - Excess	MUNI	500.01
EFT45037	05/11/2021	Dodgy Bros Dodgeball - JP & MK Kinsella	Spring Out - 24th October 2021 Festival Package Inc Arena, Balls, Cordless Sound System & Music, 2 X Dodgy Bros Referees	MUNI	2,310.00
EFT45038	05/11/2021	Donna Bailye	Farewell Gift Voucher - Gaylene Godfrey	MUNI	200.00
EFT45039	05/11/2021	Donna Bastow	Umpire Recoup 03/11/2021	MUNI	132.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT45040	05/11/2021	Dean Davey	Umpire Recoup 01/11/2021	MUNI	22.50
EFT45041	05/11/2021	Eaton Pet Vet	2021-2022 Animal Management Program (Sterilisation)	MUNI	125.00
EFT45042	05/11/2021	Exetel Pty Ltd	Exetel 200/200Mbit Data Communications - November 2021	MUNI	1,250.00
EFT45043	05/11/2021	Flexi Staff Pty Ltd	Temporary Labour Hire for Parks & Environment 18/10/21 to 19/10/21	MUNI	2,060.74
EFT45044	05/11/2021	Grace Records Management	Storage and Destruction Services - Sept 2021	MUNI	804.40
EFT45045	05/11/2021	Hancock Memorials	1.5M High Carved All Polished Viscount White Granite Returned Soldier Statue Dardanup War Memorial. - 50% Deposit	MUNI	8,529.95
EFT45046	05/11/2021	Hanson Construction Materials Pty Ltd	Spalls X 24 tonne - Pile Road	MUNI	806.47
EFT45047	05/11/2021	Harvey Norman	Workshop Refreshment Trolley - Breville 6L Urn	MUNI	169.00
EFT45048	05/11/2021	Heatleys	1.3T Concrete Lifting Clutch - DA873	MUNI	176.00
EFT45049	05/11/2021	Herbert Smith Freehill	Legal Advice Re Interpretation of Heads of Agreement Clauses Regarding Payment for A Transformer At Lot 111 Eaton	MUNI	2,200.00
EFT45050	05/11/2021	Howson Technical	Project Management Services - Various Projects - 15/09/2021 - 30/10/2021	MUNI	8,255.50
EFT45051	05/11/2021	Hynes Contracting	Wellington Mills BFB Tank Pad Repair	MUNI	2,050.00
EFT45052	05/11/2021	Isabella Francis	Umpire Recoup 01/11/2021	MUNI	45.00
EFT45053	05/11/2021	Janice Patricia Dow	Meeting Attendance & ICT Allowance	MUNI	1,241.67
EFT45054	05/11/2021	JB Hi-Fi Ltd	Philips Neopix Ultra 2 Media Player	MUNI	860.00
EFT45055	05/11/2021	Jim's Test and Tag	Electrical Test and Tag 2021/22 - Dardanup West BFB Eaton Sports Club Banksia Road Tip	MUNI	585.72
EFT45056	05/11/2021	Jo Jingles South West	ECL - September 2021 Jo Jingles Sessions	MUNI	2,552.00
EFT45057	05/11/2021	John Thompson	Umpire Recoup 03/11/2021	MUNI	88.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT45058	05/11/2021	Justine Eichner	Umpire Recoup 03/11/2021	MUNI	66.00
EFT45059	05/11/2021	Karyn Rowe	Umpire Recoup 01/11/2021	MUNI	135.00
EFT45060	05/11/2021	Kristy Jetta	Umpire Recoup 03/11/2021	MUNI	66.00
EFT45061	05/11/2021	Landgate	Townsite Extract - 1st Extract 12/02/21 - Bunbury townsite Images	MUNI	216.15
EFT45062	05/11/2021	Lonsdale Party Hire	ERC - Hire of Deep Fyer	MUNI	370.00
EFT45063	05/11/2021	Luke William Davies	Meeting Attendance & ICT Allowance	MUNI	1,241.67
EFT45064	05/11/2021	M & J Essential Solutions Pty Ltd	Counselling Services - Employee Assistance Program	MUNI	390.00
EFT45065	05/11/2021	Malatesta Road Paving and Hotmix	Emulsion - Damiani Italiano Road	MUNI	400.00
EFT45066	05/11/2021	Margery Ann Stevens	Umpire Recoup 01/11/2021	MUNI	154.00
EFT45067	05/11/2021	Mark Richard Hutchinson	Meeting Attendance & ICT Allowance	MUNI	1,241.67
EFT45068	05/11/2021	Marzano & Co	2021/2022 EAP By Referral - Consultations	MUNI	220.00
EFT45069	05/11/2021	Mckayhla Pomare	Umpire Recoup 03/11/2021	MUNI	132.00
EFT45070	05/11/2021	Mcleods Barristers and Solicitors	Transfer and Amalgamation of Lot 300 (Reserve 49275) Kerr Road, Picton East	MUNI	2,237.96
EFT45071	05/11/2021	Michael Bennett	Meeting Attendance & ICT Allowance	MUNI	4,112.50
EFT45072	05/11/2021	Officeworks Superstores Pty Ltd	Lenovo 14' Ideapad 5I Core I3 128 GB	MUNI	803.15
EFT45073	05/11/2021	Paradigm Cleaning & Professional Services	ERC - Cleaner Away 25 Oct 2021 to 02 Nov 2021	MUNI	858.00
EFT45074	05/11/2021	Patricia Rose Perks	Meeting Attendance & ICT Allowance	MUNI	1,241.67
EFT45075	05/11/2021	Peron Naturaliste Partnership	Peron Naturaliste Partnership Contributions 2021/22	MUNI	4,199.88
EFT45076	05/11/2021	Peter Robinson	Meeting Attendance & ICT Allowance	MUNI	1,819.09

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT45077	05/11/2021	PFD Food Services Pty Ltd	ERC - Cafe Purchases	MUNI	560.85
EFT45078	05/11/2021	PFI Supplies	ERC - Spicesan Disinfectant 25lt and Toilet Paper	MUNI	368.95
EFT45079	05/11/2021	Picton Civil Pty Ltd	MAF 5710 - Japonica View Fire Access Way Road Sealing Works, As Per Quote P15069, Dated 28/6/2021.	MUNI	24,380.40
EFT45080	05/11/2021	Reface Industries	VMI-2550I Consumable Pack	MUNI	231.85
EFT45081	05/11/2021	Roldan Tomas	Umpire Recoup 03/11/2021	MUNI	66.00
EFT45082	05/11/2021	Schweppes Australia Pty Ltd	ERC - Stock Purchase	MUNI	855.02
EFT45083	05/11/2021	Scope Electrical Contracting Pty Ltd	Replace 20 X Pierlite Maxi Master 100W Lights In Eaton Rec Centre & Library Carpark	MUNI	16,825.77
EFT45084	05/11/2021	Signs Plus	ERC Badges order	MUNI	162.00
EFT45085	05/11/2021	Sirsidynix Pty Ltd	Subscription to Symphony Library Management System (LMS) Software 1 July 2021 - 30 June 2022	MUNI	10,827.21
EFT45086	05/11/2021	SMR Psychology	Employee Assistance Program - Counselling	MUNI	187.00
EFT45087	05/11/2021	South Regional Tafe	Auschem Course Michael Harnett - 3 & 4 November 2021	MUNI	352.40
EFT45088	05/11/2021	Southwest Ventures T/A Geographe ford/Bunbury Hyundai	DA10408 45,000Km Service	MUNI	722.00
EFT45089	05/11/2021	Stacey Gillespie	Meeting Attendance & ICT Allowance	MUNI	1,241.67
EFT45090	05/11/2021	Steann Pty Ltd	Bi-Annual Greenwaste Kerbside Collection - October 2021	MUNI	24,197.02
EFT45091	05/11/2021	Stewart and Heaton Clothing Company Pty Ltd	Personal Protection Equipment for several BFB	MUNI	2,439.37
EFT45092	05/11/2021	Synergy	Electricity Account for 7 Shire Sites	MUNI	3,226.09
EFT45093	05/11/2021	T-Quip	Blade Atomic Roller Tube Bolts Nuts for Toro Mower	MUNI	886.60
EFT45094	05/11/2021	Tara Louise Dillon	Staff Uniform Reimbursement 27/10/21 - T Dillon	MUNI	194.98

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT45095	05/11/2021	Te Wairimu Elinor Pomare	Umpire Recoup 03/11/2021	MUNI	154.00
EFT45096	05/11/2021	Telstra	Telephone Use for West Dardanup BFB	MUNI	40.00
EFT45097	05/11/2021	The Cafe Merchant	Catering for Citizenship Ceremony - 7 October 2021 and Administration Building Workshop	MUNI	1,145.00
EFT45098	05/11/2021	The Fifteenth Creative	Dardanup Heritage Trail - Initial Payment for Appointed Graphic Designer to Work With Dardanup Heritage Collective	MUNI	460.00
EFT45099	05/11/2021	The Recovre Group Pty Ltd	Manual Handling Training for Outside Workforce - October 2021	MUNI	3,190.00
EFT45100	05/11/2021	Therese Price	Umpire Recoup 02/11/2021	MUNI	202.50
EFT45101	05/11/2021	Tiana Fraser	Umpire Recoup 29/10/2021	MUNI	82.00
EFT45102	05/11/2021	Toll Transport - Ipec Pty Ltd	2021- 2022 Postage & Freight - Dardanup West and Waterloo BFB	MUNI	81.81
EFT45103	05/11/2021	Toni Hotchin	Umpire Recoup 02/11/2021	MUNI	90.00
EFT45104	05/11/2021	Tradelink	Care Handle Mixer Tap for Disabled toilet Eaton Senior Citizens Building	MUNI	342.00
EFT45105	05/11/2021	Tutt Bryant Hire	Skid Steer Loader and Trailer Hire	MUNI	1,471.50
EFT45106	05/11/2021	Tyrrell Gardiner	Meeting Attendance & ICT Allowance	MUNI	1,241.67
EFT45107	05/11/2021	UDIA (WA)	UDIA - Delivering Housing Choices - Michael Bennett - 12 November 2021	MUNI	540.00
EFT45108	05/11/2021	Undercover SW	Laser Tag Session - Sep/Oct School Holidays	MUNI	500.00
EFT45109	05/11/2021	WA Isports Inc	Tronox Spring Out Festival - 24 October 2021 Accessible Activities - Snag Golf and Bocce 3 Hours Hire and Operators	MUNI	500.00
EFT45110	05/11/2021	WALGA	2021 WA Local Government Convention and Trade Exhibition - Counsellors and CEO	MUNI	8,401.18
EFT45111	05/11/2021	Westrac Pty Ltd	Stainless Steel Brush - Cat Backhoe DA2833	MUNI	2,871.50
EFT45112	05/11/2021	Winc Australia Pty Ltd	ERC - Stationery Order	MUNI	902.96

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT45113	05/11/2021	Woolworths Group Limited - Online order Only	ERC - Cafe Purchases	MUNI	363.03
EFT45114	05/11/2021	Work Clobber	PPE - Parks And Gardens - 4 x Pants & 5 x Shirts	MUNI	732.90
EFT45115	05/11/2021	Willow Bridge Estate	Willow Bridge Estate - Dragonfly Chenin X 6 Bottles	MUNI	92.40
EFT45116	05/11/2021	Zachary Cloutman - Cloutz Event Hire	Spring Out Festival - Oct 24 2021 Entertainment Supplier 3hr Amusement Hire Operator and Generator	MUNI	2,577.44
EFT45117	05/11/2021	Zahi Dorkhom	Rates Refund for Assessment A3002 4 Lavender Way Eaton WA 6232	MUNI	526.55
CHEQUES					
TRUST					
PAYROLL					
DD16059.1	15/10/2021	Aware Super Pty Limited	Payroll Deductions	MUNI	38,109.94
DD16059.2	15/10/2021	Diamond Sea Superannuation Fund	Payroll Deductions	MUNI	339.89
DD16059.3	15/10/2021	One Path Masterfund	Superannuation Contributions	MUNI	145.41
DD16059.4	15/10/2021	Suncorp Brighter Super	Superannuation Contributions	MUNI	221.02
DD16059.5	15/10/2021	AMP Flexible Super - Super Account	Superannuation Contributions	MUNI	135.96
DD16059.6	15/10/2021	Hostplus	Superannuation Contributions	MUNI	125.05
DD16059.7	15/10/2021	ANZ Australian Staff Superannuation Scheme	Superannuation Contributions	MUNI	111.86
DD16059.8	15/10/2021	Local Government Super	Superannuation Contributions	MUNI	244.82
DD16059.9	15/10/2021	Commonwealth Essential Super	Superannuation Contributions	MUNI	274.22

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
DD16084.1	29/10/2021	Aware Super Pty Limited	Payroll Deductions	MUNI	35,117.88
DD16084.2	29/10/2021	Colonial First State First Choice Wholesale Personal Super	Superannuation Contributions	MUNI	175.81
DD16084.3	29/10/2021	Diamond Sea Superannuation Fund	Payroll Deductions	MUNI	237.34
DD16084.4	29/10/2021	One Path Masterfund	Superannuation Contributions	MUNI	149.77
DD16084.5	29/10/2021	Hostplus	Superannuation Contributions	MUNI	235.10
DD16084.6	29/10/2021	Suncorp Brighter Super	Superannuation Contributions	MUNI	221.02
DD16084.7	29/10/2021	AMP Flexible Super - Super Account	Superannuation Contributions	MUNI	56.10
DD16084.8	29/10/2021	ANZ Australian Staff Superannuation Scheme	Superannuation Contributions	MUNI	105.35
DD16084.9	29/10/2021	Local Government Super	Superannuation Contributions	MUNI	244.82
DD16059.10	15/10/2021	Hesta Super Fund	Payroll Deductions	MUNI	564.11
DD16059.11	15/10/2021	ANZ Smart Choice Super (Onepath Masterfund)	Superannuation Contributions	MUNI	89.52
DD16059.12	15/10/2021	Asgard Infinity E Wrap Super	Payroll Deductions	MUNI	1,002.91
DD16059.13	15/10/2021	Miml - Macquarie Super Accumulator	Payroll Deductions	MUNI	1,021.45
DD16059.14	15/10/2021	Unisuper	Superannuation Contributions	MUNI	74.90
DD16059.15	15/10/2021	Rest Superannuation	Payroll Deductions	MUNI	1,292.44
DD16059.16	15/10/2021	The Bro Code Super Fund	Payroll Deductions	MUNI	11.66
DD16059.17	15/10/2021	Media Super	Superannuation Contributions	MUNI	544.91
DD16059.18	15/10/2021	Australiansuper	Superannuation Contributions	MUNI	3,307.13
DD16059.19	15/10/2021	The Templeman Family Superannuation Fund	Superannuation Contributions	MUNI	52.46

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
DD16059.20	15/10/2021	Hub24 Superannuation Fund	Superannuation Contributions	MUNI	321.45
DD16059.21	15/10/2021	MLC Super Fund	Superannuation Contributions	MUNI	843.18
DD16059.22	15/10/2021	Colonial First State First Choice Wholesale Personal Super	Superannuation Contributions	MUNI	175.81
DD16084.10	29/10/2021	Commonwealth Essential Super	Superannuation Contributions	MUNI	274.22
DD16084.11	29/10/2021	Hesta Super Fund	Payroll Deductions	MUNI	629.33
DD16084.12	29/10/2021	Asgard Infinity E Wrap Super	Payroll Deductions	MUNI	1,002.91
DD16084.13	29/10/2021	ANZ Smart Choice Super (Onepath Masterfund)	Superannuation Contributions	MUNI	9.70
DD16084.14	29/10/2021	Miml - Macquarie Super Accumulator	Payroll Deductions	MUNI	1,021.46
DD16084.15	29/10/2021	Unisuper	Superannuation Contributions	MUNI	51.03
DD16084.16	29/10/2021	Sunsuper Pty Ltd	Superannuation Contributions	MUNI	71.30
DD16084.17	29/10/2021	Rest Superannuation	Payroll Deductions	MUNI	1,109.96
DD16084.18	29/10/2021	The Bro Code Super Fund	Superannuation Contributions	MUNI	112.51
DD16084.19	29/10/2021	Media Super	Superannuation Contributions	MUNI	544.91
DD16084.20	29/10/2021	Australiansuper	Payroll Deductions	MUNI	4,018.05
DD16084.21	29/10/2021	The Templeman Family Superannuation Fund	Superannuation Contributions	MUNI	23.32
DD16084.22	29/10/2021	Hub24 Superannuation Fund	Superannuation Contributions	MUNI	321.46
DD16084.23	29/10/2021	MLC Super Fund	Superannuation Contributions	MUNI	843.53

CREDIT CARD

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
DD16099.1	27/10/2021	Mailchimp	Monthly Subscription and Charge for Electronic Newsletters October 2021	MUNI	110.97
DD16099.2	27/10/2021	Facebook Ireland Limited	Events - Social Media Marketing	MUNI	15.27
DD16099.3	27/10/2021	Department of Transport	Licencing Transfer Cost for Ferguson Light Tanker Fire Appliance	MUNI	217.70
DIRECT DEBIT					
DD16097.1	15/10/2021	SG Fleet	Vehicle Lease 2021-2022 - Bushfire Risk Planning Coordinator for Period 01-07-2021 to 30-06-2022	MUNI	275.00
INTERNATIONAL					
DD16101.1	04/11/2021	Lightning Tools Ltd	Lightning Conductor Production(2) and Development(2) License WFE Annual Software Assurance 21/10/21 - 20/10/22 \$575.56 GBP	MUNI	1,076.22

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
BPAY					
DD16070.1	20/10/2021	Shire of Dardanup	21/22 ESL - Eaton Bowling Club	MUNI	128.82
DD16070.2	20/10/2021	Alinta	ERC - Quarterly Invoice for Gas Consumption	MUNI	273.75
DD16081.1	28/10/2021	linet Ltd	Monthly Charge for Business Nbn100 Value - Ftn Service Sod_Nbn@inet.Net.Au	MUNI	174.94
<u>REPORT TOTALS</u>					2,162,258.98
EFT	2,064,399.33				
Muni Cheque	0.00				
Trust	0.00				
Payroll	95,586.98				
Credit Card	343.94				
Direct Debit	275.00				
International	1,076.22				
BPAY	577.51				
TOTAL	2,162,258.98				

CERTIFICATE OF CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment, covering vouchers as above which was submitted to each member of Council has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations, and costings and the amounts shown are due for payment.



MR ANDRÉ SCHÖNFELDT
Chief Executive Officer

12.5 COMMITTEES

None.

13 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

None.

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

15 PUBLIC QUESTION TIME

16 MATTERS BEHIND CLOSED DOORS

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

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

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

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

OFFICER RECOMMENDED RESOLUTION

THAT in accordance with the Local Government Act 1995, S 5.23, sections (2)(a) and (2)(c)(iii) Council goes Behind Closed Doors [?.??pm] to discuss a matter affecting an employee or employees and information about the business, professional, commercial or financial affairs of a person.

16.1 Title: Australia Day WA Citizen of the Year Awards 2022

Reporting Department: Sustainable Development Directorate
 Reporting Officer: Ms Melanie Ring - Place & Community Services Officer
 Legislation: Local Government Act 1995

REPORT UNDER SEPARATE COVER

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

16.2 Title: Staff Culture and Satisfaction Survey Results

Reporting Department: Executive
 Reporting Officer: Mr André Schönfeldt – Chief Executive Officer
 Legislation: Local Government Act 1995

REPORT UNDER SEPARATE COVER

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

OFFICER RECOMMENDED RESOLUTION

THAT Council return from Behind Closed Doors [time].

Note: In accordance with Standing Order 5.2(6) the Presiding Officer, may cause the motion passed by Council whilst behind closed doors to be read out.

17 CLOSURE OF MEETING

The Presiding Officer advises that the date of the next:

- Ordinary Meeting of Council will be Wednesday, the 15th of December 2021, 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.

